

ILLUMINATION POINT HWY 105 ACCESS PERMIT

Arthur Gonzolaz

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 207125
			State Highway No/Mp/Side 05 A / 6.730 / L
Permit fee \$300.00	Date of transmittal 6/30/2008	Region/Section/Patrol 2 / 04 / Heller/39	Local Jurisdiction Palmer Lake

The Permittee(s):
 Illumination Synergies, LLC - Sharon
 Sharon Smith
 755 State Highway 105
 Palmer Lake, CO 80133
 719-481-0981

Applicant:
 LSC Transportation Consultants, Inc.
 Jeff Hodsdon
 516 North Tejon Street
 Colorado Springs, CO 80903
 719-633-2868

Ref No.: 3257

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: 1425 feet west of mile post 7, 1515 feet east from Westward Lane State Highway 105 and Clovenhooft Drive

Access to Provide Service to: (Land Use Code:)	(Size or Count)	(Units)
816 - Hardware/Paint Store	6	ACRES

Additional Information:
 See Attached



PAID

7/24/08 ck. #2027
\$300.00

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Title	Date
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Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Todd Ausburn with the Colorado Department of Transportation in Pueblo, Colorado at (719) 546-5758, at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature 	Print Name SHARON E SMITH	Date 7/24/08
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This permit is not valid until signed by a duly authorized representative of the Department.

COLORADO DEPARTMENT OF TRANSPORTATION

Signature 	Print Name Valerie Shord	Title Access Mgr.	Date (of issue) 7/25/08
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Copy Distribution: Required: 1. Region 2. Applicant 3. Staff Access Section 4. Central Files Make copies as necessary for: Local Authority Inspector Previous editions are obsolete and may not be used

highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the

right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

THERE ARE ADDITIONAL DRAINAGE
(CDPHE) REQUIREMENTS

LAND DONATION
THRU LANES

State Highway Access Permit

Attachment to Permit No. 207125 - Additional Terms and Conditions

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1. A NOTICE TO PROCEED TO CONSTRUCTION, CDOT Form 1265, is required before beginning the construction of the access or any activity in the highway right-of-way. All submittals, documents, plans, and other items that must be completed shall be submitted and approved by the Department before a NOTICE TO PROCEED to construction will be issued.
2. The access is located on the west side of State Highway 105, a distance of 1,515 feet north from Westward Lane or approximately milepost 6.73.
3. This section of highway is a Category NR-A highway.
4. This Access Permit is issued to allow access to State Highway 105 for a change in use of the property. The previous use of the access was to serve vacant agricultural property. The access will now serve Phase 1 of the Illumination Synergies development. Phase 1 contains a 41,130 sq. ft. home improvement oriented retail business. Phase 2 will require auxiliary lanes and separate application for access permit therefore, a donation of right-of-way is required with this.
5. No additional access will be allowed to State Highway 105 from this entire ownership. Furthermore, the approved TIS dated May 29, 2008 states this property will consolidate accesses with the vacant anticipated commercial property directly to the northwest. Assurance of this proposal shall be provided with a recorded easement to this adjacent property.
6. The Permittee/Applicant shall provide the Department with the following submittals, documents, plans and other items for review prior to the issuance of a NOTICE TO PROCEED to construction:
 - a. A written request for a NOTICE TO PROCEED including the access permit number listed above.
 - b. Current title policy or warranty deed.
 - c. A copy of the final recorded plat.
 - d. Proof of donation of right-of-way shall be provided to accommodate all improvements would be done on public property. The Department will accept a recorded subdivision plat indicating donation of ROW or you may follow the checklist attached to this permit.
 - e. Recorded easement to the adjacent property owner to the northwest.
 - f. Auxiliary lane layout and typical section to assure Phase 2 improvements can be accommodated and to determine the amount of ROW donation required. Specifically, a left-turn decel lane and a right-turn acceleration lane.
7. The Permittee shall refer to all additional standard requirements attached to this permit. This includes CDOT Form 101b, enclosed additional terms, conditions, exhibits, and noted attachments. The following criteria were used to establish this Access Permit:
 - a. The Application for Access Permit (CDOT Form 137) dated November 16, 2007 and received in the regional office on November 23, 2008 and all attachments.
 - b. State Highway Access Code, Volume 2, CCR-601-1; Effective date August 31, 1998
 - c. The State Highway Access Category Assignment Schedule, as revised.
 - d. The Colorado Department of Transportation (CDOT) M&S Standard Plans
 - e. Vicinity Map
 - f. Exhibit A, "Seeding Requirements"
 - g. Standard Special Provision – Compliance with NCHRP 350 Crashworthiness Certification for Work Zone Traffic Control Devices.

