

January 30, 2023

City of Aurora  
Planning Division  
Attn: Dan Osoba  
15151 E. Alameda Parkway, Ste. 2300  
Aurora, Colorado 80012

**Re: 2<sup>nd</sup> Technical Submission Review** – Landmark at Town Center – Site Plan and Final Plat  
Application Number: **DA-1594-11**  
Case Number: **2022-4007-00; 2022-3007-00**

Dear Mr. Osoba:

Thank you for taking the time along with Planning Division to review the Landmark at Town Center. Valuable feedback was received on January 11<sup>th</sup>, 2023, and the following pages reference the detailed comment responses. Please feel free to reach out should you have any questions or concerns by phone at 303-892-1166 or by email at [eappelgate@norris-design.com](mailto:eappelgate@norris-design.com).

We look forward to working with the City of Aurora to make this project a success.

Sincerely,  
Norris Design



Elyse Appelgate  
Associate

*2nd Technical Submission Review*

**PLANNING DEPARTMENT COMMENTS**

**1. Community Questions, Comments and Concerns**

1A. No additional comments were received from adjacent property owners or registered neighborhood groups.

**Response: Comment noted, thank you.**

**2. Open Space Comments**

*Generally*

2A. Open space comments have been addressed.

**Response: Comment noted, thank you.**

**3. Architectural Design Comments**

3A. *Architectural Design* comments have been addressed.

**Response: Comment noted, thank you.**

**4. Signage Comments**

*Sheet 1*

4A. Show signage on the data block if necessary. Monument signs shall be shown on the site plan and a detailed drawing shall be provided.

**Response: Monument Sign shown on the site plan, with detail on the detail sheets as noted from Aurora comment.**

4B. Locations of all monument signs must be shown on the site plan. Provide dimensions from the monument sign to the right-of-way. A license agreement will be required for any sign that encroaches into any easement.

**Response: KH - Monument Sign shown on the site plan. Dimension provided from the right-of-way. The sign does not encroach into any easements.**

*Sheet 7*

4C. Provide a detail(s) for the monument signage. The detail shall provide dimensions of the sign and show the proposed area. Note that monument sign area is counted on both sides if signage occurs on both sides.

**Response: Detail has been provided on sheet 17 of 33 of the landscape sheets.**

**5. Landscaping Comments (Kelly Bish / kbish@auroragov.org / Comments in blue, red text)**

5A. Landscaping comments have been addressed.

**Response: Noted, thank you.**

**REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES**

**6. Civil Engineering (Julie Bingham / jbingham@auroragov.org / Comments in green)**

*Site Plan Comments*

*Sheet 1*

6A. The Site Plan will not be approved by Public Works until the Preliminary Drainage Report is approved.

**Response: Preliminary Drainage Plan was approved on January 9, 2023.**

*Sheet 6*

6B. Please clarify what this is pointing to.

**Response: This is pointing at the maintenance path. Per comments on the CDs and FDR a maintenance path will be retrofitted into the existing pond. Pond verification being handled with the FDR.**

6C. The minimum slope on asphalt is 1%.

**Response:** *Low point had been shifted but slope arrow didn't reflect the update. This slope is now 2.45%.*

6D. The minimum slope in unpaved areas is 2%.

**Response:** *Grading had been updated but the slope arrow had not. Was point along the ridge. Updated to 2.07%*

6E. The maximum slope is 3:1.

**Response:** *Slope reading over feature line – updated to 29%.*

**7. Real Property (Maurice Brooks / mbrooks@auroragov.org / 303-739-7294 / Comments in magenta)**

*Site Plan and Plat Comments*

7A. See the red line changes and comments on the Plat and Site Plan.

