

# RUDOLPH FARMS METROPOLITAN DISTRICT NO. 6

8390 E. Crescent Pkwy., Suite 300  
Greenwood Village, CO 80111  
(P) 303-779-5710 / (F) 303-779-0348

## **SPECIAL MEETING AGENDA**

|  |  |
|--|--|
| <b>DATE:</b>   | Tuesday, October 18, 2022  |
| <b>TIME:</b>   | 10:00 A.M.   |
| <b>LOCATION:</b>   | <b><i>THIS MEETING WILL BE HELD BY VIDEO/TELEPHONIC MEANS.</i></b> |
| <p>You can attend the meeting in one of the following ways:</p> <ol style="list-style-type: none"> <li>To attend via Microsoft Teams select this link (or copy link into your browser):<br/><br/> <a href="https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzYyNjE2MDQtNTA4YS00ODg2LWlZjAtNDY3YjVmOWI1Mzhl%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%227e78628f-89cd-4e97-af6c-60df84b55ffe%22%7d">https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzYyNjE2MDQtNTA4YS00ODg2LWlZjAtNDY3YjVmOWI1Mzhl%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%227e78628f-89cd-4e97-af6c-60df84b55ffe%22%7d</a> </li> <li>To attend via telephone, dial 1-720-547-5281 and enter the following:<br/>Phone Conference ID: 590 457 422#</li> </ol> |  |

| <u>Board of Directors</u> | <u>Office</u>       | <u>Term Expires</u> |
|---------------------------|---------------------|---------------------|
| Rudy Byler                | President           | May, 2025           |
| Michael Kleinman          | Secretary/Treasurer | May, 2025           |
| VACANT                    |                     | May, 2025           |
| VACANT                    |                     | May, 2023           |
| VACANT                    |                     | May, 2023           |

### **I. ADMINISTRATIVE MATTERS**

- A. Confirm quorum and call meeting to order. Present disclosures of potential conflicts of interest.
- B. Confirm location of meeting and posting of meeting notices. Approve agenda.
- C. Public Comment.

*Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.*



## **II. CONSENT AGENDA**

These items are considered to be routine and will be approved and/or ratified by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event, the item(s) will be removed from the Consent Agenda and considered in the Regular Agenda.

- A. Approval of October 4, 2022 Special Meeting Minutes (enclosure).

## **III. FINANCIAL MATTERS**

- A. Consider Acceptance of District Eligible Costs Pursuant to the Advance and Reimbursement and Facilities Acquisition Agreement (Capital Expenses) and Adoption of Resolutions and/or Requisitions Necessary for Approval and Reimbursement of District Eligible Costs (enclosure).

## **IV. LEGAL MATTERS**

## **V. OTHER BUSINESS**

- A. Confirm quorum for next regular board meeting on Wednesday, November 30, 2022, at 11:00 a.m.

## **VI. ADJOURNMENT**

**NEXT REGULAR BOARD MEETING  
NOVEMBER 30, 2022 AT 11:00 A.M.**



## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE RUDOLPH FARMS METROPOLITAN DISTRICT NO. 6 (THE “DISTRICT”) HELD OCTOBER 4, 2022

A special meeting of the Board of Directors of the Rudolph Farms Metropolitan District No. 6 (referred to hereafter as the “Board”) was convened on Tuesday, October 4, 2022 at 10:00 a.m. This meeting was held via Zoom. The meeting was open to the public.

#### ATTENDANCE

##### Directors in Attendance Were:

Rudy Byler, President  
Michael Kleinman, Secretary/Treasurer

##### Also in Attendance Were:

Karlie R. Ogden, Esq.; Icenogle Seaver Pogue, P.C.  
Cindy Jenkins and Zach Leavitt; CliftonLarsonAllen LLP  
Bryan Byler and Lisa Lyscio; Pacific North Enterprises, LLC

#### ADMINISTRATIVE MATTERS

**Call to Order / Confirm Quorum:** The Board meeting was called to order at 10:02 a.m. and the presence of a quorum was confirmed.

**Disclosure of Potential Conflicts of Interest:** Ms. Ogden advised the Board that, pursuant to Colorado law, certain disclosures may be required prior to taking official action at the meeting. Ms. Ogden confirmed that disclosures of conflicts of interest were filed with the Secretary of State’s Office and the Board at least 72 hours prior to the meeting for those Directors with potential conflicts of interest. The Board reviewed the Agenda for the meeting, following which, Directors Byler and Kleinman confirmed that they had no additional conflicts of interest in connection with any of the matters listed on the Agenda.

**Meeting Location / Posting of Meeting Notice / Agenda:** The Board reviewed the Agenda for the meeting. Following discussion, upon a motion duly made by Director Kleinman, seconded by Director Byler and, upon vote, unanimously carried, the Board approved the Agenda as presented, confirmed the location of the meeting, and confirmed posting of the meeting notice.

**Public Comment:** None.

#### CONSENT AGENDA

The Board considered the following actions:

- **Approval of Minutes of the August 31, 2022 Special Meeting**



## RECORD OF PROCEEDINGS

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### - **Approval of Minutes of September 28, 2022 Special Meeting**

Following review and discussion, upon a motion duly made by Director Kleinman, seconded by Director Byler and, upon vote, unanimously carried, the Board approved the Consent Agenda items as listed above.

### **FINANCIAL MATTERS**

#### **Approve and/or ratify approval of payables:**

Upon motion duly made by Director Kleinman, seconded by Director Byler and, upon vote, unanimously carried, the Board approved payables, as presented.

### **LEGAL MATTERS**

#### **Award and Approval of Integrated Project Delivery Agreement with PNE Prospect Road Constructors, LLC:**

Ms. Ogden presented to and reviewed with the board the Integrated Project Delivery Agreement with PNE Prospect Road Constructors, LLC. Upon motion duly made by Director Kleinman, seconded by Director Byler and, upon vote, unanimously carried, the Board awarded to and approved of the Integrated Project Delivery Agreement with PNE Prospect Road Constructors, LLC, subject to the project and its value being further clarified, refined, and at an amount not-to-exceed \$61,228,557.00 which can be agreed upon as the project's fair market pricing by the District's Engineer.

#### **Approval of Resolution Determining Not to Provide Workers' Compensation Insurance Coverage for Uncompensated Members of the Board of Directors:**

Ms. Ogden presented to and reviewed with the Board the Resolution Determining Not to Provide Workers' Compensation Insurance Coverage for Uncompensated Members of the Board of Directors. After review and discussion, upon the motion of Director Kleinman, second by Director Byler, the Board unanimously approved the Resolution Determining Not to Provide Workers' Compensation Insurance Coverage for Uncompensated Members of the Board of Directors.

### **OTHER BUSINESS**

**Next Meeting Date and Confirm Quorum:** The next regular meeting is scheduled for Wednesday, November 30, 2022 at 11:00 a.m. via Microsoft Teams.

### **ADJOURNMENT**

There being no further business to come before the Board, upon a motion duly made by Director Kleinman, seconded by Director Byler and, upon vote,



## RECORD OF PROCEEDINGS

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unanimously carried, the Board adjourned the meeting at 10:19 a.m.

Respectfully submitted,

By \_\_\_\_\_  
Secretary for the Meeting



**RESOLUTION OF  
THE BOARD OF DIRECTORS OF  
RUDOLPH FARMS METROPOLITAN DISTRICT NO. 6**

**REGARDING ACCEPTANCE OF DISTRICT ELIGIBLE COSTS PURSUANT TO THE  
ADVANCE AND REIMBURSEMENT AND FACILITIES ACQUISITION AGREEMENT  
(CAPITAL EXPENSES)**

At a special meeting of the Board of Directors of the Rudolph Farms Metropolitan District No. 6, City of Fort Collins, Larimer County, Colorado, held at 10:00 A.M., on Tuesday, October 18, 2022, via video conference at [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NzYyNjE2MDQtNTA4YS00ODg2LWIzZjAtNDY3YjVmOWI1Mzhl%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%227e78628f-89cd-4e97-af6c-60df84b55ffe%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzYyNjE2MDQtNTA4YS00ODg2LWIzZjAtNDY3YjVmOWI1Mzhl%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%227e78628f-89cd-4e97-af6c-60df84b55ffe%22%7d) and via telephone conference at Dial-In: 1-720-547-5281, Conference ID: 590 457 422#, at which a quorum was present, the following resolution was adopted:

**WHEREAS**, the Rudolph Farms Metropolitan District No. 6 (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado duly organized and existing pursuant to Article 1 of Title 32, Colorado Revised Statutes (the “Special District Act”); and

**WHEREAS**, on June 30, 2022, the District and PNE Prospect Road Holdings, LLC (the “Developer”) entered into that certain Advance and Reimbursement and Facilities Acquisition Agreement (Capital Expenses) (the “Reimbursement Agreement”), which sets forth the procedures for documenting and certifying costs related to the provision of Public Improvements, as defined therein, that may be lawfully accepted and repaid by the District; and

**WHEREAS**, pursuant to Section 5.A. of the Reimbursement Agreement, the Developer has initiated a request for reimbursement for certain costs related to the provision of Public Improvements for the benefit of the District (the “District Eligible Costs”) which is attached hereto as Exhibit A (the “Application for Acceptance of District Eligible Costs”); and

**WHEREAS**, pursuant to Section 6 of the Reimbursement Agreement, the District shall consider acceptance of the District Eligible Cost, subject to any variances or waivers which the District may allow in its sole and absolute discretion, with any reasonable conditions the District may specify after the receipt, review, and certification from the District’s legal counsel, engineer, and accountant; and

**WHEREAS**, pursuant to Section 6.A. of the Reimbursement Agreement, Icenogle Seaver Pogue, P.C. (“District Counsel”) has reviewed the Application for Acceptance of District Eligible Costs and notified the Board of Directors of the District (the “Board”) of all potential variances; and

**WHEREAS**, pursuant to Section 6.B. of the Reimbursement Agreement, Merrick and Company (the “District Engineer”) has reviewed the Application for Acceptance of District Eligible Costs and had provided certification of the same in the form of the Rudolph Farms Reimbursement



Request from PNE Memorandum, dated October 15, 2022 (the “Engineer Certification”), which is attached hereto as Exhibit B; and

**WHEREAS**, at the direction of the Board and pursuant to Section 6.C. of the Reimbursement Agreement, CliftonLarsonAllen, LLC (the “District Accountant”) shall review the Engineer Certification and the Application for Acceptance of District Eligible Costs to substantiate District Eligible Costs (the “Accountant Certification”); and

**WHEREAS**, the District has reviewed the Application for Acceptance of District Eligible Costs and the Engineer Certification, and other information as deemed necessary and appropriate, and has determined that the best interest of the District, its residents, users, and property owners would be served by the District’s recognition and acceptance of the District Eligible Costs and the District should expend funds for such purpose; and

**WHEREAS**, the District desires to recognize and reimburse the Developer for the District Eligible Costs subject to the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Rudolph Farms Metropolitan District No. 6 as follows:

1. The above recitals and the exhibits are hereby incorporated into this Resolution as if fully set forth herein.
2. Acknowledgement of Receipt, Review, and Approval of the Application for Acceptance of District Eligible Costs. The District hereby acknowledges satisfaction and approval of the Application for Acceptance of District Eligible Costs submitted by the Developer and approves of any variance from the requirements set forth in Sections 5.A. of the Reimbursement Agreement.
3. Dedicated Public Improvements. The District has received a Certification of Preliminary Acceptance of Sanitary Sewer Line Installation from Boxelder Sanitation District which is attached hereto and incorporated herein as Exhibit C.
4. District Eligible Costs. The Developer has represented that it has funded, or caused others to fund, certain District Eligible Costs, which District Eligible Costs are directly related and incidental to the Public Improvement constructed for the benefit of the District. The District further finds and determines, based on the information available to the District, including the Application for Acceptance of District Eligible Costs and Engineering Certification, that the Public Improvements are in the nature of community improvements intended for the general or indirect benefit of development with the Service Area of Rudolph Farms Metropolitan District Nos. 1-6, and constitute Public Improvements that may be lawfully funded by the District under the Special District Act and the Consolidated Service Plan for Rudolph Farms Metropolitan District Nos. 1-6, approved by the City Council of the City of Fort Collins, Colorado on March 6, 2016.
5. Cost Certification. As required under Section 6.B. of the Reimbursement Agreement, the District Engineer has issued its Engineering Certification in order to certify the amount of District Eligible Costs to be reimbursed to the Developer. At the direction of the Board and as required by



Section 6.C. of the Reimbursement Agreement, the District Accountant shall review the Engineering Certification to substantiate District Eligible Costs prior to any reimbursement being made to the Developer. To the extent the District Accountant cannot certify all District Eligible Costs, the District Accountant shall work to resolve any discrepancies with the District Engineer and seek additional approval from the Board.

6. Acceptance of District Eligible Costs. The District, having reviewed the Application for Acceptance of District Eligible Costs and the Engineering Certification, find and determine that the total amount of District Eligible Costs to be reimbursed to the Developer is \$6,657,729.60. Subject to the conditions set forth herein, the District Eligible Costs are hereby accepted by the District. This Resolution shall constitute “District Acceptance” for such District Eligible Costs in accordance with Section 6.D. of the Reimbursement Agreement and such accepted District Eligible Costs are deemed “Certified District Eligible Costs” in accordance with Section 1 of the Reimbursement Agreement.

7. Repayment of Certified District Eligible Costs. Subject to the conditions set forth herein, the District shall repay the Certified District Eligible Costs pursuant to this Resolution and the Reimbursement Agreement from the proceeds of loans or bonds issued by the District, and/or other legally available funds of the District not otherwise required for operations, maintenance, capital improvements, and debt service costs, and other expenses of the District.

8. Actions to Effectuate Resolution. The District Accountant and District Counsel are authorized and directed to take all actions necessary and appropriate to effectuate this Resolution and the repayment of the Developer as contemplated thereunder. All actions not inconsistent with the provision of this Resolution heretofore taken by members of the Board, the District Manager, the District Accountant, District Counsel, or District Engineer and directed toward effectuating the purposes state herein are hereby ratified, approved, and confirmed.

