

November 5, 2024

Jeremiah Fettig  
City of Aurora Planning Department  
15151 E. Alameda Parkway, Suite 2300  
Aurora, CO 80012

**RE: THE POINT AT NINE MILE STATION SUBDIVISION FILING NO. 3 REPLAT  
DA-2061-09, 2024-3013-00  
COMMENT RESPONSE LETTER**

Dear Mr. Fettig,

Thank you for the comments on October 10, 2024 for the above-mentioned project. In an effort to address your comments concisely and simplify your review of the replat, we have summarized your comments and our responses below.

#### **ZONING AND SUBDIVISION USE COMMENTS**

1. Advisory comment: The property is currently zoned Mixed-Use Transit-Oriented Development District (MU-TOD). Any future development and uses will need to comply with this zone district.
  - *Response: Acknowledged.*

#### **LAND DEVELOPMENT SERVICES COMMENTS**

1. All plat redline comment responses are provided in the attached PDF.
  - *Response: N/A*

#### **OUTSIDE AGENCY COMMENTS**

1. Xcel (PSCO) requested a 10'-wide utility easement be added around the perimeter of Lot 1 and Lot 2.
  - *Response: Xcel has requested notes be added, which the City of Aurora won't permit. We have provided (visually on the plat) 10' utility easements around the perimeter of the site. Ownership is committed to providing additional internal 10' utility easements as required when those developments occur.*

We appreciate your review and approval of these plans. Please contact me at 303-974-3626 or [mikaela.moore@kimley-horn.com](mailto:mikaela.moore@kimley-horn.com) should you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Mikaela Moore, P.E.  
Project Manager

# THE POINT AT NINE MILE STATION SUBDIVISION FILING NO. 3

A RESUBDIVISION OF LOTS 2, 3 AND 4 OF BLOCK 1, THE POINT AT NINE MILE STATION SUBDIVISION FILING NO. 2  
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO

11/5/2024  
KIMLEY-HORN  
COMMENT  
RESPONSES

Once all other plat comments are confirmed to be resolved, we will reorder the TC and update the plat as such.

The SOA for AURA has been included with resubmittal.

Once all other plat comments are confirmed to be resolved, we will order the formal cert of taxes due and include with final resubmittal.

This has already been submitted to DORA. Kimley-Horn called DORA on 11/4 to check on status, who indicated at least a month to get it recorded. Marshall with DORA sent a package to Mike Driscoll in Grand Junction to review and he expects to get the moment record back on 11/9. The record should be recorded a week later (11/16). A recorded copy will be provided once available.

Acknowledged.

