



## Town of Elizabeth

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### **Board of Trustees Workshops**

**Introduction of the Elbert County Chamber of Commerce – 6:00 pm**

**Fee in lieu in the downtown district – 6:30 pm**

**September 9, 2025, at 06:00 PM**

### **Board of Trustees Regular Meeting**

**Tuesday, September 9, 2025 at 7:00 PM**

**Town Hall, 151 S. Banner Street**

Conferencing Access Information: This is viewing-only access.

<https://us02web.zoom.us/j/84402927533?pwd=lllwaX8pf26qcfF41qVmE01STM2l5p.1>

**Join via phone:** 1 669 900 9128 **Meeting ID:** 844 0292 7533

**Meeting Passcode:** 559304

#### **Call to Order**

#### **Roll Call**

#### **Pledge of Allegiance**

#### **Public Comment**

This is a meeting of the Board of Trustees held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name and address to the Board. Your comments will be limited to 5 minutes. If many speakers are anticipated, the Mayor may (a) shorten the time limit; (b) ask speakers to limit themselves to new information and points of view not already covered by previous speakers; and/or (c) limit the total time of public comment to allow the Board to proceed to consider items set on the regular meeting agenda. The Board of Trustees may not respond to your comments during this meeting, but rather take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the Mayor will direct Staff to have a response at the next regularly scheduled Board meeting.

#### **Agenda Changes**

#### **Consent Agenda**

1. Minutes of the Regular Meeting of August 26, 2025

**Action may be taken on any and all items listed on the agenda.**

Accommodations for disabilities may be made upon request.

## **Proclamations**

2. Constitution Week Proclamation – Mayor Ternus

## **Public Hearing**

3. 350 S. Elbert St. Use by Special Review and Minor Development - Alexandra Cramer

## **New Business**

4. Discussion and possible action on Resolution 25R25, a Resolution making findings of fact memorializing the Board of Trustees' decision to grant a Use by Special Review for the property located at 350 South Elbert Street – Alexandra Cramer
5. Discussion and possible action on Resolution 25R26, a Resolution approving a Minor Development for the Property located at 350 South Elbert Street — Alexandra Cramer
6. Discussion and possible action on Resolution 25R27, a Resolution adopting Governmental Accounting Standards Board (GASB) Statement 34 and incorporating the same into the Town's Comprehensive Financial Policies – Patrick Davidson
7. Discussion and possible action on Ordinance 25-10, an Ordinance amending Article 1 of Chapter 8 of the Elizabeth Municipal Code to enforce State Vehicle Registration requirements- Chief Engel

## **Management Monitoring Reports**

8. Management Monitoring Reports

## **Board of Trustees Report**

9. Board Reports

## **Adjournment**

**Action may be taken on any and all items listed on the agenda.**  
Accommodations for disabilities may be made upon request.

## **Meeting Protocol and Standards of Conduct**

### **Public Participation**

Public comment is encouraged and will be listed as an agenda item at every regular Board meeting.

Each individual wishing to be heard during the public comment period will be given up to three (3) minutes to make a comment.

The public comment period will not be used to make political endorsements or for political campaign purposes.

Questions from the Board will be for clarification purposes only. Public comment will not be used as a time for problem solving or reacting to comments made but, rather, for listening to the comments of citizens without taking any formal action.

The Board may direct the Town Administrator to provide information requested by a speaker during the public comment period.

Speakers are not allowed to make belligerent, accusatory, impertinent, slanderous, threatening, abusive, or disparaging comments.

The Mayor may elect to defer public comment on a specific issue that appears on the regular agenda until that specific item is addressed.

The Mayor may call for order when sidebar conversations occur in the audience. Those conversations are distracting from the Board addressing the topics at hand.

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further participation at that meeting or removed from the Board Chambers pursuant to the Elizabeth Municipal Code and Colorado Revised Statutes.

**Action may be taken on any and all items listed on the agenda.**  
Accommodations for disabilities may be made upon request.



# Town of Elizabeth

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## Board of Trustees Regular Meeting - Record of Proceedings

Tuesday, August 26, 2025 at 7:00 PM

Town Hall, 151 S. Banner Street

### Call to Order

The Regular Meeting of the Board of Trustees for the Town of Elizabeth was called to order on Tuesday, August 26, 2025, at 7:00 PM by Mayor Angela Ternus.

### Roll Call

#### Present:

Mayor Angela Ternus  
Trustee Loren Einspahr  
Trustee Dave Conley  
Trustee Michael Schroder  
Trustee Steve Gaither

#### Absent:

Mayor Pro Tem Tracy Hutchins  
Trustee Cynthia Thye

There was a quorum to do business.

#### Also in Attendance:

Town Administrator Patrick Davidson  
Deputy Town Clerk Harmony Malakowski  
Public Works Director Mike DeVol  
Assistant Public Works Director James McErnie  
Police Chief Jeff Engel  
Planner/Project Manager Alexandra Cramer  
Town Attorney Corey Hoffmann

### Pledge of Allegiance

Mayor Ternus led the Board in the Pledge of Allegiance.

### Public Comment

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directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the Mayor will direct Staff to have a response at the next regularly scheduled Board meeting.

Paul Schwartzkopf - Town of Elizabeth Resident

### **Agenda Changes**

No changes from Administration.

No changes from the Board.

Agenda set.

### **Consent Agenda**

#### **1. August 12, 2025 Minutes**

Motion by Mayor Ternus, seconded by Trustee Schroder, to approve the Consent Agenda with the suggested change.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: None

Motion Passed Unanimously (5-0)

### **Presentations**

#### **2. Recognition of John Quest and Bob Rasmussen – Alexandra Cramer**

Ms. Cramer addressed the Board and thanked Bob Rasmussen and John Quest for their service.

Mr. Quest provided comments to the Board.

Mayor Ternus closed the Regular Meeting and opened the Public Hearing at 7:15 PM.

### **Public Hearing**

#### **3. Retail Liquor Store Liquor License Application for 787 Crossroads Circle, Elizabeth, CO. 80107 – Harmony Malakowski**

Ms. Malakowski provided a Staff report. The applicants were present to address the Board and answer questions.

Mayor Ternus opened the Public Hearing for public comment.

Richard Kern - Elbert County Resident

Mayor Ternus closed the Public Hearing and reopened the Regular Meeting at 7:29 PM.

### **New Business**

#### **4. Discussion and possible action on the approval of a Retail Liquor Store License for HAR & ARSH Inc., Elizabeth Liquor Store located at 787 Crossroads Circle, Elizabeth, CO. 80107 – Harmony Malakowski**

Motion by Trustee Schroder, seconded by Trustee Einspahr, to approve the Retail Liquor Store License for HAR & ARSH Inc., Elizabeth Liquor Store located at 787 Crossroads Circle, Elizabeth, CO. 80107.

Voting Yes: Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: Mayor Ternus

Motion Passed (4-1)

Mayor Ternus closed the Regular Meeting and opened the Public Hearing at 7:32 PM.

### **Public Hearing**

#### **5. 350 S. Elbert St. Use by Special Review and Minor Development - Alexandra Cramer**

Ms. Cramer requested that the Public Hearing be continued to September 9, 2025.

Motion by Mayor Ternus, seconded by Trustee Schroder, to move the Public Hearing for the Approval of the 350 S. Elbert St. Use by Special Review and Minor Development to September 9, 2025.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: None

Motion Passed Unanimously (5-0)

Mayor Ternus closed the Public Hearing and reopened the Regular Meeting at 7:39 PM.

### **New Business**

#### **6. Discussion and possible action on Resolution 25R25, a Resolution making findings of fact memorializing the Board of Trustees' decision to grant a Use by Special Review for the property located at 350 South Elbert Street – Alexandra Cramer**

Resolution 25R25 will be continued to the September 9, 2025, meeting.

#### **7. Discussion and possible action on Resolution 25R26, a Resolution Approving a Minor Development for 350 S. Elbert St. - Alexandra Cramer**

Resolution 25R26 will be continued to the September 9, 2025, meeting.

#### **8. Discussion and possible action on Resolution 25R29, a Resolution amending and setting rates for Vehicle Identification Number (VIN) inspections for the Town of Elizabeth – Patrick Davidson**

Mr. Davidson provided a Staff report.

Motion by Trustee Schroder, seconded by Trustee Gaither, to approve Resolution 25R29, a Resolution amending and setting rates for Vehicle Identification Number (VIN) inspections for the Town of Elizabeth.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Schroder, Trustee Gaither

Voting No: Trustee Conley

Motion Passed (4-1)

#### **9. Discussion and possible action on Resolution 25R30, a Resolution authorizing the Mayor of the Town of Elizabeth to enter into a License Agreement with Maverix Broadband, Inc. for Public Right of Way – Patrick Davidson**

Mr. Davidson provided a Staff report.

Motion by Trustee Schroder, seconded by Trustee Conley, to approve Resolution 25R30, a Resolution

authorizing the Mayor of the Town of Elizabeth to enter into a License Agreement with Maverix Broadband, Inc. for Public Right of Way.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: None

Motion Passed Unanimously (5-0)

**10. Discussion and possible action on Resolution 25R31, a Resolution implementing Temporary Burn Restrictions within the Town of Elizabeth, Colorado – Patrick Davidson**

Mr. Davidson provided a Staff report.

Motion by Trustee Schroder, seconded by Trustee Gaither, to approve Resolution 25R31, a Resolution implementing Temporary Burn Restrictions within the Town of Elizabeth, Colorado.

Voting Yes: Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: Mayor Ternus

Motion Passed (4-1)

**11. Discussion and possible action on Resolution 25R32, a Resolution amending Resolution 16R27 setting Water and Sewer Base Rates for the Town of Elizabeth, CO. – Patrick Davidson**

Mr. Davidson provided a Staff report.

Motion by Trustee Conley, seconded by Trustee Gaither, to approve Resolution 25R32, a Resolution amending Resolution 16R27 setting Water and Sewer Base Rates for the Town of Elizabeth, CO.

Voting Yes: Trustee Einspahr, Trustee Conley, Trustee Gaither

Voting No: Mayor Ternus, Trustee Schroder

Motion Passed (3-2)

**Management Monitoring Reports**

**12. Management Reports**

- Town Administrator Patrick Davidson:
  - Economic Analysis for Gold Creek Commons.
  - Board may hear of a complaint from a citizen regarding a pig in Town limits.
  - Received a phone call from the County regarding a resolution by the County to declare Highway 86 a scenic Highway. Discussion followed.
  - John Hill with Ranchland News provided comments.
  - Mayor Ternus asked a question regarding Congressionally Directed Spending. Discussion followed. A future discussion on this topic will be scheduled.
- Police Chief Jeff Engel:
  - Provided information regarding the planned restructuring in PD.
  - Mayor Ternus passed on compliments from the school district regarding the SROs.
- Planner/Project Manager Alexandra Cramer:
  - Provided a reminder regarding upcoming events.
  - Mayor Ternus had a question regarding the car show parking and access to Main Street.
- Public Works Director Mike DeVol:
  - Provided an update regarding the Depot Parking Lot.
- Deputy Town Clerk Harmony Malakowski:

- Mayor Ternus thanked Ms. Malakowski for her technical assistance during the workshop.

## **Board of Trustees Report**

### **13. Board Reports**

- Mayor Angela Ternus:
  - Met with the Superintendent of the Elizabeth School District and would like to schedule a time after mid-October to have him come in and talk to the Board regarding updates with the School District.
- Trustee Loren Einspahr:
  - Had a question for the Mayor regarding comments made in the Elizabeth Parks & Rec minutes.
- Trustee Michael Schroder:
  - Had a ride-a-long with both PD and PW.
- Trustee Steve Gaither:
  - Had a ride-a-long with PD.

### **Adjournment**

Motion by Trustee Gaither, seconded by Trustee Schroder, to adjourn the meeting at 8:45 PM.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: None

Motion Passed Unanimously (5-0)

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Town Clerk Michelle Oeser

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Mayor Angela Ternus



**PROCLAMATION PROCLAIMING SEPTEMBER 17-23, 2025,  
AS CONSTITUTION WEEK**

**WHEREAS:** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS:** September 17, 2025, marks the two hundred and thirty-seventh anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE I,** Angela Ternus by virtue of the authority vested in me as Mayor of the Town of Elizabeth in the State of Colorado do hereby proclaim the week of September 17 through 23 as Constitution Week.

Signed: \_\_\_\_\_  
Mayor Angela Ternus

SEAL Attest: \_\_\_\_\_  
Town Clerk Michelle M. Oeser



## STAFF REPORT

### Uses Permitted by Special Review – Article 9 And Minor Development Sec. 16-3-70

**Applicant:** Michael Patterson, MBP Enterprises Inc.  
**Location:** 350 S Elbert St  
**Zone District:** Commercial Mixed-use (CMU)  
**Resolutions:** Use Permitted by Special Review: 25R25  
Minor Development Subdivision: 25R26  
**Exhibits:**  
**Exhibit A:** Applicant Submittal  
**Exhibit B:** Referral Agency Comment Letter(s)  
**Exhibit C:** Public Notice

### Executive Summary

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Michael Patterson of MBP Enterprises Inc. requests approval of a Use Permitted by Special Review and a Minor Development Subdivision to redevelop 350 S. Elbert Street into four residential lots within the Commercial Mixed-Use (CMU) zoning district. The existing single-family dwelling will remain on one lot, while three new manufactured single-family homes are proposed on the remaining lots.

The Use Permitted by Special Review is required for single-family dwellings in the CMU district. Staff has determined that the application meets all eight approval criteria under Section 16-9-20(a) of the Elizabeth Municipal Code, including compatibility with the surrounding neighborhood, adequate infrastructure capacity, minimal traffic or environmental impacts, and no detriment to public health, safety, or welfare.

The subdivision qualifies as a Minor Development Subdivision under Section 16-3-70, as it creates fewer than five lots, each with a single principal use and access to public streets, with no new roads required. The subdivision complies with CMU district dimensional standards, stormwater management requirements, and supports the Town's Comprehensive Plan goals for diverse housing options.

At their August 5<sup>th</sup> meeting, the Planning Commission recommended approval by a vote of 4-0.

However, several outstanding items remain unresolved despite established deadlines. The applicant has not provided: (1) an updated plat copy with corrected drainage maintenance language to ensure consistency between General Note #3 and Drainage Note #2, and (2) a signed and notarized copy of the Subdivision Improvement Agreement incorporating all required revisions. While the applicant has paid off existing liens, the releases have not yet been recorded in the land record system, and the title exceptions continue to show these liens.

SAFEbuilt Planning (town consultant) has worked extensively with the applicant to communicate requirements and deadlines, but the necessary documentation was not submitted by the August 19, 2025 deadline established by the Town. Given these unresolved submittal requirements, staff recommends that the Board of

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deny the application. The applicant has failed to meet established deadlines for documents despite being given multiple opportunities to comply.

## Project Report

### Applicant Request:

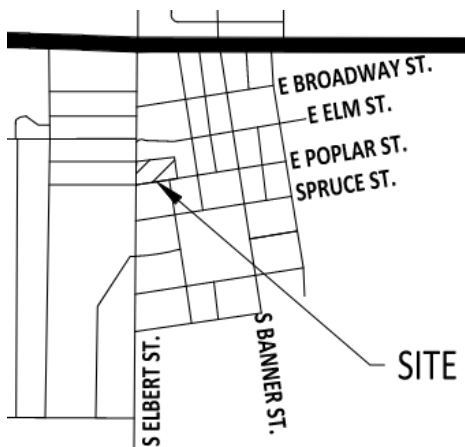
Michael Patterson (MBP Enterprises Inc.) requests that the Board of Trustees approve a **Use Permitted by Special Review** (pursuant to Article 9 of the Land Use Code) and a **Minor Development Subdivision** (pursuant to Section 16-3-70), to create 3 additional lots and allow residential redevelopment of the property at 350 S. Elbert Street, located at the northeast corner of South Elbert Street and East Poplar Street.

Under **Article 1, Table 16-5**, a **single-family dwelling** may be permitted in the underlying zoning district through a **Use Permitted by Special Review**. According to **Section 16-9-40**, such uses require public hearings before both the Planning Commission and the Board of Trustees, with final approval authority resting with the Board of Trustees.

**Section 16-9-30** typically limits approvals for Use Permitted by Special Review in duration, unless otherwise specified. However, as amended by **Zoning Ordinance 24-14**, this time limitation **does not apply** to approvals that include a residential component.

Staff processed both applications, including referral to all applicable agencies, in accordance with the Town's municipal code. Per **Sec. 16-9-40 (e)** and **Sec. 16-3-70 (9)**, the Planning Commission considered both applications and made recommendations to the Board of Trustees.

### General Project Location





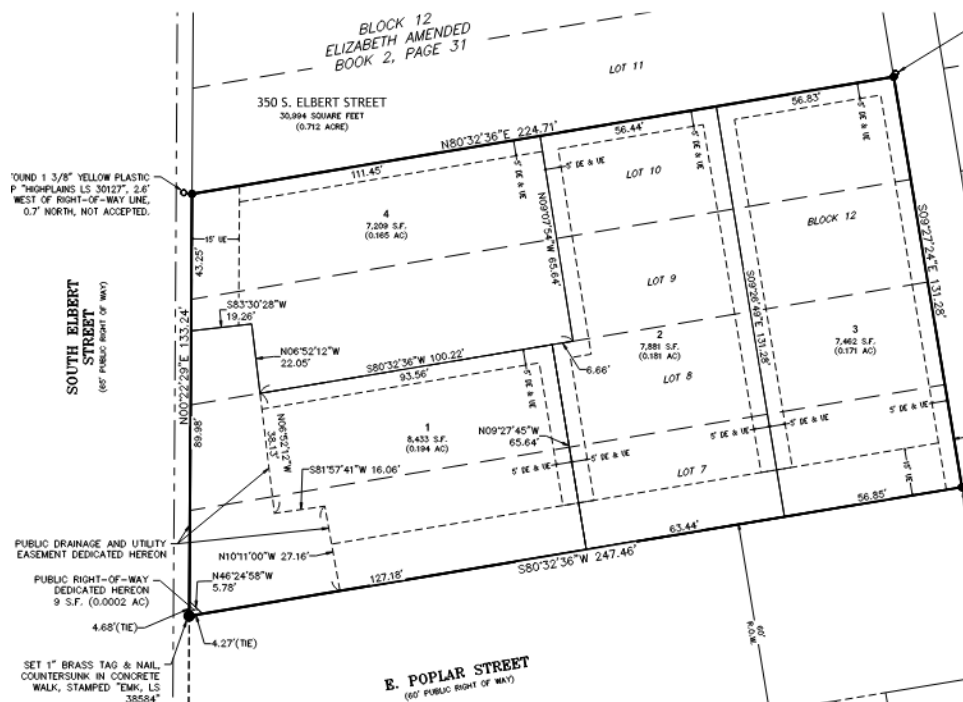
# TOWN OF ELIZABETH

## Background/Proposal:

Michael Patterson of MBP Enterprises Inc. proposes to subdivide the 0.71-acre property at 350 S. Elbert Street in Elizabeth. The parcel, legally described as Lots 7 through 10, Block 12 of the Elizabeth Amended Plat, currently contains one single-family dwelling and several accessory structures, with the southern and eastern portions largely vacant.

The proposal subdivides the property into four residential lots measuring approximately 0.19, 0.18, 0.17, and 0.17 acres (see **Figure 1 & Exhibit A**). The existing single-family dwelling will remain on Lot 4 (the northernmost lot), while Lots 1 through 3 will be developed with manufactured single-family homes, each including attached or detached garages to meet the Town's off-street parking requirements.

**Figure 1 – Minor Development Subdivision**



To address increased residential density and stormwater needs, a detention pond is proposed on the southeast corner of the block. The pond will be fenced for safety along boundaries adjacent to neighboring properties, with maintenance responsibility assigned to the property owners.

The surrounding neighborhood contains a mix of single-family, two-family, and multi-family residences. Block 12 currently has three single-family dwellings and one two-family dwelling. Community amenities including Bandt Park, Memorial Park, and Main Street are within walking distance. The property has frontage and access to on-street parking along S. Elbert Street and E. Poplar Street, supplemented by off-street parking on the proposed lots.

The site's Commercial Mixed-Use (CMU) zoning allows residential and commercial development with pedestrian-oriented design and access to arterial or collector streets. The proposed project aligns with CMU





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district intent by introducing moderate-density residential infill while maintaining compatibility with existing neighborhood character.

## **Approval Criteria:**

In accordance with Sec. 16-9-20 (a) the Board of Trustees may approve a Use Permitted by Special Review subject to reasonable conditions which include, but are not limited to, the requirements that the proposed use:

1. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
2. Will not result in an over-intensive use of land;
3. Will not have a material adverse effect on community capital improvement programs;
4. Will not require a level of community facilities and services greater than is available;
5. Will not result in undue traffic congestion or traffic hazards;
6. Will not cause significant air, water or noise pollution;
7. Will be adequately landscaped, buffered and screened;
8. Will not otherwise be detrimental to the health, safety or welfare of present or future inhabitants of the Town.

In accordance with Sec. 16-3-70 (a), the site may be reviewed as a Minor Development Subdivision when there is a creation of four (4) or fewer lots, parcels or tracts of land with one (1) principal use on each lot and adjoining a public street. Further, a Minor Development Subdivision is allowed if there is no creation of new or private roads. Additionally, as stated in Sec. 16-3-10, all subdivisions shall strive to meet the general subdivision requirements as outlined below:

1. To promote the general health, safety and welfare of the present and future inhabitants of the Town. Land proposed for subdivision shall be such that it can be used safely for the intended purpose without danger to health or peril from fire, flood, geologic hazards or other natural hazards.
2. To guide future growth and development within the Town and ensure adequate and efficient transportation, water, waste disposal, schools, fire and police protection, recreation and open space opportunities and other services and facilities. To encourage a diversity of housing types and densities in order to assure adequate housing for all persons. In order to achieve this purpose, all subdivision approvals shall be in general conformance with the principles of the Town Master Plan as determined by the Board of Trustees, zoning requirements of Article I of this Chapter and approved and recorded development guides and plans where property is zoned Planned Development (PD).
3. To provide for the preservation and conservation of unique or distinctive natural areas, natural landmarks, critical wildlife habitats, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in the Town. In order to achieve this purpose, subdivisions shall provide for the preservation and conservation of significant stands of vegetation; unique or distinctive topographic features; drainage, riparian and wetland areas; significant wildlife habitats including breeding grounds, nesting areas, migration routes and wintering areas; scenic views; and important historical or archaeological sites.
4. To protect both urban and nonurban development by minimizing the conflicts between the land uses and structures. In order to achieve this purpose, subdivisions shall be designed to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; connections between neighborhoods, shopping and recreational areas that are safe and convenient; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or



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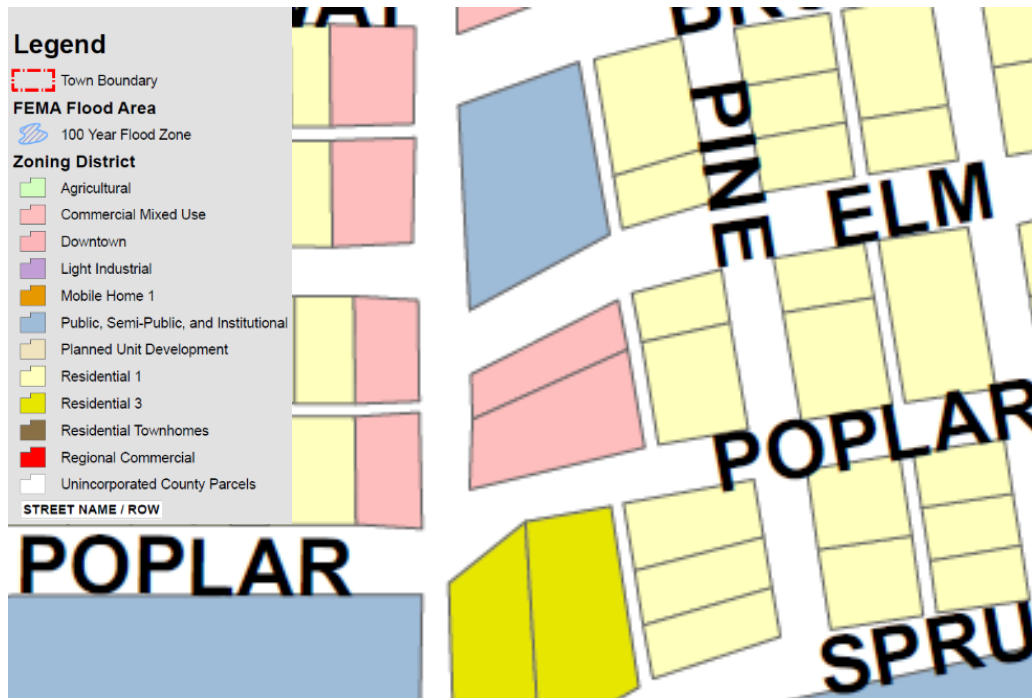
other appropriate methods; the conservation of water, land and energy resources; minimization of grading, road cuts and fills; and a road system designed to preserve the integrity and function of the arterial and local roadway network.

5. To ensure that the necessary services and facilities are available and have sufficient capacity to serve the proposed subdivision. In order to achieve this purpose, land proposed for subdivision shall not be approved until the necessary provisions have been made for subdivision design, access, parks, trails, recreation and open spaces, schools, drainage, water, wastewater disposal, traffic controls, road improvements and services. The cost and installation of such improvement, police and fire protection or other reasonably necessary improvements, which primarily benefit the land being subdivided, shall be borne by the owners and developers of such land.
6. To provide for an adequate and accurate system to record land subdivisions, ensuring proper legal descriptions and survey monumentation, in order to inform the public and especially future residents of the facts about the subdivision, thereby safeguarding the interests of the public, the homeowner, the subdivider and the Town.



# TOWN OF ELIZABETH

## Zoning Map (2019)



### **Surrounding Land Uses (& Zoning):**

North: Single-family dwellings (Commercial Mixed-use)  
South: Multi-family dwellings (Residential 3)  
East: Single and two-family dwellings (Residential 1)  
West: Single-family dwellings (Commercial Mixed-use)



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Current Site – Aerial View



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**Current Site – NE corner of S Elbert St and E Poplar St**



**Current Site – On street view from E Poplar St looking north**



**Current Site – View from Elbert St looking East**

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**Current Vacant Site – View from Poplar St looking West to Elbert St**



## **Case Analysis:**



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The proposed Use Permitted by Special Review and Minor Development Subdivision displays general conformance with the applicable provisions of the Elizabeth Municipal Code (EMC), the Elizabeth Comprehensive Plan, and the Town of Elizabeth Design Guidelines as outlined in the analysis applied to the proposal described herein.

## Elizabeth Municipal Code (EMC):

The applicant proposal for a Use Permitted by Special Review and Minor Development Subdivision was determined to be in general compliance with the EMC. The following topics outline the specific analysis applied to the proposal in the context of the Town's land use and subdivision regulations.

- **Land Use Conformity:**

- The subject site is in a purely residential neighborhood with varying density and zone districts. On block 12, there are four (4) lots developed as three (3) single-family dwellings and one (1) two-family dwelling. The surrounding neighborhood includes a range of residential uses from single-family, two-family, and multi-family dwellings, with Bandt Park and Main Street being less than a five (5) minute walk from the site. Since the applicant intends to subdivide the current single lot into four (4) residential lots, the residential nature of the site will be maintained. Further, the increase in residential uses on the block and surrounding neighborhood maintains the residential character of the neighborhood.

- **Dimensional Standards – Article 1, Table 16-6 Commercial Mixed-Use:**

- The CMU district allows for a greater intensity of uses and therefore has dimensional standards that support the consolidation of uses by having smaller lot sizes and setbacks. While these dimensional standards are less than those required within the single-family residence (R-1) district, the applicant has met or exceeded the dimensional requirements of the CMU district.

| Dimensional Standard                                                                            | CMU District                                                 | Proposed                                                          |          |          |                  |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------|----------|----------|------------------|
|                                                                                                 |                                                              | Lot 1                                                             | Lot 2    | Lot 3    | Lot 4 (Existing) |
| <i>Lot size (min.)</i>                                                                          | 2,500 SF                                                     | 8,433 SF                                                          | 7,881 SF | 7,462 SF | 7,209 SF         |
| <i>Lot coverage (max.)</i>                                                                      | 1) Under roof:<br>50%<br><br>2) Min. vegetative area:<br>10% | To be reviewed for compliance during the building permit process. |          |          |                  |
| <i>Minimum width of lot/space (measured in feet; 25 feet back from the front property line)</i> | 50'                                                          | 127.18'                                                           | 63.44'   | 56.85'   | 66'              |



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|                                                 |     |                                                     |                     |
|-------------------------------------------------|-----|-----------------------------------------------------|---------------------|
| <i>Front setback (ft) - public right-of-way</i> | 25' | To be constructed to meet dimensional requirements. | 39'<br>(existing)   |
| <i>Rear setback (ft)</i>                        | 5'  |                                                     | 36'<br>(existing)   |
| <i>Interior side setback (ft)</i>               | 5'  |                                                     | 12.8'<br>(existing) |
| <i>Street side setback (ft)</i>                 | 10' |                                                     | N/A                 |

- **Minor Development Subdivision Standards, Sec. 16-3-70:**

- The proposal creates four (4) lots with one principal use – single-family dwelling - on each lot that fronts onto a public street, and there are no new or private roads created. Per Sec. 16-3-70 (a), that site may be reviewed as a Minor Development Subdivision. Therefore, the subdivision was reviewed against the standards of code Sec. 16-3-70 and has been determined to be in general compliance.