**[Remainder of page intentionally left blank.]**



**ADOPTED AND APPROVED THIS 18TH DAY OF OCTOBER 2022.**

RUDOLPH FARMS METROPOLITAN DISTRICT NO. 6

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By: Rudy Byler  
Its: President

ATTEST:

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By: Michael Kleinman  
Its: Secretary/Treasurer



## **EXHIBIT A**

Application for Acceptance of District Eligible Costs



## Rudolph Farms Metropolitan District No. 6 Application for Acceptance of District Eligible Costs

**Applicant Name:** PNE Prospect Road Holdings \_\_\_\_\_

**Applicant Address:** 900 Castleton Rd, Ste 118 Castle Rock \_\_\_\_\_ **State:** CO **Zip:** 80109 \_\_\_\_\_

**Daytime Phone #:** ( 907 ) 299-6811 \_\_\_\_\_ **Alt./Cell:** (602 ) 549-7509 \_\_\_\_\_

**Email:** bryan@pacificnorthent.com \_\_\_\_\_

**Description and Location of Public Improvements:** (please include a narrative description and attach maps/exhibits showing the location of all improvements) \_\_\_\_\_  
see attached PNE Prospect Holdings, LLC Engineers Report 001

### Public Improvement Category and Costs:

| <b>Description of Improvement</b>            | <b>Entity(ies) that Will Own, Operate and/or Maintain Improvements (please specify)</b> | <b>Improvements (1) Already Located within Necessary Public Property (2) or Additional Property Dedication Necessary (please specify)</b> | <b>Hard Construction Costs (including staking and testing) Please include name of vendor next to dollar amount</b> | <b>Soft Costs (including engineering, legal, planning, landscape &amp; irrigation design) Please include name of vendor next to dollar amount</b> |
|--|---|---|--|---|
| Street Improvements                          | N/A   |   |  |   |
| Water Improvements                           | N/A   |   |  |   |
| Sanitary Sewer Improvements                  | Box Elder Sanitation District   | Within existing easements and right of way  | \$5,317,548.00   | \$1,340,181.60  |
| Parks & Recreation, Landscaping & Irrigation | N/A   |   |  |   |
| Traffic & Safety                             | N/A   |   |  |   |
| Public Transportation                        | N/A   |   |  |   |



|                                |     |  |  |  |
|--------------------------------|-----|--|--|--|
| Television Relay & Translation | N/A |  |  |  |
| Mosquito Control               | N/A |  |  |  |
| Security Improvements          | N/A |  |  |  |

| PRIOR COSTS |                      |
|-------------|----------------------|
| Amount      | Description of Costs |
|             | N/A                  |

**Required to be submitted:**

- ☐ Completed and Signed Application
- ☐ Contracts and Approved Change Orders
- ☐ Invoices and Pay Applications
- ☐ Evidence of Payment
- ☐ Lien Waivers
- ☐ Acceptance Letters for Improvements from Applicable Jurisdictions
- ☐ Agreement Addressing Maintenance and Corrective Work Prior to Final Acceptance (if applicable)
- ☐ Any other information reasonably requested by District

If any of the materials above are not included in the submission, please provide reason: \_\_\_\_\_  
 see Engineers Report 001

**Total amount of District Eligible Costs requested for reimbursement: \$\_\_6,657,729.60\_\_\_\_\_**

**By its signature below,** Applicant certifies that this Application for Acceptance of District Eligible Costs and all documents submitted in support of this application are true and correct, that the Applicant is authorized to sign this application, and the costs submitted for reimbursement herein qualify as District Eligible Costs in accordance with the Advance and Reimbursement and Facilities Acquisition Agreement, dated \_\_\_\_\_.

**Signature:** Bryan Byler

**Date:** 10/13/22

|                       |
|-----------------------|
| For Internal Use Only |
|-----------------------|



|   |   |
|---|---|
| <p><b>District Engineer's Review</b></p> <p>I have reviewed the Application for Acceptance of District Eligible Costs and all documentation in support thereof (the "Application") and have conducted any field examinations as I have deemed necessary. I hereby find that the Application is complete, and recommend that the District accept this Application for consideration.</p> <p>The attached Engineer's Cost Certification sets forth (1) the Public Improvements which the District is legally permitted to fund; (2) the total amount of District Eligible Costs associated with the Public Improvements proposed for acquisition and/or reimbursement; and (3) certifies that such costs are reasonable and appropriate for the type of Public Improvements being constructed in the vicinity of the District's boundaries.</p> | <p>Signature: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Company: _____</p> <p>Date: _____</p> |
| <p><b>Notes:</b></p>  |   |

| For Internal Use Only   |  |
|---|--|
| <p><b>District Accountant's Review</b></p> <p>I have reviewed the Engineer's Cost Certification and the Application for Acceptance of District Eligible Costs and documentation in support thereof (the "Application"). I hereby recommend the District accept the Application for consideration of the total amount of District Eligible Costs associated with the Public Improvements as set forth in the attached Engineer's Cost Certification.</p> | <p>Signature: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Company: _____</p> |
| <p><b>Notes:</b></p>  | <p>Date: _____</p>   |





**NORTHERN**  
ENGINEERING

## **Engineer's Report and Certification #001**

# **RUDOLPH FARMS LAND DEVELOPMENT**

**October 13, 2022**

**PREPARED BY:**

**NORTHERNENGINEERING.COM**

**970.221.4158**

**FORT COLLINS**


**GREELEY**

**PREPARED FOR:**

**PNE Prospect Road Holdings, LLC**

**900 Castleton Road, Suite 118**

**Castle Rock, CO 80109**

 This Engineer's Report is consciously provided as a PDF. Please consider the environment before printing this document in its entirety. When a hard copy is necessary, we recommend double-sided printing.



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| <b>ENGINEER'S REPORT .....</b>   | <b>1</b> |
| INTRODUCTION .....   | 1        |
| SCOPE OF CERTIFICATION .....   | 1        |
| GENERAL METHODOLOGY.....   | 2        |
| PHASE I – AUTHORIZATION TO PROCEED AND DOCUMENT GATHERING.....             | 2        |
| PHASE II – REVIEW OF DOCUMENTATION .....                                   | 2        |
| PHASE III - SITE VISITS AND MEETINGS .....                                 | 2        |
| PHASE IV – VERIFICATION OF CONSTRUCTION QUANTITIES .....                   | 2        |
| PHASE V – VERIFICATION OF CONSTRUCTION UNIT COSTS AND INDIRECT COSTS ..... | 2        |
| ENGINEER'S CERTIFICATION .....   | 4        |
| <b>APPENDIX A .....</b>  | <b>5</b> |
| COSTS OF IMPROVEMENTS.....   | 5        |
| <b>APPENDIX B .....</b>  | <b>6</b> |
| SUPPORT DOCUMENTATION .....  | 6        |
| <b>APPENDIX C .....</b>  | <b>7</b> |
| SITE VISIT/PHOTOGRAPHS .....   | 7        |



## ENGINEER'S REPORT

### INTRODUCTION

Northern Engineering Services, Inc. ("Northern") was retained PNE Prospect Road Holdings, LLC (the "Developer") as an Independent Consulting Engineer to review the costs of improvements for the Rudolph Farms development.

An Advance and Reimbursement Agreement and Facilities Acquisition Agreement (the "Agreement") by and between the Rudolph Farms Metropolitan District No. 6 (the "District") and the Developer, dated effective July 17, 2022, considers a portion of the costs are eligible to be reimbursed by the District. This report intends to provide a review of applicable costs, materials, and construction activities before the Developer submits for reimbursement to the District in an effort to expedite the District Engineer and District Attorney review and approvals.

The District service area is located within the City of Fort Collins, Colorado, generally located directly northwest of the Interstate 25 and Prospect Road intersection encompassing, approximately 115.5 acres of land ("Service Area"). This certification considers constructed improvements, public infrastructure, facilities, services, and associated soft, hard, and indirect construction costs ("Public Improvements") to advance or expended funds to an amount not to exceed Nine million Eight Hundred Thousand Dollars (\$9,800,000) (the "Maximum Advance Amount") per the Agreement through the Metropolitan District No. 6, which encompasses work for Metropolitan Districts 1-6.

### PUBLIC IMPROVEMENTS AS AUTHORIZED BY THE SERVICE PLAN

Northern understands the City of Fort Collins City Council approved the "Consolidated Service Plan for Rudolph Farms Metropolitan Districts Nos. 1-6" (the "Service Plan") on March 6, 2016, to provide certain public improvements and facilities authorized by the Special District Act and their Service Plan and has reviewed the Agreement dated effective July 17, 2022.

The Agreement provides certain parameters for the financing, development, and administration of certain public facilities, improvements, and appurtenances within the District Service Area.

Northern has determined the Public Improvements under consideration in this report and certification for reimbursement by the District are indeed authorized by the Service Plan and the Agreement. Additionally, certain services directly related to the provision of Public Improvements also permit purposes, including but not limited to, engineering, architectural, surveying, construction management, testing, planning, legal, accounting, and other professional services.

The Agreement defines three (3) areas of reimbursable costs, which are further separated into three (3) Exhibits. Exhibit A, Application for Acceptance of District Eligible Costs, Exhibit B – Application for Acceptance of Public Infrastructure, and Exhibit B – Application for Acceptance of Eligible Professional Service Costs. However, due to the nature of the Agreement, the costs to be certified within this report are intended to apply to District Eligible Costs, which include hard and soft costs.

### SCOPE OF CERTIFICATION

The Agreement has identified cost categories eligible for reimbursement and reviewed for this report including improvements associated with streets, water, wastewater, parks, recreation, landscaping, irrigation, traffic & safety, public transportation, television, mosquito control, and security improvements.



## **GENERAL METHODOLOGY**

Northern employed a phased approach toward the preparation of this Engineer's Report and Certification of District Eligible Costs ("Engineer's Certification").

### **PHASE I – AUTHORIZATION TO PROCEED AND DOCUMENT GATHERING**

Northern was authorized to proceed with the Engineer's Certification with an agreement formalized on September 12, 2022, with the Developer. The initial documentation was provided by the Developer on September 15, 2022.

### **PHASE II – REVIEW OF DOCUMENTATION**

See Appendix B for a complete listing of documents reviewed, as deemed necessary, by Northern. Documentation included, but was not limited to, work that has already been performed and constructed such as Bank Inspection Reports, Testing Reports, Construction Plans, Lien Releases, and Pay Applications.

Additionally, Brian Zick of Boxelder Sanitation District has been coordinating with the Developer to issue acceptance up to MH16.

### **PHASE III - SITE VISITS AND MEETINGS**

Northern has performed a site visit to verify the completion of work relating to Public Infrastructure improvements that had been performed, completed, and in progress from September 2021 through June 1, 2022. See Appendix C for general descriptions and photographs.

### **PHASE IV – VERIFICATION OF CONSTRUCTION QUANTITIES**

Construction pay applications were evaluated against applicable construction drawings. These were used in conjunction with Phase V below to certify the reasonableness of construction costs.

### **PHASE V – VERIFICATION OF CONSTRUCTION UNIT COSTS AND INDIRECT COSTS**

Construction Unit Costs and Indirect Costs were reviewed for market reasonableness as applicable. It should be understood that the volatility of the current market may not align with traditional costs nor site conditions that may have existed in September 2021 versus current market conditions. In general, Northern utilized awarded public bids, including, but not limited to, Littleton and Longmont for sewer infrastructure projects. Additionally, Northern has an estimate from a contract in 2021 for a private development that required offsite utilities, including dewatering and other similar items as well. Due to the nature of the invoicing and breakdown, used an overall average of costs down to the linear foot ranging from \$300-\$800. As such, Northern took into consideration the type of construction and the timeframe during which the construction occurred. To the extent possible, Northern determined that the costs incurred were within a reasonable range.

The attached Engineer's Certification states the Independent Consulting Engineer finds and determines the constructed value of the Public Improvements considered in this Engineer's Report, including both soft and hard costs from approximately the month of September 1, 2021, through June 1, 2022, is valued at \$6,657,729.60, to be funded by the District. Table I summarizes costs certified to date as Eligible District Costs, as part of the Agreement. Additional details, forms, and/or applications may be submitted under separate cover as requested by the District.



**Table I – Cost Certified to Date - Summary**

| <b>Certification No.</b> | <b>Application Period</b>  | <b>Date Received</b> | <b>Project Cost</b>   | <b>District Eligible Costs (Exhibit A)</b> | <b>Cumulative Project Costs</b> | <b>Cumulative District Eligible Costs</b> |
|--------------------------|----------------------------|----------------------|-----------------------|--|---------------------------------|---|
| <b>1</b>                 | <b>Sept '21 – June '22</b> | <b>Sept 15, 2022</b> | <b>\$6,657,729.60</b> | <b>\$6,657,729.60</b>                      | <b>\$6,657,729.60</b>           | <b>\$6,657,729.60</b>                     |

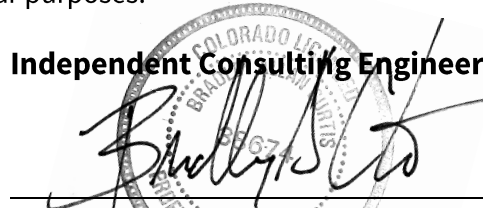


## ENGINEER'S CERTIFICATION

I, Bradley A Curtis, PE of Northern Engineering Services, licensed in the State of Colorado, hereby state the following:

1. I am an engineer duly qualified to issue a professional opinion respecting the fitness and condition of the improvements and costs described in Appendix A attached hereto which have been constructed and are proposed to be conveyed to Rudolph Farms Metropolitan District No. 6 (the "District") pursuant to a certain Advance and Reimbursement and Facilities Acquisition Agreement (the "Agreement") by and between the District and PNE Prospect Road Holdings, LLC (the "Developer"), dated effective July 17, 2022.
2. I have observed and otherwise reviewed the public improvements described in Appendix A attached hereto (the "Improvements") and have reviewed the costs therein, including applicable soft and indirect, District funded, and hard costs from approximately the month of September 1, 2021, through June 1, 2022, is valued at \$6,657,729.60, to be funded by the District.
3. I have found the Improvements to be constructed in general conformance with the approved design documents and it is my professional opinion the Improvements are fit for the purpose intended by the Agreement.
4. I have found the costs outlined in Appendix A to be reasonable and consistent with the costs of similar Improvements constructed for similar purposes.

**Independent Consulting Engineer**

A circular professional seal for Bradley A. Curtis, PE, CPM, LEED AP, is visible in the background. The seal contains the text "COLORADO PROFESSIONAL ENGINEER", "BRADLEY A. CURTIS", and "8767". Overlaid on the seal is a handwritten signature in black ink.

By: Bradley A Curtis, PE, CPM, LEED AP  
Northern Engineering Services, Inc.