**Response:** *All comments addressed on plat; please see the following Plat comment response.*

7B. Send in the current Certificate of Taxes Due for the platted area. See the red line changes and comments on the Plat and Site Plan. Some of the easement names do not match between the documents; the Site Plan should match the Plat. On the Site Plan, I have indicated some steps (and possible railings) encroaching into some easements. These encroachments will need to be covered by a License Agreement. No portion of any building can encroach into any easement, including balconies, overhangs, awnings, etc. The monument sign is shown on the Site Plan; make sure it or any retaining walls do not encroach into any easements, or else they will need to be added to the License Agreement. Submit your License Agreement documents to [licenseagreement@auroragov.org](mailto:licenseagreement@auroragov.org). There is an easement shown to be encroaching into the easement; this easement will need to be released prior to any building permits. Submit your easement release documents to [releaseeasements@auroragov.org](mailto:releaseeasements@auroragov.org).

**Response:** *All easements have been updated to match between the Plat and Site Plan and license agreements are currently in process for applicable areas.*

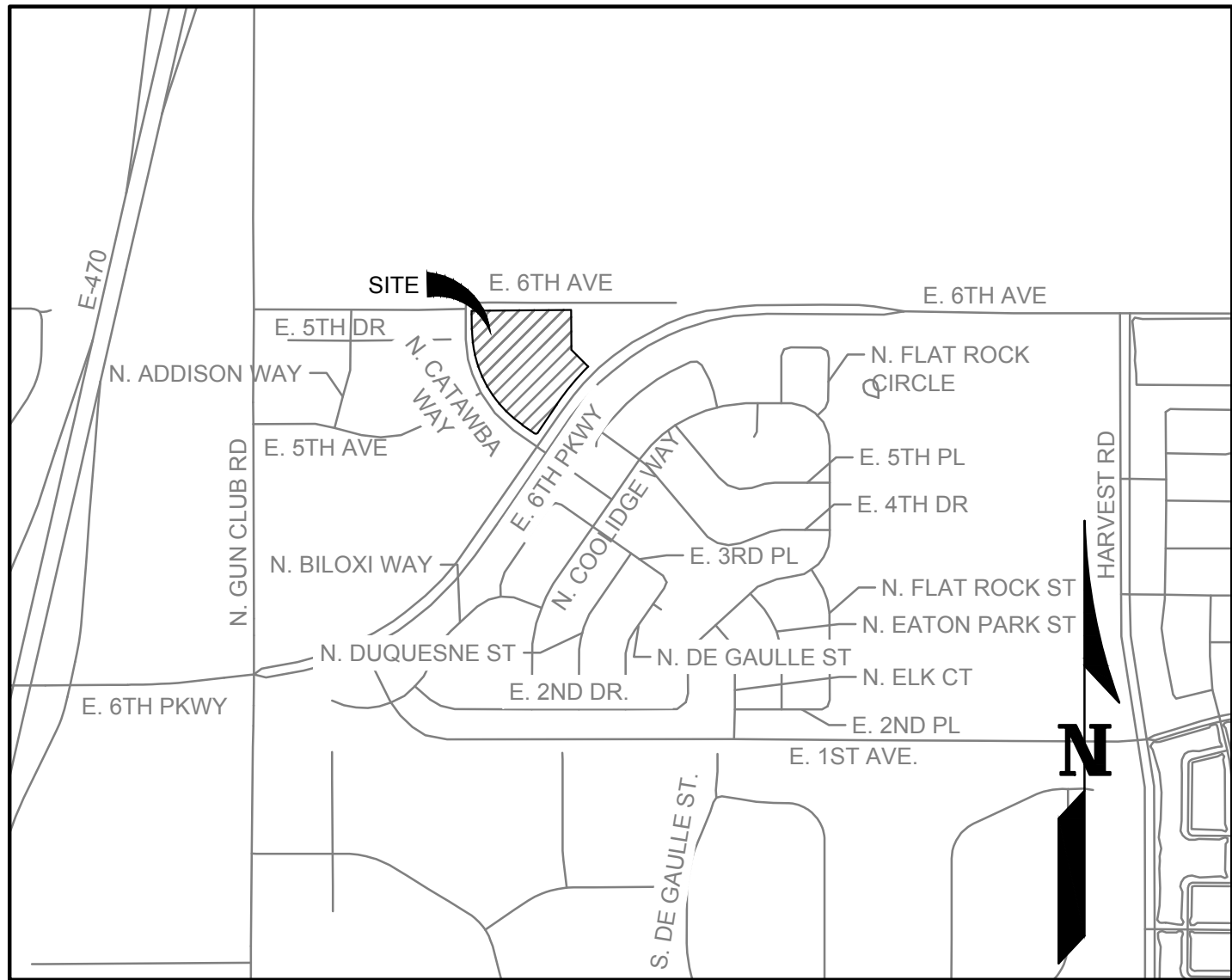
*The Certificate of Taxes Due will be sent in the same month that the Plat will be recorded. Once we have received permission to proceed with mylar, the team will gladly pull this certificate, but we have learned from experience that submitting it early does not benefit the project, and results in the need to request and pay for the document multiple times. If there is a review-related reason for the certificate to be sent in prior to mylar preparation, please let us know if your next comment response.*

