

SUPERIOR MARKETPLACE

PLANNED DEVELOPMENT / ZONE DISTRICT PLAN AMENDMENT #5

THE MULHERN GROUP, LTD.

NEW PLAN EXCEL REALTY TRUST, INC.

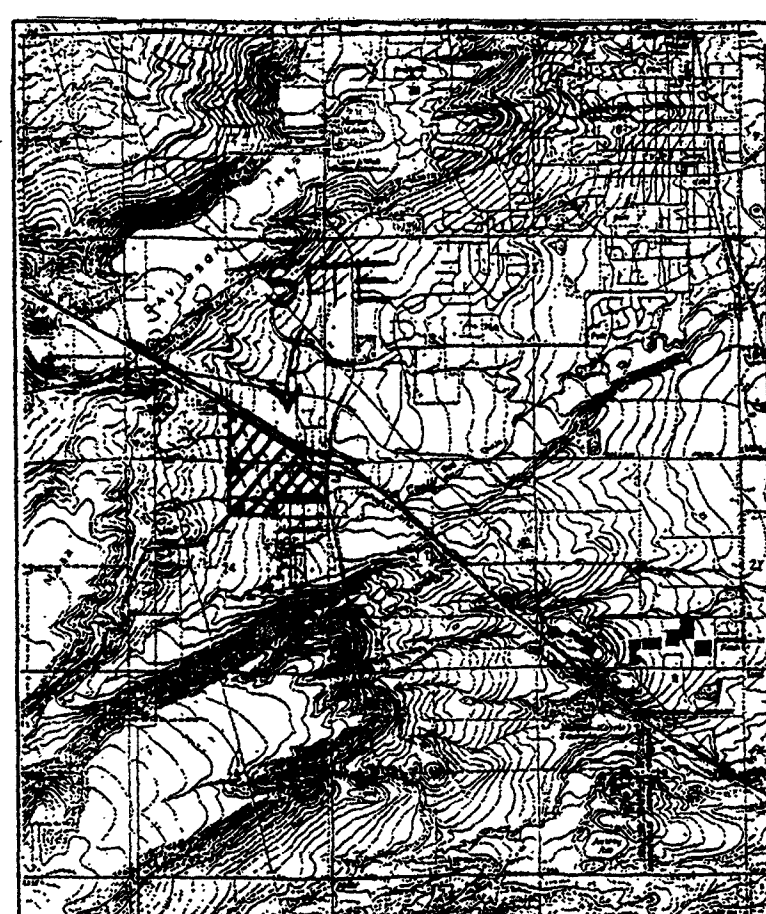
A PORTION OF THE SE 1/4 OF SECTION 13 AND THE N 1/2 OF THE NE 1/4 OF SECTION 24, T15, R70W OF THE 6TH P.M.