## APPENDIX A COSTS OF IMPROVEMENTS

| <b>PNE Prospect Road Constructors, LLC</b><br>Project: Rudolph Farms Metro - Off site Sewer Extension and On site Demo<br><br>Project Billing Period - 9.1.21 - 6.1.22 |       |      |               |                        |   |
|--|-------|------|---------------|------------------------|---|
| DESCRIPTION  | QTY   | UNIT | UNIT \$       | TOTAL                  | NOTES   |
| <b>HARD COSTS</b>  |       |      |               |                        |   |
| <b>Sunland Development - Subcontractor</b>   |       |      |               |                        |   |
| SDC - PE1 - Paid 4.27.22   |       |      |               | \$ 1,911,618.00        |   |
| SDC - PE2 - Paid 6.16.22   |       |      |               | \$ 2,859,952.00        |   |
| <b>Subtotal subcontractor</b>  |       |      |               | <b>\$ 4,771,570.00</b> |   |
| <b>GCs / Mobilization / Potholing</b>  |       |      |               |                        |   |
| General Conditions (10%)   | 1.00  | LS   | \$ 477,157.00 | \$ 477,157.00          |   |
| Pothole Existing Utilities - locates   | 1.00  | LS   | \$ 18,965.00  | \$ 18,965.00           |   |
| Install office and gravel lay down yard of 1 acre including fuel and waste facilities and security fencing   | 1.00  | LS   | \$ 49,856.00  | \$ 49,856.00           |   |
| <b>Subtotal GCs / Mobilization / Potholing --&gt;</b>  |       |      |               | <b>\$ 545,978.00</b>   |   |
| <b>Total Hard Costs --&gt;</b>   |       |      |               | <b>\$ 5,317,548.00</b> |   |
| <b>CONSTRUCTION MANAGEMENT</b>   |       |      |               |                        |   |
| Construction Management  | 8.00% | LS   |               | \$ 425,403.84          |   |
| <b>Total Construction Management --&gt;</b>  |       |      |               | <b>\$ 425,403.84</b>   |   |
| <b>Total Hard Costs + Construction Management --&gt;</b>   |       |      |               | <b>\$ 5,742,951.84</b> |   |
| <b>INDIRECTS</b>   |       |      |               |                        |   |
| Permits & Fees   | 1.50% | LS   |               | \$ 79,763.22           | % of Total Hard Costs                           |
| Payment & Performance Bonds  |       | LS   |               | \$ -                   | % of Total Hard Costs + Construction Management |
| General Liability Insurance (adjusted for this project)  | 2.00% | LS   |               | \$ 114,859.04          | % of Total Hard Costs + Construction Management |
| Testing and QA   | 1.00  | LS   |               | \$ 55,462.00           |   |
| <b>Total Indirect Costs --&gt;</b>   |       |      |               | <b>\$ 250,084.26</b>   |   |
| <b>ENGINEERING</b>   |       |      |               |                        |   |
| Land Surveying - Design & Construction   | 2.00% | LS   |               | \$ 106,350.96          |   |
| Civil Engineering - Design & Construction  | 4.00% | LS   |               | \$ 212,701.92          |   |
| Geotechnical Engineering - Design & Construction   | 1.50% | LS   |               | \$ 79,763.22           |   |
| <b>Total Engineering --&gt;</b>  |       |      |               | <b>\$ 398,816.10</b>   |   |
| <b>Total Hard Costs, Construction Management, Indirects &amp; Engineering --&gt;</b>   |       |      |               | <b>\$ 6,391,852.20</b> |   |
| <b>PROGRAM MANAGEMENT</b>  |       |      |               |                        |   |
| Program Management   | 5.00% | LS   |               | \$ 265,877.40          |   |
| <b>Total Program Management --&gt;</b>   |       |      |               | <b>\$ 265,877.40</b>   |   |
| <b>Total Project --&gt;</b>  |       |      |               | <b>\$ 6,657,729.60</b> |   |



## APPENDIX B

### SUPPORT DOCUMENTATION

- Bank Inspection Reports (dated 04.25.2022, 06.09.2022)
- Sewer Testing/Inspection (dated 07.22.2022)
- Dewatering Permit (dated 01.03.2022)
- Dewater Logs (dated 01.31.2022-06.16.2022)
- Stormwater Permit Certification (dated 11.05.2021)
- Stormwater Inspection Reports (dated 12.29.2021 – 06.07.2022)
- Sunland Development Company (SDC) Lien Releases, Pay Applications and Contract (09.01.2021-06.01.2022)
- SDC Summary Sheet/Exhibit (09.01.2021)
- Public Improvement Sewer Construction Plans (dated 02.17.2022)
- Frontage Road Removal/Erosion Control Plan (dated 02.01.2022)
- Compaction Reports Ft Collins/Box Elder Sewer( dated 4.16.2022 – 07.09.2022)



## APPENDIX C

### SITE VISIT/PHOTOGRAPHS

Site Visit and observations were performed on September 23, 2022. Evidence of frontage road being demolished up to the limits of CDOT right of way along Interstate 25 exists. Sewer system construction activities were evidenced south of Prospect Road where materials, equipment, and dewatering activities exist. Sewer work appears completed to Manhole #16, with the areas south (offsite) showing evidence of completed installations by observation of manholes, established reseeding, and locate markers.

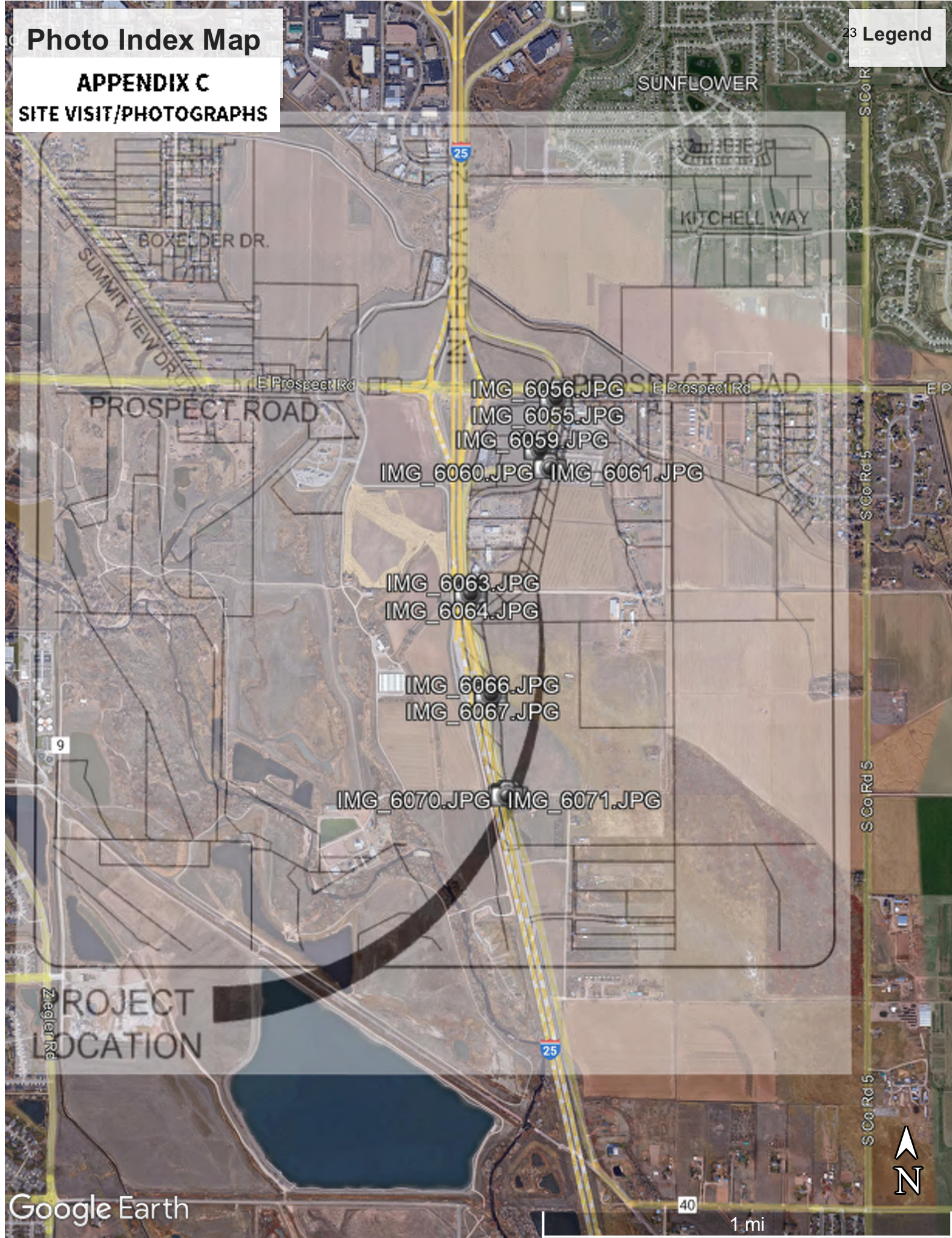
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# Photo Index Map

23 Legend

## APPENDIX C SITE VISIT/PHOTOGRAPHS







IMG\_6055



IMG\_6059



IMG\_6063



IMG\_6057



IMG\_6061



IMG\_6064



IMG\_6056



IMG\_6060



IMG\_6065



IMG\_6058



IMG\_6062



IMG\_6066





IMG\_6067



IMG\_6071



IMG\_6068



IMG\_6072



IMG\_6069



IMG\_6070



## **EXHIBIT B**

### Engineer Certification





## MEMO

DATE: October 15, 2022  
 TO: Board of Directors  
 FROM: Barney Fil, District Engineer  
 RE: Rudolf Farms Reimbursement Request form PNE

Merrick & Company has received the signed Reimbursement Agreement and a signed Northern Engineering Report and Certification #001.

Merrick & Company has reviewed the material within Northern Engineer's report: The storm water inspections reports received, the three (3) inspection reports from Denver NPI DeBorer & Dalrymple, and the videos of the main line from High Country Testing.

Within the Northern Engineer report and Certification #001 was the cost analysis of the expenditures of the contractor. Merrick and Company also prepared a cost analysis of the project from the plans provided utilizing project costs from similar in size and complexity, as this project. We also know the volatility of the construction market and how it does affect the total dollars expended on the project. Merrick & Company had a total estimated cost of the project at \$6.7 million and the requested reimbursement was \$6.658 million.

Also, within the Northern Engineering report and from inspections, they certify that the project was built in general conformance with the plans and specifications.

Merrick & Company also visited the site within the last month and did observe that the sanitary sewer was extended to MH-16; however, manhole A-15 was not found. We believe it to be under a gravel section. Also, there was to be an all-weather surface access across the sewer easement, for the entire length; however, only observed gravel on about 400 L.F. of the 4,500 L.F. of sewer. These two (2) items and as-builts should be in place during the punch list and warranty period that Box Elder Sanitation will require.

We have received communication from Box Elder Sanitation, from the contractor, that states that they need release letters from property owners and a project cost up to MH-16. The other two (2) items (including as-builts) are deferred to the completion of the project. Once these items have been received then Box Elder will issue the preliminary acceptance.

Knowing all of the above, Merrick & Company does believe the project cost amount of \$6,657,729.60 is District eligible for the public improvements and the costs are reasonable and appropriate in the volatile market we are in, within the Rudolf Farms Metropolitan District #6.

The reimbursement of the funds should not be forwarded until Box Elder Sanitation District has issued it's preliminary acceptance and the accountant of the district is also satisfied with the reimbursement of costs for the project per the reimbursement agreement.





See attached:

1. E-mail from Box Elder Sanitation District to PNE dated 10/3/2022.
2. Merrick & Company project cost estimate dated 10/7/2022.
3. Engineer's report and Certification #001 signed and sealed by Northern Engineering dated 10/13/2022 (attachments can be send under separate cover, if requested).
4. Google map of sanitary sewer line that was installed.
5. Public improvement plans by Northern Engineering dated 2/8/2022.





**Rudolph Farms Metropolitan District No. 6**  
**Application for Acceptance of District Eligible Costs**

**Applicant Name:** PNE Prospect Road Holdings \_\_\_\_\_

**Applicant Address:** 900 Castleton Rd. Ste 118 Castle Rock \_\_\_\_\_ **State:** CO **Zip:** 80109 \_\_\_\_\_

**Daytime Phone #:** ( 907 ) 299-6811 \_\_\_\_\_ **Alt./Cell:** (602 ) 549-7509 \_\_\_\_\_

**Email:** bryan@pacifcnorthent.com \_\_\_\_\_

**Description and Location of Public Improvements:** (please include a narrative description and attach maps/exhibits showing the location of all improvements) \_\_\_\_\_  
 see attached PNE Prospect Holdings, LLC Engineers Report 001

**Public Improvement Category and Costs:**

| <b>Description of Improvement</b>            | <b>Entity(ies) that Will Own, Operate and/or Maintain Improvements (please specify)</b> | <b>Improvements (1) Already Located within Necessary Public Property (2) or Additional Property Dedication Necessary (please specify)</b> | <b>Hard Construction Costs (including staking and testing)<br/><i>Please include name of vendor next to dollar amount</i></b> | <b>Soft Costs<br/>(including engineering, legal, planning, landscape &amp; irrigation design)<br/><i>Please include name of vendor next to dollar amount</i></b> |
|--|---|---|---|--|
| Street Improvements                          | N/A   |   |   |  |
| Water Improvements                           | N/A   |   |   |  |
| Sanitary Sewer Improvements                  | Box Elder Sanitation District   | Within existing easements and right of way  | \$5,317,548.00  | \$1,340,181.60   |
| Parks & Recreation, Landscaping & Irrigation | N/A   |   |   |  |
| Traffic & Safety                             | N/A   |   |   |  |
| Public Transportation                        | N/A   |   |   |  |



|                                |     |  |  |  |
|--------------------------------|-----|--|--|--|
| Television Relay & Translation | N/A |  |  |  |
| Mosquito Control               | N/A |  |  |  |
| Security Improvements          | N/A |  |  |  |

| PRIOR COSTS |                      |
|-------------|----------------------|
| Amount      | Description of Costs |
|             | N/A                  |

**Required to be submitted:**

- ☐ Completed and Signed Application
- ☐ Contracts and Approved Change Orders
- ☐ Invoices and Pay Applications
- ☐ Evidence of Payment
- ☐ Lien Waivers
- ☐ Acceptance Letters for Improvements from Applicable Jurisdictions
- ☐ Agreement Addressing Maintenance and Corrective Work Prior to Final Acceptance (if applicable)
- ☐ Any other information reasonably requested by District

If any of the materials above are not included in the submission, please provide reason: \_\_\_\_\_  
 see Engineers Report 001

**Total amount of District Eligible Costs requested for reimbursement: \$\_\_6,657,729.60\_\_**

By its signature below, Applicant certifies that this Application for Acceptance of District Eligible Costs and all documents submitted in support of this application are true and correct, that the Applicant is authorized to sign this application, and the costs submitted for reimbursement herein qualify as District Eligible Costs in accordance with the Advance and Reimbursement and Facilities Acquisition Agreement, dated \_\_\_\_\_.

Signature: Bryan Byler

Date: 10/13/22

For Internal Use Only



|   |   |
|---|---|
| <p><b>District Engineer's Review</b></p> <p>I have reviewed the Application for Acceptance of District Eligible Costs and all documentation in support thereof (the "Application") and have conducted any field examinations as I have deemed necessary. I hereby find that the Application is complete, and recommend that the District accept this Application for consideration.</p> <p>The attached Engineer's Cost Certification sets forth (1) the Public Improvements which the District is legally permitted to fund; (2) the total amount of District Eligible Costs associated with the Public Improvements proposed for acquisition and/or reimbursement; and (3) certifies that such costs are reasonable and appropriate for the type of Public Improvements being constructed in the vicinity of the District's boundaries.</p> | <p>Signature: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Company: _____</p> <p>Date: _____</p> |
| <p><b>Notes:</b></p>  |   |

| For Internal Use Only   |  |
|---|--|
| <p><b>District Accountant's Review</b></p> <p>I have reviewed the Engineer's Cost Certification and the Application for Acceptance of District Eligible Costs and documentation in support thereof (the "Application"). I hereby recommend the District accept the Application for consideration of the total amount of District Eligible Costs associated with the Public Improvements as set forth in the attached Engineer's Cost Certification.</p> | <p>Signature: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Company: _____</p> |
| <p><b>Notes:</b></p>  | <p>Date: _____</p>   |



Barney Fix

---

**From:** Tamara Seaver <tseaver@isp-law.com>  
**Sent:** Monday, October 3, 2022 10:22 AM  
**To:** Bryan Byler; Shannon Smith Johnson; Barney Fix  
**Cc:** Karlie Ogden  
**Subject:** RE: Berquist Sewer Extension - Tie in to MH 16 - Preliminary Acceptance

Thank you Bryan!

