

**Agenda for the
Regular Meeting of the
Englewood City Council
Monday, May 21, 2012
7:30 pm**

Englewood Civic Center – Council Chambers
1000 Englewood Parkway
Englewood, CO 80110

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.
5. Consideration of Minutes of Previous Session.
 - a. Minutes from the Regular City Council Meeting of May 7, 2012.
6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.)
 - a. Presentation to Englewood Police Citizens' Academy Graduates.
 - b. Englewood resident Jody Williams will be present to address City Council regarding "Every Kid Matters," a new program aimed at helping Englewood youth.
7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

Council Response to Public Comment

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.

8. Communications, Proclamations, and Appointments.
 - a. Letter from Robert Baird announcing his resignation from the Englewood Public Library Board.
 - b. A resolution appointing Dave Cowan to the Englewood Transportation Advisory Committee.

9. Consent Agenda Items.
 - a. Approval of Ordinances on First Reading.
 - i. Council Bill No. 27 – Recommendation from the Division of Building and Safety to approve an ordinance adopting the International Building Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare. **Staff Source: Lance Smith, Chief Building Official.**
 - ii. Council Bill No. 28 – Recommendation from the Division of Building and Safety to approve an ordinance adopting the International Mechanical Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare. **Staff Source: Lance Smith, Chief Building Official.**
 - iii. Council Bill No. 29 – Recommendation from the Division of Building and Safety to approve an ordinance adopting the International Plumbing Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare. **Staff Source: Lance Smith, Chief Building Official.**
 - iv. Council Bill No. 30 – Recommendation from the Division of Building and Safety to approve an ordinance adopting the National Electrical Code 2011 to establish minimum requirements to safeguard the public health, safety and general welfare. **Staff Source: Lance Smith, Chief Building Official.**
 - v. Council Bill No. 31 – Recommendation from the Division of Building and Safety to approve an ordinance adopting the International Fire Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare. **Staff Source: Lance Smith, Chief Building Official.**
 - vi. Council Bill No. 32 – Recommendation from the Division of Building and Safety to approve an ordinance adopting the International Property Maintenance Code 2012 to establish clear and specific property maintenance requirements with required property improvements provisions. **Staff Source: Lance Smith, Chief Building Official.**
 - vii. Council Bill No. 33 – Recommendation from the Division of Building and Safety to approve an ordinance adopting the International Residential Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare. **Staff Source: Lance Smith, Chief Building Official.**

- viii. Council Bill No. 34 – Recommendation from the Division of Building and Safety to approve an ordinance adopting the International Fuel Gas Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare. **Staff Source: Lance Smith, Chief Building Official.**

b. Approval of Ordinances on Second Reading.

- i. Council Bill No. 25 – Authorizing the application for and acceptance of a grant award from the Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program.
- ii. Council Bill No. 26 – Authorizing the execution of a three-year Intergovernmental Cooperation Agreement with Arapahoe County relating to the conduct of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs for program grant years 2013 through 2015.

c. Resolutions and Motions.

- i. Recommendation from the Police Department to approve a resolution authorizing a partnership with Sandia Corporation for the Police Department to provide in-kind security monitoring services for Swedish Hospital in exchange for equipment and training. **Staff Source: Commander Tim Englert.**

10. Public Hearing Items. (None Scheduled.)

11. Ordinances, Resolutions and Motions

a. Approval of Ordinances on First Reading.

b. Approval of Ordinances on Second Reading.

- i. Council Bill No. 21 – Amending the Unified Development Code to establish the Neighborhood Preservation Overlay Zone District and the related zoning change (Medical District Sub-area 2).
- ii. Council Bill No. 24 – Approving the Denver Seminary Planned Unit Development (PUD) Amendment 3 adding Financial Institution with Drive-Through Service to the Table of Allowed Uses.

c. Resolutions and Motions.

12. General Discussion.
 - a. Mayor's Choice.
 - b. Council Members' Choice.
13. City Manager's Report.
14. City Attorney's Report.
 - a. Andrykowski Release and Settlement Agreement.
15. Adjournment.

Lindsay Von Colditz

To: Deb Parker
Subject: RE: items for 5/8/12 meeting

From: Robert B Baird |
Sent: Tuesday, May 08, 2012 1:02 PM
To: Deb Parker
Subject: Re: items for 5/8/12 meeting

Hi Deb,

I should probably get a schedule. I am currently spending time in Hawaii. You might consider replacing me due to my work schedule not allowing participation to date.

Thank you,
Bob

Sent from my iPhone

On May 7, 2012, at 5:28 PM, Deb Parker <

wrote:

<AGENDA regular 5 12.doc>

<Library Board Minutes 04-12.docx>

<Strategic Plan - with updates for May.docx>

RESOLUTION NO. _____
SERIES OF 2012

A RESOLUTION APPOINTING DAVE COWAN TO THE TRANSPORTATION ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Transportation Advisory Committee has been established as an advisory committee focused on transportation issues in the City of Englewood and shall seek to promote close cooperation between the City, individuals, businesses, institutions and agencies concerned with transportation related activities; and

WHEREAS, the Englewood Transportation Advisory Committee was established by the Englewood City Council with the passage of Ordinance No. 65, Series of 2001; and

WHEREAS, there is a vacancy in the Englewood Transportation Advisory Committee; and

WHEREAS, Dave Cowan was previously named as an alternate to the Englewood Transportation Advisory Committee; and

WHEREAS, Council wishes to express its gratitude for the volunteerism and service that this individual wishes to bestow upon the City; and

WHEREAS, the Englewood City Council desires to appoint Dave Cowan to the Englewood Transportation Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. Dave Cowan is hereby appointed to the Englewood Transportation Advisory Committee. Dave Cowan's term will be effective immediately and will expire February 1, 2014.

ADOPTED AND APPROVED this 21st day of May, 2012.

ATTEST:

James K. Woodward, Mayor Pro Tem

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2012.

Kerry Bush, Deputy City Clerk

COUNCIL COMMUNICATION

Date: May 21, 2012	Agenda Item: 9 a i	Subject: 1st Reading - Adoption of the International Building Code 2012
Initiated By: Fire Department/Division of Building and Safety		Staff Source: Lance Smith, Chief Building Official

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The adoption of the International Building Code 2012 was reviewed by City Council at the May 7, 2012 study session.

RECOMMENDED ACTION

Staff requests City Council approve an ordinance adopting the International Building Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood has used the Building Code and International Codes as model construction codes since 1971 and updates this code periodically to keep pace with changing construction technology.

The Building and Safety staff has reviewed the International Building Code 2012 and recommends adoption subject to certain exceptions, modifications and amendments.

FINANCIAL IMPACT

The only costs associated with the ordinance would be for the purchase of code books. The estimated amount is approximately \$400.00 and has been budgeted for in the 2012 Budget.

LIST OF ATTACHMENTS

Bill for an ordinance

Amendments to the International Building Code

- 101.1 Title. Insert "the City of Englewood" to complete sentence.
- 105.2 Work Exempt From Permit. Items 2, 4 and 6 have been deleted from exemption. EMC Title 16-2-9 has specific zoning codes regulating fences, retaining walls, driveways and sidewalks which requires a site plan review by Community Development.
- 109.2 Schedule of Permit Fees. In general, fees have not increased since 1997 and remain consistent with most jurisdictions in the metro area. The valuation for roof and fence permits were increased based on an average charged by contractors. Elevator inspection fees for the Elevator Inspection Program have been added to the Schedule of Permit Fees.
- 109.3 Building Permit Valuations. A sentence was added to utilize the valuation data from the ICC Building Safety Journal as a recognized standard to determine the valuation of a given project.
- 109.6 Fee Refunds. The section was amended to establish a fee refund policy.
- 110.7 Reinspections. This new section was added to allow for a penalty for when reinspections are scheduled by the contractor and the corrections have not been made.
- 111.3.1 Temporary Occupancy Fee. This new section was added to account for the increased number of inspections required for a TCO.
- 113 Board of Appeals. This section was amended and deferred to the EMC requirements for the appeal process.
- Chapter 9 Fire Protection Systems. These sections were amended to maintain consistency with the International Fire Code amendments. Sections 903.2.7 Group M and 903.2.9 Group S-1 were amended to define the maximum area of combustible materials allowed before fire sprinklers are required.
- 1009.16 Stairway to Roof. This section was amended to maintain consistency with the International Fire Code. Stairway access to the roof was lowered to three stories from four stories.
- Chapter 16 Structural Design. The code does not designate wind, snow or exposure category and requires that these loads are to be determined by case study.
- 2111.1.1 Fireplace Restrictions. The section was amended to be consistent with the EMC requirements for solid fuel burning appliances.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012 _____

COUNCIL BILL NO. 27
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE A, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE BUILDING CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Building Code as a model construction code since 1971; and

WHEREAS, this Code is updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Division of Building and Safety staff has thoroughly reviewed the International Building Code 2012 and recommends adoption thereof subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article A, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Building Code 2012 as Title 8, Chapter 2, Article A, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE A
BUILDING CODE

8-2A-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Building Code 2012 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2A-2 of this Article. The

City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2A-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Building Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. **101.1 Title.** *(Shall be amended to read)*
These regulations shall be known as the Building Code of the City of Englewood, hereinafter referred to as “this Code”.
2. **105.2 Work Exempt from Permit.**
Building:

 2. *(Deleted in its entirety, amended as follows)* Section 16-2-9 Englewood Municipal Code shall control fence requirements.
 4. *(Deleted in its entirety, amended as follows)* Section 16-2-9 Englewood Municipal Code shall control retaining wall requirement.
 6. *(Deleted in its entirety, amended as follows)* Section 16-2-9 Englewood Municipal Code shall control driveway and sidewalk requirements.
3. **109.2 Schedule of Permit Fees.** These fees shall be determined by the City Council and set by Resolution.
4. **109.3 Building Permit Valuations.** *(Add the following sentence)*
The building official may also utilize Building Valuation Data published in the ICC Building Safety Journal as a guideline to establish valuation.
5. **109.6 Fee Refunds.** *(Amended to read as follows)*
The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

6. **110.7 Reinspections.** *(Add new section)* A reinspection fee may be assessed for each inspection or reinspection when, such portion of work for which inspection is called is not complete, the corrections called for are not made, the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failing to provide access to the site or for deviating from plans requiring approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1.

In instances where reinspection fees have been assessed, no additional inspections of the work will be performed until the reinspection fees have been paid.

7. **111.3.1 Temporary Occupancy Fee.** *(Add new section)* The fee for a Temporary Certificate of Occupancy is as set forth in Section 109.2 of this Chapter.
8. **113 Board of Appeals.** *(Delete and amend to read)* Section 8-1-7 of the Englewood Municipal Code shall control the requirements of this Section.

B. CHAPTER 9 – FIRE PROTECTION SYSTEMS.

1. **903.2.7 Group M** *(Amend condition #4 to read as follows)*
4. **The area of a Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.**
2. **903.2.9 Group S-1** *(Amend condition #5 to read as follows)*
5. **The area of a Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet.**

C. CHAPTER 10 – MEANS OF EGRESS.

1. **1009.16 Stairway to Roof.** *(Amend to read)*

In buildings located three or more stories in height above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33% slope). In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an alternating tread device.

D. CHAPTER 16 – STRUCTURAL DESIGN. *(Amend Section to add the following)*

1. **1608.1 General.** The design roof snow load shall not be less than 30 pounds per square foot at any element of the roof.
2. **1608.2 Ground snow loads.** The ground snow load established for the City of Englewood is 30 pounds per square foot.

3. 1609.3 Basic wind speed. The minimum basic wind speed is hereby designated at ninety (90) miles per hour 3-second gust.

4. 1609.4.3 Exposure category. Exposure B shall be used for the design of all structures in the City of Englewood.

E. CHAPTER 21 – MASONRY.

1. 2111.1.1 Fireplace restrictions. Fireplaces shall comply with the Englewood Municipal Code, Sections 6-1-11 and 6-1-12.

F. APPENDICES.

1. Appendix I – Patio Covers is hereby adopted.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. The International Energy Conservation Code is hereby adopted by reference in Chapter 13 of the International Building Code 2006, as adopted.

Section 8. Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 9. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 21st day of May, 2012.

Kerry Bush

COUNCIL COMMUNICATION

Date: May 21, 2012	Agenda Item: 9 a ii	Subject: 1st Reading - Adoption of the International Mechanical Code 2012
Initiated By: Fire Department, Division of Building and Safety		Staff Source: Lance Smith, Chief Building Official

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The adoption of the International Mechanical Code 2012 was reviewed by City Council at the May 7, 2012 study session.

RECOMMENDED ACTION

Staff requests City Council approve an ordinance adopting the International Mechanical Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood has used the Uniform Mechanical Code as a model construction code since 1975 and updates this code periodically to keep pace with changing construction technology.

The Building and Safety staff has thoroughly reviewed the International Mechanical Code 2012 and recommends adoption subject to certain exceptions, modifications and amendments.

FINANCIAL IMPACT

The only costs associated with the ordinance would be for the purchase of code books. The estimated amount is approximately \$300.00 and has been budgeted for in the 2012 Budget.

LIST OF ATTACHMENTS

Bill for an ordinance

Amendments to the 2012 International Mechanical Code

- 101.1 Title. Insert "the City of Englewood" to complete sentence.
- 106.5.2 Fee schedule. Permit fees remain unchanged from the previous code and are the same as fees in the Building Code.
- 106.5.3 Fee Refunds. Refund policy remains the same as the Building Code.
- 107.3.3 Reinspections. Reinspection procedures remain the same as in the Building Code.
- 108.1 Unlawful acts. Refers procedures for unlawful acts to EMC 8-1-8.
- 108.4 Violation penalties. Refers procedures for violations to EMC 8-1-9 and 8-1-10.
- 108.5 Stop work orders. A sentence was added to reference the penalties section of 108.4
- 109 Means of appeal. This section was amended to refer to EMC 8-1-7.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012 _____

COUNCIL BILL NO. 28
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE B, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE MECHANICAL CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Codes as model construction codes since 1975; and

WHEREAS, this Code is updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Division of Building and Safety staff has thoroughly reviewed the International Mechanical Code 2012 and recommends adoption thereof subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article B, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Mechanical Code 2012 as Title 8, Chapter 2, Article B, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE B
MECHANICAL CODE

8-2B-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Mechanical Code 2012 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2B-2 of this Article. The

City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2B-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Mechanical Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. **101.1 Title.** *(Insert the following)*
These regulations shall be known as the Mechanical Code of the City of Englewood, hereinafter referred to as “this Code”.
2. **106.5.2 Permit Fee schedule.** *(Add the following)*
These fees shall be determined by City Council and set by resolution.
3. **106.5.3 Fee refunds.** *(Delete in its entirety and substitute the following).*
Section 109.6 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.
4. **107.3.3 Reinspections.** *(Delete in its entirety and substitute the following)*
Section 110.7 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.
5. **108.1 Unlawful acts.** *(Delete in its entirety and substitute the following)*
Section 8-1-8 of the Englewood Municipal Code shall replace the requirements of this Section.
6. **108.4 Violation Penalties.** Sections 8-1-9 and 8-1-10 Englewood Municipal Code shall replace the requirements of this Section.
7. **108.5 Stop work orders.** *(Add the following sentence)*
Upon notice from the code official that work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for penalties as prescribed in Section 108.4 as amended.
8. **109 Means of Appeal.** *(Delete section in its entirety and substitute the following)*

Section 8-1-7 of the Englewood Municipal Code of the City of Englewood shall replace the requirements of this Section.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 8. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 21st day of May, 2012.

Kerry Bush

COUNCIL COMMUNICATION

Date: May 21, 2012	Agenda Item: 9 a iii	Subject: 1st Reading - Adoption of the International Plumbing Code 2012
Initiated By: Fire Department, Division of Building and Safety		Staff Source: Lance Smith, Chief Building Official

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The adoption of the International Plumbing Code 2012 was reviewed by City Council at the May 7, 2012 study session.

RECOMMENDED ACTION

Staff requests City Council approve an ordinance adopting the International Plumbing Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood has used the Plumbing Code and International Codes as model construction codes since 1972 and updates this code periodically to keep pace with changing construction technology.

The Building and Safety staff has thoroughly reviewed the International Plumbing Code 2012 and recommends adoption subject to certain exceptions, modifications and amendments.

FINANCIAL IMPACT

The only costs associated with the ordinance would be for the purchase of code books. The estimated amount is approximately \$300.00 and has been budgeted for in the 2012 Budget.

LIST OF ATTACHMENTS

Bill for an ordinance

Amendments to the 2012 International Plumbing Code

- 101.1 Title. Insert “the City of Englewood” to complete the sentence.
- 106.6.2 Fee schedule. Permit fees remain unchanged from the previous code and are the same as fees in the Building Code.
- 106.6.3 Fee refunds. Refund policy remains the same as in the Building Code.
- 107.4.3 Reinspections. Reinspection policy remains the same as in the Building Code.
- 108.1 Unlawful acts. Refers unlawful acts to EMC 8-1-8 and 8-1-9 for requirements.
- 108.4 Violations penalties. Refers violations to EMC 8-1-10 for requirements.
- 108.5 Stop work orders. A sentence was added to refer to 108.4 for penalties.
- 109 Means of appeal. This section was amended to refer to EMC 8-1-7.
- 305.4.1 Sewer Depth. This section was amended to provide a minimum sewer depth of 12 inches.
- 903.1 Roof Extension. This section was amended to provide a minimum height requirement for roof vents.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. 29
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE C, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE PLUMBING CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Codes as model construction codes since 1972; and

WHEREAS, this Code is updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Division of Building and Safety staff has thoroughly reviewed the International Plumbing Code 2012 and recommends adoption thereof subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article C, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Plumbing Code 2012 as Title 8, Chapter 2, Article C, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE C
PLUMBING CODE

8-2C-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Plumbing Code 2012 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2C-2 of this Article. The

City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2C-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Plumbing Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. **101.1 Title.** *(Insert the following)*
These regulations shall be known as the International Plumbing Code of the City of Englewood, hereinafter referred to as “this Code”.
2. **106.6.2 Fee schedule.** *(Deleted in its entirety and substitute the following)*
These fees shall be determined by City Council and set by resolution.
3. **106.6.3 Fee refunds.** *(Delete in its entirety and substitute the following).*
Section 109.6 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.
4. **107.4.3 Reinspections.** *(Add new sentence)*
Section 110.7 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.
5. **108.1 Unlawful acts.** *(Delete in its entirety and substitute the following)*
Sections 8-1-8 and 8-1-9 of the Englewood Municipal Code shall replace the requirements of this Section.
6. **108.4 Violation penalties.** *(Deleted in its entirety and substitute the following)*
Section 8-1-10 of the Englewood Municipal Code shall replace the requirements of this Section.
7. **108.5 Stop work orders.** *(Add the following sentence)*
Upon notice from the code official that work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for penalties as prescribed in Section 108.4 as amended.

8. **109 Means of Appeal.** (Delete section in its entirety and substitute the following)

Section 8-1-7 of the Englewood Municipal Code of the City of Englewood shall replace the requirements of this Section.

B. CHAPTER 3. GENERAL REGULATIONS.

1. **305.4.1 Sewer depth.** (Insert the following)

Building sewers that connect to private sewage disposal systems shall be a minimum of twelve inches (12") below finished grade at the point of septic tank connection. Building sewers shall be a minimum of twelve inches (12") below grade.

C. CHAPTER 9. VENTS.

1. **903.1 Roof extension.** (Insert the following)

Open vent pipes that extend through a roof shall be terminated at least six inches (6") above the roof, except where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7') above the roof.

D. CHAPTER 13. GREY WATER RECYCLING SYSTEMS (Delete entire Chapter).

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7 Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 8. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 21st day of May, 2012.

Kerry Bush

COUNCIL COMMUNICATION

Date: May 21, 2012	Agenda Item: 9 a iv	Subject: 1st Reading - Adoption of the National Electrical Code 2011
Initiated By: Fire Department/Division of Building and Safety		Staff Source: Lance Smith, Chief Building Official

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The adoption of the National Electrical Code 2011 was reviewed by City Council at the May 7, 2012 study session.

RECOMMENDED ACTION

Staff requests City Council approve an ordinance adopting the National Electrical Code 2011 to establish minimum requirements to safeguard the public health, safety and general welfare.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood has used the National Electrical Code as a model construction code since 1971 and updates this code periodically to keep pace with changing construction technology.

The Building and Safety staff has reviewed the National Electrical Code 2011 and recommends adoption.

FINANCIAL IMPACT

The only costs associated with the ordinance would be for the purchase of code books. The estimated amount is approximately \$400.00 and has been budgeted for in the 2012 Budget.

LIST OF ATTACHMENTS

Bill for an ordinance

Amendments to the National Electrical Code

There are no amendments proposed to the 2011 NEC.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. 30
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE D, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE ELECTRICAL CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the National Electrical Codes as model construction codes since 1975; and

WHEREAS, this Code is updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Division of Building and Safety staff has thoroughly reviewed the National Electrical Code 2011 and recommends adoption thereof subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article D, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the National Electrical Code 2011 as Title 8, Chapter 2, Article D, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE D
ELECTRICAL CODE

8-2C-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the National Electrical Code 2011 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2D-2 of this Article. The

City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2005 Code but not a combination thereof.

Section 8. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 21st day of May, 2012.

Kerry Bush

COUNCIL COMMUNICATION

Date: May 21, 2012	Agenda Item: 9 a v	Subject: 1st Reading - Adoption of the International Fire Code 2012
Initiated By: Fire Department, Fire Prevention		Staff Source: Marla Wilcox, Fire Marshal

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The adoption of the International Fire Code 2012 was reviewed by City Council at the May 7, 2012 study session.

RECOMMENDED ACTION

Staff requests City Council approve an ordinance adopting the International Fire Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood has used the Fire Code and International Codes as model construction codes since 1980 and updates this code periodically to keep pace with changing construction technology.

The Fire Marshal has thoroughly reviewed the International Fire Code 2012 and recommends adoption subject to certain exceptions, modifications and amendments.

FINANCIAL IMPACT

The only costs associated with the ordinance would be for the purchase of code books. The estimated amount is approximately \$300.00 and has been budgeted for in the 2012 Budget.

LIST OF ATTACHMENTS

Bill for an ordinance

Amendments to the 2012 International Fire Code

- Section 102.13 Application of Residential Code – New section (same as 2006) to allow fire department input on water supply, fire apparatus access, premises identification. Construction permits for systems and equipment utilized in the interior or exterior of the building shall also apply.
- Section 109 Violation Penalties – Amended to read in accordance with EMC.
- Section 109.4.2 **new** The intent of this new section is for business owners to comply in a prompt manner to correct fire code violations identified during a fire life safety inspection of their business. There is no charge for the initial visit, none for the second visit which is conducted approximately 30 days from the first visit. The next visit which is normally a fire prevention bureau inspection is done at least 30 days later and the fee would be \$50 for this visit. If another visit is required it would be \$100, the next visit would be \$200. If the corrections required initially would be a high dollar amount, additional time would be given at no charge.
- 503.2.1 Dimensions. Fire Apparatus access roads shall have an unobstructed width of 26 feet vs. the codes 20 feet. (Same as in the 2006 IFC)
- 506.1 Where Required. A Knox Box (key lock box) is required to be installed whenever there is a fire alarm system or fire suppression system installed. (Same as in the 2006 IFC)
- Chapter 9. Fire Protection Systems. 903.2.7 This code has been amended for Group M (Mercantile or Retail) Occupancies to allow 5,000 square feet of upholstered furniture or mattresses in a non-sprinkled business. (Otherwise any mercantile/retail building 5,000 square feet with a mattress or upholstered furniture would be required to have a fire sprinkler system)
- 903.2.9 This code has been amended with the same intent as for the mercantile/retail businesses. This is for storage facilities and will allow them to have 2,500 square feet of upholstered furniture or mattresses in a non-sprinkled business. (Otherwise any building 2,500 square feet used for storage, with a mattress or upholstered furniture would have to have a fire sprinkler system)
- Section 1009.16 Stairway to Roof. Amended to read that when a building is 3 stories vs. 4 stories, a stairway to the roof shall be required. (Same as 2006)
- Englewood Fire does not have an aerial ladder truck to reach a height of 4 stories, thus the requirement for the stairway on a 3 story building.
- Chapter 56. Explosives and Fireworks. (Same as 2006) Wording changed to say “any ignitable” fireworks are prohibited. This clarifies novelty fireworks where they are snapped, popped, etc. and are allowable.
- The exception is fireworks that are allowed in Section 5608 which remains as written.

- 5601.2.4 Financial Responsibility – Fireworks; per city requirements a corporate surety bond is required in the amount of **\$2,000,000** (vs. \$100,000) or a public liability insurance policy for the same amount is changed to read with excess liability of **\$5,000,000**.
- Chapter 57. Flammable and Combustible Liquids. Changed to read Above Ground Tanks shall be located in accordance with this section. (Same as the 2006 IFC)
- Appendices D has been adopted to assist for reference in new construction sites. Table D103.4 has been modified from 20 feet to 26 feet (Same as the 2006 IFC)

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. 31
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE E, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE FIRE CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Codes as model construction codes since 1971; and

WHEREAS, these Codes are updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Fire Marshal has thoroughly reviewed the International Fire Code 2012 and recommends adoption thereof, subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article E, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Fire Code 2012 as Title 8, Chapter 2, Article E, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE E
FIRE CODE

8-2E-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Fire Code 2012 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2E-2 of this Article. The

City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2F-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Fire Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. 101.1 Title. (Amended to read as follows)

These regulations shall be known as the Fire Code of the City of Englewood, hereinafter referred to as “this Code”.

2. Section 102. Applicability. (Amended by the addition of a new subsection to read as follows)

102.13 Application of Residential Code.

Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this Code shall apply as follows:

a. Construction and design provisions: Provisions of this Fire Code pertaining to the exterior of the structure shall apply; including, but not limited to, premises identification, fire apparatus access, and water supplies. Construction permits for systems and equipment utilized in the interior or exterior of the structure shall also apply.

b. Administrative, operational and maintenance provisions: All such provisions of this Code shall apply.

References in this Fire Code to Group R-3 or U occupancies or one-family and two-family dwellings and townhouses shall apply to structures under the scope of the International Residential Code except as limited by this Section.

3. 103.3 ~~Deputies~~ Assistant Fire Marshals. (Amend to read as follows).

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *fire code official* shall have the authority to appoint ~~a deputy~~ an assistant *fire code official*, other related technical officers, inspectors and other employees.

4. 104.6 Official Records. (Amended to read as follows)

The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained ~~for not less than five years~~ or ~~or~~ for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

5. **105.6 Required Operational Permits.** *(Delete Subsections 105.6.1 through 105.6.13; 105.6.15; 105.6.17; 105.6.18; 105.6.20 through 105.6.25; 105.6.27 through 105.6.29; 105.6.31 through 105.6.35; 105.6.37 through 105.6.42; and 105.6.44 through 105.6.46)*

13. **Section 108 Board of Appeals.** *(Delete in its entirety and substitute the following)*

Section 8-1-7 of the Englewood Municipal Code shall control the requirements of this Section.

