



ZAYO GROUP COLORADO SPRINGS, CO



RE: Zayo Group
18370 Highway 94
Colorado Springs, CO 80930

REQUEST

Five Nine Design Group is the representing agent for Zayo Group in this submission for Planning Approval. For an addition of a fiber-optic utility shelter located in at an existing fiber-optic facility located in El Paso County. The shelter will be 420 SF and is unoccupied. The building will be constructed of pre-cast concrete and house fiber-optic telecommunications utility equipment.

LOCATION/ACREAGE

Site is located on the SE corner of the property 3407000001 address 18370 Highway 94. Zayo Group has a current 150'x150' lease agreement in place on the 38.21 acre site.

DESCRIPTION OF PROJECT

Zayo Group proposes to erect a new building in a RR-5 Rural Residential zone that will act as an infra structure component on their underground fiber optic network. The building is a 420 SF pre-manufactured modular unit 36'-0"x12'-0"x11'-1" high.

The building is a precast concrete bldg. with exposed coarse aggregate finish, that is set on and anchored to a site placed precast concrete foundation at the required frost depth for soil conditions. The building and foundation are manufactured and assembled off site and shipped to the new location for placement. There will be no antennas, towers, or dishes at the site for this building.

Facility will be an unoccupied, "lights out", facility that is not open to the public and locked at all times. Access is only permitted by trained and authorized service personnel.

WATER SUPPLY/LIQUID WASTE/SOLID WASTE

There will be no water or sewage utility required or provided. No waste or trash will be accumulated as a result of the proposed development. This is an unmanned facility with no plumbing or waste generation.

ACCESS/TRAFFIC IMPACTS

There will be minimal visits to the site. The visits will be infrequent depending on the need to adjust equipment. There will be an estimated 1 visit per month +/- to this site for maintenance and system operation. This will not impact the existing traffic patterns of this area. Site access is proposed via an extension of an existing gravel driveway from highway 94 there is a driveway permit on file with CDOT #220028. A parking area will be installed for maintenance vehicle to park while onsite. The total land disturbance for this site is 5708 SF.

OUTSIDE NIGHTTIME ENVIRONMENT

The outside lighting proposed on the site is (1) downward directed wall mounted 18W LED light fixture at each entry door (two total). Each light will have a dawn to dusk photocell control.

ENVIRONMENTAL PERFORMANCE STANDARDS

No emissions or noise generation will be created from the normal operation of this building. A permanent emergency generator will be located at this site and will only operate at times of commercial utility power loss or equipment regular maintenance.

SUMMARY

This project typically has been classified as a utility facility for telecommunications use and as designed meets all local ordinances and regulations for this use. There are no wireless transmission devices of any kind including towers, antennas, or dishes. Facility is unoccupied. Fiber and electric service to the building arrives underground. There are no water or sewer utilities required. This proposed development bestows little to no visual, physical, environmental, or traffic impact on the site and surrounding area.

If you have any questions regarding this matter please contact me.

Thank you again, Rex Atkinson, Five Nine Design Group

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS CODE NOTICE TO PROCEED	CDOT Permit No. 220028
	State Highway/Mile Post/Side 094A / 11.567/Left
	Local Jurisdiction El Paso County

Permittee(s): James and Christi Kuhns 18370 Highway 94 Colorado Springs, Colorado 80930	Applicant: Five Nine Design Group 8730 Powderhorn Way Indianapolis, Indiana 46256 812-987-5316
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The permittee is hereby authorized to proceed with use of access within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid with NO NEW CONSTRUCTION for the access.

This Notice to Proceed is conditional. This permit is hereby executed with NO NEW CONSTRUCTION to the access point along SH94A.