*Tamara K. Seaver*  
[tseaver@isp-law.com](mailto:tseaver@isp-law.com)  
 Direct: 303.867.3004 Mobile: 720.353.0100  
 Facsimile: 303.292.9101  
 4725 South Monaco Street, Suite 360  
 Denver, Colorado 80237



**ICENOGL SEAVER POGUE**



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**From:** Bryan Byler <bryan@pacificnorthent.com>  
**Sent:** Monday, October 3, 2022 10:17 AM  
**To:** Tamara Seaver <tseaver@isp-law.com>; Shannon Smith Johnson <sjohnson@isp-law.com>; Barney Fix <Barney.Fix@merrick.com>  
**Subject:** Fwd: Berquist Sewer Extension - Tie in to MH 16 - Preliminary Acceptance

See below

Bryan Byler  
 Pacific North Enterprises, LLC

900 Castleton Road Suite 118  
 Castle Rock, CO 80109

C: 907.299.6811 | O: 303.955.5291  
[bryan@pacificnorthent.com](mailto:bryan@pacificnorthent.com)

[www.pacificnorthent.com](http://www.pacificnorthent.com)



Begin forwarded message:

**From:** Brian Zick <[brianz@boxeldersanitation.org](mailto:brianz@boxeldersanitation.org)>  
**Date:** September 29, 2022 at 11:12:20 AM MDT  
**To:** Bryan Byler <[bryan@pacificnorthent.com](mailto:bryan@pacificnorthent.com)>  
**Cc:** Noah Allison <[nallison@boxeldersanitation.org](mailto:nallison@boxeldersanitation.org)>, Heidi Jenson <[heidij@boxeldersanitation.org](mailto:heidij@boxeldersanitation.org)>  
**Subject:** RE: Berquist Sewer Extension - Tie in to MH 16 - Preliminary Acceptance

Bryan,

We would like to only have one Preliminary Acceptance on the project but understand the delay in the frontage road and Prospect has delayed the project. We are willing to issue acceptance up to MH 16, but need some items completed before we can do that. Below is paragraph 10 from the Sewer Agreement. We need release letters from the property owners per paragraph a. We can wait on Sand Ditch approval, paragraph b and as-builts, paragraph c until the project is fully complete. We need listing of project cost up to MH 16. We are working on getting the Preliminary Acceptance form put together and will complete it once we get the required items. Let me know if you have any questions. Thanks

10. **Transfer and Warranty:** Entity shall give written notice to Boxelder of completion of the PROJECT Sewer System. At such point Boxelder shall inspect the project and, if Boxelder agrees that it is fully completed in compliance with the Design, the Plan and Specifications, and Boxelder's standards and specifications, with such agreement not to be unreasonably withheld, Boxelder shall issue Preliminary Acceptance. Preliminary Acceptance shall include the following items:

- a. Entity shall obtain releases from all property owners along the sewer line that have easements with Boxelder. The release shall state that the ground within the easements has been restored to a condition that existed prior to construction or that the condition of the land is acceptable to the property owners and that they release Boxelder of any future remediation responsibilities.
- b. Approval from Sand Ditch Irrigation Company stating work is acceptable.
- c. Delivery of As-Constructed Drawings and all test results
- d. Detailed Listing of Cost of the Project.

Entity shall thereafter immediately transfer and convey the PROJECT Sewer System to Boxelder exclusively, free and clear of all liens and encumbrances. Notwithstanding the foregoing, Entity shall continue to be responsible for the repair and, if necessary, replacement of any warranty defects in connection with the PROJECT Sewer System during the Warranty Period. At the expiration of the Warranty Period, Boxelder shall assume full responsibility for the inspection, operation, repair, maintenance, and replacement of the PROJECT Sewer System.



**Brian Zick**  
*District Manager*  
 3201 E. Mulberry, Unit Q, Fort Collins, CO 80522  
 (970) 498-0604 | [www.boxeldersanitation.org](http://www.boxeldersanitation.org)

**From:** Bryan Byler <[bryan@pacificnorthent.com](mailto:bryan@pacificnorthent.com)>  
**Sent:** Friday, September 23, 2022 11:11 AM  
**To:** Brian Zick <[brianz@boxeldersanitation.org](mailto:brianz@boxeldersanitation.org)>  
**Cc:** Noah Allison <[nallison@boxeldersanitation.org](mailto:nallison@boxeldersanitation.org)>; Brad Curtis <[bcurtis@northernengineering.com](mailto:bcurtis@northernengineering.com)>;



Lisa Lyscio <[lisa@pacificnorthent.com](mailto:lisa@pacificnorthent.com)>

**Subject:** Re: Berquist Sewer Extension - Tie in to MH 16 - Preliminary Acceptance

Appreciate it Brian and have a good weekend

Bryan Byler  
Pacific North Enterprises, LLC

900 Castleton Road Suite 118  
Castle Rock, CO 80109

C: 907.299.6811 | O: 303.955.5291

[www.pacificnorthent.com](http://www.pacificnorthent.com)

On Sep 23, 2022, at 11:06 AM, Brian Zick <[brianz@boxeldersanitation.org](mailto:brianz@boxeldersanitation.org)> wrote:

Bryan,

I will get with Noah Allison next week to discuss if we can have a partial acceptance on this line. We will need to review the Sewer Service Agreement as well to make sure everything is complete. As an example we need sign offs from all the easement owners that they work and restoration is acceptable to them. We will see what we can get done by October 4<sup>th</sup>.



**Boxelder  
Sanitation  
District**

**Brian Zick**

*District Manager*

3201 E. Mulberry, Unit Q, Fort Collins, CO 80522  
(970) 498-0604 | [www.boxeldersanitation.org](http://www.boxeldersanitation.org)

**From:** Bryan Byler <[bryan@pacificnorthent.com](mailto:bryan@pacificnorthent.com)>

**Sent:** Friday, September 23, 2022 9:25 AM



**To:** Brian Zick ([brianz@boxeldersanitation.org](mailto:brianz@boxeldersanitation.org)) <[brianz@boxeldersanitation.org](mailto:brianz@boxeldersanitation.org)>  
**Cc:** Andy Reese <[andy@northernengineering.com](mailto:andy@northernengineering.com)>; Jesse Weiland  
 <[jesse@pacificnorthent.com](mailto:jesse@pacificnorthent.com)>; Brad Curtis <[bcurtis@northernengineering.com](mailto:bcurtis@northernengineering.com)>; Lisa  
 Lyscio <[lisa@pacificnorthent.com](mailto:lisa@pacificnorthent.com)>  
**Subject:** Berquist Sewer Extension - Tie in to MH 16 - Preliminary Acceptance

Brian,

We have completed the tie in on the sewer line and have the main sewer line completed and tested up through MH 16.

We are looking for preliminary acceptance from you on this approximate 5,000 lf of 18" sewer and all man holes so we can be reimbursed by the Rudolph Farms Metro District.

We have a Board meeting on October 4<sup>th</sup> and would like to get your preliminary acceptance on this section for reimbursement.

Below is a link to all the testing from High Country as well.

<https://www.dropbox.com/sh/cxf25eqa6ix0med/AADKFy70vA0wGGMdFRhAm02Ua?dl=0>

Please let me know if you have any other questions.

Bryan Byler

900 Castleton Road Suite 118, Castle Rock CO 80109  
 C: 907.299.6811 | O: 303.955.5291 | F: 303.328.2947  
[bryan@pacificnorthent.com](mailto:bryan@pacificnorthent.com) | [www.pacificnorthent.com](http://www.pacificnorthent.com)



PACIFIC NORTH



| PNE REIMBURSEMENT REQUEST |          |      |   |              | ENGINEER'S ESTIMATE |      |  |              |   |
|---------------------------|----------|------|---|--------------|---------------------|------|--|--------------|---|
| Hard Costs                | Quantity | Unit | Unit Cost   | Total        | Quantity            | Unit | Unit Cost                                  | Total        | Total w/ Contingency (30%) and Risk (25%) |
|                           |          |      | Mobilization Subtotal \$                            | 168,000.00   |                     |      | Mobilization Subtotal \$                   | 306,877.00   | \$ 475,859.35                             |
|                           |          |      | Grading and Erosion Control Subtotal \$             | 586,218.75   |                     |      | Grading and Erosion Control Subtotal \$    | 92,063.10    | \$ 142,697.81                             |
|                           |          |      | Sanitary Sewer Subtotal \$                          | 3,300,757.00 |                     |      | Sanitary Sewer Subtotal \$                 | 2,520,880.00 | \$ 3,920,151.50                           |
|                           |          |      | Storm Sewer Subtotal \$                             | 130,337.50   |                     |      | Storm Sewer Subtotal \$                    |              | 49,003.25                                 |
|                           |          |      | Asphalt Subtotal \$                                 | 58,465.00    |                     |      |  |              |   |
|                           |          |      | Gravel Entrance Road and Storage Access Subtotal \$ | 119,121.53   |                     |      |  |              |   |
|                           |          |      | Existing Road Demo and Removal Subtotal \$          | 408,670.22   |                     |      | Existing Road Demo and Removal Subtotal \$ | 742,983.66   | \$ 1,151,624.68                           |
|                           |          |      | Total Hard Costs \$                                 | 5,317,548.00 |                     |      | Total Estimated Hard Costs \$              | 3,662,803.76 | \$ 5,739,136.58                           |
| Soft Costs                |          |      |   |              |                     |      |  |              |   |
|                           |          |      | Construction Management Subtotal \$                 | 425,403.84   |                     |      | Construction Management Subtotal \$        | 109,884.11   | \$ 170,320.37                             |
|                           |          |      | Indirect Subtotal \$                                | 250,084.26   |                     |      | Indirect Subtotal \$                       | 293,024.30   | \$ 454,187.67                             |
|                           |          |      | Engineering Subtotal \$                             | 398,816.10   |                     |      | Engineering Subtotal \$                    | 219,768.23   | \$ 340,640.75                             |
|                           |          |      | Program Management Subtotal \$                      | 265,877.40   |                     |      |  |              |   |
|                           |          |      | Total Soft Costs \$                                 | 1,340,181.60 |                     |      | Total Estimated Soft Costs \$              | 622,676.64   | \$ 965,148.79                             |
|                           |          |      | Total Project Cost \$                               | 6,657,729.60 |                     |      | Total Estimated Project Cost \$            | 4,285,480.40 | \$ 6,704,285.37                           |





**NORTHERN**  
ENGINEERING

## **Engineer's Report and Certification #001**

# **RUDOLPH FARMS LAND DEVELOPMENT**


**October 13, 2022**

### **PREPARED BY:**

**NORTHERNENGINEERING.COM**  
970.221.4158  
**FORT COLLINS**  
**GREELEY**

### **PREPARED FOR:**

**PNE Prospect Road Holdings, LLC**  
900 Castleton Road, Suite 118  
Castle Rock, CO 80109

 This Engineer's Report is consciously provided as a PDF. Please consider the environment before printing this document in its entirety. When a hard copy is necessary, we recommend double-sided printing.



## TABLE OF CONTENTS



|  |          |
|--|----------|
| <b>ENGINEER'S REPORT .....</b>   | <b>1</b> |
| INTRODUCTION .....   | 1        |
| SCOPE OF CERTIFICATION .....   | 1        |
| GENERAL METHODOLOGY.....   | 2        |
| PHASE I – AUTHORIZATION TO PROCEED AND DOCUMENT GATHERING.....             | 2        |
| PHASE II – REVIEW OF DOCUMENTATION .....                                   | 2        |
| PHASE III - SITE VISITS AND MEETINGS .....                                 | 2        |
| PHASE IV – VERIFICATION OF CONSTRUCTION QUANTITIES .....                   | 2        |
| PHASE V – VERIFICATION OF CONSTRUCTION UNIT COSTS AND INDIRECT COSTS ..... | 2        |
| ENGINEER'S CERTIFICATION .....   | 4        |
| <b>APPENDIX A .....</b>  | <b>5</b> |
| COSTS OF IMPROVEMENTS.....   | 5        |
| <b>APPENDIX B .....</b>  | <b>6</b> |
| SUPPORT DOCUMENTATION.....   | 6        |
| <b>APPENDIX C .....</b>  | <b>7</b> |
| SITE VISIT/PHOTOGRAPHS .....   | 7        |



## ENGINEER'S REPORT

### INTRODUCTION

Northern Engineering Services, Inc. ("Northern") was retained PNE Prospect Road Holdings, LLC (the "Developer") as an Independent Consulting Engineer to review the costs of improvements for the Rudolph Farms development.

An Advance and Reimbursement Agreement and Facilities Acquisition Agreement (the "Agreement") by and between the Rudolph Farms Metropolitan District No. 6 (the "District") and the Developer, dated effective July 17, 2022, considers a portion of the costs are eligible to be reimbursed by the District. This report intends to provide a review of applicable costs, materials, and construction activities before the Developer submits for reimbursement to the District in an effort to expedite the District Engineer and District Attorney review and approvals.

The District service area is located within the City of Fort Collins, Colorado, generally located directly northwest of the Interstate 25 and Prospect Road intersection encompassing, approximately 115.5 acres of land ("Service Area"). This certification considers constructed improvements, public infrastructure, facilities, services, and associated soft, hard, and indirect construction costs ("Public Improvements") to advance or expended funds to an amount not to exceed Nine million Eight Hundred Thousand Dollars (\$9,800,000) (the "Maximum Advance Amount") per the Agreement through the Metropolitan District No. 6, which encompasses work for Metropolitan Districts 1-6.

### PUBLIC IMPROVEMENTS AS AUTHORIZED BY THE SERVICE PLAN

Northern understands the City of Fort Collins City Council approved the "Consolidated Service Plan for Rudolph Farms Metropolitan Districts Nos. 1-6" (the "Service Plan") on March 6, 2016, to provide certain public improvements and facilities authorized by the Special District Act and their Service Plan and has reviewed the Agreement dated effective July 17, 2022.

The Agreement provides certain parameters for the financing, development, and administration of certain public facilities, improvements, and appurtenances within the District Service Area.

Northern has determined the Public Improvements under consideration in this report and certification for reimbursement by the District are indeed authorized by the Service Plan and the Agreement. Additionally, certain services directly related to the provision of Public Improvements also permit purposes, including but not limited to, engineering, architectural, surveying, construction management, testing, planning, legal, accounting, and other professional services.

The Agreement defines three (3) areas of reimbursable costs, which are further separated into three (3) Exhibits. Exhibit A, Application for Acceptance of District Eligible Costs, Exhibit B – Application for Acceptance of Public Infrastructure, and Exhibit B – Application for Acceptance of Eligible Professional Service Costs. However, due to the nature of the Agreement, the costs to be certified within this report are intended to apply to District Eligible Costs, which include hard and soft costs.

### SCOPE OF CERTIFICATION

The Agreement has identified cost categories eligible for reimbursement and reviewed for this report including improvements associated with streets, water, wastewater, parks, recreation, landscaping, irrigation, traffic & safety, public transportation, television, mosquito control, and security improvements.



## **GENERAL METHODOLOGY**

Northern employed a phased approach toward the preparation of this Engineer's Report and Certification of District Eligible Costs ("Engineer's Certification").