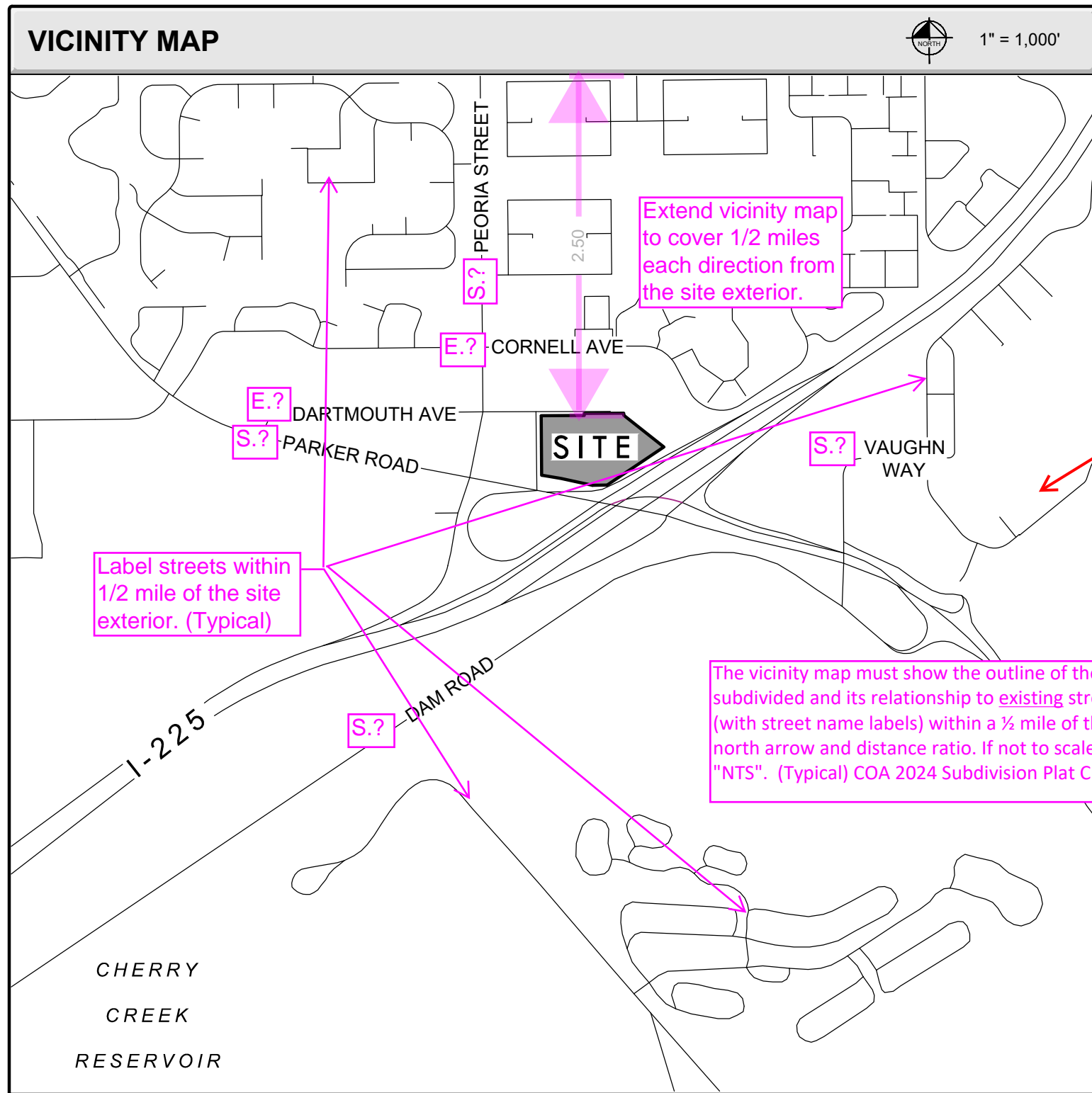
(Advisory Comment) Send in the updated Title Commitment to be dated within 30 calendar days of the plat approval date (This Commitment should be submitted at the time of your final submittal of the electronic Plat for recording.) per COA 2024 Subdivision Plat Checklist Item 19.b.

(Advisory Comment) Provide statement of authority for person signing on behalf of the entity named in the title commitment.

(Advisory Comment) 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 (This Certificate of Taxes should be submitted no later than your second submittal of the plat.) per COA 2024 Subdivision Plat Checklist Item #19.a. (The current Certificate is good thru 10/19/2024).

Monument Record needs to be AES Board Approved.

(Advisory Comment) Be advised - sometimes the margins or scale factor may not match the County or City standards as stated in the Subdivision Plat Checklist. If any of these factors are misaligned or scale does not match the drawing information, then this may cause the plat to be sent back and corrected and thus adding time to your submittal. And in turn, you may need to update the Title Commitment to bring it within the 30-day time limit. Please check these items before sending the plat in for recording.



The vicinity map has been revised as noted.

The vicinity map must show the outline of the property being subdivided and its relationship to existing street rights-of-way (with street name labels) within a 1/2 mile of the exterior. Include a north arrow and distance ratio. If not to scale, add a label stating "NTS". (Typical) COA 2024 Subdivision Plat Checklist Item #3.

## DEDICATION STATEMENT

KNOW ALL PEOPLE BY THESE PRESENTS THAT UNDERSIGNED WARRANT THEY ARE THE OWNERS OF LOTS 2, 3 AND 4, BLOCK 1 OF THE POINT AT NINE MILE STATION SUBDIVISION FILING NO. 2 RECORDED MAY 18, 2021 UNDER RECEPTION NO. E1080393 AND RE-RECORDED DECEMBER 17, 2021 UNDER RECEPTION NO. E1190137 IN THE RECORDS OF ARAPAHOE COUNTY, COLORADO, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF CALIFORNIA, BEING ADDITIONALLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE LINE BETWEEN A WITNESS CORNER FOR THE WEST QUARTER CORNER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN AS MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "PLS 23519 WC 55 FT", AND AT THE EAST QUARTER CORNER OF SAID SECTION 36 BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "LPI PLS 22103 1999", BEARING N 89°22'38" E FOR A DISTANCE OF 5233.88 FEET.