14. **Section 109 Violations.**

A. **109.4 Violation Penalties.** *(Amended to read as follows)*

Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or a permit or certificate used under provisions of this Code, shall be guilty of a ~~[SPECIFY OFFENSE]~~, punishable by a fine of not more than ~~[AMOUNT]~~ dollars or by imprisonment not exceeding ~~[NUMBER OF DAYS]~~, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. subject to penalties or other action in accordance with 8-1-9 EMC. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Add a new section pertaining to fire code re-inspection fees)

109.4.2 Reinspection fees.

A fee shall be charged for follow-up fire code violations.

The fee structure is as follows:

<u>Primary fire inspection</u>	<u>\$ 0.00</u>
<u>Follow-up fire inspection</u>	<u>0.00</u>
<u>2nd Follow-up inspection</u>	<u>50.00</u>
<u>3rd Follow-up inspection</u>	<u>100.00</u>
<u>4th Follow-up inspection and each inspection thereafter</u>	<u>200.00</u>

15. **111.4 Failure to Comply.** *(Amended to read as follows)*

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation of unsafe condition, shall be liable to a fine of not less than ~~[AMOUNT]~~ dollars or more than ~~[AMOUNT]~~ dollars. subject to penalties or other action in accordance with 8-1-9 and 8-1-10 of the Englewood Municipal Code.

B. CHAPTER 5. FIRE SERVICE FEATURES.

1. 503.2.1 Dimensions. (Amended to read as follows)

Fire Apparatus access roads shall have an unobstructed width of not less than ~~20 feet (6096 mm)~~, 26 feet (1725 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

2. 506.1 Where Required. (Amended to read as follows)

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where a fire alarm system, or fire suppression system exists, the *fire code official* is authorized to require a key box to be installed in an *approved* location. The key box shall be of an *approved* type ~~listed in accordance with UL 1037~~, and shall contain keys to gain necessary access as required by the *fire code official*.

C. CHAPTER 9. FIRE PROTECTION SYSTEMS (Amended to read as follows).

1. 903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:

1. A Group M *fire area* exceeds 12,000 square feet (1115m²).
2. A Group M *fire area* is located more than three stories above grade plane.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
4. The area of a A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464m²).

2. 903.2.9 Group S-1. (Amended to read as follows)

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 12,000 square feet (115m²).
2. A Group S-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group S-1 *fire area* used for the storage of commercial trucks or buses where the *fire area* exceeds 5,000 square feet (464m²).
5. The area of a A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet. (232m²).

D. CHAPTER 10. MEANS OF EGRESS.

B. Section 1009.16 Stairway of Roof. (Amended to read as follows)

In buildings ~~four~~ three or more stories in height above *grade plane*, one *stairway* shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope). In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an *alternating tread device*.

E. CHAPTER 56. EXPLOSIVES AND FIREWORKS.

1. 5601.1.3 Fireworks. (Amended to read as follows)

The possession, manufacture, storage, sale, handling and use of any ignitable fireworks are prohibited.

Exceptions:

- 1- ~~Storage and handling of fireworks as allowed in Section 5604.~~
- 2- ~~Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~
3. The use of fireworks for fireworks displays as allowed in Section 5608.
- 4- ~~The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with CPSC 16 CFR Parts 1500 and 1507, and DOT 49 CFR Parts 100-185, for consumer fireworks.~~

2. 5601.2.4 Financial Responsibility. (Amended to read as follows)

Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum ~~\$100,000~~ 2,000,000 or a public liability insurance policy for the same amount, with excess liability of \$5,000,000 for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The *fire code official* is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

F. CHAPTER 57. FLAMMABLE AND COMBUSTIBLE LIQUIDS.

1. 5704.2.9.6.1 Locations where above-ground tanks are prohibited. (Amended to read as follows)

Storage of Class I and II liquids in a ~~Above-ground tanks shall be located in accordance with this Section, outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the *International Fire Code* on page xxi).~~

APPENDICES. *(Delete Appendices A through C and E through J)*

Appendix D – Fire Apparatus Access Roads, *(hereby adopted and amended to read as follows)*

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20 <u>26</u>	None required
151-500	20 <u>26</u>	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	20 <u>26</u>	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well

as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 9. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 21st day of May, 2012.

Kerry Bush

COUNCIL COMMUNICATION

Date: May 21, 2012	Agenda Item: 9 a vi	Subject: 1st Reading - Adoption of the International Property Maintenance Code 2012
Initiated By: Fire Department, Division of Building and Safety		Staff Source: Lance Smith, Chief Building Official

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The adoption of the International Property Maintenance Code 2012 was reviewed by City Council at the May 7, 2012 study session.

RECOMMENDED ACTION

Staff requests City Council approve an ordinance adopting the International Property Maintenance Code 2012 to establish clear and specific property maintenance requirements with required property improvement provisions.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood has used the Englewood Municipal Code Title 9 Housing Regulations as a residential property maintenance code since 1985 and updates this code periodically to keep pace with changing technology.

The Building and Safety staff has reviewed the International Property Maintenance Code 2012 and recommends adoption subject to certain exceptions, modifications and amendments.

FINANCIAL IMPACT

The only costs associated with the ordinance would be for the purchase of code books. The estimated amount is approximately \$200.00 and has been budgeted for in the 2012 Budget.

LIST OF ATTACHMENTS

Bill for an ordinance

Amendments to the 2012 International Property Maintenance Code

- 101.1 Title. Insert "of the City of Englewood" to complete sentence.
- 102.3 Application of other codes. Deleted reference to Internatioal Zoning Code as an applicable code.
- 103.3 Fees. There are no fees proposed for enforcement of the IPMC.
- 107.2 Form Item #4. Sets a time limit for repairs to an IPMC violation to 30 calendar days.
- 108.5 Prohibited occupancy. Sets a time limit to vacate within ten days unless a lesser time is necessary depending on the degree of hazard.
- 111 Means of appeal. This section is deleted and and refers to EMC 8-1-7 for the appeal process.
- 302 Exterior property areas. This section is deleted and deferred to Code Enforcement for enforcement.
- 304.14 Insect screens. Requires insect screens year round for all openings.
- 602.4 Heat supply. Sets a minimum requirement for heat to 68 degrees for dwelling units.
- 602.4 Occupiable work spaces. Sets a minimum requirement for heat to 65 degees for indoor work spaces.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. 32
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE F, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE PROPERTY MAINTENANCE CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Codes as model construction codes since 1971; and

WHEREAS, these Codes are updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Division of Building and Safety staff has thoroughly reviewed the International Property Maintenance Code 2012 and recommends adoption thereof subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article F, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Property Maintenance Code 2012 as Title 8, Chapter 2, Article F, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE F
PROPERTY MAINTENANCE CODE

8-2F-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Property Maintenance Code 2012 Edition, in its entirety including errata updates, as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2F-2 of this Article. The

City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2E-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Property Maintenance Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. 101.1 Title. (Amended to read as follows)

These regulations shall be known as the Property Maintenance Code of the City of Englewood, hereinafter referred to as "this Code".

2. Section 102.3 Application of other codes. (Delete the last sentence)

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70.*

3. 103.3 Fees. (Amend as indicated).

The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be set by council resolution.

4. 107.2 Form. (Amend Item No. 4 as indicated)

4. Include a correction order allowing a reasonable time, but in no event more than 30 days to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

5. 108.5 Prohibited occupancy. (Amend as indicated)

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Such placard shall be deemed an order directing vacation and shall provide not more than ten (10) days from the date of such placarding for the vacation of such dwelling unit unless a lesser time is stated in the order as in the judgment of the building official is reasonable and proper in view of the facts of the situation and hazard involved. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placard premises, or operate placarded equipment, or remove such placard from the premises, or operate placarded equipment, or remove such placard from the premises or equipment, shall be liable for the penalties provided by this Code.

6. 111 Means of Appeal. (Delete in its entirety and substitute the following)

Refer to 8-1-7 of the Englewood Municipal Code for requirements of this Section.

B. CHAPTER 3 – GENERAL REQUIREMENTS.

1. 302 - Exterior Property Areas.

a. 302.4 Weeds. (Deleted in its entirety)

Comment: Deferred to Code Enforcement.

b. 302.8 Motor Vehicles. (Deleted in its entirety)

Comment: Deferred to Code Enforcement.

c. 302.9 Defacement of property. (Deleted in its entirety)

2. 304 – Exterior Structure.

a. 304.14 Insect screens. (Amend as follows)

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas of any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

C. CHAPTER 6 – MECHANICAL AND ELECTRICAL REQUIREMENTS.

1. 602.3 Heat supply. (Delete and replace with the following)

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

2. 602.4 Occupiable work spaces. (Delete partial sentence)

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18° C) during the period the spaces are occupied.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 8. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 21st day of May, 2012.

Kerry Bush

COUNCIL COMMUNICATION

Date: May 7, 2012	Agenda Item: 9 a vii	Subject: 1st Reading - Adoption of the International Residential Code 2012
Initiated By: Fire Department, Division of Building and Safety		Staff Source: Lance Smith, Chief Building Official

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The adoption of the International Residential Code 2012 was reviewed by City Council at the May 7, 2012 study session.

RECOMMENDED ACTION

Staff requests City Council approve an ordinance adopting the International Residential Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood has used the Building Code and International Codes as model construction codes since 1971 and updates this code periodically to keep pace with changing construction technology.

The Building and Safety staff has thoroughly reviewed the International Residential Code 2012 and recommends adoption subject to certain exceptions, modifications and amendments.

FINANCIAL IMPACT

The only costs associated with the ordinance would be for the purchase of code books. The estimated amount is approximately \$400.00 and has been budgeted for in the 2012 Budget.

LIST OF ATTACHMENTS

Bill for an ordinance

Amendments to the International Residential Code

- R105.2 Work Exempt from Permit. Items 2, 3, 5 and 10 have been deleted from exemption. EMC Title 16-2-9 has specific zoning codes regulating fences, retaining walls, driveways and sidewalks and requires a site plan review by Community Development.
- R108.2 Schedule of Permit Fees. Fees are to be set by Council Resolution. Fees are the same as those proposed in the resolution for the building code.
- R108.3 Building Permit Valuations. The method of determining valuations is consistent with that of the IBC.
- R108.5 Fee Refunds. The policy for determining refunds is as proposed for the IBC.
- R110.4.1 Temporary Occupancy Fee. This fee is the same as proposed for the IBC.
- R112 Board of Appeals. This section was amended to defer to the EMC appeals process.
- R113.4 Violation Penalties. The section was amended to defer to the EMC penalties provisions.
- Table R301.2(1) Climatic and Geographic Design Criteria. The various categories in this table are determined by case study and have been added to the table.
- Section R313 Automatic Fire Sprinkler Systems. This will be a new requirement for single-family, two-family and townhomes. The installation costs for this system will be partially offset by the reduction of the fire-resistance-rated wall in townhomes and two-family dwellings. Fees to increase water meter size to 1 inch will be waived.
- R314.3.1 Alterations, Repairs and Additions. The installation of minor electrical installations was added to the exemption exceptions requiring the installation of smoke alarms.
- Chapter 10 - Chimneys and Fireplaces. Sections R1001.1.1 and R1004.1.1 were amended to refer to the EMC for specific requirements for fireplaces.
- P2603.6.1 Sewer Depth. The depth of the main sewer line was set to be a minimum of 12 inches.
- P3009 Grey Water Systems. This section has been deleted. Grey water systems are prohibited.
- Appendices. Appendix H – Patio Covers and M – Home Day Care provisions provide minimum requirements that are not included in the general requirements of the code.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012 _____

COUNCIL BILL NO. 33
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE G, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE RESIDENTIAL CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Codes as model construction codes since 1971; and

WHEREAS, these Codes are updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Division of Building and Safety staff has thoroughly reviewed the International Residential Code 2012 and recommends adoption thereof subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article G, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Residential Code 2012 as Title 8, Chapter 2, Article G, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE G

RESIDENTIAL CODE

APPENDIX H – PATIO COVERS

APPENDIX M – HOME DAY CARE – R-3 OCCUPANCY

8-2G-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Residential Code 2012 Edition, in its entirety including errata updates, published as part of this Code, by the International Code

Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2G-2 of this Article. The City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2G-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Residential Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. R101.1 Title.

These regulations shall be known as the Residential Code of the City of Englewood, hereinafter referred to as "this Code".

2. R105.2 Work exempt from permit.

2. (Deleted in its entirety and substitute the following)

Title 16 of the Englewood Municipal Code shall replace the fence requirements of this Section.

3. (Deleted in its entirety and substitute the following)

Title 16 of the Englewood Municipal Code shall replace the wall requirements of this Section.

5. (Deleted in its entirety and substitute the following)

Title 16 of the Englewood Municipal Code shall replace the driveway and sidewalk requirements of this Section.

3. R108.2 Schedule of permit fees. (Delete in its entirety and substitute the following)

These fees shall be determined by City Council and set by resolution.

4. R108.3 Building permit valuations. (Delete in its entirety and substitute the following)

Section 109.3 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.

5. R108.5 Fee Refunds. (Delete in its entirety and substitute the following)

Section 109.6 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.

6. R110.4.1 Temporary Occupancy Fee. (Add new section)

Section 111.3.1 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.

7. **R112 Board of Appeals.** (Delete in its entirety and substitute the following)

Section 8-1-7 of the Englewood Municipal Code shall replace the requirements of this Section.

8. **R113.1 Unlawful acts.** (Delete in its entirety and substitute the following)

Section 8-1-8 of the Englewood Municipal Code shall replace the requirements of this Section.

9. **R113.4 Violation penalties.** (Delete in its entirety and substitute the following)

Sections 8-1-9 and 8-1-10 of the Englewood Municipal Code shall replace the requirements of this Section.

B. CHAPTER 3 – BUILDING AND PLANNING.

1. **Table R301.2(1)**

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

<u>Ground Snow Load</u>	<u>Wind Speed (mph)</u>	<u>Seismic Design Category</u>	<u>SUBJECT TO DAMAGE FROM</u>			
			<u>Weathering</u>	<u>Frost Line Depth</u>	<u>Termite</u>	<u>Decay</u>
<u>30 psf</u>	<u>90 mph</u>	<u>B</u>	<u>Severe</u>	<u>36 inches</u>	<u>Slight to Moderate</u>	<u>None to Slight</u>
<u>Roof 30 psf Non-Reducible</u>	<u>Exposure B</u>					

<u>Winter Design Temp</u>	<u>Ice Shield Underlayment Required</u>	<u>Flood Hazard</u>	<u>Air Freezing Index</u>	<u>Mean Annual Temp</u>
<u>1 Degree F</u>	<u>Yes</u>	<u>EMC 16-4</u>		

2. **R314.3.1 Alterations repairs and additions.** (Amend as follows)

When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms as required for new dwellings.

Exceptions: (Amend exception No. 2 as follows)

2. Installation, alteration or repairs of plumbing, electrical or mechanical systems are exempt from the requirements of this Section.

C. CHAPTER 10– CHIMINEYS AND FIREPLACES (Add the following new Sections)

- 1. R1001.1.1 Fireplace Restrictions.** Fireplaces shall comply with 6-1-11 and 6-1-12 of the Englewood Municipal Code.
- 2. R1004.1.1 Fireplace restrictions.** Fireplaces shall comply with 6-1-11 and 6-1-12 of the Englewood Municipal Code.

D. CHAPTER 26 – GENERAL PLUMBING REQUIREMENTS

- 1. P2603.6.1 Sewer depth.** *(Insert the following)* Building sewers that connect to private sewage disposal systems shall be a minimum of twelve inches (12”) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of twelve inches (12”) below grade.

E. CHAPTER 30 – SANITARY DRAINAGE

- 1. P3009 Gray Water Recycling Systems** *(Deleted in entirety)*

F. APPENDICES. (Deleted in its entirety except and insert the following)

- 1. Appendix H Patio Covers and Appendix M Home Day Care R-3 Occupancy are hereby adopted.**

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 8. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 21st day of May, 2012.

Kerry Bush

COUNCIL COMMUNICATION

Date: May 21, 2012	Agenda Item: 9 a viii	Subject: 1st Reading - Adoption of the International Fuel Gas Code 2012
Initiated By: Fire Department, Division of Building and Safety		Staff Source: Lance Smith, Chief Building Official

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The adoption of the International Fuel Gas Code 2012 was reviewed by City Council at the May 7, 2012 study session.

RECOMMENDED ACTION

Staff requests City Council approve an ordinance adopting the International Fuel Gas Code 2012 to establish minimum requirements to safeguard the public health, safety and general welfare.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood has used the Uniform Codes as a model construction code for installation of fuel gas systems since 1972 and updates this code periodically to keep pace with changing construction technology.

The Building and Safety staff has thoroughly reviewed the International Fuel Gas Code 2012 and recommends adoption subject to certain exceptions, modifications and amendments.

FINANCIAL IMPACT

The only costs associated with the ordinance would be for the purchase of code books. The estimated amount is approximately \$200.00 and has been budgeted for in the 2012 Budget.

LIST OF ATTACHMENTS

Bill for an ordinance

Amendments to the 2012 International Fuel Gas Code

- 101.1 Title. Insert "the City of Englewood" into the sentence.
- 106.6.2 Fee schedule. Permit fees remain unchanged from the previous code and are the same as fees in the Building Code.
- 106.6.3 Fee refunds. Refund policy remains the same as in the Building Code.
- 107.4.3 Reinspections. Reinspection policy remains the same as in the Building Code.
- 108.1 Unlawful acts. Refers unlawful acts to EMC 8-1-8 and 8-1-9 for requirements.
- 108.4 Violations penalties. Refers violations to EMC 8-1-10 for requirements.
- 108.5 Stop work orders. A sentence was added to refer to 108.4 for penalties.
- 109 Means of appeal. This section was amended to refer to EMC 8-1-7.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012 _____

COUNCIL BILL NO. 34
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE H, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE FUEL GAS CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Codes as a model construction codes since 1972; and

WHEREAS, these Codes are updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Division of Building and Safety staff has thoroughly reviewed the International Fuel Gas Code 2012 and recommends adoption thereof subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article H, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Fuel Gas Code 2012 as Title 8, Chapter 2, Article H, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE H
FUEL GAS CODE

8-2H-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Fuel Gas Code 2012 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2G-2 of this Article. The

City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2H-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Fuel Gas Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION. (Insert the following)

1. 101.1 Title

These regulations shall be known as the International Fuel Gas Code of the City of Englewood, hereinafter referred to as “this Code”.

2. 106.6.2 Fee schedule. (Insert the following.)

These fees shall be determined by City Council and set by resolution.

3. 106.6.3 Fee refunds. (Delete in its entirety and substitute the following).

Section 110.7 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.

4. 108.1 Unlawful acts. (Delete in its entirety and substitute the following)

Section 8-1-8 and 8-1-9 of the Englewood Municipal Code shall replace the requirements of this Section.

5. 108.4 Violation penalties. (Delete in its entirety and substitute the following)

Section 8-1-10 of the Englewood Municipal Code shall replace the requirements of this Section.

6. 108.5 Stop work orders. (Amend and add the following sentence)

Upon notice from the code official that work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for penalties as prescribed in 108.4 as amended.

7. 109 MEANS OF APPEAL. (Delete in its entirety and substitute the following)

Section 8-1-7 of the Englewood Municipal Code shall replace the requirements of this Section.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 8. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 21st day of May, 2012.

Kerry Bush

BY AUTHORITY

ORDINANCE NO. _____
 SERIES OF 2012

COUNCIL BILL NO. 25
 INTRODUCED BY COUNCIL
 MEMBER WOODWARD

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE APPLICATION FOR AND ACCEPTANCE OF AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2012 LOCAL SOLICITATION.

WHEREAS, the Englewood City Council previously authorized the application for and acceptance of Justice Assistance Grants (JAG) with the passage of Ordinance #49, Series of 2008; Ordinance #12, Series 2009; and Ordinance #27, Series of 2009; Ordinance #16, Series of 2010; and Ordinance #33, Series of 2011; and

WHEREAS, the Justice Assistance Grant is a non-matching grant for 2012, awarding the City of Englewood Sixteen Thousand, Nine Hundred and Eight Dollars, (\$16,908.00); and

WHEREAS, the Justice Assistance Grant incorporates funds from the U.S. Department of Justice;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the City to apply for and accept the Justice Assistance Grant from Edward Byrne Justice Assistance Grant Program, attached hereto as Exhibit A.

Section 2. The Mayor is authorized to execute the acceptance of the grant for and on behalf of the City of Englewood.

Introduced, read in full, and passed on first reading on the 7th day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 11th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 9th day of May, 2012 for thirty (30) days.

Read by title and passed on final reading on the 21st day of May, 2012.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2012, on the 25th day of May, 2012.

Published by title on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2012.

Kerry Bush

OMB No. 1121-0329

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



The U.S. Department of Justice (DOJ), Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is pleased to announce that it is seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2012 Local Solicitation

Eligibility

Applicants are limited to units of local government appearing on the FY 2012 JAG Allocations List. To view this list, go to www.bja.gov/programs/jag/12jagallocations.html. For JAG program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe that performs law enforcement functions (as determined by the Secretary of the Interior). Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means a district attorney or parish sheriff. In the District of Columbia or any United States Trust Territory, a unit of local government is any agency of the District of Columbia or federal government performing law enforcement functions for the District of Columbia or Trust Territories of the United States.

Deadline

Applicants must register in OJP's Grants Management System (GMS) prior to submitting application for this funding opportunity. Select the "Apply Online" button associated with the solicitation title. (See "How To Apply," page 14.) All registrations and applications are due by 8:00 p.m. eastern time on May 14, 2012. (See "Deadlines: Registration and Application," page 4.)

Contact Information

For technical assistance with submitting the application, contact the Grants Management System Support Hotline at 1-888-549-9901, option 3, or via e-mail to

Note: The GMS Support Hotline hours of operation are Monday-Friday from 6:00 a.m. to 12 midnight eastern time, except federal holidays.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail to _____ or by live web chat. The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, and 8:30 a.m. to 8:00 p.m. eastern time, Monday through Friday, on the solicitation close date.

Funding opportunity number assigned to announcement: BJA-2012-3256

Release date: March 28, 2012

2012 COLORADO JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2012 JAG funding, as determined by the JAG formula. If your jurisdiction is listed with another city or county government in a shaded area, you are in a funding disparity. In this case, the units of local government must develop a Memorandum of Understanding (MOU) and apply for an award with a single, joint application.

Finding your jurisdiction:(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.(2) Eligible individual allocations are listed alphabetically below the shaded, disparate groupings.

Counties that have an asterisk (*) under the "Eligible Individual Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at:

<https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report: <https://www.bja.gov/Publications/JAGTechRpt.pdf>.

For JAG Frequently Asked Questions, please refer to BJA's JAG webpage:

<https://www.bja.gov/Funding/JAGFAQ.pdf>.

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
CO	ARAPAHOE COUNTY	County	\$21,823	
CO	AURORA CITY	Municipal	\$160,152	\$181,975
CO	BOULDER COUNTY	County		
CO	BOULDER CITY	Municipal	\$22,904	
CO	LONGMONT CITY	Municipal	\$30,817	\$53,721
CO	EL PASO COUNTY	County	\$87,292	
CO	COLORADO SPRINGS CITY	Municipal	\$206,343	\$293,635
CO	JEFFERSON COUNTY	County	\$21,230	
CO	LAKEWOOD CITY	Municipal	\$70,942	\$92,172
CO	LA PLATA COUNTY	County		
CO	DURANGO CITY	Municipal	\$12,062	\$12,062
CO	LARIMER COUNTY	County	\$12,480	
CO	FORT COLLINS CITY	Municipal	\$53,093	\$65,573
CO	PUEBLO COUNTY	County		
CO	PUEBLO CITY	Municipal	\$96,565	\$96,565
CO	WELD COUNTY	County	\$12,236	
CO	GREELEY CITY	Municipal	\$48,317	\$60,553
CO	ADAMS COUNTY	County	\$45,773	

CO	ARVADA CITY	Municipal	\$18,895
CO	CENTENNIAL CITY	Municipal	\$15,165
CO	COMMERCE CITY	Municipal	\$14,328
CO	DENVER CITY AND COUNTY	Municipal	\$356,943
CO	DOUGLAS COUNTY	County	\$27,784
CO	ENGLEWOOD CITY	Municipal	\$16,908
CO	GRAND JUNCTION CITY	Municipal	\$25,239
CO	LOVELAND CITY	Municipal	\$13,387
CO	MESA COUNTY	County	\$18,442
CO	NORTHGLENN CITY	Municipal	\$11,365
CO	THORNTON CITY	Municipal	\$60,066
CO	WESTMINSTER CITY	Municipal	\$26,390
CO	WHEAT RIDGE CITY	Municipal	\$16,559

Local total			\$1,523,500
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Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation CFDA #16.738

Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG-funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Deadlines: Registration and Application

Applicants must register in GMS prior to submitting an application for this funding opportunity. The deadline to register in GMS is 8:00 p.m. eastern time on May 14, 2012, and the deadline to apply for funding under this announcement is 8:00 p.m. eastern time on May 14, 2012. See the "How To Apply" section on page 14 for more details.

Eligibility

Refer to the cover page of this solicitation for eligibility under this program.

JAG Program—Specific Information

Formula

Once each fiscal year's overall JAG Program funding level is determined, BJA partners with the Bureau of Justice Statistics (BJS) to begin a four-step grant award calculation process which consists of:

1. Computing an initial JAG allocation for each state and territory, based on their share of violent crime and population (weighted equally).
2. Reviewing the initial JAG allocation amount to determine if the state or territory allocation is less than the minimum ("de minimus") award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the state or territory is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG funds. Each of the remaining states receives the minimum award plus an additional amount based on their share of violent crime and population.
3. Dividing each state's final award amount (except for the territories and District of Columbia) between state and local governments at a rate of 60 and 40 percent, respectively.

4. Determining local unit of government award allocations, which are based on their proportion of the state's three-year violent crime average. If a local eligible award amount is less than \$10,000, the funds are returned to the state to be awarded to these local units of government through the state agency. If the eligible award amount is \$10,000 or more, then the local government is eligible to apply for a JAG award directly from BJA.

Award Amount

Eligible award amounts under JAG are posted annually to BJA's JAG web page: www.bja.gov/ProgramDetails.aspx?Program_ID=59.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

Purpose Areas

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

JAG funds may also be used to address key statutory requirements that may not be otherwise funded, including requirements from the state and federal level, such as addressing limited English proficiency requirements and other similar mandates.

Responsibilities

The Chief Executive Officer (CEO) of an eligible unit of local government or other officer designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting quarterly financial status (SF-425) and performance metrics reports and annual programmatic reports; and providing ongoing oversight and assistance to any subrecipients of the funds.

Length of Awards

Awards are made in the first fiscal year of the appropriation and may be expended during the following 3 years, for a total grant period of 4 years. Extensions beyond this period may be made on a case-by-case basis at the discretion of the Director of BJA and must be requested via the Grants Management System (GMS) **no less than 30 days prior to the grant end date.**

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Administrative Funds

A unit of local government may use up to 10 percent of the award, plus any interest accrued, for costs associated with administering JAG funds.