*End of Response to Comments*

Send in the Certificate of Taxes Due show they are paid in full up to and through the plat approval date of recording. Obtained from the County Treasurer's office.

# CROSS CREEK SUBDIVISION FILING NO. 6

A RESUBDIVISION OF TRACT A, CROSS CREEK SUBDIVISION FILING NO. 2  
A PORTION OF THE NORTHWEST QUARTER OF SECTION 7,  
TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF AURORA, COUNTY OF ARAPAHOE,,  
STATE OF COLORADO



VICINITY MAP  
SCALE 1" = 1000'

## COVENANTS:

THE UNDERSIGNED OWNER(S), FOR THEMSELVES, THEIR HEIRS, SUCCESSORS AND ASSIGNS, COVENANT AND AGREE WITH THE CITY OF AURORA;

NO STRUCTURE CONSTRUCTED ON ANY PORTION OF THE PLATTED LAND SHOWN HEREIN SHALL BE OCCUPIED OR USED UNLESS AND UNTIL ALL PUBLIC IMPROVEMENTS, AS DEFINED BY CHAPTER 146 OF THE CITY CODE OF AURORA, COLORADO, ARE IN PLACE AND ACCEPTED BY THE CITY, OR CASH FUNDS OR OTHER SECURITY FOR THE SAME ARE ESCROWED WITH THE CITY OF AURORA, AND A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED BY THE CITY;

ALL ELECTRICAL, COMMUNITY UTILITY LINES AND SERVICES, AND STREET LIGHTING CIRCUITS, EXCEPT AS PROVIDED IN SECTION 126-505 OF THE CITY CODE AS THE SAME MAY BE AMENDED FROM TIME TO TIME, SHALL BE INSTALLED UNDERGROUND;

ALL CROSSINGS OR ENCROACHMENTS, INCLUDING BUT NOT LIMITED, TO PRIVATE LANDSCAPE IRRIGATION SYSTEMS, UNDERDRAINS, OR PRIVATE UTILITIES INTO EASEMENTS OWNED BY THE CITY OF AURORA ARE ACKNOWLEDGED BY THE UNDERSIGNED AS BEING SUBJECT TO THE CITY OF AURORA'S USE AND OCCUPANCY OF SAID EASEMENTS AND RIGHTS-OF-WAY. THE UNDERSIGNED, THEIR SUCCESSORS AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF AURORA FOR ANY LOSS, DAMAGE, OR REPAIR TO PRIVATE LANDSCAPE IRRIGATION SYSTEMS, UNDERDRAINS, OR PRIVATE UTILITIES THAT MAY RESULT FROM THE CITY OF AURORA'S USE AND OCCUPANCY OR EXERCISE OF ITS RIGHTS IN SAID EASEMENTS AND RIGHTS OF WAY. THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS, FURTHER AGREES TO REMOVE, REPAIR, REPLACE, RELOCATE, MODIFY, OR OTHERWISE ADJUST SAID PRIVATE LANDSCAPE IRRIGATION SYSTEMS, UNDERDRAINS, PRIVATE DETENTION POND AND DRAINAGE FEATURES OR PRIVATE UTILITIES UPON REQUEST FROM THE CITY OF AURORA AND AT NO EXPENSE TO THE CITY OF AURORA.

