

RESOLUTION NO. 156-17

A RESOLUTION INCREASING DRAINAGE BASIN  
FEES FOR THE SAND CREEK DRAINAGE BASIN

WHEREAS, the City/County Drainage Board at its July 13, 2017 meeting approved an increase to the Sand Creek Drainage Basin fee of \$58.00 per acre for constructed facilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF COLORADO SPRINGS:**



Section 1. The Sand Creek Drainage Basin Fee is hereby increased by \$58.00 per acre per acre for constructed facilities.

Section 2. This Resolution shall be in full force and effect January 1, 2018.

Dated at Colorado Springs, Colorado this 12<sup>th</sup> day of December, 2017

  
\_\_\_\_\_  
Council President

ATTEST:

  
Sarah B. Johnson, City Clerk  




**DATE:** July 6, 2017

**TO:** Brian Kelley, Secretary Drainage Board

**FROM:** Steve Rossoll

**SUBJECT:** Sand Creek Drainage Basin Fee Increase & Reimbursement, Patriot Park

**RE:** Pursuant to City Code 7.7.907, a request for Drainage Basin Reimbursement by Patriot Park Investments, LLC for improvements relating to the construction of drainage facilities associated with Patriot Park.

**ACTION REQUESTED:** This action is a request by Patriot Park Investments, LLC to increase the drainage fund in Sand Creek by \$327,463.00. This would result in a fee increase of \$58.00/acre. The subsequent action is for improvements in the Patriot Park subdivision and to reimburse to Patriot Park Investments, LLC for drainage facilities constructed in Patriot Park Subdivision and within the Sand Creek Channel adjacent to Patriot Park. The total request from the Sand Creek Drainage Basin fund for drainage facilities is \$658,707.00.

**BACKGROUND:** Today's request is to increase the drainage fee in Sand Creek by \$58.00 to \$11,212.00/acre and to reimburse Patriot Park Investments, LLC for facilities already constructed and accepted into City Ownership. The facilities included for drainage reimbursement are pipes ranging in size from 42" to 60" and Sand Creek Channel Improvements. The approval of this reimbursement will fulfill the obligation that was created when drainage fees were deferred at the time of platting. Portions of this reimbursement will be used to cover the following subdivision deferrals:

- Patriot Park Filing No. 1 in the amount of \$38,553.00;
- Patriot Park Filing No. 3 in the amount of \$46,602.00;
- Patriot Park Filing No. 4 in the amount of \$51,171.12.

with a remaining balance of \$522,380.88. The balance will remain in the form of credits in the name of Patriot Park Investments, LLC.

**RECOMMENDATION:** Staff recommends that the Drainage Board approves an increase to the Sand Creek basin fund in the amount of \$327,463.00. The increase would result in a per acre fee increase of \$58.00. Staff further recommends that the Drainage Board approve the reimbursement of \$658,707.00 for drainage facilities constructed to Patriot Park Investments, LLC.

A recommended motion would be: I move to increase the Sand Creek Drainage Basin fund in the amount of \$327,463.00, which would result in a fee increase of \$58/acre for facilities not identified in the Sand Creek DBPS.

If the 1<sup>st</sup> motion is approved then a 2<sup>nd</sup> motion would be: I move to reimburse Patriot Park Investments, LLC \$658,707.00 for drainage facilities from the Sand Creek Drainage Basin Fund.



David R Lethbridge

March 27, 2017

Brian Kelley, P.E.  
Engineering Programs Manager and Secretary to the Drainage Board  
City of Colorado Springs Stormwater  
30 South Nevada Avenue, Suite 401  
Colorado Springs, CO 80903

Dear Mr. Kelley:

**PATRIOT PARK DRAINAGE CREDITS**

On behalf of Patriot Park Investments, LLC this is a request for Drainage Improvement Credit for public drainage facilities in Patriot Park with an accompanying request for a Sand Creek basin fee increase.

Patriot Park Investments, LLC is the current owner of 44.216 acres of un-platted land in Patriot Park, having obtained an *Assignment and Assumption of Personal Property Rights* from the previous owner/developer, Patriot Park, LLC (dba Corporate Office Properties Trust – “COPT”) in conjunction with their purchase of the property.

**Executive Summary**

Patriot Park, LLC (“COPT”) was the owner/developer of the planned area called Patriot Park, the original area consisting of 64.873 acres. COPT hired Bryan Construction to build public and private drainage improvements totaling \$743,836.00. Bryan Construction acknowledges full payment in this amount. The approved MDDPs and FDRs verify this as the cost of improvements. COPT has assigned any and all development rights to Patriot Park Investments, LLC (“including any available fee credits such as expenses paid by Assignor for drainage improvements that may be eligible for drainage credits, bridge credits, pond fee credits and pond land credits”) related to this property. No reconciliation has ever been approved of these improvements to satisfy prior recorded plats using “Offset” or “Paid” for drainage fee obligations. Per the signed drainage reports for Patriot Park, the 100-year public pipe system was required as a condition of approval. Therefore, adjustment of the overall Sand Creek Drainage Basin fee is required since this pipe system improvement was not included in the original drainage basin study calculation of improvement costs.

We are respectfully asking for the approval of the Sand Creek basin fee increase, along with the approval of \$658,707.00 in drainage credits. Of this amount, \$136,326.12 will be used to satisfy the drainage fee requirement on previously recorded plats. The balance of \$522,380.88 in credits will be granted to Patriot Park Investments, LLC to be used for future platting.

Patriot Park Credits  
 March 27, 2017  
 Page 2

**City Code section 7.7.907A states:**

The subdivider may determine to build drainage facilities as required by the DBPS prior to subdividing or otherwise developing land. In that event the fees applicable to the land proposed to be subdivided or otherwise developed may, with the approval of the City, be fixed at the time the subdivider contracts for the construction of the drainage facilities in accord with subsections B and C of this section.

The drainage facilities in Patriot Park were constructed in 2006 and 2007, therefore we propose to use 2006 as the date the construction was contracted. The Sand Creek drainage fee in 2006 was \$8,133.00.

**Request**

In accordance with the procedures for obtaining reimbursement or credit for the cost of constructing public drainage facilities as found in Chapter 3, *DCM Volume I*, page 3-12 and in Chapter 13, *Engineering Criteria Manual (ECM)*, Chapter 13, page 116, this request is two-fold:

- 1) Request for Sand Creek drainage improvement credit for the Patriot Park development.
- 2) Request for a Sand Creek drainage fee increase relating to public storm drain system in Patriot Park.

Patriot Park occupies the northwest quadrant of Powers Boulevard and Platte Avenue with the Sand Creek Channel as its western boundary. There are three existing office buildings; one in Patriot Park Subdivision Filing No. 2 (re-plat of Filing No. 1), one in Patriot Park Subdivision Filing No. 3, and one in Patriot Park Subdivision Filing No. 4.

Public drainage facilities were constructed in conjunction with the platting of the property. The public facilities consist of:

- Six hundred feet of the Sand Creek Channel (both sides) and two drop structures from Platte Avenue to 600 feet upstream which were constructed in 2006-2007.
- A 100-year public storm sewer with 1,050 feet of 66" diameter RCP in Space Center Drive which was constructed in 2006. This is the as-constructed pipe size which differs from the pipe sizes in the approved drainage report and on the approved construction plans.

**Required items for requesting drainage credits.**

Prior to constructing the public drainage facilities, Master Development Drainage Plans and Final Drainage Reports were approved by the city. These reports provided cost estimates for the public drainage facilities.

All facilities were constructed in accordance with city-approved construction plans.

Engineer certification that the facilities were constructed in accordance with the approved plans and written requests for inspection resulted in Final Acceptance of the public drainage facilities. The channel was final inspected/accepted on April 21, 2010; and the public storm sewer was final inspected/accepted on November 17, 2010.

Patriot Park Credits  
 March 27, 2017  
 Page 3

The construction was performed by Bryan Construction, Inc. Due to lost and purged records neither COPT nor Bryan Construction have complete records of the actual contract for the work performed. Evidence is attached from Bryan Construction documenting their receipt of \$743,836.00, which is the same amount cited in one of the approved drainage reports as needing to be approved by the Drainage Board.

#### Discussion

Patriot Park Investments, LLC is seeking CREDITS to be used for platting the remaining portions of Patriot Park. This *is not* a request for cash reimbursement for facilities constructed.

As mentioned above, one of the approved drainage reports, (*Amended MDDP for Patriot Park* by Matrix Design Group, September 2007) cites \$743,836.00 as the reimbursable public facility cost. Specifically, the MDDP says:

The estimated drainage fee credit in the amount of \$743,836.00 is the total cost of drainage improvements made to the Sand Creek Channel by COPT as of September 2007. This fee amount is an estimate pending approval of drainage fee credits by the Drainage Board.

This request was never brought to the Drainage Board. Also, we believe this to be a misstatement by Matrix, not regarding the total cost paid for drainage facilities, but regarding our judgment that certain drainage costs are not eligible for drainage credit. Following is our effort to justify and clarify these costs.

Cost estimates per approved drainage reports – standard policy allows ten percent engineering, plus five percent contingency.

- Sand Creek channel estimate per Matrix Design Group, August 2005 = \$291,920.00 + 15% = \$335,708.00
- Public Storm Sewer per Nolte Associates, Inc. March, 2006 = \$284,750.00 + 15% = \$327,463.00
- Water Quality Pond per Matrix FDR Filing 1, July, 2005 = \$56,875.00 + 15% = \$65,406.00
- Modify Water Quality Pond per Nolte MDDP March, 2006 = \$17,150.00 + 15% = \$19,723.00

	\$335,708.00
	\$327,463.00
	\$65,406.00
	+ <u>\$19,723.00</u>
Total estimated cost =	\$748,299.00

This total is slightly higher than the amount paid to Bryan Construction, but the amount paid to Bryan Construction would not have included the engineering design costs.

The Water Quality Pond is not eligible for credit as a public facility. Although it treats runoff from the public street, it is a private facility per the "Agreement – Private Maintenance of Water Quality Pond – Patriot Park" between the city and Patriot Park, LLC, recorded at #206062818.

Patriot Park Credits  
 March 27, 2017  
 Page 4

\$748,299.00  
 - \$65,406.00  
 - \$19,723.00  
 Engineer Estimate Eligible Improvements: \$663,170.00

**Sand Creek Drainage Basin Planning Study - Allowed Reimbursement**  
 ECM Section 13.1.2, page 115 states,

The engineer preparing a drainage reimbursement request must compare the cost incurred by the subdivider with the cost estimate for the facilities in the applicable Drainage Basin Planning Study (DBPS) adjusted to the current year. If the subdivider's cost exceeds the DBPS cost estimate the reimbursement request must be accompanied by a request for the Drainage Board to approve a corresponding drainage fee adjustment.

The following is from the Sand Creek Drainage Basin Planning Study by Kiowa Engineering, 1996: Table VIII-2-Cost Estimate (Page 62), Segment Number 128 – Reach SC-3

**Reimbursable improvements:**

	ACTUAL		BASIN STUDY	
	QUANTITY		UNIT COST	
100-year riprap	600	Lf	\$268.00	\$160,800
Grade controls	2	Ea		
	320	Lf	\$350.00	<u>\$112,000</u>
				\$272,800
Engineering			10%	\$27,280
Contingency			5%	<u>\$13,640</u>
Maximum Allowed Reimbursement in 1996 dollars				<u>\$313,720</u>

**Adjust from 1996 dollars to 2006 dollars:**

Maximum Allowed			\$313,720
2006 Fee per acre	\$8,133		
1996 Fee per acre	\$4,902		
Factor	1.6591		1.6591
Total Study Reimbursable Amount available			<u>\$520,499</u>

**Conclusion: channel improvement request is 35% less than the Basin Study estimate**

STUDY COST ESTIMATE	\$520,499	
OUR REQUEST – CHANNEL ONLY	<u>(335,708)</u>	64.5%
SAVINGS TO BASIN	\$184,791	35.5%

Patriot Park Credits  
 March 27, 2017  
 Page 5

### **Sand Creek Drainage Basin Planning Study – Pipe Systems**

The DBPS for Sand Creek by Kiowa Engineering, 1996, does not include the cost of the public storm sewer in Space Center Drive. This system was constructed in 2006 and was accepted for ownership and maintenance by the city in 2010. It is a 100-year system.

We reviewed Drainage Board agendas and minutes for about the past ten years and found the following Drainage Board actions to increase the Sand Creek basin fee to account for 100-year storm sewer facilities that were not included in the DBPS. They were:

- June 4, 2009 Drainage Board agenda item 5a1 and 5a2, Northcom Business Center and The Plaza at Barnes.
- January 23, 2014 Drainage Board agenda item 4, Cypress Partners, LLC
- December 3, 2015 Drainage Board agenda item 3, Powers Pointe

While the Basin Planning Study did not identify an eligible pipe system in this area, the 100-year public pipe system was required as a condition of approval of the drainage reports. Therefore, adjustment of the overall Sand Creek Drainage Basin fee is required since this major public pipe system improvement was not included in the original drainage basin study calculation of eligible improvement costs.

### **Sand Creek Fee Increase**

City staff tracks the amount of remaining unplatted acres in Sand Creek. As of February 16, 2017, there are 5,647.065 unplatted acres in Sand Creek.

The cost of the public storm sewer in Space Center Drive as discussed above is \$327,463.00.  
 ( $\$327,463.00 \div 5,647.065 = \$57.99$ )

**This request is for an increase to the Sand Creek basin fee of \$58.00.**

### **Drainage Credit Request**

As stated previously, the engineer estimates for the storm improvements was \$748,299.00. Bryan Construction invoices totaled \$743,836.00. The eligible reimbursable amount is as follows:

Bryan Construction paid invoices	\$743,836.00
Less non-reimbursable items:	
Private Water Quality Pont	-\$65,406.00
Modify Water Quality Pond	<u>-\$19,723.00</u>
Total eligible cost	\$658,707.00

We are respectfully asking for the approval of the Sand Creek basin fee increase, along with the approval of \$658,707.00 in drainage credits.

Patriot Park Credits  
 March 27, 2017  
 Page 6

Subtract the credits already allowed at time of platting:

Filing 1	\$38,553.00
Filing 3	\$46,602.00
Filing 4	<u>\$51,171.12</u>
Total drainage fee offset	\$136,326.12

Note, Filing 2 paid cash fees = \$34,727.91; it is not clear why the city collected this fee, it was probably a mistake.

The previously allowed platting fees are, therefore, subtracted from the total eligible cost to arrive at the amount of drainage credit being requested now.

Total eligible	\$658,707.00
Credits used	- <u>\$136,326.12</u>
Requested Credits	\$522,380.88

**Total construction cost requested for credit against future platting = \$522,380.88**

#### Summary

This final reconciliation is long overdue and needs to be approved to satisfy prior recorded plats, as well as provide the basis for applying drainage credits on future plats. This request is the culmination of months of research and assemblage of existing records. Since some of the required items cannot be produced the applicant acknowledges the following statement which is in the Engineering Criteria Manual, Section 13.2.9, page 116, "If the request is not approved, the Drainage Board will set the amount of reimbursement after hearing from both the City and the developer/applicant."