Disparate Certification

A disparate allocation occurs when a city or municipality is allocated one-and-one-half times (150 percent) more than the county, while the county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crimes. A disparate allocation also occurs when multiple cities or municipalities are collectively allocated four times (400 percent) more than the county, and the county bears more than 50 percent of the collective costs associated with prosecution or incarceration of each municipality's Part 1 violent crimes.

- ★ Jurisdictions certified as disparate must identify a fiscal agent that will submit a **joint application** for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, must be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to www.bja.gov/Funding/JAGMOU.pdf.

Governing Body Review

The applicant agency (fiscal agent in disparate situations) must make the grant application available for review by the governing body (or to the organization designated by the governing body) not fewer than 30 days before the application is submitted to BJA.

Public Comment

The applicant agency (the fiscal agent in disparate situations) must include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and to neighborhood or community-based organizations.

Supplanting

Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose. Supplanting is prohibited under JAG. See BJA's [JAG web page](#) and the updated JAG FAQs for examples of supplanting.

Trust Fund

Award recipients may draw down JAG funds in advance. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds. This trust fund requirement only applies to direct JAG award recipients as well as subrecipients that are not on a reimbursement basis.

Match Requirement

While match is not required with the JAG Program, match is as an effective strategy for states and units of local government to expand justice funds and build buy-in for local criminal justice initiatives. If an applicant proposes a voluntary match amount, the match amount incorporated into the OJP-approved budget becomes mandatory and subject to audit.

Prohibited Uses

No JAG funds may be expended outside of JAG purpose areas. Even within these purpose areas, however, JAG funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Nor may JAG funds be used directly or indirectly to provide for any of the following matters unless BJA certifies* that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- **Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
- Luxury items.
- Real estate.
- Construction projects (other than penal or correctional institutions).
- Any similar matters.

*For information related to requesting a waiver to use funds for any prohibited item, refer to the updated JAG FAQs on BJA's [JAG web page](#).

**Police cruisers may include a police pursuit vehicle (PPV) or system support vehicle (SSV). Examples include sedans and sport utility vehicles (SUVs).

Budget Information

Limitation on Use of Award Funds for Employee Compensation; Waiver

With respect to any award of more than \$250,000 made under this solicitation, federal funds may not be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. The 2012 salary table for SES employees is available at www.opm.gov/oca/12tables/indexSES.asp. Note: A recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The limitation on compensation rates allowable under an award may be waived on an individual basis at the discretion of the Assistant Attorney General (AAG) for OJP. An applicant requesting a waiver should include a detailed justification in the budget narrative of its application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request the applicant to adjust and resubmit its budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service being provided, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work to be done.

Minimization of Conference Costs

No OJP funding can be used to purchase food and/or beverages for any meeting, conference, training, or other event. Exceptions to this restriction may be made only in cases where such sustenance is not otherwise available (i.e., extremely remote areas), or where a special presentation at a conference requires a plenary address where there is no other time for sustenance to be obtained. Such an exception would require prior approval from the BJA Director. This restriction does not apply to water provided at no cost, but does apply to any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does not impact direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

Updated Department of Justice and OJP guidance on conference planning, minimization of costs, and conference cost reporting will be forthcoming and will be accessible on the OJP web site at www.ojp.usdoj.gov/funding/funding.htm.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits by individuals with limited English proficiency may be allowable costs. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section of the OJP "Other Requirements for OJP Applications" web page (www.ojp.usdoj.gov/funding/other_requirements.htm).

Updated Requirements

Bulletproof Vest Certification

Bulletproof vests can be funded through two BJA-administered programs: the JAG Program and the Bulletproof Vest Partnership (BVP) Program.

- BVP is a program designed to provide a critical resource to state and local law enforcement through the purchase of ballistic-resistant and stab-resistant body armor. A jurisdiction is able to request up to 50 percent of the cost of a vest with BVP funds. For more information on the BVP Program, including eligibility and application, refer to the [BVP web page](#).

- JAG funds may also be used to purchase vests for an agency, but they may not be used to pay for that portion of the bulletproof vest (50 percent) that is not covered by BVP funds. Unlike BVP, JAG funds used to purchase vests do not require a 50 percent match.
- Bulletproof vests purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards. In addition, bulletproof vests purchased must be American-made. The latest NIJ standard information can be found at: www.nij.gov/topics/technology/body-armor/safety-initiative.htm.
- As is the case in BVP, grantees that wish to purchase vests with JAG funds **must certify** that law enforcement agencies receiving vests have a written "mandatory wear" policy in effect. FAQs related to the mandatory wear policy and certifications can be found at www.bja.gov/Funding/JAGFAQ.pdf. This policy must be in place for at least all uniformed officers before any FY 2012 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. A *mandatory wear concept and issues paper* and a *model policy* are available by contacting the BVP Customer Support Center at vests@usdoj.gov or toll free at 1-877-758-3787.
- A copy of the certification related to the mandatory wear can be found at: www.bja.gov/Funding/12JAGBVPcert.pdf.

Interoperable Communications Guidance

- Grantees (including subgrantees) that are using FY 2012 JAG Program funds to support emergency communications activities must comply with the *FY 2012 SAFECOM Guidance for Emergency Communication Grants*, including provisions on technical standards that ensure and enhance interoperable communications. Emergency communications activities include the purchase of Interoperable Communications Equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission (FCC) Waiver Order. SAFECOM guidance can be found at www.safecomprogram.gov.
- Grantees interested in developing a public safety broadband network in the 700 MHz band in their jurisdictions must adhere to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band. The recipient shall also ensure projects support the Statewide Communication Interoperability Plan (SCIP) and are fully coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the state of the project. As the central coordination point for their state's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of the SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the 56 states and territories. Contact swic@oeha.dhs.gov if you are not familiar with your state or territory's SWIC. If any future regulatory requirement (from the FCC or other governmental entity) results in a material technical or financial change in the project, the recipient should submit associated documentation, and other material, as applicable, for review by the SWIC to ensure

coordination. Grantees (and sub-grantees) must provide a listing of all communications equipment purchased with grant award funding (plus the quantity purchased of each item) to their assigned BJA State Policy Advisor once items are procured during any periodic programmatic progress reports.

DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database

If JAG program funds will be used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS), by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA. For more information, refer to the NIJ FY 2012 DNA Backlog Reduction Program, available at ncjrs.gov/pdffiles1/nij/sl000989.pdf

Reporting Requirements

Once an award is accepted, award recipients must submit quarterly financial status (SF-425) and annual programmatic reports through GMS, quarterly performance metrics reports (see Performance Measures section below) through BJA's Performance Measurement Tool (PMT), and Federal Funding Accountability and Transparency Act (FFATA) reports through the FFATA Sub-award Reporting System (FSRS) as necessary (see FFATA section below).

Performance Measures

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), P.L. 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants who receive funding under this solicitation must provide data that measures the results of their work. Quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) web site: www.bjaperformancetools.org. The performance measure can be found at: www.bjaperformancetools.org/help/ARRAJAGandJAGCombinedIndicatorGrid.pdf.

All JAG recipients should be aware that BJA is currently making changes to the JAG performance reporting processes, including measures. While state administering agencies are playing a role in the process, recipients are advised that the reporting requirements noted above may be subject to modification through this process.

Submission of performance measures data is not required for the application. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Refer to the section "What an Application Should Include" on page 16 for additional information.

Note on Project Evaluations

Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements likely do

not constitute "research." Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, "a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge." 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the "Research and the Protection of Human Subjects" section of the OJP Other Requirements for OJP Applications" web page (www.ojp.usdoj.gov/funding/other_requirements.htm). Applicants whose proposals may involve a research or statistical component also should review the "Confidentiality" section on that web page.

Notice of Post-Award FFATA Reporting Requirement

Applicants should anticipate that OJP will require all recipients (other than individuals) of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the reporting requirements should it receive funding. Reports regarding subawards will be made through the FFATA Subaward Reporting System (FSRS), found at www.fsr.gov.

Note also that applicants should anticipate that no subaward of an award made under this solicitation may be made to a subrecipient (other than an individual) unless the potential subrecipient acquires and provides a Data Universal Numbering System (DUNS) number.

Priorities

BJA recognizes that the downturn in the economy has resulted in significant pressures on state and local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. In light of this, it is important to make SAAs and local JAG recipients aware of several areas of priority that may be of help in maximizing the effectiveness of JAG funding at the state and local level.

As an overall framework for success, we encourage both state and local comprehensive justice planning, bringing all of the system stakeholders together—including law enforcement, courts, prosecutors, defenders, corrections officials, and other stakeholders (including victims and victim advocates)—to create a comprehensive and strategic justice plan to ensure coordination and a more effective justice system.

In addition to our longstanding and unwavering commitment to keeping violent crime at its lowest level in decades, the following priorities represent key areas where we will be focusing nationally and invite each state and local JAG recipient to join us in addressing these challenges as a part of our JAG partnership.

Funding Evidence-Based Programs

BJA strongly encourages state and local planners to fund programs that are evidence-based and have been proven effective. In the current difficult budgetary climate, it is more critical than ever that JAG dollars are spent on programs with proven effectiveness.

Questions often arise about what is meant by evidence-based programs. OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence (generally obtained through one or more outcome evaluations). Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based.

In 2011, OJP made an excellent online tool available to criminal justice practitioners and policy makers to identify evidence based programs that are effective or promising. CrimeSolutions.gov is the OJP online resource about what works in criminal justice, juvenile justice, and crime victim services. Using certified expert reviewers, CrimeSolutions.gov provides detailed information and evidence ratings of programs that may fall within the JAG purpose areas. Launched in June 2011, CrimeSolutions.gov features multiple, user-friendly search options; easy to read program profiles and evaluation summaries from over three decades of research; and recognizable evidence ratings by certified reviewers with research and subject area expertise. CrimeSolutions.gov is intended to increase the use of evidence-based programs in criminal justice, juvenile justice and victim services settings; inform practitioners and policy makers about what works using the best available evidence; and help state and local jurisdictions address crime effectively and efficiently. BJA urges SAAs and local jurisdictions to use information available in CrimeSolutions.gov in making funding decisions.

Criminal Justice Planning

Jurisdictions are strongly encouraged to use JAG funding to support their existing strategic plan. If such a plan does not now exist, jurisdictions are encouraged to develop and undertake a strategic planning process, using a community engagement model, in order to guide spending under this and future fiscal year allocations. Training and technical assistance (TTA) is available from BJA's TTA providers to assist localities with the development of their strategic planning process and their plan to fund evidence-based projects. To ensure that the impact of Byrne JAG funding decisions is considered across the entire criminal justice system, we are redoubling our efforts to encourage state and local jurisdictions to bring all system stakeholders together in the strategic planning process. Our recommended guidelines are that at a minimum, the strategic planning process includes law enforcement, courts, prosecutors, indigent defense providers, victim advocates, and corrections and community corrections officials. BJA will continue to provide valuable technical assistance in 2012 through the National Criminal Justice Association (NCJA) for comprehensive criminal justice planning that includes bringing all criminal justice stakeholders to the table to develop innovative strategies to improve the fair administration of justice. For more information, see the [National Center for Justice Planning web site](#).

Recidivism Reduction and Community Corrections

In this time of fiscal austerity and smaller state and local budgets, reducing the overall costs of incarceration in a manner that promotes public safety is a paramount goal. Effective community supervision coupled with evidence-based program interventions can result in significant reductions in recidivism. A priority funding area is the implementation of effective pre-trial services programs and innovative programs and approaches in probation and parole supervision that improve services to offenders and increase collaborative efforts among community supervision agencies with law enforcement and the courts. This includes development and implementation of strategies for the identification, supervision, and treatment of medium- to high-risk offenders that demonstrate the integration, use, and efficacy of evidenced-based practices and principles in the improvement of the delivery of probation and/or parole supervision strategies and practices.

Indigent Defense

Another key priority area is ensuring that justice is truly done in the criminal justice system is support for indigent defense. BJA continues to encourage states and SAAs to use JAG funds to support the vital needs of the indigent defense community. Attorney General Holder has consistently stressed that the crisis in indigent defense reform is a serious concern which must be addressed if true justice is to be achieved in our nation. In 2002, the American Bar Association (ABA) published *Ten Principles of a Public Defense Delivery System* which represent fundamental building blocks for implementing quality legal representation for indigent defendants. (See [ABA Ten Principles](#).)

Evidence-Based “Smart Policing” Programs

As a result of the current fiscal crisis, many police departments are experiencing unprecedented budget cuts, layoffs and reductions in force. These challenges must be met by making wider use of advancements in the law enforcement field in the last several decades which rely on use of data, crime analysis, crime mapping and other analytic tools, cutting edge technology, and research and evaluations regarding effective policing strategies and programs. A useful matrix of evidence-based policing programs and strategies is available through the [Center for Evidence-Based Policy](#) at George Mason University and provides valuable information on policing strategies and programs that work. BJA encourages states to use JAG funds to support these “smart policing” strategies, including a focus on real time crime analysis centers (CACs), and effective partnerships with universities and research partners and with non-traditional criminal justice partners. Counterterrorism continues to be the number one priority for the Department of Justice. At the state and local level, high functioning, evidence-based, data driven public safety agencies are a critical component of our nation’s “all crimes” strategy. In addition, the JAG Program has long supported effective and collaborative multi-jurisdictional task forces and justice information sharing programs, which continue as a priority in order to maintain our nation’s historic reductions in violent crime.

Officer Safety and Wellness

Law enforcement safety and wellness issues are an important priority for the Department of Justice, have become highly visible as recent trends have shown an increase in law enforcement deaths. According to the National Law Enforcement Officers Memorial Fund, 2011 showed a 16 percent increase in law enforcement fatalities with a 20 percent increase in

firearms-related fatalities. The Department of Justice is taking a holistic approach to addressing officer safety and wellness by providing training and technical assistance to state and local law enforcement, as well as studying law enforcement injuries. BJA encourages states and local jurisdictions to use JAG funds to support this priority area by providing training—such as paying for tuition and travel expenses related to attending trainings like the VALOR training—as well as providing start-up funding for health and wellness programs to law enforcement agencies.

How To Apply

Applications are submitted through OJP's Grants Management System (GMS). GMS is a web-based, data-driven computer application that provides cradle to grave support for the application, award, and management of awards at OJP. Applicants must register in GMS for each specific funding opportunity and should begin the process immediately to meet the GMS registration deadline, especially if this is the first time using the system. Complete instructions on how to register and submit an application in GMS can be found at www.ojp.usdoj.gov/gmscbt/. If the applicant experiences technical difficulties at any point during this process, e-mail GMS@ojp.usdoj.gov or call 888-549-9901 (option 3), Monday–Friday from 6:00 a.m. to midnight eastern time, except federal holidays. OJP highly recommends that applicants start the registration process as early as possible to prevent delays in submitting an application package by the specified application deadline.

All applicants should complete the following steps:

1. **Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their application for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling Dun and Bradstreet at 866-705-5711 or by applying online at www.dnb.com. A DUNS number is usually received within 1-2 business days.
2. **Acquire or renew registration with the Central Contractor Registration (CCR) database.** OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the CCR database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Note, however, that applicants must **update or renew their CCR registration annually** to maintain an active status. Information about CCR registration procedures can be accessed at www.ccr.gov.
3. **Acquire a GMS username and password.** A new user must create a GMS profile by selecting the "First Time User" link under the sign-in box of the GMS home page. For more information on how to register in GMS, go to www.ojp.usdoj.gov/gmscbt/.

4. **Verify the CCR registration in GMS.** OJP requests that all applicants verify their CCR registration in GMS. Once logged into GMS, click the "CCR Claim" link on the left side of the default screen. Click the submit button to verify the CCR registration.
5. **Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the "Funding Opportunities" link on the left side of the page. Select the Bureau of Justice Assistance and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program—Local Solicitation.
6. **Register by selecting the "Apply Online" button associated with the solicitation title.** The search results from step 5 will display the solicitation title along with the registration and application deadlines for this funding opportunity. Select the "Apply Online" button in the "Action" column to register for this solicitation and create an application in the system.
7. **Complete the Disclosure of Lobbying Activities.** All applicants must complete this information and submit the form in GMS. An applicant that expends any funds for lobbying activities must provide the detailed information requested on the form, *Disclosure of Lobbying Activities*, (SF-LLL). An applicant that does not expend any funds for lobbying activities should enter "N/A" in the required highlighted fields. Access the form at www.ojp.gov/funding/forms/disclosure.pdf.
8. **Submit an application consistent with this solicitation by following the directions in GMS.** Once submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, an applicant must wait for GMS approval before submitting an application. Applicants are urged to submit the application **at least 72 hours prior** to the due date of the application.

Note: OJP's Grants Management System (GMS) does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

Note: Duplicate Applications

If an applicant submits multiple versions of an application, BJA will review the most recent version submitted.

Experiencing Unforeseen GMS Technical Issues

If an applicant experiences unforeseen GMS technical issues beyond the applicant's control that prevent submission of its application by the deadline, the applicant must contact the BJA Programs Office staff **within 24 hours after the deadline** and request approval to submit the application. At that time, BJA Programs Office staff will instruct the applicant to submit specific information detailing the technical difficulties. The applicant must e-mail: a description of the technical difficulties, a timeline of submission efforts, the complete grant application, the applicant DUNS number, and GMS Help Desk tracking number(s) received. **Note: Requests are not automatically approved by BJA.** After the program office reviews all of the information submitted, and contacts the GMS Help Desk to validate the technical issues reported, OJP will contact the applicant to either approve or deny the request to submit a late application. If the technical issues reported cannot be validated, the application will be rejected as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to begin the registration process in sufficient time, (2) failure to follow GMS instructions on how to register and apply as posted on its Web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) technical issues experienced with the applicant's computer or information technology (IT) environment, including firewalls.

Notifications regarding known technical problems with GMS, if any, are posted at the top of the OJP funding web page, www.ojp.usdoj.gov/funding/solicitations.htm.

What an Application Should Include

Applicants should anticipate that failure to submit an application that contains all of the specified elements may negatively affect the review of the application and, should a decision be made to make an award, will result in the inclusion of special conditions that preclude access to or use of award funds pending satisfaction of the conditions.

Refer to the BJA Grant Writing and Management Academy and OJP 101 for an overview of what should be included in each application requirement. These trainings can be found at bja.ncjrs.gov/gwma/index.html and www.ojp.gov/grants101/.

OJP strongly recommends use of appropriately descriptive file names (e.g., "Program Narrative," "Budget and Budget Narrative," "Memoranda of Understanding," etc.) for all required attachments.

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a standard form required for use as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and GMS take information from the applicant's profile to populate the fields on this form.

2. Program Narrative

Applicants **must** submit a program narrative that generally describes the proposed program activities for the four year grant period. The narrative must outline the type of programs to be funded by the JAG award and provide a brief analysis of the need for the programs. Narratives must also identify anticipated coordination efforts involving JAG and related justice funds. Certified disparate jurisdictions submitting a **joint application** must specify the funding distribution to each disparate unit of local government and the purposes for which the funds will be used.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

3. Budget and Budget Narrative

Applicants **must** submit a budget and budget narrative outlining how JAG funds, including administrative funds if applicable, will be used to support and implement the program. This narrative should include a full breakdown of administrative costs, as well as an overview of how funds will be allocated across approved JAG purpose areas. Applicants should utilize the following approved budget categories to label the requested expenditures: Personnel, Fringe Benefits, Travel, Equipment, Supplies, Consultants/Contracts, and an Other

category. For informational purposes only, a sample budget form may be found at www.ojp.usdoj.gov/funding/forms/budget_detail.pdf.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

4. Review Narrative

Applicants **must** submit information documenting that the date the JAG application was made available for review to the governing body, or to an organization designated by that governing body, on a date not less than 30 days before the application was submitted to BJA. The attachment must also specify that an opportunity to comment was provided to citizens to the extent applicable law or established procedures make such opportunity available.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

5. Abstract

Applicants **must** provide an abstract that includes the applicant's name, title of the project, goals of the project, and a description of the strategies to be used. In addition, above or below the abstract narrative, applicants **must identify up to five project identifiers** that would be associated with proposed project activities. The list of all identifiers can be found at www.bja.gov/programs/jag/jag12/12JAGIdentifiers.pdf. The abstract **should not** exceed a half-page, or 400-500 words.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

6. Tribal Authorizing Resolution (if applicable)

If an application is being submitted by either (1) a tribe or tribal organization or (2) a third party proposing to provide direct services or assistance to residents on tribal lands, then a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable governing body authorizing the inclusion of the tribe or tribal organization and its membership should be included with the application. In those instances when an organization or consortium of tribes proposes to apply for a grant on behalf of a tribe or multiple specific tribes, then the application should include a resolution (or comparable legal documentation, as may be applicable) from all tribes that will be included as a part of the services/assistance provided under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without authorizing resolution or other enactment of each tribal governing body) may submit a copy of its consortium bylaws with the application in lieu of tribal resolutions (or comparable legal documentation).

If an applicant is unable to obtain and submit with its application a fully-executed (i.e., signed) copy of a tribal resolution or other, comparable legal documentation as may be consistent with the tribe's governance structure, then, at minimum, the applicant should submit an unsigned, draft version of such legal documentation as part of its application

(except in cases where, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, use of and access to funds will be contingent on receipt of the fully-executed tribal resolution or other, comparable legal documentation.

7. Additional Attachments (if applicable)

Jurisdictions certified as disparate **must** identify a fiscal agent that will submit a **joint application** for the aggregate eligible allocation to all disparate municipalities. The joint application **must** determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, **must** be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU **must** be attached to the application. For a sample MOU, go to www.bja.gov/Funding/JAGMOU.pdf.

Failure to submit this required information will result in an application being change requested in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding special condition at the time of award if time does not permit for a change request process.

8. Other Standard Forms

Additional forms that may be required in connection with an award are available on OJP's funding page at www.ojp.usdoj.gov/funding/forms.htm. For successful applicants, receipt of funds may be contingent upon submission of all necessary forms. Note in particular the following forms:

- a. Standard Assurances
Applicants must read, certify, and submit this form in GMS prior to the receipt of any award funds.
- b. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
Applicants must read, certify and submit in GMS prior to the receipt of any award funds.
- c. Accounting System and Financial Capability Questionnaire (required for any applicant other than an individual that is a non-governmental entity and that has not received any award from OJP within the past 3 years; this form must be downloaded, completed, and submitted)

Review Process

OJP is committed to ensuring a fair and open process for awarding grants. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. Applications for formula awards will be reviewed to ensure statutory requirements have been met.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the Assistant Attorney General (AAG).

Additional Requirements

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP strongly encourages applicants to review the information pertaining to these additional requirements prior to submitting your application. Additional information for each requirement can be found at www.ojp.usdoj.gov/funding/other_requirements.htm.

- Civil Rights Compliance
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Nonsupplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs Financial Guide
- Suspension or Termination of Funding
- Nonprofit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Awards in excess of \$5,000,000 – federal taxes certification requirement
- Active CCR Registration

Provide Feedback to OJP on This Solicitation

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, application submission process, and/or the application review/peer review process. Feedback can be provided to

Application Checklist
FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program:
Local Solicitation

The application checklist has been created to assist in developing an application.

Eligibility Requirement:

- The jurisdiction listed as the legal name on the application corresponds with the eligible jurisdiction listed on BJA's JAG web page
- The federal amount requested is within the allowable limit of the FY 2012 JAG Allocations List as listed on BJA's JAG web page

What an Applications Should Include:

- Standard 424 Form (see page 16)
- Program Narrative (see page 16)
- Budget and Budget Narrative (see page 16)
- Review Narrative (the date the JAG application was made available to the governing body for review and that it was provided to the public for comment) (see page 17)
- Abstract (see page 17)
- Tribal Authorizing Resolution (if applicable) (see page 17)
- Disclosure of Lobbying Activities (SF-LLL) (see page 15)
- Additional Attachments (if applicable) (see page 18);
- Other Standard Forms as applicable (see page 18), including:
 - Accounting System and Financial Capability Questionnaire (if applicable)
- DUNS Number (see page 14)
- CCR Registration (see page 14)

BY AUTHORITY

ORDINANCE NO. _____
 SERIES OF 2012 _____

COUNCIL BILL NO. 26
 INTRODUCED BY COUNCIL
 MEMBER WILSON

AN ORDINANCE APPROVING AND AUTHORIZING A THREE YEAR INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN ARAPAHOE COUNTY, COLORADO AND THE CITY OF ENGLEWOOD, COLORADO RELATING TO THE CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS FOR PROGRAM GRANT YEARS 2013 THROUGH 2015.

WHEREAS, the City Council of the City of Englewood approved the execution of an Intergovernmental Agreement between the City of Englewood and Arapahoe County by passage of Ordinance No. 39, Series of 1994, covering the City's participation in the Arapahoe County CDBG Entitlement Program as extended by Amendment No. 3, for funding years 2004 through 2006; and

WHEREAS, the Englewood City Council passed Ordinance No. 13, Series of 2006 and that was modified by Amendment No. 1 dated February , 2007 relating to participation in the Urban County Entitlement Program for CDBG and HOME funds for 2007 through 2009; and

WHEREAS, the Englewood City Council passed Ordinance No. 38, Series of 2006 authorizing Amendment No. 1 to the Urban County Entitlement Program for CDBG and HOME funds for 2007 through 2009; and

WHEREAS, the Englewood City Council passed Ordinance No. 22, Series of 2009 authorizing participation in the Urban County Entitlement Program for CDBG and HOME funds for 2010 through 2012; and

WHEREAS, the passage of this Ordinance authorizes the execution of a three-year Intergovernmental Cooperation Agreement between Arapahoe County and Englewood relating to the conduct of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs for program grant years 2013 through 2015; and

WHEREAS, the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs incorporate funds from the U.S. Department of Housing and Urban Development (HUD);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The attached “Intergovernmental Cooperation Agreement Between Arapahoe County, Colorado and the City of Englewood, Colorado Relating To The Conduct Of Community Development Block Grant (CDBG) And Home Investment Partnership(HOME) Programs for program grant years 2013 through 2015” attached hereto as Exhibit A, is hereby accepted and approved by the Englewood City Council.

Section 2. The Mayor and City Clerk are hereby authorized to sign and attest said Agreement for and on behalf of the City of Englewood, Colorado.

Section 3. The City Manager shall be authorized to further extend and/or amend the Intergovernmental Cooperation Agreement for the program grant years 2013 through 2015.

Introduced, read in full, and passed on first reading on the 7th day of May, 2012.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 11th day of May, 2012.

Published as a Bill for an Ordinance on the City’s official website beginning on the 9th day of May, 2012 for thirty (30) days.

Read by title and passed on final reading on the 21st day of May, 2012.

Published by title in the City’s official newspaper as Ordinance No. ____, Series of 2012, on the 25th day of May, 2012.

Published by title on the City’s official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2012.

Kerry Bush

INTERGOVERNMENTAL COOPERATION AGREEMENT
BETWEEN
ARAPAHOE COUNTY, COLORADO
AND
CITY OF ENGLEWOOD, COLORADO
RELATING TO THE CONDUCT OF
COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP
PROGRAMS
FOR PROGRAM GRANT YEARS 2013 THROUGH 2015

THIS AGREEMENT is entered into and shall be effective as of June 30, 2012, by and between Arapahoe County, Colorado (the "County"), a body corporate and politic of the State of Colorado, and the City of Englewood (the "City"), a municipal corporation of Colorado located in Arapahoe County.