## NOTES:

1. RIGHT-OF-WAY FOR INGRESS AND EGRESS FOR SERVICE AND EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON, AND THROUGH ANY AND ALL PRIVATE ROADS, WAYS, AND FIRE LANES NOW OR HEREAFTER ESTABLISHED ON THE DESCRIBED PROPERTY. THE SAME ARE HEREBY DESIGNATED AS FIRE LANES AND EMERGENCY AND SERVICE VEHICLE ROADS, AND SHALL BE POSTED "NO-PARKING - FIRE LANE".

2. **BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 7, WHICH WAS ASSUMED TO BEAR NORTH 89°30'04" EAST WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO, AND IS MONUMENTED AS SHOWN HEREON.

3. THE EASEMENT AREA WITHIN EACH LOT IS TO BE CONTINUOUSLY MAINTAINED BY THE OWNER OF THE LOT EXCEPTING THE CITY OF AURORA FROM SUCH RESPONSIBILITY. ANY STRUCTURES INCONSISTENT WITH THE USE GRANTED IN THE EASEMENT ARE PROHIBITED.

4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

5. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WARE MALCOMB TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WARE MALCOMB RELIED UPON FIDELITY NATIONAL TITLE INSURANCE COMPANY, TITLE COMMITMENT NO. 100-N0037715-010-T02, AMENDMENT NO. 1, COMMITMENT DATE SEPTEMBER 15, 2022.

6. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT. THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY DEFINES THE U.S. SURVEY FOOT AS 1200/3937 METERS.

7. ALL OWNERS OF LOTS ADJACENT TO E. 6TH AVENUE, NORTH CATAWBA WAY AND 6TH PARKWAY SHALL BE REQUIRED TO COMPLY WITH REQUIREMENTS OF THE AURORA CITY CODE RESTRICTING THE ABILITY TO BUILD A FENCE ALONG THOSE STREETS OR THE TYPES AND SIZES OF FENCES THAT CAN BE BUILT ALONG THOSE STREETS.

8. THE OWNERS OR OCCUPANTS OF THE LANDS HEREIN DESCRIBED SHALL HAVE NO RIGHT OR CAUSE OF ACTION, EITHER IN LAW OR IN EQUITY, FOR DAMAGES OR INJURY TO ANY PERSON OR PROPERTY ARISING OUT OF OR RESULTING DIRECTLY OR INDIRECTLY, FROM THE OVERFLIGHT OF AIRCRAFT, OR FOR DAMAGES OR INJURY TO ANY PERSON OR PROPERTY RESULTING FROM ANY NOISE, NUISANCE, VIBRATIONS OF ANY KIND OR DESCRIPTION RESULTING, DIRECTLY OR INDIRECTLY, FROM AIRCRAFT OVERFLIGHTS PROVIDED, THAT NOTHING CONTAINED IN THE FOREGOING EASEMENT SHALL DIVEST THE OWNERS OR OCCUPANTS, THEIR HEIRS, SUCCESSORS ADMINISTRATORS OR ASSIGNS, OF ANY RIGHT OR CAUSE OF ACTION FOR DAMAGES TO ANY PERSON OR PROPERTY RESULTING FROM THE NEGLIGENT OPERATION OF AIRCRAFT OVERFLIGHTS OVER THE DESCRIBED PREMISES AT ANY ALTITUDE ABOVE GROUND LEVEL.