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By (X)	Title	Date
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This Notice is not valid until signed by a duly authorized representative of the Department

Colorado Department of Transportation

By (X) 	Title Access Mgr	Date 03-18-20
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Copy distribution: Required: Region (original) Applicant Staff Access Section

Make copies as necessary for: Local Authority MTCE Patrol Inspector Traffic Engineer

Form 1265 8/98, 6/99

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 220028
			State Highway No / Mp / Side 094A / 11.567 / Left
Permit Fee \$300.00	Date of Transmittal 03/03/2020	Region / Section / Patrol / Name 2 / 02 / 67 Brad Bauer	Local Jurisdiction El Paso County

The Permittee(s):

James and Christi Kuhns
 18370 Highway 94
 Colorado Springs, Colorado 80930

The Applicant(s):

Five Nine Design Group
 Rex Atkinson
 8730 Powderhorn Way
 Indianapolis, Indiana 46256
 812-987-5316

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

Location: 2104.40- feet west of MM12 @ MM11.567 left.

Access to Provide Service to: (Land Use Code)	(Size)	(Units)
210 - Single-Family Detached Housing Home of James and Christi Kuhns	38.21	Acres
171 - Equipment Telecommunication Facility (5) Node Buildings on leased portion of property (150'x150')	22500	SqFt

Additional Information:

See additional documentation

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

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

The permittee shall notify Todd Ausbun with the Colorado Department of Transportation, at (719) 696-1403 at least 48 hours prior to commencing construction within the State Highway right-of-way.

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

DocuSigned by: Permittee Signature: <i>James Kuhns</i>	Print Name James Kuhns	Date 3/10/2020 6:49 AM PDT
Co-Permittee Signature: (if applicable)	Print Name	Date

This permit is not valid until signed by a duly authorized representative of the Department.

COLORADO DEPARTMENT OF TRANSPORTATION			
DocuSigned by: Signature <i>Arthur Gonzales</i>	Print Name Arthur Gonzales	Title R2 - Access Manager	Date (of issue) 3/18/2020 2:12 PM MDT

Copy Distribution:

Required:
 1. Region
 2. Applicant

3. Staff Access Section
 4. Central Files

Make copies as necessary for:
 Local Authority
 MTCE Patrol
 Inspector
 Traffic Engineer

Previous editions are obsolete and may not be used
 Page 1 of 3 CDOT Form #101 5/07

State Highway Access Permit Form 101, Page 2

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.
2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.
3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.
4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)
2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.
3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.
4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

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

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

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

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

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

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

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

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

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

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

MAINTENANCE

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

March 3, 2020

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PERMIT # 220028

Permittee: James and Christy Kuhn

Applicant: Five 9 Design Group for Zayo Fiber Optics, Rex Atkinson

Access Location: 21404.40- feet west of MM12 @ MM11.567 left.

1. A NOTICE TO PROCEED TO CONSTRUCTION, CDOT Form 1265, is required before beginning the use of the access or any activity in the highway right-of-way.
2. The access is located on the LEFT/NORTH side of State Highway 094, a distance of 2104.40-feet from milepost 12 (11.567).
3. This section of highway is a Category NR-A highway. The information submitted with the application requires that no highway improvements be installed. This access permit is to document an existing access point along SH94.
4. This Access Permit is issued to document a new to CDOT access to State Highway 094. The access will serve the installation of 5 already known node building and the addition of the 6th node building to the site for continued fiber optic installations for Zayo Group.
5. The ditches may not be used for any purposes unless allowed under appropriate legal permits.
6. Equipment and vehicles cannot be parked in the clear zone; this includes when occupied by construction personnel; the clear zone shall be kept clear of vehicles, equipment and stockpile to prevent accidents.
7. **No new construction or improvements are required by the issuance of this Access Permit.**
8. No additional access will be allowed to State Highway 094 between milepost 11.53 and milepost 11.87.
9. The Permittee shall refer to all additional standard requirements attached to this permit. This includes CDOT Form 101b, enclosed additional terms, conditions, exhibits, and noted attachments.
10. The following criteria were used to establish this Access Permit:
 - a) The Application for Access Permit (CDOT Form 137) dated 12/05/19 and accepted by the regional office on 02/20/2020 and all attachments.
 - b) State Highway Access Code, Volume 2, CCR-601-1; Effective date August 31, 1998
 - c) The State Highway Access Category Assignment Schedule, as revised.
 - d) The Colorado Department of Transportation (CDOT) M&S Standard Plans
 - e) Vicinity Map
 - f) Attached Details
 - g) Environmental Clearances Information Summary
 - h) Site Plan
 - i) Parcel Ownership information
11. This Access Permit is issued in accordance with the 1998 State Highway Access Code (2CCR 601-1), and is based in part upon the information submitted by the Permittee. This Access Permit is only for the use and purpose stated in the Application and on the Permit. Any changes, based upon existing and/or anticipated future conditions in traffic volumes, drainage, types of traffic, or other operational aspects may render this permit void, requiring a new Application for Access Permit to be submitted for review by the Department and/or Issuing Authority.