SITE DEVELOPMENT CRITERIA

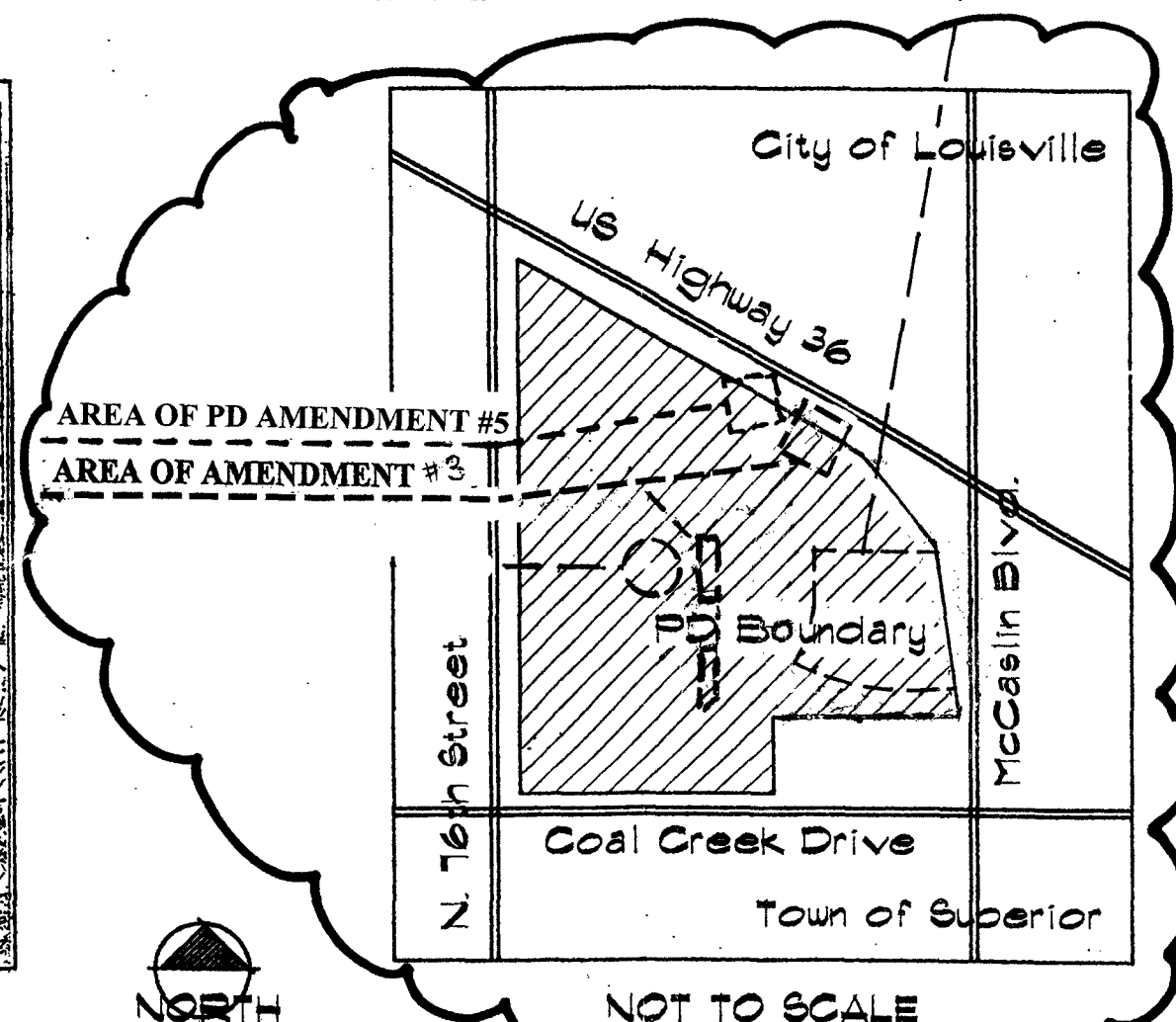
- Maximum Building Height:**
 Detail: 25' (Net parapet height)
 50' (entry elements, towers, or sloped roofs)
 Theater building: 55'
- Detail Building Setbacks:**
 From Public R.O.W.: 20' min.
 From Internal Property Lines: 0'
- Min. Separation Between Freestanding Buildings:** 0'
- Parking Setbacks:**
 From all Public R.O.W.: 20' min.
 From Internal Arteries: 10' min.
- Typical Parking Stall:** 9' x 18'
- Typical Handicap Space:** 14' x 18' (includes aisle)
- Typical Parking Aisle:** 24' wide
- Internal Arteries:** 20' min. flowline to flowline

- Rear of in-line buildings facing a R.O.W. shall be setback a minimum of 20' from R.O.W.
- Rear of buildings at 70th Street shall be setback a minimum of 50' from R.O.W.