We respectfully ask for the approval of the Sand Creek basin fee increase along with the approval of \$658,707.00 in drainage credits. Of this amount, \$136,326.12 is to be used to satisfy the drainage fee requirement on previously recorded plats. The balance of \$522,380.88 in credits will be granted to Patriot Park Investments, LLC to be used for future platting.

Yours sincerely,

David R. Lethbridge  
 DRLbridge Consulting, LLC

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Allyn W. Brown  
 Patriot Park Investments, LLC

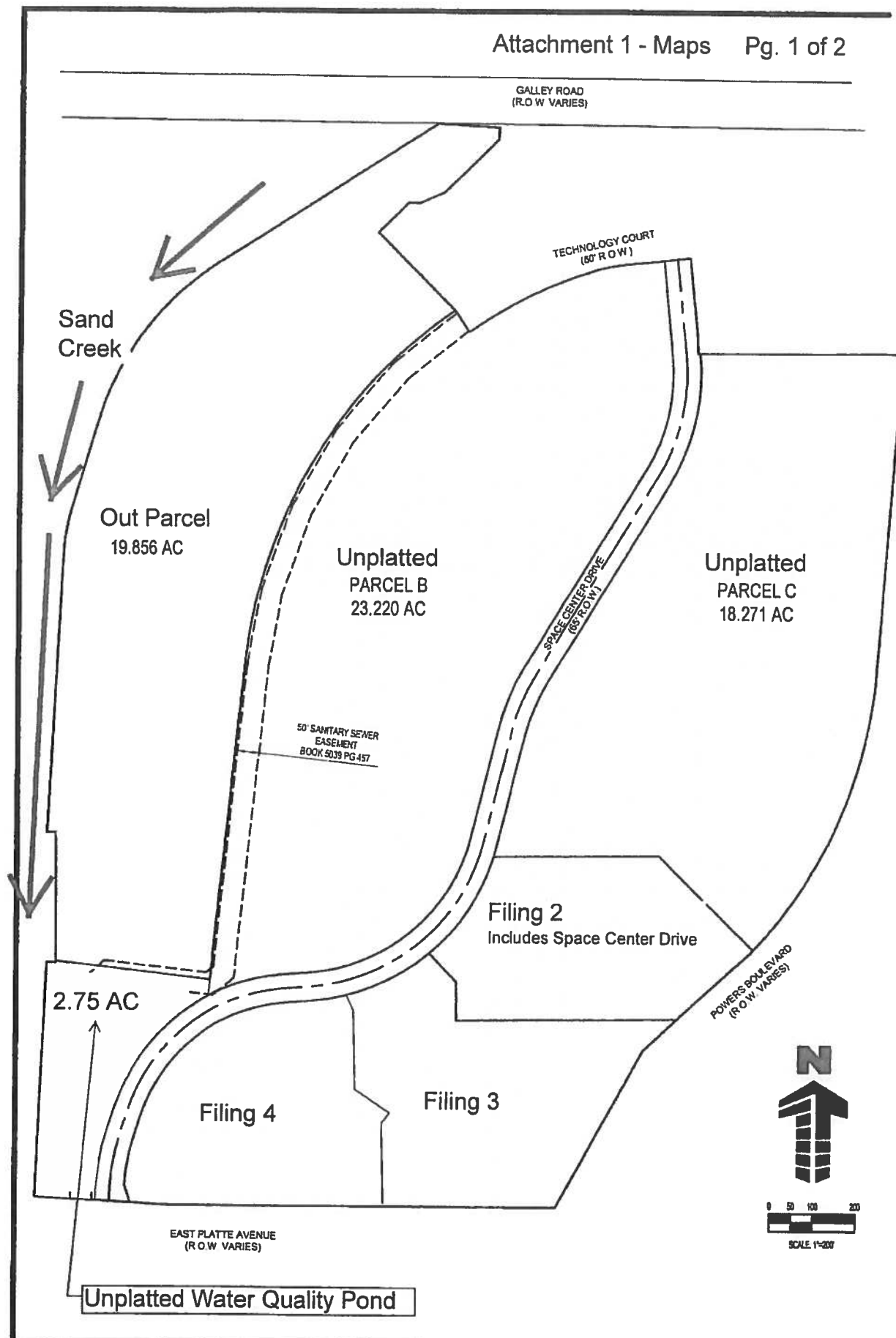
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Kevin Butcher, Manager  
 Patriot Park Investments, LLC



## Attachments

1. Map exhibit
2. Bryan Construction, LLC - "Deposits with Cash Receipts" and "Application and Certificate for Payment" from Patriot Park, LLC totaling \$743,836.00
3. "Sand Creek Drainage Basin Planning Study" prepared by Kiowa Engineering - Revised March 1996
4. "Final Drainage Report for Sand Creek Channel Improvements at Platte Avenue" prepared by Matrix Design Group - August 2005
5. "Master Development Drainage Plan Patriot Park" prepared by Nolte Associates - May 2006
6. "Final Drainage Report for Patriot Park Subdivision Filing 1" prepared by Matrix Design Group - July 2005
7. "Amended Master Development Drainage Plan for Patriot Park" prepared by Matrix Design Group - September 2007
8. "Assignment and Assumption of Personal Property Rights" signed by Patriot Park, LLC for the benefit of Patriot Park Investments, LLC- November 2016



PATRIOT PARK  
 PARCEL AREA EXHIBIT  
 COLORADO SPRINGS CO

EXHIBIT - A1

SHEET 1 OF 1

Project No:	SLVD00002.01
Drawn By:	JCA
Checked By:	JDR
Date:	10/10/2016

**Galloway**  
 Planning Architecture Engineering  
 1751 S. 10th St. Suite 107  
 Colorado Springs, CO 80902  
 719.520.2322  
 www.galloway-pe.com



Galley Road Bridge

Attachment 1 pg 2 of 2

Sand Creek

Powers Blvd

Platte Ave Bridge

## Attachment 2 - Bryan Documents Pg 1 of 26

XFINITY Connect

drlbridge@comcast.net  
± Font Size ±

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Bryan

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**From :** Dave Lethbridge <drlbridge@comcast.net>

Tue, Sep 27, 2016 10:40 AM

**Subject :** Bryan 13 attachments**To :** 'ajincs' <ajincs@aol.com>

Email string with Bryan, plus the info that she was able to find.

**David R. Lethbridge**

719.492.3880

[drlbridge@comcast.net](mailto:drlbridge@comcast.net)**From:** Christina Zani [mailto:czani@BRYANCONSTRUCTION.COM]**Sent:** Tuesday, September 27, 2016 10:36 AM**To:** Dave Lethbridge <drlbridge@comcast.net>**Subject:** RE: Contact Info

Dave,

Unfortunately, none of them are with us anymore.

Thank you,

**Christina Zani**

Project Administrator

*Performance Excellence*

7025 Campus Drive

Colorado Springs, CO 80920-3164

O: 719-632-5355

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

Colorado Springs | Denver | Fort Collins | Istanbul | Dubai



BEST GENERAL CONTRACTOR



**From:** Dave Lethbridge [<mailto:drlbridge@comcast.net>]  
**Sent:** Tuesday, September 27, 2016 10:31 AM  
**To:** Christina Zani <[czani@BRYANCONSTRUCTION.COM](mailto:czani@BRYANCONSTRUCTION.COM)>  
**Subject:** RE: Contact Info

This helps, thank you! Did you notice any employee names in the file that might still be working there? Maybe I could interview someone who worked on the project.

**David R. Lethbridge**  
719.492.3880  
[drlbridge@comcast.net](mailto:drlbridge@comcast.net)

**From:** Christina Zani [<mailto:czani@BRYANCONSTRUCTION.COM>]  
**Sent:** Tuesday, September 27, 2016 10:03 AM  
**To:** Dave Lethbridge <[drlbridge@comcast.net](mailto:drlbridge@comcast.net)>  
**Subject:** RE: Contact Info

Hi Dave,

I did not have much success finding a bid/proposal, but did find the bills to the Owner (same as you have), as well as our AR report showing that we were paid.

Let me know if this helps, or if there is something else I might be able to track down for you.

Thank you,

**Christina Zani**  
Project Administrator



7025 Campus Drive  
Colorado Springs, CO 80920-3164  
O: 719-632-5355  
[www.bryanconstruction.com](http://www.bryanconstruction.com)

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**BEST GENERAL CONTRACTOR**



**From:** Dave Lethbridge [mailto:drlbridge@comcast.net]  
**Sent:** Monday, September 26, 2016 4:47 PM  
**To:** Christina Zani <czani@BRYANCONSTRUCTION.COM>  
**Subject:** RE: Contact Info

Hi Christina,

Here are the two documents that we obtained somewhere. Thanks for your help. The one with 4 pages seems to be the Sand Creek channel work.

**David R. Lethbridge**  
719.492.3880  
drlbridge@comcast.net

**From:** Christina Zani [mailto:czani@BRYANCONSTRUCTION.COM]  
**Sent:** Monday, September 26, 2016 2:09 PM  
**To:** drlbridge@comcast.net  
**Subject:** Contact Info

Hi Dave,

My email and contact info as discussed.

Thanks!

**Christina Zani**  
Project Administrator



7025 Campus Drive  
Colorado Springs, CO 80920-3164  
O: 719-632-5355  
[www.bryanconstruction.com](http://www.bryanconstruction.com)

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**BEST GENERAL CONTRACTOR**



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**A BRYAN CONSTRUCTION COMPANY**  
**BEST GENERAL CONTRACTOR**



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**A BRYAN CONSTRUCTION COMPANY**

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BEST GENERAL CONTRACTOR 8 KB



Attachment 2 - Pg 5 of 26



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~~A BEST IN BUSINESS COMPANY~~  
BEST GENERAL CONTRACTOR



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From Bryan.pdf  
6 MB



## Deposits with Cash Receipts

<u>Cash Receipt ID</u>	<u>Cash Receipt Type</u>	<u>Invoice</u>	<u>Contract</u>	<u>Description</u>	<u>Amount</u>
BK COL-MMA 04-24-2006 1 101531	Checking PATPAR	Patriot Park, LLC 05042-1	05-042		
	Invoice cash receipt				49,455.00-
				Cash Receipt 101531 Total:	49,455.00-*
				Deposit 1 on 4-24-2006 Total:	49,455.00-*
108069	05-26-2006 1 Checking PATPAR	Patriot Park, LLC 05042-2	05-042		
	Invoice cash receipt				64,350.00-
				Cash Receipt 108069 Total:	64,350.00-*
				Deposit 1 on 5-26-2006 Total:	64,350.00-*
114477	10-11-2006 1 Checking PATPAR	Patriot Park, LLC 05042-3 05042-4CORR	05-042 05-042		
	Invoice cash receipt				181,755.00-
	Invoice cash receipt				37,800.00-
				Cash Receipt 114477 Total:	219,555.00-*
				Deposit 1 on 10-11-2006 Total:	219,555.00-*
121167	02-20-2007 1 Checking PATPAR	Patriot Park, LLC 05042-6	05-042		
	Invoice cash receipt				162,553.50-
				Cash Receipt 121167 Total:	162,553.50-*
				Deposit 1 on 2-20-2007 Total:	162,553.50-*
122059	03-06-2007 1 Checking PATPAR	Patriot Park, LLC 05042-7	05-042		
	Invoice cash receipt				56,475.00-
				Cash Receipt 122059 Total:	56,475.00-*
				Deposit 1 on 3-06-2007 Total:	56,475.00-*
0529WIRE	05-29-2007 1 Checking PATPAR	Patriot Park, LLC 05042-8 05042-RET	05-042 05-042		
	Invoice cash receipt				29,049.00-
	Invoice cash receipt				61,376.50-
				Cash Receipt 0529WIRE Total:	90,425.50-*
				Deposit 1 on 5-29-2007 Total:	90,425.50-*
05042	04-02-2008 1 Checking PATPAR	Patriot Park, LLC 05042-9	05-042		
	Invoice cash receipt				90,919.80-
				Cash Receipt 05042 Total:	90,919.80-*
				Deposit 1 on 4-02-2008 Total:	90,919.80-*
16027	01-26-2009 2 Checking PATPAR	Patriot Park, LLC 05042-FINRET	05-042		
	Invoice cash receipt				10,102.20-
				Cash Receipt 16027 Total:	10,102.20-*
				Deposit 2 on 1-26-2009 Total:	10,102.20-*
				BK COL-MMA Total:	743,836.00-*
				Report Total:	743,836.00-*

Attachment 2 - Pg 7 of 26

**APPLICATION AND CERTIFICATE FOR PAYMENT**

(This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract)

PROJECT (Store Number, City & State):

**SAND CREEK IMPROVEMENTS - 05-042**  
 POWERS AND PLATTE  
 COLORADO SPRINGS, CO.

ARCHITECT: **YOW**  
 ENGINEER: **MATRIX DESIGN GROUP**

TO (Owner):  
 PATRIOT PARK, LLC  
 8815 Centre Park Drive  
 Suite 400  
 Columbia, Md 21045

CONTRACTOR (Payee): **BRYAN CONSTRUCTION, INC.**

CONTRACT DATE:

Construction Managers: **Mr. George Swiniz & Mr. Carl Nelson**

APPLICATION DATE: **03/27/06** APPLICATION NO: **ONE (1)**  
 PERIOD FROM: **01-Mar-06** TO: **31-Mar-06**

Change Order This Application		ADDITIONS		DEDUCTIONS	
Number	Approved (date)	C/O Fee (Included Below)	% (Included Below)	C/O Fee (Included Below)	% (Included Below)
			50		
<b>TOTALS</b>				<b>50</b>	

Application is made for Payment, as shown below, in connection with the Contract.  
 (Construction project billing format is attached)  
 The present status of the account for this Contract is as follows:

- 1. ORIGINAL CONTRACT SUM ..... \$ **724,567.00**
- 2. NET CHANGE BY CHANGE ORDER (Fee Included) ..... \$ **0.00**
- 3. CONTRACT SUM TO DATE ..... \$ **724,567.00**
- 4. TOTAL COMPLETED & STORED TO DATE ..... \$ **54,956.00**
- 5. RETAINAGE: 10 % OF LINE 4 ..... \$ **5,495.00**
- 6. TOTAL EARNED LESS RETAINAGE ..... \$ **49,455.00**
- 7. LESS PREVIOUS PAYMENTS PAID ..... \$ **0.00**
- 8. CURRENT PAYMENT DUE ..... \$ **49,455.00**

In Accordance with the Contract and this Application, the Contractor is entitled to payment in the amount shown on Line 8 above.