- **Drainage:**

- As part of the review of the Minor Development Subdivision, a detention pond is proposed at the NE corner of S Elbert St and E Poplar St, with an interior fence to ensure safety for future residents. The pond is designed to temporarily hold stormwater runoff and then release it at historic flow rates that mimic pre-development flows, primarily to prevent impacts to adjacent or downstream properties and structures. Further, the maintenance of the pond will be the responsibility of the property owners as described in the drainage notes of the final plat. As a result of the development of the site, there are no anticipated impacts to the surrounding residential uses or Town infrastructure.

- **Floodplain:**

- The delineated floodplain does not impact the site.

- **Outstanding Liens:**

- The title commitment dated July 28, 2025, shows outstanding municipal liens totaling \$1,266.11 for unpaid utility charges. The applicant has satisfied these liens as confirmed by Town staff on July 14, 2025. An updated title commitment showing clear title will be required prior to final plat recordation.

- **Traffic and Access**

- Beginning at E. Kiowa Avenue and south to the subject site, there is a diversity of zone districts that include the Regional Commercial (RC), Residential-1 (R-1), commercial mixed-use (CMU), and public, semi-public and institutional (P-I) districts. Along this corridor and within the vicinity of the site, there are predominantly residential uses that range from single, two, and multi-family dwellings. Given the diversity of zone districts that allow for an increase in





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intensity of uses, and since S Elbert Street connects both the north and south of the Town, the roadway was designed for a greater intensity of uses, and that there are no new right of ways proposed, the redevelopment of the site to include three (3) additional single-family dwellings with off-street parking is not anticipated to significantly impact traffic and access.

- **Parking**

- A review of Block 12 shows that all residential uses provide off-street parking as observed from the presence of driveways, curb cuts, garages (attached and detached), or some other parking structure. Additionally, along all street frontages of block 12, on-street parking is available as noted by the presence of street signs, including S Elbert St and E Poplar Street, which front the subject site. The existing dwelling on Lot 4 provides off-street parking via a driveway and detached garage. The three (3) new dwellings are proposed with off-street parking provided via a driveway and attached or detached garage. As the development is proposed with off-street parking and since on-street parking is abundant, there are no adverse parking impacts anticipated for the block or the surrounding neighborhood.

- **Right-of-Way (ROW)**

- No new ROW is proposed with the development.

- **Design Review Standards and Guidelines, 2011**

- The purpose of the Design Standards and Guidelines is to ensure that development in the Town of Elizabeth reflects the type, quality, and character desired by the community. These standards are typically applied to a site during the site plan review process of Sec Article 2 – Site Plan Standards and Procedures. However, as stated in Sec. 16-2-20 (e), the site development standards outlined by this section shall not apply to legal conforming single-family detached housing. Since the site is proposing the construction of three (3) additional single-family dwellings, the site will not undergo the site plan review process.
- As part of the current application process, preliminary plans were submitted, and per Sec. 3.2.a, the design standards shall apply to all single-family developments of two or more lots platted after the adoption of the design standards and guidelines. Therefore, we believe that approval of the User Permitted by Special Review may be conditioned to require the site to implement the Design Review Standards and Guidelines of Chapter 4, Section 3 – building design standards and guidelines for residential uses to be applied during the building permit process.

## **Elizabeth Comprehensive Plan (2019):**

Staff has found that the proposed use conforms to the Town's currently adopted [2019 Comprehensive Plan](#).

The future land use map depicts the site as Old Town Mixed Use. This area includes the historic Main Street as well as the oldest neighborhoods of Elizabeth to the west of Main Street. This future land use classification emphasizes the maintenance and promotion of a historic character unique to Elizabeth and the strengthening of these neighborhoods through multi-modal improvements (including trails and sidewalks), streetscape enhancements, and the redevelopment and enhancement of various parcels within the Main Street area and surrounding neighborhoods in the Old Town area. The Old Town Mixed Use classification should generally



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maintain a mixture of 70 percent commercial uses and 30 percent residential throughout the entire Old Town Mixed Use area. This land use category assumes a general range for residential densities of 8 to 24 dwelling units per acre.

The proposal includes a residential density of approximately 6 units per acre with no commercial uses. The proposed density is similar to the recommended density range of the Comprehensive Plan and helps increase housing options as outlined below:

- **Future Land Use and Development - GOAL 1, POLICY 1.4:** *Encourage the diversification of Elizabeth's housing options to meet the full life cycle of the community's housing needs. This would enable residents to remain in the community as their housing needs change and would accommodate a more diverse range of residents from a wider range of ages to live in Elizabeth.*
  - The subdivision and redevelopment of the largely vacant site increases housing availability within the Town to meet community needs, thereby better serving the Town.
- **Future Land Use and Development GOAL 3:** *Future development in Elizabeth incorporates appropriate levels of density and design to support increased housing options, the viability of neighborhood commercial, and overall long-term neighborhood sustainability.*
  - The current site is largely vacant and occupied by one residential dwelling. Block 12, is developed as single or two-family dwellings, with the surrounding neighborhood being comprised of a mix of residential uses. On the future land use map, much of the area designated as the Old Town mixed-use classification has remained residential, with a very small portion of this area being developed as non-residential, except for areas that have direct frontage along Main Street. While the Comprehensive Plan anticipates future non-residential uses within the vicinity of the Old Town area, the site proposes a residential use and density that maintains the character of the neighborhood while increasing housing for the Town.

## Referrals

The following agencies provided comment during the referral period (see Exhibit B).

| REFERRAL AGENCY / CONSULTANT             | DISCIPLINE                              | Status               |
|------------------------------------------|-----------------------------------------|----------------------|
| SAFEbuilt                                | Community Development                   | Approved             |
| CORE Engineering                         | Town Engineer                           | Approved             |
| CORE Electric / IREA                     | Utility                                 | Approved             |
| Elizabeth Parks and Recreation           | Elizabeth Parks and Recreation District | No comments received |
| Elizabeth Public Works                   | Public Works                            | Approved             |
| Elizabeth Police Department (PD)         | Police Department                       | No comments received |
| Stolfus & Associates                     | Transportation                          | Approved             |
| Elizabeth Fire Protection District (EFD) | Fire                                    | Approved             |
| Elizabeth School District                | Elizabeth C-1 School District           | No comments received |
| Black Hills Energy                       | Utility Company                         | No comments received |



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|                                 |                          |                                                                          |
|---------------------------------|--------------------------|--------------------------------------------------------------------------|
| Elbert County Assessor's Office | GIS                      | Technical consultation with deference to the updated survey information. |
| CO WATER CONSERVATION BOARD     |                          | No comments received                                                     |
| ARMY CORP OF ENGINEERS          | Denver Regulatory Office | No comments received                                                     |

## Outstanding Referral Comments:

As of publication of this staff report, there are no outstanding comments for the applicant.

## Findings and Staff Recommendation:

The findings and staff recommendation are discussed separately for the (1) Use Permitted by Special Review and (2) Minor Development Subdivision.

### (1) Use Permitted by Special Review, Findings and Staff Recommendation:

Staff provides a favorable recommendation for the Use Permitted by Special Review application upon review by the development review team and staff in accordance with Article 9 of the EMC. Staff provides the recommendation in the context of Sec. 16-9-20 (a), which states that the Board of Trustees may approve a Use Permitted by Special Review subject to reasonable conditions, which include, but are not limited to, the requirements that the proposed use meet the approval criteria of 1 through 8:

**(1) Will be in harmony and compatible with the character of the surrounding areas and neighborhood:** The proposed subdivision introduces moderate-density single-family residential development that complements the existing residential character of the neighborhood. The area includes a variety of housing types—single-family, two-family, and multi-family dwellings—and the addition of three manufactured homes on separate lots will maintain this established residential form. The development aligns with the intent of the CMU district, which allows for residential uses integrated with pedestrian-oriented design.

**(2) Will not result in an over-intensive use of land:** The development proposes four residential lots on a 0.71-acre site, with lot sizes ranging from 0.17 to 0.19 acres, each with a single-family dwelling. These lot sizes significantly exceed the minimum lot size of 2,500 square feet required by the CMU zoning district. The layout allows for adequate yard areas, off-street parking, and stormwater infrastructure, avoiding overcrowding or overutilization of the site.

**(3) Will not have a material adverse effect on community capital improvement programs:** Limited public infrastructure is proposed as part of the development and memorialized through a subdivision improvement agreement. The project utilizes existing public streets (S. Elbert and E. Poplar Streets) and relies on available, mainline utility connections. The shared maintenance agreement for the stormwater detention pond ensures that future upkeep does not burden the Town. As such, the development will not negatively impact capital improvement programs.

**(4) Will not require a level of community facilities and services greater than is available:** The modest addition of three new homes within the Town's core area can be served by existing infrastructure and services. The site is located within walking distance of parks, schools, and Main Street, and is accessible by public streets. Referral agencies—including police, fire, schools, and utility providers—did not express concerns about capacity. Therefore, the development will not require a level of service greater than is currently available.

**(5) Will not result in undue traffic congestion or traffic hazards:** The development proposes three additional homes, each with off-street parking via driveways and garages. The surrounding street network is already designed to accommodate moderate residential traffic, and the site is located on collector streets



# TOWN OF ELIZABETH

designed for higher capacity. With no new curb cuts or public roads required, the project will not cause undue congestion or traffic hazards.

(6) **Will not cause significant air, water or noise pollution:** The use is residential in nature and will not introduce commercial or industrial sources of pollution. Stormwater runoff will be managed through an on-site, full-spectrum detention pond, which mitigates potential downstream impacts. The residential use will not generate significant emissions or noise beyond typical levels for single-family homes.

(7) **Will be adequately landscaped, buffered and screened:** While the site plan will be finalized through the building permit process, the subdivision layout ensures adequate setbacks and yard areas. The stormwater pond will be fenced for safety and screened from neighboring properties. Future homes will be subject to design guidelines for architectural variation, garage placement, and landscaping that ensure aesthetic compatibility.

(8) **Will not otherwise be detrimental to the health, safety or welfare of present or future inhabitants of the Town.** The site is located outside of any floodplain or environmentally hazardous area. Public safety services reviewed the proposal and offered no objection. The development supports walkability, housing diversity, and safe access to services—furthering the health and welfare of current and future residents of Elizabeth.

## (2) Minor Development Subdivision, Findings and Staff Recommendation:

Staff finds that the Minor Development Subdivision meets the substantive criteria for approval based on the review of the application in accordance with Section 16-3-70 of the Elizabeth Municipal Code (EMC) and the findings below:

### 1. Minor Development Classification

- The proposal qualifies as a Minor Development Subdivision, as it creates four (4) residential lots, each containing one principal use and direct access to a public street. No new streets or private roads are proposed as part of the development.

### 2. Conformance with Dimensional Standards

- Lot 4 contains an existing single-family dwelling and accessory structures that conform to the dimensional standards of the Commercial Mixed-Use (CMU) zoning district as outlined in [Insert Code Reference].
- Lots 1 through 3 are proposed for manufactured, single-family homes with either attached or detached garages. The subdivision plat reflects the CMU district standards, and all new structures will be located within the designated building envelopes.

### 3. Stormwater Management and Utility Access

- A detention pond is proposed at the southwest corner of the site to address stormwater runoff associated with the increased density. The pond will be fenced along the north and east boundaries for safety and will include a public drainage and utility easement. Ongoing maintenance responsibilities will be shared by the owners of Lots 1 through 3, with access retained by the Town for future maintenance if necessary.

### 4. Environmental and Service Considerations

- The site is not located within a floodplain or mapped wildlife habitat area. It is situated within close proximity to existing residential neighborhoods and the core of the Town, ensuring access to public services and infrastructure, including transportation, water, sewer, police and fire protection, schools, parks, and open space.

### 5. Subdivision Design and Integration



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- The proposed lot sizes and configurations are appropriate for the site's physical characteristics and intended use, and the subdivision is well-integrated into the existing street network, with direct frontage on S. Elbert Street and E. Poplar Street.
- 6. **Conformance with the Comprehensive Plan**
  - The project supports various housing goals and policies outlined in the Town of Elizabeth Comprehensive Plan, including the promotion of diverse and attainable housing options within walkable proximity to community amenities.
- 7. **Compliance with Design Standards**
  - The subdivision is found to be in substantial compliance with the Town's Design Standards for subdivisions as set forth in Section 16-3-110 of the EMC, including infrastructure design, lot layout, and drainage considerations.

**Use Permitted by Special Review - Staff Recommendation:** Based on the analysis above, staff believes that the application would meet the substantive criteria for Board of Trustees approval under Chapter 16-9-40 (e) of the Elizabeth Municipal Code. However, given the unresolved submittal requirements and the applicant's failure to meet established deadlines despite multiple opportunities to comply, staff recommends that the Board of Trustees deny the application. The Planning Commission recommended approval by a vote of 4-0.

**Minor Development Subdivision - Staff Recommendation:** While the application meets the substantive criteria for approval under Chapter 16-3-70 (c)(9) of the Elizabeth Municipal Code, several required submittal items remain outstanding despite established deadlines and multiple opportunities provided to the applicant, including: (1) revised plat with corrected drainage maintenance language to ensure consistency between general and drainage notes, and (2) a signed and notarized Subdivision Improvement Agreement incorporating all required revisions. Given the applicant's failure to provide these required documents within the established timeframes, staff recommends that the Board of Trustees deny the application. The Planning Commission recommended approval by a vote of 4-0.

## **Attachment(s)**

Resolution 25R25

Resolution 25R26

Site Improvement Agreement

Exhibit A

Exhibit B

Exhibit C

## RESOLUTION 25R25

### **A RESOLUTION MAKING FINDINGS OF FACT MEMORIALIZING THE BOARD OF TRUSTEES' DECISION TO GRANT A USE BY SPECIAL REVIEW FOR THE PROPERTY LOCATED AT 350 SOUTH ELBERT STREET**

WHEREAS, this matter was heard on August 12, 2025 upon the request for Use by Special Review in accordance with Article IX, Chapter 16 of the Town of Elizabeth's Municipal Code to permit single-family dwellings, located on said property, in the Commercial Mixed-Use (CMU) zoning district; and

WHEREAS, the Town of Elizabeth Board of Trustees, having heard the evidence presented at the public hearing and being fully advised in the premises, enters the following Findings of Fact, Conclusions and Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The recitals set forth above are hereby incorporated herein by this reference.

Section 2. The Board makes the following Findings of Fact:

1. The Applicant, Michael Patterson of MBP Enterprises Inc. ("Applicant") submitted to the Town of Elizabeth a land use application requesting a Use by Special Review in accordance with the Municipal Code to allow single-family dwellings on the properties located at 350 S Elbert Street.
2. The Property is zoned CMU (Commercial Mixed-Use).
3. Article 1, Table 16-5 of the Elizabeth Municipal Code allows for single-family dwellings by special review in the CMU District.
4. Notice of the date, time and place of the public hearing based on the applicant request was published in accordance with the Elizabeth Municipal Code at least fifteen (15) days preceding the public hearing.
5. At the public hearing, testimony was presented for the application. The Planning Commission recommended approval by a vote of 4-0. At the conclusion of the public hearing, the Board of Trustees determined to approve based on these Findings of Fact, Conclusions, and Order.
6. The Board of Trustees finds and determines that approval of the Application does meet the following requirements pursuant to Section 16-9-20 of the Elizabeth Municipal Code based on the following factors:
  - a) Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
  - b) Will not result in an over-intensive use of land;
  - c) Will not have a material adverse effect on community capital improvement programs;
  - d) Will not require a level of community facilities and services greater than is available;
  - e) Will not result in undue traffic congestion or traffic hazards;



- f) Will not cause significant air, water or noise pollution;
- g) Will be adequately landscaped, buffered and screened; and
- h) Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town.

Section 3. The Board therefore Orders that the application for a Use by Special Review in accordance with Article IX, Chapter 16, of the Elizabeth Municipal Code is GRANTED.

PASSED, APPROVED, and ADOPTED this 12th day of AUGUST 2025, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

\_\_\_\_\_  
Angela Ternus, Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk

## RESOLUTION 25R26

### A RESOLUTION APPROVING A MINOR DEVELOPMENT SUBDIVISION FOR THE PROPERTY LOCATED AT 350 SOUTH ELBERT STREET

WHEREAS, Michael Patterson of MBP Enterprises Inc. has submitted an application for a Minor Development Subdivision to subdivide the property located at 350 South Elbert Street into four (4) residential lots; and

WHEREAS, the application has been reviewed in accordance with Section 16-3-70 of the Elizabeth Municipal Code; and

WHEREAS, the Planning Commission recommended approval by a vote of 4-0; and

WHEREAS, the Board of Trustees finds that the subdivision meets all applicable requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The recitals set forth above are hereby incorporated herein by this reference.

Section 2. The Board finds that the Minor Development Subdivision meets the requirements of Section 16-3-70 of the Elizabeth Municipal Code.

Section 3. The Board hereby approves the Minor Development Subdivision for the property located at 350 South Elbert Street, creating four (4) residential lots as shown in the subdivision plat attached hereto as Exhibit A and incorporated herein by this reference.

Section 4. This approval is conditional upon: (a) the applicant providing an updated title commitment demonstrating clear and marketable title free of all liens and encumbrances to the Town within ten (10) days of this conditional approval; (b) satisfaction and release of all outstanding municipal liens totaling \$1,266.11 as shown in the title commitment prior to final plat recordation; and (c) compliance with all applicable building codes, design guidelines, and subdivision improvement agreements.

PASSED, APPROVED, and ADOPTED this 12th day of AUGUST 2025, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

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Angela Ternus, Mayor

ATTEST:

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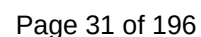
Michelle M. Oeser, Town Clerk





A RESUBDIVISION OF LOTS 7 THROUGH 10, INCLUSIVE, BLOCK 12, ELIZABETH AMENDED,  
LYING IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH,  
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO,  
0.712 ACRE, 4 SINGLE FAMILY RESIDENTIAL LOTS, AND 0 TRACTS.

NORTHEAST CORNER OF SECTION 18  
FOUND 3.25" ALUMINUM CAP ON #6 REBAR, STAMPED "COLO  
DEPT OF TRANSPORTATION T8S R64W S7|S8+S18|S17 2001 LS  
31548", IN RANGE BOX



## SUBDIVISION AGREEMENT

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the Town of Elizabeth, Colorado, a statutory municipality (the "Town"), and MBP Enterprises Inc. (the "Developer").

### RECITALS:

A. The Developer is the owner of certain real property located in the Town of Elizabeth known as Elbert Street Subdivision which is more particularly described in **Exhibit A**, attached hereto and incorporated herein (the "Property").

B. The Board of Trustees and the Planning Commission of the Town of Elizabeth held all necessary public hearings concerning the plat for the Property. A copy of the final plat is attached hereto as **Exhibit B** and incorporated herein.

C. The approvals cited above are contingent upon the express condition that all duties created by this Agreement are faithfully performed by the Developer.

### AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which are mutually acknowledged, the parties hereto agree as follows:

1. Purpose. The purpose of this Agreement is to set forth the terms, conditions and fees to be paid by the Developer, upon subdivision of the Property. All conditions contained herein are in addition to any and all requirements of the Town of Elizabeth Subdivision Ordinance and Zoning Ordinance, any and all state statutes, and any other sections of the Elizabeth Municipal Code, and are not intended to supersede any requirements contained therein.

2. Fees. The following fees shall be paid to the Town by the Developer.

a. The Developer hereby agrees to pay the Town the actual cost to the Town for plan review, engineering review, hydrological and surveying review, prior to and during the development process, and for construction observation, inspection and materials testing during the construction process for public improvements, and for construction observation, inspection and materials testing and electronic deliverable review during the warranty period for public improvements, and for legal services (the "actual costs") rendered in connection with the review of the subdivision of the Property, including related administrative fees not to exceed one-hundred fifteen percent (115%) of the actual costs. In addition, the Developer shall reimburse the Town for the costs of making corrections or additions to the master copy of the official Town map and for the fee for recording the final plat and accompanying documents with the Elbert County Clerk and Recorder.



b. The Developer shall pay the impact fees, as established by Town ordinances, in effect at the time this Agreement is executed. The Developer shall pay the foregoing impact fees in effect at the time specified by such ordinances.

c. The Developer acknowledges and agrees that the Town, pursuant to this Agreement, shall be granted construction easement(s) that are reasonably sufficient to complete the public improvements.

3. Specific Conditions. The Developer hereby agrees that:

a. Developer shall pay the amount of Six Thousand, Seven Hundred and Sixty One Dollars (\$6,761.00) within thirty (30) days of recording the final plat as satisfaction of Developer's open space requirement for the Property.

b. S Elbert Street, Developer shall construct vehicular access to E Poplar Street from the Property. Such vehicular access shall be constructed to Town of Elizabeth standards, and shall be located in a location generally centered between the individual lots to allow such vehicular access.

c. Developer shall construct a private stormwater detention pond in accordance with construction drawings approved by the Town, which pond shall control the release of developed stormwater runoff from all lots within the Property.

d. The Developer shall construct and dedicate in accordance with Section 10 of this Agreement, those Public Improvements more particularly described in **Exhibit C**, attached hereto and incorporated herein by this reference, including the construction of domestic water and wastewater mains to serve the Property in accordance with construction drawings approved by the Town; and

e. Developer shall dedicate within ten (10) days of approval of this Agreement the following:

i. The southwesterly corner of the Property, as laid out in the Subdivision Plat, free and clear of all liens and encumbrances, for the future widening and improvement of public sidewalk bordering S Elbert Street and E Poplar Street.

4. Title Policy. A title commitment for the Property shall be provided to the Town. The title commitment shall show that all property to be dedicated to the Town is, or shall be, subsequent to the execution and recording of the final plat, free and clear of all liens and

encumbrances (other than real estate taxes which are not yet due and payable), which would make the dedications unacceptable as the Town, in its sole discretion, determines. The title policy evidenced by the title commitment shall be provided thirty (30) days after the recording of the final plat.

5. Breach by the Developer; the Town's Remedies. In the event of a breach of any of the terms and conditions of this Agreement by the Developer, the Board of Trustees shall be notified immediately and the Town may take such action, as permitted and/or authorized by law, this Agreement or the ordinances of the Town, as the Town deems necessary to protect the public health, safety and welfare; to protect lot buyers and builders; and to protect the citizens of the Town from hardship and undue risk. The remedies include, but are not limited to:

- a. The refusal to issue any building permit or certificate of occupancy;
- b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party;
- c. A demand that the security given for the completion of the public improvements be paid or honored; or
- d. Any other remedy available at law.

Unless necessary to protect the immediate health, safety, and welfare of the Town, or to protect the interest of the Town with regard to security given for the completion of the public improvements, the Town shall provide the Developer thirty (30) days' written notice of its intent to take any action under this paragraph, during which thirty-day period the Developer may cure the breach described in the notice and prevent further action by the Town.

6. Public Improvements and Warranty. All drainage structures, paved streets, including sidewalk, curb, gutter and slope easements, and necessary appurtenances, as shown on the final plat, landscape plans and the associated construction documents (the "Public Improvements"), as approved by the Director of Public Works of the Town, shall be installed and completed at the expense of the Developer and dedicated and/or conveyed to the Town. The Public Improvements required by this Agreement and shown on the final plat, as well as associated construction documents approved by the Director of Public Works of the Town and the costs of these Public Improvements, are set forth on **Exhibit C**, attached hereto and incorporated herein. All Public Improvements covered by this Agreement shall be made in accordance with the final plat and associated construction documents drawn according to regulations and construction standards for such improvements and approved by the Director of Public Works of the Town.

The Developer shall warrant any and all Public Improvements, which are conveyed to the Town, pursuant to this Agreement, for a period of two (2) years from the date the Town's Director of Public Works grants probationary acceptance of the Public Improvements, as approved by the Town. The warranty period shall extend to the date final acceptance is granted in writing by the Town's Director of Public Works. The Developer shall be responsible for

scheduling the necessary inspections for probationary and final acceptance. Specifically, but not by way of limitation, the Developer shall warrant the following:

- a. That the title conveyed shall be marketable and its transfer rightful;
- b. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
- c. Any and all facilities so conveyed shall be in conformity with the Town's specifications and shall be free of defects in materials or workmanship for a period of two (2) years, as stated above, including, but not limited to, cracks, breakage, settling, or other deterioration of the Public Improvements, no matter the cause, for a period of two (2) years, as stated above.

The Town will accept for maintenance all Public Improvements after the warranty period has expired, provided all warranty work has been completed. The Town shall accept for snow removal purposes only all dedicated public streets after probationary acceptance has been granted in writing by the Director of Public Works. The Developer shall make all corrections necessary to bring the Public Improvements into conformity with the Town's specifications, prior to final acceptance.

7. Observation. The Town shall have the right to make reasonable engineering observations at the Developer's expense, as the Town may request. Observation, acquiescence in, or approval by any engineering inspector of the construction of physical facilities at any particular time shall not constitute the approval by the Town of any portion of the construction of such Public Improvements. Such approval shall be made by the Town only after completion of construction and in the manner hereinafter set forth.

8. Completion of Public Improvements. The obligations of the Developer provided for in paragraph 6 of this Agreement, including the inspections hereof, shall be performed on or before August 12, 2027, and proper application for acceptance of the Public Improvements shall be made on or before such date. Upon completion of construction by the Developer of such Public Improvements, the Town's Director of Public Works or his designee shall inspect the improvements and certify, with specificity, their conformity or lack thereof to the Town's specifications. The Developer shall make all corrections necessary to bring the improvements into conformity with the Town's specifications. Once approved by the Town's Director of Public Works, the Town shall accept said improvements upon conveyance, pursuant to paragraph 10; provided, however, the Town shall not be obligated to accept the Public Improvements until the actual costs described in paragraphs 2.a. and b. of this Agreement are paid in full by the Developer.

9. Related Costs – Public Improvements. The Developer shall provide all necessary engineering designs, surveys, field surveys and incidental services related to the construction of the Public Improvements, at its sole cost and expense, including reproducible "as built" drawings certified accurate by a professional engineer registered in the State of Colorado.

10. Improvements to be the Property of the Town. All Public Improvements for roads, concrete curbs and gutters, storm sewers, and drainage improvements accepted by the

Town shall be dedicated to the Town and warranted for a period of two (2) years following probationary acceptance by the Town, as provided above. Upon completion of construction and conformity with the final plat and associated construction plans, and any properly approved changes, the Developer shall convey to the Town, by bill of sale, all installed physical facilities.

11. Performance Guarantee. In order to secure the construction and installation of the Public Improvements, the Developer shall, no later than ninety (90) days after the execution of this Agreement, furnish the Town, at the Developer's or the Developer's assignee's expense, with the performance guarantee described herein. The Town shall record the final plat in the real estate records of Elbert County, which recording shall occur upon written notice from the Developer of the scheduled closing with the entity that is posting the security. The performance guarantee shall be in the form of cash or an irrevocable letter of credit in which the Town is designated as beneficiary, in an amount equal to one hundred fifteen percent (115%) of the estimated costs of the Public Improvements to be constructed and installed, as set forth in Exhibit C, to secure the performance and completion of the Public Improvements (the "Performance Guarantee"). The Developer agrees that approval of the final plat by the Town is contingent upon the Developer's provision of a Performance Guarantee to the Town within ninety (90) days of the execution of this Agreement, in the amount and form provided herein, and the failure of the Developer to provide a Performance Guarantee to the Town, in the manner provided herein, shall negate the Town's approval of the final plat. Letters of credit shall be substantially in the form and content set forth in **Exhibit D-1**, attached hereto and incorporated herein, and shall be subject to the review and approval of the Town Attorney. The cash shall be paid to the Town according to the terms and conditions of the "Financial Guarantee," which shall be substantially in the form and content set forth in **Exhibit D-2**, attached hereto and incorporated herein, and shall be subject to the review and approval of the Town Attorney. The Developer shall not start the construction of any public or private improvement on the Property, including, but not limited to, staking, earth work, overlot grading or the erection of any structure, temporary or otherwise, until the Town has received and approved the Performance Guarantee.

The estimated costs of the Public Improvements shall be a figure mutually agreed upon by the Developer and the Town's Director of Public Works, as set forth in Exhibit C. If, however, they are unable to agree, the Director of Public Works' estimate shall govern after giving consideration to information provided by the Developer, including, but not limited to, construction contracts and engineering estimates. The purpose of the cost estimate is solely to determine the amount of security. No representations are made as to the accuracy of these estimates and the Developer agrees to pay the actual costs of all such Public Improvements.

The estimated costs of the Public Improvements may increase in the future. Accordingly, the Town reserves the right to review and adjust the cost estimates on an annual basis. Adjusted cost estimates will be made according to changes in the Construction Costs Index, as published by the Engineering News Record. If the Town adjusts the cost estimate for the Public Improvements, the Town shall give written notice to the Developer. The Developer shall, within thirty (30) days after receipt of said written notice, provide the Town with a new or amended Performance Guarantee in the amount of the adjusted cost estimates. If the Developer refuses or fails to so provide the Town with a new or amended Performance Guarantee, the Town may exercise the remedies provided for in paragraph 5 of this Agreement; provided, however, that prior to increasing the amount of additional security required, the Town shall give credit to the

Developer for all required Public Improvements which have actually been completed so that the amount of security required at any time shall relate to the cost of required Public Improvements not yet constructed.

In the event the Public Improvements are not constructed or completed within the period of time specified by paragraph 8 of this Agreement or a written extension of time mutually agreed upon by the parties to this Agreement, the Town may draw on the Performance Guarantee to complete the Public Improvements called for in this Agreement. In the event the letter of credit is to expire within fourteen (14) calendar days and the Developer has not yet provided a satisfactory replacement, the Town may draw on the letter of credit, and either hold such funds as security for performance of this Agreement, or spend such funds to finish the Public Improvements or correct problems with the Public Improvements, as the Town deems appropriate.