March 3, 2020

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PERMIT # 220028

Permittee: James and Christi Kuhn

Applicant: Five 9 Design Group for Zayo Fiber Optics, Rex Atkinson

Access Location: 21404.40- feet west of MM12 @ MM11.567 left.

12. If necessary, minor changes, corrections and/or additions to the Permit may be ordered by the Department Inspector, other Department representative, or the local authority, to meet unanticipated site conditions. Changes may not be in violation of the State Highway Access Code. All major changes to the permit must be approved in writing by the Department prior to commencement of any work on or within the State Highway right-of-way.
13. All work is to conform to the plans referenced by this permit on file with the Colorado Department of Transportation or as modified by this Permit or a valid Notice to Proceed. If discrepancies arise, this permit and the valid Notice to Proceed shall take precedence over the plans. The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations or any other elements, which shall be confirmed and correlated at the work site. The Department through the approval of this document assumes no responsibility for the completeness and/or accuracy of the plans.
14. The Department standards, specifications, and regulations shall override the design plans incorporated in this permit should an oversight, omission, or conflict occur. The Department assumes no liability or responsibility whatsoever for the accuracy, completeness or correctness of the Permittee's design plans. Any design plan errors are the sole responsibility of the Permittee and/or the engineer.
15. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within State Highway right-of-way.
16. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-way in a forward movement. Backing into the right-of-way shall be considered a violation of the Terms and Conditions of the Access Permit and may result in the revocation of the Permit by the Department and/or Issuing Authority.
17. This access will be allowed a full movement. However, left turn movements in and out of this access may be prohibited at some future date.
18. This access will be allowed right turn movements only. Left turns are not allowed. Access limited to right turns may be requested to have a physical barrier such as a non-traversal median to prevent unauthorized turns either on the roadway or using the access.
19. This access will be allowed 3/4 movements (right in, right out, left in). Left turns out of the access are not allowed.
20. This access will be allowed a right in only movement. Right turns out and left turn movements are not allowed. Access limited to right turns may be requested to have a physical barrier such as a non-traversal median to prevent unauthorized turns either on the roadway or using the access.
21. A Fully Executed Complete Copy of this Permit and a valid Notice to Proceed to Construction must be on the job site with the contractor at all times during the construction. Failure to comply with this or any other construction requirement may

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PERMIT # 220028

Permittee: James and Christi Kuhn

Applicant: Five 9 Design Group for Zayo Fiber Optics, Rex Atkinson

Access Location: 21404.40- feet west of MM12 @ MM11.567 left.

result in the immediate suspension of the work by order of the Department Inspector or the Issuing Authority.

22. Any additional permits and clearances required by other Federal, State, Local Government Agencies or Ditch Companies is the responsibility of the Permittee and/or Applicant.
23. The Permittee is responsible for obtaining any necessary additional federal, state and/or local government agency permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee.
24. Whenever there is work within the highway right of way, the Permittee shall develop and implement a traffic control plan.
 - a) This plan shall utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around and through the work site as well as ensure the safety of the work force.
 - b) A certified Traffic Control Supervisor or a Professional Traffic Engineer may prepare the traffic control plan.
 - c) The plan shall be in conformance with the latest Manual on Uniform Traffic Control Devices (MUTCD) and other applicable standards.
 - d) The plan must be submitted and approved by the Senior Maintenance Supervisor listed below five working days prior to beginning construction within the highway right of way.
 - e) The approved traffic control plan will be attached to the Permit and the NOTICE TO PROCEED TO CONSTRUCTION and must be available on site throughout the duration of the construction.
 - f) All work that requires traffic control shall be supervised by a registered professional traffic engineer or by a certified traffic control supervisor.
 - g) The contractor in accordance with the Department Standards shall certify flagging personnel, when required.
25. If any traffic control devices are evident within 50 feet of the construction area, the Permittee/Contractor must contact Mr. Jimmy Biren, Asst. Traffic Operations Engineer, in Pueblo. Mr. Biren can be contacted in Pueblo at (719) 546-5404.
26. ADT VOLUMES - The Average Daily Traffic (ADT) volumes using this access shall not exceed 10 trips.
27. All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures and all applicable US Occupational Safety and Health Administration (OSHA) regulations- including but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.
28. Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:
 - a) Head protection that complies with the ANSI Z89.1-1997 standard;