Contractor: **BRYAN CONSTRUCTION, INC.**

APPROVED: \_\_\_\_\_ **NOLTE ENGINEERING**

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

\*Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005  
 Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
 REVISED 1-97 REVISED 1-94, REVISED 4-99 REVISED 6-94

DATE: March 27, 2006 BUDGET SUMMARY PROJECT: SAND CREEK IMPROVEMENTS

**CONSTRUCTION PROJECT BILLING FORMAT**

CONTRACTOR: BRYAN CONSTRUCTION, INC. PAYMENT APPLICATION NO.: ONE (1)

DIVISION	DESCRIPTION	JDE Account Numbers	ORIGINAL BUDGET	REVISED BUDGET	PERCENT COMPLETE %	AMOUNT COMPLETE THIS REQUEST	STORED MATERIAL	THIS MONTHS REQUEST	PLUS OR MINUS RETAINAGE	THIS MONTHS DRAW
0 & 1	GENERAL REQUIREMENTS	1800.01001	\$80,730.00	\$80,730.00	8.18%	\$6,600.00	\$0.00	\$6,600.00	\$660.00	\$5,940.00
2	SITEWORK (EXCLUDING OFFSITE)	1800.02001	\$643,837.00	\$643,837.00	7.51%	\$48,350.00	\$0.00	\$48,350.00	\$4,835.00	\$43,515.00
	<b>TOTAL</b>		\$ 724,567.00	\$724,567.00	7.58%	\$54,950.00	\$0.00	\$54,950.00	\$5,495.00	\$49,455.00

Attachment 2 - Pg 9 of 26

CONTINUATION SHEET - SAND CREEK IMPROVEMENTS #05-042

APPLICATION NUMBER: ONE (1)  
 APPLICATION DATE: 27-Mar-06  
 PERIOD TO: 31-Mar-06

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached in tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

COST CODE	A DIV. NO.	B DESCRIPTION OF WORK	C ORIGINAL BUDGET	CHANGE ORDERS	REVISED BUDGET	D FROM PREVIOUS APPLICATION	E WORK COMPLETED THIS PERIOD		F STORED MATERIALS	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE
							WORK IN PLACE					
1000	0 & 1	OH & P WITH GENERAL CONDITIONS	\$ 80,730	\$ -	\$ 80,730	\$ -	\$ 6,600	\$ -	\$ 6,600	\$ 74,130	\$ 660	
1-327		TOTAL DIVISION 0 & 1	\$ 80,730	\$ -	\$ 80,730	\$ -	\$ 6,600	\$ -	\$ 6,600	\$ 74,130	\$ 660	
2005	2	SURVEY	\$ 4,000	\$ -	\$ 4,000	\$ -	\$ 1,850	\$ -	\$ 1,850	\$ 2,150	\$ 185	
2220	2	EARTHWORK	\$ 634,837	\$ -	\$ 634,837	\$ -	\$ 46,500	\$ -	\$ 46,500	\$ 588,337	\$ 4,650	
2950	2	LANDSCAPE ALLOWANCE	\$ 5,000	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ 5,000	\$ 0	
		TOTAL DIVISION 2	\$ 643,837	\$ -	\$ 643,837	\$ -	\$ 48,350	\$ -	\$ 48,350	\$ 595,487	\$ 4,835	
		TOTAL DIVISIONS 0 thru 16	\$ 724,567	\$ 0	\$ 724,567	\$ 0	\$ 54,950	\$ 0	\$ 54,950	\$ 669,617	\$ 5,495	

**APPLICATION AND CERTIFICATE FOR PAYMENT**

(This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract)

PROJECT (Store Number, City & State): **SAND CREEK IMPROVEMENTS - 05-042**  
**POWERS AND PLATTE**  
**COLORADO SPRINGS, CO.**

ARCHITECT: **YOW**  
 ENGINEER: **MATRIX DESIGN GROUP**  
 CONTRACTOR (Payee): **BRYAN CONSTRUCTION, INC.**  
 CONTRACT DATE: \_\_\_\_\_

TO (Owner):  
**PATRIOT PARK, LLC**  
 8815 Contra Park Drive  
 Suite 400  
 Columbus, Md 21045

Construction Managers: **Mr. George Swintz & Mr. Carl Nelson**

APPLICATION DATE: **04/28/06** APPLICATION NO: **TWO (2)**  
 PERIOD FROM: **01-Apr-06** TO: **30-Apr-06**

TOTAL		ADDITIONS \$	DEDUCTIONS \$
Number	Approved (date)	C/O Fee _____ % (Included Below)	C/O Fee _____ % (Included Below)
		\$0	\$0
<b>TOTALS</b>		\$0	\$0

Net change by Change Orders \$ **0**

**CERTIFICATE OF THE CONTRACTOR**  
 I hereby certify that the work performed and the materials stored on the site represents the actual value under the terms of the Contract (including all authorized Change Orders there to) between the undersigned and, Patriot Park, LLC., relating to the above referenced project.  
 I also certify that payments, less applicable retention, have been made through the period covered by previous payments received from Patriot Park, LLC., to (1) all my subcontractors and sub-subcontractors, and (2) for all materials and labor used in or in connection with the performance of this Contract. I further certify I have complied with Federal, State and local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to performance of this Contract.

Application is made for Payment, as shown below, in connection with the Contract. (Construction project billing format is attached)  
 The present status of the account for this Contract is as follows:

1. ORIGINAL CONTRACT SUM ..... \$ **724,567.00**
2. NET CHANGE BY CHANGE ORDER (Fee Included) ..... \$ **0.00**
3. CONTRACT SUM TO DATE ..... \$ **724,567.00**
4. TOTAL COMPLETED & STORED TO DATE ..... \$ **126,450.00**
5. RETAINAGE: **10** % OF LINE 4 ..... \$ **12,645.00**
6. TOTAL EARNED LESS RETAINAGE ..... \$ **113,805.00**
7. LESS PREVIOUS PAYMENTS PAID ..... \$ **49,455.00**
8. CURRENT PAYMENT DUE ..... \$ **64,350.00**

In Accordance with the Contract and this Application, the Contractor is entitled to payment in the amount shown on Line 8 above.

Contractor: **BRYAN CONSTRUCTION, INC.** APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 By: \_\_\_\_\_  
 "Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006"  
 Notary Public: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_  
 REVISED 1-03, REVISED 1-04, REVISED 4-04, REVISED 6-04

**MATRIX DESIGN**

DATE: April 28, 2006 PROJECT: SAND CREEK IMPROVEMENTS

BUDGET SUMMARY  
**CONSTRUCTION PROJECT BILLING FORMAT**

CONTRACTOR: BRYAN CONSTRUCTION, INC. PAYMENT APPLICATION NO.: TWO (2)

DIVISION	DESCRIPTION	JDE Account Numbers	ORIGINAL BUDGET	REVISED BUDGET	PERCENT COMPLETE %	AMOUNT COMPLETE THIS REQUEST	STORED MATERIAL	THIS MONTHS REQUEST	PLUS OR MINUS RETAINAGE	THIS MONTHS DRAW
0 & 1	GENERAL REQUIREMENTS	1800.01001	\$80,730 00	\$80,730 00	9.78%	\$7,500 00	\$0 00	\$7,500 00	\$750 00	\$6,750 00
2	SITEWORK (EXCLUDING OFFSITE)	1800.02001	\$643,837 00	\$643,837 00	9.94%	\$64,000 00	\$0 00	\$64,000 00	\$6,400 00	\$57,600 00
	<b>TOTAL</b>		\$ 724,567 00	\$724,567 00	9.87%	\$71,500 00	\$0 00	\$71,500 00	\$7,150 00	\$64,350 00

**APPLICATION AND CERTIFICATE FOR PAYMENT**

(This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract)

PROJECT (Store Number, City & State):

**SAND CREEK IMPROVEMENTS - 05-042**  
**POWERS AND PLATTE**  
**COLORADO SPRINGS, CO.**

ARCHITECT: YOW

ENGINEER: MATRIX DESIGN GROUP

CONTRACTOR (Payee): BRYAN CONSTRUCTION, INC.

CONTRACT DATE: \_\_\_\_\_

APPLICATION DATE: 07/26/06 APPLICATION NO: THREE (3)

PERIOD FROM: 01-Jul-06 TO: 31-Jul-06

Application is made for Payment, as shown below, in connection with the Contract.  
 (Construction project billing format is attached)  
 The present status of the account for this Contract is as follows:

1. ORIGINAL CONTRACT SUM .....	\$	724,567.00
2. NET CHANGE BY CHANGE ORDER (Fee Included) .....	\$	0.00
3. CONTRACT SUM TO DATE .....	\$	724,567.00
4. TOTAL COMPLETED & STORED TO DATE .....	\$	328,400.00
5. RETAINAGE: 10 % OF LINE 4 .....	\$	32,840.00
6. TOTAL EARNED LESS RETAINAGE .....	\$	295,560.00
7. LESS PREVIOUS PAYMENTS PAID .....	\$	113,805.00
8. CURRENT PAYMENT DUE .....	\$	181,755.00

In Accordance with the Contract and this Application, the Contractor is entitled to payment in the amount shown on Line 8 above.

APPROVED: \_\_\_\_\_

MATRIX DESIGN

DATE: \_\_\_\_\_

Construction Managers: Mr. George Swintz & Mr. Carl Nelson

**CHANGE ORDER SUMMARY**

Change Order The Application Number	Approved (date)	ADDITIONS \$	DEDUCTIONS \$								
		<table border="1"> <tr> <td>C/O Fee</td> <td>%</td> </tr> <tr> <td>(Included Below)</td> <td></td> </tr> </table>	C/O Fee	%	(Included Below)		<table border="1"> <tr> <td>C/O Fee</td> <td>%</td> </tr> <tr> <td>(Included Below)</td> <td></td> </tr> </table>	C/O Fee	%	(Included Below)	
C/O Fee	%										
(Included Below)											
C/O Fee	%										
(Included Below)											
<b>TOTALS</b>		\$0	\$0								
<b>TOTALS</b>		\$	0								

Net change by Change Orders

**CERTIFICATE OF THE CONTRACTOR**  
 I hereby certify that the work performed and the materials stored on the site represents the actual value under the terms of the Contract (including all authorized Change Orders there to) between the undersigned and , Patriot Park, LLC., relating to the above referenced project.  
 I also certify that payments, less applicable retention, have been made through the period covered by previous payments received from Patriot Park, LLC., to (1) all my subcontractors and sub-subcontractors, and (2) for all materials and labor used in or in connection with the performance of this Contract. I further certify I have complied with Federal, State and local laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to performance of this Contract.

Contractor: **BRYAN CONSTRUCTION, INC.**

By: \_\_\_\_\_

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

"Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006

Notary Public: \_\_\_\_\_

By Commission Expires: \_\_\_\_\_  
 REVISED 4-01, REVISED 1-01, REVISED 4-00, REVISED 8-00

Attachment 2 - Pg 13 of 26

DATE: July 26, 2006 BUDGET SUMMARY PROJECT: SAND CREEK IMPROVEMENTS

**CONSTRUCTION PROJECT BILLING FORMAT**

CONTRACTOR: BRYAN CONSTRUCTION, INC. PAYMENT APPLICATION NO.: THREE (3)

DIVISION	DESCRIPTION	JDE Account Numbers	ORIGINAL BUDGET	REVISED BUDGET	PERCENT COMPLETE %	AMOUNT COMPLETE THIS REQUEST	STORED MATERIAL	THIS MONTHS REQUEST	PLUS OR MINUS RETAINAGE	THIS MONTHS DRAW
0 & 1	GENERAL REQUIREMENTS	1800.01001	\$90,730.00	\$90,730.00	27.25%	\$22,000.00	\$0.00	\$22,000.00	\$2,200.00	\$19,800.00
2	SITEWORK (EXCLUDING OFFSITE)	1800.02001	\$643,837.00	\$643,837.00	27.95%	\$179,950.00	\$0.00	\$179,950.00	\$17,995.00	\$161,955.00
	<b>TOTAL</b>		\$ 724,567.00	\$724,567.00	27.87%	\$201,950.00	\$0.00	\$201,950.00	\$20,195.00	\$181,755.00



Attachment 2 - Pg 14 of 26

CONTINUATION SHEET - SAND CREEK IMPROVEMENTS #05-042

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached in tabulations below. amounts are stated to the nearest dollar.

APPLICATION NUMBER: THREE (3)  
 APPLICATION DATE: 26-Jul-06  
 PERIOD TO: 31-Jul-06

Use Column I on Contracts where variable retainage for line items may apply.

COST CODE	A DIV. NO	B DESCRIPTION OF WORK	C ORIGINAL BUDGET	CHANGE ORDERS	REVISED BUDGET	D FROM PREVIOUS APPLICATION	E WORK COMPLETED THIS PERIOD IN PLACE	F STORIED MATERIALS	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE
1000		0 & 1 OH & P WITH GENERAL CONDITIONS	\$ 80,730	\$ -	\$ 80,730	\$ 14,100	\$ 22,000	\$ -	\$ 36,100	\$ 44,630	\$ 33,610
1-327		TOTAL DIVISION 0 & 1	\$ 80,730	\$ -	\$ 80,730	\$ 14,100	\$ 22,000	\$ -	\$ 36,100	\$ 44,630	\$ 33,610
2005		2 SURVEY	\$ 4,000	\$ -	\$ 4,000	\$ 1,850	\$ 1,450	\$ -	\$ 3,300	\$ 700	\$ 330
2220		2 EARTHWORK	\$ 634,837	\$ -	\$ 634,837	\$ 110,500	\$ 178,500	\$ -	\$ 289,000	\$ 345,837	\$ 28,900
2950		2 LANDSCAPE ALLOWANCE	\$ 5,000	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ 5,000	\$ 0
		TOTAL DIVISION 2	\$ 643,837	\$ -	\$ 643,837	\$ 112,350	\$ 179,950	\$ -	\$ 292,300	\$ 351,537	\$ 29,230
		TOTAL DIVISIONS 0 thru 16	\$ 724,567	\$ 0	\$ 724,567	\$ 126,450	\$ 201,950	\$ 0	\$ 328,400	\$ 396,167	\$ 32,840

Attachment 2 - Pg 15 of 26

**APPLICATION AND CERTIFICATE FOR PAYMENT**

(This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract)

PROJECT (Store Number, City & State): **SAND CREEK IMPROVEMENTS - 05-042**  
**POWERS AND PLATTE**  
**COLORADO SPRINGS, CO.**

ARCHITECT: **YOW**  
 ENGINEER: **MATRIX DESIGN GROUP**  
 CONTRACTOR (Payee): **BRYAN CONSTRUCTION, INC.**  
 CONTRACT DATE: \_\_\_\_\_

TO (Owner):  
**PATRIOT PARK, LLC**  
 8815 Centre Park Drive  
 Suite 400  
 Columbo, MD 21045

Construction Managers: **Mr. George Swintz & Mr. Carl Nelson**  
 CHANGE ORDER SUMMARY

Change Order This Application		ADDITIONS \$	DEDUCTIONS \$
Number	Approved (doll)	CAO Fee (Included Below) %	CAO Fee (Included Below) %
		\$0	
<b>TOTALS</b>		<b>\$0</b>	<b>\$0</b>

Net change by Change Orders \$ **0**

Application is made for Payment, as shown below, in connection with the Contract. (Construction project billing format is attached)  
 The present status of the account for this Contract is as follows:

1. ORIGINAL CONTRACT SUM	\$	724,567.00
2. NET CHANGE BY CHANGE ORDER (Fee Included)	\$	0.00
3. CONTRACT SUM TO DATE	\$	724,567.00
4. TOTAL COMPLETED & STORED TO DATE	\$	370,400.00
5. RETAINAGE: 10 % OF LINE 4	\$	37,040.00
6. TOTAL EARNED LESS RETAINAGE	\$	333,360.00
7. LESS PREVIOUS PAYMENTS PAID	\$	292,560.00
8. CURRENT PAYMENT DUE	\$	37,800.00

In Accordance with the Contract and this Application, the Contractor is entitled to payment in the amount shown on Line 8 above.