VICINITY MAPS



1: 48000



LAND USE TABLE

SUBA Site Area:	97.8 Acres	100%	Net Right-of-Way Area:	11.6 Acres	12.0%
Future Development Parcel:	9.1 Acres	9.3%	Right-of-Way		
Gross Development Area:	88.7 Acres	90.7%	Marshall Rd.	5.84 Acres	5.9%
Retain Development:			Extended Symmes St.	2.36 Acres	2.4%
Density:	Commercial: 7,968 s.f./acre (P.A.R. of .17)		Extended Fifth Ave.	0.40 Acres	0.4%
Breakdown:			East Side of 70th St.	2.34 Acres	2.4%
Building Area Subtotal:	673,476 S.F. (15.6 Ac)	17.4%	North Side of Coal Cr.	0.88 Acres	0.9%
Unstructured Open Space:	28.8 Acres	29.7%	Estimated Water Usage		
Other Open Space:	3.3 Acres	3.8%	200,000 Gallons daily use		
Paving Area Subtotal:	47.1 Acres	58.1%	Estimated Sewer Usage		
Roadways, drives, loading areas, and parking lots			.38 cfs daily use		
Total:	88.7 Acres	100% of gross			
Parking Data/Requirements:					
Provided: Total site spaces:	4,261 Spaces				
Retail Development:	3,861 Spaces	5.7/1000 s.f.			
RHD Park-n-Ride:	400 Spaces				
Required Ratios:					
Retail: 4.8 spaces/1000 s.f. (min.)					
Freestanding Restaurants: 8 spaces/1000 s.f. (min.)					

ENTIRE PD BOUNDARY

A TRACT OF LAND IN THE N1/2, NE1/4, SECTION 24 AND IN THE S1/2, SE1/4, SECTION 13, ALL IN TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 24, T15, R70 W; THENCE S89°08'48"W, ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 24, A DISTANCE OF 521.20 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED ON FILM 626 AS RECEPTION NO. 869600 OF THE RECORDS OF BOULDER COUNTY, COLORADO, WHICH CORNER IS THE TRUE POINT OF BEGINNING;

THENCE S32°34'10"E, ALONG THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 626 AS RECEPTION NO. 869600, A DISTANCE OF 240.50 FEET; THENCE S56°47'24"E, CONTINUING ALONG THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 626 AS RECEPTION NO. 869600, A DISTANCE OF 364.72 FEET; THENCE S9°01'22"E, CONTINUING ALONG THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 626 AS RECEPTION NO. 869600, A DISTANCE OF 330.65 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 626 AS RECEPTION NO. 869600, WHICH CORNER IS ON THE NORTH LINE OF MAPLE STREET IN MINK'S ADDITION TO THE TOWN OF SUPERIOR, RECORDED IN PLAT BOOK 3 AT PAGE 36 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE S89°48'20"W, ALONG THE NORTH LINE OF SAID MAPLE STREET, A DISTANCE OF 1273.63 FEET TO THE WEST LINE OF FOURTH AVENUE IN SAID MINK'S ADDITION TO THE TOWN OF SUPERIOR; THENCE S0°11'40"E, ALONG THE WEST LINE OF SAID FOURTH AVENUE, A DISTANCE OF 386.60 FEET TO THE SOUTH LINE OF THE N1/2, NE1/4, OF SAID SECTION 24; THENCE S89°44'22"W, ALONG THE SOUTH LINE OF SAID N1/2, NE1/4, A DISTANCE OF 1262.71 FEET TO THE SOUTHWEST CORNER OF SAID N1/2, NE1/4; THENCE N0°11'17"W, ALONG THE WEST LINE OF SAID N1/2, NE1/4, A DISTANCE OF 1292.99 FEET TO THE NORTHWEST CORNER OF SAID N1/2, NE1/4; THENCE N0°00'56"E, ALONG THE WEST LINE OF THE S1/2, SE1/4, SECTION 13, T15, R70W, A DISTANCE OF 1349.98 FEET TO THE SOUTHWESTERLY LINE OF U.S. HIGHWAY NO. 36 AS DESCRIBED IN BOOK 878 AT PAGE 283 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE S89°05'04"E, ALONG THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN SAID BOOK 878 AT PAGE 283 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE N89°05'04"E, ALONG THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN SAID BOOK 247, A DISTANCE OF 1.06 FEET TO THE SOUTHWESTERLY LINE OF U.S. HIGHWAY NO. 36 AS DESCRIBED IN BOOK 878 AT PAGE 267 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE, ALONG THE SOUTHWESTERLY LINE OF U.S. HIGHWAY NO. 36 AS DESCRIBED IN SAID BOOK 878 AT PAGE 267, THE FOLLOWING COURSES AND DISTANCES:

S83°09'10"E A DISTANCE OF 637.67 FEET; THENCE N26°50'50"E, A DISTANCE OF 10.00 FEET; THENCE S63°09'10"E A DISTANCE OF 360.00 FEET; THENCE S32°36'31"E A DISTANCE OF 367.91 FEET TO THE NORTH LINE OF SAID N1/2, NE1/4;

THENCE, DEPARTING FROM THE SOUTHWESTERLY LINE OF SAID U.S. HIGHWAY NO. 36, N89°08'40"E, ALONG THE NORTH LINE OF SAID N1/2, NE1/4, A DISTANCE OF 0.97 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO, CONTAINING 94.320 ACRES MORE OR LESS.