RECITALS

- A. In 1974, the U.S. Congress enacted The Housing and Community Development Act of 1974, as since amended (42 U.S.C. 5301 et seq.) (the "Act"), permitting and providing for the participation of the United States government in a wide range of local housing and community development activities and programs under Title I of the Act which activities and programs are administered by the U.S. Department of Housing and Urban Development ("HUD");
- B. The primary objective of Title I of the Act is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income, this objective to be accomplished by the federal government providing financial assistance pursuant to the Act in the form of Community Development Block Grant ("CDBG") funds to state and local governments to be used in the conduct and administration of housing and community development activities and projects as contemplated by the primary objective of the Act (the "CDBG Program");
- C. To implement the policies, objectives and other provision of the Act, HUD has issued rules and regulations governing the conduct of CDBG programs, published in 24 Code of Federal Regulations (CFR), Part 570 (the "Regulations"), which regulations provide that a county may qualify as an "urban county," as defined in Section 570.3 of the regulations, and thereby become eligible to receive entitlement grants from HUD for the conduct of CDBG and Home Investment Partnership (HOME) programs as an urban county and that cities and other units of general local governments in the same metropolitan statistical area that do not or cannot qualify for separate entitlement grants may be included as a part of the urban county by entering into cooperation agreements with the urban county in accordance with the requirements of the Regulations;
- D. The County has heretofore qualified under the Regulations as an "urban county" and will receive CDBG and HOME funds from HUD by annual grant agreements, and all participating municipalities located in the County which do not receive separate community development entitlement grants have been included as a part of the County in its CDBG and HOME Programs;
- E. In 1981, and again since then, HUD amended the Regulations, pursuant to amendments of the Act, revising the qualification period for urban counties by providing that the qualification by HUD of an urban county shall remain effective for three successive grant years regardless of changes in its population during that period, except for failure of an urban county to receive a

grant during any year of that period, and also providing that during the three year period of qualification, no included city or other unit of general local government may withdraw from, nor be removed from, the urban county for HUD's computation purposes, and no city or other unit of general local government covering an additional area may be added to the urban county during that three-year period except in the case where a city or other unity loses its designation as a metropolitan city;

- F. In 2012, the County is submitting to HUD the required documentation to requalify as an urban county, pursuant to Section 570.307 of the Regulations, so as to become eligible to receive annual CDBG and HOME funds for the next three Program Years from grant years 2013, 2014, and 2015 appropriations, and if the City approves and authorizes this agreement, an executed copy thereof will be included in the documentation for this ensuing period of qualification and, if the County qualifies, the City will thereby be included as a part of the urban county and be eligible to participate in the County's CDBG and HOME Programs for the next three Program Years;
- G. The County recognizes and understands that it does not have independent legal authority to conduct some kinds of community development and housing assistance activities within the boundaries of the City and therefore, its ability to conduct the CDBG and HOME Programs in the City is limited by the requirement that it must obtain permission from the City to perform some of those activities therein, and accordingly, in order for the City to be considered a part of the urban county and be included in the County's annual request for CDBG and HOME funds, it is required by the Regulations that the City and the County enter into a cooperation agreement whereby the City authorizes the County to undertake or to assist in undertaking essential community renewal and low-income housing assistance activities within the City as may be specified in the "One Year Action Plan to the Consolidated Plan" (the "Action Plan") to be submitted to HUD annually by the County to receive its annual CDBG and HOME entitlement grants;
- H. Under general provisions of Colorado law governing contracting between governmental entities and by virtue of specific authority granted in Part II of Article I of Title 29, C.R.S., any two or more political subdivisions of the state may enter into agreements with one another for joint or cooperative action and any one or more political subdivisions may contract with another or with a legal or administrative entity created pursuant to that act to perform any governmental service, activity or undertaking which each political subdivision entering into the contract is authorized by law to perform, and
- I. Accordingly, the parties hereto have determined that it will be mutually beneficial and in the public interest of both parties to enter into this intergovernmental cooperation agreement regarding the conduct of the County's CDBG and HOME Programs,

THEREFORE, in consideration of the premises and cooperative actions contemplated hereunder, the parties agree as follows:

- 1. By entering into this intergovernmental cooperation agreement with the County, the City shall be included as a part of urban Arapahoe County for qualification and grant calculation purposes upon the qualification by HUD of the County to receive CDBG and HOME Program entitlements as an urban county for the next three successive Program Years, May 1, 2013 through April 30, 2016. As provided in Section 570.307 of the Regulations, the qualification of the County as an urban county shall remain effective for three successive grant years regardless of changes in its population during that period of time and the parties agree that the City may not withdraw from, nor be removed from, inclusion in the urban county for HUD's grant computation purposes during the period of qualification. A fully executed copy of

this cooperation agreement, together with the approving resolutions of both the City and the County, shall be submitted to HUD by the County as part of its qualification documentation and the City does hereby give the County the authority to carry out CDBG and HOME Program activities and projects which will be funded from annual Community Development Block Grants and HOME funds from grant years 2013, 2014, and 2015 appropriations and from any Program income generated from the expenditure of those funds.

2. The City and the County agree to, and shall cooperate in, the execution of CDBG and HOME Program activities and projects to be conducted or performed in the City during each of the three program years covered by this Agreement and these finalized activities and projects will be included in the County's required annual Action Plan and requests for funds for those program years. The City understands and agrees, however, that the County shall have final responsibility for selecting the program activities and projects to be included in each annual grant request and for filing the Action Plan with HUD on an annual basis.
3. The parties recognize and understand that the County, as a qualified urban county, will be the entity required to execute all grant agreements received from HUD pursuant to the County's annual requests for CDBG and HOME Program funds and that as the grantee under the CDBG and HOME Programs it will be held by HUD to be legally liable and responsible for the overall administration and performance of the annual CDBG and HOME Programs, including the projects and activities to be conducted in the City. Accordingly, the City agrees that as to all projects and activities performed or conducted in the City under any CDBG grant agreement received by the County, which includes the City, that the County shall have the ultimate supervisory and administrative control with regard to the Federal Regulations and Guideline and conformance to the Subgrantee Agreements.
4. The City shall cooperate fully with the County in all CDBG and HOME Program efforts planned and performed hereunder and does hereby allow and permit the County to undertake or assist in undertaking essential community development and housing assistance activities within the City as may be approved and authorized in the County's CD grant agreements, including the Five Year Consolidated Plan (the "Consolidated Plan"). The City and the County also agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, as they may be planned and specified in the County's Action Plan submitted annually to HUD for the three Program years specified herein and for such additional time as may be required for the expenditure of CDBG funds granted by the County for such activities.
5. Pursuant to 24 CFR 570.501(b), the City is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as set forth in 24 CFR 570.503.
6. The City understands that pursuant to Section 570.503 of the Regulations, it will be necessary for the City to enter into separate project agreements or sub-grants in writing with the County with respect to the actual conduct of the projects and activities approved for performance in the City for the three CDBG Program years covered by this cooperation agreement and that the funds designated in the County's Action Plan for those projects and activities will also be funded to the City under those separate project agreements or sub-grants. Subject to the provisions of Paragraph 3 above, the City will administer and control the performance of the projects and activities specified in those separate project agreements, will be

responsible for the expenditure of the funds allocated for each such project or activity and will conduct and perform the projects and activities in compliance with the Regulations and all other applicable federal laws and requirements relating to the CDBG Program. The City also understands and agrees that it shall also comply with the requirements of Section 570.503 prior to disbursing any CDBG funds to the subrecipient of the City.

7. All CDBG Program funds that are approved by HUD for expenditure under the County's grant agreements for the three Program years covered by this Agreement, including those that are identified for projects and activities in the City, will be budgeted and allocated to the specific projects and activities described and listed in the County's Action Plan submitted annually to HUD and those allocated funds shall be used and expended only for the projects or activities to which the funds are identified. No project or activity nor the amount allocated therefore may be changed, modified, substituted or deleted by the City with respect to any project or activity without the prior written approval of the County and the approval of HUD when that approval is required by the Regulations.
8. Because the City will be included as a part of urban Arapahoe County for the three CDBG Program years covered by this Cooperation Agreement, it will do all things that are appropriate and required of it to comply with the applicable provisions of the grant agreements received by the County from HUD in which the City is included, and with the provisions of the Act and all Rules and Regulations, guidelines, circulars and other requisites promulgated by the various federal departments, agencies, administrations and commissions relating to the CDBG and HOME Programs. In addition, the City and the County shall each take all actions necessary to assure compliance with the certification required of the County by Section 104 (b) of Title I of the Act, including the National Environmental Policy Act of 1969, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Fair Housing Act, Section 109 of Title I of the Act and other laws applicable to the conduct of the CDBG Program. In addition, the parties hereto understand and agree that the County may not provide any CDBG funding for activities in, or in support of the City, if the City does not affirmatively further fair housing within its jurisdiction or impedes the County's actions to comply with its fair housing certification.
9. The cooperating unit of local government (City) has adopted and is enforcing:
 - a) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,
 - b) a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
10. During the period of performance of this agreement as provided in Paragraph 13 below, the City shall:
 - a) Inform the County of any income generated by the expenditure of CDBG Program funds received by the City;
 - b) Pay over to the County any Program Income received by the City, or retain and use that Program Income subject to, and in

accordance with, the requirements and provisions if the separate CD project agreements that will be entered into between the City and the County for the actual conduct of the CDBG Program;

- c) Use any Program Income the City is authorized by the County to retain only for eligible activities in accordance with all CDBG Program requirements as may then apply and as will be specifically provided for in the separate CD project agreements between the City and the County;
 - d) Keep appropriate records regarding the receipt of, use of, or disposition of all Program Income and make reports thereon to the County as will be required under the separate CD project agreements between the City and the County, and
 - e) Pay over to the County any Program Income that may be on hand in the event of close-out or change in status of the City or that may be received subsequent to the close-out or change in status as will be provided for in the separate CD project agreements mentioned above.
11. The separate CD project agreements or sub-grants that will be entered into between the County and the City for the conduct of the CDBG Program, as mentioned and referred to elsewhere in this agreement, shall include provisions setting forth the standards which shall apply to any real property acquired or improved by the City in whole or in part, using CDBG or HOME Program funds. These standards will require the City to:
- a) Notify the County in a timely manner of any modification or change in the use of that property from that which was planned at the time of the acquisition or improvements and this notice requirement shall include any disposition of such property.
 - b) Reimburse the County in an amount equal to the current fair market value of property acquired or improved with CDBG or HOME funds (less any portion thereof attributable to expenditures of non-CDBG funds) that is sold or transferred for a use which does not qualify under the Regulations, and
 - c) Pay over to the County any Program Income that is generated from the disposition or transfer of property either prior to, or subsequent to, any close-out, change of status or termination of this cooperation agreement that is applicable.
12. The City, by execution of this agreement, understands that it may not apply for grants under the small cities of state CDBG Programs for appropriations for grant years during the period in which it is participating in the urban county's CDBG Program; and may not participate in a HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation.
13. The period of performance of this Agreement shall cover three CDBG Program years, beginning May 1st, 2013, and ending April 30th, 2016. As stated herein, however, this Agreement is intended to cover activities to be carried out with annual

Community Development Block Grant and HOME funds from grant years 2013, 2014, and 2015 appropriations and shall be and remain in full force and effect until all projects and activities approved and authorized to be performed and funded for those grant years have been completed and any program income earned has been remitted to the County or used by the City in accordance with the criteria described in paragraph ten.

14. The Agreement will be automatically renewed for participation in successive three-year qualification periods, unless the County or the City provides written notice it elects not to participate in a new qualification period.

The County will notify the City in writing of its right not to participate. A copy of the County's notification must be sent to the HUD Field Office. The City's response to the notice of its right not to participate must be sent to both the County and the HUD Region 8 field office. Notices and responses must be sent according to the schedule specified in HUD's urban county qualification notice and HOME consortia qualification notice for the next qualification period.

Each party is required to adopt any amendment to the agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in an urban county qualification notice applicable for a subsequent three-year urban qualification period, and to submit such amendment to HUD. Failure to comply will void the automatic renewal for such qualification period.

15. Any changes and modifications to this Agreement shall be made in writing, and shall be executed by both parties prior to the performance of any work or activity involved in the change and be approved by HUD if necessary to comply with the Regulations.

16.

- a) This Agreement shall be and remain in force and effect for the period of performance specified in Paragraph 10 hereof and, when the County has been qualified by HUD as a urban county neither the County nor the City may terminate this agreement or withdraw therefrom during that period of performance; provided, however, if the County fails to qualify as an urban county or does not receive a CD grant in any year of the three Program years for which it has qualified, or if any federal legislation should change the qualification or entitlement status of the County or the City, either party may terminate this agreement or withdraw therefrom.
- b) Failure by either party to adopt amendments to this agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the urban county qualification notice applicable for a subsequent three year period, and submittal of said amendment to HUD as provided in the urban county qualification notice will void this agreement.
- c) The City understands that the County is subject to budget changes as a result of federal legislation, and that the County is not under obligation to allocate a constant amount of CDBG funds to the City for use in projects supported by the City. The County, however, agrees to notify the City of the amount of CDBG funds designated for use on City endorsed projects.

- d) If the County qualifies as an urban county and the City is included, during the three Program years for which the County has qualified, the parties agree not to veto or otherwise obstruct the implementation of the approved Five Year Consolidated Plan during that three year period and for such additional time as may be required for the expenditure of funds granted for that period.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly authorized and executed by each on the date specified as follows:

Arapahoe County

Signature _____
Nancy Sharpe
Chair of the Board of County Commissioners

ATTEST:

Signature _____
Clerk to the Board of County Commissioners

City of Englewood

Signature _____
Name _____
Mayor of Englewood

ATTEST:

Signature _____
Name _____
City Clerk

COUNCIL COMMUNICATION

Date: May 21, 2012	Agenda Item: 9 c i	Subject: Security Monitoring Project with Swedish Hospital
Initiated By: Police Department	Staff Source: Commander Tim Englert	

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council has made the safety of our community a priority, along with providing responsive and cost-efficient services. Staff is scheduled to discuss this matter with Council at the May 21 Study Session.

RECOMMENDED ACTION

The Police Department recommends that City Council approve a resolution authorizing a partnership with Sandia Corporation for the Police Department to provide in-kind security monitoring services for Swedish Hospital in exchange for equipment and training. The partnership calls for Sandia Corporation to provide, at no cost, the necessary equipment and training offered by the U.S. Department of Energy in order for the Police Department to monitor, in partnership with Swedish Hospital, an alarm system installed at the hospital.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Englewood Police Department has been approached by the Sandia Corporation and asked to partner with Swedish Hospital in the monitoring of an alarm system. All intrusion alarms and remote monitoring signals are transmitted to a central alarm station and the local law enforcement agency to allow for a quick and effective assessment of the situation and the deployment of on-site and off-site response forces.

If City Council approves this resolution, the Englewood Police Department will agree to accept Remote Monitoring System (RMS) alarms for Swedish Medical Center. The assessment computer for monitoring RMS alarms will be housed at the Englewood Police Dispatch Center. Enhancements provided to the Englewood Police Department include five police radios and accessories, and hardware associated with the RMS system to be installed in the dispatch center. In addition to the equipment, training will also be provided so the Department is prepared to respond.

The Englewood Information Technology Department has evaluated and approved the installation of the proposed equipment in the Dispatch Center.

FINANCIAL IMPACT

All equipment will be provided at no cost to the City. At the end of the manufacturer's warranty period, any repair cost will be the responsibility of the City.

LIST OF ATTACHMENTS

Proposed Resolution

RESOLUTION NO. _____
SERIES OF 2012

RESOLUTION AUTHORIZING A PARTNERSHIP BETWEEN THE CITY OF
ENGLEWOOD, COLORADO AND THE SANDIA CORPORATION.

WHEREAS, the City wishes to cooperate with Sandia Corporation to allow the Police Department to provide in-kind security monitoring services for Swedish Hospital in exchange for equipment and training; and

WHEREAS, the partnership calls for Sandia Corporation to provide, at no cost to the City, the necessary equipment and training; and

WHEREAS, Sandia Corporation will provide, at no cost to the City, the necessary equipment and training offered by the U.S. Department of Energy in order for the City to monitor, in partnership with Swedish Hospital, an alarm system installed at the hospital; and

WHEREAS, the City agrees to accept Remote Monitoring System (RMS) alarms for Swedish Medical Center to provide voluntary security enhancements to improve detection and respond; and

WHEREAS, the passage of this Resolution authorizes an Agreement with Sandia Corporation for the City of Englewood to provide in-kind security monitoring services for Swedish Hospital in exchange for equipment and training; and

WHEREAS, Sandia Corporation is a wholly owned subsidiary of Lockheed Martin Co. and this project anticipates the use of federal funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado, hereby authorizes a partnership with Sandia Corporation for the City to provide in-kind security monitoring services at Swedish Hospital, attached hereto as Exhibit A.

ADOPTED AND APPROVED this 21st day of May, 2012.

ATTEST:

James K. Woodward, Mayor Pro Tem

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2012.

Kerry Bush, Deputy City Clerk



Sandia National Laboratories
Operated for the U.S. Department of Energy by
Sandia Corporation

DRAFT

SECTION I
Date: 11-MAY-2012
Standard Purchase Order: 1241355
Revision: 0

**SANDIA CORPORATION
SANDIA NATIONAL LABORATORIES
1515 EUBANK BLVD SE BLDG 840
ALBUQUERQUE, NM87123
UNITED STATES**

Please respond to:

**ANNE HENNIE RIMBERT
SANDIA CONTRACTING REPRESENTATIVE (SCR)
SANDIA NATIONAL LABORATORIES
PO BOX 5800 MS1376
ALBUQUERQUE, NM 87185-1376**

Phone: (505)284-7660
Email:
Fax: (505)844-5771

Submit invoices to:

**SANDIA NATIONAL LABORATORIES
ACCOUNTS PAYABLE MS1385
PO BOX 5800
ALBUQUERQUE, NM 87185**

This Firm Fixed Price contract between Sandia Corporation and the above named Contractor is authorized for binding commitment by the SCR named above and is effective on the above date, provided that the contractor accepts the contract terms. These terms include Section I appended hereto and Section II as set forth in SF 6432-FP (CURRENT VERSION AS OF REV. 0 DOCUMENT DATE) and found at <http://www.sandia.gov/bus-ops/scm/Contractor/Contractor-info.html>. By signing the copy of this Signature Page and returning it to the SCR, or by delivering/performing the specified items/services, you are accepting the contract terms.

Electronically Signed by ANNE HENNIE RIMBERT dated 11-MAY-2012

Sandia Contract Representative

Contractor Representative Signature

Date



Sandia National Laboratories
 Operated for the U.S. Department of Energy by
 Sandia Corporation

DRAFT

SECTION I
 Date: 11-MAY-2012
 Standard Purchase Order: 1241355
 Revision: 0

Supplier: **SANDIA CORPORATION**

Ship To: **NO SHIPMENT**
ATTN: PO# 1241355
UNITED STATES

Ship Via: **NO SHIPMENT**

Payment Terms	Freight Terms	FOB
NET 30	NOT APPLICABLE	NOT APPLICABLE
Confirm To/Telephone	Requester/Deliver To	
0	KATHLEEN LARESE	

Notes: All dates referenced in this document are in GMT-7 America/Albuquerque
 All prices and amounts on this order are expressed in USD

Line	Part Number / Description	Quantity	UOM	Unit Price (USD)	Amount (USD)
1					\$0.00
	Promised: 31-AUG-2012 00:00:00 GTRI SW: Englewood PD Support for Swedish Medical Center in Englewood, CO Ship To: Use the ship-to address at the top of page Deliver To: KATHLEEN LARESE				
Total: \$0.00 (USD)					



Contract Terms and Conditions

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Terms and Conditions

A. SECTION I CLAUSES

1. PRIVACY OF CONTRACT

THIS CONTRACT IS BETWEEN THE CONTRACTOR, NAMED ON THE COVER PAGE, AND SANDIA CORPORATION. THEREFORE, PRIVACY OF CONTRACT IS BETWEEN THE CONTRACTOR AND SANDIA ONLY.

THE CONTRACTOR SHALL NOT ACCEPT ANY DIRECTION FROM ANY OTHER PARTY. ONLY THE SANDIA CONTRACTING REPRESENTATIVE SHALL HAVE AUTHORITY TO PROVIDE DIRECTION TO THE CONTRACTOR. THE INDIVIDUALS IDENTIFIED IN THE CLAUSE TITLED "DELEGATION OF AUTHORITY" SHALL ALSO HAVE AUTHORITY TO PROVIDE DIRECTION TO THE CONTRACTOR BUT ONLY FOR THE DUTIES LISTED IN THE DELEGATION OF AUTHORITY CLAUSE.

2. STATEMENT OF WORK

Statement of Work for Englewood Police Department in Englewood, Colorado, version 1.2, dated May 11, 2012

The Statement of Work is Sandia Proprietary Information and cannot be sent with this contract. A copy will be provided to the contractor via e-mail with password protection.

3. QUALITY ASSURANCE REQUIREMENTS- 033SQA (04-09)

The following Quality Assurance Requirements apply to this contract, and are incorporated by reference: (located at <http://www.sandia.gov/bus-ops/scm/Contractor/Contractor-info.html>)

SQAR 1.2 Responsibility for Conformance

The Contractor shall provide items which conform to the requirements of the purchase order regardless of any assessments, surveillances, inspections and/or tests by Sandia or its representatives at either the Contractor's or Sandia's facility. Sandia reserves the right to request failure analysis and corrective action for non-conforming articles or items submitted or supplied to Sandia National Laboratories. Contractor shall notify the assigned Sandia Delegated Representative (SDR) of each nonconformance against contractually agreed upon engineering, inspection, or test requirements within three (3) working days of occurrence. Notice shall consist of a written description of the nonconformance, an assessment of the cause, and the proposed corrective action. The Contractor shall employ procedures to ensure all products and materials comply with Federal laws governing authenticity and intellectual property. Material, parts, or assemblies, which do not conform to all drawings, specifications, and Purchase Order will not be accepted and will result in lot rejection.

SQAR1.9 Records

The Contractor shall retain objective evidence, including records, of the inspections and tests performed in the course of designing, developing, manufacturing, testing, inspecting, preserving, packaging, and preparation for shipment or electronic transfer of procured items. These records shall be made available to SNL's representative for review upon request. These records shall be maintained for a minimum of three (3) years, unless otherwise specified in the procurement documentation, after the completion of the Purchase Order/contract.

4. PERIOD OF PERFORMANCE



Period of Performance shall begin on **01-JUN-2012** and shall end on **31-AUG-2012**.

5. TOTAL PRICE

Total Price: \$ _____ *

**To be completed at contract award.*

6. SCHEDULE OF PAYMENTS AND DELIVERABLES

The contractor shall invoice upon the completion of each of the following, as per the statement of work:

Due Date	Deliverable #	Deliverable Name and Description	Payment Amount
7/15/2012	1	Final Report and Contractor Provided Training	50% of Total Price
7/31/2012	2	Assurance and Annual Visits	50% of Total Price

7. DISPOSITION OF PROPERTY - SPECIAL

SPECIAL INSTRUCTIONS:

The property purchased under this contract shall be dispositioned in place at the entity noted below. The property transfer shall occur at sign-off following installation, functional testing, and project acceptance.

PROPERTY DISPOSITION:

Site Name: City of Englewood Police Department

Site Address: Englewood, CO

8. EMPLOYMENT ELIGIBILITY VERIFICATION (E-VERIFY) - 713EVE (10-09)

Contractor shall, within 30 days of contract award, complete enrollment in the government's E-Verify program per FAR 52.222-54, if not already enrolled. Contractor shall adhere to the requirements of FAR 52.222-54 during performance of this contract. Further information can be found at <http://www.dhs.gov/E-Verify>.

9. WAGE DETERMINATION PURSUANT TO ARTICLE ENTITLED "SERVICE CONTRACT ACT OF 1965" - 413KS1 (09-04)

As required under the provisions of the clause, "Service Contract Act of 1965," the following wage determination located @ <http://wdol.gov> shall apply to this contract: Wage Determination No. 2005-2081, Rev. 11, 6/13/2011.

10. DELEGATION OF AUTHORITY - 404KDB (07-09)

The following Sandia personnel are hereby authorized to act as Sandia Delegated Representatives (SDRs) for the specific purpose(s) shown, subject to the Section II limitations as authorized.

Delegated representatives shall exercise no supervision over the Contractor's employees.



Sandia Delegated Representative(s) (SDR):
 Name/Org No/Phone Number

Primary: _____

Alternate: _____

Alternate: _____

DUTIES DELEGATED:

Provide technical liaison, inspect and accept deliverables, review invoices, approve all domestic and foreign travel in accordance with ISS100.4.2, "Control of International Travel".

If foreign travel is required, the Sandia Delegated Representative (SDR) will ensure the Contractor has successfully completed the required training (EC100 and FCPA100), will obtain the required DOE/NNSA advance approval of foreign travel for the Contractor using Sandia's Foreign Travel Office, and will ensure that the required post-travel trip report has been submitted, in accordance with the requirements of ISS100.4.2, "Control of International Travel". The SDR will maintain copies of all required documentation.

NOTE:

The Sandia Contracting Representative (SCR) is the only person who can legally obligate Sandia for the expenditure of funds, change scope and/or level of effort and/or terms and conditions, negotiate, and sign documents legally binding Sandia. COMMITMENTS, OBLIGATIONS OR PROMISES, IMPLIED OR EXPRESSED, BY SANDIA PERSONNEL OTHER THAN THE SCR DO NOT BIND SANDIA IN ANY MANNER.

11. EXPORT CONTROL - 617EXP (01-10)

(a) Any item, technical data, or software furnished by Sandia in connection with this purchase order/contract is supplied for use in the United States only. Contractor agrees to comply with all applicable U.S. export control laws and regulations, specifically including, but not limited to, the requirements of the Arms Export Control Act, 22 USC 2751 - 2794, including the International Traffic in Arms Regulation (ITAR), 22 CFR 120 - 130; the Export Administration Act, 50 USC app. 2401 - 2420, including the Export Administration Regulations (EAR), 15 CFR 730 - 774; and including the requirement for obtaining any export license or agreement, if applicable. Without limiting the foregoing, Contractor agrees that it will not transfer any export controlled item, data, or services, to include transfer to foreign persons employed by or associated with, or under contract to Contractor or Contractor's lower-tier suppliers, without the authority of an export license, agreement, or applicable exemption or exception. Contractor shall immediately notify the SCR if it transfers any export controlled item, data, or services to foreign persons. Diversion contrary to U.S. export laws and regulations is prohibited.

(b) Contractor shall immediately notify the SCR if Contractor is, or becomes, listed in any Denied Parties List or if Contractor's export privileges are otherwise denied, suspended or revoked in whole or in part by any U.S. Government entity or agency.

(c) If Contractor is engaged in the business of either exporting or manufacturing (whether exporting or not) defense articles or furnishing defense services, Contractor represents that it is registered with the Directorate of Defense Trade Controls, as required by the ITAR, and it maintains an effective export/import compliance program in accordance with the ITAR.

