

**APPROVE DEVELOPMENT AGREEMENT AND EXTEND VESTING OF LAND
DEVELOPMENT RIGHTS FOR BATTERY ENERGY STORAGE SYSTEM**

RESOLUTION NO. _____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, Front Range Energy Storage LLC, on behalf of Lowry Environmental Protection Cleanup Trust Fund, Owner, seeks approval of a site-specific development plan, or "Development Agreement," as defined by C.R.S. § 24-68-103 and made locally applicable by Arapahoe County Land Development Code section 5-7.2., for a Battery Energy Storage System (BESS) facility within unincorporated Arapahoe County, to extend the vesting of property rights in the Use by Special Review Permit for a BESS (UASI23-001, approved by Resolution 25-124) and the terms and conditions contained in the Development Agreement, for a period of seven (7) years from the date of execution of the Development Agreement, for the property identified therein and as set forth in Exhibit A, such rights to run with the land; and

WHEREAS, subsequently public notice has been given of such proposed Development Agreement and of the public hearing by publication on October 30, 2025, in the Colorado Community Media (Littleton Independent, Englewood Herald, and Centennial Citizen), newspapers of general circulation within the County of Arapahoe, and by publication on October 29, 2025, in the I-70 Scout, a newspaper of general circulation within eastern Arapahoe County, by posting of said property and by mail notification of adjacent property owners in accordance with the Arapahoe County Land Development Code; and

WHEREAS, pursuant to statute and the aforementioned notice provisions, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 S. Prince St., Littleton, CO, on the 18th day of November, 2025, at 9:30 o'clock a.m., at which time evidence and testimony were presented to the Board concerning said proposed Development Agreement; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 28 of Title 30, C.R.S., as amended, the Vested Property Rights Statute, Section 24-68-101, et seq., C.R.S., and the Vested Property Rights Regulations in sections 13-110.12 and 13-406 of the Land Development Code in effect as of the approval date of this amendment, the Board has concluded that the public health, safety, and general welfare of the County and its residents, as well as good planning practice, justifies granting approval of the Development Agreement for BESS for a property owned by Lowry Environmental Protection Cleanup Trust Fund, and described in Exhibit A to the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

The Board of County Commissioners for Arapahoe County hereby approves the Development Agreement for BESS for the property currently owned by Lowry

Environmental Protection Cleanup Trust Fund, as described below, presented to the Board of County Commissioners during a public hearing on November 18, 2025, and attached to this Resolution, and to vest property rights for a period of seven (7) years from the date of execution of the Development Agreement.

LEGAL DESCRIPTION OF PROPERTY
SUBJECT TO DEVELOPMENT AGREEMENT

A TRACT OF LAND BEING A PORTION OF THE NORTH 1/2 OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO, EXCEPT THE NORTH 40 FEET; EXCEPT THE WEST 40 FEET, AND EXCEPT THOSE PORTIONS CONVEYED TO THE PUBLIC SERVICE COMPANY OF COLORADO IN DEEDS RECORDED DECEMBER 11, 1960 IN BOOK 1232 AT PAGES 260 AND 262. AND EXCEPT THAT PORTION DESCRIBED IN PARTIAL RELEASE OF DEED OF TRUST RECORDED DECEMBER 9, 1987 IN BOOK 5327 AT PAGE 713 AND EXCEPT THAT PORTION DESCRIBED IN DEEDS RECORDED JANUARY 20, 1989 IN BOOK 5617 AT PAGE 476 AND PAGE 481;

AND EXCEPT THAT PORTION CONVEYED TO ADM,BLT-QUINCY, LLC, A COLORADO LIMITED LIABILITY COMPANY IN DEED RECORDED FEBRUARY 21, 2002 AS RECEPTION NO. 2033929;

AND EXCEPT THAT PORTION CONVEYED TO PUBLIC SERVICE COMPANY OF COLORADO IN DEED RECORDED MAY, 15, 2017 AS RECEPTION NO. 7054245.

COUNTY OF ARAPAHOE, STATE OF COLORADO., SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS; BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 7 BY A CALCULATED POSITION BASED ON FOUND ACCESSORIES SHOWN ON THE MONUMENT RECORDED IN THE RECORDS OF THE COLO. ST. BD. OF LIC. FOR ARC, PE & LS DATED FEB 28 2018 AND AT THE EAST QUARTER CORNER OF SAID SECTION 7 BY A 3-1/4" ALUMINUM CAP STAMPED "AMERICAN WEST 2008 PLS 30846". SAID EAST LINE BEARS SOUTH 00°54'57" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7;

THENCE SOUTH 30°45'52" WEST 747.14 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH HARVEST ROAD AS SHOWN ON HARVEST MILE ROAD SUBDIVISION EXEMPTION PLAT, RECORDED FEBRUARY 20, 2002 AT RECEPTION No. B2033414 AND SPECIAL WARRANTY DEED RECORDED NOVEMBER 21, 2002 AT REC. No B2222253, ARAPAHOE COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00°06'17" WEST 237.52

FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN EXHIBIT A OF SPECIAL WARRANTY DEED RECORDED MAY 15, 2017 AT RECEPTION No. D7054245;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE ALONG THE NORTHERLY LINE OF SAID PARCEL AT RECEPTION No.D7054245 THE FOLLOWING FIVE (5) COURSES:

1. SOUTH 89°55'24" WEST 108.50 FEET;
2. SOUTH 75°06'10" WEST 1707.07 FEET;
3. SOUTH 25°09'54" WEST 504.57 FEET;
4. SOUTH 02°30'43" WEST 23.82 FEET;
5. SOUTH 89°41'10" WEST 143.21 FEET;

THENCE DEPARTING SAID NORTHERLY LINE OF RECEPTION No. D7054245 NORTH 25°09'54" EAST 1287.78 FEET;

THENCE SOUTH 89°43'01" EAST 1569.85 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND CONTAINS 832,202 SQUARE FEET, OR 19.10 ACRES, MORE OR LESS.

BE IT FURTHER RESOLVED, that the County Attorney is hereby authorized to correct such errors or omissions in this Resolution and in the Development Agreement as may be necessary to ensure the intent of the parties and obligations of each are correctly reflected therein.

The vote was:

Commissioner Baker, _____; Commissioner Campbell, _____; Commissioner Fields, _____; Commissioner Summey, _____; Commissioner Warren-Gully, _____.

The Chair declared the motion carried and so ordered.