Upon completion of performance of such improvements, conditions and requirements within the required time and the approval of the Town Public Works Director, the Developer shall issue an irrevocable letter of credit to the Town in the amount of twenty percent (20%) of the total cost of construction and installation of the Public Improvements, to be held by the Town during the two-year warranty period or, in the alternative, if the Performance Guarantee held by the Town is cash, the Town will reduce the cash amount to twenty percent (20%) of the total cost of construction and installation of the Public Improvements, to be held by the Town during the two-year warranty period. If the Public Improvements are not completed within the required time, the monies may be used to complete the improvements.

12. Nuisance Conditions. The Developer agrees to prevent the existence of any nuisances by way of its construction activities, as the same are defined by the Elizabeth Municipal Code. In the event the authorized inspector/designated Town authority determines that a nuisance exists, the Developer shall be subject to the provisions set forth in Elizabeth Municipal Code regarding the abatement of nuisances and the cost assessed for the abatement thereof.

In addition to the provisions above, if the nuisance is not abated or an abatement plan is not submitted to the satisfaction of the Town, the Town may, upon thirty (30) days' notice under this Agreement, exercise the right to draw upon the performance guarantee specified in paragraph 11 of this Agreement. The Town may draw on the performance guarantee in order to pay the cost of abating the nuisance, including any expenses and penalties incurred under the Elizabeth Municipal Code. The Town may exercise this right in addition to, or in lieu of, the withholding of permits and/or the withholding of certificates of occupancy. The right to draw on the performance guarantee shall be subject to the sole discretion of the Town, provided the Developer has received thirty (30) days' notice, as provided herein.

The Town Planning Department and Public Works Department shall be authorized to cease processing any land use or permit applications submitted by the same developer for the property that is contained within the same development until the nuisance is abated. This shall include, but not be limited to, acceptance of applications, sending referrals, scheduling meetings or hearings, or conducting reviews of projects.

13. Indemnification. The Developer shall indemnify and hold harmless the Town, its officers, employees, agents or servants from any and all suits, actions and claims of every nature and description caused by, arising from, or on account of, any act or omission of the Developer, or of any other person or entity for whose act or omission the Developer is liable, with respect to construction of the Public Improvements; and the Developer shall pay any and all judgments rendered against the Town as the result of any suit, action or claim, together with all reasonable expenses and attorney fees incurred by the Town in defending any such suit, action or claim.

The Developer shall pay all property taxes on the Property dedicated to the Town, and shall indemnify and hold harmless the Town for any property tax liability.

The Developer shall require that all contractors and other employees engaged in construction of Public Improvements shall maintain adequate workers' compensation insurance and public liability coverage and shall faithfully comply with the provisions of the Federal Occupational Safety and Health Act.

14. Waiver of Defects. In executing this Agreement the Developer waives all objections it may have concerning defects, if any, in the formalities whereby it is executed, or concerning the power of the Town to impose conditions on the Developer, as set forth herein, and concerning the procedure, substance and form of the ordinances or resolutions adopting this Agreement.

15. Modifications. This Agreement shall not be amended, except by subsequent written agreement of the parties.

16. Release of Liability. It is expressly understood that the Town cannot be legally bound by the representations of any of its officers or agents, or their designees, except in accordance with the Elizabeth Municipal Code and the laws of the State of Colorado.

17. Captions. The captions to this Agreement are inserted only for the purpose of convenient reference and in no way define, limit or prescribe the scope or intent of this Agreement or any part thereof.

18. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns, as the case may be.

19. Invalid Provision. If any provision of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect. It is the intention of the parties hereto, that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other which would render the provision valid, then the provision shall have the meaning which renders it valid.

20. Governing Law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be in Elbert County, Colorado.



21. Attorney Fees. Should this Agreement become the subject of litigation to resolve a claim of default of performance by the Developer and a court of competent jurisdiction determines that the Developer was in default in the performance of the Agreement, the Developer shall pay the attorney fees, expenses and court costs of the Town.

22. Notice. All notice required under this Agreement shall be in writing and shall be hand delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. All notices so given shall be considered effective seventy-two (72) hours after deposit in the United States mail with the proper address, as set forth below. Either party, by notice so given, may change the address to which future notices shall be sent.

Notice to the Town:                      Town of Elizabeth  
Attn: Town Administrator  
PO Box 159  
151 S. Banner Street  
Elizabeth, Colorado 80107

With copy to:                              Corey Y. Hoffmann, Esq.  
Hoffmann, Parker, Wilson & Carberry, P.C.  
511 16<sup>th</sup> Street, Suite 610  
Denver, Colorado 80202

Notice to Developer:                      Brian Patterson  
MBP Enterprise, Inc.  
8888 Inspiration Drive  
Parker, CO 80138  
Brian@cashforhousescolorado.com

With Copies to:

23. Force Majeure. Whenever the Developer is required to complete the construction, repair or replacement of Public Improvements by an agreed deadline, the Developer shall be entitled to an extension of time equal to a delay in completing the foregoing, due to unforeseeable causes beyond the control and without the fault or negligence of the Developer, including, but not limited to, acts of God, weather, fires and strikes.

24. Approvals. Whenever approval or acceptance of the Town is necessary, pursuant to any provision of this Agreement, the Town shall act reasonably and in a timely manner in responding to such request for approval or acceptance.

25. Assignment or Assignments. There shall be no transfer or assignment of any of the rights or obligations of the Developer under this Agreement, without the prior written approval of the Town. The Developer agrees to provide the Town with at least fourteen (14) days' advance written notice of the transfer or assignment of any of the rights and obligations of the Developer under this Agreement.

26. Recording of Agreement. This Agreement shall be recorded in the real estate records of Elbert County and shall be a covenant running with the Property, in order to put prospective purchasers or other interested parties on notice as to the terms and provisions hereof.

27. Title and Authority. The Developer expressly warrants and represents to the Town that it is the recorded owner of the property constituting the Property and further represents and warrants, together with the undersigned individuals, that the undersigned individuals have full power and authority to enter into this Subdivision Agreement. The Developer and the undersigned individuals understand that the Town is relying on such representations and warranties in entering into this Agreement.

WHEREFORE, the parties hereto have executed this Agreement on the day and year first above written.

**TOWN OF ELIZABETH, COLORADO**

By: \_\_\_\_\_  
Angela Ternus, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Oeser, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Corey Y. Hoffmann, Town Attorney

**DEVELOPER: MBP Enterprises, Inc**

By: \_\_\_\_\_  
***Brian Patterson, Owner***

STATE OF COLORADO    )  
                                          )ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

My commission expires: \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

**EXHIBIT D-1**  
**FORM- IRREVOCABLE LETTER OF CREDIT**

Issuing Bank's Letterhead

Irrevocable Letter of Credit

Issuing Bank: [Type in bank name.]

Letter of Credit No.: [Type letter of credit number.]

Amount: [Type in aggregate amount.]

Issuance Date: [Type loc issuance date.]

Expiry Date: [Type loc expiration date.]

Name of Developer: [Type in name of  
developer.]

Town of Elizabeth

[Address]

Attention: Mayor and Town Attorney

Ladies and Gentlemen:

We hereby establish this Irrevocable Letter of Credit in your favor for an amount up to the aggregate sum of \$\_\_\_\_\_ U.S. Dollars.

Funds under this credit are available to you by your draft or drafts drawn at sight on us containing the number of this Letter of Credit, as set forth above, in the Form of Sight Draft attached hereto as Exhibit 1 and incorporated by this reference. Partial drawings are permitted. The amount of the funds available under this Letter of Credit may not be reduced, except by payment of drafts drawn hereunder, or pursuant to written authorization given to us by the Town. The sole condition for payment of any draft under this Letter of Credit is that the draft be accompanied by a letter, on the Town's letterhead, signed by the Mayor or designee, stating that one or more of the following conditions exist:

a. The Town has determined that the Developer is in default of its obligations under that certain *[type in "agreement" or "permit"]*, to secure the performance of the *[type in the name and date of the agreement, such as "Site Improvement Agreement between the Town and Developer" and the name of the project, or "Development Agreement between the Town and Developer" and the name of the project]* or *[for permit, type in the name of the project]*;

or

b. That the expiry date of this Irrevocable Letter of Credit is less than fourteen (14) days from the date of the Mayor or designee's letter and the Developer

has not provided the Town with a replacement letter of credit in an amount and form acceptable to the Town to secure the performance of the *[type in name of the agreement]* or *[for permit, type in the name of the project]* described herein.

Drafts for payment by the Town, pursuant to this Letter of Credit, shall be deemed timely presented if, prior to the date of expiration of the Letter of Credit, the draft is deposited in the U.S. mail or otherwise delivered for transmission by any other usual means of communication with postage or cost of transmission prepaid and properly addressed to the above letterhead address.

We hereby agree with the Town that such drafts will be processed in good faith and duly honored, upon presentation to us, as provided herein. In case of wrongful dishonor, we agree to reimburse the Town for all court costs, investigative costs and reasonable attorneys fees the Town may incur in obtaining payment, according to the terms of this Letter of Credit. This Letter of Credit shall be governed by and construed in accordance with the laws of the State of Colorado. We further agree that the exclusive venue for any action concerning this Letter of Credit shall be the District Court for Elbert County, Colorado.

Very truly yours,  
*[Name of Bank]*

By: \_\_\_\_\_  
Signature of Authorized Signing Officer

\_\_\_\_\_  
Print  
Name  
[Signature Must Be Notarized]

STATE OF COLORADO    )  
                                          )ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this        day of  
20   , by                                           , as                                            of

My commission expires: \_\_\_\_\_ –

SEAL

\_\_\_\_\_  
Notary Public

**EXHIBIT 1**

**FORM OF SIGHT DRAFT**

Date: \_\_\_\_\_

At sight, pay to the order of Town of Elizabeth \_\_\_\_\_  
Dollars

(\$ \_\_\_\_\_), for value received and charge to the account of *[name of Developer]*.

Drawn under Letter of Credit No \_\_\_\_\_  
*[type letter of credit issuance date]*.

To: *[name of Issuing Bank]* \_\_\_\_\_, Town of Elizabeth, beneficiary,

*[Address of Issuing Bank]* \_\_\_\_\_

\_\_\_\_\_  
By: *[type Mayor or designee]*



## EXHIBIT D-2

### FINANCIAL GUARANTEE AGREEMENT

THIS FINANCIAL GUARANTEE AGREEMENT (the "Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Town of Elizabeth, Colorado, a statutory \_\_\_\_\_ municipality (the "Town"), and \_\_\_\_\_ (the "Developer").

#### RECITALS

WHEREAS, the Town and the Developer have entered into that certain Subdivision Agreement (the "Subdivision Agreement") dated \_\_\_\_\_, 20\_\_\_\_, concerning that certain real property known as \_\_\_\_\_, which is more particularly described in **Exhibit A**, which is attached to the Subdivision Agreement (the "Property"); and

WHEREAS, pursuant to the Subdivision Agreement, the Developer has agreed to install and complete at its expense certain Public Improvements (as that term is defined in the Subdivision Agreement) on the Property and to provide the Town with a financial guarantee, in an amount equal to one-hundred ten percent (110%) of the costs of the Public Improvements naming the Town as the designated beneficiary, to secure the performance and completion of the Public Improvements.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is hereby acknowledged and confessed, the parties hereto covenant and agree as follows:

1. Purpose. The purpose of this Agreement is to provide for a financial guarantee to the Town for the performance and completion of the Public Improvements described in the Subdivision Agreement and, accordingly, to supplement the terms and conditions of the Subdivision Agreement. Defined terms within the Subdivision Agreement shall have the same meaning when used herein.

2. Financial guarantee. In order to secure the performance and completion of the Public Improvements, the Developer agrees to deposit with the Town the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), which represents one hundred ten percent (110%) of the estimated cost of the Public Improvements (the "Financial Guarantee Funds"). All Financial Guarantee Funds shall be deposited in the Town's General Fund. The Town shall not be required to pay the Developer any interest on the Financial Guarantee Funds.

The estimated costs of the Public Improvements shall be a figure mutually agreed upon by the Developer and the Town's Director of Public Works. If, however, they are unable to agree, the Director of Public Works' estimate shall govern after giving consideration to information provided by the Developer including, but not limited to, construction contracts and engineering estimates. The purpose of the cost estimate is solely to determine the amount of the financial guarantee. No representations are made as to the accuracy of these estimates, and the Developer agrees to pay the actual costs of all such Public Improvements.

The estimated costs of the Public Improvements may increase in the future. Accordingly, the Town reserves the right to review and adjust the cost estimate prior to the issuance of any grading permit for the Property and on an annual basis thereafter. Adjusted cost estimates will be made according to changes in the Construction Costs Index as published by the *Engineering News Record* or based upon actual construction bids, as determined by the Town in the exercise of its sole discretion. If the Town adjusts the cost estimate for the Public Improvements, the Town shall give written notice to the Developer. The Developer shall, within thirty (30) days after receipt of said written notice, provide the Town with new funds in the amount of the adjusted cost estimates. If the Developer refuses or fails to so provide the Town with additional Financial Guarantee Funds, the Town may exercise the remedies provided for in paragraph 5 of the Subdivision Agreement; provided, however, that prior to increasing the amount of additional Financial Guarantee Funds required, the Town shall give credit to the Developer for all required Public Improvements which have actually been completed so that the amount of Financial Guarantee Funds required at any time shall relate to the cost of required Public Improvements not yet constructed.

3. Release of Financial Guarantee Funds.

a. The Developer intends to enter into several different contracts with different contractors to install the Public Improvements. It is the intent of the parties hereto that Financial Guarantee Funds will be released as work is completed on each individual contract. In the event the Public Improvements are not constructed or completed within the period of time specified by paragraph 8 of the Subdivision Agreement or a written extension of time mutually agreed upon by the parties to this Agreement, the Town may draw on the Financial Guarantee Funds to complete the Public Improvements called for in this Agreement.

b. The Financial Guarantee Funds are to be used solely and exclusively for the completion of the Public Improvements or as provided in Section 12 of the Subdivision Agreement. The Town will disburse up to ninety percent (90%) of the estimated cost of the Public Improvements as progress payments according to the schedule of values attached as **Exhibit 1** and incorporated by this reference (the "Schedule of Values"), upon the Developer's satisfaction of the following draw requirements:

1. The Developer delivers an application to the Town (which includes a certification signed by the Developer of the percentage of the total Public Improvements completed according to the Schedule of Values), which application will be made no more than once per month and shall be tied to progress toward the completion of the Public Improvements, as identified in the application (the "Application").

2. Upon receipt of the Application, the Town shall have thirty (30) calendar days within which to provide written acknowledgement from the Public Works Director or designee of the Town that the Application may be paid, partially paid, or denied. The Town's affirmation and payment will not constitute approval by the Town of the completion and/or acceptance of Public Improvements, or any portion thereof. Such acknowledgement shall not be unreasonably denied or withheld by the Town and shall be given if the Public Improvements described in the Application are completed in accordance with the construction plans approved by the Town.

3. The Town shall have no obligation to provide probationary acceptance of the Public Improvements, until all of the Public Improvements are completed and all deficiencies, of any type, including, but not limited to, maintenance, materials or workmanship, that are identified by the Public Works Director at the final inspection are corrected (regardless of the cause of the deficiency).

4. Upon the Town's probationary acceptance of the Public Improvements, the Developer has the option of substituting a letter of credit for twenty percent (20%) of the cost of the Public Improvements that the Town is holding for the two-year warranty period, as described in the Subdivision Agreement, in a form and from a financial institution acceptable to the Town.

c. That portion of the Financial Guarantee Funds which represents twenty percent (20%) of the estimated costs of the Public Improvements shall be retained by the Town during the two-year warranty period described in the Subdivision Agreement. At the end of the warranty period and upon final acceptance by the Town, the remaining Financial Guarantee Funds shall be released to the Developer. The Town may draw on the Financial Guarantee Funds during the warranty period to correct any problems with the Public Improvements which have not been corrected by the Developer, as provided by the Subdivision Agreement.

4. Modifications. This Agreement shall not be amended, except by subsequent written agreement of the parties.

5. Release of Liability. It is expressly understood that the Town cannot be legally bound by the representations of any of its officers or agents or their designees, except in accordance with the Elizabeth Municipal Code and the laws of the State of Colorado.

6. Captions. The captions to this Agreement are inserted only for the purpose of convenient reference and in no way define, limit, or prescribe the scope or intent of this Agreement or any part thereof.

7. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns as the case may be.

8. Invalid Provision. If any provision of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, all of the other provisions shall remain in full force and effect. It is the intention of the parties hereto that if any provision of this Agreement is capable of two (2) constructions, one of which would render the provision void, and the other which would render the provision valid, then the provisions shall have the meaning which renders it valid.

9. Governing law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be in Elbert County, Colorado.

10. Notice. All notice required under this Agreement shall be in writing and shall be hand delivered or sent by registered or certified mail, return receipt requested, postage prepaid,

to the addresses of the parties herein set forth. All notices so given shall be considered effective seventy-two (72) hours after deposit in the United States mail with the proper address as set forth below. Either party, by notice so given, may change the address to which future notices shall be sent.

Notice to the Town: Town of Elizabeth  
Attn: Town Administrator  
151 S. Banner Street  
Elizabeth, Colorado 80107

With a copy to: Corey Y. Hoffmann, Esq.  
Hoffmann, Parker, Wilson & Carberry, P.C.  
511 16<sup>th</sup> Street, Suite 610  
Denver, Colorado 80202

Notice to Developer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

With a copy to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Assignment or Assignments. There shall be no transfer or assignment of any of the rights or obligations of the Developer under this Agreement without the prior written approval of the Town. The Developer agrees to provide the Town with at least fourteen (14) days' advance written notice of the transfer or assignment of any of the rights and obligations of the Developer under this Agreement.

12. Title and Authority. The Developer expressly warrants and represents to the Town that it is the record owner of the property constituting the Property and further represents and warrants, together with the undersigned individual(s) that the undersigned individuals(s) has or have full power and authority to enter into this Financial Guarantee Agreement. The Developer and the undersigned individual(s) understand that the Town is relying on such representations and warranties in entering into this Agreement.

13. Conflict with Subdivision Agreements. In the event there is a conflict between the language contained within the Financial Guarantee Agreement and the language contained within the Subdivision Agreement, the language contained in the Subdivision Agreement shall control.

WHEREFORE, the parties hereto have executed this Agreement on the day and year first above written.

**TOWN OF ELIZABETH, COLORADO**

By: \_\_\_\_\_  
Angela Ternus, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Oeser, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Corey Y. Hoffmann, Town Attorney

**DEVELOPER: MBP Enterprises, Inc**

By: \_\_\_\_\_  
[*Brian Patterson*]

STATE OF COLORADO     )  
                                          )ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

My commission expires: \_\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public

CVFG@GR ?

Jmrq 5\* 6\* 7 \_lb / . \* \_jj gl @jmai / 0\* Cjgx\_`crf ? kclbcb\* \_jqm am k kmljw i lmul \_q rfc Rmul md Cjgx\_`crf  
? kclbcb\* Ams lrw md Cj`cpr\* Qr\_rc md Amjmp\_bm,







A RESUBDIVISION OF LOTS 7 THROUGH 10, INCLUSIVE, BLOCK 12, ELIZABETH AMENDED,  
LYING IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH,  
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO,  
0.712 ACRE, 4 SINGLE FAMILY RESIDENTIAL LOTS, AND 0 TRACTS.

NORTHEAST CORNER OF SECTION 18  
FOUND 3.25" ALUMINUM CAP ON #6 REBAR, STAMPED "COLO  
DEPT OF TRANSPORTATION T8S R64W S7|S8+S18|S17 2001 LS  
31548", IN RANGE BOX



IN JANUARY OF 2016, A SURVEY PLAT WAS PERFORMED AND CERTIFIED BY KEITH WESTFALL, PLS 30127. THE ONLY PROPERTY PIN WAS A #5 REBAR AT THE SOUTHEAST CORNER. THE SUBJECT PROPERTY WAS THEN MONUMENTED ON THE OTHER THREE CORNERS PER THAT SURVEY PLAT. HOWEVER, NO OTHER EXPLANATION OR EVIDENCE IS SHOWN AS TO THE RESOLUTION OF THE BOUNDARIES ON SAID SURVEY PLAT. THE NORTH AND SOUTH LINES EXCEEDED THE PLATTED DISTANCES BY 30-40 FEET. THE EAST LINE WAS SET PER RECORD DISTANCE, BUT THE SOUTH AND NORTH LINES WERE NOT.

ON FEBRUARY 21, 2022, AN IMPROVEMENT SURVEY PLAT WAS PERFORMED BY JOSEPH STICE III. THIS SURVEY PLAT ACCEPTED THE MONUMENTS SET AND THE REBAR FOUND BY THE PREVIOUS SURVEY, BUT FAILED TO GIVE AN EXPLANATION OR EVIDENCE AS TO WHY THE PROPERTY LINES ARE 30-40 FEET LONGER THAN PLATTED.

I GATHERED BOUNDARY EVIDENCE AND FOUND THAT THE PREVIOUS TWO SURVEYS WERE DEFICIENT IN EVIDENCE AND RESOLUTION. FURTHER INVESTIGATION SHOWS THAT THE NORTHWEST PORTION CORNER PIN LIES 2.6 FEET WEST OF THE SOUTH SIDE OF THE STREET (AS SHOWN ON A SIMILAR MONUMENT FOUND NORTH OF IT). PLATS RECORDED TO THE WEST OF SOUTH ELBERT STREET NOTE A 5-FOOT RIGHT-OF-WAY EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, AND A 60-FOOT RIGHT-OF-WAY WEST OF SAID LINE. THIS IS ALSO SUBSTANTIATED BY THE ORIGINAL PLAT OF ELIZABETH, WHICH INDICATES THE BOUNDARY BETWEEN THE 60-FOOT SECTION LINE AND THE BLOCKS, AS WELL AS FENCELINES SHOWN HEREON.

USING OLDER MONUMENTATION ALONG PINE STREET AND E. POPLAR STREET, TOGETHER WITH THE CORRECT RIGHT-OF-WAY DELINEATED, THE BOUNDARY IS RESOLVED HEREON.

LEGEND

|                                                                                       |                       |
|---------------------------------------------------------------------------------------|-----------------------|
| DE                                                                                    | DRAINAGE EASEMENT     |
| UE                                                                                    | UTILITY EASEMENT      |
| — — — —                                                                               | EXISTING LOT LINE     |
| - - - - -                                                                             | PROPOSED EASEMENT     |
| — — — — —                                                                             | PROPOSED LOT LINE     |
|  | LAND CORNER FOUND     |
|  | FOUND MONUMENT        |
|  | SET 1.5" ALUMINUM PIN |
|                                                                                       | PLS 38584" ON         |
|                                                                                       | UNI FSS, OTHERWISE    |

PREPARED BY



**EMK CONSULTANTS, INC.**  
**LAND DEVELOPMENT**  
**ENGINEERING & SURVEYING**  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520 [www.EMKCo.com](http://www.EMKCo.com)

ELBERT STREET SUBDIVISION  
DATE PREPARED: JUNE, 2025

APPLICANT/DEVELOPER

MBP ENTERPRISES, INC.  
98 INVERNESS DR. EAST  
SUITE 330 ENGLEWOOD, COLORADO 80112  
ATTN: BRIAN PATTERSON

SHEET 2 OF 2



## EXHIBIT C

| ENGINEER'S ESTIMATE OF COST - RAPTOR CIVIL ENGINEERING |          |                                        |                    |           |           |
|--------------------------------------------------------|----------|----------------------------------------|--------------------|-----------|-----------|
| PROJECT NAME:                                          |          | 350 Elbert Street                      |                    |           |           |
| DATE                                                   | 8/7/2025 | BY                                     | ERIC BURTZLAFF, PE |           |           |
| PUBLIC IMPROVEMENTS                                    |          |                                        |                    |           |           |
| ITEM                                                   |          | QUANTITY                               | UNIT               | UNIT COST | COST      |
| IMPROVEMENTS                                           |          |                                        |                    |           |           |
| Asphalt Patching/Pavement                              |          | 720                                    | SY                 | \$50      | \$36,000  |
| Concrete Paving                                        |          | 303                                    | SY                 | \$100     | \$30,300  |
| 6" Curb , Gutter                                       |          | 114                                    | LF                 | \$36      | \$4,104   |
| Sidewalk (5.5' Width)                                  |          | 70                                     | SY                 | \$42      | \$2,940   |
| 20' Curb Cut                                           |          | 3                                      | EA                 | \$5,000   | \$15,000  |
| SEWER                                                  |          |                                        |                    |           |           |
| 48" Sewer Manhole                                      |          | 3.0                                    | EA                 | \$4,250   | \$12,750  |
| 6" PVC Sewer Main                                      |          | 246                                    | LF                 | \$77      | \$18,819  |
| WATER                                                  |          |                                        |                    |           |           |
| Fire Hydrant                                           |          | 1.0                                    | EA                 | \$3,500   | \$3,500   |
| 6" PVC Water Main                                      |          | 256                                    | LF                 | \$49      | \$12,544  |
| 6" Fire Hydrant Lateral (C900 PVC)                     |          | 23                                     | LF                 | \$50      | \$1,150   |
| 6" Gate Valve                                          |          | 1                                      | EA                 | \$275     | \$275     |
| STORM/DRAINAGE                                         |          |                                        |                    |           |           |
| 12" Class IV RCP Storm Pipe                            |          | 72                                     | LF                 | \$26      | \$1,879   |
|                                                        |          | PUBLIC RIGHT OF WAY IMPROVEMENTS COST: |                    |           | \$139,261 |
|                                                        |          | 15% CONTINGENCY:                       |                    |           | \$20,889  |
|                                                        |          | TOTAL COST:                            |                    |           | \$160,150 |

NOTE: All costs shown hereon shall be reviewed by a licensed contractor for formal bid. This estimate is for informational purposes only and not intended to be a bid

| ENGINEER'S ESTIMATE OF COST - RAPTOR CIVIL ENGINEERING |          |                              |                    |           |       |
|--------------------------------------------------------|----------|------------------------------|--------------------|-----------|-------|
| PROJECT NAME:                                          |          | 350 Elbert Street            |                    |           |       |
| DATE                                                   | 8/7/2025 | BY                           | ERIC BURTZLAFF, PE |           |       |
| PUBLIC IMPROVEMENTS - LANDSCAPE                        |          |                              |                    |           |       |
| ITEM                                                   |          | QUANTITY                     | UNIT               | UNIT COST | COST  |
| IMPROVEMENTS                                           |          |                              |                    |           |       |
| Seeding for 8' Tree Lawn                               |          | 0.049                        | ACRE               | \$6,000   | \$292 |
|                                                        |          | LANDSCAPE IMPROVEMENTS COST: |                    |           | \$292 |
|                                                        |          | 15% CONTINGENCY:             |                    |           | \$44  |
|                                                        |          | TOTAL COST:                  |                    |           | \$335 |

**NOTE:** All costs shown hereon shall be reviewed by a licensed contractor for formal bid. This estimate is for informational purposes only and not intended to be a bid

# EXHIBIT A: APPLICANT SUBMITTAL

A RESUBDIVISION OF LOTS 7 THROUGH 10, INCLUSIVE, BLOCK 12, ELIZABETH AMENDED,  
LYING IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH,  
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO,  
0.712 ACRE, 4 SINGLE FAMILY RESIDENTIAL LOTS, AND 0 TRACTS.

ELIZABETH

W. KOMA AVE.

E. KOMA AVE.

W. ELM ST.

S. ELIZABETH ST.

BEVERLY ST.

RD. 13

RD. 136

S. ELM ST.

S. FIRWOOD ST.

S. MAPLE ST.

S. WALNUT ST.

S. SPRUCE ST.

S. CHESTNUT ST.

S. CEDAR ST.

S. PINE ST.

S. BIRCH ST.

S. OAK ST.

S. ASH ST.

S. HICKORY ST.

PROJECT LOCATION

| <u>SHEET INDEX</u> |             |
|--------------------|-------------|
| 1                  | COVER SHEET |
| 2                  | MAP SHEET   |

BEARINGS ARE BASED UPON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, WHICH IS ASSUMED TO BEAR SOUTH 00°22'29" WEST, A DISTANCE OF 2,652.88 FEET FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER TO THE CENTER OF SAID SECTION, MONUMENTED AS SHOWN HEREON.

1. FIRST INTEGRITY TITLE COMPANY, COMMITMENT NO.: 103-2504462-T, EFFECTIVE DATE: MARCH 17, 2025, WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
2. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT.
3. GRADES WITHIN THE PUBLIC DRAINAGE AND UTILITY ESMT. SHALL NOT BE ALTERED WITHOUT APPROVAL FROM THE TOWN OF ELIZABETH. FENCES WILL NOT BE ALLOWED TO CROSS THIS EASEMENT, EXCEPT ALONG THE EXTERIOR PERIMETER OF THIS SUBDIVISION. THIS EASEMENT ALLOWS FOR THE ACCESS OF ANY LOT OWNER, TO ANY LOCATION WITHIN SAID EASEMENT, FOR THE PURPOSE OF PROVIDING MAINTENANCE AND UPKEEP TO THE DRAINAGE FACILITIES. THE PROPER OPERATION, MAINTENANCE AND UPKEEP OF THE DRAINAGE FACILITIES WITHIN THIS EASEMENT WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DRAINAGE OUTLET STRUCTURE, WATER QUALITY GRADE, DISCHARGE PIPE, GRASS SWALE, SPILLWAY, SHALL BE THE RESPONSIBILITY OF ALL LOT OWNERS, REGARDLESS OF THE LOCATION OF SAID DRAINAGE FACILITIES WITHIN THE EASEMENT. THE TOWN OF ELIZABETH RESERVES THE RIGHT TO ENTER THIS EASEMENT AT ANY LOCATION, AND AT ANY TIME, IN THE EVENT THAT THE OPERATION, MAINTENANCE AND UPKEEP OF THE DRAINAGE FACILITIES HAS NOT BEEN PROVIDED. THE COST OF THE TOWN OF ELIZABETH'S MAINTENANCE SHALL BE THE RESPONSIBILITY OF ALL LOT OWNERS.