### **PHASE I – AUTHORIZATION TO PROCEED AND DOCUMENT GATHERING**

Northern was authorized to proceed with the Engineer's Certification with an agreement formalized on September 12, 2022, with the Developer. The initial documentation was provided by the Developer on September 15, 2022.

### **PHASE II – REVIEW OF DOCUMENTATION**

See Appendix B for a complete listing of documents reviewed, as deemed necessary, by Northern. Documentation included, but was not limited to, work that has already been performed and constructed such as Bank Inspection Reports, Testing Reports, Construction Plans, Lien Releases, and Pay Applications.

Additionally, Brian Zick of Boxelder Sanitation District has been coordinating with the Developer to issue acceptance up to MH16.

### **PHASE III - SITE VISITS AND MEETINGS**

Northern has performed a site visit to verify the completion of work relating to Public Infrastructure improvements that had been performed, completed, and in progress from September 2021 through June 1, 2022. See Appendix C for general descriptions and photographs.

### **PHASE IV – VERIFICATION OF CONSTRUCTION QUANTITIES**

Construction pay applications were evaluated against applicable construction drawings. These were used in conjunction with Phase V below to certify the reasonableness of construction costs.

### **PHASE V – VERIFICATION OF CONSTRUCTION UNIT COSTS AND INDIRECT COSTS**

Construction Unit Costs and Indirect Costs were reviewed for market reasonableness as applicable. It should be understood that the volatility of the current market may not align with traditional costs nor site conditions that may have existed in September 2021 versus current market conditions. In general, Northern utilized awarded public bids, including, but not limited to, Littleton and Longmont for sewer infrastructure projects. Additionally, Northern has an estimate from a contract in 2021 for a private development that required offsite utilities, including dewatering and other similar items as well. Due to the nature of the invoicing and breakdown, used an overall average of costs down to the linear foot ranging from \$300-\$800. As such, Northern took into consideration the type of construction and the timeframe during which the construction occurred. To the extent possible, Northern determined that the costs incurred were within a reasonable range.

The attached Engineer's Certification states the Independent Consulting Engineer finds and determines the constructed value of the Public Improvements considered in this Engineer's Report, including both soft and hard costs from approximately the month of September 1, 2021, through June 1, 2022, is valued at \$6,657,729.60, to be funded by the District. Table I summarizes costs certified to date as Eligible District Costs, as part of the Agreement. Additional details, forms, and/or applications may be submitted under separate cover as requested by the District.



**Table I – Cost Certified to Date - Summary**

| <b>Certification No.</b> | <b>Application Period</b>  | <b>Date Received</b> | <b>Project Cost</b>   | <b>District Eligible Costs (Exhibit A)</b> | <b>Cumulative Project Costs</b> | <b>Cumulative District Eligible Costs</b> |
|--------------------------|----------------------------|----------------------|-----------------------|--|---------------------------------|---|
| <b>1</b>                 | <b>Sept '21 – June '22</b> | <b>Sept 15, 2022</b> | <b>\$6,657,729.60</b> | <b>\$6,657,729.60</b>                      | <b>\$6,657,729.60</b>           | <b>\$6,657,729.60</b>                     |



## ENGINEER'S CERTIFICATION

I, Bradley A Curtis, PE of Northern Engineering Services, licensed in the State of Colorado, hereby state the following:

1. I am an engineer duly qualified to issue a professional opinion respecting the fitness and condition of the improvements and costs described in Appendix A attached hereto which have been constructed and are proposed to be conveyed to Rudolph Farms Metropolitan District No. 6 (the "District") pursuant to a certain Advance and Reimbursement and Facilities Acquisition Agreement (the "Agreement") by and between the District and PNE Prospect Road Holdings, LLC (the "Developer"), dated effective July 17, 2022.
2. I have observed and otherwise reviewed the public improvements described in Appendix A attached hereto (the "Improvements") and have reviewed the costs therein, including applicable soft and indirect, District funded, and hard costs from approximately the month of September 1, 2021, through June 1, 2022, is valued at \$6,657,729.60, to be funded by the District.
3. I have found the Improvements to be constructed in general conformance with the approved design documents and it is my professional opinion the Improvements are fit for the purpose intended by the Agreement.
4. I have found the costs outlined in Appendix A to be reasonable and consistent with the costs of similar Improvements constructed for similar purposes.

**Independent Consulting Engineer**

By:   
Bradley A. Curtis, PE, CPM, LEED AP  
Northern Engineering Services, Inc.



## APPENDIX A COSTS OF IMPROVEMENTS

PNE Prospect Road Constructors, LLC  
Project: Rudolph Farms Metro - Off site Sewer Extension and On site Demo

Project Billing Period - 9.1.21 - 6.1.22

| DESCRIPTION  | QTY   | UNIT | UNIT \$       | TOTAL                  | NOTES   |
|--|-------|------|---------------|------------------------|---|
| <b>HARD COSTS</b>  |       |      |               |                        |   |
| <b>Sealand Development - Subcontractor</b>   |       |      |               |                        |   |
| SDC - PE1 - Paid 4.27.22   |       |      |               | \$ 191,618.00          |   |
| SDC - PE2 - Paid 6.16.22   |       |      |               | \$ 2,859,952.00        |   |
| <b>Subtotal subcontractor</b>  |       |      |               | <b>\$ 4,771,570.00</b> |   |
| <b>GCs / Mobilization / Potholing</b>  |       |      |               |                        |   |
| General Conditions (10%)   | 1.00  | LS   | \$ 477,557.00 | \$ 477,557.00          |   |
| Pothole Existing Utilities - locates   | 1.00  | LS   | \$ 18,965.00  | \$ 18,965.00           |   |
| Install office and gravel lay down yard of 1 acre including fuel and waste facilities and security fencing | 1.00  | LS   | \$ 49,866.00  | \$ 49,866.00           |   |
| <b>Subtotal GCs / Mobilization / Potholing --&gt;</b>  |       |      |               | <b>\$ 546,378.00</b>   |   |
| <b>Total Hard Costs --&gt;</b>   |       |      |               | <b>\$ 5,317,948.00</b> |   |
| <b>CONSTRUCTION MANAGEMENT</b>   |       |      |               |                        |   |
| Construction Management  | 8.00% | LS   |               | \$ 425,403.84          |   |
| <b>Total Construction Management --&gt;</b>  |       |      |               | <b>\$ 425,403.84</b>   |   |
| <b>Total Hard Costs + Construction Management --&gt;</b>   |       |      |               | <b>\$ 5,742,951.84</b> |   |
| <b>INDIRECTS</b>   |       |      |               |                        |   |
| Permits & Fees   | 1.50% | LS   |               | \$ 78,763.22           | % of Total Hard Costs                           |
| Payment & Performance Bonds  |       | LS   |               | \$ -                   | % of Total Hard Costs + Construction Management |
| General Liability Insurance (adjusted for this project)  | 2.00% | LS   |               | \$ 114,859.04          | % of Total Hard Costs + Construction Management |
| Testing and QA   | 1.00  | LS   |               | \$ 55,462.00           |   |
| <b>Total Indirect Costs --&gt;</b>   |       |      |               | <b>\$ 250,084.26</b>   |   |
| <b>ENGINEERING</b>   |       |      |               |                        |   |
| Land Surveying - Design & Construction   | 2.00% | LS   |               | \$ 108,390.98          |   |
| Civil Engineering - Design & Construction  | 4.00% | LS   |               | \$ 212,701.92          |   |
| Geotechnical Engineering - Design & Construction   | 1.50% | LS   |               | \$ 78,763.22           |   |
| <b>Total Engineering --&gt;</b>  |       |      |               | <b>\$ 399,816.10</b>   |   |
| <b>Total Hard Costs, Construction Management, Indirects &amp; Engineering --&gt;</b>                       |       |      |               | <b>\$ 6,391,652.20</b> |   |
| <b>PROGRAM MANAGEMENT</b>  |       |      |               |                        |   |
| Program Management   | 5.00% | LS   |               | \$ 265,877.40          |   |
| <b>Total Program Management --&gt;</b>   |       |      |               | <b>\$ 265,877.40</b>   |   |
| <b>Total Project --&gt;</b>  |       |      |               | <b>\$ 6,657,729.60</b> |   |



## **APPENDIX B SUPPORT DOCUMENTATION**

- Bank Inspection Reports (dated 04.25.2022, 06.09.2022)
- Sewer Testing/Inspection (dated 07.22.2022)
- Dewatering Permit (dated 01.03.2022)
- Dewater Logs (dated 01.31.2022-06.16.2022)
- Stormwater Permit Certification (dated 11.05.2021)
- Stormwater Inspection Reports (dated 12.29.2021 – 06.07.2022)
- Sunland Development Company (SDC) Lien Releases, Pay Applications and Contract (09.01.2021-06.01.2022)
- SDC Summary Sheet/Exhibit (09.01.2021)
- Public Improvement Sewer Construction Plans (dated 02.17.2022)
- Frontage Road Removal/Erosion Control Plan (dated 02.01.2022)
- Compaction Reports Ft Collins/Box Elder Sewer( dated 4.16.2022 – 07.09.2022)



## **APPENDIX C**

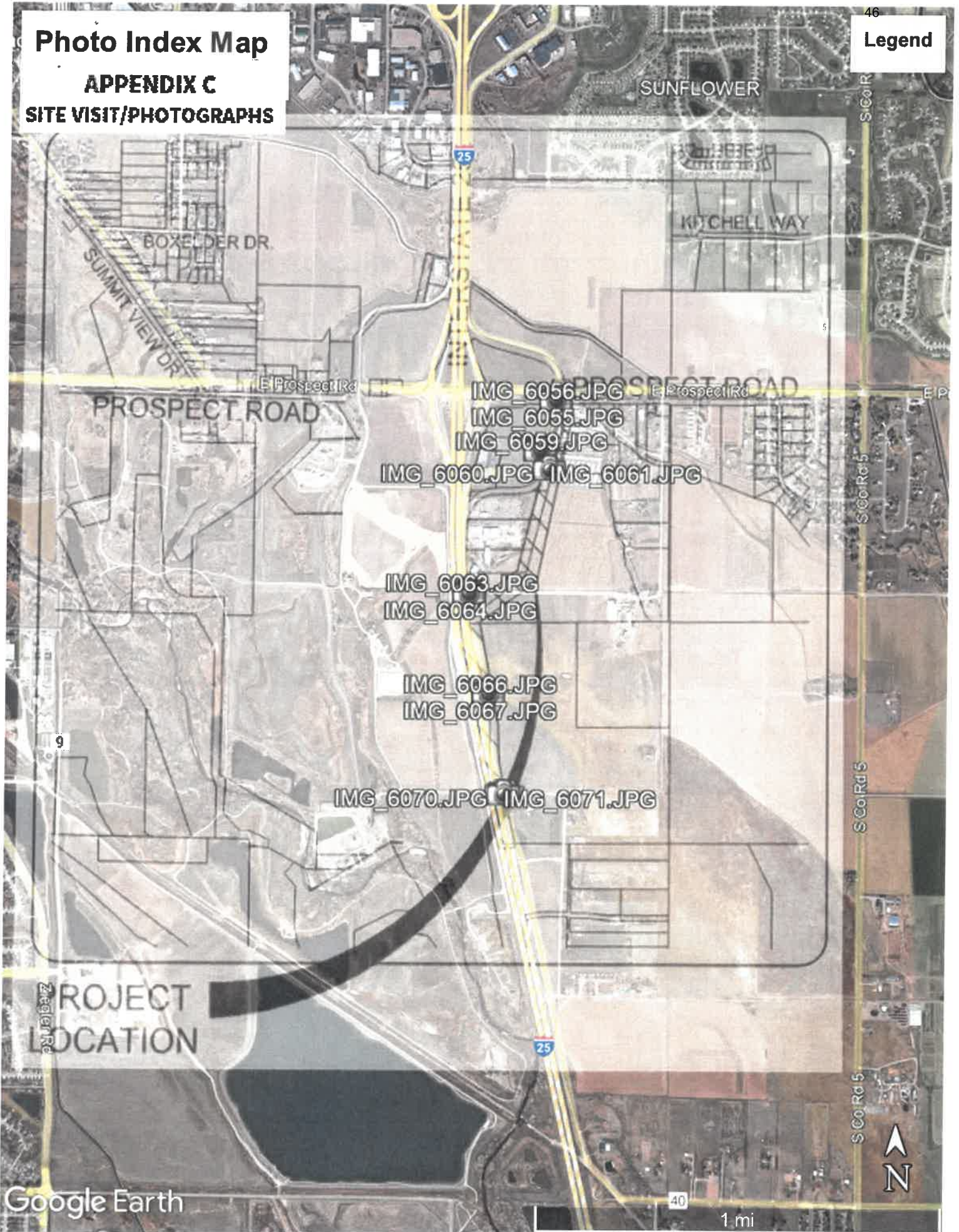
### **SITE VISIT/PHOTOGRAPHS**

Site Visit and observations were performed on September 23, 2022. Evidence of frontage road being demolished up to the limits of CDOT right of way along Interstate 25 exists. Sewer system construction activities were evidenced south of Prospect Road where materials, equipment, and dewatering activities exist. Sewer work appears completed to Manhole #16, with the areas south (offsite) showing evidence of completed installations by observation of manholes, established reseeding, and locate markers.

---



**Photo Index Map**  
**APPENDIX C**  
**SITE VISIT/PHOTOGRAPHS**







IMG\_6055



IMG\_6059



IMG\_6063



IMG\_6057



IMG\_6061



IMG\_6064



IMG\_6056



IMG\_6060



IMG\_6065



IMG\_6058



IMG\_6062



IMG\_6066





IMG\_6067



IMG\_6071



IMG\_6068



IMG\_6072



IMG\_6069



IMG\_6070



**DAILY CONSTRUCTION REPORT**

Date 10/12/2022

Day

|                          |                                     |                          |                          |                          |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| S                        | M                                   | T                        | W                        | TH                       | F                        | S                        |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

 PROJECT \_\_\_\_\_  
 CONTRACT NO. \_\_\_\_\_  
 G.C. \_\_\_\_\_  
 PROJECT MANAGER \_\_\_\_\_

WEATHER

|   |  |                                      |                                   |                                  |
|---|--|--------------------------------------|-----------------------------------|----------------------------------|
| Clear<br><input type="checkbox"/>           | Pt. Cloudy<br><input type="checkbox"/> | Overcast<br><input type="checkbox"/> | Rain<br><input type="checkbox"/>  | Snow<br><input type="checkbox"/> |
| TEMP.<br>< 32<br><input type="checkbox"/>   | 32-50<br><input type="checkbox"/>      | 50-70<br><input type="checkbox"/>    | 70-85<br><input type="checkbox"/> | 85 ><br><input type="checkbox"/> |
| WIND<br>Calm<br><input type="checkbox"/>    | Moderate<br><input type="checkbox"/>   | High<br><input type="checkbox"/>     |                                   |                                  |
| HUMIDITY<br>Dry<br><input type="checkbox"/> | Moderate<br><input type="checkbox"/>   | Humid<br><input type="checkbox"/>    |                                   |                                  |

**PRIME FIELD FORCE**

|                    |             |         |           |
|--------------------|-------------|---------|-----------|
| Name of Contractor | Supervisory | Foreman | Inspector |
|--------------------|-------------|---------|-----------|

**CONSTRUCTION EQUIPMENT AND ACTIVITIES**

 Berquist  
Sewer\_I-25-Prospect

 Google Earth  
map.pdf

I prepared the attached google earth map to help locate the manholes with respect to the existing terrain. The project plan lengths position manhole A12 in two distinctly different locations depending on whether the measurement begin at MH A9 or A16. My notes are on the sanitary profile drawings provided in the file attached above. The total differences in pipe length that I measured with a small measuring wheel (twice then averaged) are in red. Sheet SS4 of the attached plans has a table that shows I measured 333 LF less than the plan calls for. MH A15 was not found. It is likely covered in gravel in what was used as a storage yard for the project. The area was not accessible at the time of my observation.