9. NON-EXCLUSIVE SIDEWALK EASEMENTS ARE HEREBY GRANTED TO THE CITY OF AURORA FOR THE PURPOSE OF MAINTAINING, RECONSTRUCTING, CONTROLLING AND USING SUCH SIDEWALKS TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, PROVIDED THE CITY SHALL NOT INTERFERE WITH ANY OTHER STRUCTURES OR IMPROVEMENTS.

## LEGAL DESCRIPTION

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT IT IS THE OWNER OF A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH P.M., CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING TRACT A, CROSS CREEK SUBDIVISION FILING NO. 2 RECORDED AT RECEPTION NO. B4002719 OF THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTH QUARTER CORNER OF SECTION 7 AND CONSIDERING THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 7 TO BEAR NORTH 89°30'04" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

- THENCE 87°05'43" WEST A DISTANCE OF 714.65 FEET TO THE NORTHEAST CORNER OF SAID TRACT A AND THE **POINT OF BEGINNING**;
- THENCE ALONG THE BOUNDARY OF SAID TRACT A THE FOLLOWING NINE (9) COURSES:
- 1) SOUTH 00°31'57" EAST A DISTANCE OF 242.44 FEET TO A POINT OF CURVATURE;
  - 2) SOUTH 44°49'08" EAST A DISTANCE OF 144.06 FEET;
  - 3) ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10°53'59", A RADIUS OF 1,572.00 FEET, AN ARC LENGTH OF 299.05 FEET AND A CHORD THAT BEARS SOUTH 39°43'10" WEST A DISTANCE OF 298.60 FEET;
  - 4) SOUTH 34°16'11" WEST A DISTANCE OF 204.79 FEET TO A POINT OF CURVATURE;
  - 5) ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'23", A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 23.56 FEET AND A CHORD THAT BEARS SOUTH 79°16'22" WEST A DISTANCE OF 21.21 FEET;
  - 6) NORTH 55°43'26" WEST A DISTANCE OF 86.52 FEET TO A POINT OF CURVATURE;
  - 7) ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 55°11'50", A RADIUS OF 703.00 FEET, AN ARC LENGTH OF 677.25 FEET AND A CHORD THAT BEARS NORTH 28°07'31" WEST A DISTANCE OF 651.36 FEET;
  - 8) NORTH 00°31'36" WEST A DISTANCE OF 119.05 FEET;
  - 9) NORTH 89°30'04" EAST A DISTANCE OF 602.85 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 359,460 SQUARE FEET, OR 8.252 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE SAME INTO A LOT, AND A BLOCK, AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF **CROSS CREEK SUBDIVISION FILING NO. 6**, AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE CITY OF AURORA, COLORADO, FOR THE PERPETUAL USE OF THE PUBLIC, THE STREETS, AND EASEMENTS AS SHOWN HEREON AND NOT PREVIOUSLY DEDICATED TO THE PUBLIC.

change to "6"

Comment Addressed.  
name of plat updated

## OWNER:

OWNER: APEX COMMERCIAL HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY, COMPANY

SIGNATURE \_\_\_\_\_

PRINT NAME \_\_\_\_\_

PRINT TITLE \_\_\_\_\_

## NOTARIAL:

STATE OF COLORADO )  
COUNTY OF ) SS  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD BY \_\_\_\_\_ AS \_\_\_\_\_ OF

APEX COMMERCIAL HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY, COMPANY, WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

## SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I WAS IN RESPONSIBLE CHARGE OF THE SURVEY WORK USED IN THE PREPARATION OF THIS PLAT, THE POSITIONS OF THE PLATTED POINTS SHOWN HEREON HAVE AN ACCURACY OF NOT LESS THAN ONE (1) FOOT IN TEN THOUSAND (10,000) FEET PRIOR TO ADJUSTMENTS, AND ALL BOUNDARY MONUMENTS AND CONTROL CORNERS SHOWN HEREON WERE IN PLACE AS DESCRIBED ON JUNE 21, 2021.