1. THE DETENTION POND LOCATED ON LOT 1 TO BE UTILIZED FOR MANAGEMENT OF STORMWATER RUNOFF FROM LOTS 1, 2, AND 3.
2. THE DETENTION POND WILL BE MAINTAINED BY THE OWNER OF LOTS 1, 2, AND 3.

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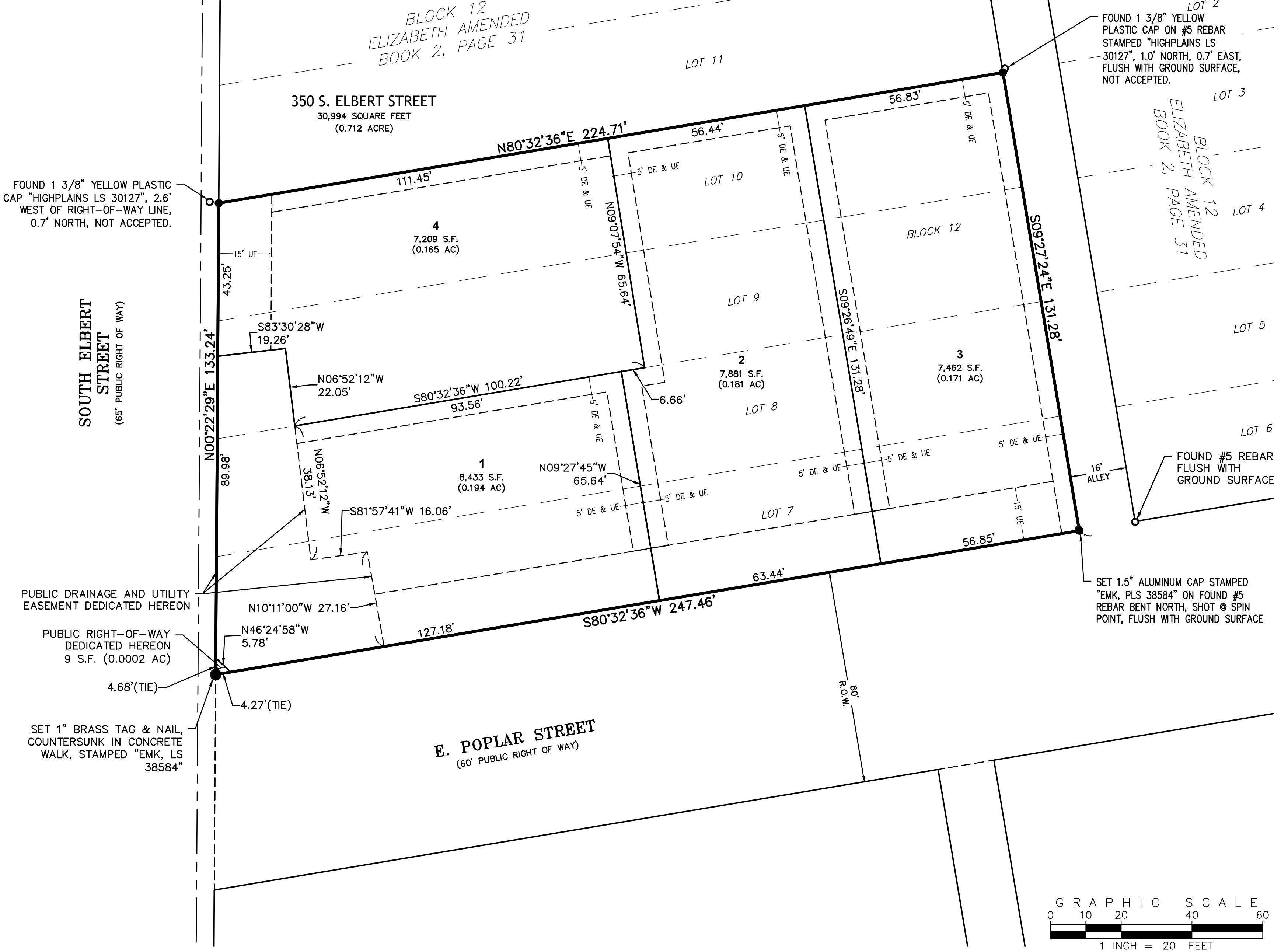
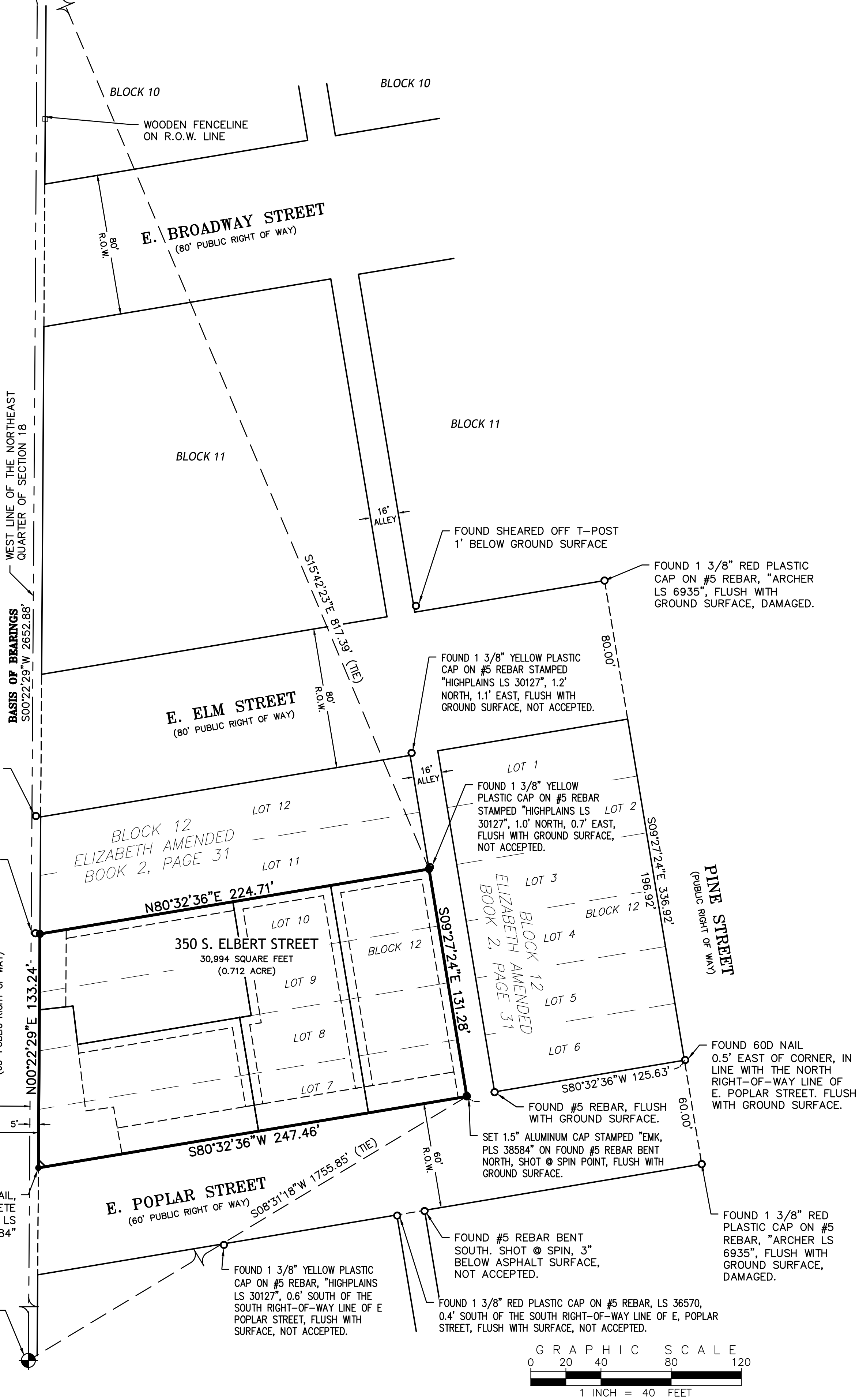
ELBERT STREET SUBDIVISION  
FINAL PLAT

A RESUBDIVISION OF LOTS 7 THROUGH 10, INCLUSIVE, BLOCK 12, ELIZABETH AMENDED,  
LYING IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH,  
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO,  
0.712 ACRE, 4 SINGLE FAMILY RESIDENTIAL LOTS, AND 0 TRACTS.

NORTHEAST CORNER OF SECTION 18  
FOUND 3.25" ALUMINUM CAP ON #6 REBAR, STAMPED "COLO  
DEPT OF TRANSPORTATION T8S R64W S7[S8+S18]S17 2001 LS  
31548", IN RANGE BOX

NORTHWEST CORNER OF THE NORTHEAST  
QUARTER OF SECTION 18  
FOUND 3.25" ALUMINUM CAP ON #5 REBAR, STAMPED "COLO  
DEPT OF TRANSPORTATION T8S R64W 1/4 S7[S18 2001 LS  
31548", IN RANGE BOX

N89°45'35"E 2642.35'  
NORTH LINE OF THE NORTHEAST  
QUARTER OF SECTION 18



NOTE:

IN JANUARY OF 2016, A SURVEY PLAT WAS PERFORMED AND CERTIFIED BY KEITH WESTFALL, PLS 30127. THE ONLY PROPERTY PIN WAS A #5 REBAR AT THE SOUTHEAST CORNER. THE SUBJECT PROPERTY WAS THEN MONUMENTED ON THE OTHER THREE CORNERS PER THAT SURVEY PLAT. HOWEVER, NO OTHER EXPLANATION OR EVIDENCE IS SHOWN AS TO THE RESOLUTION OF THE BOUNDARIES ON SAID SURVEY PLAT. THE NORTH AND SOUTH LINES EXCEED THE PLATTED DISTANCES BY 30-40 FEET. THE EAST LINE WAS SET PER RECORD DISTANCE, BUT THE SOUTH AND NORTH LINES WERE NOT.

ON FEBRUARY 21, 2022, AN IMPROVEMENT SURVEY PLAT WAS PERFORMED BY JOSEPH STICE III. THIS SURVEY PLAT ACCEPTED THE MONUMENTS SET AND THE REBAR FOUND BY THE PREVIOUS SURVEY, BUT FAILED TO GIVE AN EXPLANATION OR EVIDENCE AS TO WHY THE PROPERTY LINES ARE 30-40 FEET LONGER THAN PLATTED.

I GATHERED BOUNDARY EVIDENCE AND FOUND THAT THE PREVIOUS TWO SURVEYS WERE DEFICIENT IN EVIDENCE AND RESOLUTION. FURTHER INVESTIGATION SHOWS THAT THE NORTHWEST PROPERTY CORNER PIN LIES 2.6 FEET INTO THE RIGHT-OF-WAY OF SOUTH ELBERT STREET (AS DOES A SIMILAR MONUMENT FOUND NORTH OF IT). PLATS RECORDED TO THE WEST OF SOUTH ELBERT STREET NOTE A 5-FOOT RIGHT-OF-WAY EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, AND A 60-FOOT RIGHT-OF-WAY WEST OF SAID LINE. THIS IS ALSO SUBSTANTIATED BY THE ORIGINAL PLAT OF ELIZABETH, AMENDED THAT SHOWS A SMALL GAP BETWEEN THE ALIQUOT SECTION LINE AND THE BLOCKS, AS WELL AS FENCELINES SHOWN HEREON.

USING OLDER MONUMENTATION ALONG PINE STREET AND E. POPLAR STREET, TOGETHER WITH THE CORRECT RIGHT-OF-WAY DELINEATED, THE BOUNDARY IS RESOLVED HEREON.

LEGEND

- DE DRAINAGE EASEMENT
- UE UTILITY EASEMENT
- EXISTING LOT LINE
- PROPOSED EASEMENT
- PROPOSED LOT LINE
- LAND CORNER FOUND AS NOTED
- FOUND MONUMENT AS NOTED
- SET 1.5" ALUMINUM CAP STAMPED "EMK, PLS 38584" ON 18" LONG #5 REBAR, UNLESS OTHERWISE NOTED

PREPARED BY



EMK CONSULTANTS, INC.  
LAND DEVELOPMENT  
ENGINEERING & SURVEYING  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520 www.EMKC.com

ELBERT STREET SUBDIVISION

DATE PREPARED: JUNE, 2025

APPLICANT/DEVELOPER

MBP ENTERPRISES, INC.  
98 INVERNESS DR. EAST  
SUITE 330 ENGLEWOOD, COLORADO 80112  
ATTN: BRIAN PATTERSON





# TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

## LAND USE APPLICATION

DATE: 05/11/22

NAME OF PROJECT: 350 Elbert st. Minor Subdivision

NAME OF APPLICANT: Michael B. Patterson / MBP Enterprises inc.

ADDRESS AND LEGAL DESCRIPTION OF PROJECT: 350 Elbert st. Elizabeth CO. 80107.

SECTION: 18 TOWNSHIP: 8 RANG E: 64SUBDIVISION: ELIZABETH A MENDED BLOCK: 12 LOT: 7 AND:- LOT: 8 AND:- LOT: 9 AND:- LOT: 10

Please check the appropriate item(s):

|                                                         |                                            |                                                       |
|---------------------------------------------------------|--------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> REZONE                         | <input type="checkbox"/> PLAT              | <input type="checkbox"/> USE BY SPECIAL REVIEW        |
| <input type="checkbox"/> PUD (planned unit development) | <input type="checkbox"/> MINOR PLAT/REPLAT | <input type="checkbox"/> ANNEXATION                   |
| <input type="checkbox"/> VARIANCE                       | <input type="checkbox"/> SUBDIVISION       | <input checked="" type="checkbox"/> MINOR SUBDIVISION |
| <input type="checkbox"/> SITE PLAN                      | <input type="checkbox"/> OTHER             |                                                       |

PRESENT ZONING: CMU

AREA IN ACRES: 0.62

PROPOSED ZONING: SFD

PRESENT USE:

PROPOSED # OF LOTS (if applicable): 4

PROPOSED GROSS FLOOR AREA (if applicable): ~5,500sqft

### \*PROPERTY OWNER

NAME: MBP Enterprises Inc.

ADDRESS: 8888 Inspiration Dr.  
Parker, CO. 80138

TELEPHONE #: 303-829-6001

EMAIL:

SIGNATURE OF OWNER

SIGNATURE OF OWNER

### APPLICANT REPRESENTATIVE

NAME: Michael B. Patterson

ADDRESS: 8888 Inspiration Dr.  
Parker, CO. 80138

TELEPHONE #: 303-829-6001

EMAIL: brian@cashforhousescolorado.com

SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

### \*OWNERS SIGNATURE NEEDS TO BE NOTARIZED

Subscribed and sworn to be before me this 11<sup>TH</sup> day of MAY, 2022.

My commission expires

11/08/2023

Notary

HENRY ORDONEZ PASILLAS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20194042622  
MY COMMISSION EXPIRES 11/08/2023

PO Box 159, 151 S. Banner Street • Elizabeth, Colorado 80107 • (303) 646-4166 • Fax: (303) 646-9434 • www.townofelizabeth.org



**August 18<sup>th</sup>, 2023**

**TO:**

Town of Elizabeth

**Project Overview Letter**

The proposed project at 350 Elbert Street proposes to subdivide the existing property into (4) separate lots.

The existing structure and drive will remain as (1) lot.

The (3) empty lots are proposed to have prefabricated homes and garages placed on them, each with individual drives.

The site will mitigate all increased flows and runoff with an onsite above ground extended detention basin, which will outfall at the same rate of existing flows into the existing storm infrastructure.

The following construction activities will occur:

- Clearing of lot for proposed structures and construction
- Excavation to install new water, sewer and storm infrastructure.
- New electrical service to proposed buildings
- Construction/placement of prefabricated structures
- Landscaping

**Narrative for Use-by-Special Review**

The Elbert Street Subdivision proposes to create 4 new lots, with 4 residential units – 1 existing and 3 proposed. This proposal is in accordance with Sec. 16-9-20 – Criteria for approval as displayed below:

- (1) This proposal will be in harmony and compatible with the character of the surrounding areas and neighborhood, as it is all residential and proposing new residential units.
- (2) Will not result in an over-intensive use of land, as the only additional structures will be single family homes.
- (3) Will not have a material adverse effect on community capital improvement programs, as the improved sidewalks on both Elbert St and E Poplar St are to remain.
- (4) Will not require a level of community facilities and services greater than is available, since there are only 3 new proposed single family homes.
- (5) Will not result in undue traffic congestion or traffic hazards, since the number of new residents will not be significantly increasing with this development.
- (6) Will not cause significant air, water, or noise pollution with the small number of homes.
- (7) Will be adequately landscaped, buffered, and screened in accordance with all Town of Elizabeth standards.
- (8) Will not be otherwise detrimental to the health, safety or welfare of present or future inhabitants of the Town, but rather improve these with the addition of new residents to the area.

The Elbert Street Subdivision will create a small number of homes, which will bring new sources of residents and revenue to a residential area.





**September 9<sup>th</sup>, 2023**

**TO:**

Town of Elizabeth

**Alphabetical List of Adjacent Property Owners**

- Davis, Kristine K
- Gould, Jeffery
- Woods, Floyd

Attachment 1

ELIZABETH FIRE PROTECTION DISTRICT  
EMERGENCY SERVICES IMPACT FEE SCHEDULE

\* Fee rate determined based on the year of building permit issuance

Effective January 1, 2017

| Residential Units |                                 | Commercial Units     |                                                   |
|-------------------|---------------------------------|----------------------|---------------------------------------------------|
| <u>Unit Type</u>  | <u>Fee Per<br/>Housing Unit</u> | <u>Land Use Type</u> | <u>Fee Per 1000 Square<br/>Foot of Floor Area</u> |
| Single Unit       | \$858.20                        | Commercial           | \$425.60                                          |

Effective January 1, 2018

| Residential Units |                                 | Commercial Units     |                                                   |
|-------------------|---------------------------------|----------------------|---------------------------------------------------|
| <u>Unit Type</u>  | <u>Fee Per<br/>Housing Unit</u> | <u>Land Use Type</u> | <u>Fee Per 1000 Square<br/>Foot of Floor Area</u> |
| Single Unit       | \$1042.10                       | Commercial           | \$516.80                                          |

Effective January 1, 2019

| Residential Units |                                 | Commercial Units     |                                                   |
|-------------------|---------------------------------|----------------------|---------------------------------------------------|
| <u>Unit Type</u>  | <u>Fee Per<br/>Housing Unit</u> | <u>Land Use Type</u> | <u>Fee Per 1000 Square<br/>Foot of Floor Area</u> |
| Single Unit       | \$1226                          | Commercial           | \$608                                             |

Attachment 2

ELIZABETH FIRE PROTECTION DISTRICT  
IMPACT FEE FORM

| Developer Information                                                                                                                                                                                |                                         |                                                                            |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------|--|
| Development Company                                                                                                                                                                                  | MBP Enterprise                          | State of Incorporation                                                     |  |
| Address                                                                                                                                                                                              | 8888 Inspiration Drive Parker, CO 80138 |                                                                            |  |
| Telephone                                                                                                                                                                                            | 303-829-6001                            | Fax                                                                        |  |
| Contact Person                                                                                                                                                                                       |                                         |                                                                            |  |
| Name                                                                                                                                                                                                 | Michael Patterson                       | Title                                                                      |  |
| Telephone                                                                                                                                                                                            | 303-829-6001                            | Cell Phone                                                                 |  |
| Email Address                                                                                                                                                                                        | brian@cashforhousescolorado.com         |                                                                            |  |
| Development Information                                                                                                                                                                              |                                         |                                                                            |  |
| Name of Development                                                                                                                                                                                  | 350 Elbert Street                       | Location (Address or Cross Streets)                                        |  |
| Residential Units                                                                                                                                                                                    |                                         | Commercial Square Footage                                                  |  |
| 2017 Single Unit at time of building permit (\$858.20 per unit)                                                                                                                                      |                                         | 2017 Commercial at time of building permit (\$425.60 per 1000 square foot) |  |
| 2018 Single Unit at time of building permit (\$1042.10 per unit)                                                                                                                                     |                                         | 2018 Commercial at time of building permit (\$516.80 per 1000 square foot) |  |
| 2019 Single Unit at time of building permit (\$1226 per unit)                                                                                                                                        | 2 x \$1,226.00 = \$2452.00              | 2019 Commercial at time of building permit (\$608 per 1000 square foot)    |  |
| Impact Fee                                                                                                                                                                                           |                                         |                                                                            |  |
| Check one: <input type="checkbox"/> No impact fee owed <u>or</u> <input checked="" type="checkbox"/> Impact fee owed                                                                                 |                                         |                                                                            |  |
| If applicable: <input checked="" type="checkbox"/> An in-kind contribution will be made in lieu of paying an impact fee.<br>Description of the in-kind contribution (attach additional information): |                                         |                                                                            |  |

The developer and the Elizabeth Fire Protection District ("***District***") hereby attest that they conferred regarding whether, under the District's applicable Impact Fee Schedule: (a) an impact fee is owed in connection with the developer's proposed new development; (b) if owed, the amount of the impact fee; and, (c) whether the developer will make an in-kind contribution to the District instead of paying an impact fee.

The developer must submit this signed Impact Fee Form with the other documentation required by the Town of Elizabeth ("***Town***") as part of its development permit application process. If the Town denies the application, the developer is not required to pay the impact fee or make an in-kind contribution to the District. If the Town grants the application and issues a development permit, the developer must pay the impact fee or make the in-kind contribution to the District prior to the issuance of any building permit.

**DEVELOPER:**

MBP Enterprises inc.  
By: Michael B. Patterson

Date: 8/15/2023

**ELIZABETH FIRE PROTECTION DISTRICT:**

By: Kara Gerczynski

Date: 11/28/2022

Attachment 2

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**FOR DISTRICT USE ONLY:**

Impact fee in the amount of \$\_\_\_\_\_ paid on \_\_\_\_\_, 20\_\_\_\_\_

**or**

In-kind contribution of (briefly describe) \_\_\_\_\_  
made on \_\_\_\_\_, 20\_\_\_\_\_

District Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**SPECIAL WARRANTY DEED**

THIS DEED, is dated this 22nd day of December, 2021, and is made between (whether one, or more than one).

Weaver 350, LLC

the "Grantor", of the County of Elbert and State of Colorado and

MBP Enterprises, Inc.

(whether one, or more than one), the "Grantee",

whose legal address is 350 South Elbert St, Elizabeth, CO 80107 of the said County of Elbert and State of Colorado

State Doc Fee: \$41.58  
Recording Fee: \$10.00

WITNESS, that the Grantor, for and in consideration of the sum of ( \$415,750.00 ) Four Hundred Fifteen Thousand Seven Hundred Fifty Dollars and No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property together with any improvements thereon located in the County of Elbert and State of Colorado described as follows:

Lots 7, 8, 9 and 10, all in Block 12, Elizabeth Amended, also commonly known as the Town of Elizabeth Amended, County of Elbert, State of Colorado.

also known by street and number as: 350 South Elbert St., Elizabeth, CO 80107

TOGETHER with all and singular the hereditaments and appurtenances there unto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever. The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant and agree that the Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor except and subject to: Statutory Exceptions as defined in C.R.S. § 38-30-113(5)(a)

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Weaver 350, LLC

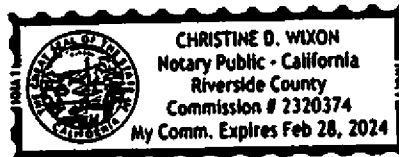
Curtis Weaver  
By Curtis Weaver Member OF THE WEAVER 350, LLC

State of California  
County of RIVERSIDE

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of DECEMBER, 2021 by Curtis Weaver Member of the Weaver 350, LLC.

Witness my hand and official seal.

Christine D. Wixon  
Notary Public: CHRISTINE D. WIXON  
My commission expires: FEB. 28, 2024





## TITLE DEPARTMENT – DELIVERY TRANSMITTAL

### Closing Location:

4610 S. Ulster Street, Suite 100  
Denver, CO 80237  
Phone: (303)209-0312 Fax: (303)648-4238

Order No.: 103-2504462-T  
Property Address: 350 South Elbert Street, Elizabeth, CO 80107  
Buyer(s)/Borrower(s): N/A  
Seller(s): MBP Enterprises Inc., a Colorado corporation

### BUYER/BORROWER

N/A  
Delivered Via Email

### SELLER

MBP Enterprises Inc., a Colorado corporation  
Delivered Via Agent

Above is a list of clients to whom the attached materials have been delivered. First Integrity Title Company has several office locations in which to serve you. The location noted on the commitment may not be your closing location. Please contact the closer below to confirm the closing destination as well as any inquiries or questions you may have. We sincerely thank you for your business and look forward to serving you.

### Escrow Team:

Dawn Alexander  
E-Mail Address: Dawn@firstintegritytitle.com  
Phone: (303) 209-0332  
4610 S. Ulster Street, Suite 100  
Denver, CO 80237

Teresa Cain  
E-Mail Address: Teresa@firstintegritytitle.com  
Phone: (303) 209-0306  
4610 S. Ulster Street, Suite 100  
Denver, CO 80237

### WIRE INSTRUCTIONS:

**Bank Name:** Bank of Colorado  
**Bank Address:** 1601 19th Street, Suite 130, Denver, CO 80201  
**ABA NO.:** 107002448  
**ACCOUNT:** 2001145558  
**CREDIT:** First Integrity Title Company  
**REFERENCE:** 103-2504462-T

**All Cashier's Checks must be payable to:**  
**First Integrity Title Company**



**ALTA COMMITMENT FOR TITLE INSURANCE**  
**Issued By**  
**CHICAGO TITLE INSURANCE COMPANY**

**NOTICE**

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

**COMMITMENT TO ISSUE POLICY**

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 90 after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

**Issued By:**

**CHICAGO TITLE INSURANCE COMPANY**

First Integrity Title Company

*Virginia Banks*

Virginia Banks



By: *Michael J. Nolan*  
Michael J. Nolan  
President

ATTEST: *Marjorie Nemzura*  
Marjorie Nemzura  
Secretary



## COMMITMENT CONDITIONS

### 1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
  - b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
  - c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
  - d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
  - e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
  - f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
  - g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
  - h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
  - i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
  - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
  3. The Company's liability and obligation is limited by and this Commitment is not valid without:
    - a. the Notice;
    - b. the Commitment to Issue Policy;
    - c. the Commitment Conditions;
    - d. Schedule A;
    - e. Schedule B, Part I-Requirements; and
    - f. Schedule B, Part II-Exceptions; and
    - g. a counter-signature by the Company or its issuing agent that may be in electronic form.

### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

### 5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I-Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. CLAIMS PROCEDURES**

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

**10. CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

**11. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

**Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:**

Issuing Agent: **First Integrity Title Company**  
Loan ID No.:  
Commitment No.: 103-2504462-T  
Property Address: 350 South Elbert Street, Elizabeth, CO 80107

**SCHEDULE A**

1. Commitment Date: **July 28, 2025**
2. Policy to be issued: **Premium**
  - a. ALTA Owners Policy (07/01/2021) **\$0.00**  
Proposed Insured:  
Proposed Amount of Insurance: \$0.00  
The estate or interest to be insured: Fee Simple

**Endorsements:**

**Additional Title Charges:**

- Search - Update fee **\$50.00**
3. The estate or interest in the Land at the Commitment Date is:  
Fee Simple
  4. The Title is, at the Commitment Date, vested in:  
[MBP Enterprises Inc, a Colorado corporation](#)
  5. The Land is described as follows:  
SEE SCHEDULE C ATTACHED HERETO

*This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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ALTA Commitment for Title Insurance (07-01-2021)  
Schedule A



103-2504462-T

## SCHEDULE B, PART I

### Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Payment of all taxes, charges and assessments, levied and assessed against the subject premises which are due and payable.
6. Receipt by the Company of the appropriate affidavit and indemnity executed by the owners of the subject property.