My second problem is understanding why pavement removal on the frontage road was essential to the project. There are no notes on the provided plans that call for pavement removal. The sewer was installed in an easement across private property and well beyond the frontage road or the relocated portions thereof. Why or how was this considered essential to the sewer project? Maybe this was a change order for the CDOT permit that we have not seen.

Finally, there is no gravel access road in place to provide all weather access across the sewer easement. This is called for on the plans for the entire length. Only MH A16 sits in a muddy graveled area and any sign of gravel stops at the end of the storage area. Maybe we could say there is 400 feet of graveled surface but only 250 feet through the staging area is sufficiently covered.

Pictures of the coated manhole sections they are using on the project, one of the staging area, and one of the asphalt street and steel rail fence that was paid for by the project are show on the following pages.





↑ sewer alignment – note there is no gravel access road

Staging area



Typical coated manhole section used on the project





Asphalt pavement and steel rail fence installed on McLaughlin Land at Frontage Road intersection

Name: George A. Cicoff, PE, PLS

Title: Sr. Project Engineer







TRACTS OF LAND LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 88 WEST OF THE 6TH P.M.,  
COUNTY OF LARIMER, STATE OF COLORADO

PROJECT  
LOCATION

 NORTH

VICINITY MAP

[illegible]

**SUBSURFACE EXPLORATION:**

Earth Engineering, Inc.      Exploration Report CES-007 26-Ave  
P.O. Box 100      Parcel Southwest of East President Road 1 1/2°  
Fort Collins, Colorado      98500  
970-225-1951       
Date: November 2, 2007

Earth Engineering, Inc.  
"Preliminary Subsurface Exploration Report (SURE 26-A) on  
Parcel Southwest of East Prospect Road and 1<sup>st</sup> 1/2<sup>nd</sup>  
Fort Collins, Colorado  
EEC Project No. 1072181  
Date: November 9, 2007

|  |  |
|--|--|
| <b>OWNER</b><br><b>JETTING</b><br>Paradigm Properties, LLC<br>2500 Knoll Drive, Ste A<br>Ventura, California 93003 | <b>DEVELOPER/APPLICANT</b><br><b>Jeff Hill</b><br>Paradigm Properties, LLC<br>2500 Knoll Drive, Ste A<br>Ventura, California 93003 |
|--|--|

Northern Engineering Services, Inc.  
Andy Reese  
301 North Hower Street, Suite 100  
Fort Collins, Colorado 80521

Northern Engineering Services, Inc.  
Bob Tensely, PLS  
301 North Hower Street, Suite 100  
Fort Collins, Colorado 80521

Northern Engineering Services, Inc.  
301 North Howard Street, Suite 100  
Fort Collins, Colorado 80521  
(970) 221-4158

Earth Engineering Consultants, LLC  
David A. Richter, PE  
4390 Greenfield Drive  
Windsor, Colorado 80550

| COVER SHEETS |   |
|--------------|---|
| 1            | CS1 COVER SHEET                               |
| 2            | CS2 BOXELDER GENERAL NOTES                    |
| 3-4          | EX1-EX2 EXISTING CONDITIONS & DEMOLITION PLAN |
| 5-10         | SS1-SS6 SANITARY SEWER LINE & PLAN & PROFILE  |
| 11           | D1 DETAILS                                    |

## I-25 & PROSPECT PROPERTIES

Reviewed By: W. A. R. R. R. Date: 2/17/2022  
Water-Sewer Chief Engineer

Review does not constitute "approval" of plans. Permittee is responsible for accuracy and completeness of plans.

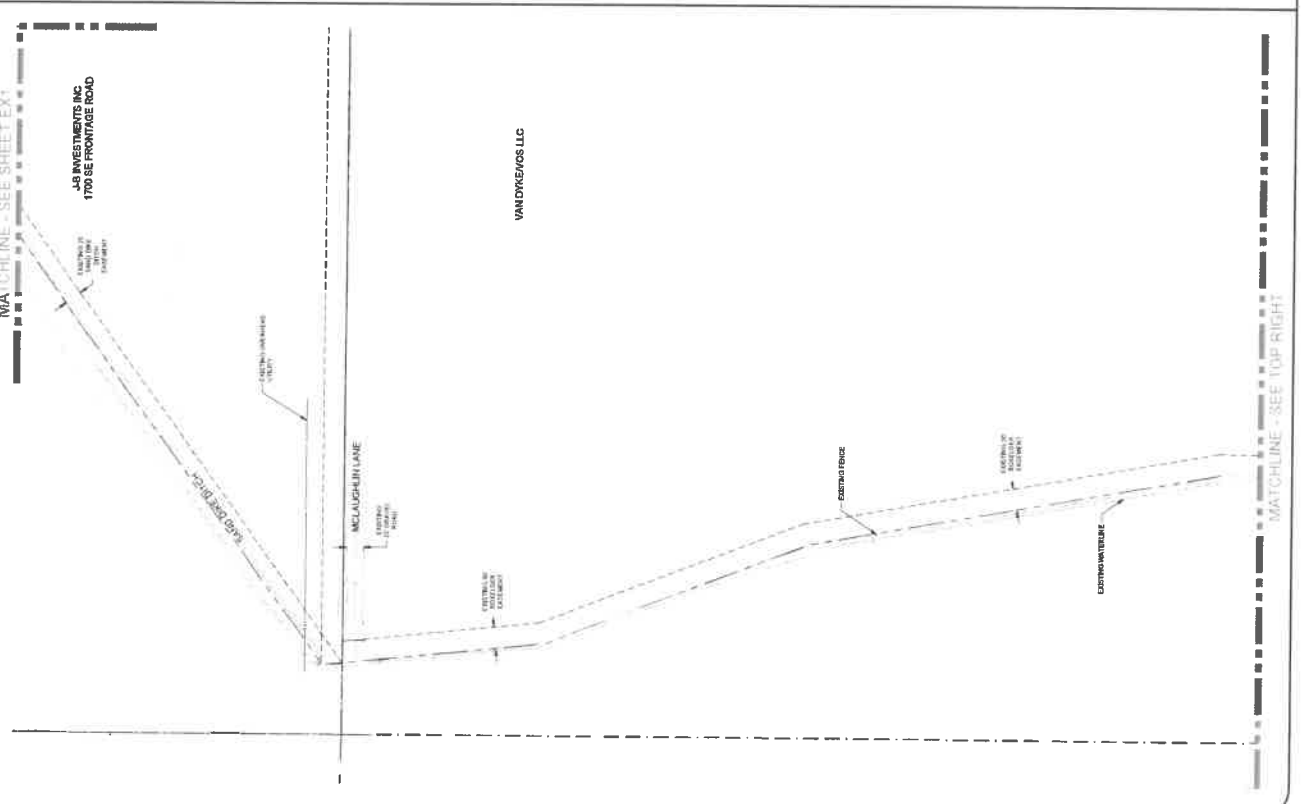














|            |                           |
|------------|---------------------------|
| DATE       | 2/17/2022                 |
| BY         | W. J. GRIFFIN             |
| CHECKED BY | W. J. GRIFFIN             |
| SCALE      | AS SHOWN                  |
| PROJECT    | 125 & PROSPECT PROPERTIES |
| SHEET      | SSS                       |
| OF         | 11 SHEETS                 |



**NORTHERN ENGINEERING**

**PLAN & PROFILE**

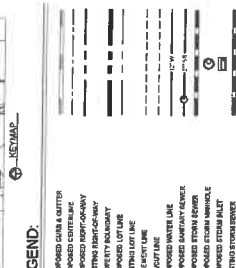
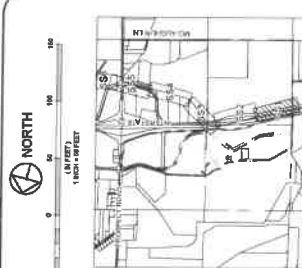
|            |                           |
|------------|---------------------------|
| DATE       | 2/17/2022                 |
| BY         | W. J. GRIFFIN             |
| CHECKED BY | W. J. GRIFFIN             |
| SCALE      | AS SHOWN                  |
| PROJECT    | 125 & PROSPECT PROPERTIES |
| SHEET      | SSS                       |
| OF         | 11 SHEETS                 |

# **125 & PROSPECT PROPERTIES** **SANITARY SEWER LINE A** **PLAN & PROFILE**

Sheet  
**SSS**  
OF  
**11** SHEETS

2/17/2022

Reviewed By: *W. J. Griffin*  
Chief Engineer  
Date: 2/17/2022  
Responsible for accuracy and completeness of plans.



**NOTES:**

- THE CITY OF GREELEY HAS REVIEWED THIS PLAN AND APPROVED IT FOR CONSTRUCTION. THE CITY OF GREELEY IS NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THIS PROJECT.
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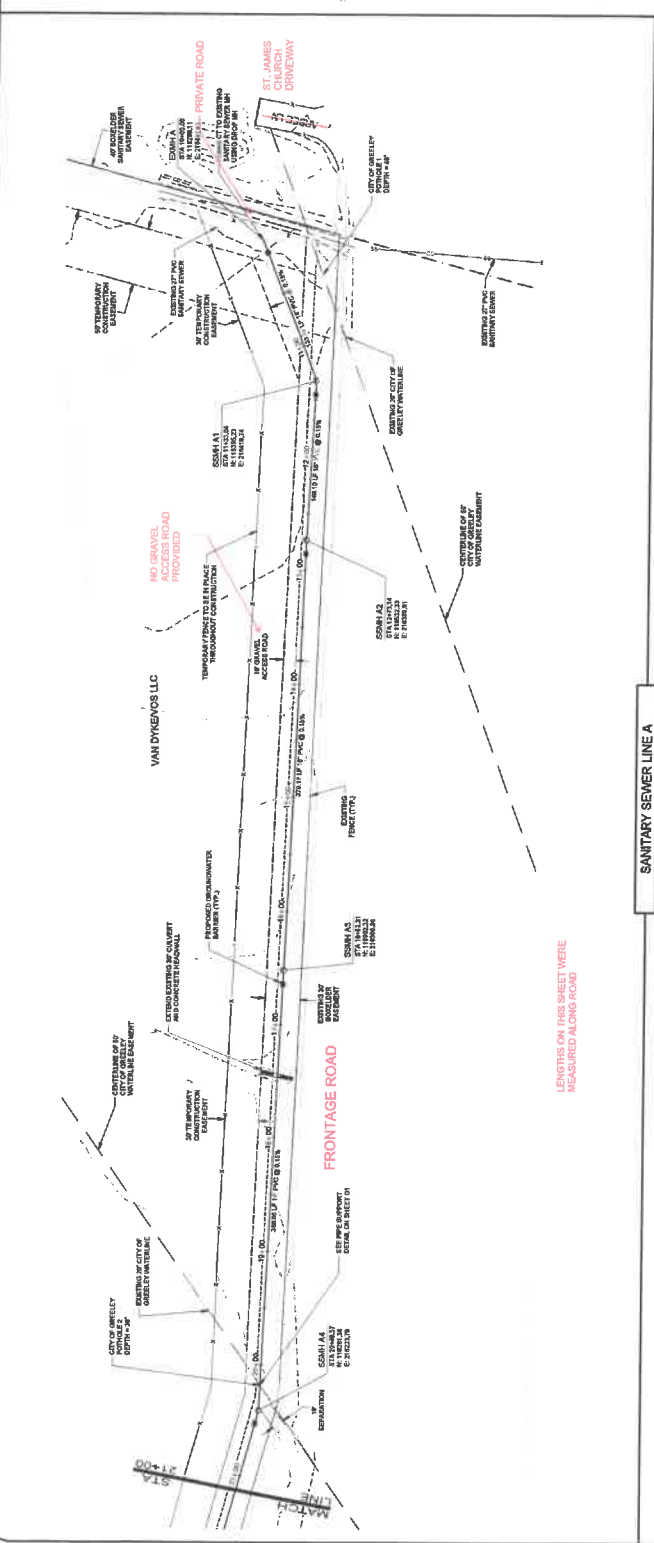
**QUALITY NOTATION CENTER OF**

**811**

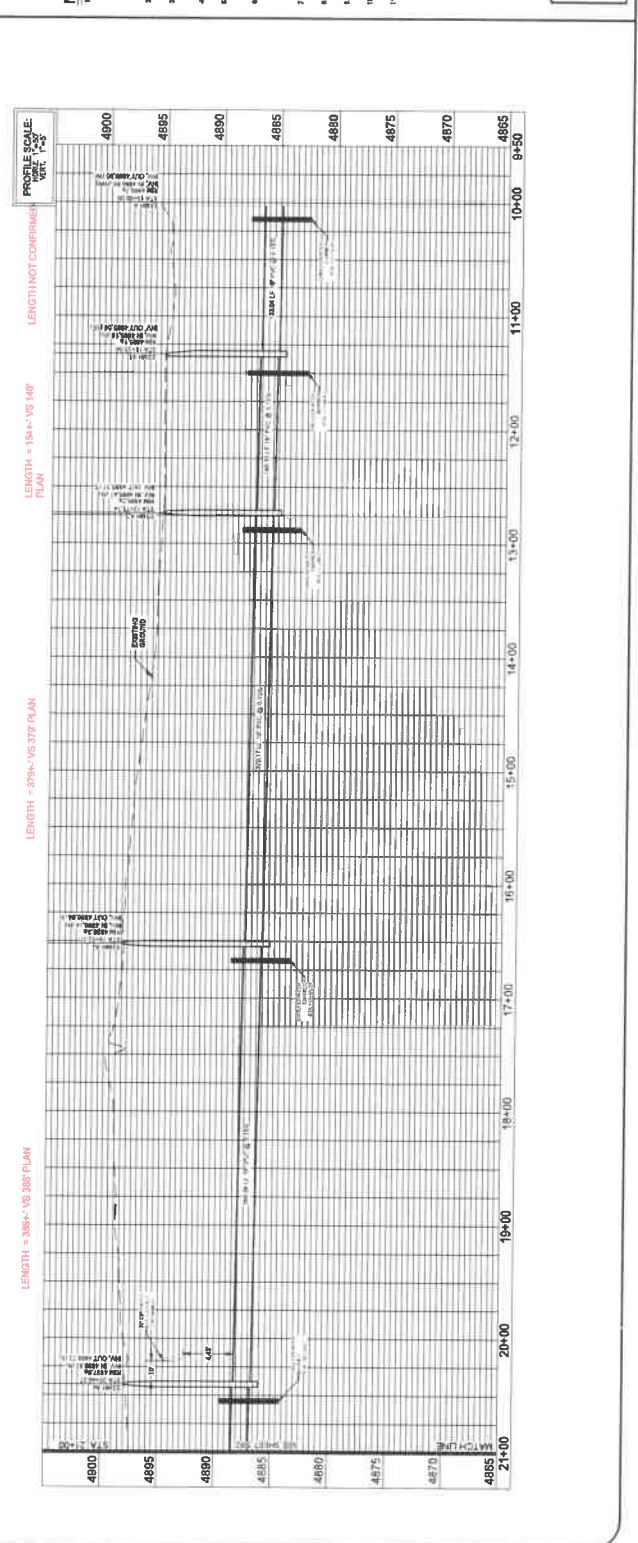
Have your 811 call before you dig.