APPROVED: \_\_\_\_\_  
 BRYAN CONSTRUCTION, INC.

DATE: \_\_\_\_\_  
 MATRIX DESIGN

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006  
 Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
 REVISED 1-01, REVISED 1-04, REVISED 4-04, REVISED 6-04

Attachment 2 - Pg 16 of 26

DATE: August 25, 2006 BUDGET SUMMARY PROJECT: SAND CREEK IMPROVEMENTS

**CONSTRUCTION PROJECT BILLING FORMAT**

CONTRACTOR: BRYAN CONSTRUCTION, INC. PAYMENT APPLICATION NO.: FOUR (4)

DIVISION	DESCRIPTION	JDE Account Numbers	ORIGINAL BUDGET	REVISED BUDGET	PERCENT COMPLETE %	AMOUNT COMPLETE THIS REQUEST	STORED MATERIAL	THIS MONTHS REQUEST	PLUS OR MINUS RETAINAGE	THIS MONTHS DRAW
0 & 1	GENERAL REQUIREMENTS	1800.01001	\$80,730.00	\$76,621.00	7.18%	\$5,500.00	\$0.00	\$5,500.00	\$550.00	\$4,850.00
2	SITEWORK (EXCLUDING OFFSITE)	1800.02001	\$643,837.00	\$010,365.00	5.97%	\$36,500.00	\$0.00	\$36,500.00	\$3,650.00	\$32,850.00
	<b>TOTAL</b>		\$ 724,567.00	\$887,586.00	6.11%	\$42,000.00	\$0.00	\$42,000.00	\$4,200.00	\$37,800.00

Attachment 2 - Pg 17 of 26

CONTINUATION SHEET - SAND CREEK IMPROVEMENTS #05-042

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached in tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: FOUR (4)  
 APPLICATION DATE: 25-Aug-06  
 PERIOD TO: 31-Aug-06

COST CODE	DIV. NO	DESCRIPTION OF WORK	C ORIGINAL BUDGET	CHANGE ORDERS	REVISED BUDGET	D		E WORK COMPLETED THIS PERIOD	F WORK STORED MATERIALS	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G+C)	H BALANCE TO FINISH (C-G)	I RETAINAGE
						FROM PREVIOUS APPLICATION	WORK IN PLACE						
1000	0 & 1	OH & P WITH GENERAL CONDITIONS	\$ 80,730	\$ (4,109)	\$ 76,621	\$ 36,100	\$ 5,500	\$ -	\$ 41,600	54%	\$ 35,021	\$ 4,160	
1-327		TOTAL DIVISION 0 & 1	\$ 80,730	\$ (4,109)	\$ 76,621	\$ 36,100	\$ 5,500	\$ -	\$ 41,600	54%	\$ 35,021	\$ 4,160	
2005	2	SURVEY	\$ 4,000	\$ -	\$ 4,000	\$ 3,300	\$ -	\$ -	\$ 3,300	83%	\$ 700	\$ 330	
2220	2	EARTHWORK	\$ 634,637	\$ (118,523)	\$ 516,314	\$ 289,000	\$ 36,500	\$ -	\$ 325,500	63%	\$ 190,814	\$ 32,550	
2950	2	LANDSCAPE ALLOWANCE	\$ 5,000	\$ 85,651	\$ 90,651	\$ -	\$ -	\$ -	\$ -	0%	\$ 90,651	\$ 0	
		TOTAL DIVISION 2	\$ 643,637	\$ (32,872)	\$ 610,765	\$ 292,300	\$ 36,500	\$ -	\$ 328,800	54%	\$ 282,165	\$ 32,680	
		TOTAL DIVISIONS 0 thru 16	\$ 724,567	\$ (36,981)	\$ 687,586	\$ 328,400	\$ 42,000	\$ 0	\$ 370,400	54%	\$ 317,186	\$ 37,040	

**APPLICATION AND CERTIFICATE FOR PAYMENT**

(This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract)

PROJECT (Store Number, City & State):

**SAND CREEK IMPROVEMENTS - 05-042**  
 POWERS AND PLATTE  
 COLORADO SPRINGS, CO.

TO (Owner):

PATRIOT PARK, LLC  
 8815 Centre Park Drive  
 Suite 400  
 Columbia, Md 21045

Construction Managers: Mr. George Swintz & Mr. Carl Neilson

**CHANGE ORDER SUMMARY**

Change Order The Application		ADDITIONS \$	DEDUCTIONS \$
Number	Approved (date)	CGO Fee (Included Below) %	CGO Fee (Included Below) %
		\$0	
<b>TOTALS</b>		\$0	

Net change by Change Orders \$ 0

**CERTIFICATE OF THE CONTRACTOR**  
 I hereby certify that the work performed and the materials stored on the site represents the actual value under the terms of the Contract (including all authorized Change Orders here to) between the undersigned and , Patriot Park, LLC., relating to the above referenced project.  
 I also certify that payments, less applicable retention, have been made through the period covered by previous payments received from Patriot Park, LLC., to (1) all my subcontractors and sub-subcontractors, and (2) for all materials and labor used in or in connection with the performance of this Contract. I further certify I have complied with Federal, State and local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to performance of this Contract.

ARCHITECT: YOW  
 ENGINEER: MATRIX DESIGN GROUP  
 CONTRACTOR (Payee): BRYAN CONSTRUCTION, INC.  
 CONTRACT DATE: \_\_\_\_\_  
 APPLICATION DATE: 01/12/07 APPLICATION NO: SIX (8)  
 PERIOD FROM: 01-Dec-06 TO: 31-Dec-06

Application is made for Payment, as shown below, in connection with the Contract.  
 (Construction project billing format is attached)  
 The present status of the account for this Contract is as follows:

1. ORIGINAL CONTRACT SUM .....	\$	724,567.00
2. NET CHANGE BY CHANGE ORDER (Fee Included) .....	\$	0.00
3. CONTRACT SUM TO DATE .....	\$	724,567.00
4. TOTAL COMPLETED & STORED TO DATE .....	\$	551,015.00
5. RETAINAGE: 10 % OF LINE 4 .....	\$	55,101.50
6. TOTAL EARNED LESS RETAINAGE .....	\$	495,913.50
7. LESS PREVIOUS PAYMENTS PAID .....	\$	333,360.00
8. CURRENT PAYMENT DUE .....	\$	162,553.50

In Accordance with the Contract and this Application, the Contractor is entitled to payment in the amount shown on Line 8 above.

APPROVED:

Contractor: BRYAN CONSTRUCTION, INC.

MATRIX DESIGN

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

"Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2007  
 Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
 REVISED 1-03, REVISED 1-4-01, REVISED 4-06, REVISED 6-04

DATE: January 12, 2007 BUDGET SUMMARY PROJECT: SAND CREEK IMPROVEMENTS

**CONSTRUCTION PROJECT BILLING FORMAT**

CONTRACTOR: BRYAN CONSTRUCTION, INC. PAYMENT APPLICATION NO.: SIX (6)

DIVISION	DESCRIPTION	JDE Account Numbers	ORIGINAL BUDGET	REVISED BUDGET	PERCENT COMPLETE %	AMOUNT COMPLETE THIS REQUEST	STORED MATERIAL	THIS MONTHS REQUEST	PLUS OR MINUS RETAINAGE	THIS MONTHS DRAW
0 & 1	GENERAL REQUIREMENTS	1800.01001	\$80,730.00	\$76,621.00	25.97%	\$19,900.00	\$0.00	\$19,900.00	\$1,900.00	\$17,910.00
2	SITEWORK (EXCLUDING OFFSITE)	1800.02001	\$643,837.00	\$610,965.00	26.31%	\$160,715.00	\$0.00	\$160,715.00	\$10,071.50	\$144,643.50
	<b>TOTAL</b>		\$ 724,567.00	\$687,586.00	26.27%	\$180,615.00	\$0.00	\$180,615.00	\$18,061.50	\$162,553.50

Attachment 2 - Pg 20 of 26

CONTINUATION SHEET - SAND CREEK IMPROVEMENTS #05-042

APPLICATION AND CERTIFICATE FOR PAYMENT, containing  
 Contractor's signed Certification is attached  
 in tabulations below, amounts are stated to the nearest dollar.  
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: SIX (6)  
 APPLICATION DATE: 12-Jan-07  
 PERIOD TO: 31-Dec-06

COST CODE	DIV. NO	DESCRIPTION OF WORK	C ORIGINAL BUDGET	CHANGE ORDERS	REVISED BUDGET	D		E WORK COMPLETED THIS PERIOD	F STORED MATERIALS	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G+C)	H BALANCE TO FINISH (C-G)	I RETAINAGE
						FROM PREVIOUS APPLICATION	WORK IN PLACE						
1000		0 & 1 OH & P WITH GENERAL CONDITIONS	\$ 80,730	\$ (4,109)	\$ 76,621	\$ 41,600	\$ 19,900	\$ -	\$ -	\$ 61,500	80%	\$ 15,121	\$ 6,150
1-327		TOTAL DIVISION 0 & 1	\$ 80,730	\$ (4,109)	\$ 76,621	\$ 41,600	\$ 19,900	\$ -	\$ -	\$ 61,500	80%	\$ 15,121	\$ 6,150
2005		2 SURVEY	\$ 4,000	\$ -	\$ 4,000	\$ 3,300	\$ 700	\$ -	\$ -	\$ 4,000	100%	\$ -	\$ 400
2220		2 EARTHWORK	\$ 634,837	\$ (118,523)	\$ 516,314	\$ 325,500	\$ 160,015	\$ -	\$ -	\$ 485,515	94%	\$ 30,799	\$ 48,552
2950		2 LANDSCAPE ALLOWANCE	\$ 5,000	\$ 85,651	\$ 90,651	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 90,651	\$ 0
		TOTAL DIVISION 2	\$ 643,837	\$ (32,872)	\$ 610,965	\$ 328,800	\$ 160,715	\$ -	\$ -	\$ 489,515	80%	\$ 121,450	\$ 48,952
		TOTAL DIVISIONS 0 thru 15	\$ 724,567	\$ (36,981)	\$ 687,586	\$ 370,400	\$ 180,615	\$ 0	\$ 0	\$ 551,015	80%	\$ 136,571	\$ 55,102

Attachment 2 - Pg 21 of 26

**APPLICATION AND CERTIFICATE FOR PAYMENT**

(This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract)

PROJECT (Store Number, City & State):

**SAND CREEK IMPROVEMENTS - 05-042**  
**POWERS AND PLATTE**  
**COLORADO SPRINGS, CO.**

TO (Owner):

PATRIOT PARK, LLC  
 8815 Centre Park Drive  
 Suite 400  
 Colorado, MO 21045

Construction Managers: Mr. George Swintz & Mr. Carl Neilson

**CHANGE ORDER SUMMARY**

Change Order (This Application)		ADDITIONS \$	DEDUCTIONS \$
Number	Approved (date)	CO Fee (Included Below) %	CO Fee (Included Below) %
		\$10,269	
<b>TOTALS</b>		<b>\$19,269</b>	

Net change by Change Orders \$ 19,269

**CERTIFICATE OF THE CONTRACTOR**  
 I hereby certify that the work performed and the materials stored on the site represents the actual value under the terms of the Contract (including all authorized Change Orders there to) between the undersigned and Patriot Park, LLC, relating to the above referenced project.  
 I also certify that payments, less applicable retention, have been made through the period covered by previous payments received from Patriot Park, LLC, to (1) all my subcontractors and sub-subcontractors, and (2) for all materials and labor used in or in connection with the performance of this Contract. I further certify I have complied with Federal, State and local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to performance of this Contract.

Contractor: **BRYAN CONSTRUCTION, INC.**

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

"Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2007

Notary Public:

My Commission Expires:

REVISED 1-83, REVISED 1-84, REVISED 4-86 REVISED 6-84

ARCHITECT: **YOW**

ENGINEER: **MATRIX DESIGN GROUP**

CONTRACTOR (Payee): **BRYAN CONSTRUCTION, INC.**

CONTRACT DATE: \_\_\_\_\_

APPLICATION DATE: **01/26/07** APPLICATION NO: **SEVEN (7)**  
 PERIOD FROM: **01-Jan-07** TO: **31-Jan-07**

Application is made for Payment, as shown below, in connection with the Contract (Construction project billing format is attached)  
 The present status of the account for this Contract is as follows:

1. ORIGINAL CONTRACT SUM ..... \$ **724,567.00**
2. NET CHANGE BY CHANGE ORDER (Fee Included) ..... \$ **19,269.00**
3. CONTRACT SUM TO DATE ..... \$ **743,836.00**
4. TOTAL COMPLETED & STORED TO DATE ..... \$ **613,765.00**
5. RETAINAGE: \_\_\_\_\_ 10 \_\_\_\_\_ % OF LINE 4 ..... \$ **61,376.50**
6. TOTAL EARNED LESS RETAINAGE ..... \$ **552,388.50**
7. LESS PREVIOUS PAYMENTS PAID ..... \$ **495,913.50**
8. CURRENT PAYMENT DUE ..... \$ **56,475.00**

In Accordance with the Contract and this Application, the Contractor is entitled to payment in the amount shown on Line 8 above.

APPROVED: \_\_\_\_\_

**MATRIX DESIGN**

DATE: \_\_\_\_\_



DATE: January 26, 2007 BUDGET SUMMARY PROJECT: SAND CREEK IMPROVEMENTS  
**CONSTRUCTION PROJECT BILLING FORMAT**

CONTRACTOR: BRYAN CONSTRUCTION, INC. PAYMENT APPLICATION NO.: SEVEN (7)

DIVISION	DESCRIPTION	JDE Account Numbers	ORIGINAL BUDGET	REVISED BUDGET	PERCENT COMPLETE %	AMOUNT COMPLETE THIS REQUEST	STORED MATERIAL	THIS MONTHS REQUEST	PLUS OR MINUS RETAINAGE	THIS MONTHS DRAW
0 & 1	GENERAL REQUIREMENTS	1800.01001	\$80,730.00	\$82,871.00	9.05%	\$7,500.00	\$0.00	\$7,500.00	\$750.00	\$6,750.00
2	SITework (EXCLUDING OFFSITE)	1800.02001	\$643,837.00	\$680,965.00	8.36%	\$55,250.00	\$0.00	\$55,250.00	\$5,525.00	\$49,725.00
	<b>TOTAL</b>		\$ 724,567.00	\$743,836.00	8.44%	\$62,750.00	\$0.00	\$62,750.00	\$6,275.00	\$56,475.00

Attachment 2 - Pg 23 of 26

CONTINUATION SHEET - SAND CREEK IMPROVEMENTS #05-042

APPLICATION NUMBER: SEVEN (7)  
 APPLICATION DATE: 26-Jan-07  
 PERIOD TO: 31-Jan-07

APPLICATION AND CERTIFICATE FOR PAYMENT, containing  
 Contractor's signed Certification is attached  
 in tabulations below, amounts are stated to the nearest dollar.  
 Use Column I on Contracts where variable retainage for line items may apply.