The Contractor shall flow down the requirements of this clause to all subcontracts.

12. SAFEGUARDING OF DRAWINGS, SPECIFICATIONS, AND TECHNICAL INFORMATION - 633DST (05-06)



All drawings, specifications or other technical information supplied to the Contractor shall be protected from unauthorized use, reproduction, and disclosure and Contractor shall protect the information at least to the same extent it would use to protect its own most valuable and proprietary information. Dissemination or use of such information is limited to such of its employees and Contractors, if any, whose job performance for this specific contract requires the information and only for those purposes. No other dissemination or use is permitted without prior written approval of the Sandia Contracting Representative/Sandia Delegated Representative.

13. INVOICING - 812INV (04-09)

Contractor shall submit an original invoice within thirty (30) days of delivery of goods or services or once monthly within the Period of Performance in accordance with contract Terms and Conditions. Invoices may be submitted either by U.S. Mail addressed as shown below, or by electronic means as described in the Electronic Invoicing Option in part B of the following Invoicing Instructions:

INVOICING INSTRUCTIONS: Any deviation from the following invoicing instructions, including invoices delivered to a street address, **MAY DELAY PAYMENT.**

A. Submittal Requirements: All invoices submitted to Sandia National Laboratories must:

1. be addressed as follows, unless otherwise specified in the Contract, or use of the Electronic Invoicing Option has been arranged with Sandia Accounts Payable:

Sandia National Laboratories
Accounts Payable
PO Box 5800 MS 1385
Albuquerque, NM 87185

2. include the Sandia Purchase Order (PO)/contract document number as it appears in the PO/contract,
3. include the Contractor's name exactly as stated in the PO/contract,
4. identify Contractor's unique invoice number and date,
5. for each item invoiced, identify the line item number, description/part number and quantity exactly as stated in the Sandia PO/contract,
6. if the PO/contract allows partial shipment, identify quantity of items remaining to be shipped,
7. include any applicable freight charges (including freight forwarder charges paid by Contractor),
8. include freight bill for any freight charges of \$50 or more.
9. indicate whether invoice is the final invoice.
10. Notes:
 - (a) If Contractor has more than one Sandia contract, invoice each PO/contract separately.
 - (b) Payment terms begin upon receipt of invoice by Sandia Accounts Payable.
 - (c) In order for payment to occur, any freight charges invoiced separately by either a freight carrier or a sub-tier supplier must include: Sandia contract number, and if available, Sandia project and task number, and organization number.



- (d) If Contractor owes Sandia money, repayment is expected from the Contractor. If not received, offset will occur against Contractor's invoice(s)
- (e) Do not submit duplicate invoices

B. Electronic Invoicing Option: Sandia National Laboratories offers Contractors the option to submit invoicing electronically via Sandia's web-based iSupplier portal. Information on using Sandia's Electronic Invoicing Option can be obtained from Accounts Payable directly by e-mailing apinvoice@sandia.gov.

C. Payment Method: Sandia's standard payment mechanism is Electronic Funds Transfer (EFT) accompanied by e-mail notification following the execution of an EFT payment. If not already signed up to receive EFT from Sandia, upon contract award, Contractor shall submit an Electronic Funds Transfer Agreement (Form SF 9424-EFT), located at <http://www.sandia.gov/resources/emp-ret/corpforms/9424eft.doc> to Accounts Payable Supplier Data Management Team at isupplier@sandia.gov.

D. Payment Information: Payment information may be obtained by e-mailing the Supply Chain Helpdesk at scchelpdesk@sandia.gov for a username and password for online viewing of the status of payments, or by calling (505) 845-9600.

14. COMPLIANCE WITH INTERNET PROTOCOL VERSION 6 (IPV6) - 294IP (12-09)

If this contract involves the acquisition of Information Technology (IT) that uses Internet Protocol (IP) technology, the contractor agrees that: (1) all deliverables that involve IT that uses IP (products, services, software, etc.) will comply with IPv6 standards and interoperate with both IPv6 and IPv4 systems and products; and (2) it has IPv6 technical support for development and implementation and fielded product management available. If the contractor plans to offer a deliverable that involves IT that is not initially compliant, the contractor agrees to: (1) obtain the Sandia Contracting Representative's approval before starting work on the deliverable; and (2) have IPv6 technical support for development and implementation and fielded product management available.

Should the contractor find that the statement of work or specifications of this contract do not conform to the IPv6 standard, it must notify the Sandia Contracting Representative of such nonconformance and act in accordance with instructions of the Sandia Contracting Representative.

15. ACQUISITION CONFLICT RESOLUTION PROCESS - 850ACR (07-10)

Sandia encourages open, honest communication between suppliers, Contractors, and the Sandia Contracting Representative (SCR) in resolving a concern. It is always best to resolve issues in an open atmosphere between the suppliers, Contractors, and SCRs without escalating the problem. The goal is to ensure timely resolution of the problem without undue expense to either parties involved.

It is the intent of Sandia to resolve supplier and Contractor concerns through a Conflict Resolution Process, that is timely, includes several options, is easy to use, and provides satisfactory results to both the supplier, Contractor, and Sandia. This process is described at the following URL address:

http://www.sandia.gov/bus-ops/scm/forms/policy/sand2007_7107_P_AcquisitionConflict-res.pdf

Among the options available is for the suppliers and Contractors is to use the Sandia Ombuds Office at (505) 844-9763 (New Mexico) or (925) 294-3655 (California) to address concerns regarding Sandia procurement actions.

By submitting a response to the solicitation, the supplier agrees to use the Acquisition Conflict Resolution Process at the URL listed to resolve controversies.

After award of a contract/agreement, the Contractor agrees to the Acquisition Conflict Resolution Process at the URL listed to resolve any contract/agreement disputes that occur during the performance of the contract/agreement.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. 21
INTRODUCED BY COUNCIL
MEMBER WILSON

AN ORDINANCE AMENDING TITLE 16, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO THE ESTABLISHMENT OF A NEIGHBORHOOD PRESERVATION OVERLAY ZONE DISTRICT, AND AMENDMENT OF THE OFFICIAL ZONING MAP TO REZONE PORTIONS OF THE MEDICAL DISTRICT SUBAREA 2.

WHEREAS, the Englewood Unified Development Code (UDC) was adopted in 2004, as the first comprehensive zoning code update since 1985; and

WHEREAS, the Englewood City Council made economic development a top Council goal; and

WHEREAS, the Medical Zone and Overlay District Amendments to the Unified Development Code (UDC) rezones property to establish more development-friendly regulations in the immediate vicinity of Swedish Medical Center and Craig Hospital to take advantage of development interest in the area; and

WHEREAS, there are certain areas near the Medical Centers which wish to be excluded from consideration for rezoning as medical related zones to preserve the current zoning of the neighborhood and enhance that preservation with an overlay district; and

WHEREAS, after numerous neighborhood meetings, and meetings with City Council the Community Development Department recommended the establishment of a Neighborhood Preservation Overlay Zone and the application of that zone in the 3200 block of South Sherman Street and the 3200, 3300 and portions of the 3400 blocks of South Grant Street in the City of Englewood; and

WHEREAS, the Englewood Planning and Zoning Commission conducted a Public Hearing and recommended that this Overlay Zone should not be established at this time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes, pursuant to Title 16, Chapter 1, Section 8, of the Englewood Municipal Code 2000, the rezoning of certain parcels with an overlay zone as shown on the attached Exhibit A, and amending the Official Zone District Map to reflect those rezonings.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 3, Section 1, Subsection B, “Relationship of Base Zoning Districts to Overlay” of the Englewood Municipal Code 2000 to read as follows:

16-3: ZONE DISTRICTS

[EDITORS NOTE: 16-3-1(A) remain unchanged.]

16-3-1: General Provisions.

B. *Relationship of Base Districts to Overlay Districts.* Lands within the City may be classified into one of the base zoning districts, as described above, and may also be classified as an overlay district (See, for example, Chapter 16-4 EMC, "Flood Plain Overlay District.") An overlay district is a land use classification that lies over the base zoning allowing for additional uses and development standards different from the base zoning. Where the property is classified in an overlay district as well as a base zoning district, then the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying district. In the event of an express conflict between the standards governing a base district and those governing an overlay district, the standards governing the overlay district shall control.

TABLE 16-3-1.2: OVERLAY DISTRICTS	
Name	Description
M-O-1	A medical overlay district covering a portion of the MU-R-3-B base residential zone district.
M-O-2	A medical overlay district covering a portion of the R-2-B base residential zone district.
<u>NPO</u>	<u>A neighborhood preservation overlay district covering a portion of the MU-R-3-B base residential zone district.</u>

C. *Compliance with District Standards.* No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with the zoning district regulations of this Chapter 16-3 EMC, the use regulations of Chapter 16-5 EMC, the development standards of Chapter 16-6 EMC, and all other applicable regulations of this Title.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 3, Section 2 “District Characteristics” and Title 16, Chapter 3, Section 2, Subsection D, “Special Purpose Districts” by the addition of a new Paragraph 4, of the Englewood Municipal Code 2000 to read as follows:

16-3-2: District Characteristics.

One of the goals of the City is to encourage a variety of housing types to meet the needs of differing income levels and varying household structures. The regulations for these districts are designed to stabilize and protect the essential characteristics of the districts, to allow for certain

conditional and limited uses that are controlled by specific limitations governing the impact of such uses, and to promote a compatible neighborhood environment.

[EDITORS NOTE: 16-3-2(A) through (C) remain unchanged.]

D. Special Purpose Districts.

1. PUD: Planned Unit Development District. The PUD district is intended as an alternative to conventional land use regulations. The PUD district combines use, density, design, and Zoning Site Plan considerations into a single process, and substitutes procedural protections for many of the substantive requirements of this Title. Designation of a PUD district shall comply with the procedural requirements of Section 16-2-7 EMC.
2. M-O-1: Medical Overlay District. This overlay district covers a portion of the MU-R-3-B base residential zone district, that retains the base district permitted land uses and residential density requirements, but substitutes Medical Zone District lot dimension, parking, and landscaping requirements in support of medical district development.
3. M-O-2: Medical Overlay District. This overlay district covers a portion of the R-2-B base residential zone district and allows a property the option to develop under R-2-B regulations or under M-2 regulations when it is included as part of a larger adjacent M-2 zoned site with street frontage on Hampden Avenue. Retail use shall be prohibited in the M-O-2 overlay district.
4. NPO: Neighborhood Preservation Overlay District. An overlay district covering a portion of the MU-R-3-B base residential zone district that is intended to preserve the existing character and balance of land uses within a mature residential neighborhood area. Existing multi-unit developments retain rights to redevelop at existing residential density levels and subject to all other MU-R-3-B zone district dimensional standards. Existing single unit homes may only be redeveloped as similar single and two unit developments.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 2, by the addition of a new Paragraph E, of the Englewood Municipal Code 2000, to read as follows:

16-5-2: Use-Specific Standards.

[EDITORS NOTE: 16-5-2(A) through (D) remain unchanged.]

E. Neighborhood Preservation Overlay Uses.

1. Prohibited Uses. The following uses are prohibited:
 - a. Hospital.
 - b. Clinic.

- c. Laboratory.
 - d. Office, type 1, (general).
 - e. Office, type 2, (limited).
 - f. Parking facility, structure, and principal use.
 - g. Parking area, surface, principal use.
 - h. Conversions as described in Section 16-6-1(C)(2)(b) EMC.
 - i. Multi-unit dwelling, except for two-unit dwellings.
2. Prohibited Conditional Uses. The following Conditional Uses are prohibited:
- a. Group living facility, large/special.
 - b. Small treatment center.
 - c. Boarding or rooming house.
3. Limitation on Number of Units for New Multi-unit Residential Developments. A maximum of two (2) residential units per fifty feet (50') of lot frontage are allowed for new multi-unit residential developments replacing existing single and two unit structures.
4. Any multi-unit structure or Office Type 2 in existence at the time of the effective date of the ordinance creating this overlay district (insert date) shall be considered a legal conforming use. Should any such structures be destroyed or intentionally be demolished by more than sixty percent (60%) of its value, the structure shall be allowed to be reconstructed with up to a ten percent (10%) increase or the same number of units or less; or the same floor area for Office Type 2 in its previous location on the lot, regardless of whether or not the requirements of the underlying zone district are met, including but not limited to minimum lot area, maximum lot coverage, maximum height, minimum setbacks, parking and landscaping. Maximum lot coverage may be increased to eighty percent (80%).
5. All other non-conforming uses and/or structures are subject to the non-conforming regulations of the Unified Development Code.

Section 5. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of

competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 7. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 8. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, amended and passed on first reading on the 2nd day of April, 2012.

Published as amended by Title as a Bill for an Ordinance in the City's official newspaper on the 6th day of April, 2012.

Published as amended as a Bill for an Ordinance on the City's official website beginning on the 4th day of April, 2012 for thirty (30) days.

A Public Hearing was held on the 16th day of April, 2012

Read by title, amended on the 7th day of May, 2012.

Published as amended by title in the City's official newspaper on the 18th day of May, 2012.

Published as amended by title on the City's official website beginning on the 9th day of May, 2012 for thirty (30) days.

Read by title as amended and passed on final reading on the 21st day of May, 2012.

Published as amended by title in the City's official newspaper as Ordinance No. ____, Series of 2012, on the 25th day of May, 2012.

Published as amended by title on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance as amended and passed on final reading and published by title as Ordinance No. ____, Series of 2012.

Kerry Bush

**Legal Description for Portions of Medical District Sub-area 2 Establishing
Neighborhood Preservation Overlay Zone District (NPO)**

That part of the SE quarter of Section 34, Township 4 South, Range 68 West of the 6th P.M., situated within the City of Englewood, Arapahoe County, Colorado, more particularly described as follows:

Beginning at the intersection of the centerlines of East Floyd Avenue and South Sherman Street; thence westerly along the centerline of East Floyd Avenue a distance of 163 feet to the intersection of the centerline of East Floyd Avenue and the extended centerline of the north-south alley of Block 6, Rose Addition; thence northerly a distance of 660 feet to the intersection of the centerline of East Eastman Avenue and the extended centerline of the north-south alley of Block 6, Rose Addition; then easterly a distance of 652 feet to the intersection of the centerline of East Eastman Avenue and the extended centerline of the north-south alley of Block 8, Rose Addition; then southerly a distance of 1,800 feet; thence westerly a distance of 8 feet to the southeast corner of Lot 18, Block 8, Premier Addition; thence westerly a distance of 125 feet along the south line of Lot 18, Block 8, Premier Addition to the southwest corner of said lot; thence westerly a distance of 60 feet to the east line of Lot 30, Block 7, Premier Addition; then westerly a distance of 125 feet to the west line of Lot 30, Block 7, Premier Addition; then westerly a distance of 8 feet to the centerline of the north-south alley of Block 7, Premier Addition; thence northerly a distance of 1,140 feet to the centerline of East Floyd Avenue and the extended centerline of the north-south alley of Block 2, Premier Addition; thence westerly a distance of 163 feet to the intersection of the centerlines of East Floyd Avenue and South Sherman Street, the point of beginning.

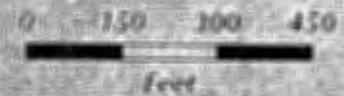
City of Englewood, Colorado

Englewood Medical District Small Area Plan:
Proposed Sub-area 2
Neighborhood Preservation Overlay (NPO)

LEGEND

-  Neighborhood Preservation Overlay-Boundary
-  Subarea Boundary

March 2012



BY AUTHORITY

ORDINANCE NO. _____
 SERIES OF 2012 _____

COUNCIL BILL NO. 24
 INTRODUCED BY COUNCIL
 MEMBER WOODWARD

AN ORDINANCE AUTHORIZING THE DENVER SEMINARY PLANNED UNIT
 DEVELOPMENT (PUD) AMENDMENT NO. 3.

WHEREAS, the Englewood City Council approved the Denver Seminary Planned Unit Development with the passage of Ordinance No. 52, Series of 2004; and

WHEREAS, the Englewood City Council approved the Denver Seminary Planned Unit Development Amendment No. 1 with the passage of Ordinance No. 9, Series of 2007; and

WHEREAS, the Englewood City Council approved the Denver Seminary Planned Unit Development Amendment No. 2 with the passage of Ordinance No. 26, Series of 2008; and

WHEREAS, Kent Place Regency, LLC filed an application for an amendment to the 2004 Planned Unit Development; and

WHEREAS, this Amendment No. 3, proposes no changes to the general character of the development of residential and limited retail uses; and

WHEREAS, the key change to the original PUD as proposed in this Amendment is:

- Addition of Financial Institution with Drive-Through Service to the Table of Allowed Uses.

WHEREAS, pursuant to Denver Seminary PUD District Plan – Development Standards E.1.b., major modifications to the P.U.D. District Plan must be approved pursuant to the same limitations and requirements by which such Plan was originally approved; and

WHEREAS, the Englewood Planning and Zoning Commission held a Public Hearing on March 20, 2012, reviewed the Amendment of the Planned Unit Development and recommended approval of this Denver Seminary Planned Unit Development Amendment No. 3:

- All approved conditions and requirements established under the Denver Seminary PUD, Denver Seminary PUD – Amendment 1, and Denver Seminary PUD – Amendment 2 shall apply unless amended by Amendment 3.
- That a Financial Institution with Drive-Through Service use shall be limited to Lot 3 per the Site Plan.

- That the Financial Institution with Drive-Through Service shall be limited to two drive-through lanes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The Englewood City Council has reviewed the Amendment No. 3 to the Denver Seminary Planned Unit Development and finds that the P.U.D. amendment is in conformance with the approved Planned Unit Development requirements.

Section 2. The Englewood City Council finds that all required documents, drawings, referrals, recommendations and approvals have been received.

Section 3. The Englewood City Council finds that the amended P.U.D. District Plan and site plan are consistent with adopted and generally accepted standards of development within the City.

Section 4. The amended P.U.D. site plan is substantially consistent with the goals, objectives and policies and/or any other ordinance, law or requirement of the City.

Section 5. The City Council of the City of Englewood, Colorado hereby approves Amendment No. 3 to the Planned Unit Development for the Denver Seminary, attached hereto as Exhibit A.

Section 6. Pursuant to Article V, Section 40, of the Englewood Home Rule Charter, the City Council has determined that Exhibit A, attached to this Ordinance shall not be published because of its size. A copy of Exhibit A, is available in the Office of the Englewood City Clerk.

Introduced, read in full, and passed on first reading on the 16th day of April, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 20th day of April, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 18th day of April, 2012 for thirty (30) days.

A Public Hearing was held on the 7th day of May, 2012.

Read by title and passed on final reading on the 21st day of May, 2012.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2012, on the 25th day of May, 2012.

Published by title on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

James K. Woodward, Mayor Pro Tem

ATTEST:

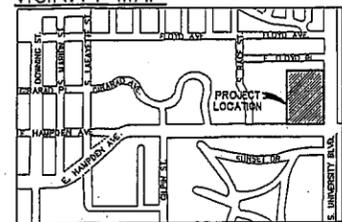
Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2012.

Kerry Bush

DENVER SEMINARY PLANNED UNIT DEVELOPMENT (DISTRICT PLAN) AMENDMENT 3 ENGLEWOOD, COLORADO

VICINITY MAP NOT TO SCALE



BACKGROUND

THE SUBJECT PROPERTY IS AN 11.41 ACRE SITE AT THE NORTHWEST CORNER OF THE INTERSECTION OF EAST HAMPDEN AVENUE AND SOUTH UNIVERSITY BOULEVARD. THE SITE HAS BEEN OWNED AND UTILIZED FOR MORE THAN 40 YEARS BY THE DENVER SEMINARY. THE DENVER SEMINARY HAS OUTGROWN THE CAMPUS AND HAS RELOCATED TO A NEW SITE. THE SITE WAS ZONED R-3 HIGH-DENSITY RESIDENCE DISTRICT AT THE TIME THE ORIGINAL PLANNED UNIT DEVELOPMENT APPLICATION WAS SUBMITTED. THE SITE IS CURRENTLY ZONED DENVER SEMINARY PUD, AMENDMENT 2, APPROVED ON JULY 28, 2008.

ARCHITECTURAL CHARACTER

IT IS THE INTENT OF THIS DEVELOPMENT TO ATTRACT SOPHISTICATED, DISCRIMINATING HOMEOWNERS TO AN URBAN YET INTIMATELY SCALED MIXED-USE VILLAGE OF VARIOUS SIZED BUILDINGS CREATING A PEDESTRIAN ORIENTED EUROPEAN ATMOSPHERE. BY STRATEGICALLY PLANNING A MIXTURE OF VARIOUS SIZED RETAIL AND RESIDENTIAL BUILDINGS IN THE CENTER OF THE ELEVEN ACRE SITE TO GAIN DRAMATIC VIEWS TO THE SURROUNDING MOUNTAINS AND NEARBY DOWNTOWN, THEN SURROUNDING THEM WITH A NARROW GATED PRIVATE ACCESS ROAD, AND USING THE PERIMETER OF THE SITE TO POSITION LOWER SCALED RETAIL AND TOWNHOUSES, A VARIETY OF INTIMATELY SCALED PEDESTRIAN ENVIRONMENTS WILL BE CREATED. PLACED PROMINENTLY AT THE CORNER OF UNIVERSITY AND HAMPDEN AVENUE, AN APPROPRIATELY SCALED GROUP OF 1 AND 2 STORY RETAIL BUILDINGS SERVED BY HEAD-IN PARKING, WILL SHIELD THE BUSY INTERSECTION AND DEFINE A QUIET, PEDESTRIAN ORIENTED STREET REMINISCENT OF A EUROPEAN VILLAGE. A VARIETY OF SMALL RETAIL SHOPS, SERVICES AND DINING ESTABLISHMENTS (SEE ALLOWED USE TABLE BELOW) TARGETED PRIMARILY TO THE RESIDENTS OF THE PROJECT WILL JOIN A SMALL BANK (NON-DRIVE THROUGH) AND FINANCIAL OFFICES TO MAKE UP THE VILLAGE "STREET".

CRITICALLY IMPORTANT TO DEFINE THE ATMOSPHERE OF THE DEVELOPMENT, ONLY APPROPRIATE HIGH QUALITY MATERIALS WILL BE USED IN ALL THE BUILDINGS. THE PRIMARILY STUCCO BUILDINGS WILL BE BLENDED WITH MASONRY ACCENTS, ATTRACTIVE LIGHT FIXTURES, THOUGHTFULLY SHIELDED TO MINIMIZE ILLUMINATION IMPACT ON SURROUNDING NEIGHBORHOODS WILL HELP CREATE THE PEDESTRIAN FEEL ALONG GARDENS AND OPEN SPACES ACCESSED BY PAVED WALKWAYS TO BE EXPERIENCED BY THE HOMEOWNERS. THE INDIVIDUAL UNITS WILL BE LARGE AND AIRY AND AS OPEN TO VIEWS AS POSSIBLE WITH EXPANSIVE WINDOWS TO CONTRAST THE STUCCO EXTERIORS. STEEPLY SLOPING ROOFS WITH PROJECTING CORNICES WILL COMPLEMENT THE EUROPEAN FEEL TO THE ARCHITECTURE TAKING CLUES FROM THE UNIVERSITY OF DENVER AND NEARBY RESIDENTIAL COMMUNITIES.

THE SPECIFIC DESIGN, MATERIALS AND COLORS TO BE INCORPORATED IN THE BUILDINGS WILL NOT BE DETERMINED UNTIL DETAILED ARCHITECTURAL DRAWINGS HAVE BEEN PREPARED. THE PREPARATION OF SUCH DETAILED ARCHITECTURAL DRAWINGS IS AN EXPENSIVE AND TIME-CONSUMING PROCESS THAT IS NOT LIKELY TO BE UNDERTAKEN UNTIL THE PROPOSED PUD AMENDMENTS HAVE BEEN FINALLY APPROVED BY THE CITY. APPLICANT SHALL SUBMIT SPECIFIC DESIGN ELEVATIONS, LIST OF PRIMARY MATERIALS AND A COLOR BOARD FOR THE EXTERIOR OF THE BUILDINGS AT LEAST 30 DAYS PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT FOR THE PROJECT.

CONSTRUCTION SCHEDULE

THE FIRST PHASE WILL INCLUDE 1 OR MORE RETAIL BUILDINGS, SURFACE PARKING TO SERVE THEM WHILE MAINTAINING ACCESS AND USE OF THE EXISTING AUDITORIUM BUILDING. SUBSEQUENT PHASES WILL DEMOLISH THE REMAINING EXISTING BUILDINGS AND COMPLETE THE RETAIL BUILDINGS AND 1 OR MORE "ROW" HOUSE BUILDINGS AS WELL AS THE REMAINING TOWERS AND ADDITIONAL PARKING TO SERVE THEM. IT IS ANTICIPATED THAT PHASE 1 CONSTRUCTION MAY COMMENCE AS EARLY AS MARCH 2008 AND THAT COMPLETION OF ALL PHASES OF THE PROJECT IS EXPECTED TO OCCUR NO LATER THAN DECEMBER 31, 2012.

PUD DEVELOPMENT SUMMARY

THE APPLICANT PROPOSES TO DEVELOP UP TO 300 RESIDENTIAL UNITS AND UP TO 75,000 SQUARE FEET OF RETAIL/OFFICE SPACE. THE RETAIL/OFFICE COMPONENT IS PROPOSED FOR THE SOUTHEAST CORNER OF THE PROPERTY ON BOTH SIDES OF THE STREET WITH ALL PARKING LOCATED EITHER IN A DEDICATED STRUCTURED GARAGE, A DEDICATED PARKING LOT, OR IN DIAGONAL HEAD-IN SURFACE PARKING SPACES. THE RETAIL/OFFICE BUILDINGS WILL SCREEN THE SURFACE PARKING.

METROPOLITAN DISTRICT SUMMARY

IT IS ANTICIPATED THAT ONE OR MORE TITLE 32 METROPOLITAN DISTRICTS MAY BE ORGANIZED FOR PURPOSES OF FACILITATING FINANCING AND CONSTRUCTION OF THE PUBLIC IMPROVEMENTS ON THE PROPERTY (THE "DISTRICT"). UPON ORGANIZATION, THE DISTRICT SHALL ALSO BE RESPONSIBLE FOR CERTAIN OPERATIONS AND MAINTENANCE UPON THE PROPERTY, INCLUDED BUT NOT LIMITED TO PUBLIC IMPROVEMENTS THAT ARE CONSTRUCTED BY THE DISTRICT AND NOT SUBSEQUENTLY DEDICATED TO A PUBLIC OR GOVERNMENTAL ENTITY (THE "PROJECTS"). THE DISTRICT SHALL BE REQUIRED TO OPERATE AND MAINTAIN THE PROJECTS OR CAUSE THE PROJECTS TO BE OPERATED AND MAINTAINED, AT STANDARDS (I) REQUIRED TO PROVIDE ACCESSIBLE AND SAFE PUBLIC IMPROVEMENTS, (II) REQUIRED TO MEET STANDARDS ESTABLISHED FOR FACILITIES OF THE CITY, AND (III) AT A FIRST-CLASS LEVEL INCLUDING, WITH RESPECT TO THE PUBLIC PARKING FACILITIES, LIGHTING, SECURITY AND RE-PAVING. NOTHING HEREIN OR IN ANY RESOLUTIONS OF THE CITY SHALL BE INTERPRETED TO REQUIRE THE CITY TO UNDERTAKE RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PROJECTS AND ALL AUTHORIZING DOCUMENTATION REGARDING THE DISTRICT SHALL BE CONSISTENT WITH THE REQUIREMENTS FOR OPERATIONS AND MAINTENANCE AS STATED HEREIN.