Call before you dig.

Reviewed By: *W. J. Griffin*  
Chief Engineer  
Date: 2/17/2022  
Responsible for accuracy and completeness of plans.

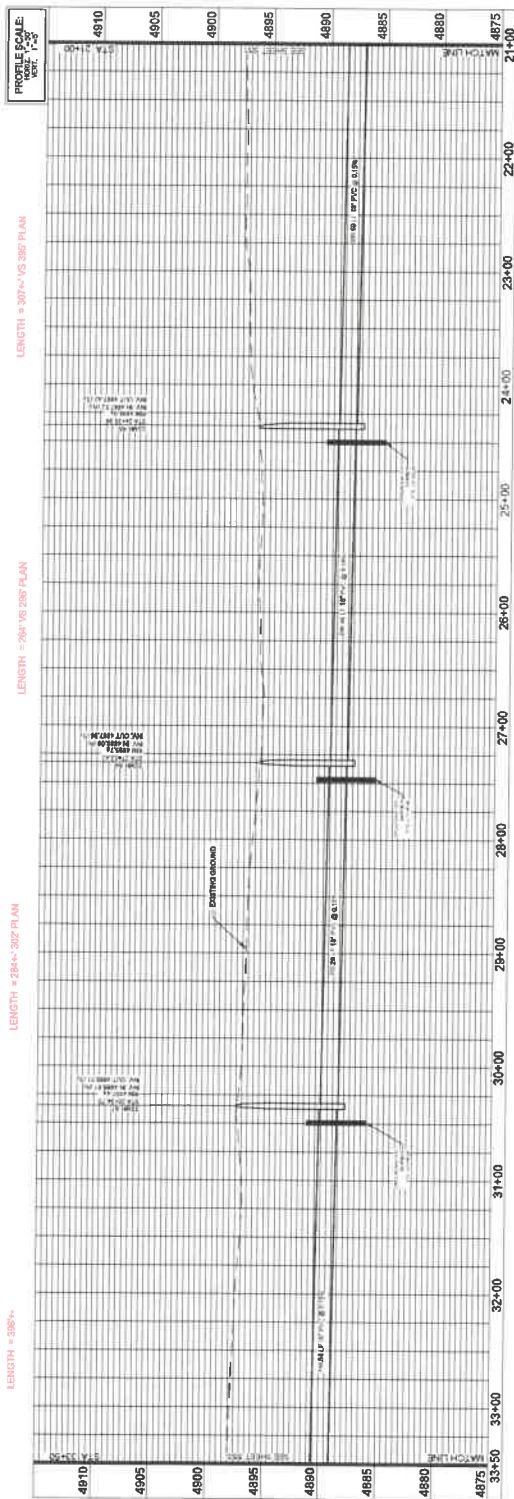
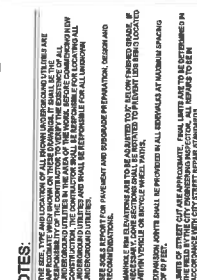


**SANITARY SEWER LINE A**

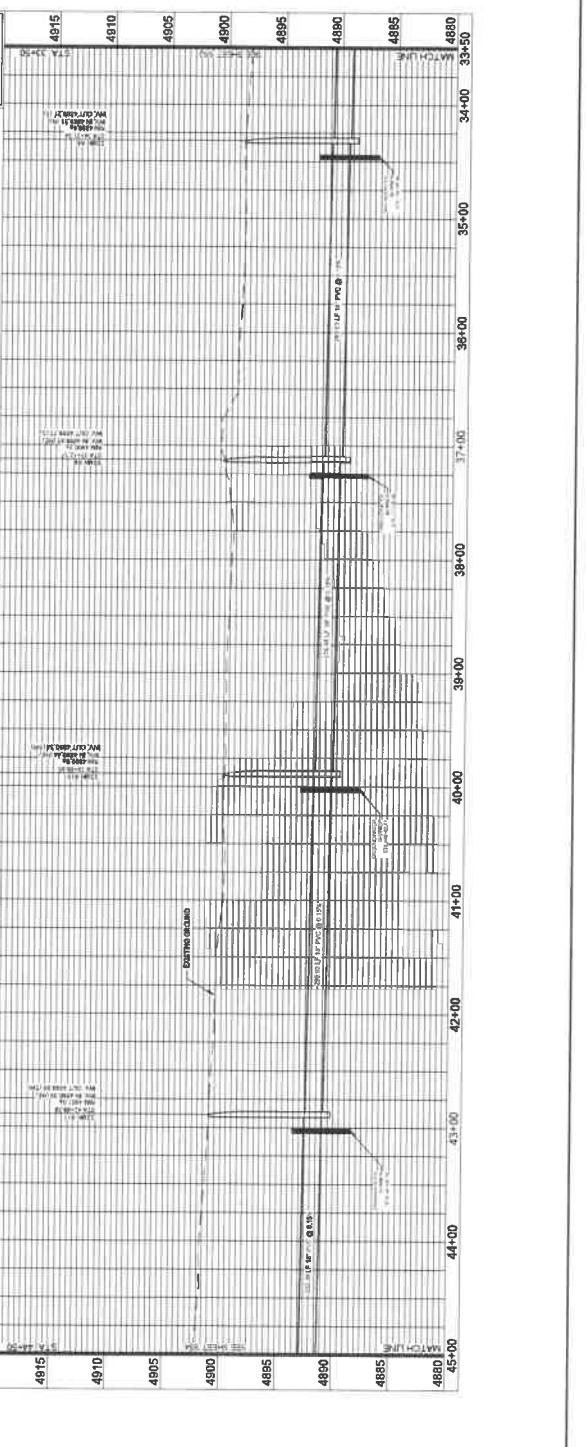
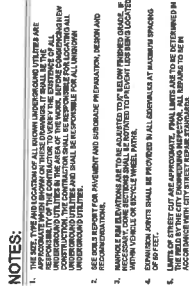


**SANITARY SEWER LINE A**



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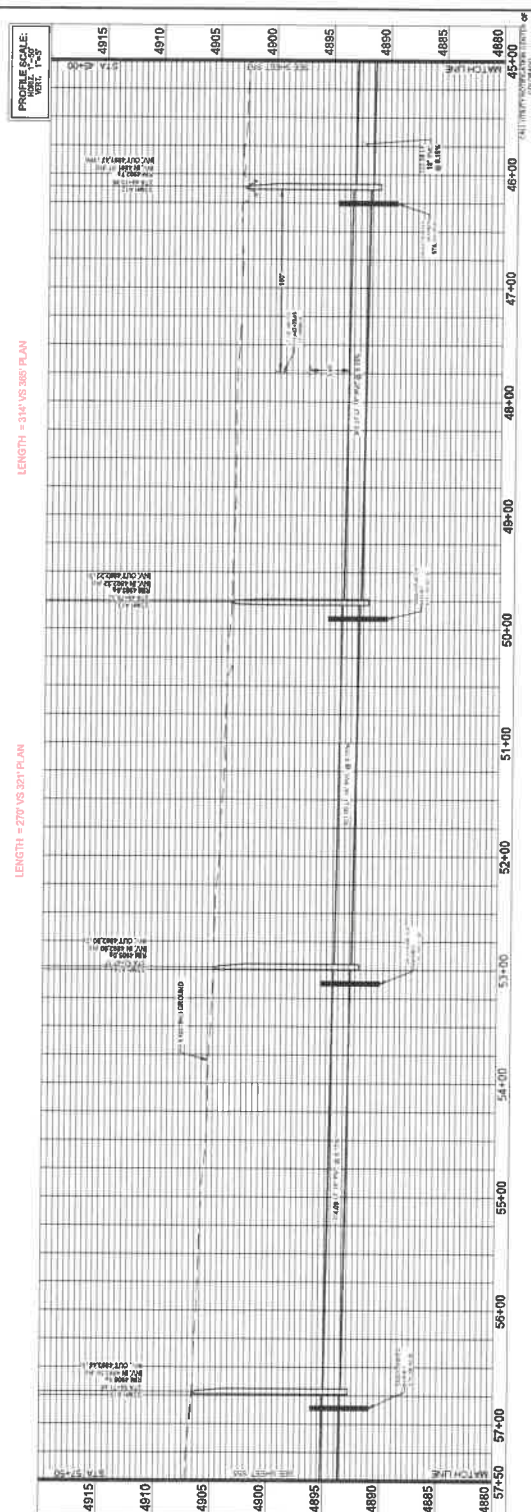
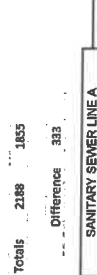




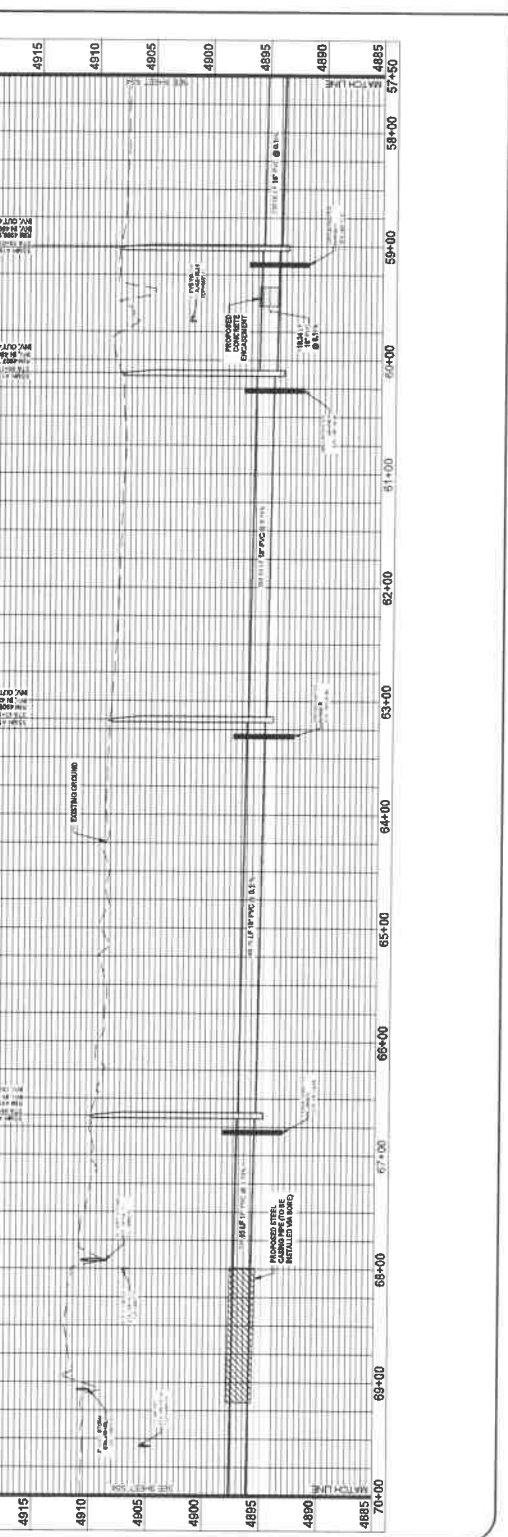
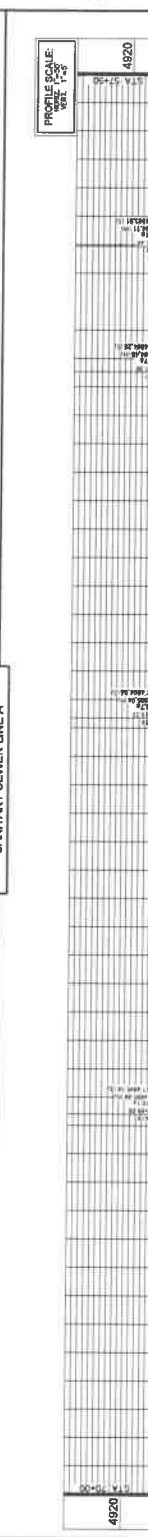
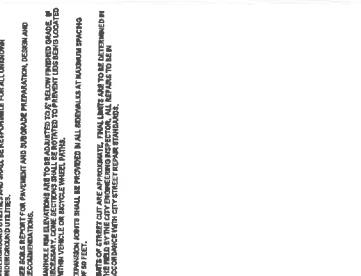
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Reviewed By: Adam Date: 2/17/2022  
VP Chief Engineer

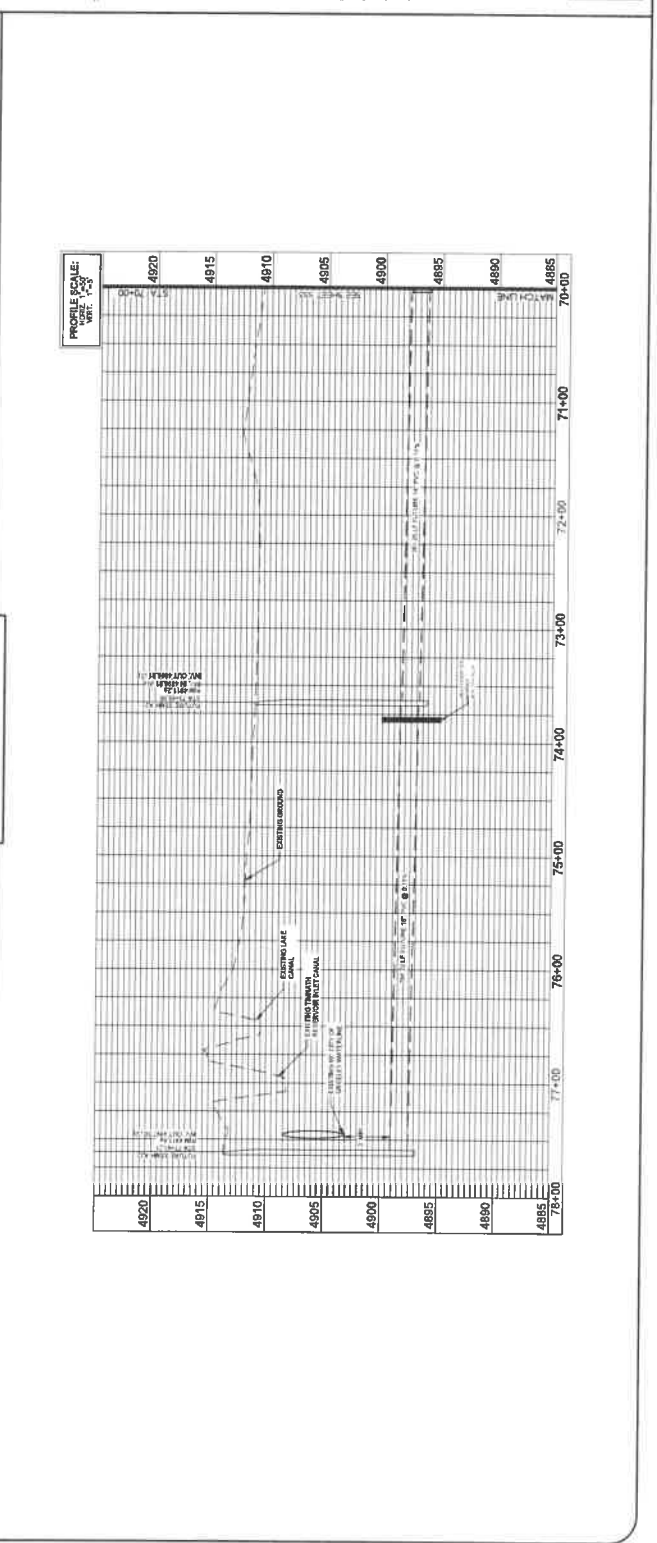
Review does not constitute "approval" of plans. Permittee is responsible for accuracy and completeness of plans.