**THE PARTIES INVOLVED IN THE TRANSACTION MUST INFORM THE COMPANY, IN WRITING, IF ANY PORTION OF THE PROPERTY WILL BE USED IN CONNECTION WITH THE CULTIVATION, DISTRIBUTION, MANUFACTURE OR SALE OF MARIJUANA.**

**NOTICE: PLEASE BE AWARE THAT DUE TO THE CONFLICT BETWEEN FEDERAL AND STATE LAWS CONCERNING THE CULTIVATION, DISTRIBUTION, MANUFACTURE OR SALE OF MARIJUANA, THE COMPANY IS NOT PERMITTED TO PROVIDE ESCROW SERVICES OR TITLE INSURANCE FOR ANY TRANSACTION INVOLVING REAL PROPERTY THAT IS ASSOCIATED WITH THESE ACTIVITIES.**

**End of Schedule B, Part I**

*This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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ALTA Commitment for Title Insurance (07-01-2021)  
Schedule BI



103-2504462-T

## SCHEDULE B, PART II

### Exceptions

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.**

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Rights, interest or claims of parties in possession not shown by the public records.
3. Easements or claims of easements not shown by the public records.
4. Discrepancies, conflicts in boundary lines, encroachments, overlaps, variations or shortage in area or content, party walls and any other matters that would be disclosed by a correct survey and/or physical inspection of the land.
5. Any lien, or right to lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public record.
6. Any water or well rights, or rights or title to water or claims thereof, in, on or under the land.
7. Unpatented mining claims; reservations or exceptions in patents or in the Acts authorizing the issuance of said patents.
8. All taxes, assessments, levies and charges which constitute liens or are due or payable including unredeemed tax sales.
9. COVENANTS, TERMS, CONDITIONS, PROVISIONS, EASEMENTS, AGREEMENTS, STIPULATIONS, NOTES, BURDENS, OBLIGATIONS, RESTRICTIONS, RIGHTS OF WAY, LIEN RIGHTS (IF ANY) AND ANY/OR ALL AMENDMENTS THERETO, WHICH DO NOT INCLUDE A FORFEITURE OR REVERTER CLAUSE, SET FORTH ON THE PLAT OF ELIZABETH AMENDED RECORDED AUGUST 31, 1888 IN BOOK 2 AT PAGE 31
10. DEED OF TRUST FROM MBP ENTERPRISES INC TO THE PUBLIC TRUSTEE OF ELBERT COUNTY FOR THE BENEFIT OF CURTIS R. WEAVER TO SECURE AN INDEBTEDNESS IN THE PRINCIPAL SUM OF \$350,750.00, AND ANY OTHER AMOUNTS AND/OR OBLIGATIONS SECURED THEREBY, DATED DECEMBER 22, 2021 AND RECORDED ON DECEMBER 23, 2021 AT RECEPTION NO. [615402](#) IN BOOK 823 PAGE 829.
11. ITEM INTENTIONALLY DELETED.
12. ITEM INTENTIONALLY DELETED.

*This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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ALTA Commitment for Title Insurance (07-01-2021)  
Schedule BII



103-2504462-T

- 13. ITEM INTENTIONALLY DELETED.
- 14. ITEM INTENTIONALLY DELETED.
- 15. ITEM INTENTIONALLY DELETED.

**End of Schedule B, Part II**

*This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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ALTA Commitment for Title Insurance (07-01-2021)  
Schedule BII



103-2504462-T

## SCHEDULE C (Exhibit A)

The Land referred to is described as follows:

Lots 7, 8, 9 and 10, all in Block 12, Elizabeth Amended, also commonly known as the Town of Elizabeth Amended, County of Elbert, State of Colorado.

For information purposes only: 350 South Elbert Street, Elizabeth, CO 80107  
APN/Parcel ID: 8418113003

*This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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ALTA Commitment for Title Insurance (07-01-2021)  
Schedule C



103-2504462-T

# FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective August 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

## **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

## **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

## **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

**Links to Other Sites.** FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.



### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information:**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information:**

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

**For California Residents:** We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

**For Nevada Residents:** You may be placed on our internal Do Not Call List by calling (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: [BCPINFO@ag.state.nv.us](mailto:BCPINFO@ag.state.nv.us).

**For Oregon Residents:** We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

**For Vermont Residents:** We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

**Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

**International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

**FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

**Your Consent To This Privacy Notice; Notice Changes**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

**Accessing and Correcting Information; Contact Us**

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 714-2710, or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

# First Integrity Title Company

## PRIVACY POLICY

### Committed to Protecting Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information particularly any personal or financial information. You have a right to know how we will utilize the personal information you provide to us. Therefore, **First Integrity Title Company** has adopted this Privacy Policy to govern the use and handling of your personal information.

### Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

### Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- b. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- c. Information about your transactions with us, our agents, or others; and
- d. Information we receive from a consumer-reporting agency.

### Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis.

### Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

### Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities that need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Thank you for giving us the opportunity to provide your closing and settlement services.

## DISCLOSURE STATEMENT

- Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.
- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording. Whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an Owner's Policy of Title Insurance and is responsible for the recording and The Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 1 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.
- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single-family residence be notified in writing that the standard exception from coverage for unfiled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.
- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 - requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers".
- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).
- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.
- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to the requirements of this paragraph.
- Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers' legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.
- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.
- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, 1987 the Company is required to disclose the following information:
  - The subject property may be located in a special taxing district.
  - Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.
- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note:** Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy, the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

# EXHIBIT B: REFERRAL AGENCY COMMENT APPROVALS

**From:** [Brooks Kaufman](#)  
**To:** [Nolan Stuart](#); [Travis Reynolds](#)  
**Cc:** [Erica Engelhard](#); [Josue Loma](#); [Michael Patterson](#); [tvodopich@liveyourcore.com](#); [Kara Gerczynski](#); [Alexandra Cramer](#); ["Michael DeVol"](#); [Jason Hudson](#); [Sam Gallucci](#)  
**Subject:** RE: 350 Elbert Street - remaining comments  
**Date:** Monday, April 14, 2025 7:36:03 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

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Good morning Nolan

CORE Electric Cooperative approves the final plat.

Respectfully

**Brooks Kaufman**

Lands and Rights of Way Manager

800.332.9540 MAIN  
720.733.5493 DIRECT  
303.912.0765 MOBILE

[www.core.coop](http://www.core.coop).



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---

**From:** Nolan Stuart <nolan@raptor-civil.com>  
**Sent:** Friday, April 11, 2025 5:12 PM  
**To:** Travis Reynolds <treynolds@safebuilt.com>  
**Cc:** Erica Engelhard <erica@raptor-civil.com>; Josue Loma <jloma@safebuilt.com>; Michael Patterson <brian@cashforhousescolorado.com>; tvodopich@liveyourcore.com; Kara Gerczynski <kara@elizabethfire.org>; Alexandra Cramer <acramer@townofelizabeth.org>; Brooks Kaufman <BKaufman@core.coop>; 'Michael DeVol' <mdevol@townofelizabeth.org>; Jason Hudson <jhudson@emkc.com>; Sam Gallucci <sgallucci@emkc.com>  
**Subject:** RE: 350 Elbert Street - remaining comments

**From:** [Martin Metsker](#)  
**To:** [Josue Loma](#)  
**Cc:** [Travis Reynolds](#)  
**Subject:** RE: 350 S Elbert St - Town of Elizabeth  
**Date:** Wednesday, July 9, 2025 9:21:01 AM

---

Looks good to us, we have no further comments.

---

**From:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>  
**Sent:** Wednesday, July 2, 2025 3:38 PM  
**To:** Martin Metsker <[mmetsker@terracedesign.com](mailto:mmetsker@terracedesign.com)>  
**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>  
**Subject:** RE: 350 S Elbert St - Town of Elizabeth

Good afternoon, Martin,

We received a revised submission from the applicants that is [linked via Dropbox](#).

Please review the revised submission, and please let us know if this addresses your comments.

Thank you again for your collaboration on this project.

Best regards,

Josue

Josue Loma – Colorado Planner | SAFEbuilt Studio | Denver, CO | 📞 720.346.2145

---

**From:** Martin Metsker <[mmetsker@terracedesign.com](mailto:mmetsker@terracedesign.com)>  
**Sent:** Tuesday, June 17, 2025 7:24 AM  
**To:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>  
**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>  
**Subject:** RE: 350 S Elbert St - Town of Elizabeth

Josue,

Here are our review comments.

Upon updating the plans per below, the Owner/Engineer should submit (PDF) sealed/certified copies of the plans and Drainage report.

1) Final Plat - we do not believe that the use of the word "OWNED" is proper under DRAINAGE NOTES - note #2, located on the cover sheet, as the detention pond is fully located and appears to be fully owned by the owner of Lot 1. The remaining portion of the note regarding Maintenance is acceptable.

2) We apologize for not previously noticing that the Owner/Developer statement and signature needs to be included within the Drainage report.

---

**From:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>  
**Sent:** Monday, June 16, 2025 8:22 AM  
**To:** Martin Metsker <[mmetsker@terracinadesign.com](mailto:mmetsker@terracinadesign.com)>  
**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>  
**Subject:** 350 S Elbert St - Town of Elizabeth

Hi Martin,

Reaching out to share Nolan's recent submittal for the [minor development subdivision](#) at 350 S Elbert St. Based on our meeting (5/9/25 ), does this version address all outstanding concerns?

Travis and I are available to talk through any questions from 6/16 to 6/19, with our goal being to get this wrapped up for the Town and scheduled for a public hearing asap.

Thanks for your help!

Best regards,

Josue

Josue Loma – Colorado Planner | SAFEbuilt Studio | Denver, CO | 📞 720.346.2145



**From:** [Greg Toles](#)  
**To:** [Josue Loma](#)  
**Subject:** RE: [External] REFERRAL - Town of Elizabeth - 350 S Elbert St  
**Date:** Wednesday, February 8, 2023 12:37:39 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Josue,

The plat I shared with you is Elizabeth Amendment 1 not B823 P828. This book/page is for the special warranty deed. If Zach has evidence of any other modifications to the parcel's boundaries, please have him share them with me. As it stand now, the dimensions used in the review does not match the dimensions of the property.

Thanks,

**Greg Toles**  
GIS Analyst  
Assessor's Office  
303-621-3111  
[greg.toles@elbertcounty-co.gov](mailto:greg.toles@elbertcounty-co.gov)

---

**From:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>  
**Sent:** Wednesday, February 8, 2023 12:04 PM  
**To:** Greg Toles <[Greg.Toles@elbertcounty-co.gov](mailto:Greg.Toles@elbertcounty-co.gov)>  
**Subject:** RE: [External] REFERRAL - Town of Elizabeth - 350 S Elbert St

Hello Greg,

When I review the Elbert County GIS, I noted that the subdivision this parcel was recorded as ELIZABETH AMEND 1 and is part of Bk:823 Pg:828 Rec#615401. Is this the plat you shared with me?

Unfortunately, I do not have a copy of this plat (Elizabeth Amend 1); however, Zach Higgins is working on the subdivision plat application separately and will likely have this record. In addition, as they are reviewing the plat separately from this Special Review, we will want to ensure that the dimensions being shared are matching.

I can reach out to Zach within the next couple of days and will include you in that conversation.

Thank you,

Josue

Josue Loma – Colorado Planner | SAFEbuilt Studio | Denver, CO | 📞 720.346.2145

---

**From:** Greg Toles <[Greg.Toles@elbertcounty-co.gov](mailto:Greg.Toles@elbertcounty-co.gov)>  
**Sent:** Wednesday, February 8, 2023 11:29 AM

**To:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>

**Subject:** RE: REFERRAL - Town of Elizabeth - 350 S Elbert St

Attached is the full plat (Elizabeth Amended)

**Greg Toles**

GIS Analyst

Assessor's Office

303-621-3111

[greg.toles@elbertcounty-co.gov](mailto:greg.toles@elbertcounty-co.gov)

---

**From:** Greg Toles

**Sent:** Wednesday, February 8, 2023 11:18 AM

**To:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>

**Subject:** RE: REFERRAL - Town of Elizabeth - 350 S Elbert St

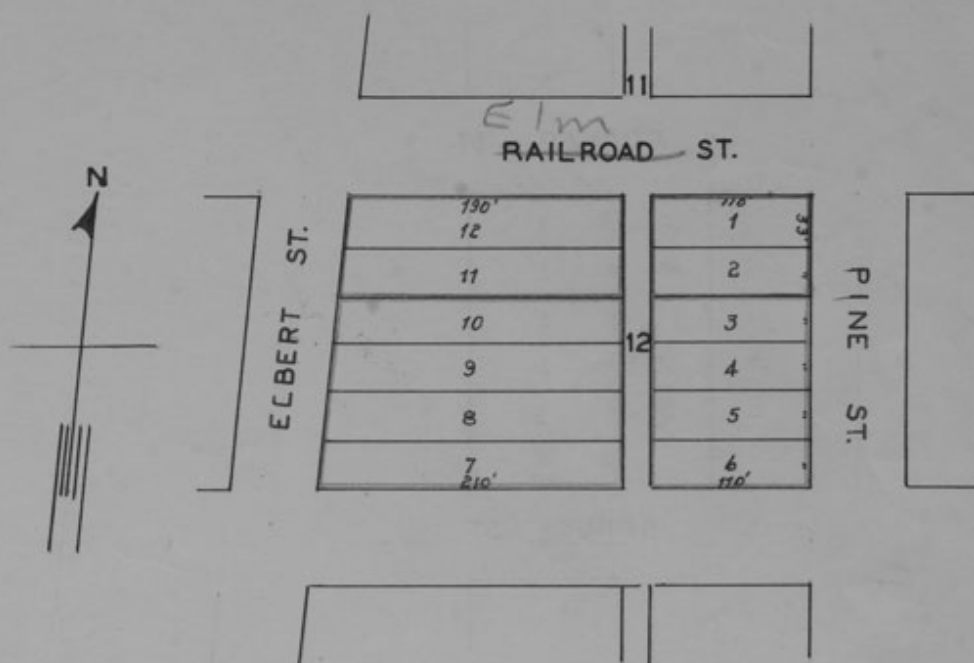
Josue,

The last plat I have (Elizabeth Amended) for this area shows that the southern border is only 210' and the eastern border is only 132'. Is there another plat from the town that did not get recorded.

Town of ELIZABETH, AMENDED Addition

Block No. 12

Page 12 of 12 5/1/01 01/11/01 01/11/01 01/11/01



**Greg Toles**  
GIS Analyst  
Assessor's Office

303-621-3111

[greg.toles@elbertcounty-co.gov](mailto:greg.toles@elbertcounty-co.gov)

---

**From:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>

**Sent:** Tuesday, February 7, 2023 3:58 PM

**Cc:** Greg Toles <[Greg.Toles@elbertcounty-co.gov](mailto:Greg.Toles@elbertcounty-co.gov)>; Assessor Mailbox <[Assessor@elbertcounty-co.gov](mailto:Assessor@elbertcounty-co.gov)>; [coloradoes@fws.gov](mailto:coloradoes@fws.gov); [matt@stolfusandassociates.com](mailto:matt@stolfusandassociates.com); [elizabeth@stolfusandassociates.com](mailto:elizabeth@stolfusandassociates.com); [mseitz@hrswater.com](mailto:mseitz@hrswater.com); Stacey Rinehart <[Stacey.Rinehart@elbertcounty-co.gov](mailto:Stacey.Rinehart@elbertcounty-co.gov)>; [timothy.bilobran@state.co.us](mailto:timothy.bilobran@state.co.us); [mike@elizabethpr.com](mailto:mike@elizabethpr.com); [kara@elizabethfire.com](mailto:kara@elizabethfire.com); [BKaufman@Irea.Coop](mailto:BKaufman@Irea.Coop); [kevin.houck@state.co.us](mailto:kevin.houck@state.co.us); [kiel.g.downing@usace.army.mil](mailto:kiel.g.downing@usace.army.mil); Christina Stanton <[Christina.Stanton@elbertcounty-co.gov](mailto:Christina.Stanton@elbertcounty-co.gov)>; [mdevol@townofelizabeth.org](mailto:mdevol@townofelizabeth.org); [srabe@townofelizabeth.org](mailto:srabe@townofelizabeth.org); [randerson@jvajva.com](mailto:randerson@jvajva.com); [Jason.McKune@blackhillscorp.com](mailto:Jason.McKune@blackhillscorp.com); Scott Pease, PE <[pease@corecivil.com](mailto:pease@corecivil.com)>; Tim Norton <[Tim.Norton@elbertcounty-co.gov](mailto:Tim.Norton@elbertcounty-co.gov)>; [brian.hyde@state.co.us](mailto:brian.hyde@state.co.us); [director@pplibraries.org](mailto:director@pplibraries.org); [Nicholas.m.games@usps.gov](mailto:Nicholas.m.games@usps.gov); Randy Baca <[rbaca@safebuilt.com](mailto:rbaca@safebuilt.com)>; Zach Higgins <[zhiggins@townofelizabeth.org](mailto:zhiggins@townofelizabeth.org)>; Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>; [t.clark@elizabethfire.org](mailto:t.clark@elizabethfire.org); [rbrooks@esdk12.org](mailto:rbrooks@esdk12.org)

**Subject:** [External] REFERRAL - Town of Elizabeth - 350 S Elbert St

**SUBJECT: Town of Elizabeth** – 350 S Elbert St – Uses by Special Review

**PROJECT NAME:** 350 S Elbert St

**LEGAL DESCRIPTION:** Legal Description – Block 12, Lots 7-10 | Elizabeth Amend 1 Subdivision, as recorded in Elbert County, CO

**PROJECT LOCATION:** NE Corner of S Elbert Street and Poplar Street, Elizabeth, Colorado | [Google Maps](#)

**APPLICATION TYPE:** Special Review Use – See [Article IX, Uses Permitted by Special Review](#). \*Please note that there is a current subdivision plat application under review to reconfigure the above lots.

**APPLICANT:** Michael Patterson, (303) 829-6001 | [brian@cashforhousescolorado.com](mailto:brian@cashforhousescolorado.com) on behalf of MBP Enterprises Inc.

**CASE MANAGER:** [Josue Loma](#) (he/him), on behalf of the Town of Elizabeth and Zach Higgins

**COMMENTS DUE:** Monday, March 6, 2023

The Town of Elizabeth has received a Use by Special Review application to develop three residential units with a full spectrum detention pond on an existing lot that is zoned as Commercial Mixed-Use (CMU). A concurrent subdivision application is being processed with the Town. The existing structures on the property include one single-family dwelling with a detached garage.

Click  [HERE](#) to access submittal documents

Please review and provide comments by replying to this email by the due date above so that we may give full consideration to your comments. Don't hesitate to let me know if you need to request an extension, so we may also communicate it to the applicant. If you have any questions about this application, please contact me.

Thank you,

**From:** [Travis Reynolds](#)  
**To:** [Josue Loma](#)  
**Subject:** FW: Referral 4: Use by Special Review and Minor Development (subdivision) for 350 S Elbert St  
**Date:** Tuesday, July 29, 2025 5:10:09 PM  
**Attachments:** [image003.png](#)

---

**Travis Reynolds, AICP**

*Colorado Planning Manager*



**office:** 303-912-7153 | **cell:** 303-912-7153  
1700 Lincoln Street, 17<sup>th</sup> Floor, Denver, CO 80203  
[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)  
[safebuilt.com](http://safebuilt.com)  
[Connect with Us on LinkedIn](#)

**INTEGRITY | IMPROVEMENT | SERVICE | TEAMWORK | RESPECT**

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**From:** Michael DeVol <mdevol@townofelizabeth.org>  
**Sent:** Wednesday, February 19, 2025 1:05 PM  
**To:** Scott Pease <spease@liveyourcore.com>  
**Cc:** Tyler Vodopich <TVodopich@liveyourcore.com>; Travis Reynolds <treynolds@safebuilt.com>  
**Subject:** RE: Referral 4: Use by Special Review and Minor Development (subdivision) for 350 S Elbert St

Scott,

Thank you for the inclusion. Yes, I have reviewed the Water and Sanitary services and Mainline work and tie-in's, and they have satisfied everything there.

Thank you,

Mike Devol  
Public Works Director  
Town of Elizabeth  
GCWWTP Operations  
[mdevol@townofelizabeth.org](mailto:mdevol@townofelizabeth.org)  
303-913-6453

---

**From:** Scott Pease <[spease@liveyourcore.com](mailto:spease@liveyourcore.com)>  
**Sent:** Wednesday, February 19, 2025 12:23 PM  
**To:** Michael DeVol <[mdevol@townofelizabeth.org](mailto:mdevol@townofelizabeth.org)>  
**Cc:** Tyler Vodopich <[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)>; Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>  
**Subject:** Fw: Referral 4: Use by Special Review and Minor Development (subdivision) for 350 S Elbert St

Mike - im not sure if you got this review sent to you or not - its due back to the Town on Friday with Travis Reynolds being the primary plan review coordinator. Im sending my redlines out today and i will make sure that you are CC'd on the redlines.

---

**From:** Tyler Vodopich <[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)>  
**Sent:** Monday, February 17, 2025 12:14 PM  
**To:** Scott Pease <[spease@liveyourcore.com](mailto:spease@liveyourcore.com)>  
**Subject:** FW: Referral 4: Use by Special Review and Minor Development (subdivision) for 350 S Elbert St

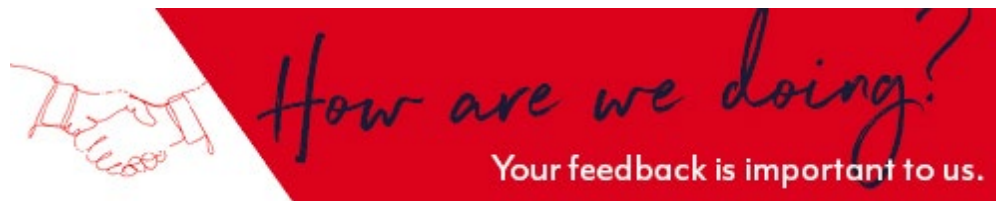
Hi Scott!

Been a while, I hope you are doing well. We received this review request from SafeBuilt for 350 S Elbert St which you have previously reviewed. Would you have availability to review and return before the end of this week?



**TYLER VODOPICH, PE**  
Project Engineer

3473 S. Broadway, Englewood, CO 80113  
Phone (303) 703-4444  
[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com) \ [liveyourcore.com](http://liveyourcore.com)



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**From:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>  
**Sent:** Friday, February 7, 2025 12:09 PM  
**To:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>  
**Cc:** Tyler Vodopich <[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)>; Brooks Kaufman <[BKaufman@core.coop](mailto:BKaufman@core.coop)>; [kara@elizabethfire.com](mailto:kara@elizabethfire.com); [matt@stolfusandassociates.com](mailto:matt@stolfusandassociates.com)

**Subject:** Referral 4: Use by Special Review and Minor Development (subdivision) for 350 S Elbert St

Hello,

I am sharing the most recent submittal provided by the applicants for 350 S Elbert St that I served as the case manager; however, this project has now been transitioned to [Travis Reynolds](#).

Please see application details below and note the review deadline of **Friday, February 21, 2025**:

**Subject:** REFERRAL - Town of Elizabeth - 350 S Elbert St

**PROJECT NAME:** 350 S Elbert St

**LEGAL DESCRIPTION:** Legal Description – Block 12, Lots 7-10 | Elizabeth Amend 1 Subdivision, as recorded in Elbert County, CO

**PROJECT LOCATION:** NE Corner of S Elbert Street and Poplar Street, Elizabeth, Colorado | [Google Maps](#)

**APPLICATION TYPE:** \*Special Review Use ([Article IX](#)) and Minor Development (subdivision, [Sec. 16-3-70](#))

\*To ensure consistency in the review of this site, the Use by Special Review has been combined with the Minor Development application.

**APPLICANT:** Michael Patterson on behalf of MBP Enterprises Inc., (303) 829-6001 | [brian@cashforhousescolorado.com](mailto:brian@cashforhousescolorado.com)

**NEW CASE MANAGER:** [Travis Reynolds](#) on behalf of the Town of Elizabeth.

**COMMENTS DUE:** [Friday, February 21, 2025](#)

The Town of Elizabeth has received a resubmittal for the Use by Special Review and Minor Development application to develop three residential units with a full spectrum detention pond on an existing lot that is zoned as Commercial Mixed-Use (CMU). The concurrent subdivision application is being combined for this referral. The existing structures on the property include one single-family dwelling with a detached garage.

The submittal may be located via [DropBox](#) due to the size of the submission – if you are unable to access the files, please let us know.

**From:** [Max Rusch](#)  
**To:** [Josue Loma](#)  
**Subject:** RE: Referral 5: Use by Special Review and Minor Development (subdivision) for 350 S Elbert St  
**Date:** Friday, May 2, 2025 8:21:39 AM  
**Attachments:** [image001.png](#)  
[4f877fb8-e384-4434-8ad1-172a438da824.png](#)

---

Good morning Josue,

I've reviewed this submittal and have no comments related to the traffic or safety.

Thanks,

**Max Rusch, PE, PTOE, RSP**  
*Transportation Project Manager*

**Stolfus**

Stolfus & Associates, Inc. | 5690 DTC Boulevard, Suite 330W | Greenwood Village, CO 80111

P: [303-221-2330](tel:303-221-2330) | [max@stolfusandassociates.com](mailto:max@stolfusandassociates.com)

---

**From:** Matthew Brown <[Matt@Stolfusandassociates.com](mailto:Matt@Stolfusandassociates.com)>  
**Sent:** Friday, April 18, 2025 12:00 PM  
**To:** Max Rusch <[max@Stolfusandassociates.com](mailto:max@Stolfusandassociates.com)>  
**Subject:** Fw: Referral 5: Use by Special Review and Minor Development (subdivision) for 350 S Elbert St

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**From:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>  
**Sent:** Friday, April 18, 2025 11:31:49 AM  
**To:** Tyler Vodopich <[tvodopich@liveyourcore.com](mailto:tvodopich@liveyourcore.com)>; Scott Pease <[spease@liveyourcore.com](mailto:spease@liveyourcore.com)>; Matthew Brown <[Matt@Stolfusandassociates.com](mailto:Matt@Stolfusandassociates.com)>  
**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>  
**Subject:** Referral 5: Use by Special Review and Minor Development (subdivision) for 350 S Elbert St

Hello,

We are sharing the most recent plat submittal provided by the 350 S Elbert St applicants.

\*Please note, we are aiming to have this be the last submittal for an approvable plat. If there are any



outstanding comments from this round of review, we will be directing the applicant to connect with you directly for remedy.

Please see application details below and note the review deadline of **Friday, May 2, 2025**:

**Subject:** REFERRAL - Town of Elizabeth - 350 S Elbert St

**PROJECT NAME:** 350 S Elbert St

**LEGAL DESCRIPTION:** Legal Description – Block 12, Lots 7-10 | Elizabeth Amend 1 Subdivision, as recorded in Elbert County, CO

**PROJECT LOCATION:** NE Corner of S Elbert Street and Poplar Street, Elizabeth, Colorado | [Google Maps](#)

**APPLICATION TYPE:** \*Special Review Use ([Article IX](#)) and Minor Development (subdivision, [Sec. 16-3-70](#))

\*To ensure consistency in the review of this site, the Use by Special Review has been combined with the Minor Development application.

**APPLICANT:** Michael Patterson on behalf of MBP Enterprises Inc., (303) 829-6001 | [brian@cashforhousescolorado.com](mailto:brian@cashforhousescolorado.com)

**NEW CASE MANAGER:** [Travis Reynolds](#) on behalf of the Town of Elizabeth.

**COMMENTS DUE:** Friday, May 2, 2025

The Town of Elizabeth has received a resubmittal for the Use by Special Review and Minor Development application to develop three residential units with a full spectrum detention pond on an existing lot that is zoned as Commercial Mixed-Use (CMU). The concurrent subdivision application is being combined for this referral. The existing structures on the property include one single-family dwelling with a detached garage.

The submittal may be located via [DropBox](#) due to the size of the submission – if you are unable to access the files, please let us know.

# EXHIBIT C: PUBLIC NOTICE





## **NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the property upon which this sign is posted shall be considered at public hearings for use permitted by special review and final plat pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the Planning Commission on August 5, 2025 at 6:30 p.m. and Board of Trustees on August 12, 2025 at 7:00 p.m., or as soon as possible thereafter. The public hearings shall be held in the Town Hall, 151 South Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at 303-646-4166.

**ALL INTERESTED PERSONS MAY ATTEND.**





## **TOWN OF ELIZABETH**

COMMUNITY DEVELOPMENT DEPARTMENT

*For publication in the Ranchland News on July 17, 2025.*

### **NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Planning Commission and Board of Trustees shall hold public hearings concerning a final plat application for the project known as Elbert Street Subdivision on property described in Exhibit A and generally located on the northeast side of Poplar Street and Elbert Street pursuant to the Town of Elizabeth Land Development Ordinance.

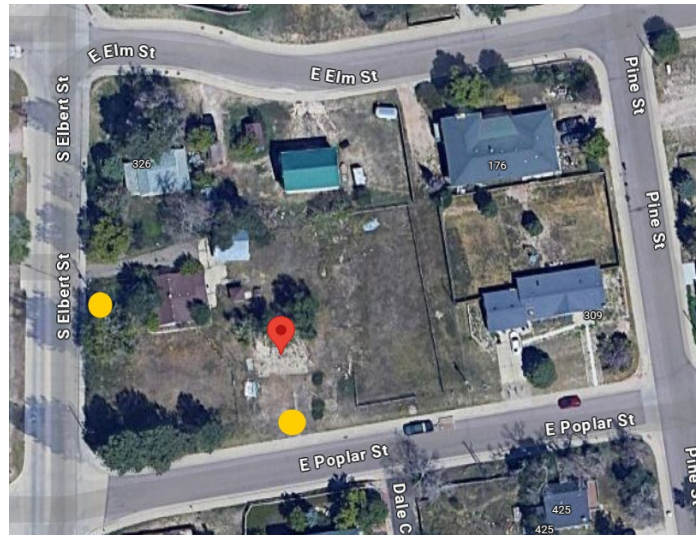
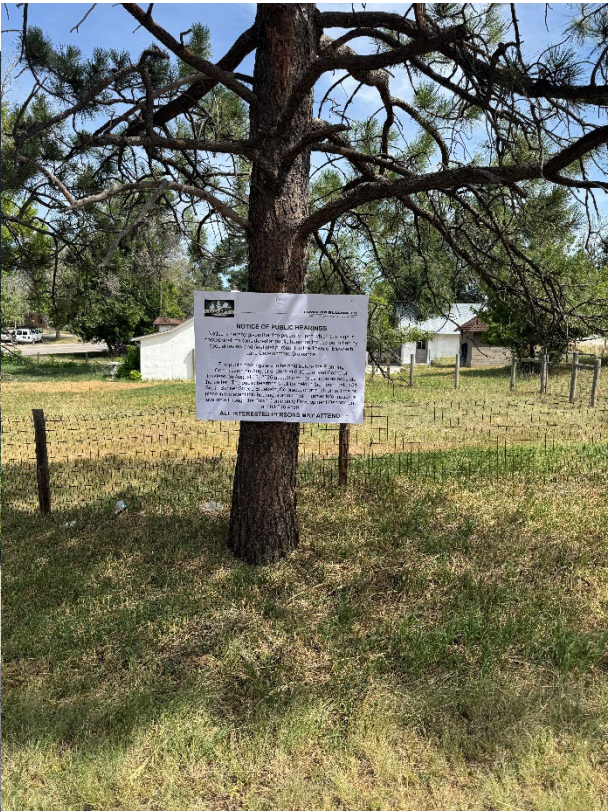
The public hearings are to be held before the Planning Commission on August 5, 2025 at 6:30 p.m. and Board of Trustees on August 12, 2025 at 7:00 p.m., or as soon as possible thereafter. The public hearings shall be held in the Town Hall, 151 South Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at 303-646-4166.