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PERMIT # 220028

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Applicant: Five 9 Design Group for Zayo Fiber Optics, Rex Atkinson

Access Location: 21404.40- feet west of MM12 @ MM11.567 left.

- b) At all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999;
 - c) High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2).
 - d) Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.
29. UTILITIES - The Permittee is hereby advised that other utilities may exist within the proposed permit area. Permittee shall implement any and all measures to protect any existing utilities from damage.
30. The Permittee is responsible to comply with the Subsurface Utility Engineering (SUE) requirements as defined in the ASCE 38 (American Society for Civil Engineering).
31. The Permittee is responsible for any utilities and/or traffic control devices disrupted by the construction of this access and all expense incurred for repair. There are existing utilities on the highway right-of-way by permit. Owners of those utilities must be contacted. Any work necessary to protect existing permitted utilities, such as encasements, bulwarks, etc. will be the responsibility of the Permittee.
- a) The Permittee is hereby advised that other utilities may exist within the proposed permit area. Permittee shall implement any and all measures to protect any existing utilities from damage.
 - b) Non-Destructive Air-vacuum Excavation (potholing) to expose the utilities being surveyed to determine their exact depth and location maybe necessary before any work commences. A core hole saw cut is the recommended method of entry through pavement for potholing. Flowfill is required for backfill of the core hole under the pavement or on the roadway.
 - c) The vacuum excavation technique is used not only to expose utilities but also for other uses that are benefited by the non-invasive/non-destructive, environmentally friendly technology such as dewatering or drill fluid/saw cutting fluid removal.
 - d) The Contractor shall utilize a spotter to assist in the visual inspection of all excavation work as it progresses near existing CDOT Intelligent Transportation Systems fiber optic line conduits, pull boxes and manholes. The Contractor shall provide a spotter to aid equipment operators when construction activities are near marked or unmarked fiber lines.
 - e) The spotter shall observe all excavation work as it progresses to ensure that no damage occurs to existing underground fiber lines. When the spotter has visual sight of the underground conduit, the spotter shall notify the equipment operator of the proximity to the conduit and begin to guide the excavation work. The spotter shall guide all excavation work around the conduit to ensure no damage occurs.
32. Additional CDOT permits are required for work involving water, sanitary sewer, gas, electrical, telephone and landscaping within the right-of-way.
33. Any damage to existing highway facilities shall be repaired immediately at no cost to the Department and prior to continuing other work. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department inspector.

March 3, 2020

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PERMIT # 220028

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Applicant: Five 9 Design Group for Zayo Fiber Optics, Rex Atkinson

Access Location: 21404.40- feet west of MM12 @ MM11.567 left.