NOTES:

BEARINGS ARE BASED UPON THE NORTH LINE OF THE NE1/4, SECTION 24, T15, R70W HAVING A BEARING OF S89°08'40"W (TRUE MERIDIAN).

BOUNDARY DIMENSIONS ARE TAKEN FROM SURVEY BY DREXEL BARRELL ENGINEERS/SURVEYORS DATED 12/5/94, JOB NO. 4832-25.

AMENDED PD BOUNDARY

SUPERIOR MARKETPLACE, FILING 5, LOT 6:

COMMENCING AT THE NORTHEAST CORNER SECTION 24; THENCE S89°08'48"W A DISTANCE OF 517.28 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE BOULDER-DENVER TURNPIKE, U.S. HIGHWAY NO. 36, BOOK 878, PAGES 287 AND 283; STATE OF COLORADO; THENCE S07°07'51"E ALONG SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 128.37 FEET, TO A POINT ON SAID WESTERLY RIGHT-OF-WAY SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES:

- S07°07'51"E A DISTANCE OF 17.44 FEET;
- S24°49'24"E A DISTANCE OF 114.32 FEET;
- S42°30'57"E A DISTANCE OF 142.79 FEET;
- S73°20'49"E A DISTANCE OF 121.38 FEET;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY ALONG THE WESTERLY LINE TRACT M S00°09'56"W A DISTANCE OF 421.95 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF MARSHALL ROAD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING 2 COURSES:

- S89°48'20"W A DISTANCE OF 485.17 FEET TO A POINT OF CURVATURE TO THE RIGHT;
- ALONG SAID CURVE WHOSE RADIUS IS 398.00 FEET AND AN INCLUDED ANGLE OF 34°48'00", A DISTANCE OF 241.50 FEET TO A POINT ON SAID RIGHT-OF-WAY AND A POINT ON THE EASTERLY BOUNDARY OF TRACT L;

THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID EASTERLY BOUNDARY THE FOLLOWING 2 COURSES:

- N04°04'38"W A DISTANCE OF 70.98 FEET, TO A POINT OF CURVATURE TO THE RIGHT, AND A POINT ON THE EASTERLY BOUNDARY OF LOT 4;
- ALONG SAID CURVE TO THE RIGHT WHOSE RADIUS IS 261.23 FEET WITH AN INCLUDED ANGLE OF 10°05'05", A DISTANCE OF 87.01 FEET;

TO A POINT ON THE NORTHERLY BOUNDARY TRACT L; THENCE LEAVING SAID EASTERLY BOUNDARY ALONG SAID NORTHERLY LINE N67°29'52"W A DISTANCE OF 38.26 FEET THENCE ALONG AN ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS 205.50 FEET WITH AN INCLUDED ANGLE OF 22°23'31", A DISTANCE OF 80.31 FEET TO A POINT ON THE EASTERLY BOUNDARY LOT 4; THENCE ALONG SAID EASTERLY BOUNDARIES OF LOT 3 AND SAID LOT 4 N00°00'00"E A DISTANCE OF 347.68 FEET TO A POINT ON SAID EASTERLY BOUNDARY OF LOT 3, AND A POINT ON THE SOUTHERLY BOUNDARY OF LOT 5; THENCE ALONG SAID SOUTHERLY BOUNDARY THE FOLLOWING 2 COURSES:

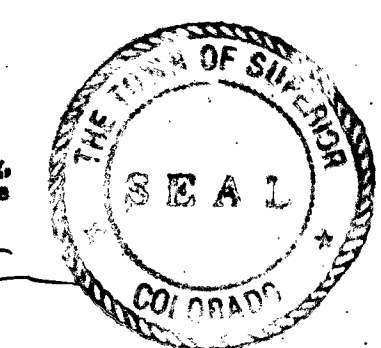
- S90°00'00"E A DISTANCE OF 383.83 FEET;
- N65°10'36"E A DISTANCE OF 71.62 FEET; TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 411,216 SQ. FT. (9.43 ACRES) MORE OR LESS.