(MUTCD) and other applicable standards. The plan must be submitted and approved by the Senior Maintenance Supervisor listed below five working days prior to beginning construction within the highway right of way. The approved traffic control plan will be attached to the Permit and the NOTICE TO PROCEED TO CONSTRUCTION and must be available on site throughout the duration of the construction. All work that requires traffic control shall be supervised by a registered professional traffic engineer or by a certified traffic control supervisor. The contractor in accordance with the Department Standards shall certify flagging personnel, when required.

18. If any traffic control devices are evident within 50 feet of the construction area, the Permittee/Contractor must contact Ms. Ajin Hu, Resident Traffic Engineer, in Pueblo. Ms. Hu can be contacted at (719) 546-5751.

19. Five working days prior to beginning construction, the Permittee/Contractor must contact Mr. Gary Heller, Senior Maintenance Supervisor, to coordinate the construction. Mr. Heller can be contacted in Colorado Springs at (719) 659-9438. Failure to comply with this requirement may result in the revocation of this permit.

20. Work shall BEGIN AFTER 8:30 a.m. and all equipment shall be off the right-of-way BEFORE 3:30 p.m. each day. No work is allowed within the highway right-of-way on weekends or State/Federal holidays. No construction vehicles shall be parked, or construction materials stockpiled on the highway right-of-way overnight. No private vehicles may be parked on the highway right-of-way at any time during construction.

21. Two-way traffic shall be maintained throughout the work area at all times.

22. The vehicular volumes using this access shall not exceed an AM Peak Hour volume of 17 for Phase 1.

23. If the vehicular volumes exceed the state Peak Hour volumes, as determined by the Department, the appropriate warranted highway improvements shall be designed and installed within the earliest construction season unless specifically allowed otherwise, in writing by the Department. The highway improvements shall be designed and constructed by the Permittee at no cost to the Department. Failure by the Permittee to provide such warranted improvements may result in the revoking of the Access Permit and closure of the access approach.

24. All costs associated with the installation of this access are the responsibility of the Permittee. This includes the design, construction, utility relocation, testing of materials and inspection.

25. Reconstruction or improvements to the access may be required when the Permittee has failed to meet the required design and/or materials specifications. If any construction element fails within two years due to improper construction or material specifications, the Permittee shall be responsible for all repairs. Failure to make such repairs may result in the revoking of the permit and closure of the access.

26. All required access improvements shall be installed prior to the herein-authorized use of this access.

27. Signing and striping are the responsibilities of the Permittee. All signs shall be manufactured in accordance with the Manual on Uniform Traffic Control Devices (M.U.T.C.D.). The sheeting for the signs

highway for the access shall be 400 feet. The minimum sight distance that shall be maintained for the vehicle entering the highway shall be 500 feet.

35. Any landscaping or potentially obstructing objects such as but not limited to advertising signs, structures, trees, and bushes, shall be designed, placed, and maintained at a height not to interfere with the sight distance needed by any vehicle using the access. Planting of tree(s), which will be over 4 inches in caliper at maturity, will not be allowed within 30 feet of the edge of the traveled way. All other objects shall not exceed a total height of thirty inches from the top of final grade. The Department will require any object or landscaping that becomes unsightly or is considered to be a traffic hazard to be removed by the Permittee at no cost to the Department.

36. Installation of auxiliary lane(s) (i.e. right/left acceleration lanes, right/left deceleration lanes) and/or a traffic signal may be required in the future as determined by the Department. These improvements will be determined based on safety problems created by the access. If the vehicular volume of the access meet warrants as required by Section 3 of the State Highway Access Code, or if the warrants for a signal are met in accordance with the Manual on Uniform Traffic Control Devices (M.U.T.C.D.), a new access permit will be required. The improvements shall be designed and installed by the Permittee in a timely manner to the Department's standards and specifications and at no cost to the Department. Failure by the Permittee to provide such improvements shall result in the revocation of this access permit and closure of the access approach.

37. Within the right-of-way, maximum grades shall be limited to eight percent for all accesses except field and residential.

38. The horizontal axis of an access to the highway shall be at a right angle to the centerline of the highway and extend a minimum of 40 feet from the edge of pavement or to the right-of-way line, whichever is greater.

39. Fill slopes and cut slopes shall be constructed to the slope of the existing highway near the access.

- o All side slopes shall have a slope of 6:1 for 12 feet.[Z-distance]

40. Soil preparation including topsoil, seeding and mulching is required with the highway right-of-way on all disturbed areas not surfaced and those areas beyond the highway that may erode and send debris into the highway right-of-way. The Department or local municipality shall provide minimum seed mixes, types and rates of seeding and preparation. (See attached Exhibit)

41. Installation or removal of any right-of-way fence by the Permittee shall not be inconsistent with right-of-way fence law in section 35-46-111 C.R.S. The Permittee is required to obtain a highway right-of-way fence agreement for a special fence if the Permittee desires to remove the existing standard highway fencing in the area. The Permittee shall contact Mr. Nick Strombeck at (719) 546-5726 for information regarding the fence agreement.

- a. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the entrance shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. This shall be in conformance with the Department's Standard M-607-1.