34. **SIGHT DISTANCE** - The Permittee shall maintain adequate, unobstructed sight distance in both directions from the access. When determining the distance between accesses, the point of tangent shall be used where a radius is present, or the beginning of the curb cut. The minimum sight distance that shall be maintained along the highway for the access shall be 550-feet. The minimum sight distance that shall be maintained for the vehicle entering the highway shall be 845-feet.
35. Any landscaping or potentially obstructing objects such as but not limited to advertising signs, structures, trees, and bushes, shall be designed, placed, and maintained at a height not to interfere with the sight distance needed by any vehicle using the access. Planting of tree(s), which will be over 4 inches in caliper at maturity, will not be allowed within 30 feet of the edge of the traveled way. All other objects shall not exceed a total height of thirty inches from the top of final grade. The Department will require any object or landscaping that becomes unsightly or is considered to be a traffic hazard to be removed by the Permittee at no cost to the Department.
36. The access width shall be 20-feet.
37. **ACCESS SURFACING** - The access shall continuously be maintained as directed below while in use. The access shall be surfaced from the highway roadway to the right-of-way line.
- a) The access shall have a hard surface pavement for a minimum distance of 20 feet from the traveled way. The first 20 feet of the access shall be surfaced with 6 inches of compacted Hot Mix Asphalt Type SX (75) PG64-22 and 12 inches of Aggregate Base Course (Class 6). The remainder of the access within the highway right-of-way shall be surfaced with 12 inches of Aggregate Base Course (Class 6).
 - b) If patching is required due to saw cutting, 6 inches of Hot Mix Asphalt Type ___ shall be used. The material will be placed in 3 lifts.
 - c) If hard surfacing (concrete or bituminous pavement) abuts existing pavement, the existing pavement shall be saw cut and removed a minimum of one (1) foot back from the existing edge of pavement.
 - d) Compaction of Hot Mix Asphalt shall be in accordance to section 401.17 of the Department's standard specifications. Compaction of the Aggregate Base Course shall comply with section 304.06.
 - e) Compaction of sub-grade, embankments and backfills shall be in accordance to section 203.07 of the Department's standard specification.
 - f) Placement of base course materials shall be in accordance with section 304.04 of the standard specifications. Compaction shall be in conformance with AASHTO procedure T-99.
38. **OTHER DESIGN ELEMENTS** - Within the highway right-of-way, maximum grades shall be limited to ten per cent for low volume field and residential access.
39. The horizontal axis of an access to the highway shall be maintained at a right angle to the centerline of the highway and extend a minimum of 40 feet from the edge of pavement or to the right-of-way line, whichever is greater.

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Applicant: Five 9 Design Group for Zayo Fiber Optics, Rex Atkinson

Access Location: 21404.40- feet west of MM12 @ MM11.567 left.

40. An access that has a gate across it shall be designed so that the longest vehicle using it can clear the roadway when the gate is closed.
41. It is the responsibility of the Permittee to prevent all livestock from entering the State Highway right of way at this access location. Any livestock that does enter the highway right of way shall be the sole responsibility of the Permittee.
42. Any current or proposed cattle guard shall be maintained fully within the property boundaries and all repairs are the sole responsibility of the property owner.
43. Fill slopes and cut slopes shall be maintained to current Department minimum standards.
44. Fill slopes and cut slopes shall be maintained to the slope of the existing highway near the access.
45. FYI, all side slopes shall have a slope of 6:1 for 12 feet.
46. **PROPERTY BOUNDARIES AND SURVEY** - Physical separation and delineation along a property frontage such as curb and gutter or fencing, may be required when necessary to ensure that access will be limited to permitted locations.
 - a) Survey markers or monuments must be preserved in their original positions. Notify a CDOT Land Surveyor, at (719) 546-5456 immediately upon damage to or discovery of any such markers or monuments at the work site.
 - b) Any survey markers or monuments disturbed during the execution of this permit shall be repaired and/or replaced immediately to the satisfaction of the CDOT Land Surveyor at the expense of the Permittee.
 - c) All survey procedures and minimum tolerances shall be in conformance with the Department Survey Manual and the "Manual of Instruction for the Survey of Public Lands of the United States" 1972 and section 38-53-101 et seq, C.R.S.
 - d) Monuments shall conform to Department Standard M-629-1.
47. **DRAINAGE** - Each access shall be maintained in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system in the right-of-way or any adopted municipal system and drainage plan.
48. The highway drainage system is for the protection of the state highway right-of-way, structures, and appurtenances. It is not designed nor intended to serve the drainage requirement of abutting or other properties beyond undeveloped historical flow. Drainage to the state highway right-of-way shall not exceed the undeveloped historical rate of flow.
49. CDOT retains the right to perform any necessary maintenance work in this area.
50. A "Notice to Proceed" (CDOT Form 1265) is required to complete the access permitting process, even when construction is not required.