PUD DISTRICT PLAN-DEVELOPMENT STANDARDS

A. GENERAL REGULATIONS: UNLESS OTHERWISE PROVIDED FOR IN THIS PUD OR AN AMENDMENT THERETO, THE PROVISIONS, STANDARDS, REGULATIONS, AND PROCEDURES PERTINENT TO AN APPLICATION FOR THE DEVELOPMENT OF LAND WITHIN THIS PUD ZONE DISTRICT SHALL COMPLY WITH THE REQUIREMENTS OF THE MU-R-3-B ZONE DISTRICT OF THE CITY OF ENGLEWOOD AND RELATED ZONING REGULATIONS IN PLACE AT THE TIME SUCH APPLICATION IS FILED WITH THE CITY. B. PERMITTED PRINCIPAL USES: THE TABLE BELOW SHALL CONTROL THE USES WITHIN THE PUD ZONE DISTRICT. A "P" IN THE CELL FOLLOWING THE USE TYPE INDICATES THAT THE USE TYPE IS PERMITTED BY RIGHT IN THE DENVER SEMINARY PUD ZONE DISTRICT. A BLANK CELL INDICATES THAT THE USE TYPE IS PROHIBITED IN THE PUD. UNLESS OTHERWISE PROVIDED, THE FOLLOWING USE CATEGORIES AND TYPES SHALL HAVE THE SAME MEANINGS AS SUCH CATEGORY AND USE TERMS BY THE SAME NAMES CONTAINED IN TITLE 16 OF THE ENGLEWOOD MUNICIPAL CODE. PERMITTED USES ARE SUBJECT TO ALL OTHER APPLICABLE REGULATIONS OF TITLE 16 - UNIFIED DEVELOPMENT CODE.

DENVER SEMINARY PUD TABLE OF ALLOWED USES

Table with columns: USE CATEGORY, USE TYPE, PUD. Rows include Residential Uses (Group Living, Household Living) and Accessory Uses (Home Care Accessory, etc.).

Main table of allowed uses categorized by Public/Institutional, Commercial, Assembly, Office, Retail, School, Vehicle, Visitor, Wholesale, Manufacturing, Warehouse, Waste, and Accessory uses.

TEMPORARY USES table listing uses like Car Wash, Expansion of Existing Facilities, Farmers Market, etc.

C. UNLISTED USE PROCEDURES FOR APPROVAL OF USES NOT LISTED IN THE ABOVE TABLE OF ALLOWED USES SHALL BE GOVERNED BY TITLE 16 PROVISIONS FOR UNLISTED USES. D. THE DEVELOPMENT WILL BE IMPLEMENTED AS A MIXED-USE VILLAGE INCORPORATING RETAIL, OFFICE (COMMERCIAL) AND RESIDENTIAL TYPE USES. 1. MAJOR BUILDING HEIGHT: SEE PUD-3 AND PUD-4 FOR BUILDING HEIGHT SUMMARY. 2. BULK PLANE: FOR RESIDENTIAL UNITS ON THE NORTH AND WEST EDGES OF THE SITE, EXCEPT TO THE LIMITED EXTENT SHOWN IN THE BULK PLANE DIAGRAMS ON PUD-4, NO PORTION OF THE BUILDING SHALL EXTEND BEYOND ANY APPLICABLE BULK PLANES: SEE PUD-4 FOR APPLICABLE BULK PLANES. 3. MAXIMUM RESIDENTIAL UNITS: 300 (HOTEL: 1 ROOM=1 UNIT). 4. MAXIMUM TOTAL RETAIL/OFFICE (COMMERCIAL) USE GROSS SALABLE FLOOR AREA SHALL NOT EXCEED 75,000 SQUARE FEET. THE MAXIMUM TOTAL OFFICE USE GROSS LEASABLE FLOOR AREA SHALL NOT EXCEED 27,000 SQUARE FEET, EXCLUSIVE OF OFFICE SPACE ESTABLISHED WITHIN ANY RETAIL SPACES AND RELATED TO THE MANAGEMENT OF SUCH RETAIL OPERATION. 5. PARKING: SEE PUD-2 FOR PARKING GUIDELINES. 6. SIGNAGE: SEE PUD-2 FOR SIGNAGE / FENCING GUIDELINES. 7. FENCES AND WALLS: SEE PUD-2 FOR SIGNAGE / FENCING GUIDELINES. 8. LANDSCAPING: SEE PUD-2 FOR LANDSCAPING GUIDELINES. DEVELOPER TO PROVIDE LANDSCAPE DESIGN PLANS FOR AREA ADJACENT TO WEST PROPERTY LINE TO KENT VILLAGE ASSOCIATION AND RECEIVE COMMENTS (NOT APPROVAL) FROM KENT VILLAGE ASSOCIATION. E. MODIFICATIONS: THE FOLLOWING MODIFICATION PROCEDURES ARE CONSISTENT WITH PUD MODIFICATION PROCEDURES OF TITLE 16 ZONING REGULATIONS (AS MODIFIED BELOW), UNDER WHICH THE PUD APPLICATION WAS SUBMITTED. 1. DISTRICT PLAN: THE TERMS, CONDITIONS, THE ADOPTED PUD DISTRICT PLAN AND DOCUMENTS MAY BE CHANGED AND/OR AMENDED IN WHOLE OR IN PART AS FOLLOWS: a. MINOR MODIFICATIONS TO THE PUD DISTRICT PLAN: THE CITY MANAGER OR DESIGNEE MAY APPROVE MINOR MODIFICATIONS IN THE LOCATION, SIZING AND HEIGHT OF STRUCTURES OR FACILITIES IF REQUIRED BY ENGINEERING OR OTHER CIRCUMSTANCES NOT FORESEEN AT THE TIME THE PLANNED UNIT DEVELOPMENT DISTRICT PLAN WAS APPROVED SO LONG AS NO MODIFICATION VIOLATES ANY STANDARD OR REGULATION SET FORTH IN SECTION 18-4-15 - ZONING REGULATIONS. b. MAJOR MODIFICATIONS TO THE PUD DISTRICT PLAN: MAJOR MODIFICATIONS MAY BE MADE TO THE APPROVED PLANNED UNIT DEVELOPMENT DISTRICT PLAN PURSUANT TO THE SAME LIMITATIONS AND REQUIREMENTS BY WHICH SUCH PLANS AND DOCUMENTS WERE ORIGINALLY APPROVED. 2. SITE PLAN: a. MINOR MODIFICATIONS TO PUD SITE PLAN: THE CITY THROUGH THE DEVELOPMENT REVIEW TEAM MAY AUTHORIZE MINOR DEVIATIONS FROM THE PUD SITE PLAN WHEN SUCH DEVIATIONS APPEAR NECESSARY IN LIGHT OF TECHNICAL OR ENGINEERING CONSIDERATIONS. MINOR DEVIATIONS SHALL NOT BE PERMITTED IF ANY OF THE FOLLOWING CIRCUMSTANCES RESULT: 1) A CHANGE IN THE CHARACTER OF THE DEVELOPMENT; OR 2) A CHANGE IN THE PERMITTED LAND USES; OR 3) A CHANGE IN THE GENERAL LOCATION OF LAND USES; OR 4) AN INCREASE IN THE MAXIMUM HEIGHT OF ANY BUILDING OF MORE THAN FIVE PERCENT (5%) EXCEPT THAT FOR BUILDINGS GREATER THAN 100 FEET IN HEIGHT, SUCH INCREASE SHALL NOT EXCEED TWO PERCENT (2%); OR 5) AN INCREASE IN THE NUMBER OF DWELLING UNITS, OR IN THE RATIO OF THE GROSS FLOOR AREA OF STRUCTURES TO THE LAND AREA, OR INCREASES IN THE PROPOSED GROSS FLOOR AREA WITHIN ANY PARTICULAR LAND USE OF MORE THAN TWO PERCENT (2%); OR 6) A REDUCTION IN THE SETBACKS FROM PROPERTY LINES; OR 7) AN INCREASE OF MORE THAN TWO PERCENT (2%) IN GROUND COVERAGE BY STRUCTURES OR SURFACE PARKING; OR 8) A REDUCTION BY MORE THAN TWO PERCENT (2%) IN THE LAND AREA DESIGNATED FOR LANDSCAPING; OR 9) A REDUCTION IN THE RATIO OF OFF-STREET PARKING AND LOADING SPACE TO GROSS FLOOR AREA OR NUMBER OF DWELLING UNITS IN STRUCTURES; OR 10) A CHANGE AFFECTING THE ACCESS FROM AND THROUGH PUBLIC RIGHTS OF WAY; PROVIDED, HOWEVER, THAT CURB CUT LOCATIONS MAY SHIFT UNLESS SPECIFICALLY ESTABLISHED BY THE DISTRICT PLAN. b. SITE PLAN AMENDMENTS: ALL PUD SITE PLANS APPROVED AND RECORDED MAY ONLY BE AMENDED PURSUANT TO THE SAME PROCEDURE AND SUBJECT TO THE SAME LIMITATIONS AND REQUIREMENTS BY WHICH SUCH PLANS WERE APPROVED.

AGENCY CONTACT LIST

- ARCHITECTURE AND CIVIL ENGINEERING: CLC ASSOCIATES, INC. 8480 E ORCHARD ROAD, SUITE 2000 GREENWOOD VILLAGE, COLORADO 80111 KRIS SALINE (303) 770-5800. TRANSPORTATION ENGINEER: FOX HIGGINS TRANSPORTATION GROUP P.O. BOX 19768 BOULDER, COLORADO 80308 STEVE TITILE (303) 682-3574. DEVELOPER: KENT PLACE REGENCY, LLC. 8480 E ORCHARD ROAD, SUITE 8900 GREENWOOD VILLAGE, COLORADO 80111 ERIC CHEKAL (303) 300-5300. KENT PLACE ASSOCIATES, LLC 210 UNIVERSITY BLVD., SUITE 700 DENVER, COLORADO 80208 KEVIN FOLTZ (303) 501-8810.

SITE DATA

TOTAL SITE SQUARE FOOTAGE 497,011 S.F. RESIDENTIAL UNITS UP TO 685,000 S.F. RETAIL/OFFICE (COMMERCIAL USES) UP TO 75,000 S.F. LANDSCAPE/OPEN SPACE PER GUIDELINES ON PUD-2 DEEDED PUBLIC RIGHT OF WAY LANDSCAPE PER GUIDELINES ON PUD-2 BUILDING HEIGHTS SEE PUD-3 & PUD-4

SURVEYED LEGAL DESCRIPTION

LOTS 1, 2 & 3, TRACTS A, B & C, KENT PLACE FIRST FILING SECOND AMENDMENT AND LOT 2; KENT PLACE FIRST FILING FIRST AMENDMENT; CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET INDEX

- PUD-1 DISTRICT PLAN PUD-2 PROJECT GUIDELINES PUD-3 PROPOSED SITE PLAN PUD-4 BULK PLANE SECTIONS PUD-5 SITE PLAN (LOT 3) PUD-6 UTILITY PLAN (LOT 3) PUD-7 LANDSCAPE PLAN (LOT 3) PUD-8 BUILDING ELEVATIONS (LOT 3) PUD-9 PHOTO METRIC PLAN (LOT 3) PUD-10 SURVEY SHEET

SIGNATURES

Signature lines for Kent Place ReGENCY, LLC, Kent Place Associates, LLC, and City of Englewood. Includes fields for title, date, and commission expiration.

Official stamps and signatures for Planning and Zoning Commission Chairperson, Secretary, Mayor of Englewood, City Clerk, and Clerk and Recorder's Office.

DISTRICT PLAN DENVER SEMINARY PUD-AMENDMENT 3. DRAWN BY: JJA DATE: 1/20/12 CHECKED BY: DJM PROJECT#: 11-0050 SHEET: PUD-1



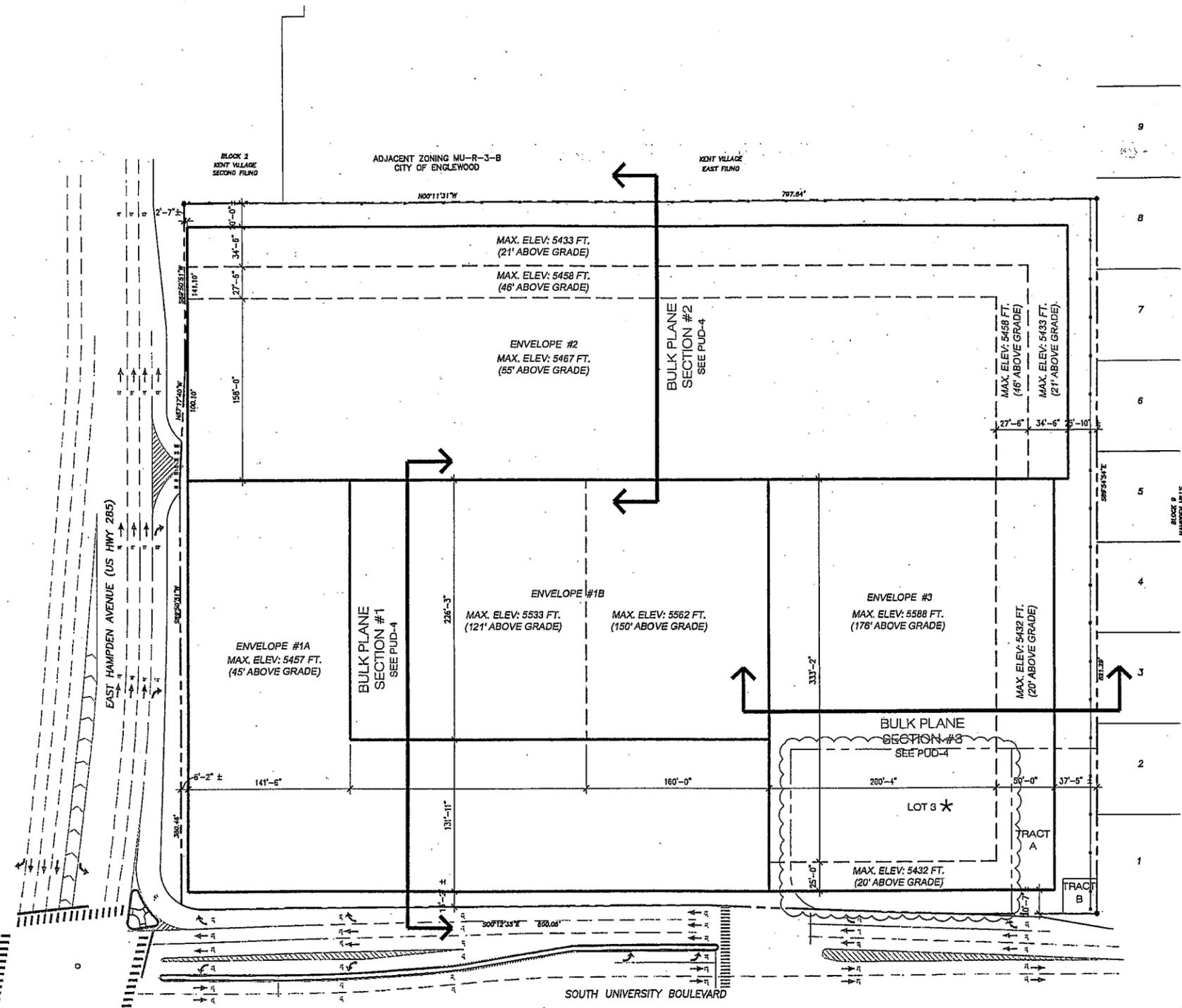
Revision table with columns: No., Date, By, Chk. Rows for Amendment 3 and Amendment 1.



CLC ASSOCIATES 8480 E. ORCHARD RD. SUITE 2000 GREENWOOD VILLAGE COLORADO 80111 P 303 770 5800 F 303 770 5349 CLC@CLC.CO

ARCHITECTURE ENGINEERING PLANNING LANDSCAPE ARCHITECTURE LAND SURVEYING

DENVER SEMINARY AMENDMENT 3 PLANNED UNIT DEVELOPMENT ENGLEWOOD, COLORADO



1. PROPOSED ENVELOPE PLAN
 SCALE: 1"=50'-0"

- NOTES :
1. MAXIMUM HEIGHT: MAXIMUM HEIGHT MEASUREMENTS ARE BASED ON USGS ELEVATIONS.
 2. FIRST FLOOR ELEVATION: THE FIRST FLOOR ELEVATIONS FOR EACH BUILDING VARY AND ARE SUBJECT TO MODIFICATION BY THE PROPERTY OWNER DUE TO DEVELOPMENT OF FINAL GRADING PLANS.
 3. ON RESIDENTIAL TOWER BUILDINGS, NO BUILDING SHALL EXTEND BEYOND THE MAXIMUM BUILDING ENVELOPE EXCEPT FOR FIRST FLOOR TERRACES, UPPER FLOOR BALCONIES (8 FT. PROJECTION ALLOWED) AND MISCELLANEOUS FEATURES SUCH AS DECORATIVE CORNICES, GUTTERS, AND DOWNSPOUTS. BUILDING HEIGHTS ARE INCLUSIVE OF ALL PERMANENT STRUCTURES SUCH AS ELEVATOR PENTHOUSES, PARAPET WALLS, STAIRWAY ENCLOSURES, ANTENNAS, ROOFTOP MECHANICAL & PLUMBING EQUIPMENT AND THEIR ASSOCIATED SCREEN WALLS & ARCHITECTURAL ROOF AND FIREPLACE CHIMNEY FEATURES.
 4. ON 'ROW'/'TOWN' HOUSE BUILDINGS, NO BUILDING OR BALCONIES SHALL EXTEND BEYOND THE SOUTH & WEST PROPERTY LINE BULK PLANE EXCEPT FOR FIRST FLOOR PRIVATE TERRACES, DORMERS WITH WINDOWS, FIREPLACE CHIMNEYS AND MISCELLANEOUS VENTS, FLUES, ETC.
 5. ANY CELLULAR TELEPHONE EQUIPMENT PLACED ON ANY STRUCTURE MAY ONLY BE INCORPORATED UTILIZING 'STEALTH' DESIGN TECHNIQUES.
 6. ENCLOSURES OF TERRACES AND/OR BALCONIES ASSOCIATED WITH RESIDENTIAL BUILDINGS IN THE PUD SHALL BE LIMITED AS SET FORTH IN THIS NOTE 6. FOR PURPOSES OF SUCH LIMITATIONS, A "TERRACE" IS AN EXTERIOR SPACE CONNECTED TO A ROOFTOP UNIT OR A UNIT ON THE FIRST FLOOR OF A RESIDENTIAL BUILDING; AND A "BALCONY" IS AN EXTERIOR SPACE CONNECTED TO ANY UNIT OTHER THAN A FIRST FLOOR OR ROOFTOP UNIT AND A "BALCONY" MAY BE EITHER INSET OR PROJECTING FROM THE BUILDING EXTERIOR. FOR BOTH "TERRACES" AND "BALCONIES", NO CEILING OR ROOFTOP SHALL BE PERMITTED WITH RESPECT TO ANY RESIDENTIAL BUILDING.
 - (a) FOR "TERRACES" CONNECTED TO 'ROW'/'TOWN' HOUSE BUILDINGS, NO PERMANENT VERTICAL STRUCTURE OF ANY KIND SHALL BE PERMITTED THAT EXTENDS MORE THAN 42 INCHES ABOVE THE LOWEST ELEVATION OF THE TERRACE.
 - (b) FOR "TERRACES" CONNECTED TO RESIDENTIAL TOWER BUILDINGS, NO PERMANENT VERTICAL STRUCTURE OF ANY KIND SHALL BE PERMITTED THAT EXTENDS MORE THAN 6 FEET ABOVE THE LOWEST ELEVATION OF THE TERRACE EXCEPT FOR TRELLISES DESIGNED AS PART OF THE BUILDING.
 - (c) FOR "BALCONIES" NO VERTICAL STRUCTURE OF ANY KIND SHALL BE PERMITTED THAT EXTENDS MORE THAN 42 INCHES ABOVE THE FLOOR OF THE BALCONY."
 7. ROOF TOP MECHANICAL EQUIPMENT SHALL BE SCREENED BEHIND BUILDING PARAPET WALLS AND GABLE & MANSARD ROOFS
 8. TOWER AT RETAIL CENTER BUILDING 2 TO BE +/- 20' ABOVE BUILDING ROOF

* REFER TO SHEETS PUD-5 THROUGH PUD-9 FOR ADDITIONAL DETAIL

regencycenters

No.	Revisions	Date	By	Chk
3	AMENDMENT 3	03/29/12	JJA	DJM
2	AMENDMENT 2	07/17/09	JB	DF
1	AMENDMENT 1	11/13/05	RS	DF



CLC ASSOCIATES

8480 E. ORCHARD RD.
 SUITE 2000
 GREENWICH VILLAGE
 COLORADO 80111
 P 303 970 8400
 F 303 970 2349
 DLG@CLC.COM

ARCHITECTURE
 ENGINEERING PLANNING
 LANDSCAPE ARCHITECTURE
 LAND SURVEYING

PROPOSED ENVELOPE PLAN
 DENVER SEMINARY PUD-AMENDMENT 3
(NW) CORNER OF HAMPDEN AVENUE & UNIVERSITY BOULEVARD DENVER, COLORADO

DRAWN BY: JJA	DATE: 1/20/12	SHEET:
CHECKED BY: DJM	PROJECT#: 11-0050	PUD-3

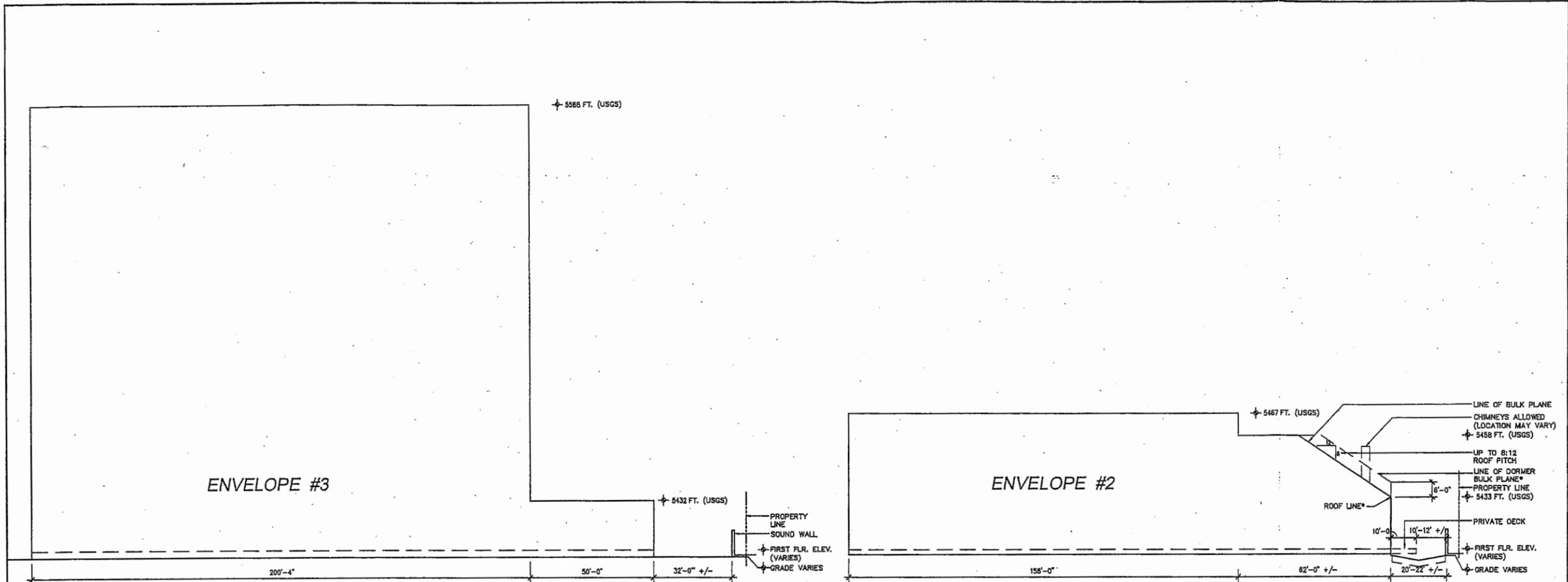
DENVER SEMINARY
 AMENDMENT 3
 PLANNED UNIT DEVELOPMENT
 ENGLEWOOD, COLORADO

No.	Revisions	Date	By	CHK
3	AMENDMENT 3	03/20/12	JJA	DJM
2	AMENDMENT 2	07/17/08	RS	DF
1	AMENDMENT 1	11/19/08	RS	DF



CLC ASSOCIATES
 8480 E. OSWALD RD.
 SUITE 2000
 GREENWOOD VILLAGE
 CO, COLORADO 80111
 P 303 770 8600
 F 303 770 2344
 CLCASSOC.COM
 ARCHITECTURE
 ENGINEERING PLANNING
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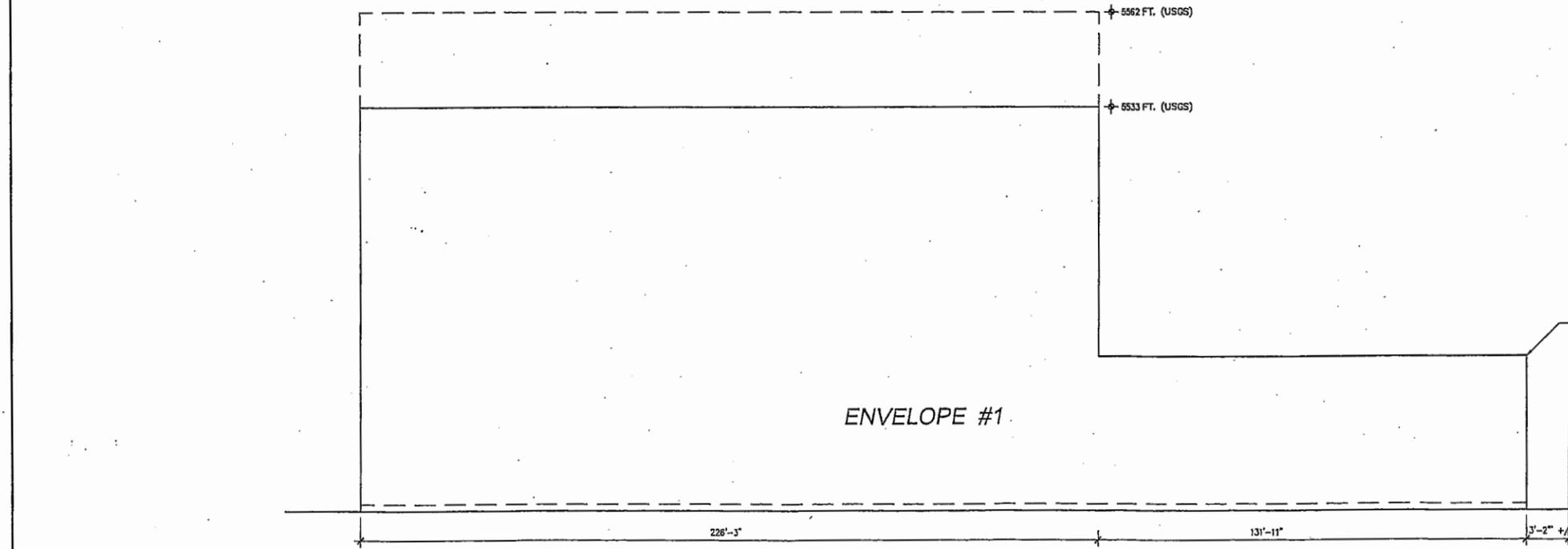
DENVER SEMINARY
 AMENDMENT 3
 PLANNED UNIT DEVELOPMENT
 ENGLEWOOD, COLORADO