### **ALL INTERESTED PERSONS MAY ATTEND.**

#### **EXHIBIT A (legal description)**

A resubdivision of Lots 7-10, Block 12, Elizabeth Amended, situated in the northeast quarter of Section 18, Township 8 South, Range 65 West of the 6th P.M., Town of Elizabeth, County of Elbert, State of Colorado.





| statedarea | locnum      | locunit | locpredir | OWNER                          | CARE OF                       | ADDRESS                    | CITY         | STATE | ZIP        |
|------------|-------------|---------|-----------|--------------------------------|-------------------------------|----------------------------|--------------|-------|------------|
| 0.202      | 573         |         |           | MYERS MATTHEW                  |                               | PO BOX 2321                | ELIZABETH    | CO    | 80107      |
| 0.231      | 560         | S       |           | MARISCO RAPHAEL A              | MARISCO MARIA                 | 1916 MIDDLEFIELD RD        | REDWOOD CITY | CA    | 94063      |
| 6.11       |             |         |           | ELIZABETH TOWN BOARD           |                               | PO BOX 159                 | ELIZABETH    | CO    | 80107-0159 |
| 0.2        | 133         | E       |           | ULIVIERI DAVIDE                | JAGODA ROBIN                  | 133 EAST CHESTNUT STREET   | ELIZABETH    | CO    | 80107      |
| 0.194      | 551         |         |           | FSMS FAMILY TRUST              |                               | 44374 SHENANDOAH COURT     | ELIZABETH    | CO    | 80107      |
| 0.214      | 523 A-C     | E       |           | WHITEHALL RENTALS INC          |                               | PO BOX 98                  | MATHESON     | CO    | 80830      |
| 0.171      | 525         |         |           | HARRIS WILLIAM E               |                               | 525 DALE CT                | ELIZABETH    | CO    | 80107      |
| 0.242      | 473         | S       |           | MALACRIDA ANTHONY              | MALACRIDA GRACE, et al.       | 473 S PINE ST              | ELIZABETH    | CO    | 80107      |
| 0.166      | 481         | S       |           | MANZANARES EDWINA T            |                               | 481 SOUTH BANNER ST        | ELIZABETH    | CO    | 80107      |
| 3.283      | 433         | S       |           | TOWN OF ELIZABETH              |                               | PO BOX 159                 | ELIZABETH    | CO    | 80107-0159 |
| 0.249      | 231         | E       |           | ELIZABETH SCHOOL DISTRICT      |                               | PO BOX 520                 | ELIZABETH    | CO    | 80107-0520 |
| 0.242      | 451         | S       |           | CAMPBELL HELENANN              |                               | PO BOX 1754                | ELIZABETH    | CO    | 80107      |
| 0.491      | 476 A-C     | S       |           | REYNOLDS NICOLLE A             |                               | 476 ELBERT ST              | ELIZABETH    | CO    | 80107      |
| 0.519      | 175 101-106 | E       |           | FITZGERALD PARK CONDOS LLC     |                               | PO BOX 1684                | ELIZABETH    | CO    | 80107      |
| 0.166      | 459         | S       |           | SCHAUER CHRISTINA              | SILVERMAN SYRINA HALEN        | 459 S BANNER ST            | ELIZABETH    | CO    | 80107      |
| 0.242      | 425         | S       |           | RAGAN JERRY                    |                               | 27202 PINE VISTA CIR       | KIOWA        | CO    | 80117      |
| 0.25       | 226         | E       |           | KLINGBEIL ALISON               |                               | PO BOX 1537                | ELIZABETH    | CO    | 80107      |
| 0.166      | 417         | S       |           | MUZEK BUCK MAUREEN             | BUCK MICHAEL                  | PO BOX 1838                | ELIZABETH    | CO    | 80107      |
| 0.3        | 420         | S       |           | SCHRODER MICHAEL LEE           |                               | 18473 W MARCONI AVE        | SURPRISE     | AZ    | 85388      |
| 0.216      | 173         | W       |           | OSTLER ROBERT J                | REMINGTON SADIE JAYNE, et al. | 173 POPLAR ST              | ELIZABETH    | CO    | 80107      |
| 0.216      | 153         | W       |           | CHERRY VALLEY CONSTRUCTION LLC |                               | PO BOX 477                 | ELIZABETH    | CO    | 80107-0477 |
| 0.144      | 147         | W       |           | HARTMANN JENNIFER              |                               | 36532 FOREST TRAIL         | ELIZABETH    | CO    | 80107      |
| 0.144      | 139         | W       |           | BUNKER STEVEN S                |                               | 139 W POPLAR STREET        | ELIZABETH    | CO    | 80107      |
| 0.288      | 133         | W       |           | HEIRENDT LUKE D                | HEIRENDT JANELLE M            | 133 W POPLAR ST            | ELIZABETH    | CO    | 80107      |
| 0.215      | 119         | W       |           | RAO ASHLEY                     | RAO RAHUL                     | 119 W POPLAR ST            | ELIZABETH    | CO    | 80107      |
| 0.616      | 350         | S       |           | MBP ENTERPRISES INC            |                               | 350 S ELBERT ST            | ELIZABETH    | CO    | 80107      |
| 0.333      | 309         | E       |           | GOULD JEFFREY                  |                               | 309 E POPLAR ST            | ELIZABETH    | CO    | 80107      |
| 0.333      | 249         | E       |           | PASTINE CRAIG T                | PASTINE L JEANNETTE           | 30 MEMMEN DR               | CASTLE ROCK  | CO    | 80104      |
| 0.293      | 326         | S       |           | DAVIS KRISTINE K               |                               | PO BOX 2265                | ELIZABETH    | CO    | 80107      |
| 0.324      | 378         | S       |           | COWLEY ROBERT R                |                               | 40900 WIND SPIRIT LN       | PARKER       | CO    | 80138-4758 |
| 0.216      | 172         | W       |           | JAHNZ NICHOLAS B               | JAHNZ CHRISTINA RAQUEL        | 172 ELM ST                 | ELIZABETH    | CO    | 80107      |
| 0.167      | 327         | S       |           | SECRETARY OF VETERANS AFFAIRS  |                               | 3401 WEST END AVE STE 760A | NASHVILLE    | TN    | 37203      |
| 0.215      | 168         | W       |           | HAWKSEY JUSTIN THOMAS          | GAFFIGAN GENEVIEVE ELIZABETH  | 168 ELM STREET             | ELIZABETH    | CO    | 80107      |
| 0.287      | 148         | W       |           | TAYLOR CHRISTOPHER             |                               | PO BOX 2242                | ELIZABETH    | CO    | 80107      |
| 0.17       |             |         |           | TURN 2 DEVELOPMENT LLC         |                               | PO BOX 2586                | ELIZABETH    | CO    | 80107      |
| 0.18       | 114         | W       |           | BEIGHEY MAUREEN                |                               | PO BOX 382                 | ELIZABETH    | CO    | 80107-0382 |
| 0.169      | 345         | S       |           | CORNELL DUNCAN R               | CORNELL TAYLOR C              | 28450 STATE HIGHWAY 86     | SIMLA        | CO    | 80835      |
| 0.167      |             |         |           | ELIZABETH PRESBYTERIAN CHURCH  |                               | PO BOX 117                 | ELIZABETH    | CO    | 80107-0117 |
| 0.5        | 325         | S       |           | ELIZABETH PRESBYTERIAN CHURCH  |                               | PO BOX 117                 | ELIZABETH    | CO    | 80107-0117 |
| 0.277      | 324         | E       |           | EVELETH STEVEN GEORGE          |                               | 324 E ELM ST               | ELIZABETH    | CO    | 80107      |
| 0.167      | 265         | S       |           | GEIGER KALEB                   | GEIGER DALANEY, et al.        | 265 S PINE STREET          | ELIZABETH    | CO    | 80107-5116 |
| 0.167      | 275         | E       |           | ELIZABETH PRESBYTERIAN CHURCH  |                               | PO BOX 117                 | ELIZABETH    | CO    | 80107-0117 |
| 0.215      | 167         | W       |           | WILSON KEITH                   |                               | PO BOX 2502                | ELIZABETH    | CO    | 80107      |
| 0.167      | 277         | E       |           | ELIZABETH PRESBYTERIAN CHURCH  |                               | PO BOX 117                 | ELIZABETH    | CO    | 80107-0117 |
| 0.287      | 153         | W       |           | PURCELL TANNER                 | PURCELL AMANDA                | 6619 CATALPA CT            | FREDERICK    | CO    | 80530      |
| 0.287      | 125         | W       |           | TABERT KELLY                   | FECHTER MORGAN                | 6119 KING CT               | PARKER       | CO    | 80134      |
| 0.287      | 107         | W       |           | ROSENBERG JONATHON             |                               | 107 W ELM ST               | ELIZABETH    | CO    | 80107      |
| 0.167      | 250         | S       |           | CARNEGIE WILLIAM               | CARNEGIE MARY                 | 1546 DAHLIA ST             | DENVER       | CO    | 80220      |
| 0.744      | 226         | S       |           | TOWN OF ELIZABETH              |                               | PO BOX 159                 | ELIZABETH    | CO    | 80107-0159 |
| 0.333      | 233         | S       |           | WORKMAN DANNY L                | WORKMAN WANDA G               | PO BOX 52                  | ELIZABETH    | CO    | 80107      |
| 0.167      | 202         | S       |           | FAIRSERVICE KARLI A            | AGUILAR GLAUB GUNTHER B       | 233 PINE ST                | ELIZABETH    | CO    | 80107      |
| 0.333      | 213         | S       |           | WAGNER MATTHEW G               |                               | 3961 LAZY K DRIVE          | CASTLE ROCK  | CO    | 80104      |
| 0.143      | 146         | W       |           | ERJAVEC TARA A                 |                               | PO BOX 863                 | ELIZABETH    | CO    | 80107      |
| 0.143      | 134         | W       |           | HARRISON GARY NELSON           | HARRISON CONNIE G             | 146 W BROADWAY ST          | ELIZABETH    | CO    | 80107-7555 |
| 0.143      | 128         | W       |           | SCHMIDT AMY L                  |                               | 134 WEST BROADWAY STREET   | ELIZABETH    | CO    | 80107      |
| 0.143      | 122         | W       |           | GARRETT TAYLOR                 |                               | 128 W BROADWAY ST          | ELIZABETH    | CO    | 80107-7555 |
| 0.287      | 235         | S       |           | WOLNER JOHN M                  | SCHUTTER RHONDA A             | 122 WEST BROADWAY STREET   | ELIZABETH    | CO    | 80107      |
| 0.214      | 133         | E       |           | SABO JOHN P                    |                               | 235 S ELBERT               | ELIZABETH    | CO    | 80107      |
| 0.167      | 191         | S       |           | A AND M PROPERTY LLC           |                               | 133 E BROADWAY ST          | ELIZABETH    | CO    | 80107      |
| 0.167      | 188         | S       |           | PLATERO JOAQUIN ALFONSO        | PLATERO SARAH ELIZABETH       | 616 CONESTOGA RD           | FRANKTOWN    | CO    | 80116      |
| 0.204      | 152         | S       |           | ARANIA LLC                     |                               | 107 PRAIRIE FALCON PARKWAY | BRIGHTON     | CO    | 80601      |
| 0.333      | 131         | S       |           | STINNETTE IDA                  | C/O DONALD R STINNETTE        | 124 S ELBERT ST            | ELIZABETH    | CO    | 80107      |
| 4.237      | 589         | S       |           | ELIZABETH SCHOOL DISTRICT      |                               | PO BOX 513                 | WILBUR       | WA    | 99185      |
|            |             |         |           |                                |                               | PO BOX 520                 | ELIZABETH    | CO    | 80107-0520 |



AFFIDAVIT OF COMPLIANCE WITH ELIZABETH MUNICIPAL CODE SECTION  
16-4-30(c)

Michael B. Patterson on Behalf of MBP Enterprises inc], being over the age of twenty-one (21) and duly sworn upon my oath, states as follows:

1. I am the applicant or applicant representative in the Town of Elizabeth land use application known as [**350 S. Elbert st. Subdivision and rezoning.** ]

2. I caused the attached notice of public hearing in this matter to be sent with the language required by Elizabeth Municipal Code section 16-4-30(c) via regular first class mail to the following property owners at the following addresses, which constitute all such property owners within 500 feet of the site for which the land use application has been made:

**[MBP Entreprises Inc. Michael Patterson 8888 inspiration dr. Parker CO. 80138**

3. In doing so, I specifically sent such notices via Certified mail with proper postage affixed to each mailing, and such notices were deposited for mailing on [**July 21<sup>st</sup> 2025 Certified mail**]

FURTHER AFFIANT SAYETH NAUGHT.

By: \_\_\_\_\_

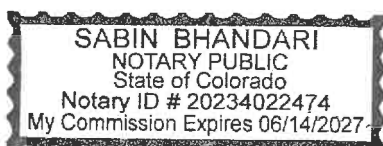
STATE OF COLORADO                    )  
                                                          ) ss.  
COUNTY OF Arapahoe                    )

Subscribed and sworn to before me this 30 day of July, 2025, by  
Michael Patterson.

Witness my hand and official seal.

My commission expires: 06/14/2027  
(SEAL)

By: \_\_\_\_\_



SIGN POSTING AFFIDAVIT

(Attach Photo Here)

**Michael B. Patterson**, The above sign was posted on (07/22/25) pursuant to the Town of Elizabeth Land Development Code, by **(Michael B Patterson, For MBP Enterprises inc.)**.

Michael B. Patterson

Signature

STATE OF COLORADO )

) ss.

COUNTY OF Elbert )

Subscribed and sworn to before me this 22<sup>nd</sup> day of July, 2025, by  
Michael Patterson

My commission expires: July 18, 2026

(SEAL)

Harmony Malakowski

Notary Public

HARMONY MALAKOWSKI  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20184029120  
MY COMMISSION EXPIRES JULY 18, 2026



350 S Elbert St mailing & Posting

MYERS MATTHEW  
PO BOX 2321  
ELIZABETHCO80107

MARISCO RAPHAEL A  
1916 MIDDLEFIELD RD  
REDWOOD CITYCA94063

ELIZABETH TOWN BOARD  
PO BOX 159  
ELIZABETHCO80107-0159

ULIVIERI DAVIDE  
133 EAST CHESTNUT STREET  
ELIZABETHCO80107

FSMS FAMILY TRUST  
44374 SHENANDOAH COURT  
ELIZABETHCO80107

WHITEHALL RENTALS INC  
PO BOX 98  
MATHESONCO80830

HARRIS WILLIAM E  
525 DALE CT  
ELIZABETHCO80107

MALACRIDA ANTHONY  
473 S PINE ST  
ELIZABETHCO80107

MANZANARES EDWINA T  
481 SOUTH BANNER ST  
ELIZABETHCO80107

TOWN OF ELIZABETH  
PO BOX 159  
ELIZABETHCO80107-0159

ELIZABETH SCHOOL DISTRICT  
PO BOX 520  
ELIZABETHCO80107-0520

CAMPBELL HELENANN  
PO BOX 1754  
ELIZABETHCO80107

REYNOLDS NICOLLE A  
476 ELBERT ST  
ELIZABETHCO80107

FITZGERALD PARK CONDOS LLC  
PO BOX 1684  
ELIZABETHCO80107

SCHAUER CHRISTINA  
459 S BANNER ST  
ELIZABETHCO80107

RAGAN JERRY  
27202 PINE VISTA CIR  
KIEWACO80117

KLINGBEIL ALISON  
PO BOX 1537  
ELIZABETHCO80107

MUZEK BUCK MAUREEN  
PO BOX 1838  
ELIZABETHCO80107

SCHRODER MICHAEL LEE  
18473 W MARCONI AVE  
SURPRISEAZ85388

OSTLER ROBERT J  
173 POPLAR ST  
ELIZABETHCO80107

CHERRY VALLEY CONSTRUCTION  
LLC  
PO BOX 477  
ELIZABETHCO80107-0477

HARTMANN JENNIFER  
36532 FOREST TRAIL  
ELIZABETHCO80107

BUNKER STEVEN S  
139 W POPLAR STREET  
ELIZABETHCO80107

HEIRENDT LUKE D  
133 W POPLAR ST  
ELIZABETHCO80107

RAO ASHLEY  
119 W POPLAR ST  
ELIZABETHCO80107

MBP ENTERPRISES INC  
350 S ELBERT ST  
ELIZABETHCO80107

GOULD JEFFREY  
309 E POPLAR ST  
ELIZABETHCO80107

PASTINE CRAIG T  
30 MEMMEN DR  
CASTLE ROCKCO80104

DAVIS KRISTINE K  
PO BOX 2265  
ELIZABETHCO80107

COWLEY ROBERT R  
40900 WIND SPIRIT LN  
PARKERCO80138-4758

|                                                             |                                                                                 |                                                                          |
|-------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| JAHNZ NICHOLAS B<br>172 ELM ST<br>ELIZABETHCO80107          | SECRETARY OF VETERANS AFFAIRS<br>3401 WEST END AVE STE 760A<br>NASHVILLETN37203 | HAWKSLEY JUSTIN THOMAS<br>168 ELM STREET<br>ELIZABETHCO80107             |
| TAYLOR CHRISTOPHER<br>PO BOX 2242<br>ELIZABETHCO80107       | TURN 2 DEVELOPMENT LLC<br>PO BOX 2586<br>ELIZABETHCO80107                       | BEIGHEY MAUREEN<br>PO BOX 382<br>ELIZABETHCO80107-0382                   |
| CORNELL DUNCAN R<br>28450 STATE HIGHWAY 86<br>SIMLACO80835  | ELIZABETH PRESBYTERIAN CHURCH<br>PO BOX 117<br>ELIZABETHCO80107-0117            | ELIZABETH PRESBYTERIAN CHURCH<br>PO BOX 117<br>ELIZABETHCO80107-0117     |
| EVELETH STEVEN GEORGE<br>324 E ELM ST<br>ELIZABETHCO80107   | GEIGER KALEB<br>265 S PINE STREET<br>ELIZABETHCO80107-5116                      | ELIZABETH PRESBYTERIAN CHURCH<br>PO BOX 117<br>ELIZABETHCO80107-0117     |
| WILSON KEITH<br>PO BOX 2502<br>ELIZABETHCO80107             | ELIZABETH PRESBYTERIAN CHURCH<br>PO BOX 117<br>ELIZABETHCO80107-0117            | PURCELL TANNER<br>6619 CATALPA CT<br>FREDERICKCO80530                    |
| TABERT KELLY<br>6119 KING CT<br>PARKERCO80134               | ROSENBERG JONATHON<br>107 W ELM ST<br>ELIZABETHCO80107                          | CARNEGIE WILLIAM<br>1546 DAHLIA ST<br>DENVERCO80220                      |
| TOWN OF ELIZABETH<br>PO BOX 159<br>ELIZABETHCO80107-0159    | WORKMAN DANNY L<br>PO BOX 52<br>233 PINE ST<br>ELIZABETHCO80107                 | FAIRSERVICE KARLI A<br>3961 LAZY K DRIVE<br>CASTLE ROCKCO80104           |
| WAGNER MATTHEW G<br>PO BOX 863<br>ELIZABETHCO80107          | ERJAVEC TARA A<br>146 W BROADWAY ST<br>ELIZABETHCO80107-7555                    | HARRISON GARY NELSON<br>134 WEST BROADWAY STREET<br>ELIZABETHCO80107     |
| SCHMIDT AMY L<br>128 W BROADWAY ST<br>ELIZABETHCO80107-7555 | GARRETT TAYLOR<br>122 WEST BROADWAY STREET<br>ELIZABETHCO80107                  | WOLNER JOHN M<br>235 S ELBERT<br>ELIZABETHCO80107                        |
| SABO JOHN P<br>133 E BROADWAY ST<br>ELIZABETHCO80107        | A AND M PROPERTY LLC<br>616 CONESTOGA RD<br>FRANKTOWNCO80116                    | PLATERO JOAQUIN ALFONSO<br>107 PRAIRIE FALCON PARKWAY<br>BRIGHTONCO80601 |

ARANIA LLC  
124 S ELBERT ST  
ELIZABETHCO80107

STINETTE IDA  
PO BOX 513  
WILBURWA99185

ELIZABETH SCHOOL DISTRICT  
PO BOX 520  
ELIZABETHCO80107-0520

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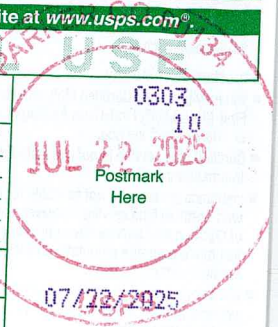
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| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
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| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$ | \$0.00 |
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| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
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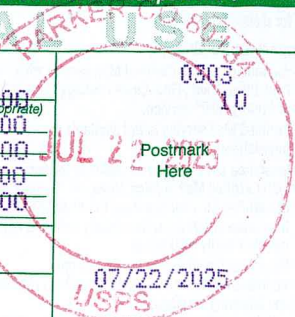
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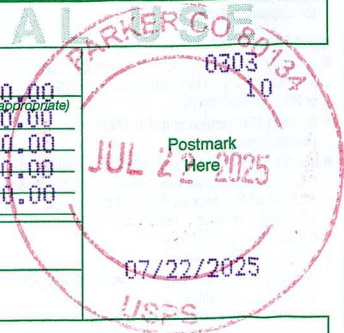
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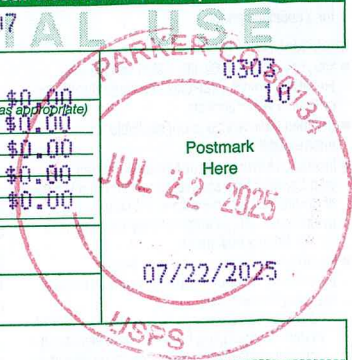
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| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ <del>\$0.00</del> |
| <input type="checkbox"/> Adult Signature Required            | \$ <del>\$0.00</del> |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ <del>\$0.00</del> |

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| \$                     | \$6.08 |

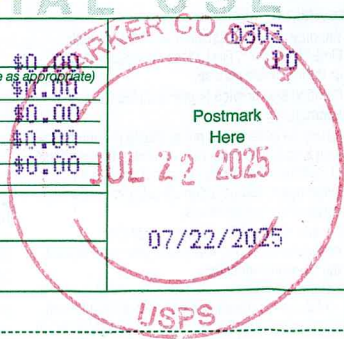
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| <input type="checkbox"/> Return Receipt (electronic)         | \$     | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$     | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$     | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$     | \$0.00 |

Postage \$0.78

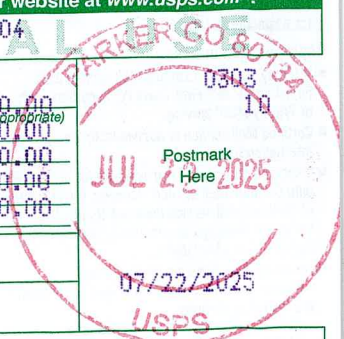
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Elizabeth, CO 80107

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00
- ☐ Return Receipt (electronic) \$0.00
- ☐ Certified Mail Restricted Delivery \$0.00
- ☐ Adult Signature Required \$0.00
- ☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees

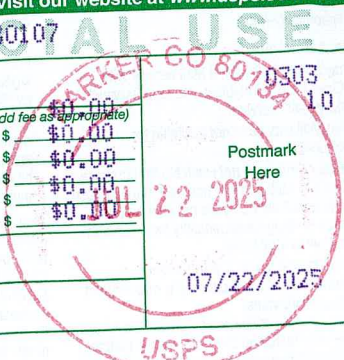
\$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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9589 0710 5270 2007 6948 45

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Parker, CO 80138

Certified Mail Fee  
\$5.30

Extra Services & Fees (check box, add fee as appropriate)

- |                                                              |    |        |
|--------------------------------------------------------------|----|--------|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | \$0.00 |

Postage  
\$0.78

Total Postage and Fees

\$6.08

Sent To

Street and Apt. No., or PO Box No.

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Elizabeth, CO 80107

Certified Mail Fee

\$5.30

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

\$0.78

\$

Total Postage and Fees

\$6.08

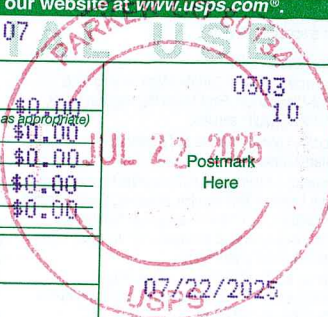
\$

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Nashville, TN 37203

|                                                              |         |
|--------------------------------------------------------------|---------|
| Certified Mail Fee                                           | \$5.30  |
| \$                                                           | \$0.00  |
| Extra Services & Fees (check box, add fee as appropriate)    |         |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ 0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ 0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ 0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$ 0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ 0.00 |

Postage \$0.78

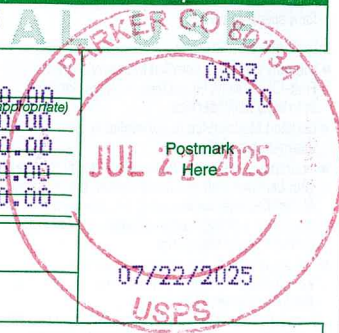
\$  
Total Postage and Fees  
\$6.08

Sent To

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Elizabeth, CO 80107

Certified Mail Fee

\$5.30

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage

\$0.78

Total Postage and Fees

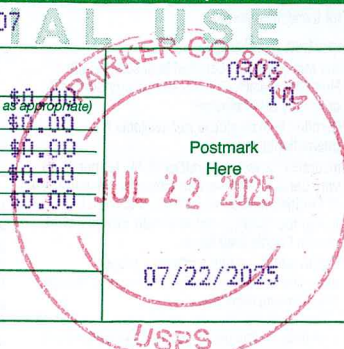
\$6.08

Sent To

Street and Apt. No., or PO Box No.