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application
acceptance date

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Instructions:

- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
- Submit an application for each access affected.
- If you have any questions contact the issuing authority.
- For additional information see CDOT's Access Management website at <http://www.dot.state.co.us/AccessPermits/index.htm>

Please print
or typeCDOT Region 2
Permits Dept.

1) Property owner (Permittee) James Kuhns and Christi Kuhns		2) Applicant or Agent for permittee (if different from property owner) Rex Atkinson	
Street address 18370 Highway 94		Mailing address 8730 Powderhorn Way	
City, state & zip CO. Springs, CO 80930	Phone #	City, state & zip Indianapolis, IN 46256	Phone # (required) 812-987-5316
E-mail address		E-mail address if available rex@five9dg.com	
3) Address of property to be served by permit (required) 18304 Highway 94 Colorado Springs, CO 80930			
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? county El Paso Co subdivision N/A block lot section 7 township 14 S range 63 W			
5) What State Highway are you requesting access from? 94		6) What side of the highway? <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	
7) How many feet is the proposed access from the nearest mile post? 1800 ^{2104.40} feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W from: 094A 12		How many feet is the proposed access from the nearest cross street? 1317 feet <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W from: Engleby Drive	
8) What is the approximate date you intend to begin construction? 1/20/2020			
9) Check here if you are requesting a: <input checked="" type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated:) <input type="checkbox"/> improvement to existing access <input type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)			
10) Provide existing property use Telecom			
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: and/or, permit date:			
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe:			
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.			
14) If you are requesting agricultural field access - how many acres will the access serve? N/A			
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.			
business/land use	square footage	business	square footage
Telecom	376		
Telecom	1416		
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?			
type	number of units	type	number of units
N/A			
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.			
Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.		# of passenger cars and light trucks at peak hour volumes	# of multi unit trucks at peak hour volumes
		0	0
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)	Total count of all vehicles	
0	0	0	

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- | | |
|--|---|
| a) Property map indicating other access, bordering roads and streets. | e) Subdivision, zoning, or development plan. |
| b) Highway and driveway plan profile. | f) Proposed access design. |
| c) Drainage plan showing impact to the highway right-of-way. | g) Parcel and ownership maps including easements. |
| d) Map and letters detailing utility locations before and after development in and along the right-of-way. | h) Traffic studies. |
| | i) Proof of ownership. |

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CDOT Region 2

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage <http://www.dot.state.co.us/environmental/Forms.asp>.

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

I understand receipt of an access permit does not constitute permission to start access construction work.

Applicant or Agent for Permittee signature

Rex Atkinson

Print name

Rex Atkinson

Date

12/30/19

If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.

Property owner signature

Christi L. Kuhns

Print name

Christi L. Kuhns

Date

12/5/19

0421



Five Nine Design Group, LLC

15925 Hargray Drive
Noblesville, IN 46062
(317) 727-4477



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PAY TO THE
ORDER OF CDOT

\$ **300.00

Three hundred and 00/100*****

DOLLARS

Colorado Department of Transportation
5615 Wills Blvd.
Pueblo, Colorado 81008



AUTHORIZED SIGNATURE

MEMO

Permit 220028 Zayo Group

⑈000421⑈ ⑆074000010⑆

935619291⑈



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JAN 2 2020

CDOT Region 2
Permits Dept.

Five Nine Design Group
15925 Hargray Dr.
Noblesville, IN 46062

December 02, 2019

Colorado Department of Transportation
5615 Wills Blvd.
Pueblo, CO 81008

RE: State Highway Access Permit Application

Letter of Intent:

The site for this project is located on the SE corner of the property 3407000001 address 18370 Highway 94. Zayo Group has a current 150'x150' lease agreement in place on the 38.21 acre site. There are (5) existing fiber-optic equipment shelters surrounded by a chain-link fence that serves Zayo Telecommunications. Five Nine design group is proposing the expansion of the fence and addition of a 6th building.