BULK PLANE SECTION #3
 SCALE: 1"=20'-0"

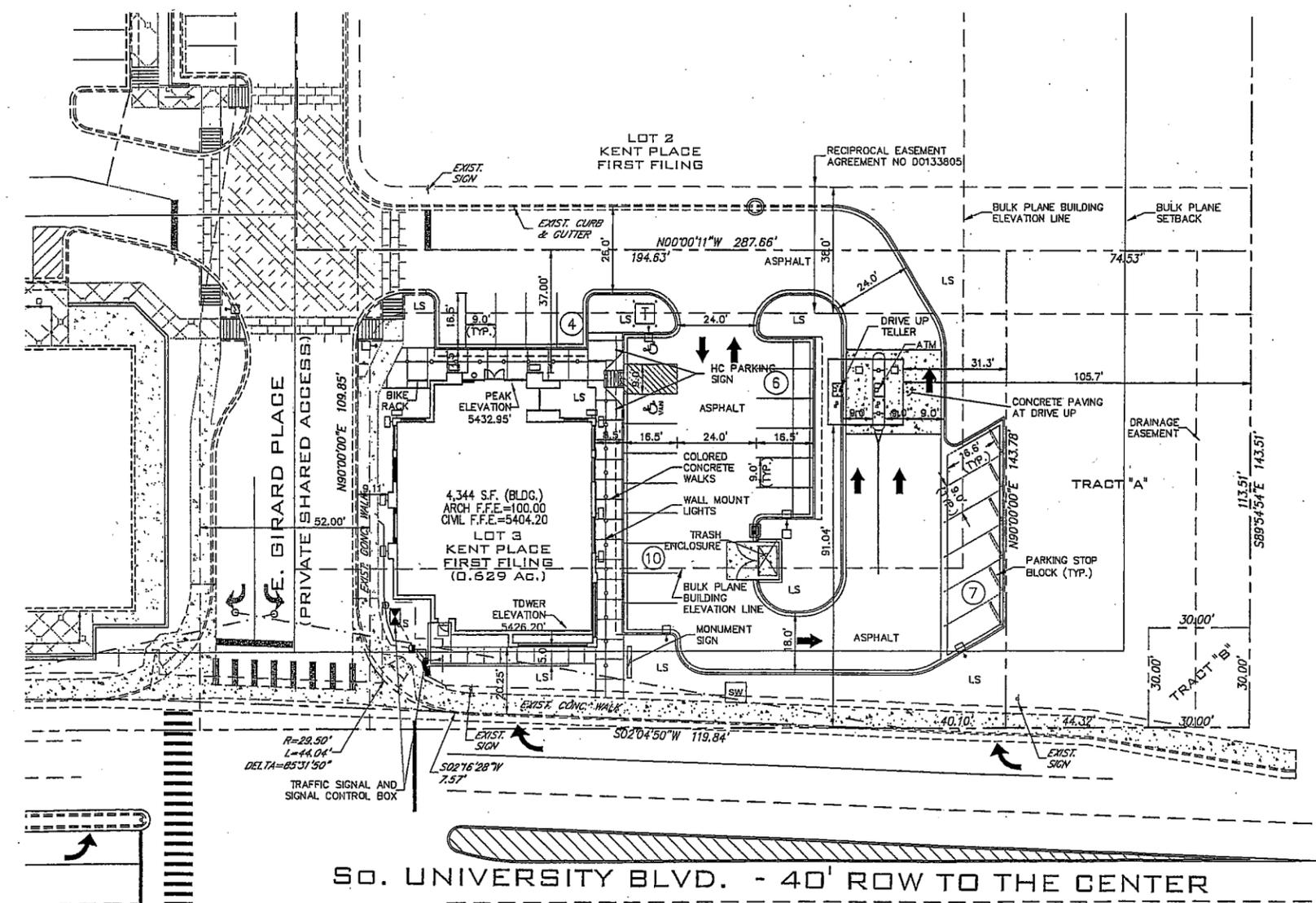
BULK PLANE SECTION #2
 SCALE: 1"=20'-0"

*NOTE-DORMERS SHALL NOT CONTAIN OCCUPIABLE SPACE WITHIN THE DORMER BULK PLANE AREA. DORMERS MAY COVER 30% OF INDIVIDUAL ROOF SURFACES AND MAY NOT BE CONTINUOUS. MAXIMUM WIDTH OF THE DORMER TO BE 8'-0".



BULK PLANE SECTION #1
 SCALE: 1"=20'-0"

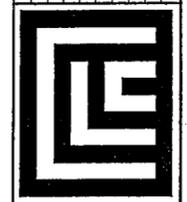
BULK PLANE SECTIONS DENVER SEMINARY PUD-AMENDMENT 3		
<small>(BY) CORNER OF HAMPDEN AVENUE & UNIVERSITY BOULEVARD ENGLEWOOD, COLORADO</small>		
DRAWN BY: JJA	DATE: 1/20/12	SHEET:
CHECKED BY: DJM	PROJECT#: 11-0050	PUD-4



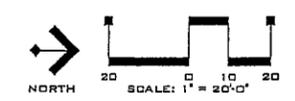
LEGEND

	PROPERTY LINE
	PROPOSED CURB AND GUTTER
	EXISTING CURB AND GUTTER
	PROPOSED CONCRETE SIDEWALK
	PROPOSED HANDICAP PARKING STALL
	PROPOSED HC ACCESS ROUTE
	PROPOSED PARKING COUNT PER ROW
	PROPOSED LINE OF SIGHT
	HEAVY DUTY CONCRETE

No.	Revisions	Date	By	Chk
3	AMENDMENT 3	03/20/12	JJA	DJM
2	AMENDMENT 2	01/17/09	JB	DF
1	AMENDMENT 1	11/13/06	RS	DF

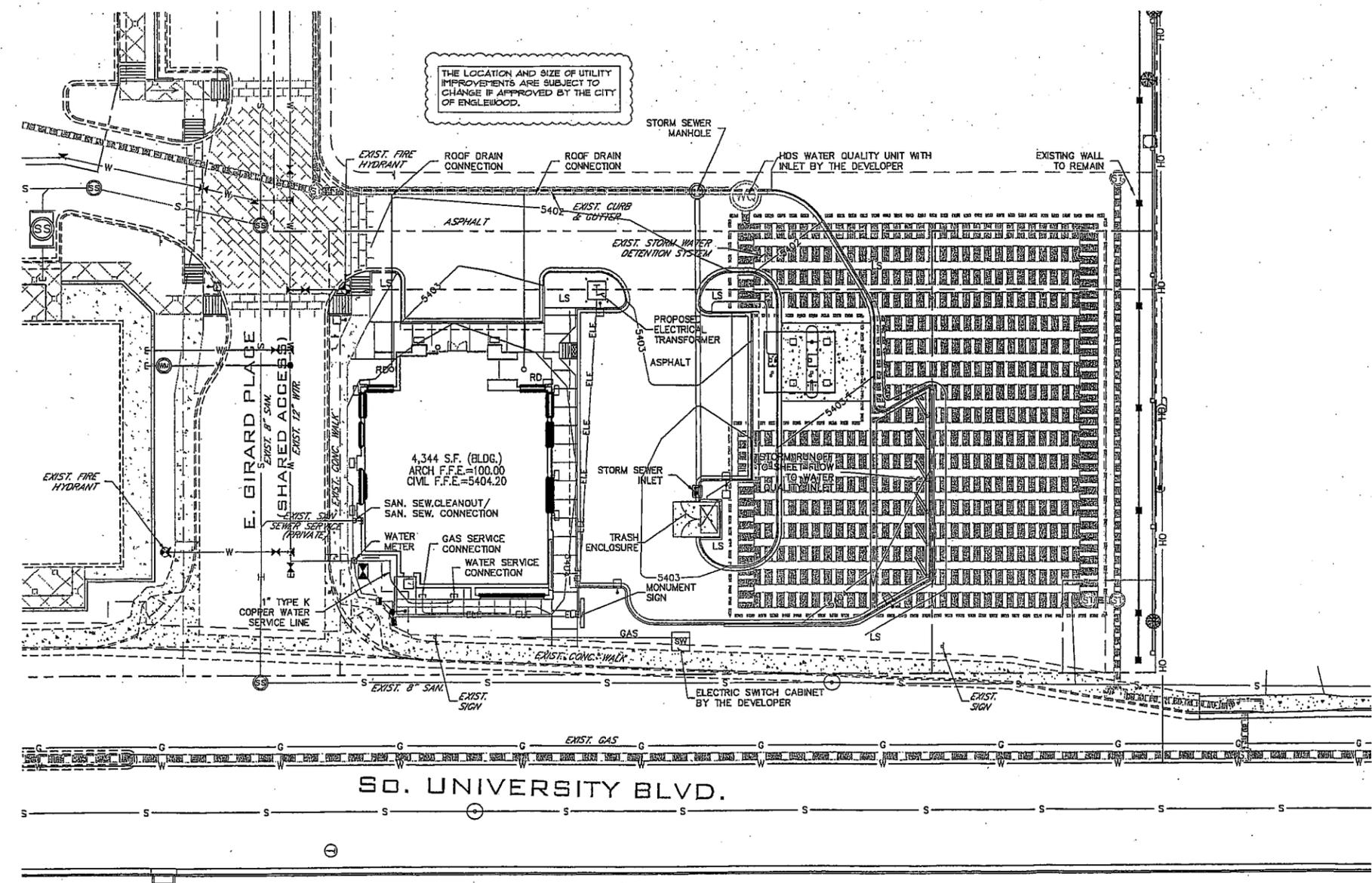


CLC ASSOCIATES
 8480 E. GREWARD RD.
 SUITE 200
 GREENWOOD VILLAGE
 COLORADO 80111
 P 303 770 3600
 F 303 770 2349
 OLCAS800.COM
 ARCHITECTURE
 ENGINEERING PLANNING
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SITE PLAN (LOT 3)		
DENVER SEMINARY PUD-AMENDMENT 3		
<small>(HW) CORNER OF HALPUSH AVENUE & UNIVERSITY BOULEVARD GREENWOOD, COLORADO</small>		
DRAWN BY: JJA	DATE: 1/20/12	SHEET:
CHECKED BY: DJM	PROJECT#: 11-0050	PUD-5

DENVER SEMINARY
 AMENDMENT 3
 PLANNED UNIT DEVELOPMENT
 ENGLEWOOD, COLORADO



LEGEND

- PROPERTY LINE
- ==== PROPOSED CURB AND GUTTER
- EXISTING CURB AND GUTTER
- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- S --- PROPOSED SANITARY LINE
- S --- EXISTING SANITARY SEWER
- WTR --- PROPOSED WATER SERVICE LINE
- WTR --- EXISTING WATER LINE
- GAS --- PROPOSED GAS SERVICE LINE
- ELE --- PROPOSED ELECTRIC LINE
- ⊕ EXISTING FIRE HYDRANT
- PROPOSED SITE LIGHTING
- RD ROOF DRAIN
- ⊞ PROPOSED TRANSFORMER

No.	Revisions	Date	By	CHK
3	AMENDMENT 3	03/20/12	JJA	DJM
2	AMENDMENT 2	07/17/08	JS	DF
1	AMENDMENT 1	11/15/06	RS	DF



CLC ASSOCIATES
 8480 E. ORCHARD RD.
 SUITE 2000
 GREENWOOD VILLAGE
 COLORADO 80111
 P 303 770 8600
 F 303 770 2348
 CLC@800.COM

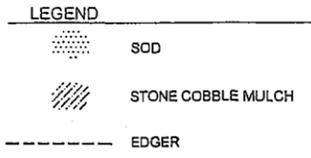
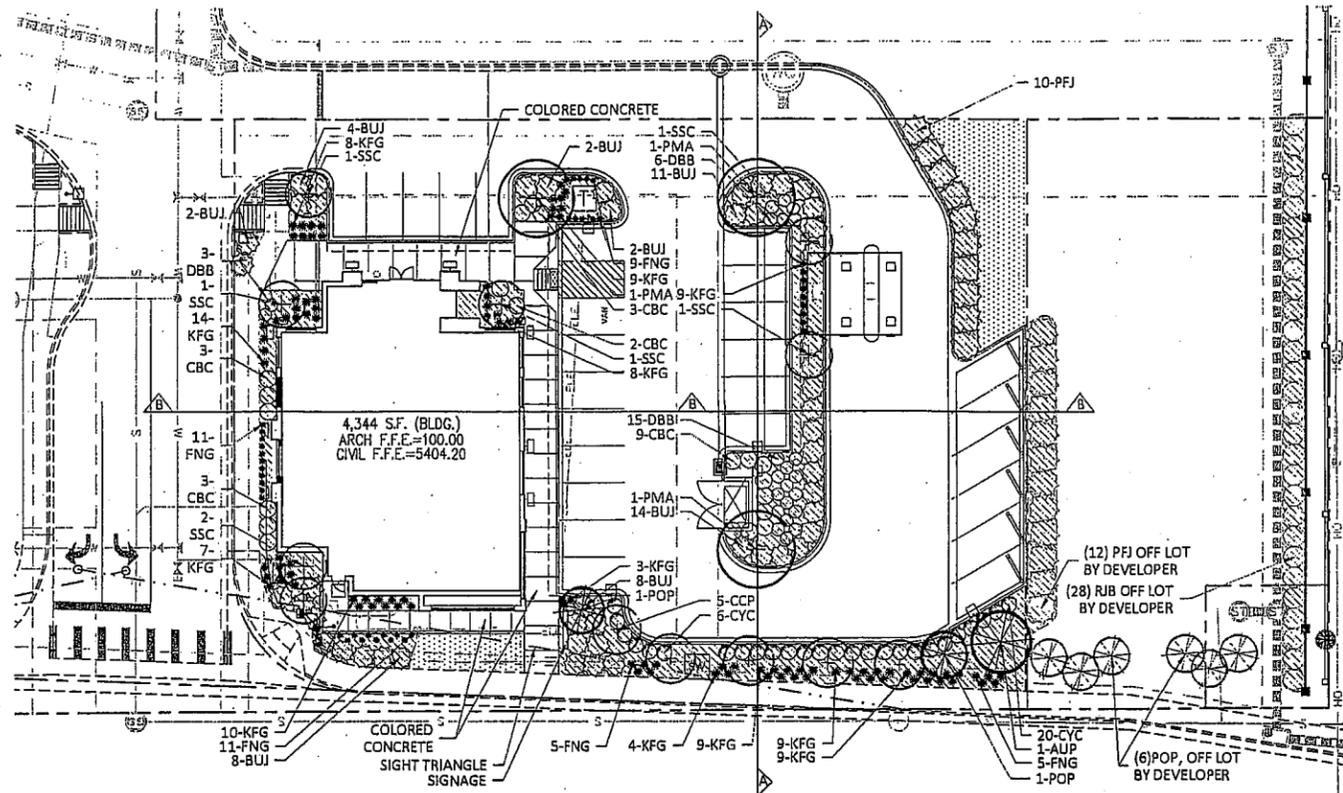
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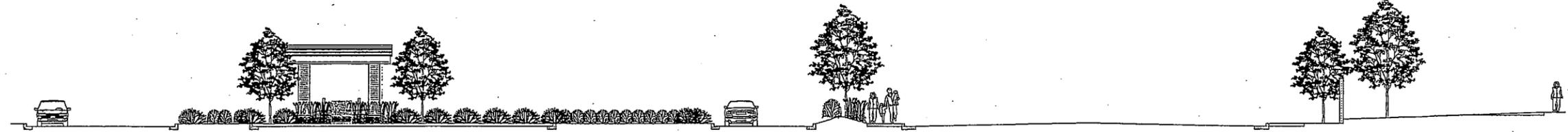
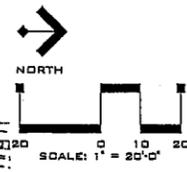
UTILITY PLAN (LOT 3)
 DENVER SEMINARY PUD-AMENDMENT 3
(THE CORNER OF HAMPDEN AVENUE & UNIVERSITY BOULEVARD ENGLEWOOD, COLORADO)

DRAWN BY: JJA	DATE: 1/20/12	SHEET:
CHECKED BY: DJM	PROJECT#: 11-0050	PUD-6

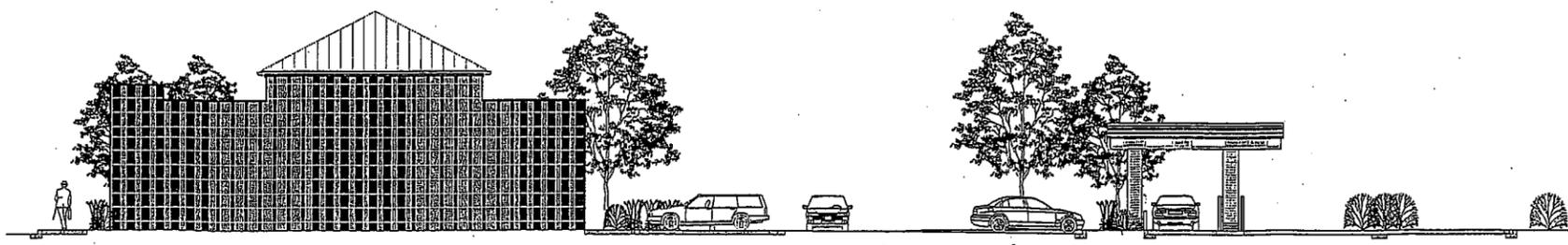
DENVER SEMINARY
 AMENDMENT 3
 PLANNED UNIT DEVELOPMENT
 ENGLEWOOD, COLORADO



PLANT SCHEDULE			
QUAN.	SYM.	COMMON/BOTANICAL NAME	INSTALLED SIZE
DECIDUOUS TREES			
3	PMA	PATMORE ASH <i>Fraxinus pennsylvanica</i> 'Patmore'	2.5" CAL. SINGLE TRUNK FULL CROWN, B&B, STAKED SPECIMEN QUALITY
EVERGREEN TREES			
1	AUP	AUSTRIAN PINE <i>Pinus nigra</i>	6' HT. FULL FORM, B&B SPECIMEN QUALITY, GUYED
2	POP	PONDEROSA PINE <i>Pinus ponderosa</i>	6' HT. FULL FORM, B&B SPECIMEN QUALITY, GUYED
ORNAMENTAL TREES			
5	CCP	CHANTICLEER PEAR <i>Pyrus calleryana</i> 'Chanicleer'	2.5" CAL. SINGLE TRUNK STRAIGHT TRUNK, B&B SPECIMEN QUALITY, STAKED
7	SSC	SPRING SNOW CRABAPPLE <i>Malus sp.</i> 'Spring Snow'	2.5" CAL. SINGLE TRUNK STRAIGHT TRUNK, B&B SPECIMEN QUALITY, STAKED
EVERGREEN SHRUBS			
50	BUJ	BUFFALO JUNIPER <i>Juniperus sabina</i> 'Buffalo'	5 GAL. 18"-24" SPREAD
20	CBC	CORAL BEAUTY COTONEASTER <i>Cotoneaster dammeri</i> 'Coral Beauty'	5 GAL. 18"-24" HT.
26	CYC	CRANBERRY COTONEASTER (HEDGE) <i>Cotoneaster apiculatus</i>	5 GAL. 18"-24" HT.
10	PFJ	PFITZER JUNIPER <i>Juniperus chinensis</i> 'pfitzeriana'	7 GAL. 18"-24" HT.
DECIDUOUS SHRUBS			
24	DBB	DWARF BURNING BUSH <i>Euonymus alata</i> 'Compacta'	5 GAL. 18"-24" HT.
ORNAMENTAL GRASSES			
109	KFG	KARL FOERSTER FEATHER REED <i>Calamagrostis acutiflora</i> 'Karl Foerster'	5 GAL. ESTABLISHED
31	FNG	DWARF FOUNTAIN GRASS <i>Pennisetum alopecuroides</i> 'Hamel'	5 GAL. ESTABLISHED MATURE HT. 24"
OFF LOT BY DEVELOPER EVERGREEN TREES			
6	POP	PONDEROSA PINE <i>Pinus ponderosa</i>	6' HT. FULL FORM, B&B SPECIMEN QUALITY, GUYED
EVERGREEN SHRUBS			
12	PFJ	PFITZER JUNIPER <i>Juniperus chinensis</i> 'pfitzeriana'	7 GAL. 18"-24" HT.
DECIDUOUS SHRUBS			
28	DBB	REDLEAF JAPANESE BARBERRY <i>Barberis thunbergii</i> 'Atrorubra'	5 GAL. 18"-24" HT.



A SECTION A
SCALE: 1"=10'



B SECTION B
SCALE: 1"=10'

SITE DATA	
TOTAL SITE AREA:	27,402 SF (.62 ACRES)
LANDSCAPE AREA	
REQUIRED:	6,851 S.F.
PROVIDED:	7,516 S.F. (.17 ACRES)
INCLUDES 1,853 S.F. OF COLORED CONCRETE WALK	
TREES REQUIRED:	11
PROVIDED:	18
1 TREE / 325 S.F.	
SHRUBS REQUIRED:	55
PROVIDED:	270
1 TREE / 325 S.F.	
DOES NOT INCLUDE TREES AND SHRUBS OFF LOT BY DEVELOPER.	
TREES BETWEEN PRINCIPAL STRUCTURE AND CURB REQUIRED:	
PROVIDED:	10
SHRUBS BETWEEN PRINCIPAL STRUCTURE AND CURB REQUIRED:	
PROVIDED:	114

NOTE:
AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM DESIGNED TO SUPPLY WATER TO ALL TURF, SHRUBS, GRASSES, PERENNIALS AND TREES LOCATED WITHIN THE PROJECT AREA SHALL BE SUPPLIED AND INSTALLED THROUGH DESIGN BUILD. THE SYSTEM SHALL MAKE USE OF DRIP, TRICKLE, SUBTERRANEAN AND OTHER WATER CONSERVING IRRIGATIONS METHODS.

LANDSCAPE PLAN (LOT 3)
DENVER SEMINARY PUD-AMENDMENT 3

(11th) CORNER OF HAMPDEN AVENUE & UNIVERSITY BOULEVARD DENVER, COLORADO

DRAWN BY: JJA DATE: 1/20/12 SHEET:
CHECKED BY: DJM PROJECT: 11-0050 PUD-7

regency centers

No.	Revisions	Date	By	Chk
3	AMENDMENT 3	03/20/12	JJA	DJM
2	AMENDMENT 2	01/17/08	JJB	DF
1	AMENDMENT 1	11/13/06	RS	DF

CLC ASSOCIATES
8480 E. ORCHARD RD. SUITE 2000
GREENWOOD VILLAGE
COLORADO 80111
P 303 770 5500
F 303 770 5349
CLCASSOC.CO

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LAND SURVEYING

DENVER SEMINARY
AMENDMENT 3
PLANNED UNIT DEVELOPMENT
ENGLEWOOD, COLORADO

T.O. ROOF
128'-9"
CIVIL: 5432.75

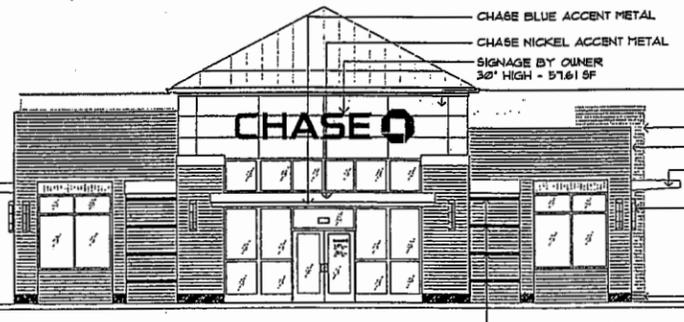
T.O. PARAPET
121'-0"
CIVIL: 5426.00

T.O. PARAPET
117'-0"

T.O. STOREFRONT
110'-8"

T.O. ACCENT BRICK
101'-0"

FFE
100'-0"
CIVIL: 5404.00



WEST ELEVATION
SCALE: 1/8" = 1'-0"

STANDING SEAM METAL ROOF - CHAMPAGNE COLOR

OMEGA-LITE METAL WALL PANEL - CHOCOLATE BROWN

PREFINISHED CAP FLASHING

SPEC BRICK COLOR 1

PAINTED ARCH GRADE STEEL SUN SHADE

SCONCE LIGHTS

SPANDREL STOREFRONT GLAZING - CHAMPAGNE COLOR

SPEC BRICK ACCENT COLOR 3

ACCENT BAND SPEC BRICK COLOR 3

ACCENT BRICK SPEC BRICK COLOR 2

NOTE: ALL MATERIALS TO MATCH THE OTHER RETAIL BUILDING MATERIALS PREVIOUSLY APPROVED.