COST CODE	DIV. NO.	DESCRIPTION OF WORK	C ORIGINAL BUDGET	CHANGE ORDERS	REVISED BUDGET	D FROM PREVIOUS APPLICATION	E WORK COMPLETED		F STORED MATERIALS	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G+C)	H BALANCE TO FINISH (C-G)	I RETAINAGE
							WORK IN PLACE	THIS PERIOD					
1000		0 & 1 OH & P WITH GENERAL CONDITIONS	\$ 80,730	\$ 2,141	\$ 82,871	\$ 61,500	\$ 7,500	\$ -	\$ 69,000	83%	\$ 13,871	\$ 6,900	
1-327		TOTAL DIVISION 0 & 1	\$ 80,730	\$ 2,141	\$ 82,871	\$ 61,500	\$ 7,500	\$ -	\$ 69,000	83%	\$ 13,871	\$ 6,900	
2005		2 SURVEY	\$ 4,000	\$ -	\$ 4,000	\$ 4,000	\$ -	\$ -	\$ 4,000	100%	\$ -	\$ 400	
2220		2 EARTHWORK	\$ 634,837	\$ (68,523)	\$ 566,314	\$ 485,515	\$ 55,250	\$ -	\$ 540,765	95%	\$ 25,549	\$ 54,077	
2950		2 LANDSCAPE ALLOWANCE	\$ 5,000	\$ 85,651	\$ 90,651	\$ -	\$ -	\$ -	\$ -	0%	\$ 90,651	\$ 0	
		TOTAL DIVISION 2	\$ 643,837	\$ 17,128	\$ 660,965	\$ 489,515	\$ 55,250	\$ -	\$ 544,765	82%	\$ 116,200	\$ 54,477	
		TOTAL DIVISIONS 0 thru 16	\$ 724,567	\$ 19,269	\$ 743,836	\$ 551,015	\$ 62,750	\$ 0	\$ 613,765	83%	\$ 130,071	\$ 61,377	

Attachment 2 - Pg 24 of 26

**APPLICATION AND CERTIFICATE FOR PAYMENT**

(This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract)

PROJECT (State Number, City & State): **SAND CREEK IMPROVEMENTS - 05-042**  
**POWERS AND PLATTE**  
**COLORADO SPRINGS, CO.**

ARCHITECT: **YOW**  
 ENGINEER: **MATRIX DESIGN GROUP**

CONTRACTOR (Payee): **BRYAN CONSTRUCTION, INC.**

CONTRACT DATE: \_\_\_\_\_  
 APPLICATION DATE: **04/30/07** APPLICATION NO: **EIGHT (8) W/ RETENTION**  
 PERIOD FROM: **01-Apr-07** TO: **30-Apr-07**

Application is made for Payment, as shown below, in connection with the Contract.  
 (Construction project billing format is attached)  
 The present status of the account for this Contract is as follows:

1. ORIGINAL CONTRACT SUM .....	\$	724,567.00
2. NET CHANGE BY CHANGE ORDER (Fee Included) .....	\$	19,269.00
3. CONTRACT SUM TO DATE .....	\$	743,836.00
4. TOTAL COMPLETED & STORED TO DATE .....	\$	642,814.00
5. RETAINAGE: 0 % OF LINE 4 .....	\$	0.00
6. TOTAL EARNED LESS RETAINAGE .....	\$	642,814.00
7. LESS PREVIOUS PAYMENTS PAID .....	\$	552,388.50
8. CURRENT PAYMENT DUE .....	\$	90,425.50

In Accordance with the Contract and this Application, the Contractor is entitled to payment in the amount shown on Line 8 above.

APPROVED: \_\_\_\_\_  
**Mr. Frank Melara - COPT**

DATE: \_\_\_\_\_

Change Order This Application		ADDITIONS \$	DEDUCTIONS \$
Number	Approved (date)	C/O Fee _____ % (Included Below)	C/O Fee _____ % (Included Below)
		\$19,269	
<b>TOTALS</b>		<b>\$19,269</b>	

Net change by Change Orders \$ **19,269**

**CERTIFICATE OF THE CONTRACTOR**  
 I hereby certify that the work performed and the materials stored on the site represents the actual value under the terms of the Contract (including all authorized Change Orders here to) between the undersigned and , Patriot Park, LLC., relating to the above referenced project.  
 I also certify that payments, less applicable retention, have been made through the period covered by previous payments received from Patriot Park, LLC., to (1) all my subcontractors and sub-subcontractors, and (2) for all materials and labor used in or in connection with the performance of this Contract. I further certify I have complied with Federal, State and local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to performance of this Contract.

Contractor: **BRYAN CONSTRUCTION, INC.**

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

"Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007  
 Notary Public:

My Commission Expires: \_\_\_\_\_  
 REVISED 1-83, REVISED 1-84, REVISED 4-85, REVISED 6-84

Attachment 2 - Pg 25 of 26

DATE: April 30, 2007 BUDGET SUMMARY PROJECT: SAND CREEK IMPROVEMENTS

**CONSTRUCTION PROJECT BILLING FORMAT**

CONTRACTOR: BRYAN CONSTRUCTION, INC. PAYMENT APPLICATION NO.: (B) W/ RETEN

DIVISION	DESCRIPTION	JDE Account Numbers	ORIGINAL BUDGET	REVISED BUDGET	PERCENT COMPLETE %	AMOUNT COMPLETE THIS REQUEST	STORED MATERIAL	THIS MONTHS REQUEST	PLUS OR MINUS RETAINAGE	THIS MONTHS DRAW
0 & 1	GENERAL REQUIREMENTS	1800.01001	\$80,730.00	\$82,871.00	4.22%	\$3,500.00	\$0.00	\$3,500.00	\$350.00	\$3,150.00
2	SITEWORK (EXCLUDING OFFSITE)	1800.02001	\$643,837.00	\$660,965.00	3.87%	\$25,549.00	\$0.00	\$25,549.00	\$2,554.90	\$22,994.10
	<b>TOTAL</b>		\$ 724,567.00	\$743,836.00	3.91%	\$29,049.00	\$0.00	\$29,049.00	\$2,904.90	\$26,144.10

Attachment 2 - Pg 26 of 26

**CONTINUATION SHEET - SAND CREEK IMPROVEMENTS #05-042**

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached in tabulations below. amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: V/ RETENTION  
APPLICATION DATE: 30-Apr-07  
PERIOD TO: 30-Apr-07

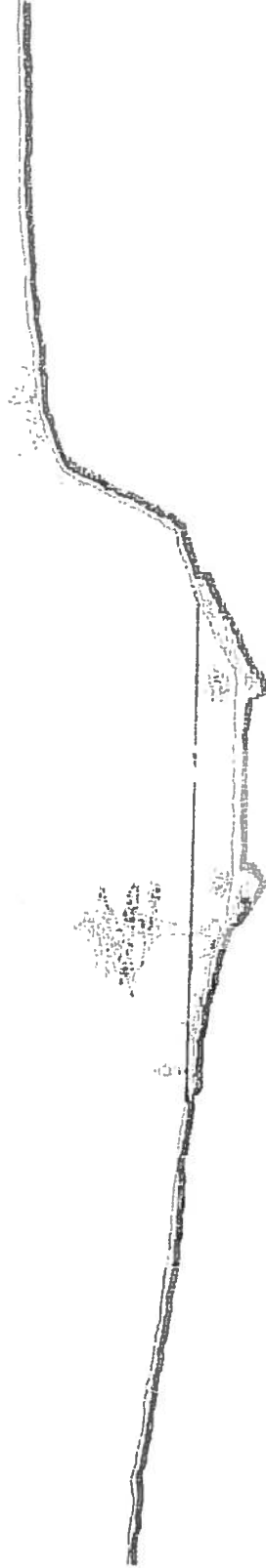
COST CODE	DIV. NO.	DESCRIPTION OF WORK	C		CHANGE ORDERS	REVISED BUDGET	D		E		F		G		H	I
			ORIGINAL BUDGET				FROM PREVIOUS APPLICATION	WORK COMPLETED THIS PERIOD	WORK COMPLETED THIS PERIOD	WORK STORED MATERIALS	TOTAL COMPLETED AND STORED TO DATE	% (G-C)	BALANCE TO FINISH (C-G)	RETAINAGE		
1000		0 & 1 OH & P WITH GENERAL CONDITIONS	\$ 80,730	\$ 2,141	\$ 82,871	\$ 69,000	\$ 3,500	\$ -	\$ 72,500	\$ 10,371	\$ 87%	\$ 10,371	\$ 7,250			\$ 7,250
1-327		TOTAL DIVISION 0 & 1	\$ 80,730	\$ 2,141	\$ 82,871	\$ 69,000	\$ 3,500	\$ -	\$ 72,500	\$ 10,371	\$ 87%	\$ 10,371	\$ 7,250			\$ 7,250
2005		2 SURVEY	\$ 4,000	\$ -	\$ 4,000	\$ 4,000	\$ -	\$ -	\$ 4,000	\$ -	\$ 100%	\$ -	\$ -			\$ 400
2220		2 EARTHWORK	\$ 634,837	\$ (68,523)	\$ 566,314	\$ 540,765	\$ 25,549	\$ -	\$ 566,314	\$ -	\$ 100%	\$ -	\$ 566,631			\$ 566,631
2950		2 LANDSCAPE ALLOWANCE	\$ 5,000	\$ 85,651	\$ 90,651	\$ -	\$ -	\$ -	\$ -	\$ 90,651	\$ 0%	\$ 90,651	\$ -			\$ -
		TOTAL DIVISION 2	\$ 643,837	\$ 17,128	\$ 660,965	\$ 544,765	\$ 25,549	\$ -	\$ 570,314	\$ 90,651	\$ 86%	\$ 90,651	\$ 57,931			\$ 57,931
		TOTAL DIVISIONS 0 thru 16	\$ 724,567	\$ 19,269	\$ 743,836	\$ 613,765	\$ 29,049	\$ 0	\$ 642,814	\$ 101,022	\$ 86%	\$ 101,022	\$ 64,281			\$ 64,281

**Kiowa DBPS 1996**

**SAND CREEK DRAINAGE BASIN PLANNING STUDY**

**PRELIMINARY DESIGN REPORT**

**CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO**



**PREPARED FOR:**

City of Colorado Springs  
Department of Comprehensive Planning, Development and Finance  
Engineering Division  
30 S Nevada  
Colorado Springs, Colorado 80903

**PREPARED BY:**

Kiowa Engineering Corporation  
1011 North Weber  
Colorado Springs, CO 80903

SAND CREEK  
DRAINAGE BASIN PLANNING STUDY  
PRELIMINARY DESIGN REPORT

Prepared for:

City of Colorado Springs  
Department of Comprehensive Planning, Development And Finance  
Engineering Division - MAIL CODE 435  
P.O. Box 1575  
Colorado Springs, CO 80901-1575

Prepared by:

Kiowa Engineering Corporation  
1001 North Weber #200  
Colorado Springs, CO 80903

KIOWA Project No. 90.04.09  
R185

JANUARY 1993  
Revised APRIL 1993  
Revised FEBRUARY 1995  
Revised APRIL 1995  
Revised OCTOBER 1995  
Revised March 1996

## Attachment 3 - Pg 3 of 11

## VIII. PLAN IMPLEMENTATION

Cost Estimates

Presented on Table VIII-1 (at the conclusion of this section) are the unit costs used to estimate for the total construction costs for drainageway and roadway crossing improvements shown on the preliminary design plans. The cost estimates for the major drainageways, tributary drainageways, roadway culverts, regional detention basins, miscellaneous improvements and bridges are presented on Tables VIII-2 through VIII-7. The estimates represent total improvement costs for the entire Sand Creek basin, including the costs for proposed facilities in the East Fork Sand Creek basin. No estimated costs for local or initial systems has been made, and therefore no costs attributable to local or minor drainage systems have been computed in the estimation of the drainage basin fee. Several areas within the basin are known to have local drainage problems. In such areas, systems have been sized, however the cost for the systems have not been included within the fee calculation. Costs associated with utility relocations have not been estimated or included in the fee. A review of utility maps provided by the City Utilities Department indicated that the majority of the potential relocations occur at the roadway crossings.

The costs for habitat mitigation have been included within the drainageway improvement costs. The cost of protection and/or replacement of habitat impacted by the construction of the facilities can be minimized by paying attention to siting, construction sequencing and access.

Local drainage improvements have been sized for several areas within the City. These systems have been sized to address drainage problems which have been identified by the City through contacts with local residents. Improvements have been shown on the plans for the Monterey Drive Outfall channel, the Valli Vista Drive Outfall channel, the Serendipity Lane storm sewer and the Maizeland Drive/Tumberry Court storm sewer system. The information in this report for the above systems has been provided to assist the City in future budgeting for capital improvements.

Unplanned Acreage

Using El Paso County Tax Assessor maps, plans, and ownership records, the amount of unplanned acreage was estimated. From these records a total of 18,809 acres is unplatted, and subject to future development. Of this total, 7,497 acres lies within the unincorporated County and 11,312 lies within the City of Colorado Springs. Park areas have been excluded from the unplatted acreage total, as has City owned property within the corporate limits, and property within Peterson Air Force Base. In reviewing the unplatted acreage estimates shown in the 1985

General

Many of the channel sections shown on the plans may have to be modified to fit specific site conditions. This will be particularly true in the segments where selective channel treatments are proposed. Drop and check locations are approximate and may be moved to minimize disturbances to existing vegetation, roads, trails, and utilities. Existing right-of-ways will play a key role in the location of future drainageways. Tributary channel sizes, sections and alignments will have to be verified at the time the surrounding land is proposed for development.

The detention basin locations shown on the preliminary design drawings are approximate, and will have to be verified during final design. The acquisition of property for the detention basins can proceed at any time, preferably no later than during the development planning stages of properties which lie adjacent to or surround any of the proposed sites. Sand Creek Detention basin SC#1 and SC#2 are currently sited adjacent to developing land. For the balance of the detention basins, development pressure in the vicinity of the detention sites is not eminent. The timing of construction will mainly be driven by the rate of upstream urbanization, and funding. It is recommended that funds generated within the detention basin capital cost fee be used to fund the construction of the regional detention basins. The schedule for the construction of the detention basins could be advanced by co-mingling City or County capital improvement funds with developer funds and any available detention basin capital fee funds. The City or the County may then be able to recoup its funds as the capital cost fees accumulate.

Improvements along Sand Creek within and adjacent to park areas should be completed with the following general goals in mind: (1) provide a more stable drainageway, (2) maintain and enhance the visual setting of the creek, and (3) provide multiple uses within the drainageway corridors. Construction of drops or checks could be combined with trail crossings of the creek. Low flow linings could be constructed adjacent to park activity and picnic areas in order to make the creek more visually pleasing and to protect active park facilities from damages due to frequent flooding or stream bank erosion. Localized creek improvements will be necessary as trails transition at roadway crossings, or at side tributary crossings.

In areas where the existing drainage facilities are inadequate, capital improvement projects will be necessary. This will be particularly true within the West Fork Sand Creek and Center Tributary Sand Creek basins. Several bridges are presently inadequate because of hydraulic or roadway design deficiencies. These structures will have to be funded through capital improvement or bridge replacement funds.



## Attachment 3 - Pg 4 of 11

Drainage Plan and the 1989 East Fork Sand Creek Master Drainage Plan, a close comparison was found.

### Drainage and Bridge Fee Calculations

Presented on Tables VIII-8 through VIII-12 (at the conclusion of this section) are the drainage, bridge, detention basin capital construction cost, and detention basin land fees calculated for the Sand Creek Basin. Drainage basin fund deficits have been included in the drainage fee calculation, and are current as of December, 1994.