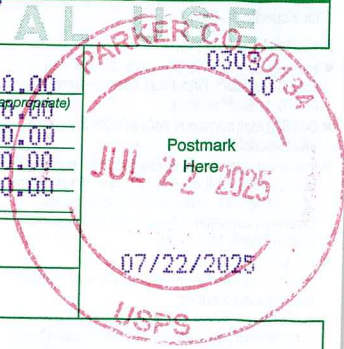
City, State, ZIP+4®

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|                                                                                                  |           |
|--------------------------------------------------------------------------------------------------|-----------|
| <b>U.S. Postal Service™</b>                                                                      |           |
| <b>CERTIFIED MAIL® RECEIPT</b>                                                                   |           |
| <i>Domestic Mail Only</i>                                                                        |           |
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |           |
| Elizabeth, CO 80107                                                                              |           |
| Certified Mail Fee                                                                               | \$5.30    |
| \$                                                                                               | \$0.00    |
| Extra Services & Fees (check box, add fee as appropriate)                                        |           |
| <input type="checkbox"/> Return Receipt (hardcopy)                                               | \$ \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)                                             | \$ \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery                                      | \$ \$0.00 |
| <input type="checkbox"/> Adult Signature Required                                                | \$ \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery                                     | \$        |
| Postage                                                                                          | \$0.78    |
| \$                                                                                               |           |
| Total Postage and Fees                                                                           | \$6.08    |
| \$                                                                                               |           |
| Sent To                                                                                          |           |
| Street and Apt. No., or PO Box No.                                                               |           |
| City, State, ZIP+4®                                                                              |           |
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Elizabeth, CO 80107

|                                                                              |         |                                                                                          |
|------------------------------------------------------------------------------|---------|------------------------------------------------------------------------------------------|
| Certified Mail Fee                                                           | \$5.30  | <div>0303 10</div> <div>JUL 22 2025</div> <div>Postmark Here</div> <div>07/22/2025</div> |
| \$                                                                           | \$0.00  |                                                                                          |
| Extra Services & Fees (check box, add fee as appropriate)                    |         |                                                                                          |
| <input type="checkbox"/> Return Receipt (hardcopy)                           | \$ 0.00 |                                                                                          |
| <input type="checkbox"/> Return Receipt (electronic)                         | \$ 0.00 |                                                                                          |
| <input type="checkbox"/> Certified Mail Restricted Delivery                  | \$ 0.00 |                                                                                          |
| <input type="checkbox"/> Adult Signature Required                            | \$ 0.00 |                                                                                          |
| <input type="checkbox"/> Adult Signature Restricted Delivery                 | \$ 0.00 |                                                                                          |
| Postage                                                                      | \$0.78  |                                                                                          |
| \$                                                                           |         |                                                                                          |
| Total Postage and Fees                                                       | \$6.08  |                                                                                          |
| \$                                                                           |         |                                                                                          |
| Sent To                                                                      |         |                                                                                          |
| Street and Apt. No., or PO Box No.                                           |         |                                                                                          |
| City, State, ZIP+4 <sup>®</sup>                                              |         |                                                                                          |
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Elizabeth, CO 80107

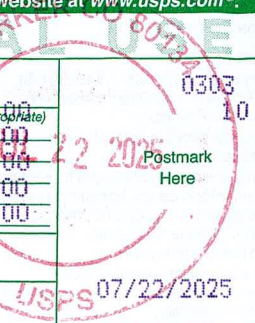
|                                                              |                      |
|--------------------------------------------------------------|----------------------|
| Certified Mail Fee                                           |                      |
| \$                                                           | \$5.30               |
| Extra Services & Fees (check box, add fee as appropriate)    |                      |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ <del>\$0.00</del> |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ <del>\$0.00</del> |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ <del>\$0.00</del> |
| <input type="checkbox"/> Adult Signature Required            | \$ <del>\$0.00</del> |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ <del>\$0.00</del> |

|                        |        |
|------------------------|--------|
| Postage                |        |
| \$                     | \$0.78 |
| Total Postage and Fees |        |
| \$                     | \$6.08 |

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Simla, CO 80835

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

- |                                                              |    |        |
|--------------------------------------------------------------|----|--------|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | \$0.00 |

Postage \$0.78

Total Postage and Fees

\$6.08

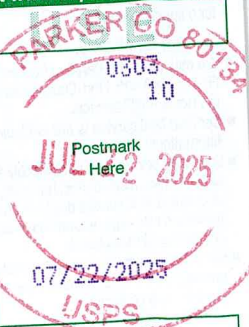
Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fees as appropriate)

- |                                                              |    |        |
|--------------------------------------------------------------|----|--------|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | \$0.00 |

Postage \$0.78

Total Postage and Fees \$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$0.00  
Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

\$6.08  
Total Postage and Fees

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$0.00  
Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

\$6.08  
Total Postage and Fees

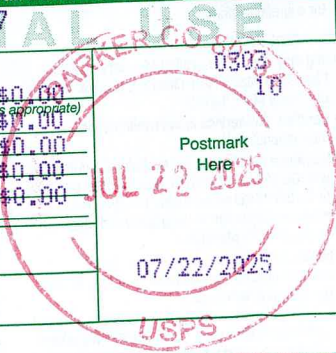
\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees

\$6.08

Sent To

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Elizabeth CO 80107

Certified Mail Fee \$5.30  
\$  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage \$0.78  
\$

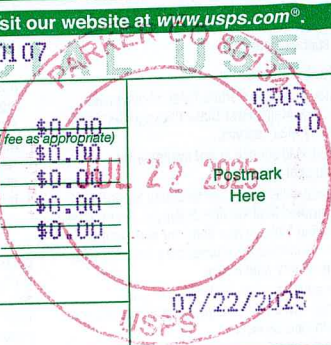
Total Postage and Fees  
\$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees \$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| \$                                                           | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)    |        |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.78

Total Postage and Fees

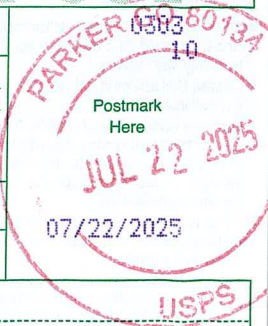
\$6.08

Sent To

Street and Apt. No., or PO Box No.

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Frederick, CO 80530

Certified Mail Fee  
\$5.30

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage  
\$0.78

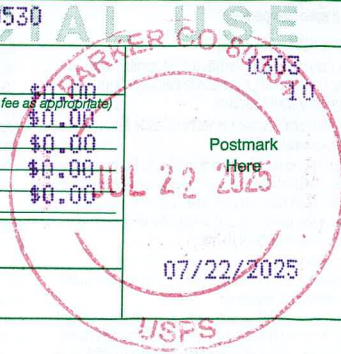
Total Postage and Fees  
\$6.08

Sent To

Street and Apt. No., or PO Box No.

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Parker, CO 80134

Certified Mail Fee \$5.30

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees \$6.08

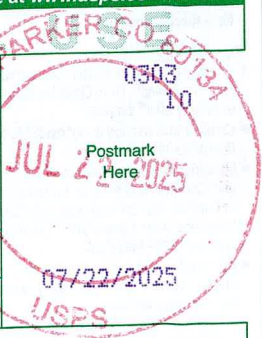
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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$ ~~\$0.00~~

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ ~~\$0.00~~

☐ Return Receipt (electronic) \$ ~~\$0.00~~

☐ Certified Mail Restricted Delivery \$ ~~\$0.00~~

☐ Adult Signature Required \$ ~~\$0.00~~

☐ Adult Signature Restricted Delivery \$ ~~\$0.00~~

Postage \$0.78

\$ ~~\$0.00~~

Total Postage and Fees

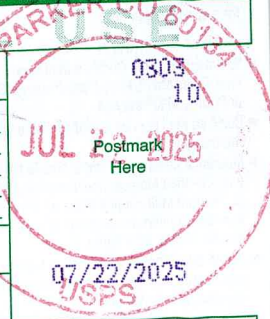
\$6.08

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City, State, ZIP+4®

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Denver, CO 80220

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees

\$6.08

Sent To

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00
- ☐ Return Receipt (electronic) \$0.00
- ☐ Certified Mail Restricted Delivery \$0.00
- ☐ Adult Signature Required \$0.00
- ☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees \$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| \$                                                           | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)    |        |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$     |

Postage \$0.78

\$ Total Postage and Fees

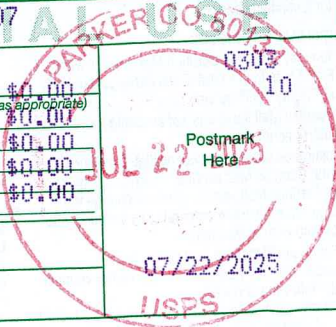
\$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Castle Rock, CO 80104

Certified Mail Fee \$5.30

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00
- ☐ Return Receipt (electronic) \$0.00
- ☐ Certified Mail Restricted Delivery \$0.00
- ☐ Adult Signature Required \$0.00
- ☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees \$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees

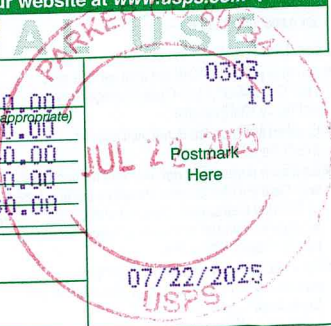
\$6.08

Sent To

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City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 6946 16

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Elizabeth, CO 80107

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| Extra Services & Fees (check box, add fee as appropriate)    |        |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.78

Total Postage and Fees

\$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Elizabeth, CO 80107

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| \$                                                           | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)    | \$0.00 |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$     |
| <input type="checkbox"/> Return Receipt (electronic)         | \$     |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$     |
| <input type="checkbox"/> Adult Signature Required            | \$     |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$     |

|                        |        |
|------------------------|--------|
| Postage                | \$0.78 |
| \$                     |        |
| Total Postage and Fees | \$6.08 |
| \$                     |        |

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0303  
10

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JUL 22 2025

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

- |                                                              |    |        |
|--------------------------------------------------------------|----|--------|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | \$0.00 |

Postage \$0.78

Total Postage and Fees

\$6.08

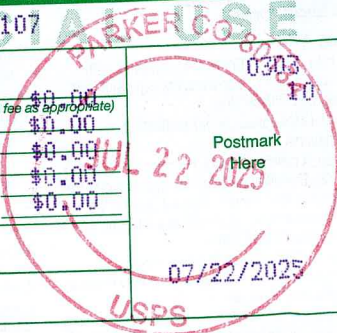
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Elizabeth, CO 80107

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| \$                                                           | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)    |        |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.78

\$

Total Postage and Fees \$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| \$                                                           | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)    |        |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
| Postage                                                      | \$0.78 |
| \$                                                           |        |
| Total Postage and Fees                                       | \$6.08 |
| Sent To                                                      |        |
| Street and Apt. No., or PO Box No.                           |        |
| City, State, ZIP+4 <sup>®</sup>                              |        |

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00
- ☐ Return Receipt (electronic) \$0.00
- ☐ Certified Mail Restricted Delivery \$0.00
- ☐ Adult Signature Required \$0.00
- ☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees

\$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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0303  
10

JUL 22 2025  
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9589 0710 5270 2007 6622 19

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Franktown, CO 80116

|                                                                              |        |                                                                     |
|------------------------------------------------------------------------------|--------|---------------------------------------------------------------------|
| Certified Mail Fee                                                           | \$5.30 | 0303<br>10<br>JUL 22 2025<br>Postmark<br>Here<br>USPS<br>07/22/2025 |
| Extra Services & Fees (check box, add fees as appropriate)                   |        |                                                                     |
| <input type="checkbox"/> Return Receipt (hardcopy)                           | \$0.00 |                                                                     |
| <input type="checkbox"/> Return Receipt (electronic)                         | \$0.00 |                                                                     |
| <input type="checkbox"/> Certified Mail Restricted Delivery                  | \$0.00 |                                                                     |
| <input type="checkbox"/> Adult Signature Required                            | \$0.00 |                                                                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery                 | \$0.00 |                                                                     |
| Postage                                                                      | \$0.78 |                                                                     |
| Total Postage and Fees                                                       | \$6.08 |                                                                     |
| Sent To                                                                      |        |                                                                     |
| Street and Apt. No., or PO Box No.                                           |        |                                                                     |
| City, State, ZIP+4®                                                          |        |                                                                     |
| PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions |        |                                                                     |

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Brighton, CO 80601

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| \$                                                           | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)    |        |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
| Postage                                                      | \$0.78 |
| \$                                                           |        |
| Total Postage and Fees                                       | \$6.08 |
| \$                                                           |        |
| Sent To                                                      |        |
| Street and Apt. No., or PO Box No.                           |        |
| City, State, ZIP+4®                                          |        |

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0308 10 34

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Elizabeth, CO 80107

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| \$                                                           | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)    | \$0.00 |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$     |
| <input type="checkbox"/> Return Receipt (electronic)         | \$     |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$     |
| <input type="checkbox"/> Adult Signature Required            | \$     |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$     |

Postage \$0.78

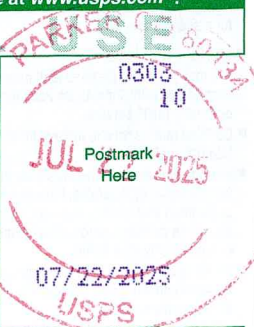
\$  
Total Postage and Fees  
\$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Wilbur, WA 99185

Certified Mail Fee \$5.30

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees \$6.08

\$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Postmark  
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|                                                                                                  |        |
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| <b>U.S. Postal Service™</b>                                                                      |        |
| <b>CERTIFIED MAIL® RECEIPT</b>                                                                   |        |
| <i>Domestic Mail Only</i>                                                                        |        |
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |        |
| Elizabeth, CO 80107                                                                              |        |
| Certified Mail Fee                                                                               | \$5.30 |
| \$                                                                                               | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)                                        |        |
| <input type="checkbox"/> Return Receipt (hardcopy)                                               | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)                                             | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery                                      | \$0.00 |
| <input type="checkbox"/> Adult Signature Required                                                | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery                                     | \$0.00 |
| Postage                                                                                          | \$0.78 |
| \$                                                                                               | \$6.08 |
| <b>Total Postage and Fees</b>                                                                    |        |
| \$                                                                                               | \$6.08 |
| Sent To                                                                                          |        |
| Street and Apt. No., or PO Box No.                                                               |        |
| City, State, ZIP+4®                                                                              |        |
| PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions                     |        |

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Elizabeth, CO 80107

|                                                              |           |
|--------------------------------------------------------------|-----------|
| Certified Mail Fee                                           | \$5.30    |
| \$                                                           | \$0.00    |
| Extra Services & Fees (check box, add fee as appropriate)    |           |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$ \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ \$0.00 |

Postage  
\$0.78

**Total Postage and Fees**  
**\$6.08**

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

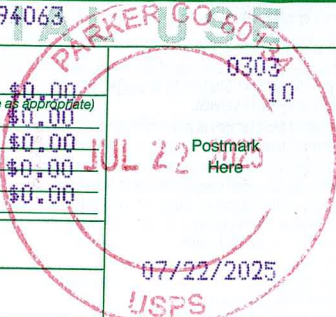
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10  
JUL 22 2025  
Postmark  
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| <b>U.S. Postal Service™</b>                                                                      |        |
| <b>CERTIFIED MAIL® RECEIPT</b>                                                                   |        |
| <i>Domestic Mail Only</i>                                                                        |        |
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |        |
| Redwood City, CA 94063                                                                           |        |
| Certified Mail Fee                                                                               | \$5.30 |
| \$                                                                                               | \$0.00 |
| Extra Services & Fees (check box, add fee as appropriate)                                        |        |
| <input type="checkbox"/> Return Receipt (hardcopy)                                               | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)                                             | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery                                      | \$0.00 |
| <input type="checkbox"/> Adult Signature Required                                                | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery                                     | \$0.00 |
| Postage                                                                                          | \$0.78 |
| \$                                                                                               | \$6.08 |
| <b>Total Postage and Fees</b>                                                                    |        |
| \$                                                                                               | \$6.08 |
| Sent To                                                                                          |        |
| Street and Apt. No., or PO Box No.                                                               |        |
| City, State, ZIP+4®                                                                              |        |
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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage \$0.78

\$

Total Postage and Fees \$6.08

\$

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PARKER CO 80

0303  
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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

\$6.08

Total Postage and Fees

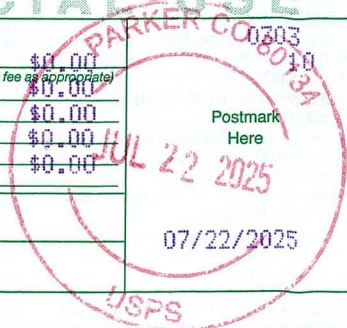
\$6.08

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.78

Total Postage and Fees \$6.08

\$

Sent To

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Matheson, CD 80830

|                                                                              |         |                                                           |
|------------------------------------------------------------------------------|---------|-----------------------------------------------------------|
| Certified Mail Fee                                                           | \$5.30  | 0303<br>10<br>2025<br>Postmark<br>Here<br>USPS 07/22/2025 |
| \$                                                                           |         |                                                           |
| Extra Services & Fees (check box, add fee as appropriate)                    |         |                                                           |
| <input type="checkbox"/> Return Receipt (hardcopy)                           | \$ 0.00 |                                                           |
| <input type="checkbox"/> Return Receipt (electronic)                         | \$ 0.00 |                                                           |
| <input type="checkbox"/> Certified Mail Restricted Delivery                  | \$ 0.00 |                                                           |
| <input type="checkbox"/> Adult Signature Required                            | \$ 0.00 |                                                           |
| <input type="checkbox"/> Adult Signature Restricted Delivery                 | \$ 0.00 |                                                           |
| Postage                                                                      | \$0.78  |                                                           |
| \$                                                                           |         |                                                           |
| Total Postage and Fees                                                       | \$6.08  |                                                           |
| \$                                                                           |         |                                                           |
| Sent To                                                                      |         |                                                           |
| Street and Apt. No., or PO Box No.                                           |         |                                                           |
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Elizabeth, CO 80107

Certified Mail Fee \$5.30

\$0.00  
Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$0.78

\$6.08  
Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Here  
JUL 22 2025

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Elizabeth, CO 80107

Certified Mail Fee  
\$5.30

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage  
\$0.78

Total Postage and Fees  
\$6.08

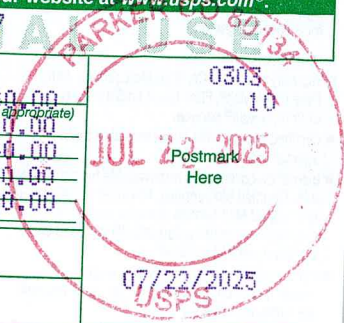
Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

|                                                              |        |
|--------------------------------------------------------------|--------|
| Certified Mail Fee                                           | \$5.30 |
| \$                                                           |        |
| Extra Services & Fees (check box, add fee as appropriate)    | \$0.00 |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.78

\$  
Total Postage and Fees  
\$6.08

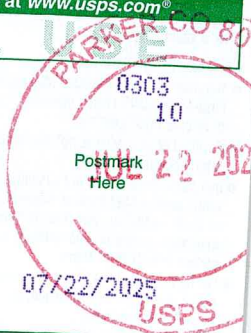
Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Elizabeth, CO 80107

Certified Mail Fee \$5.30

| Extra Services & Fees (check box, add fee as appropriate)    |        |
|--------------------------------------------------------------|--------|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.78

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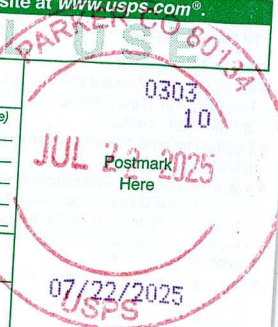
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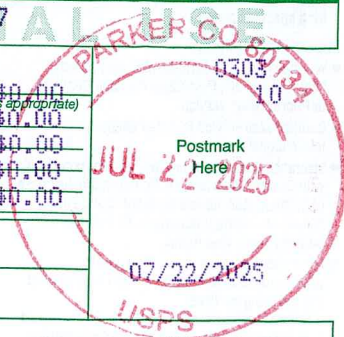
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Total Postage and Fees

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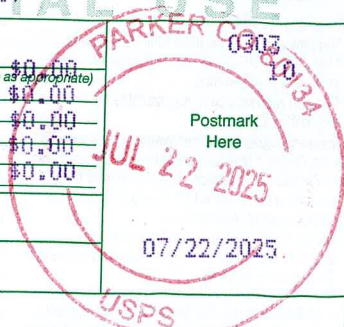
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Total Postage and Fees

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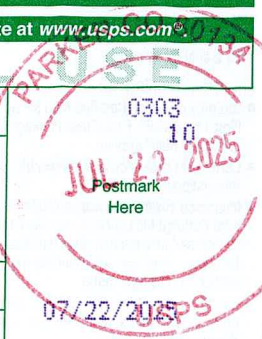
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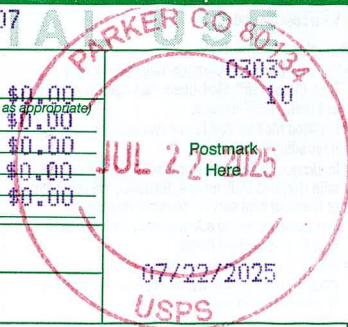
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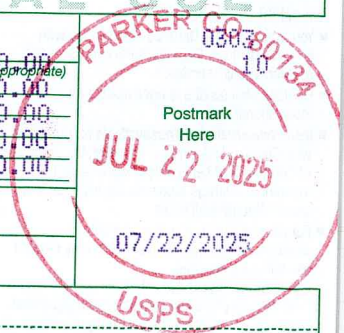
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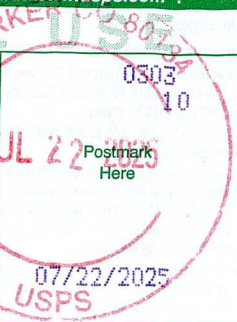
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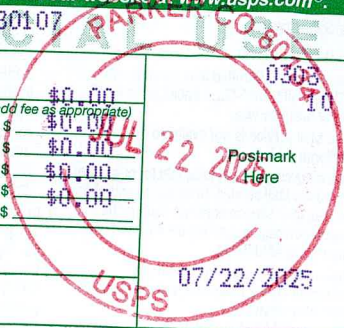
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[Date]

[Owner Name]

[Owner Address]

[City, State ZIP]

**Subject: Notice of Public Hearings – Proposed Residential Subdivision at 350 S Elbert Street**

Dear Neighbor,

I'm writing to let you know about a proposed land use request for the property at **350 S Elbert Street**, which I have submitted to the Town of Elizabeth. As required by Town regulations, this notice is being sent to all property owners within 500 feet of the site.

I am requesting approval for a **Use-by-Special Review (Article 9)** and a **Final Plat (Sec. 16-3-60)** to subdivide the property into four residential lots. These lots would each contain a single-family manufactured home with off-street parking, consistent with the Town's land use requirements for the Commercial Mixed-Use (CMU) zoning district.

You are invited to attend the upcoming public hearings to learn more or to share your comments:

---

**NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Planning Commission and Board of Trustees shall hold public hearings concerning a use-by-special review and final plat application for the project known as Elbert Street Subdivision on property described in Exhibit A and generally located on the northeast side of Poplar Street and Elbert Street pursuant to the Town of Elizabeth Land Use and Development Ordinance.

The public hearings are to be held before the Planning Commission on August 5, 2025 at 6:30 p.m. and Board of Trustees on August 12, 2025 at 7:00 p.m., or as soon as possible thereafter. The public hearings shall be held in the Town Hall, 151 South Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at 303-646-4166.

**ALL INTERESTED PERSONS MAY ATTEND.**

**EXHIBIT A**

A resubdivision of Lots 7-10, Block 12, Elizabeth Amended, situated in the northeast quarter of Section 18, Township 8 South, Range 65 West of the 6th P.M., Town of Elizabeth, County of Elbert, State of Colorado.

---

Thank you for your time and consideration.

Sincerely,

**[Your Name]**

**[Your Title / Applicant or Representative]**

**[Email Address]**

**[Phone Number]**

## **RESOLUTION 25R25**

### **A RESOLUTION MAKING FINDINGS OF FACT MEMORIALIZING THE BOARD OF TRUSTEES' DECISION TO GRANT A USE BY SPECIAL REVIEW FOR THE PROPERTY LOCATED AT 350 SOUTH ELBERT STREET**

WHEREAS, this matter was heard on August 12, 2025 upon the request for Use by Special Review in accordance with Article IX, Chapter 16 of the Town of Elizabeth's Municipal Code to permit single-family dwellings, located on said property, in the Commercial Mixed-Use (CMU) zoning district; and

WHEREAS, the Town of Elizabeth Board of Trustees, having heard the evidence presented at the public hearing and being fully advised in the premises, enters the following Findings of Fact, Conclusions and Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The recitals set forth above are hereby incorporated herein by this reference.

Section 2. The Board makes the following Findings of Fact:

1. The Applicant, Michael Patterson of MBP Enterprises Inc. ("Applicant") submitted to the Town of Elizabeth a land use application requesting a Use by Special Review in accordance with the Municipal Code to allow single-family dwellings on the properties located at 350 S Elbert Street.
2. The Property is zoned CMU (Commercial Mixed-Use).
3. Article 1, Table 16-5 of the Elizabeth Municipal Code allows for single-family dwellings by special review in the CMU District.
4. Notice of the date, time and place of the public hearing based on the applicant request was published in accordance with the Elizabeth Municipal Code at least fifteen (15) days preceding the public hearing.
5. At the public hearing, testimony was presented for the application. The Planning Commission recommended approval by a vote of 4-0. At the conclusion of the public hearing, the Board of Trustees determined to approve based on these Findings of Fact, Conclusions, and Order.
6. The Board of Trustees finds and determines that approval of the Application does meet the following requirements pursuant to Section 16-9-20 of the Elizabeth Municipal Code based on the following factors:
  - a) Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
  - b) Will not result in an over-intensive use of land;
  - c) Will not have a material adverse effect on community capital improvement programs;
  - d) Will not require a level of community facilities and services greater than is available;
  - e) Will not result in undue traffic congestion or traffic hazards;

- f) Will not cause significant air, water or noise pollution;
- g) Will be adequately landscaped, buffered and screened; and
- h) Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town.

Section 3. The Board therefore Orders that the application for a Use by Special Review in accordance with Article IX, Chapter 16, of the Elizabeth Municipal Code is GRANTED.

PASSED, APPROVED, and ADOPTED this 12th day of AUGUST 2025, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

\_\_\_\_\_  
Angela Ternus, Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk

## RESOLUTION 25R26

### A RESOLUTION APPROVING A MINOR DEVELOPMENT SUBDIVISION FOR THE PROPERTY LOCATED AT 350 SOUTH ELBERT STREET

WHEREAS, Michael Patterson of MBP Enterprises Inc. has submitted an application for a Minor Development Subdivision to subdivide the property located at 350 South Elbert Street into four (4) residential lots; and

WHEREAS, the application has been reviewed in accordance with Section 16-3-70 of the Elizabeth Municipal Code; and

WHEREAS, the Planning Commission recommended approval by a vote of 4-0; and

WHEREAS, the Board of Trustees finds that the subdivision meets all applicable requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The recitals set forth above are hereby incorporated herein by this reference.

Section 2. The Board finds that the Minor Development Subdivision meets the requirements of Section 16-3-70 of the Elizabeth Municipal Code.

Section 3. The Board hereby approves the Minor Development Subdivision for the property located at 350 South Elbert Street, creating four (4) residential lots as shown in the subdivision plat attached hereto as Exhibit A and incorporated herein by this reference.

Section 4. This approval is conditional upon: (a) the applicant providing an updated title commitment demonstrating clear and marketable title free of all liens and encumbrances to the Town within ten (10) days of this conditional approval; (b) satisfaction and release of all outstanding municipal liens totaling \$1,266.11 as shown in the title commitment prior to final plat recordation; and (c) compliance with all applicable building codes, design guidelines, and subdivision improvement agreements.

PASSED, APPROVED, and ADOPTED this 12th day of AUGUST 2025, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

---

Angela Ternus, Mayor

ATTEST:

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Michelle M. Oeser, Town Clerk





## TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor Ternus, Members of the Board of Trustees  
FROM: Patrick Davidson, Town Administrator  
Hannah Bruce, Finance Officer  
DATED: September 9, 2025  
SUBJECT: Update to Financial Policy Regarding GASB 34

---

### BACKGROUND

The Governmental Accounting Standards Board ("GASB") as an entity seeks to establish "Generally Accepted Accounting Principles" for state and local governmental entities. Within the framework of GASB, there exists policies and procedures which are recommended and those which are mandatory. In addition, there are those that may be deemed "mandatory" within the broader framework of the organization, which do not ultimately impact the validity of the financial documents kept of maintained by a state or municipality.

GASB 34 is an example of such a policy. GASB 34 recommends a Manager's Discussion & Analysis to place the overall financial statements into economic and historical context. As such, neither the underlying audit nor the financial statements depend on the opinions of management. In 2022 and in 2023 a member of the Board of Trustees requested that GASB 34 be included in future audits. Due to the fact of no majority of the Board of Trustees sought its inclusion, it has not been included within the audit documents. During the Board's meeting on July 22, 2025, a specific motion was made to include the Manager's Discussion & Analysis in future reporting. The motion itself was tabled until August 12, 2025. This memorandum and Resolution 25R25 follow.

### ANALYSIS

GASB provides the following summary of what should be included in the Manager's Discussion & Analysis for purposes of clarity for the public:

- *Management's discussion and analysis (MD&A).* MD&A should introduce the basic financial statements and provide an analytical overview of the government's financial activities. Although it is RSI, governments are required to present MD&A *before* the basic financial statements.
- *Basic financial statements.* The basic financial statements should include:
  - *Government-wide financial statements*, consisting of a statement of net assets and a statement of activities. Prepared using the economic resources

measurement focus and the accrual basis of accounting, these statements should report all of the assets, liabilities, revenues, expenses, and gains and losses of the government. Each statement should distinguish between the governmental and business-type activities of the primary government and between the total primary government and its discretely presented component units by reporting each in separate columns. Fiduciary activities, whose resources are not available to finance the government's programs, should be excluded from the government-wide statements.

- Fund financial statements consist of a series of statements that focus on information about the government's major governmental and enterprise funds, including its blended component units. Fund financial statements also should report information about a government's fiduciary funds and component units that are fiduciary in nature. *Governmental* fund financial statements (including financial data for the general fund and special revenue, capital projects, debt service, and permanent funds) should be prepared using the current financial resources measurement focus and the modified accrual basis of accounting. *Proprietary* fund financial statements (including financial data for enterprise and internal service funds) and fiduciary fund financial statements (including financial data for fiduciary funds and similar component units) should be prepared using the economic resources measurement focus and the accrual basis of accounting.
- Notes to the financial statements consist of notes that provide information that is *essential* to a user's understanding of the basic financial statements.
- *Required supplementary information (RSI)*. In addition to MD&A, this Statement requires budgetary comparison schedules to be presented as RSI along with other types of data as required by previous GASB pronouncements. This Statement also requires RSI for governments that use the modified approach for reporting infrastructure assets.

Special-purpose governments that are engaged in only governmental activities (such as some library districts) or that are engaged in both governmental and business-type activities (such as some school districts) generally should be reported in the same manner as general-purpose governments. Special-purpose governments engaged only in business-type activities (such as utilities) should present the financial statements required for enterprise funds, including MD&A and other RSI.

MD&A should provide an objective and easily readable analysis of the government's financial activities based on currently known facts, decisions, or conditions. MD&A should include comparisons of the current year to the prior year based on the government-wide information. It should provide an analysis of

the government's overall financial position and results of operations to assist users in assessing whether that financial position has improved or deteriorated as a result of the year's activities. In addition, it should provide an analysis of significant changes that occur in funds and significant budget variances. It should also describe capital asset and long-term debt activity during the year. MD&A should conclude with a description of currently known facts, decisions, or conditions that are expected to have a significant effect on financial position or results of operations.

Governments should report all capital assets, including infrastructure assets, in the government-wide statement of net assets and generally should report depreciation expense in the statement of activities. Infrastructure assets that are part of a network or subsystem of a network are not required to be depreciated as long as the government manages those assets using an asset management system that has certain characteristics, and the government can document that the assets are being preserved approximately at (or above) a condition level established and disclosed by the government.

The net assets of a government should be reported in three categories—invested in capital assets net of related debt, restricted, and unrestricted. This Statement provides a definition of the term *restricted*. Permanent endowments or permanent fund principal amounts included in restricted net assets should be displayed in two additional components—expendable and nonexpendable.