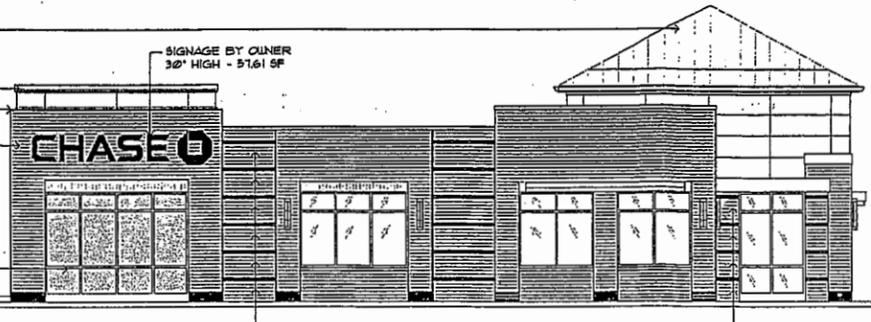
T.O. ROOF
128'-9"
CIVIL: 5432.75

T.O. PARAPET BEYOND
117'-0"

T.O. STOREFRONT
110'-8"

T.O. ACCENT BRICK
101'-0"

FFE
100'-0"
CIVIL: 5404.00



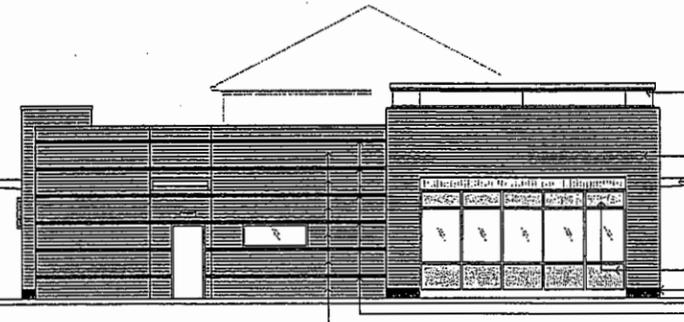
NORTH ELEVATION
SCALE: 1/8" = 1'-0"

T.O. PARAPET
118'-0"
CIVIL: 5423.00

T.O. PARAPET
117'-0"

T.O. ACCENT BRICK
101'-0"

FFE
100'-0"
CIVIL: 5404.00



EAST ELEVATION
SCALE: 1/8" = 1'-0"

STANDING SEAM METAL ROOF - CHAMPAGNE COLOR

OMEGA-LITE METAL WALL PANEL - CHOCOLATE BROWN

SPEC BRICK COLOR 1

PAINTED ARCH GRADE STEEL SUN SHADE

SCONCE LIGHTS

ACCENT BAND SPEC BRICK COLOR 3

SPANDREL STOREFRONT GLAZING - CHAMPAGNE COLOR

SPEC BRICK ACCENT COLOR 3

ACCENT BAND SPEC BRICK COLOR 3

ACCENT BRICK SPEC BRICK COLOR 2

SPECIFIC TENANT SIGNS AS SHOWN ARE ILLUSTRATIVE TO INDICATE THE GENERAL SIZE AND LOCATION OF BUILDING AND MONUMENT SIGNAGE. ANY PROPOSED SIGNAGE SHALL ADHERE TO THE SIGNAGE REQUIREMENTS ON SHEET PUD-7.

T.O. PARAPET
122'-0"
CIVIL: 5426.00

T.O. PARAPET
117'-0"

T.O. STOREFRONT
110'-8"

FFE
100'-0"
CIVIL: 5404.00



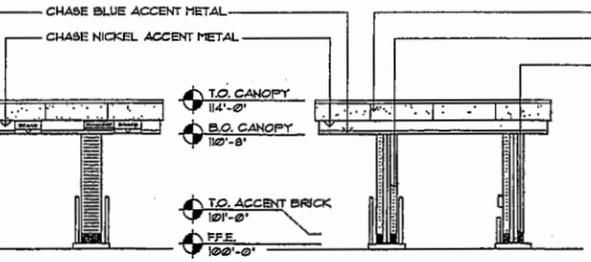
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

T.O. CANOPY
114'-0"

B.O. CANOPY
110'-8"

T.O. ACCENT BRICK
101'-0"

FFE
100'-0"



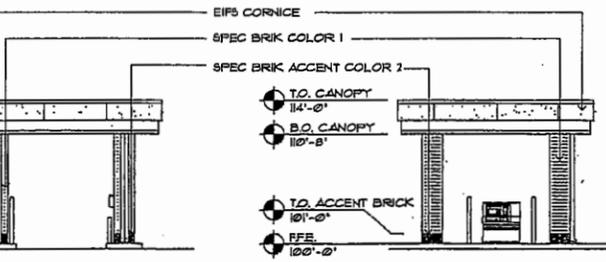
DRIVE UP EAST ELEVATION
SCALE: 1/8" = 1'-0"

T.O. CANOPY
114'-0"

B.O. CANOPY
110'-8"

T.O. ACCENT BRICK
101'-0"

FFE
100'-0"



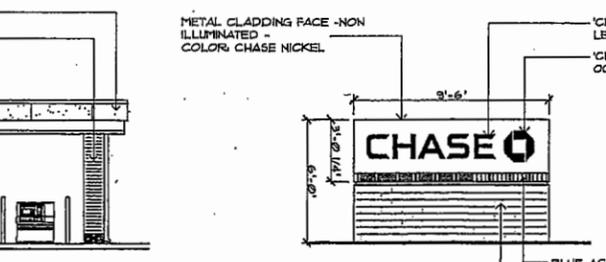
DRIVE UP WEST ELEVATION
SCALE: 1/8" = 1'-0"

T.O. CANOPY
114'-0"

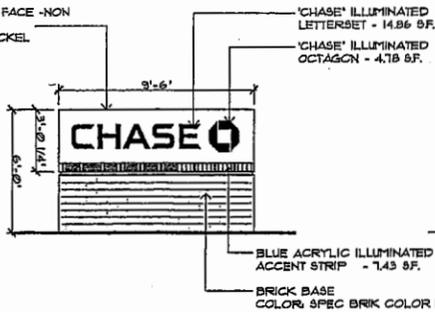
B.O. CANOPY
110'-8"

T.O. ACCENT BRICK
101'-0"

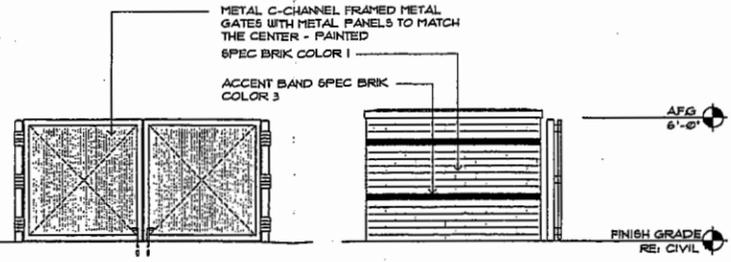
FFE
100'-0"



DRIVE UP NORTH ELEVATION - SOUTH SIM.
SCALE: 1/8" = 1'-0"



CHASE - M25 - 6' MONUMENT SIGN
SCALE: 1/4" = 1'-0"



TRASH ENCLOSURE ELEVATION
SCALE: 1/4" = 1'-0"

BUILDING ELEVATIONS (LOT 3) DENVER SEMINARY PUD-AMENDMENT 3		
DRAWN BY: JJA	DATE: 1/20/12	SHEET:
CHECKED BY: DJM	PROJECT#: 11-0050	PUD-8

No.	Revisions	Date	By	Chk
3	AMENDMENT 3	03/20/12	JJA	DJM
2	AMENDMENT 2	01/17/08	SB	DF
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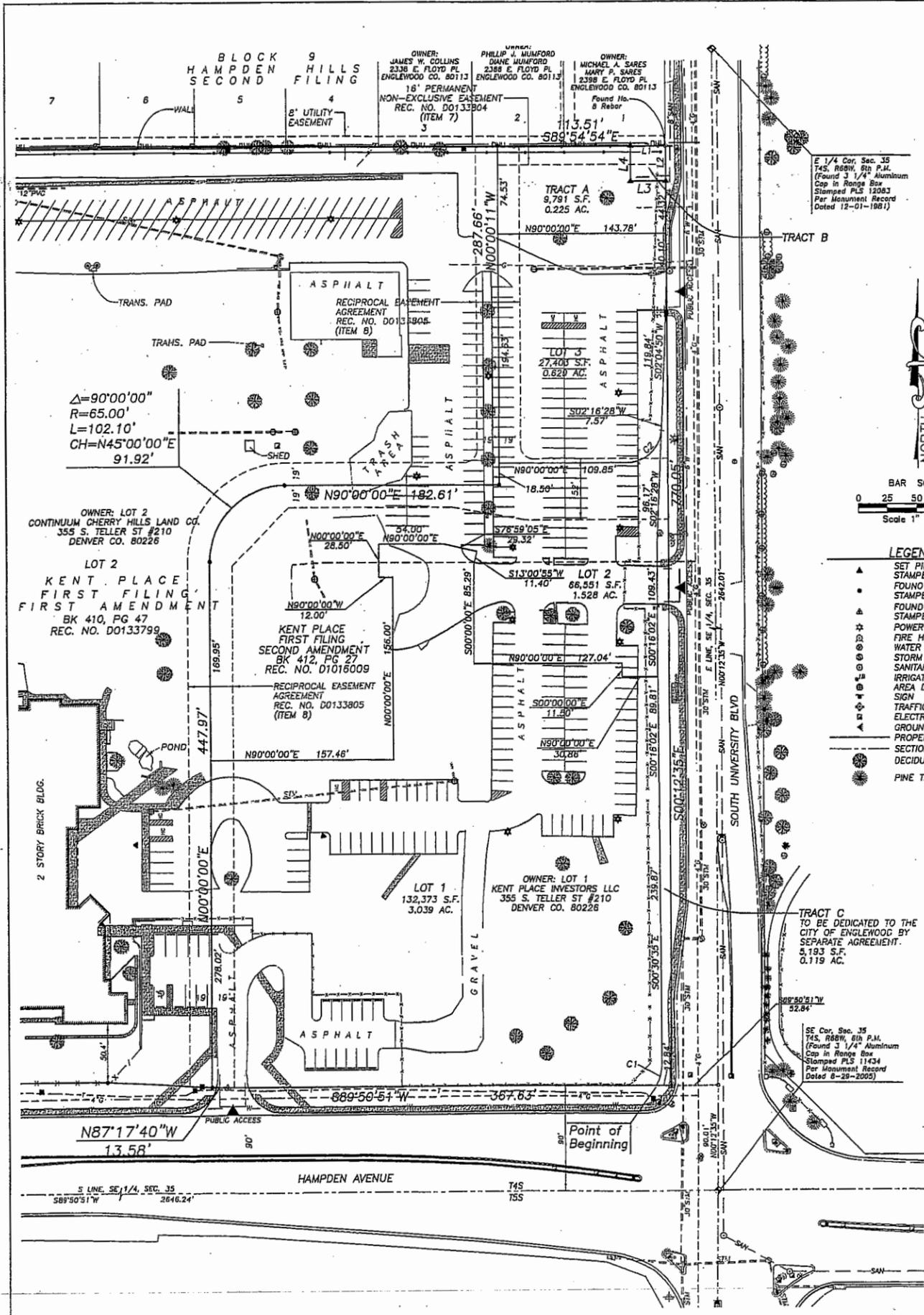
CLC ASSOCIATES
8480 E. ORCHARD RD.
SUITE 2300
GREENWOOD VILLAGE
COLORADO 80111
P 303 770 8800
F 303 770 8248
CLCASSOC.COM

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DENVER SEMINARY
AMENDMENT 3
PLANNED UNIT DEVELOPMENT
ENGLEWOOD, COLORADO

ALTA / ACSM SURVEY

LOTS 1, 2 AND 3 AND TRACTS A AND C, KENT PLACE FIRST FILING, SECOND AMENDMENT
PART OF THE SOUTHEAST QUARTER OF SECTION 35,
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO



LINE	BEARING	LENGTH
L1	S89°54'54"E	30.00'
L2	S00°12'35"E	30.00'
L3	N69°54'54"W	30.00'
L4	N00°12'35"W	30.00'

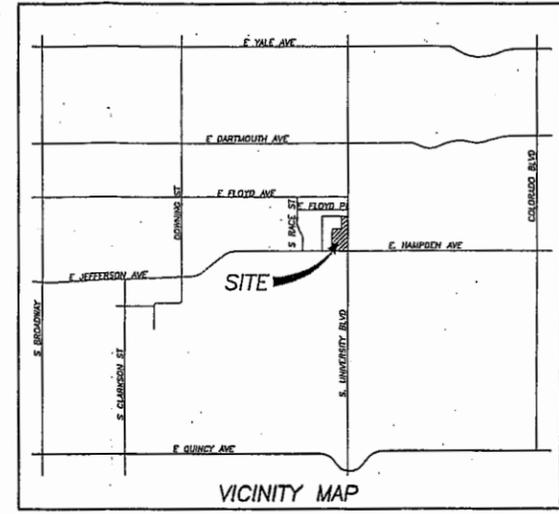
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	35.50'	18.83'	18.61'	N14°41'22"E	30°23'53"
C2	29.50'	44.04'	40.06'	N47°14'05"E	85°31'50"

TITLE POLICY NOTES - POLICY NO. 27-031-06-109591

- ITEM 1-2 - STANDARD TITLE POLICY NOTES.
- ITEM 3 - ORDINANCE NO. 52, SERIES OF 2004 RECORDED SEPTEMBER 29, 2004 AT RECEPTION NO. B4171853, AMENDMENT NO. 1 RECORDED MARCH 5, 2007 AT RECEPTION NO. B7027879 AND AMENDMENT NO. 2 RECORDED JULY 15, 2008 AT RECEPTION NO. B8080504. (AFFECTS PROPERTY)
- ITEM 4 - DENVER SEMINARY PLANNED UNIT DEVELOPMENT (DISTRICT PLAN) MAPS RECORDED NOVEMBER 19, 2004 AT RECEPTION NO. B4202226 AND RE-RECORDED MAY 16, 2007 AT RECEPTION NO. B7062100 AND JULY 29, 2008 AT RECEPTION NO. B8085213. (AFFECTS PROPERTY)
- ITEM 5 - ITEM DELETED.
- ITEM 6 - INCLUSION OF LAND IN THE KENT PLACE METROPOLITAN DISTRICT NO. 2 RECORDED JANUARY 25, 2008 AT RECEPTION NO. B8010258, AMENDING ORDER AND DECREE RECORDED JUNE 2, 2008 AT RECEPTION NO. B8083394 AND DECEMBER 23, 2010 AT RECEPTION NO. 133420. (AFFECTS PROPERTY)
- ITEM 7 - STORM WATER LINE EASEMENT AGREEMENT RECORDED DECEMBER 23, 2010 AT RECEPTION NO. D0133804. (SHOWN ON SURVEY)
- ITEM 8 - RECIPROCAL EASEMENT AGREEMENT RECORDED DECEMBER 23, 2010 AT RECEPTION NO. D0133805. (SHOWN ON SURVEY)
- ITEM 9 - PLAT OF KENT PLACE FIRST FILING, SECOND AMENDMENT RECORDED FEBRUARY 15, 2011 IN BOOK 412 AT PAGE 27, RECEPTION NO. D1016009. (AFFECTS PROPERTY)
- ITEM 10 - COVENANTS, CONDITIONS, RESTRICTIONS AND LIEN RIGHTS BUT OMITTING ANY COVENANTS OR RESTRICTIONS SET FORTH IN THE DOCUMENT RECORDED DECEMBER 23, 2010 AT RECEPTION NO. 133808. (AFFECTS PROPERTY)
- ITEM 11 - THE FOLLOWING MATTERS SHOWN ON SURVEY PREPARED BY VIGIL LAND CONSULTANTS, JOB NO. 10061, DATED DECEMBER 3, 2010:
 - (a) FENCE LINES TRaversing THE LAND AND NOT CORRESPONDING WITH LOT LINES, AS SHOWN THEREON.
 - (b) RIGHT OF OTHERS IN AND TO PARKING AS EVIDENCED BY SHARED PARKING SHOWN THEREON.
 - (c) EASEMENTS AND RELATED IMPROVEMENTS TO SAME, SHOWN ON THE SURVEY BUT NOT LYING WITHIN A FOUND RECORDED EASEMENT.
- ITEM 12 - MEMORANDUM OF RIGHT OF FIRST REFUSAL RECORDED MARCH 18, 2011 AT RECEPTION NO. 1026386. (AFFECTS PROPERTY)
- ITEM 13 - LEASE FROM KENT PLACE REGENCY, LLC, TO DILLON COMPANIES, INC. RECORDED MARCH 18, 2011 AT RECEPTION NO. 1026387. (AFFECTS PROPERTY)
- ITEM 14 - DEED OF TRUST RECORDED MARCH 18, 2011 AT RECEPTION NO. 1026388. (AFFECTS PROPERTY)
- ITEM 15 - FINANCING STATEMENT RECORDED MARCH 18, 2011 AT RECEPTION NO'S 1026389 AND 1026390. (AFFECTS PROPERTY)
- ITEM 16 - RECIPROCAL EASEMENT AGREEMENT RECORDED MARCH 18, 2011 AT RECEPTION NO. 1026391. (AFFECTS PROPERTY)
- ITEM 17 - DEVELOPMENT AGREEMENT RECORDED MARCH 18, 2011 AT RECEPTION NO. 1026392. (AFFECTS PROPERTY)
- ITEM 18 - NOTE: PENDING SUCH TIME AS THE ADDITIONAL IMPROVEMENTS CONTEMPLATED UPON INSURED PREMISES SHALL BE COMMENCED, LIABILITY UNDER THE POLICY IS LIMITED TO \$4,572,261.00, SAID SUM HAVING BEEN REPRESENTED AS THE PRESENT VALUE OF THE PROPERTY, BUT AS AND WHEN THE ERECTION OF SUCH ADDITIONAL IMPROVEMENTS SHALL BE COMMENCED, LIABILITY HEREUNDER SHALL INCREASE, AS THE IMPROVEMENTS PROGRESS, IN THE AMOUNT OF THE COST THEREOF, UP TO THE FACE AMOUNT OF THE POLICY.

NOTES

- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- BASIS OF BEARINGS IS THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 35, BEING S89°50'51"W AND MONUMENTED AS SHOWN.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY VIGIL LAND CONSULTANTS INC. TO DETERMINE OWNERSHIP, EASEMENTS OF RECORD, OR ANY ENCUMBRANCE WHICH MAY AFFECT THIS SURVEY. FOR INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND OTHER ENCUMBRANCES SHOWN ON THIS PLAT, VIGIL LAND CONSULTANTS, INC., RELIED UPON TITLE POLICY BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, FILE NO. F229484, POLICY NO. 27-031-06-109591, DATED MARCH 18, 2011.
- THIS PROPERTY DOES NOT LIE IN A 100-YEAR FLOOD PLAIN, IT FALLS IN ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 0808050165 J, DATED AUGUST 16, 1995.
- THIS PROPERTY IS ZONED PUD-6.
- VIGIL LAND CONSULTANTS INC. DOES NOT ASSUME RESPONSIBILITY FOR THE LOCATION OF BURIED UTILITIES. THE UTILITIES SHOWN WERE PLOTTED FROM MAPS PROVIDED BY THE SERVICING ENTITY AND FIELD VERIFIED ABOVE GROUND WHERE VISIBLE.
- COMMUNICATIONS CABLES SUCH AS TELEPHONE AND CABLE TV MAY EXIST ON OR NEAR THIS PROJECT. MAPS WERE NOT AVAILABLE FROM THE SERVICING ENTITY FOR THESE UTILITIES.
- COLORADO LAW REQUIRES ANYONE DIGGING, GRADING OR EXCAVATING TO OBTAIN A FIELD LOCATE OF ALL BURIED UTILITIES PRIOR TO CONSTRUCTION.



LEGAL DESCRIPTION

LOTS 1, 2 AND 3 AND TRACTS A AND C, KENT PLACE FIRST FILING, SECOND AMENDMENT, TOGETHER WITH THOSE RIGHTS IN AND TO TRACT B AS GRANTED IN EASEMENT AGREEMENT RECORDED MARCH 18, 2011 AT RECEPTION NO. 1026385. CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO.

SURVEY CERTIFICATION

I HEREBY CERTIFY TO REGENCY CENTERS CORPORATION, (i) REGENCY CENTERS, L.P. (ii) KENT PLACE REGENCY, LLC, A DELAWARE LIMITED LIABILITY COMPANY (iii) DILLON COMPANIES, INC., A KANSAS CORPORATION (iv) KENT PLACE INVESTORS, LLC, A COLORADO LIMITED LIABILITY COMPANY (SELLER), AND (v) FIDELITY NATIONAL TITLE INSURANCE COMPANY, AS FOLLOWS:

- THIS SURVEY WAS PERFORMED ON APRIL 4, 2011 UNDER MY DIRECT SUPERVISION.
- THIS SURVEY WAS PERFORMED ON THE GROUND AND IS A CORRECT REPRESENTATION OF THE SUBJECT PROPERTY AND THAT THIS DRAWING CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES, UTILITIES AND OTHER IMPROVEMENTS AND THE LOCATION OF ALL LOT LINES, WATER COURSES AND WATER BODIES AND MOVEMENTS.
- THERE ARE NO VISIBLE EASEMENTS, RIGHTS-OF-WAY, OR ENCROACHMENTS ACROSS SAID PROPERTY, NO EASEMENTS OR RIGHTS-OF-WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED, AND NO PARTY WALLS OR ENCROACHMENTS UPON ADJOINING PROPERTY, STREETS OR ALLEYS OR UPON ANY EASEMENTS BY AND OF SAID BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS UPON THE PROPERTY HEREIN DESCRIBED EXCEPT AS SHOWN THEREON.
- THE SURVEYED LANDS ABUT HAMPDEN AVENUE AND S. UNIVERSITY BLVD, WHICH ARE PUBLIC ROADS WHICH PROVIDE INGRESS AND EGRESS TO THE SUBJECT PROPERTY.
- THE UNDERSIGNED HAS REVIEWED THE TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY (POLICY NO. 27-031-06-109591) AND (a) THE MATTERS AFFECTING TITLE THAT CAN BE LOCATED HAVE BEEN SHOWN HEREON, AND (b) THE PROPERTY DESCRIBED IN SAID POLICY AND THE PROPERTY AS DEPICTED AND MEASURED ON THE SURVEY ARE ONE AND THE SAME PROPERTY.
- THE SUBJECT PARCEL APPEARS TO FALL WITHIN FLOOD ZONE X PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP NO. 0808050165 J, REVISED AUGUST 16, 1995.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 6, 8, 10, 11(a), 11(b), 13 AND 14 OF TABLE A THEREOF, THE FIELD WORK WAS COMPLETED ON APRIL 4, 2011.

DATE _____
JOHN G. VIGIL, PLS NO. 26606



SURVEY SHEET
DENVER SEMINARY PUD-AMENDMENT 3

DRAWN BY: MJL DATE: 2/10/12 SHEET: _____
CHECKED BY: JGV PROJECT#: 10061 PUD-10

Vigil Land Consultants
480 Yuma Street • Denver, Colorado 80204
Off: (303) 436-9233 • Fax: (303) 436-9235

regencycenters

DENVER SEMINARY AMENDMENT 3 PLANNED UNIT DEVELOPMENT ENGLEWOOD, COLORADO

CLC ASSOCIATES
9480 E. GRANVILLE RD.
SUITE 8000
GREENWOOD VILLAGE
COLORADO 80111
P: 303.770.8011
F: 303.770.0248
CLC@CLC.COM

ARCHITECTURE
ENGINEERING PLANNING
LANDSCAPE ARCHITECTURE
LAND SURVEYING

No.	Revision	Date	By	CHK
1	AMENDMENT 1	11/13/08	RS	DF
2	AMENDMENT 2	07/17/08	JB	DF
3	AMENDMENT 3	01/20/12	N.L.	JGV

MUTUAL RELEASE AND SETTLEMENT AGREEMENT

THIS MUTUAL RELEASE AND SETTLEMENT AGREEMENT (“Agreement”) is made and entered this _____ day of _____, 2012, by and among John Andrykowski and Doreen Andrykowski (collectively, “The Andrykowskis”), and the City of Englewood, Colorado and the Englewood, Colorado Police Department (collectively, “Englewood”) (collectively, the “Parties”).

RECITALS

A. The Andrykowskis may have claims against Englewood as a result of injuries, losses and damages sustained from Englewood’s seizure of The Andrykowskis’ real property located at 980 East Hampden Avenue, Englewood, Colorado (the “Real Property”) on or about December 6, 2011 (the “Seizure”).

B. The Parties have reached an agreement to resolve all outstanding claims and causes of action of any kind or nature relating in any way to Englewood concerning the Seizure, and are desirous of reducing the terms and conditions of their agreement to writing without the need for further legal proceedings.

NOW, THEREFORE, in consideration of the foregoing, the mutual promises set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Obligations.**

Upon the execution of this Agreement by the Parties, and in exchange for the covenants and obligations contained herein, Englewood shall release to The Andrykowskis the Real Property. Englewood further covenants and agrees not to institute, cause to be filed, or cooperate in any fashion with, a civil forfeiture action filed pursuant to Part 3 of Title 16, Colorado Revised Statutes, or any other authority, statutory or otherwise, seeking to declare the Real Property to be a public nuisance and seeking to seize, confiscate, and forfeit the Real Property as a result of any act, circumstance, or occurrence related in any fashion to the Seizure of the Real Property. This Agreement is expressly conditioned upon the Real Property not becoming the subject matter of any civil forfeiture action based in any fashion upon any act, circumstance, or occurrence related to the Seizure of the Real Property.

2. **Mutual Releases.** Upon execution of this agreement by the Parties, and in exchange for the consideration and covenants set forth herein, The Andrykowskis on the one hand, and Englewood on the other hand, hereby release and forever discharge each other and their respective officers, directors, shareholders, agents, attorneys, insurers, assigns, heirs, administrators and executors, from any and all known and unknown claims, demands, causes of action, counterclaims, damages, liabilities, costs, penalties, expenses, compensation or otherwise

of any kind whatsoever, in law, statute or equity, which they may now have or claim at any future time to have, originating from or relating in any way to the Seizure of the Real Property and the Parties' dealings prior to the effective date of this Agreement, including, but not limited to, those referenced in the Notification Pursuant to C.R.S. 24-10-109 dated March 2, 2012 filed on behalf of the Andrykowskis. The Parties agree that this legal release is intended to be interpreted in the broadest possible manner, to include all actual and potential claims that either party may or could have against the other Party.

The Parties agree to this mutual release even if this Agreement results from a presently existing mistaken belief by any party regarding the present nature and extent of his or its damages or liability, including existing but unknown or undisclosed damages and liability therefor, sustained before, at, or after the time of the execution of this Agreement.

3. **Mutual Warranties and Acknowledgments.**

a. The Parties warrant that no promise or inducement has been offered to them, except as herein set forth; that this Agreement is entered into without reliance upon any statement or representation by any party released or their representatives concerning the nature and extent of damages or liability; that they are legally competent to execute this Agreement and accept full responsibility therefor; and they further assume the risk of any mistake of fact upon which this Agreement may be entered into. The Andrykowskis further warrant they have read and understand the terms of this Agreement and have been represented by legal counsel of their choosing in connection with their decision to voluntarily enter into this Agreement;

b. This Agreement shall be binding upon and inure to the benefit of the respective agents, affiliates, heirs, personal representatives, attorneys, executors and administrators, and assigns of the Parties;

c. The Parties have not transferred, assigned, or hypothecated any part of their respective claims against each other; and

d. The Recitals set forth above are material terms and provisions of this Agreement.

4. **Disputed Claims.** The Parties agree that this Agreement is a compromise of disputed claims, demands, and liabilities and that the consideration upon which this Agreement is based is not to be construed as an admission of liability on the part of either Party. The Parties expressly deny any liability and merely intend to avoid further litigation with respect to all claims described herein by execution of this Agreement.

5. **Execution in Counterparts.** This Agreement may be executed in counterparts, each of which, when so executed and delivered, shall constitute an original, but all such counterparts shall together constitute but one and the same Agreement.

City of Englewood, Colorado

By: Daniel Brotzman
Its: City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

Subscribed and sworn to before me by _____ this ____ day of _____, 2012.

Witness my hand and official seal.
My Commission Expires: _____

City of Englewood, Colorado Police Department

By: Daniel Brotzman
Its: City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

Subscribed and sworn to before me by _____ this ____ day of _____, 2012.

Witness my hand and official seal.
My Commission Expires: _____

The remainder of this page left blank intentionally.