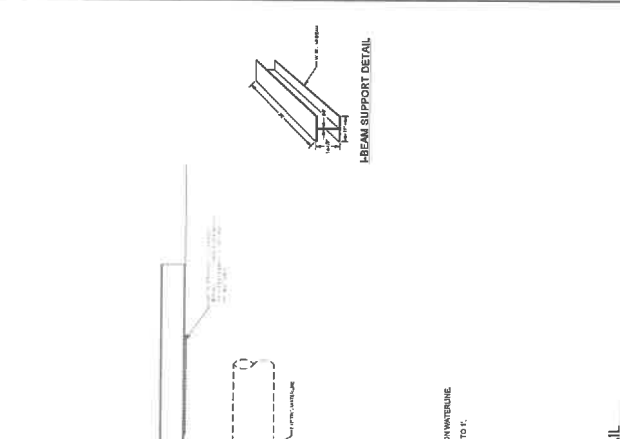
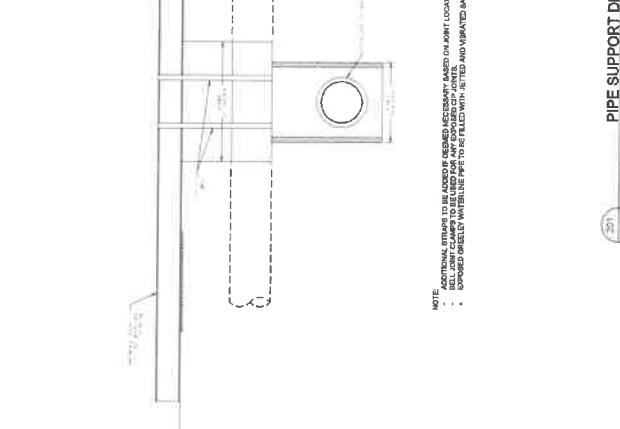
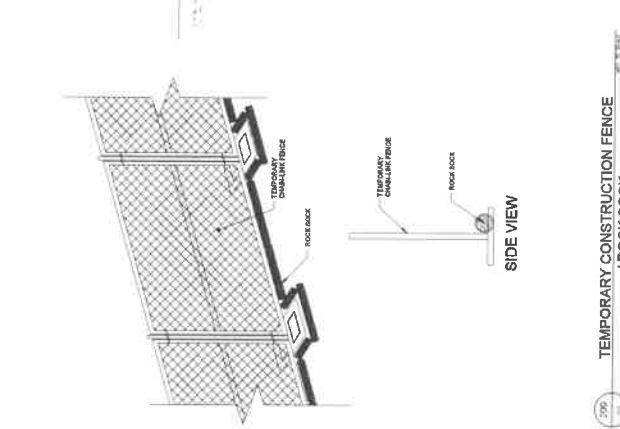
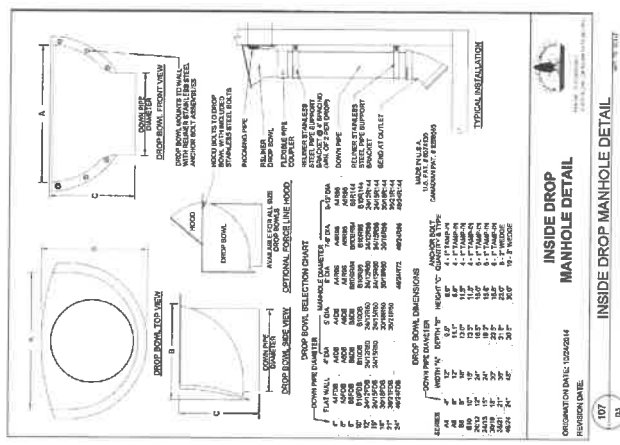
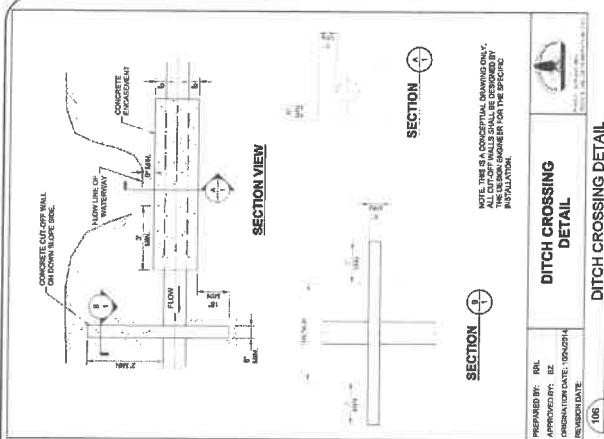
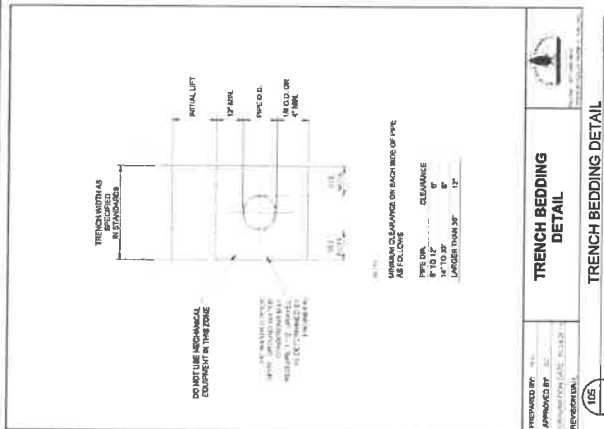
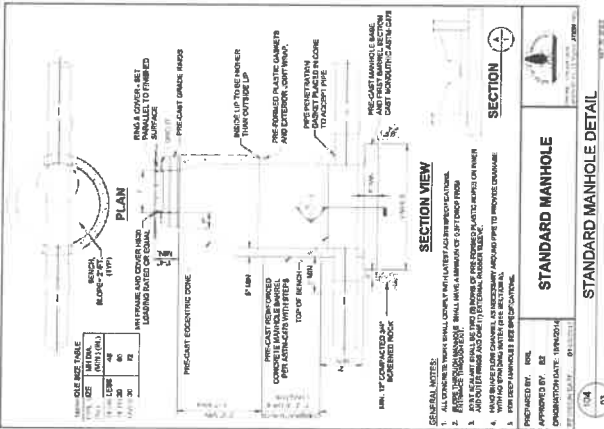
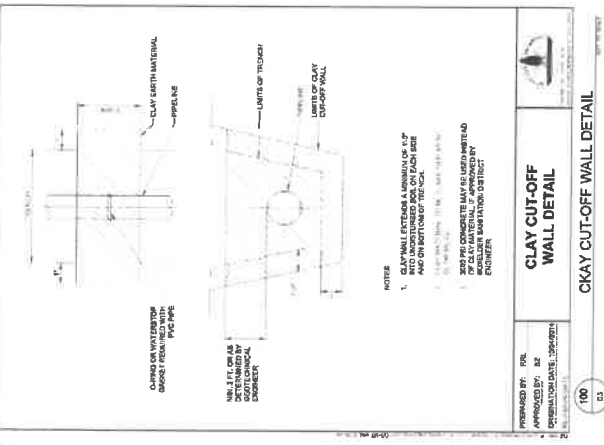














**EXHIBIT C**

Certification of Preliminary Acceptance of Sanitary Sewer Line Installation  
From Boxelder Sanitation District





# Boxelder Sanitation District

## **CERTIFICATION OF PRELIMINARY ACCEPTANCE OF SANITARY SEWER LINE INSTALLATION**

**Project: I25 & Prospect Road Sewer Line  
(Berquist Sewer Extension)**

Boxelder Sanitation District (District) hereby grants preliminary acceptance, effective October 17, 2022 to PNE Prospect Road Holdings, LLC, Paradigm Properties LLC, The Meadows at Prospect Road, LLC, J-B Investments, Inc of the portion(s) of the I25 & Prospect Road Sewer Line described below and also depicted in the attached drawing (Exhibit A). Included are the following sanitation sewer sections (on the approved construction drawing set):

The portion of the Berquist Sewer Extension line including 5,000 lf of 18 inch sewer line and manholes and epoxy coatings of manholes from the connection at the Drake Interceptor to MH16

Upon the effective date of this Preliminary Acceptance, the warranty period of two years shall commence to run. Owner is responsible for inspection, repair, and replacement of any portion of the aforementioned Collection System until Final Acceptance is given. Final acceptance shall not be issued until (a) two years following the date of Preliminary Acceptance; or (b) if warranty work is in process or needed at the two year anniversary of Preliminary Acceptance, upon the completion of the warranty work as accepted by Boxelder; whichever date last occurs.

At the expiration of the applicable warranty period and at issuance of Final Acceptance, the District shall accept full responsibility for the inspection, operation, maintenance, repair, and replacement of the Collection System (or portion thereof) identified above excepting only the individual sanitary sewer service lines (laterals) connecting the individual properties to the sewer mains.

The Owner shall provide certification of the total cost elements of the constructed Sewer Line to the District within 90 days of issuance of this Preliminary Acceptance.

IN WITNESS WHEREOF, the parties hereto have executed this "Certification of Preliminary Acceptance of Sewer Line Installation".

**Owner (Or Authorized Agent)**  
PNE Prospect Road Holdings, LLC

**BOXELDER SANITATION DISTRICT**

\_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

Position: \_\_\_\_\_

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

\_\_\_\_\_  
Brian Zick

Position: District Manager

Date: 10/17/2022



**Owner (Or Authorized Agent)**  
Paradigm Properties, LLC

\_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

Position: \_\_\_\_\_

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

**Owner (Or Authorized Agent)**  
The Meadows at Prospect Road, LLC

\_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

Position: \_\_\_\_\_

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

**Owner (Or Authorized Agent)**  
J-B Investments, Inc

\_\_\_\_\_

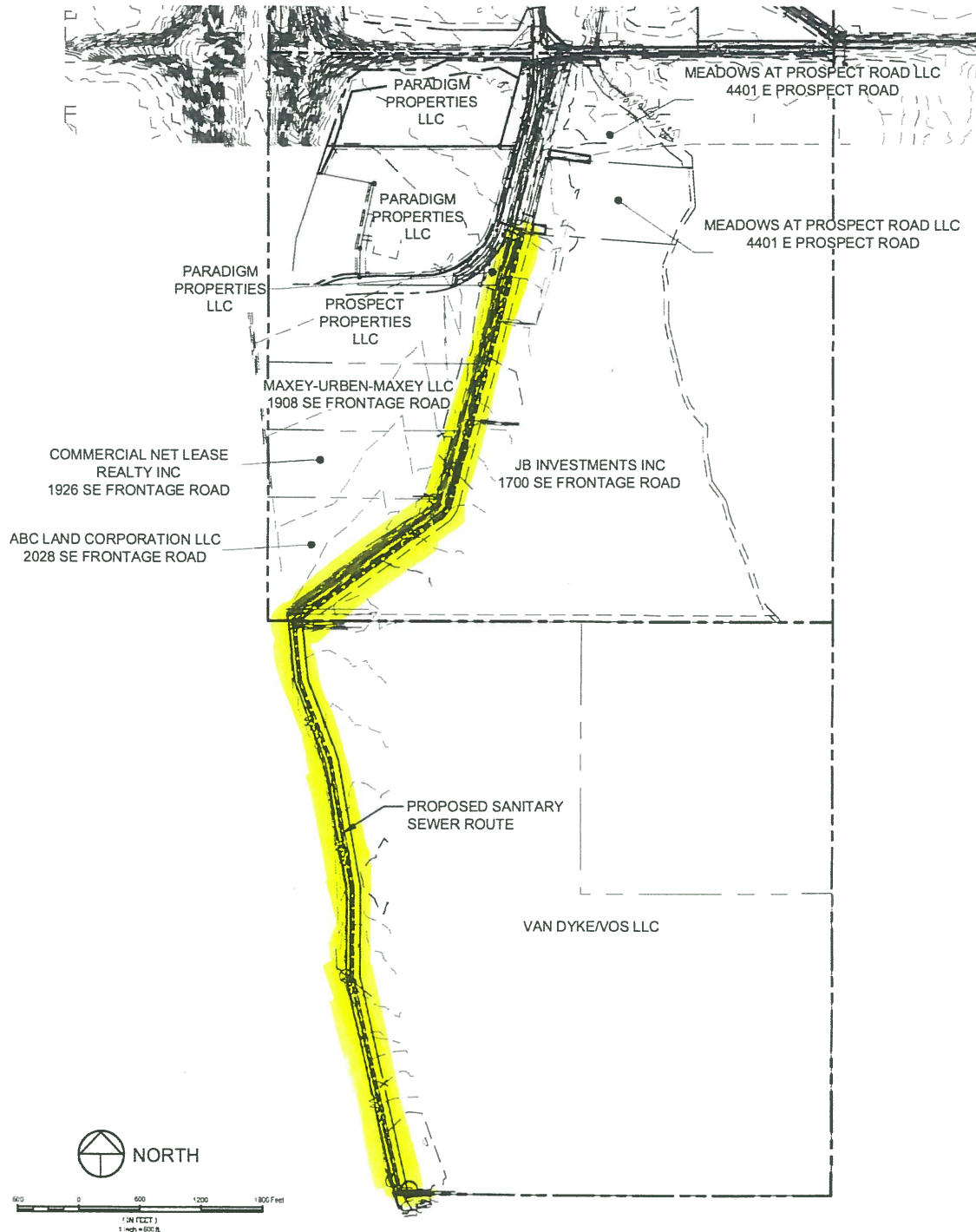
\_\_\_\_\_  
(Printed Name)

Position: \_\_\_\_\_

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



EXHIBIT A  
(Sewer System Route)



I-25 & PROSPECT PROPERTIES  
FORT COLLINS, CO

PROPOSED SANITARY ROUTE  
EXHIBIT B

06-08-2021

**NE** | NORTHERN  
ENGINEERING

P:102 062DWG/EXHIBITS/102 012\_SS ROUTE, EXHIBIT B DWG