Areas of the County which are currently undeveloped and proposed for development as large lot residential have been reduced in area by 80 percent for the purposes of fee calculation. The County currently assesses the drainage fee for large residential on only 20 percent of the total acreage. For fee estimation purposes, 7,497 acres was used as the unplatted acreage shown on Tables VIII-8 and VIII-10.

The term "reimbursable costs" used on Tables VIII-2 through VIII-10 means those costs which have been used in estimation of drainage basin fees. Costs considered "non-reimbursable" are costs for the replacement of an existing, undersized culverts, or costs to rehabilitate or maintain an existing lined segment of drainageway. For the most part, all of the drainageway costs for the mainstem of Sand Creek have been considered as reimbursable. Segments of drainageway known to be funded in the future by State funds (such as the US 24 Bypass Phase II project, scheduled for completion in 1996), have not been included in the reimbursable cost estimate. Except for a short segment of the West Fork, the proposed improvements for this drainageway have not been included in the reimbursable costs since they represent existing inadequacies.

The costs associated with bridge replacement have been calculated using the guidelines set forth in City ordinances and the County's drainage basin fee resolutions, respectively, as presented in the City/County Drainage Criteria Manual. County bridge facilities which were found to be required to address existing inadequacies have been included in the bridge fee estimates in conformance with County policy. Where State and/or federal bridge funds are anticipated, only the community's share of the total construction costs have been accounted for in the bridge fee estimate.

The regional detention capital construction cost include only the cost for the construction of the embankment, water quality and outlet structures. The regional detention basin land fee has been calculated by deducting the acreage of the existing 100-year floodplain within each regional detention basin from the total 100-year storage area of the detention basin. The County does not desire to create a capital cost for the construction of detention basins within Sand Creek. The detention basin capital cost fee will be incorporated into the drainage fee whenever

assessed by the County. The County will create a detention basin land fee for the Sand Creek basin.

Table VIII-1: Unit Construction Costs

Item	Unit	Cost	Comments
<b>CHANNEL AND HYDRAULIC STRUCTURES</b>			
Channel earthwork	CY	\$8	
Filter material	Ton	\$25	
Structural concrete	CY	\$250	
Sealing and finishing	SF	\$0.15	
Riprap Type II	CY	\$30	
Riprap Type M	CY	\$24	
12 foot wide gravel trail	LF	\$15	Maintenance trail
Erosion nesting	SY	\$1.75	
Topsoil	CY	\$12	
<b>STORM SEWERS R/C/CMF</b>			
18-inch	LF	\$20	
24-inch	LF	\$25	
30-inch	LF	\$42	
36-inch	LF	\$58	
42-inch	LF	\$75	
48-inch	LF	\$80	
60 inch	LF	\$120	
<b>ROADWAY CROSSINGS</b>			
Structural Concrete, in-place	CY	\$300	
Wingwall/subcavealls	EA	\$3,000	
Bridges	SF	\$80	Based on area of roadway deck.
4' high CBC, 4'-10" wide	LF	\$210-320	
6' high CBC, 8'-12" wide	LF	\$270-510	
7'-17' CBC	LF	\$300	
Twin 4' high CBC, 4'-10" wide	LF	\$480-650	
Twin 5' x 8' CBC	LF	\$540	
Twin 6' high CBC, 8'-15" wide	LF	\$600-1200	
Twin 8' x 10' CBC	LF	\$750	
Triple 5' x 8' CBC	LF	\$900	
Triple 6' x 14' CBC	LF	\$1410	
Triple 6' x 16' CBC	LF	\$1770	
Triple 8' x 10' CBC	LF	\$1110	
Triple 10' x 10' CBC	LF	\$1260	
4-bay 5' x 8" CBC	LF	\$1200	
4-bay 8' x 10' CBC	LF	\$1560	
<b>DETENTION BASINS</b>			
Outlet structures, non jurisdictional	EA	\$10,000	
Outlet structures, jurisdictional	EA	\$15,000	
Unit storage cost	AF	\$10,000	
<b>MITIGATION</b>			
	AC	\$4,000	
<b>LAND ACQUISITION</b>			
Detention basins	AC	\$15,000	Based on park land fee.

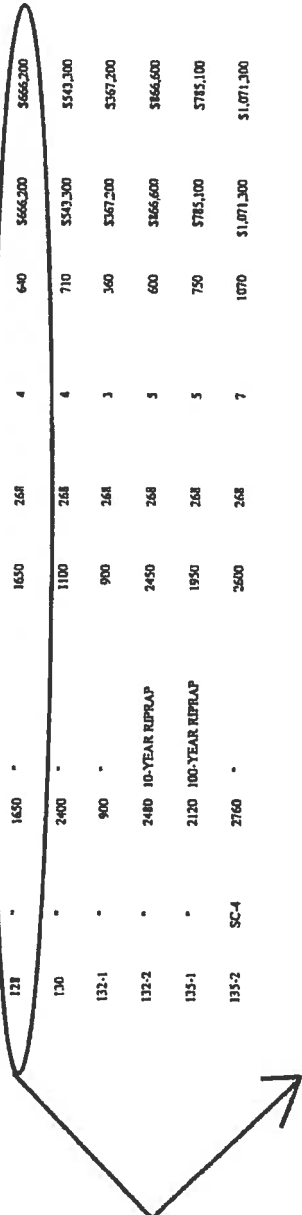
TABLE VIII-2: SAND CREEK DRAINAGE BASIN PLANNING STUDY  
DRAINAGEWAY CONVEYANCE COST ESTIMATE  
WITH SELECTED DETENTION ALTERNATIVES

SEGMENT NUMBER	REACH NUMBER	SEGMENT LENGTH (FT)	IMPROVEMENT TYPE	IMP. LENGTH (FT)	UNIT COST (\$/LF)	NUMBER OF GRADE CONTROLS	GRADE CONTROL LENGTH (FT)	TOTAL REIMBURSABLE COSTS	TOTAL COST
LOWER SAND CREEK									
101	SC-1	1400	10-YR RIPRAP	1400	268	4	250	\$413,990	\$413,990
102	"	1970	"	1470	268	4	500	\$471,460	\$471,460
103	"	1090	"	1090	268	1	230	\$0	\$311,690
104	"	1800	10-YR RIPRAP TOE PROTECTION	428	268	2	260	\$0	\$152,860
112	"	3530	10-YR RIPRAP 10-YR RIPRAP (1 SIDE)	1300	268	9	1580	\$0	\$593,300
115	"	3680	10-YEAR RIPRAP 100-YEAR RIPRAP	2950	268	9	800	\$0	\$394,600
136	"	1440	"	0	0	1	170	\$0	\$25,390
119	SC-2	2150	100-YEAR RIPRAP	480	331	6	1020	\$316,980	\$316,980
121	"	2250	"	2250	331	9	1350	\$1,217,250	\$1,217,250
125-1	"	2900	"	2780	331	7	1110	\$1,308,680	\$1,308,680
125-2	"	1950	10-YEAR RIPRAP	1950	238	4	620	\$681,100	\$681,100

TABLE VIII-2: SAND CREEK DRAINAGE BASIN PLANNING STUDY  
DRAINAGEWAY CONVEYANCE COST ESTIMATE  
WITH SELECTED DETENTION ALTERNATIVES

SEGMENT NUMBER	REACH NUMBER	SEGMENT LENGTH (FT)	IMPROVEMENT TYPE	IMP. LENGTH (FT)	UNIT COST (\$/LF)	NUMBER OF GRADE CONTROLS	GRADE CONTROL LENGTH (FT)	TOTAL REBURSABL COSTS	TOTAL COST
127	SC-3	2450	100-YEAR RUPRAP	2300	238	8	1270	\$1,096,500	\$1,096,500
				500	268	0	0	\$134,000	\$134,000
128		1650		1650	268	4	640	\$666,200	\$666,200
130		2400		1100	268	4	710	\$543,300	\$543,300
132-1		900		900	268	3	360	\$367,200	\$367,200
132-2		2480	10-YEAR RUPRAP	2450	268	3	600	\$366,600	\$366,600
135-1		2120	100-YEAR RUPRAP	1950	268	5	750	\$785,100	\$785,100
135-2	SC-4	2760		2500	268	7	1070	\$1,071,300	\$1,071,300

Channel 1650 LF X \$268 = \$442,200  
 Drop 4ea = 640 LF X \$350 = \$224,000  
 \$666,200  
 + 66,620  
 5% Contingencies 33,310  
 Total Segment 128 \$766,130



Attachment 3 - Pg 8 of 11

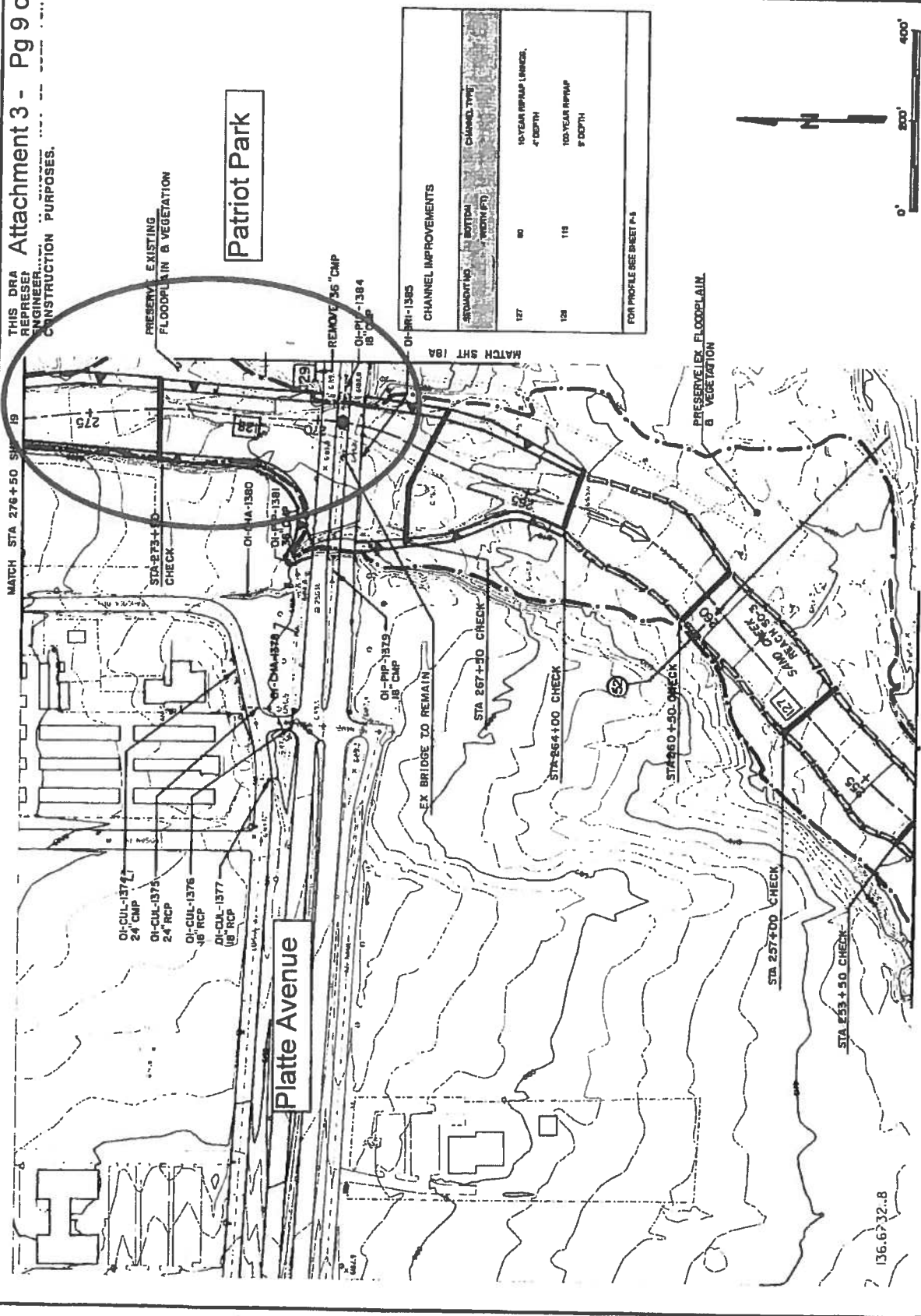
Table VIII-8: Sand Creek Drainage Basin Planning Study Drainage Basin Fee Estimation	
Reimbursable Drainageway Improvements	Construction Costs
Lower and Upper Sand Creek	\$15,560,220
Center Tributary Sand Creek	\$984,500
West Fork Sand Creek	\$1,004,400
East Fork Sand Creek	\$15,674,470
East Fork Sub-Tributary	\$6,227,600
East and West Bierstadt Creeks	\$6,688,270
Toy Ranch Tributary	\$4,398,550
Tributary Drainageways	\$7,420,650
Tributary Drainageways	\$16,917,940
Roadway Culverts	\$1,111,000
Roadway Culverts	\$2,201,500
Habitat Mitigation	\$263,200
Miscellaneous Improvements	\$65,000
<b>Total Reimbursable Improvements</b>	<b>\$78,517,300</b>
10% Engineering	\$7,851,730
5% Contingency	\$3,925,865
<b>Total Drainageway Costs</b>	<b>\$90,294,895</b>
Study Costs	\$139,000
Existing basin outstanding claims (city)	\$1,392,635
Existing basin outstanding claims (county)	\$376,913
<b>Total</b>	<b>\$92,203,443</b>
Unplatted Acreage	11312
Unplatted Acreage	7497
City drainage fee	\$4,902
County drainage fee with detention facilities	\$6,115

THIS DRAWING IS FOR PRELIMINARY ENGINEERING PURPOSES ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

Kiowa Engineering Corporation  
 419 W. Bijou Street  
 Colorado Springs, Colorado  
 80905-1308

SAND CREEK DRAINAGE  
 BASIN PLANNING STUDY  
 PRELIMINARY DESIGN PLANS

Project No.	SD-04-070
Sheet	B-18
Revision	REVISED
Scale	AS SHOWN
Date	08/11/04
Drawn by	JKW
Checked by	JKW
Approved by	JKW