The site is serviced by an existing gravel driveway with asphalt approach off of Highway 94. For the 6th building we are proposing an extension of the existing gravel driveway. Our surveyor has found a collapsed culvert at this location. We will remove and replace this culvert as part of this project.

The buildings are unmanned. Vehicular traffic to the buildings is no more than 1/month for maintenance. There are no employees in these buildings on a daily basis. The largest vehicle that will visit the site is a pickup type work truck.

Please let me know if you should need anything additional in this matter.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Rex Atkinson", is written over a horizontal line.

Rex Atkinson
Five Nine Design Group

Zayo Group - Fiber Buildings SH94, MM11.567



Created:
Date: 2/21/2020
Time: 11:48:24 AM

El Paso County - Community: Property Search
Schedule Number: 3407000001



219078766

PGS 1

7/12/2019 10:21 AM

\$13.00 DF\$25.50

Electronically Recorded Official Records El Paso County CO

Chuck Broerman, Clerk and Recorder

TD1000 Y

PERSONAL REPRESENTATIVE'S DEED
(Sale)

THIS DEED is dated June 5th, 2019, and is made between Robert C. Lengel Jr., the "Grantor," as Personal Representative of the estate of Robert C. Lengel, aka Robert Charles Lengel, aka Robert Lengel, aka Bob Lengel, deceased, and

12
ck
James Kuhns and Christi Kuhns, the "Grantees," whose legal address is 18370 State Highway 94, Colorado Springs, CO 80930, of the County of El Paso, State of Colorado.

WHEREAS, the decedent died on the date of November 4, 2017, and Grantor was duly appointed Personal Representative of said estate by the District Court in and for the County of El Paso, State of Colorado, Probate No. 2017PR31236, on the date of November 17, 2017, and is now qualified and acting in said capacity;

NOW THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby sell and convey unto Grantees in joint tenancy, for and in consideration of two hundred and fifty-five thousand and no/100 Dollars, (\$255,000.00), the following described real property situate in the County of El Paso, State of Colorado:

All of Section 7 in Township 14 South, Range 63 West of the 6th P.M., EXCEPT those portions as described in deed recorded October 17, 1969 in Book 2315 at Page 62 and deed recorded June 7, 1984 in Book 3880 at Page 409 as corrected by deed recorded June 17, 1985 in Book 5023 at Page 247 and deed recorded May 19, 2000 at Reception No. 200056315, also excepting any portion lying in Highway 94, and excepting that portion conveyed by deed recorded May 3, 2002 at Reception No. 202073288, County of El Paso, State of Colorado.

also known by street address as: 18370 State Highway 94, Colorado Springs, CO 80930
and assessor's schedule or parcel number:

With all appurtenances.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Robert C. Lengel Jr.

Robert C. Lengel Jr., Personal Representative of the estate of Robert C. Lengel, aka Robert Charles Lengel, aka Robert Lengel, aka Bob Lengel, Deceased

STATE OF Texas)
County of Williamson) ss.

The foregoing instrument was acknowledged before me this 5 day of June, 2019, by Robert C. Lengel Jr. as Personal Representative of the estate of Robert C. Lengel, aka Robert Charles Lengel, aka Robert Lengel, aka Bob Lengel, Deceased.

Witness my hand and official seal.

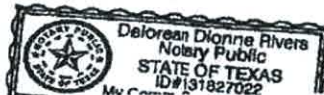
My commission expires: 12/10/2019

DeLorean D. Rivers
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

No. 46, Rev. 1-06, PERSONAL REPRESENTATIVE'S DEED (Sale) (Page 1 of 1)