The government-wide statement of activities should be presented in a format that reports expenses reduced by program revenues, resulting in a measurement of "net (expense) revenue" for each of the government's functions. Program expenses should include all direct expenses. General revenues, such as taxes, and special and extraordinary items, should be reported separately, ultimately arriving at the change in net assets for the period. Special items are significant transactions or other events that are either unusual or infrequent and are within the control of management.

To report additional and detailed information about the primary government, separate fund financial statements should be presented for governmental and proprietary funds. Required governmental fund statements are a balance sheet and a statement of revenues, expenditures, and changes in fund balances. Required proprietary fund statements are a statement of net assets; a statement of revenues, expenses, and changes in fund net assets; and a statement of cash flows. To allow users to assess the relationship between fund and government-wide financial statements, governments should present a summary reconciliation to the government-wide financial statements at the bottom of the fund financial statements or in an accompanying schedule.

Each of the fund statements should report separate columns for the general fund and for other major governmental and enterprise funds. Major funds are funds whose revenues, expenditures/expenses, assets, or liabilities (excluding extraordinary items) are at least 10 percent of corresponding totals for all governmental or enterprise funds and at least 5 percent of the aggregate amount for all governmental and enterprise funds. Any other fund may be reported as a major fund if the government's officials believe that fund is particularly important to financial statement users. Nonmajor funds should be reported in the aggregate in a separate column. Internal service funds also should be reported in the aggregate in a separate column on the proprietary fund statements.

Fund balances for governmental funds should be segregated into reserved and unreserved categories. Proprietary fund net assets should be reported in the same categories required for the government-wide financial statements. Proprietary fund statements of net assets should distinguish between current and noncurrent assets and liabilities and should display restricted assets.

Proprietary fund statements of revenues, expenses, and changes in fund net assets should distinguish between operating and nonoperating revenues and expenses. These statements should also report capital contributions, contributions to permanent and term endowments, special and extraordinary items, and transfers separately at the bottom of the statement to arrive at the all-inclusive change in fund net assets. Cash flows statements should be prepared using the direct method.

Separate fiduciary fund statements (including component units that are fiduciary in nature) also should be presented as part of the fund financial statements. Fiduciary funds should be used to report assets that are held in a trustee or agency capacity for others and that cannot be used to support the government's own programs. Required fiduciary fund statements are a statement of fiduciary net assets and a statement of changes in fiduciary net assets.

Interfund activity includes interfund loans, interfund services provided and used, and interfund transfers. This activity should be reported separately in the fund financial statements and generally should be eliminated in the aggregated government-wide financial statements.

To demonstrate whether resources were obtained and used in accordance with the government's legally adopted budget, RSI should include budgetary comparison schedules for the general fund and for each major special revenue fund that has a legally adopted annual budget. The budgetary comparison schedules should present both (a) the original and (b) the final appropriated budgets for the reporting period as well as (c) actual inflows, outflows, and

balances, stated on the government's budgetary basis. This Statement also requires RSI for governments that use the modified approach for reporting infrastructure assets.<sup>1</sup>

**STAFF RECOMMENDATION**

As a financial policy determination by the Board of Trustees, Staff takes no position on the inclusion of GASB 34.

**BUDGET CONSIDERATIONS**

N/A

**ATTACHMENTS**

Resolution 25R27, A Resolution Adopting Governmental Accounting Standards Board (GASB) Statement 34 and Incorporating the Same into the Town's Comprehensive Financial Policies.

---

<sup>1</sup> Summary <https://www.gasb.org/page/PageContent?pagelId=/standards-and-guidance/pronouncements/summary-statement-no-34.html>- Statement No. 34

**RESOLUTION 25R27**

**A RESOLUTION ADOPTING GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT 34 AND INCORPORATING THE SAME INTO THE TOWN'S COMPREHENSIVE FINANCIAL POLICIES**

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The Board of Trustees hereby adopts Governmental Accounting Standards Board (GASB) Statement 34, as may be amended, and incorporates the same into the Town's Comprehensive Financial Policies.

PASSED, APPROVED, and ADOPTED this 9 day of September 2025, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

\_\_\_\_\_  
Angela Ternus, Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk





## TOWN OF ELIZABETH

CHIEF OF POLICE JEFF ENGEL

|                 |                                                                                          |
|-----------------|------------------------------------------------------------------------------------------|
| <b>To:</b>      | Mayor Angela Ternus, Mayor Pro Tem Hutchins, and Board of Trustees                       |
| <b>From:</b>    | Jeffery R. Engel, Chief of Police                                                        |
| <b>Subject:</b> | Amendment of Elizabeth Municipal Code to enforce State Vehicle Registration Requirements |
| <b>Date:</b>    | September 9, 2025                                                                        |

### Summary:

On June 2, 2025, Governor Jared Polis signed House Bill 25-1112 (HB-1112) into law. This legislation amends Colorado Revised Statutes by adding subsection 42-4-111(1)(gg), which authorizes local jurisdictions to enforce registration requirements for vehicles, trailers, semitrailers, and motor vehicles.

HB-1112 provides that such violations may be adjudicated in municipal courts, including the Town of Elizabeth Municipal Court. The statute also outlines conditions under which the municipal court may dismiss a registration violation. Conditions to dismiss the violation include: If the vehicle, trailer, semitrailer, or motor vehicle was unregistered for no more than four months, the vehicle, trailer, semitrailer, or motor vehicle owner registers the vehicle before their initial court appearance, and the defendant pays a \$30 administrative dismissal fee to the municipality. Additionally, Peace officers are required to inform defendants of this dismissal opportunity at the time of citation.

### Analysis:

Adoption of the ordinance amending Article 1 of Chapter 8 of the Elizabeth Municipal Code to enforce state vehicle registration requirements empowers the Town of Elizabeth to enforce state vehicle registration requirements through Municipal Court. Adjudication of violations remains with the Municipal Court, streamlining enforcement and enhancing compliance within town limits.

Similar to the recent adoption of the 2024 Model Traffic Code, this ordinance ensures that the Elizabeth Municipal Code remains aligned with current state law, promoting consistency, legal clarity, and administrative efficiency.

### Staff Recommendations:

It is recommended that the Town of Elizabeth Board of Trustees approve the adoption of Ordinance 25-10 amending Article 1 of Chapter 8 of the Elizabeth Municipal Code to enforce state vehicle registration requirements.

### Attachment(s)

Ordinance 25-10



425 S. Main St., P.O. Box 1527, Elizabeth, Colorado, 80107

Phone: 303-646-4664 Fax: 303-646-0616

Email: [Police@townofelizabeth.org](mailto:Police@townofelizabeth.org)

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Colorado Association of  
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## ORDINANCE 25-10

### AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 8 OF THE ELIZABETH MUNICIPAL CODE TO ENFORCE STATE VEHICLE REGISTRATION REQUIREMENTS.

WHEREAS, on June 2, 2025, Governor Polis signed House Bill 25-1112 ("HB 1112") into law;

WHEREAS, HB 1112 added subsection 42-4-111(1)(gg) to the Colorado Revised Statutes, permitting local enforcement of the vehicle registration requirements under Article 3, Title 42 of the Colorado Revised Statutes; and

WHEREAS, the Town of Elizabeth seeks to amend the Elizabeth Municipal Code to provide for local enforcement of state vehicle registration requirements.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Article 1 of Chapter 8 of the Elizabeth Municipal Code is hereby amended to repeal and reenact Section 8-1-80 to read as follows:

#### **Sec. 8-1-80. Registration required.**

(a) No person shall operate, or permit to be operated, any vehicle, trailer, semitrailer, or motor vehicle, as defined under C.R.S. § 42-1-102, on a street or highway within this municipality, unless such vehicle, trailer, semitrailer, or motor vehicle is registered as required in Part 1 of Article 3, Title 42 of the Colorado Revised Statutes.

(b) The court may dismiss a violation for failing to register a vehicle, trailer, semitrailer, or motor vehicle in violation of C.R.S. §§ 42-3-103(1) or (4), 42-3-114, 42-3-115, or 42-6-140 if:

(1) The vehicle trailer, semitrailer, or motor vehicle was unregistered for no more than four months at the time of the violation;

(2) The owner registered the vehicle, trailer, semitrailer, or motor vehicle before the defendant's first court date as listed on the citation or summons; and

(3) The defendant pays to the Elizabeth Municipal Court an administrative dismissal fee of \$30.00.

Section 2. Article 1 of Chapter 8 of the Elizabeth Municipal Code is hereby amended by the addition thereto of a new Section 8-1-90 to read as follows:

**Sec. 8-1-90. Penalties.**

The following penalties, herewith set forth in full, shall apply to this Article:

- (1) It is unlawful for any person to violate any of the provisions of this Article.
- (2) Every person convicted of a violation of any provision of this Article shall be punished as set forth in Section 1-4-20 of this Code, subject to the limitation imposed by Subsection (3) of this Section.
- (3) The penalty for violations of Section 8-1-80(a) shall not exceed the maximum penalty that may be imposed under state law for the same violation of Article 3, Title 42 of the Colorado Revised Statutes.

Section 3. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Passed by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against and ordered published.

\_\_\_\_\_  
Angela Ternus, Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk



# TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

## ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 08/17/2025 to 08/30/2025



### **ELIZABETH POLICE DEPARTMENT'S MISSION STATEMENT:**

*"The Elizabeth Police Department is committed to service excellence in protecting life and property, impartial enforcement of law, and building community with those who live, work, and visit, the Town of Elizabeth."*

The following is an informational breakdown of EPD police activity from **08/17/2025 at 12:01 a.m. to 08/30/2025 at 11:59 p.m.** This information is compiled from our Records Management System (RMS), identified as New World (NW), as well as Douglas County Regional Dispatch (DCRD) records.

*\*All suspects/defendants are presumed innocent until proven guilty in a Court of Law. \**



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# TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

## Total Calls for Service:

307

## Traffic Stops:

**Total Stops:**

**Penalty Assessments  
Issued:**

**Warnings Issued:**

57

31

26

## Other Calls for Service:

| Call Type:                          | Number of Calls: |
|-------------------------------------|------------------|
| 911 Landline                        | 3                |
| 911 Rapid SOS                       | 7                |
| Alarm-Business Burglary             | 1                |
| Alarm-Residential Burglary          | 1                |
| Animal Complaint                    | 3                |
| Animal Cruelty                      | 1                |
| Assist to Other Agency (Non-Urgent) | 5                |
| Assist to Other Agency (Urgent)     | 1                |
| Business Check                      | 25               |



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# TOWN OF ELIZABETH POLICE DEPARTMENT

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|                                             |    |
|---------------------------------------------|----|
| Burglary                                    | 2  |
| Child Abuse                                 | 1  |
| Citizen Assist                              | 13 |
| Citizen Contact                             | 8  |
| Crime Prevention                            | 18 |
| Criminal Mischief                           | 1  |
| Domestic Violence                           | 1  |
| Flock                                       | 6  |
| Follow Up                                   | 31 |
| Found Property                              | 1  |
| Fraud                                       | 1  |
| Harassment                                  | 4  |
| Increased Patrol                            | 50 |
| Informational Report                        | 6  |
| Medical Assist                              | 7  |
| Menacing                                    | 1  |
| Municipal Ordinance Violation               | 4  |
| Motor Vehicle Accident with Property Damage | 1  |
| Motor Vehicle Accident with Hazards         | 1  |
| Park Check                                  | 4  |
| Parking Complaint                           | 3  |



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## TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

|                                               |    |
|-----------------------------------------------|----|
| Report Every Drunk Driver Immediately (REDDI) | 2  |
| School Education                              | 1  |
| Solicitor                                     | 1  |
| Suicidal Subject                              | 2  |
| Suspicious Circumstance                       | 4  |
| Suspicious Person                             | 3  |
| Suspicious Vehicle                            | 6  |
| Theft                                         | 3  |
| Traffic Complaint                             | 4  |
| Traffic Hazard                                | 5  |
| Traffic Stop                                  | 57 |
| Unwanted Subject                              | 2  |
| VIN Verify                                    | 3  |
| Welfare Check                                 | 2  |



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# TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

## Open Patrol Division Criminal Investigations:

| Case Number: | Call Type:        | Details:                                                        |
|--------------|-------------------|-----------------------------------------------------------------|
| 25-1079      | Financial Crimes  | Investigation into fraud at a local business.                   |
| 25-1130      | Financial Crimes  | Investigation into fraud of a resident.                         |
| 25-2643      | Theft             | Investigation into a theft at a local store.                    |
| 25-5031      | Sex Offense       | Investigation on a sex offense involving a juvenile.            |
| 25-5471      | Criminal Mischief | Investigation into damaged public and private property in Town. |

## Open Community Services Division Municipal Ordinance Violations:

| Case Number: | Call Type:                    | Notes:                                                                    |
|--------------|-------------------------------|---------------------------------------------------------------------------|
| 25-2958      | Municipal Ordinance Violation | Investigation into a Municipal Ordinance Violation that occurred in Town. |
| 25-3484      | Municipal Ordinance Violation | Investigation into a Municipal Ordinance Violation that occurred in Town. |
| 25-4312      | Municipal Ordinance Violation | Investigation into a Municipal Ordinance Violation that occurred in Town. |



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|         |                               |                                                                           |
|---------|-------------------------------|---------------------------------------------------------------------------|
| 25-4349 | Municipal Ordinance Violation | Investigation into a Municipal Ordinance Violation that occurred in Town. |
|---------|-------------------------------|---------------------------------------------------------------------------|

*\*Please note that limited information regarding open investigations is available. This is to protect the integrity of the investigations. \**

## Closed Case/Incident Reports:

| Case/Incident Number: | Call Type:                    | Details:                                                                                                                                                                                                                                                                                      |
|-----------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25-5019               | Municipal Ordinance Violation | EPD Community Services closed a case regarding a property that was out of compliance with Town Code. As the property is now owned by a different person who already had an active code enforcement case, the cases were linked together for investigation.                                    |
| 25-5020               | Municipal Ordinance Violation | EPD Community Services closed a case regarding a property that was out of compliance with Town Code. As the property is now owned by a different person who already had an active code enforcement case, the cases were linked together for investigation.                                    |
| 25-5217               | Traffic Stop                  | EPD contacted a motorist for a traffic violation. Further investigation revealed that EPD had given this motorist several warnings for this same violation. The motorist was issued a State summons for a traffic offense, and relevant evidence was taken and booked into the property room. |
| 25-5246               | Domestic Violence             | EPD responded to a verbal domestic violence. After investigation, there was insufficient probable cause to support criminal charges.                                                                                                                                                          |



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## TOWN OF ELIZABETH POLICE DEPARTMENT

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|         |                            |                                                                                                                                                                                                                                                                                                                                                                |
|---------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25-5134 | Disturbing the Peace       | A defendant came into the Elizabeth Municipal Court. Officers observed the party was heavily intoxicated. The party was informed by the Judge they could not be intoxicated and was rescheduled.                                                                                                                                                               |
| 25-5248 | Medical Assist             | EPD responded to a medical assist in Town. The patient was transported and due to the nature of the call, Adult Protective Services (APS) was notified.                                                                                                                                                                                                        |
| 25-5316 | Motor Vehicle Crash        | EPD responded to a vehicle vs. a deer. There were no injuries, and a crash report was taken.                                                                                                                                                                                                                                                                   |
| 25-5253 | Drug Violation<br>Trespass | EPD Officers responded to a reported suspicious vehicle. It had been reported that two subjects associated with the vehicle had been seen trespassing in backyards. Officers located the vehicle, and a search yielded a large amount of narcotics and paraphernalia. Three suspects were arrested on numerous charges and booked into the Elbert County Jail. |
| 25-5135 | Sex Offense                | EPD responded to a reported sex offense involving a minor. After investigation, it was determined the alleged crime did not occur in the Town. The appropriate jurisdiction and the Department of Human Services (DHS) were notified.                                                                                                                          |
| 25-4874 | Harassment                 | EPD responded to a local business on a reported harassment. After investigation,                                                                                                                                                                                                                                                                               |



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## TOWN OF ELIZABETH POLICE DEPARTMENT

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|         |                                   |                                                                                                                                                                                                                                                                                            |
|---------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                                   | there was insufficient evidence to support criminal charges.                                                                                                                                                                                                                               |
| 25-4376 | Case Muni                         | EPD Community Services closed a code enforcement case on a property within Town. The owner came into voluntary compliance with Town code.                                                                                                                                                  |
| 25-5304 | Disturbing the Peace              | EPD Officers responded to a local townhome complex on report of an intoxicated subject who was causing a disturbance. After investigation, the suspect was issued a municipal summons for a criminal offense. Due to the level of intoxication, the party was transported to the hospital. |
| 25-5204 | Driving Under the Influence Crash | EPD responded to a local business on report of a two-car crash. Initial investigation yielded that one of the motorists involved in the crash was intoxicated. The intoxicated motorist was taken into custody and booked into the Elbert County Jail on numerous charges.                 |
| 25-5345 | Warrant Arrest                    | EPD Officers received a Flock hit for a vehicle that was associated with a warrant for their arrest. Officers located the vehicle and contacted the driver, who was confirmed to be the wanted party. The party was taken into custody and booked into the Elbert County Jail.             |



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## TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

|         |                             |                                                                                                                                                                                                                                                                                                                                                                                     |
|---------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25-5349 | Animal Impound              | EPD Community Services responded to assist the Elbert County Sheriff's Office for a dog at large. As ECSO did not have the ability to impound the dog, EPD Community Services impounded the dog at our kennel. After the holding period, the owner had not come forward. EPD Community Services coordinated with an animal rescue to get the dog into foster care pending adoption. |
| 25-5429 | Warrant Arrest              | EPD Officers received a Flock hit for a vehicle that was associated with a warrant for their arrest. Officers located the vehicle and contacted the driver, who was confirmed to be the wanted party. The party was taken into custody and booked into the Elbert County Jail.                                                                                                      |
| 25-5355 | Restraining Order Violation | EPD received a report of a restraining order violation. After investigation, there was insufficient probable cause to support criminal charges.                                                                                                                                                                                                                                     |
| 25-2491 | Death                       | EPD closed a case of an unattended death. After autopsy, the cause of death was discovered to be drug related.                                                                                                                                                                                                                                                                      |
| 25-5075 | Fireworks                   | EPD responded to a location in Town on a report of fireworks. Once Officer's arrived, it was observed several parties shooting off fireworks. Four municipal summonses were issued.                                                                                                                                                                                                 |



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## TOWN OF ELIZABETH POLICE DEPARTMENT

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|         |                       |                                                                                                                                                                                                                                                                                    |
|---------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25-5489 | Restraining Order Vio | EPD Officers located a suspicious vehicle in a closed business parking lot. Officers contacted a sleeping party who was found to be intoxicated. The party had a restraining order that they could not consume alcohol. The party was arrested and booked into Elbert County Jail. |
| 25-5425 | Medical Assist        | EPD responded to a medical assist in Town. The patient was transported and due to the nature of the call, Adult Protective Services (APS) was notified.                                                                                                                            |



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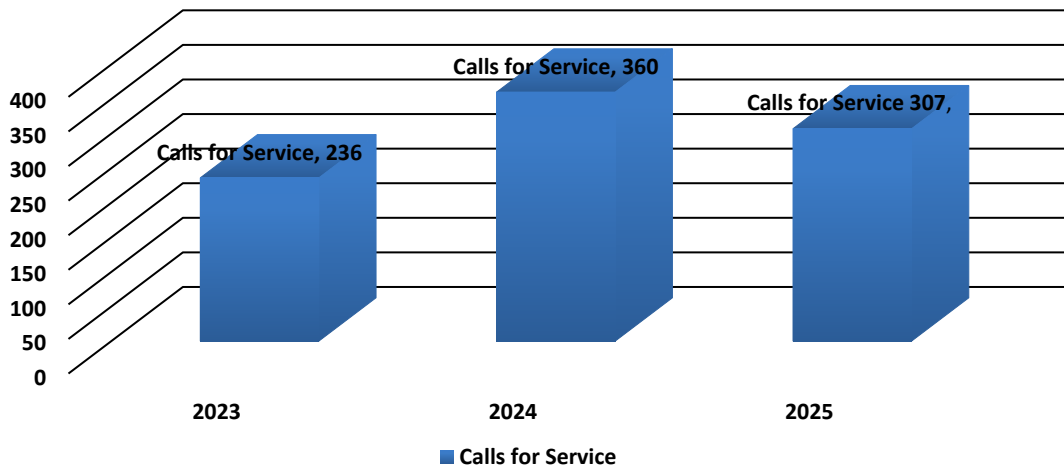


# TOWN OF ELIZABETH POLICE DEPARTMENT

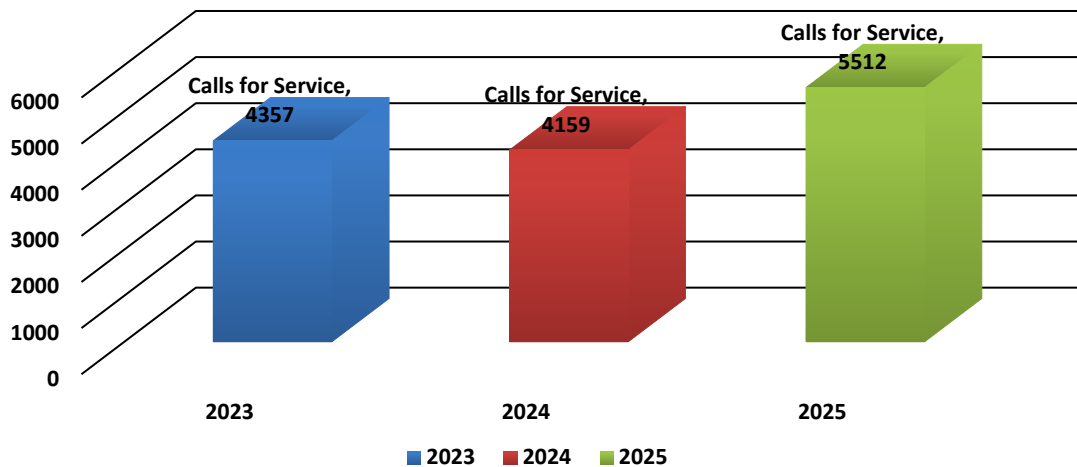
CHIEF OF POLICE JEFF ENGEL

## Historical Data:

### Calls for Service For Same Period:



### Total Calls for Service Year to Date



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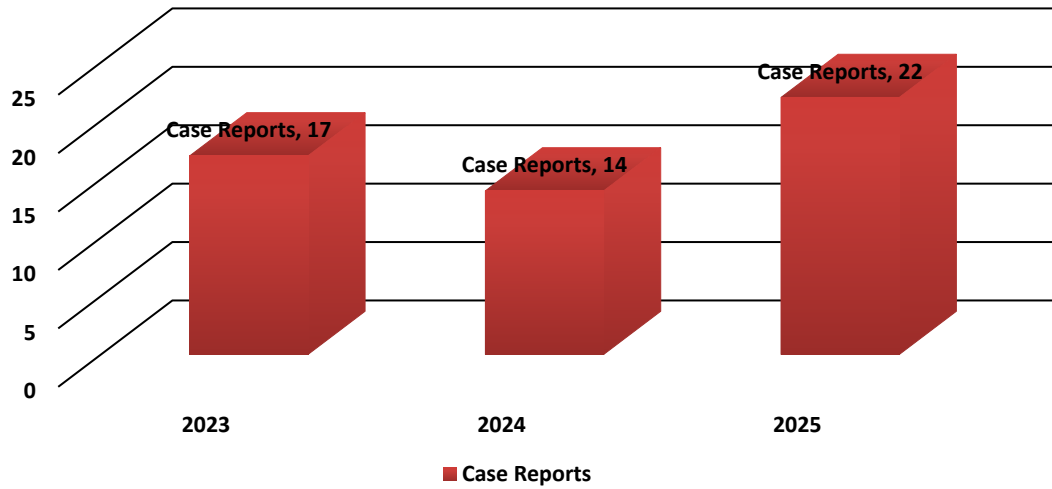
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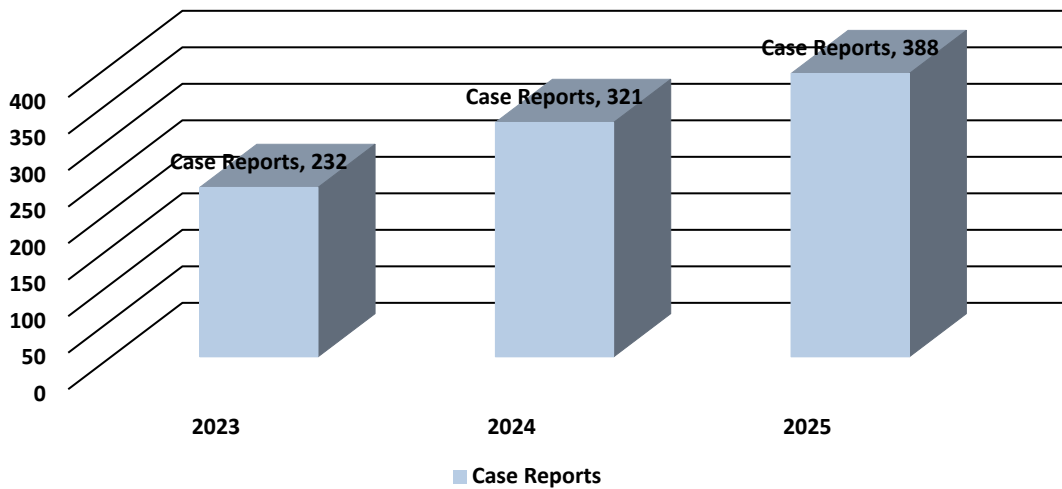
# TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

## Case Reports Pulled For Same Period:



## Total Case Reports Pulled Year to Date:



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## TOWN OF ELIZABETH

CHIEF OF POLICE JEFF ENGEL

TO: Mayor Angela Ternus, Mayor Pro Tem Tracy Hutchins, Board of Trustees

DATE: September 9, 2025

TITLE: Police Department Monitoring Report

### **Staffing Update:**

Officer Braydon Campbell has completed field training and is now on solo patrol. He is assigned to the B-side of the week on the early power shift.

### **Departmental Updates:**

- Work on the siding and ADA ramp and exterior siding has started.
  - The flooring project will follow shortly thereafter.
- Officer Steven Herbel and I are in training with the Douglas County Sheriff's Office this week. We are attending a two-day single officer response class.
- Officer Campbell and CSO Jenny Case are attending Crisis Intervention Training (CIT) training at the Douglas County Sheriff's Office.

### **Case Updates:**

- The police department is currently investigating a car vs. bicycle hit and run. Minor injuries were suffered by the bicyclist who was reported to be in a crosswalk.
- A property damage crash was investigated at the U.S. Postal Service building. The matter will be referred to court.
- CSO Jenny Case assisted the Elbert County Sheriffs Office with a loose dog at Evans Park. The dog was impounded. The dog, whom Jenny named Sophie, was deemed abandoned. Jenny worked tirelessly to locate a foster home for Sophie. Sophie found a foster home and is currently up for adoption.

Respectfully,

*Jeffery R. Engel*

Jeffery R. Engel

Chief of Police



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# TOWN OF ELIZABETH

## CLERK'S/FINANCE OFFICE MANAGER'S REPORT

September 9, 2025

*The Clerk's / Finance report reflects updates provided by individual Staff members.*

Hannah

- I am continuing to work with vendors to allow for electronic payments. This has cut down tremendously on checks that need to be printed, and vendors are getting paid sooner!
- I have been working closely with DOLA to ensure we accurately report for the property taxes for the 2026 budget year.

Allison

- We included notices informing residents of the upcoming water/sewer rate increases in both the Newsletter and printed invoices. I will also send out a separate reminder in another week. I will update our billing system and forms to reflect the increase as we get closer to October 1<sup>st</sup>.
- I continue to work on plans for this year's tree lighting. We will have a full moose family this year and we are sprucing up the Santa and Elf tents a bit. We are looking to have more character inside and outside both tents.

Harmony

- It has been a little quiet for me the last couple of weeks. I was able to take the opportunity to dive into some boxes of paper files and dispose or scan into Laserfiche appropriately.
- As required by law, I reviewed and updated our Information and Technology Accessibility Plan for the year.
- I'm still working with CivicPlus on our website accessibility audit results. This work has been taking a while as CivicPlus is not very quick in their responses or updates. I will keep pushing them to try and get this completed.

Michelle

- I wanted to make sure everyone saw this included in the last manager's report, this is repeat of information.
  - November 11<sup>th</sup> is Veterans Day, and the office is closed as a holiday, meeting is moved to Wednesday November 12<sup>th</sup>.
  - November 25<sup>th</sup> is Thanksgiving Week and has historically been moved to an earlier date. The meeting will be held on Thursday November 20<sup>th</sup>.



# TOWN OF ELIZABETH

## CLERK'S/FINANCE OFFICE MANAGER'S REPORT

- The meeting of December 23<sup>rd</sup> is canceled. This is the week of Christmas and has historically been cancelled.
- Does the Board wish to participate in the Boo Bash (previously the Harvest Festival) on October 25<sup>th</sup>?
- There is a lot going on in Town this month!
  - Friday 9-5-25 – Car Show
  - 5k – 9-13-25
  - Protectors Event 9-13-25
  - Movie Night – 9-19-25
  - Walk and Talk – 9-27-25
- The Elizabeth Liquor Store received the State's approval of their liquor license application. To clarify, this license is only good for this specific building and specific location. This means that they will not use the license until they open the doors of the store.
- As I did not want to spread my germs in the court room this month, Allison and Harmony oversaw September's court. They did an excellent job.