CHANNEL IMPROVEMENTS

STATIONING	CHANNEL TYPE	10-YEAR RIPRAP LENGTH	4' DEPTH	10-YEAR RIPRAP	8' DEPTH
127	18" CMP				
128	18" CMP				

FOR PROFILE SEE SHEET P-1

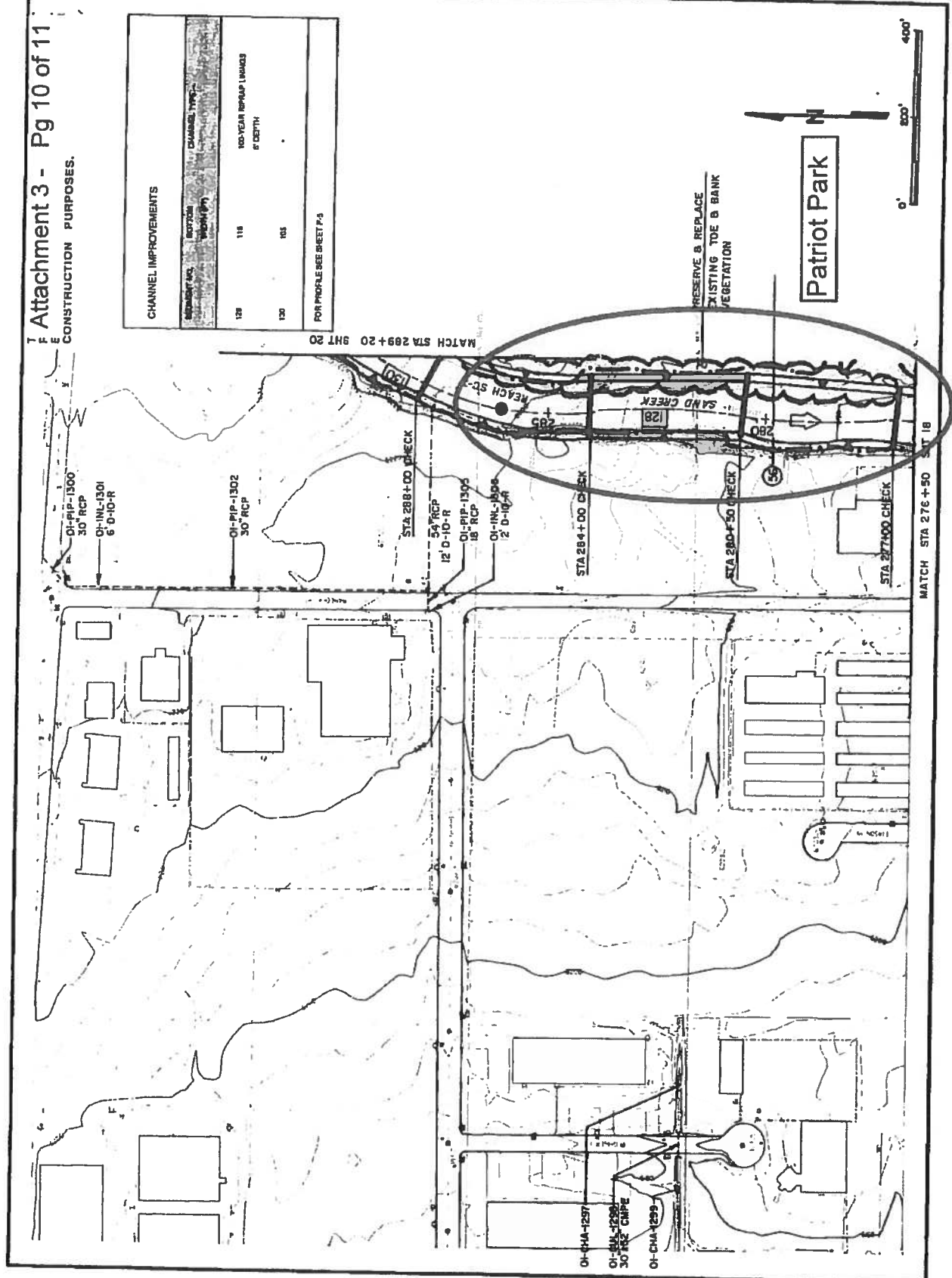
136.67 32..8

Attachment 3 - Pg 10 of 11  
 CONSTRUCTION PURPOSES.

Kiowa Engineering Corporation  
 419 W. Bijou Street  
 Colorado Spngs, Colorado  
 80905-1308

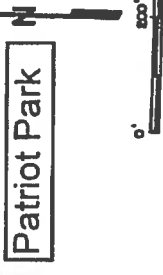
SAND CREEK DRAINAGE  
 BASIN PLANNING STUDY  
 PRELIMINARY DESIGN PLANS

Project No.	SD-04-03
Scale	1" = 40'
Author	TRM
Checker	TRM
Reviewer	TRM
Date	10/10/04



CHANNEL IMPROVEMENTS		CHANNEL TYPE
STATION	SECTION WIDTH (FT)	
128	118	100-YEAR IMPAP (UNADJ) 6' DEPTH
130	105	

FOR PROFILE SEE SHEET P-3



Patriot Park

RESERVE & REPLACE  
 EXISTING TOE & BANK  
 VEGETATION

MATCH STA 289+20 SHT 20

MATCH STA 276+50 SHT 18

01-CHA-1297  
 01-CHA-1298  
 30\"/>

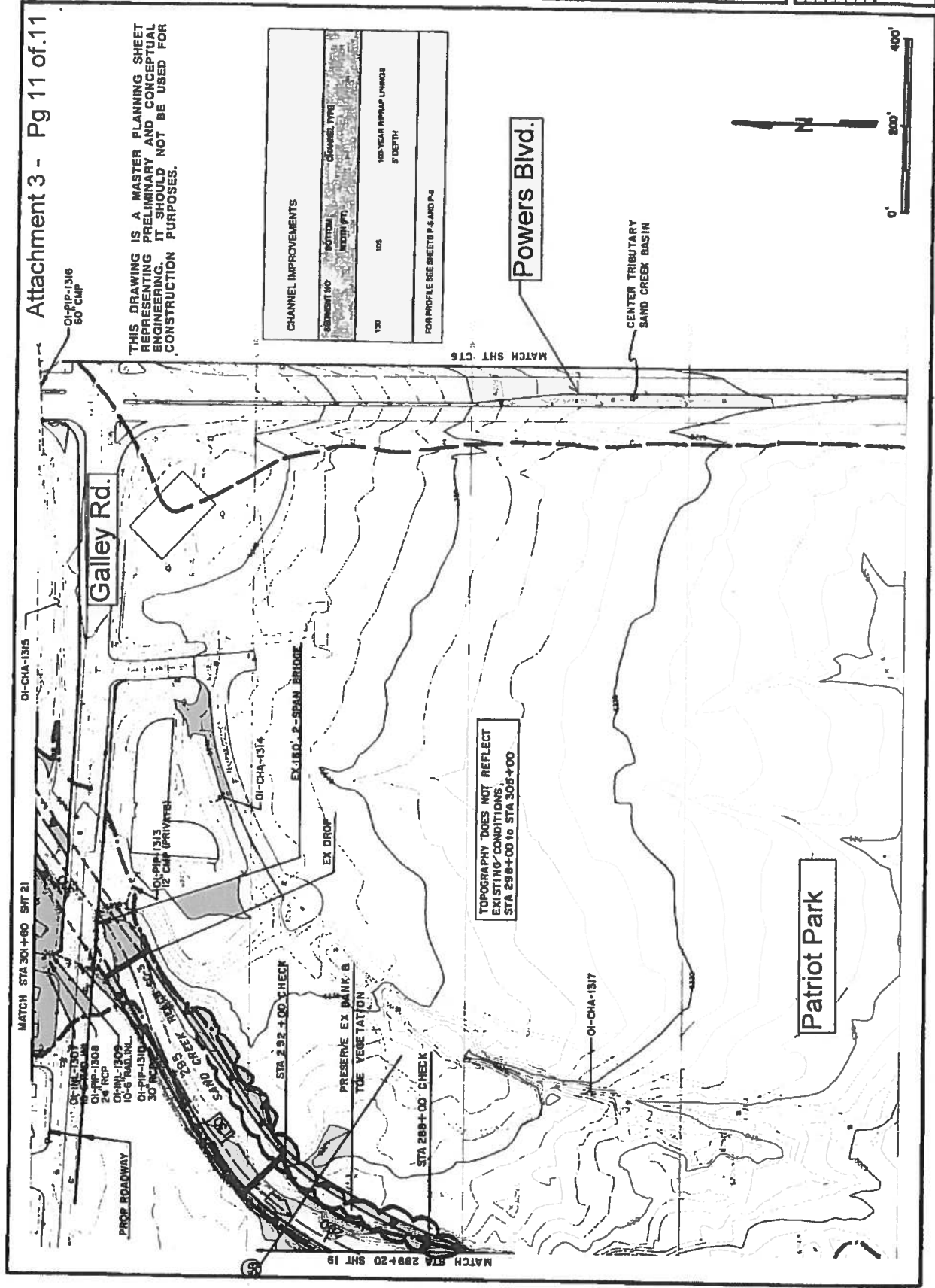
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Attachment 3 - Pg 11 of 11

Kiowa Engineering Corporation  
 419 W. Bijou Street  
 Colorado Springs, Colorado  
 80905-1308

SAND CREEK DRAINAGE  
 BASIN PLANNING STUDY  
 PRELIMINARY DESIGN PLANS

PROJECT NO.	99-00-03
DATE	11/12/03
SCALE	AS SHOWN
DESIGNER	K.E.
CHECKER	K.E.
DATE	11/12/03
BY	K.E.
DATE	11/12/03





**FINAL DRAINAGE REPORT**

**FOR**

**SAND CREEK CHANNEL IMPROVEMENTS**  
**AT PLATTE AVENUE**

**PATRIOT PARK CONCEPT PLAN AREA**  
**&**  
**PATRIOT PARK SUBDIVISION FILING NO. 1**

Prepared for:  
**City of Colorado Springs Subdivision**  
30 North Nevada Avenue, Suite 702  
Colorado Springs, CO 80903

On Behalf of:  
**Sierra Commercial Real Estate**

Prepared by:



2925 Professional Place, Suite 202  
Colorado Springs, CO 80904  
(719) 575-0100  
fax (719) 572-0208

August 2005

05.196.001

## Attachment 4 Pg 2 of 2

*Sand Creek Channel Improvements  
Final Drainage Report*

*August 2005*

floodplain. The floodplain limits shall be limits of the prudent line setback. On the east side of the channel, Patriot Park is set back a minimum of 300' from the eastern channel bank and will not be impacted by the channel.

On the west side of the channel, the maximum channel bank height is 24'. Based upon the angle of repose, the setback is 42 feet from the bottom of the western channel bank. The majority of this area is undeveloped, including where the channel changes direction from flowing to the southwest to flowing due south.

**E. Construction Cost Estimate**

The proposed channel improvements along the western boundary of Patriot Park will be constructed by the owner/developer and will be publicly owned and maintained. An engineer's estimate for probable construction costs of the proposed stabilization improvements has been prepared for the project.

<i>Engineer's Estimate of Probable Construction Costs Sand Creek Reimbursable Public Improvements</i>				
<u>Item</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Extention</u>
Earthwork (CIP)	CY	7600	\$4.00	\$30,400.00
Riprap w/ fabric	CY	2820	\$46.00	\$129,720.00
Grouted Boulder Drop	CY	1870	\$70.00	\$130,900.00
Native Seeding	AC	0.9	\$1,000.00	\$900.00
			<i>Sub-Total</i>	\$291,920.00
			<i>15% Contingencies &amp; Engineering</i>	\$43,788.00
			<i>Grand Total</i>	\$335,708.00

To facilitate the permitting requirements for the project and to allow sufficient time to negotiate the required land dedication from the adjacent property owner, only the eastern side of the channel will be constructed at this time. Financial assurances have been posted for this work in the sum of \$150,000.00 by the developer to begin the construction of Patriot Park Filing No. 1. This agreement has been included as an insert in the Final Drainage Report for Filing 1 and has also been included within the appendix of this report.

**F. Drainage, Bridge, and Pond Fees**

The need for improvements has been identified within the DBPS for Sand Creek and the construction costs are considered public reimbursable costs. The land for the Sand Creek channel will be dedicated to the City of Colorado Springs for use as a drainageway. Patriot Park will be platted in several separate filings as development occurs. At this time Patriot Park Filing No. 1, a 4.929-acre commercial development, will be platted. Infrastructure will be extended up to the site as part of the Patriot Park View roadway construction. The infrastructure has been

**MASTER DEVELOPMENT  
DRAINAGE PLAN  
PATRIOT PARK**

*for*

**PATRIOT PARK, LLC**

**Contact: George Swintz  
COPT  
101 N. Cascade Ave. Suite 200  
Colorado Springs, CO 80903  
(719) 228-3611**

*by*

**Reese M. Lundgren, P.E. No. 35730**

**Nolte Associates, Inc.  
5225 North Academy Blvd., Suite 304  
Colorado Springs, Colorado 80918  
(719) 268-8500**

*May 2005  
Revised March 2006*

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BEYOND ENGINEERING

*Patriot Park*  
*Master Development Drainage Plan*

Construction Cost Opinion

Quantities and costs were evaluated for the major systems that will be required for the proposed Master Plan for Patriot Park.

<u>Public Storm Drain System</u>			
DESCRIPTION	QUANTITY	UNIT COST	COST
60" RCP	175 LF	\$125.00	\$21,875.00
54" RCP	250 LF	\$110.00	\$27,500.00
48" RCP	1085 LF	\$90.00	\$97,650.00
36" RCP	285 LF	\$70.00	\$19,950.00
30" RCP	220 LF	\$50.00	\$11,000.00
24" RCP	155 LF	\$45.00	\$ 6,975.00
18" RCP	120 LF	\$40.00	\$ 4,800.00
10' TYPE 'R' INLET MANHOLES	12	\$5,000.00	\$60,000.00
	14	\$2,500.00	\$35,000.00
		<b>TOTAL</b>	<b>\$284,750.00</b>
<u>Water Quality Facility</u>			
DESCRIPTION	QUANTITY	UNIT COST	COST
Type 'D' Inlet Modified	1	\$8,000.00	\$8,000.00
54" RCP	65 LF	\$110.00	\$7,150.00
54" FES	1 EA	\$2,000.00	\$2,000.00
		<b>TOTAL</b>	<b>\$17,150.00</b>

Nolte Associates cannot and does not guarantee that the construction costs will not vary from these opinions of probable construction costs. These opinions represent our best judgment as design professionals familiar with the construction industry and this development in particular.

# FINAL DRAINAGE REPORT

for

## “Patriot Park Subdivision Filing 1”

Prepared for:  
**City of Colorado Springs**  
**Department of Public Works**  
**Engineering Division**

On Behalf of:  
**Sierra Commercial Real Estate**  
1150 Academy Park Loop, Suite 104  
Colorado Springs, CO 80910

Prepared by:



**Matrix Design Group, Inc.**  
Integrated Design Solutions  
*Infrastructure Engineering*  
*Community Development*  
*Program Management*

2925 Professional Place, Suite 202  
Colorado Springs, CO 80904  
(719) 575-0100  
fax (719) 575-0208

July 2005

05.168.003

## Attachment 6 Pg 2 of 2

**Private Drainage Costs:**

<i>Item</i>	<i>Unit Cost</i>	<i>Unit</i>	<i>Quantity</i>	<i>Total Cost</i>
Inlets	\$3,500.00	EA	4	\$14,000.00
Clean-Outs	\$1,500.00	EA	2	\$3,000.00
18" RCP	\$26.00	LF	40	\$1,040.00
12" HDPe	\$15.00	LF	470	\$7,050.00
			<b>Total =</b>	<b>\$25,090.00</b>

Financial Assurances will be required for the following:

Patriot Park View Roadway Erosion Control and the Water Quality Pond = \$56,875.00

Patriot Park Subdivision Filing 1 Erosion Control = \$4,900.00

**AMENDED MASTER DEVELOPMENT DRAINAGE PLAN**

For

**PATRIOT PARK**

**Sand Creek Drainage Basin**

(Amending the *Master Development Drainage Plan for Patriot Park*, by Nolte Associates, Inc., approved April 2006)

Prepared for:

**City of Colorado Springs Subdivision**  
30 North Nevada Avenue, Suite 702  
Colorado Springs, CO 80903

On Behalf of:

**Corporate Office Properties Trust**  
101 North Cascade Ave., Suite 200  
Colorado Springs, CO 80903

Prepared by:



**Matrix Design Group, Inc.**  
Integrated Design Solutions  
*Infrastructure Engineering  
Community Development  
Program Management*

2435 Research Parkway, Suite 300  
Colorado Springs, CO 80920  
(719) 575-0100  
fax (719) 572-0208

September 2007

06.299.001

17253-5

## Attachment 7 Pg 2 of 2

*Patriot Park  
Master Development Drainage Plan*

*September 2007*

COPT will provide drainage right-of-way for channel improvements located within Patriot Park property. This includes full right-of-way width for the portion of Sand Creek where COPT owns both sides of the channel and half right-of-way width for the portions where COPT only owns half the channel. For easements located outside of patriot park property, COPT will obtain the necessary easements. These include the two drop structures to be constructed by COPT.