I FURTHER CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS CORRECT AND ACCURATE, IS BASED ON MY KNOWLEDGE, INFORMATION, AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AND DOES NOT REPRESENT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JUSTIN C. SCHEITLER, PLS NO. 38430  
FOR & ON BEHALF OF WARE MALCOMB  
900 SOUTH BROADWAY SUITE 320, DENVER, COLORADO 80209

**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.

## CITY OF AURORA APPROVALS:

THE FOREGOING INSTRUMENT IS APPROVED FOR FILING AND CONVEYANCE OF STREETS AND EASEMENTS AS SHOWN HEREON AND IS ACCEPTED BY THE CITY OF AURORA, COLORADO, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD, SUBJECT TO THE CONDITION THAT THE CITY SHALL UNDERTAKE MAINTENANCE OF ANY SUCH STREETS ONLY AFTER CONSTRUCTION HAS BEEN COMPLETED BY THE SUBDIVIDER TO CITY OF AURORA SPECIFICATIONS.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

900 south broadway st.  
suite 320  
denver, co 80209  
p 303.561.3333  
waremalcomb.com

**WARE MALCOMB**  
CIVIL ENGINEERING & SURVEYING

JOB NO. DCS21-4045  
DATE: 12/14/2021  
SCALE: NA  
Sheet 1 of 2

NO.	DATE	REMARKS
3	09/13/2022	CITY COMMENTS
2	05/19/2022	CITY COMMENTS
1	03/04/2022	CITY COMMENTS
DRAWN BY: AJ		PA/PM: JCS



A RESUBDIVISION OF TRACT A, CROSS CREEK SUBDIVISION FILING NO. 2  
A PORTION OF THE NORTHWEST QUARTER OF SECTION 7,  
TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF AURORA, COUNTY OF ARAPAHOE,  
STATE OF COLORADO

LINE TABLE		
LINE #	BEARING	DISTANCE
L41	S41°04'35"W	10.00'
L42	N48°55'25"W	13.01'
L43	N41°04'35"E	10.00'
L44	S56°40'09"E	37.00'
L45	S33°19'51"W	18.00'
L46	N56°40'09"W	37.00'
L47	N33°19'51"E	18.00'
L48	S55°46'10"E	1.04'
L49	S29°44'53"E	2.34'

CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	90°00'00"	26.00'	40.84'	N78°19'51"E	36.77'
C2	98°10'46"	26.00'	44.55'	N07°34'46"W	39.30'
C3	82°07'09"	26.00'	37.26'	N82°34'11"E	34.16'
C4	153°04'44"	27.50'	73.47'	N43°12'31"W	53.49'
C5	89°56'22"	29.00'	45.52'	N79°15'39"E	40.99'
C6	26°01'52"	163.00'	74.06'	S42°45'50"E	73.42'
C7	26°51'10"	132.88'	62.28'	S42°45'50"E	61.71'
C8	90°00'00"	29.00'	45.55'	S15°15'07"W	41.01'
C9	96°23'02"	26.00'	43.74'	S12°03'36"W	38.76'
C10	2°02'46"	186.07'	6.65'	S35°23'48"E	6.64'
C11	85°16'24"	29.00'	43.16'	S77°06'41"E	39.29'
C12	90°03'15"	29.00'	45.58'	S15°13'29"W	41.03'
C13	89°55'25"	29.00'	45.51'	S74°45'50"E	40.98'
C14	89°57'36"	10.00'	15.70'	N15°16'19"E	14.14'
C15	90°02'57"	10.00'	15.71'	N74°43'48"W	14.15'
C16	119°19'10"	29.00'	60.39'	N60°05'18"W	50.06'
C17	89°55'27"	29.00'	45.51'	N44°32'00"E	40.99'
C18	64°11'39"	54.00'	60.50'	N57°23'57"E	57.39'
C19	64°11'34"	29.00'	32.49'	S57°23'57"W	30.82'
C20	63°39'30"	29.00'	32.22'	N57°08'13"E	30.59'