COMMENCING AT SAID CALCULATED POSITION OF THE WEST QUARTER CORNER OF SAID SECTION 36; THENCE S 86°47'28" E, A DISTANCE OF 358.53 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 1, THE POINT AT NINE MILE STATION SUBDIVISION FILING NO. 2, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE PERIMETER OF SAID BLOCK 1 THE FOLLOWING TEN (10) COURSES:

- 1) N 89°32'17" E, A DISTANCE OF 316.21 FEET;
- 2) N 00°27'43" W, A DISTANCE OF 14.00 FEET;
- 3) N 89°32'17" E, A DISTANCE OF 290.99 FEET;
- 4) S 00°27'00" E, A DISTANCE OF 14.54 FEET;
- 5) S 51°39'11" E, A DISTANCE OF 375.93 FEET;
- 6) S 55°09'21" W, A DISTANCE OF 592.25 FEET;
- 7) S 88°38'28" W, A DISTANCE OF 107.65 FEET;
- 8) N 77°45'07" W, A DISTANCE OF 236.17 FEET;
- 9) N 80°26'58" W, A DISTANCE OF 129.41 FEET;
- 10) N 80°18'55" W, A DISTANCE OF 15.54 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THE POINT AT NINE MILE STATION SUBDIVISION FILING NO. 2;

THENCE DEPARTING SAID BLOCK 1 PERIMETER LINE AND ALONG THE WEST LINE OF SAID LOT 2, N 00°27'43" W, A DISTANCE OF 436.98 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 358,290 SQ. FT. OR 8.2252 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE SAME INTO TWO LOTS, AND TRACTS AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF THE POINT AT NINE MILE STATION SUBDIVISION FILING NO. 3 AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE CITY OF AURORA FOR THE PERPETUAL USE OF THE PUBLIC THE EASEMENTS AND TRACT C AS SHOWN HEREON AND NOT PREVIOUSLY DEDICATED TO THE PUBLIC.

## NOTES:

1. 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.
2. 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.
3. THIS PROPERTY IS LOCATED WITHIN ZONE X, OTHER AREAS - DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR COUNTY OF ARAPAHOE, COMMUNITY PANEL NUMBER 08005C0187K, MAP EFFECTIVE DATE 12/17/2010 AND COMMUNITY PANEL NUMBER 08005C0186K, MAP EFFECTIVE DATE 12/17/2010. THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS SURVEY IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAPS.

## NOTES CONTINUED:

4. THE SURVEYED PROPERTY CONTAINS A CALCULATED AREA OF 358,290 SQ. FT. OR 8.2252 ACRES, MORE OR LESS.
5. BEARINGS ARE BASED ON THE LINE BETWEEN A WITNESS CORNER FOR THE WEST QUARTER CORNER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN AS MONUMENTED BY A SET 3-1/4" ALUMINUM ROCK CAP STAMPED "PLS 23519 WC 55 FT" S36 1/4 2024 PLS 38281", FLUSH WITH CONCRETE, AND AT THE EAST QUARTER CORNER OF SAID SECTION 36 BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "LPI PLS 22103 1999", BEARING N 89°22'38" E FOR A DISTANCE OF 5233.88 FEET.
6. THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY KIMLEY-HORN AND ASSOCIATES, INC. FOR ALL RECORD INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, ENCUMBRANCES, OR TITLE OF RECORD. KIMLEY-HORN AND ASSOCIATES, INC. RELIED UPON TITLE COMMITMENT FILE NO RND70849315 EFFECTIVE DATE AUGUST 26, 2024, PREPARED BY LAND TITLE GUARANTEE COMPANY FOR OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
7. THE EASEMENT AREA WITHIN EACH LOT OR TRACT IS TO BE MAINTAINED BY THE OWNER OF THE LOT OR TRACT EXCEPTING THE CITY OF AURORA RESPONSIBILITY. ANY STRUCTURES INCONSISTENT WITH THE USE GRANTED IN THE EASEMENT ARE PROHIBITED.
8. TRACT A [REDACTED] TRACT B AND TRACT D ARE TO BE PRIVATELY OWNED AND MAINTAINED.
9. TRACT C IS GRANTED TO THE THE CITY OF AURORA FOR PUBLIC LAND PURPOSES [REDACTED]
10. THE EASEMENTS HEREON SHOWN AND LABELED 6" GAS EASEMENT ARE FOR THE EXCLUSIVE USE OF THE CITY OF AURORA. EASEMENTS; EXCEPT OTHER UTILITIES, SERVICE WALKS, AND DRIVEWAYS MAY CROSS SAID EASEMENTS AT SUBSTANTIALLY RIGHT ANGLES.
11. ALL OWNERS OF LOTS OR TRACTS ADJACENT TO ANY ARTERIAL, COLLECTOR, AND/OR CONTINUOUS TYPE 1 LOCAL STREETS 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.
12. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
13. 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".
14. THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