***F. Drainage, Bridge, and Pond Fees***

The 2007 drainage and bridge fees as published by the City of Colorado Springs will be assessed to the site. Patriot Park is located entirely within the Sand Creek Drainage Fee Basin. At this time, two filings have been platted within the 81.56± acres site: Patriot Park Filing 1 (4.962 acres platted on August 17, 2005) and Patriot Park Filing 3 (5.728 acres platted on March 14, 2007). In addition, improvements specified within the DBPS for Sand Creek have been completed within the channel and are credited against the Drainage Fees. Of the remaining 70.87 acres to be platted within Patriot Park, the fees have been calculated as follows.

	- Area (ac.)	Area Previously Platted	Fee/Acre	Fee Due	Reimbursable Const. Costs	Fee Due at Platting	*Est. Drainage Fee Credit
Drainage Fee	81.56	10.69	\$8,946.00	\$634,003.02	\$0.00	\$634,003.02	
Bridge Fee	81.56	10.69	\$562.00	\$39,828.94	\$0.00	\$39,828.94	
Pond Fee	81.56	10.69	\$3,787.00	\$268,384.69	\$0.00	\$268,384.69	\$743,836.00
<b>Total Fee Due at Platting</b>						<b>\$198,380.65</b>	

\*The Estimated Drainage Fee Credit in the amount of \$743,836.00 is the total cost of drainage improvements made to the Sand Creek channel by COPT as of September 2007. This fee amount is an estimate pending the approval of drainage fee credits by the Drainage Board.



## Attachment 8 - Assignment Pg 1 of 6

**ASSIGNMENT AND ASSUMPTION OF PERSONAL PROPERTY RIGHTS**

This Assignment and Assumption of Lease Agreement ("Assignment") is made and entered into as of the 26 day of October, 2016, by and between Patriot Park, LLC and COPT Newport D, LLC, each of which is a Colorado limited liability company (collectively, "Assignor"), and T17 LLC, a Colorado limited liability company, Patriot Park Investments, LLC, a Colorado limited liability company and Space Center Drive, LLC, a Colorado limited liability company, as tenants-in-common (collectively "Assignee").

**WITNESSETH:**

WHEREAS, Assignor conveyed to Assignee by Special Warranty Deed of even date herewith that certain real property described on Exhibit A attached hereto and made a part hereof (the "Property"); and

WHEREAS, Assignor has certain Personal Property Rights more specifically described below in Paragraph 2 (collectively the "Personal Property Rights") by virtue of Assignor's ownership of the Property; and

WHEREAS, Assignor desires to transfer to Assignee all of Assignor's right, title and interest in the Personal Property Rights as herein provided; and

WHEREAS, Assignee desires to accept this Assignment and, in connection therewith, to assume all of Assignor's obligations under the Personal Property Rights arising as of and after the date hereof.

NOW, THEREFORE, in consideration of the purchase of the Property by Assignee from Assignor, the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree as follows:

1. The foregoing recitals are incorporated herein by this reference.
2. The Personal Property Rights, as that term is used herein, shall include without limitation, the following:
  - a. Any and all guaranties, indemnities, warranties and other obligations of any contractors, subcontractors, vendors and suppliers involved in the construction, development, development work and infrastructure, grading, paving or installation of curb, gutter, sidewalk, utilities (including water, sewer, storm sewer, gas, electric, telephone and cable lines), detention ponds and landscaping, and who may have provided installation and operation of any and all personal property, fixtures and improvements located on the Property, including without limitation all rights and claims with respect thereto relating to quality, defects and similar matters;
  - b. Any zoning, use, occupancy, operating and utility permits and all other permits, entitlements, licenses, approvals, franchises, development agreements, subdivisions improvements agreements and certificates, utility and will-serve letters, development allocations and other records, documents, maps, prepaid tap fees and fee credits, wells, water and sewer taps, rebates, refunds and developments rights (including any available fee credits such as expenses paid by

RM:7618568:1

28049576.1 Assignment and Assumption of Lease - 1881 LLC & 2550 LLC 36443.0003

Attachment 8 - Pg 2 of 6

Assignor for drainage improvements that may be eligible for drainage credits, bridge credits, pond fee credits and pond land credits) relating to the Property;

c. All surveys, maps, plans, specifications, tests, environmental studies, soils, geologic and seismic reports and studies, and related documents prepared in connection with the development, construction and operation of any and all improvements located on the Property and anticipated to be constructed on the Property;

d. All rights to appeal, negotiate and otherwise reach a disposition with the El Paso County Colorado offices of the Assessor and the Treasurer with regard to real estate taxes assessed and owed on the Property for the three (3) years preceding the date hereof;

e. All personal property fixtures and other improvements located on the Property;  
and

f. To the extent permissible by law, any other documents and instruments pertaining to the Property not set forth above in Paragraphs a. through e., and any and all other ownership or use rights (intangible or otherwise) relating to the Property.

3. Assignor hereby assigns to Assignee (without recourse, representation or warranty), and Assignee hereby accepts from Assignor, all of Assignor's right, title and interest in and to the Personal Property Rights and any amendments and modifications thereto as of the date hereof.

4. Assignee hereby assumes the Personal Property Rights and all obligations of Assignor which accrue under the Personal Property Rights from and after the date hereof.

5. This Assignment may be executed in any number of counterparts, each of which shall be deemed an original hereof and all of which shall collectively comprise one instrument.

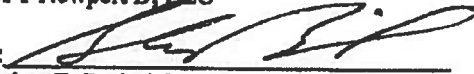
IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date first above written.

[signatures on following page]

Attachment 8 - Pg 3 of 6

ASSIGNOR:

Patriot Park, LLC  
COPT Newport D, LLC

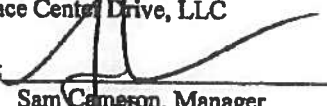
By:   
Stephen E. Budorick, President of each entity *MS*

ASSIGNEE:

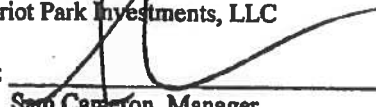
T17, LLC

By:   
Stuart Sleat, Manager

Space Center Drive, LLC

By:   
Sam Cameron, Manager

Patriot Park Investments, LLC

By:   
Sam Cameron, Manager

## Attachment 8 - Pg 4 of 6

## EXHIBIT A

## LEGAL DESCRIPTION

**PARCEL 1:**

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A LINE FROM A 100 FOOT WITNESS CORNER NORTH OF THE OF SOUTHEAST CORNER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN TO POINT #100 OF CDOT PROJECT NO. 91303 ON THE NORTHERLY RIGHT-OF-WAY LINE OF PLATTE AVENUE/US HIGHWAY NO. 24, AND TAKEN TO BEAR N 87 DEGREES 01 MINUTES 34 SECONDS W, A DISTANCE OF 1940.31 FEET.

1. COMMENCING AT THE WITNESS CORNER TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 12, AS SHOWN ON LAND SURVEY MONUMENT RECORD BY MARK E. LANE, DATED APRIL 25, 2003, AND RECEIVED BY THE BOARD OF REGISTRATION ON JULY 4, 2003; N 87 DEGREES 01 MINUTES 34 SECONDS W, A DISTANCE OF 1940.31 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE MOST WESTERLY CORNER OF THE TRACT OF LAND DESCRIBED AS PARCEL 304REV.2 OF COLORADO DEPARTMENT OF TRANSPORTATION PROJECT NO. STA-STE-NH(CX)024-3(41);

2. CONTINUE N 86 DEGREES 08 MINUTES 10 SECONDS W, ON SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 322.63 FEET; THENCE ON THE EASTERLY BOUNDARY LINE OF THE TRACT OF LAND DESCRIBED IN WARRANTY DEED RECORDED JUNE 30, 1986 IN BOOK 5192 AT PAGE 1043 OF THE SAID RECORDS, N 03 DEGREES 10 MINUTES 00 SECONDS E, A DISTANCE OF 534.69 FEET;

THENCE N 00 DEGREES 10 MINUTES 00 SECONDS E, A DISTANCE OF 5.10 FEET; THENCE ON THE SOUTHERLY AND EASTERLY LINES OF THE TRACT DESCRIBED IN DEED RECORDED MARCH 23, 1970 IN BOOK 2336 AT PAGE 572 OF THE RECORDS OF EL PASO COUNTY, COLORADO, THE FOLLOWING TWO (2) COURSES:

1. S 89 DEGREES 41 MINUTES 18 SECONDS E, A DISTANCE OF 20.73 FEET;
2. N 00 DEGREES 18 MINUTES 42 SECONDS E, A DISTANCE OF 3.06 FEET;

THENCE ON THE EASTERLY BOUNDARY OF THE TRACT OF LAND DESCRIBED IN QUIT CLAIM DEED RECORDED JUNE 17, 1999 UNDER RECEPTION NO. 099097275, THE FOLLOWING THREE (3) COURSES:

1. S 82 DEGREES 57 MINUTES 49 SECONDS E, A DISTANCE OF 365.58 FEET;
2. N 06 DEGREES 30 MINUTES 00 SECONDS E, A DISTANCE OF 732.99 FEET;
3. ON THE ARC OF A CURVE TO THE RIGHT, SAID CURVE BEING THE SOUTHERLY EXTENSION OF THE NORTHERLY LINE OF TECHNOLOGY COURT, AS PLATTED IN SPACE CENTER DRIVE SUBDIVISION NO.1, AS RECORDED JANUARY 28 1985 UNDER RECEPTION NO. 1207569 IN PLAT BOOK X-3 AT PAGE 146, SAID CURVE HAVING A DELTA OF 49 DEGREES 32 MINUTES 31 SECONDS, A RADIUS OF 1130.00 FEET, A

## Attachment 8 - Pg 5 of 6

DISTANCE OF 977.08 FEET TO THE MOST SOUTHERLY CORNER OF LOT 1, BLOCK 1, SCIENCE PARK SUBDIVISION NO. 1, FILING NO. 1, PHASE 1, AS RECORDED JULY 31, 1984 UNDER RECEPTION NO. 1144564 IN PLAT BOOK W-3 AT PAGE 92 OF THE SAID RECORDS;

THENCE ON THE WESTERLY AND SOUTHERLY LINES OF TECHNOLOGY COURT IN SPACE CENTER DRIVE SUBDIVISION NO. 1, AS RECORDED JANUARY 28 1985 UNDER RECEPTION NO. 1207569 IN PLAT BOOK X-3 AT PAGE 146 OF THE RECORDS OF COUNTY OF EL PASO, STATE OF COLORADO, THE FOLLOWING FOUR (4) COURSES:

1. S 33 DEGREES 57 MINUTES 29 SECONDS E, A DISTANCE OF 60.00 FEET;
2. NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S 33 DEGREES 57 MINUTES 29 SECONDS E, HAVING A DELTA OF 17 DEGREES 48 MINUTES 44 SECONDS, A RADIUS OF 1070.00 FEET, A DISTANCE OF 332.64 FEET TO A POINT OF COMPOUND CURVE;
3. NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA 10 DEGREES 43 MINUTES 45 SECONDS, A RADIUS OF 328.00 FEET, A DISTANCE OF 61.42 FEET TO A POINT OF TANGENT;
4. N 84 DEGREES 35 MINUTES 00 SECONDS E, A DISTANCE OF 162.69 FEET;

THENCE ON THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SCIENCE PARK SUBDIVISION NO. 1, FILING NO. 1, PHASE 2 AS RECORDED OCTOBER 18, 1991 UNDER RECEPTION NO. 2078454 IN PLAT BOOK E-5 AT PAGE 21 OF THE RECORDS OF COUNTY OF EL PASO, STATE OF COLORADO, AND ON THE EASTERLY EXTENSION OF SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES:

1. S 05 DEGREES 25 MINUTES 00 SECONDS E, A DISTANCE OF 165.83 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 04 DEGREES 53 MINUTES 19 SECONDS, A RADIUS OF 630.00 FEET, A DISTANCE OF 53.75 FEET TO A POINT ON CURVE;
3. S 89 DEGREES 48 MINUTES 10 SECONDS E, A DISTANCE OF 464.22 FEET;

THENCE ON THE WESTERLY LINE OF THE TRACT OF LAND DESCRIBED IN WARRANTY DEED RECORDED JANUARY 2, 1987 BOOK 5296 AT PAGE 1423 OF THE SAID RECORDS, S 00 DEGREES 14 MINUTES 36 SECONDS W, A DISTANCE OF 174.98 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL 304REV.2: THENCE ON THE WESTERLY LINE OF THE LAST MENTIONED PARCEL 304REV.2, THE FOLLOWING FIVE (5) COURSES:

1. S 05 DEGREES 00 MINUTES 27 SECONDS W, A DISTANCE OF 598.82 FEET TO A POINT ON CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS N 82 DEGREES 48 MINUTES 44 SECONDS W, HAVING A DELTA OF 36 DEGREES 59 MINUTES 19 SECONDS, A RADIUS OF 1057.12 FEET, A DISTANCE OF 682.45 FEET TO A POINT ON CURVE;
3. S 48 DEGREES 21 MINUTES 26 SECONDS W, A DISTANCE OF 340.73 FEET;
4. S 29 DEGREES 45 MINUTES 52 SECONDS W, A DISTANCE OF 415.70 FEET;
5. N 89 DEGREES 23 MINUTES 01 SECONDS W, A DISTANCE OF 899.66 FEET TO THE POINT OF BEGINNING EXCEPT THOSE PORTIONS PLATTED AS PATRIOT PARK SUBDIVISION FILING NO. 2 RECORDED SEPTEMBER 28, 2006 UNDER RECEPTION NO. 206712430, PATRIOT PARK SUBDIVISION FILING NO. 3 RECORDED MARCH 14, 2007

Attachment 8 - Pg 6 of 6

UNDER RECEPTION NO. 207712546 AND PATRIOT PARK SUBDIVISION FILING NO. 4  
RECORDED JANUARY 8, 2008 UNDER RECEPTION NO. 208712735

**Parcel 2:**

LOT 2, NEWPORT SUBDIVISION FILING NO.19A, CITY OF COLORADO SPRINGS,  
COUNTY OF EL PASO, STATE OF COLORADO, ACCORDING TO THE PLAT THEREOF  
RECORDED FEBRUARY 13, 2007 UNDER RECEPTION NO. 207712530.