656014072

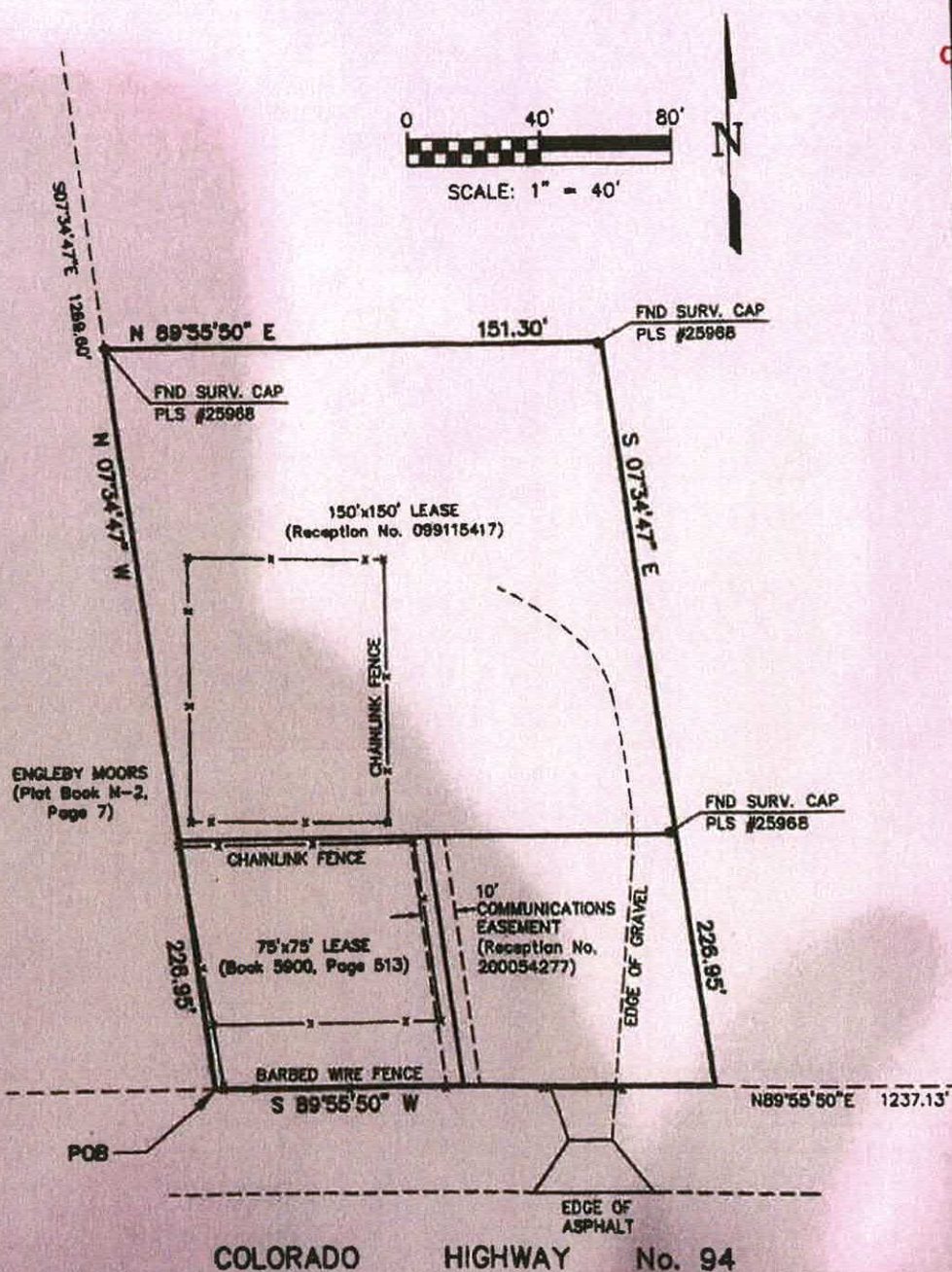


LEGAL DESCRIPTION EXHIBIT

A PORTION OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 63 WEST
OF THE 6TH P.M., EL PASO COUNTY, COLORADO

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CDOT Region 2
Permits Dept.

SHEET 2 OF 3



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3900 MAZELAND ROAD • COLORADO SPRINGS, CO 80908

DWN BY: ROG

DATE: 06/03/13

CK'D BY: DLK

REF. NO.: 05074EDCH1

NOTE:

This EXHIBIT does not represent a
monumented land survey, and is
only intended to depict the
attached LEGAL DESCRIPTION.

REVISIONS

NO.	DESCRIPTION	DATE	BY

PROJECT NUMBER

95074