ITS ARE HEREBY GRANTED AROUND THE PERIMETER OF SAID AREAS INCLUDING, TRACTS, PARCELS AND/OR OPEN SPACE AREAS. THESE EASEMENTS ARE DEDICATED TO THE CITY OF AURORA FOR THE BENEFIT OF THE APPLICABLE UTILITY PROVIDERS FOR THE INSTALLATION, MAINTENANCE, AND REPLACEMENT OF ELECTRIC, GAS, TELEVISION, CABLE, AND TELECOMMUNICATIONS FACILITIES. UTILITY EASEMENTS SHALL ALSO BE GRANTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION. PERMANENT STRUCTURES, IMPROVEMENTS, OBJECTS, BUILDINGS, WELLS, WATER METERS AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR USE THEREOF (INTERFERING OBJECTS) SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS AND THE UTILITY PROVIDERS, AS GRANTEES, MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEES, INCLUDING, WITHOUT LIMITATION, VEGETATION. PUBLIC SERVICE COMPANY OF COLORADO (PSCO) AND ITS SUCCESSORS RESERVE THE RIGHT TO REQUIRE ADDITIONAL EASEMENTS AND TO REQUIRE THE PROPERTY OWNER TO GRANT PSCO AN EASEMENT ON ITS STANDARD FORM.

## COVENANTS

THE UNDERSIGNED OWNER, 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.

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY 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 SEPTEMBER 16, 2024.

I FURTHER CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS ACCURATE AND IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE TO MY KNOWLEDGE, INFORMATION AND BELIEF. THIS CERTIFICATION IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

DARREN R. WOLTERSTORFF, P.L.S. 38281  
FOR AND ON BEHALF OF:  
KIMLEY-HORN AND ASSOCIATES, INC.  
6200 SOUTH SYRACUSE WAY  
SUITE #300, GREENWOOD VILLAGE, COLORADO 80111

## CITY OF AURORA APPROVALS

THE FOREGOING INSTRUMENT IS APPROVED FOR FILING AND CONVEYANCE OF STREETS AND EASEMENTS AND TRACT C 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 AND TRACT C ONLY AFTER CONSTRUCTION HAS BEEN COMPLETED BY THE SUBDIVIDER TO CITY OF AURORA SPECIFICATIONS.

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

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

## OWNER

AURORA URBAN RENEWAL AUTHORITY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

NOTARIAL: \_\_\_\_\_

STATE OF \_\_\_\_\_ ) SS

COUNTY OF \_\_\_\_\_ )

THE FOREGOING INSTRUMENT WAS \_\_\_\_\_ ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.,

BY \_\_\_\_\_ AS \_\_\_\_\_ (TITLE)

OF \_\_\_\_\_ AN AUTHORIZED SIGNATORY.

BY \_\_\_\_\_ WITNESS MY HAND AND SEAL

NOTARY PUBLIC

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

ADDRESS: \_\_\_\_\_

CITY, STATE AND ZIP CODE: \_\_\_\_\_

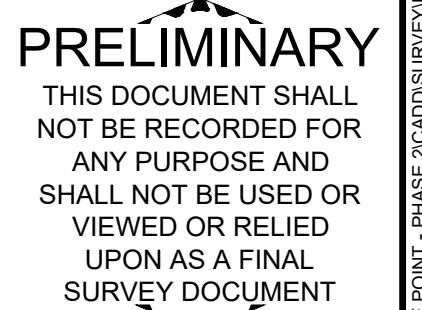
PRELIMINARY  
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

5	9/17/24	REV.
4	9/12/24	REV.
3	8/20/24	REV.
2	7/15/24	REV.
1	6/19/24	REV.
No.	DATE	REVISION DESCRIPTION

<b>Kimley»Horn</b>					
6200 S. SYRACUSE WAY, # 300 GREENWOOD VILLAGE, CO 80111					
Tel. No. (303) 228-2300 www.kimley-horn.com					
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	PTM	DRW	9/17/24	096420004	1 OF 3



A RESUBDIVISION OF LOTS 2, 3 AND 4 OF BLOCK 1, THE POINT AT NINE MILE STATION SUBDIVISION FILING NO. 2  
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO



5	9/17/24	REV.
4	9/12/24	REV.
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