TOWN BOARD OF TRUSTEES' CERTIFICATE

Approved this 9th day of June, A.D., 2003, by the Board of Trustees, Superior, Colorado. This approval is with the understanding that all expenses involving necessary improvements for all utility services, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks, shall be financed by others and not the Town of Superior.

Phyllis R. Herdin
 Town Clerk



PLANNING COMMISSION CERTIFICATE

Approved this 26th day of May, A.D., 2003

Joseph F. Cusick
 Chairman, Superior Planning Commission

TOWN CLERK'S CERTIFICATE

I hereby certify that this instrument was filed in my office at 12:20 o'clock PM this 5th day of September, A.D., 2003, and is duly recorded.

Phyllis R. Herdin
 Town Clerk

CERTIFICATE OF OWNERSHIP

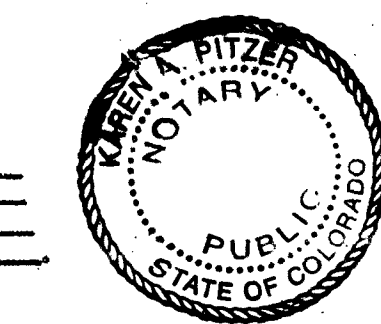
I certify that NEW PLAN EXCEL REALTY TRUST, INC. is the owner of portions of the property, and has the right to immediate possession of the remainder of the property under eminent domain actions filed by the Superior Urban Renewal Authority, and I consent to the above P.D.

In witness whereof I have set my hand this 23rd day of July, 2003, by Tom Mulkey, manager, SVP, as president.

The foregoing instrument was acknowledged before me this 23rd day of JULY, A.D., 2003, by Tom Mulkey as manager of NEW PLAN EXCEL REALTY TRUST, INC. a corporation and as president of _____

my commission expires 9, 26, 04

[Signature]
 Notary Public



<p>DEVELOPER</p> <p>NEW PLAN EXCEL REALTY TRUST, INC.</p> <p>563 W. 500 South Suite #440 Bountiful, UT 84010</p> <p>Tom Mulkey (801) 296-6033</p>	<p>ARCHITECT/PLANNER</p> <p>The Mulhern Group, Ltd.</p> <p>1730 BLAKE STREET SUITE 435 DENVER, COLORADO 80202 303.297.3334</p> <p>FAX : 303.292.2601</p> <p>MICHAEL MULHERN DWAYNE DALE</p>	<p>CIVIL ENGINEER</p> <p>Hydro-Triad/V3, Colorado</p> <p>200 UNION BLVD. SUITE 200 LAKEWOOD, COLORADO 80228 303.989.8588</p> <p>FAX : 303.989.9932</p> <p>MARK CEVALL</p>	<p>LANDSCAPE ARCHITECT</p> <p>Norris/Dullea</p> <p>710 WEST COLFAX DENVER, COLORADO 80204 303.892.1166</p> <p>FAX : 303.892.1166</p> <p>DOUG CRAIG JOHN BIRKEY</p>	<p>The information, drawings, intent, and concepts contained in this package are the property of the Ellman Companies and their use by any other party is strictly prohibited without the permission of the Ellman Companies.</p>	<p>REVISED JANUARY 14, 2000 REVISED MARCH 1, 2000 REVISED FEBRUARY 1, 2001 REVISED MARCH 20, 2001 REVISED APRIL 5, 2001 REVISED NOVEMBER 14, 2001 REVISED JUNE 28, 2002 REV SEPT 19, 2002 REV APRIL 17, 2003</p> <p>COVER SHEET : 1 OF 16</p> <p>Revised</p>
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SUPERIOR MARKETPLACE

PLANNED DEVELOPMENT/ZONE DISTRICT SITE PLAN AMENDMENT NO. 5
 NEW PLAN EXCEL REALTY TRUST, INC.

THE MULHERN GROUP, LTD

THE MULHERN GROUP LTD.
 ARCHITECTURE • PLANNING • INTERIORS

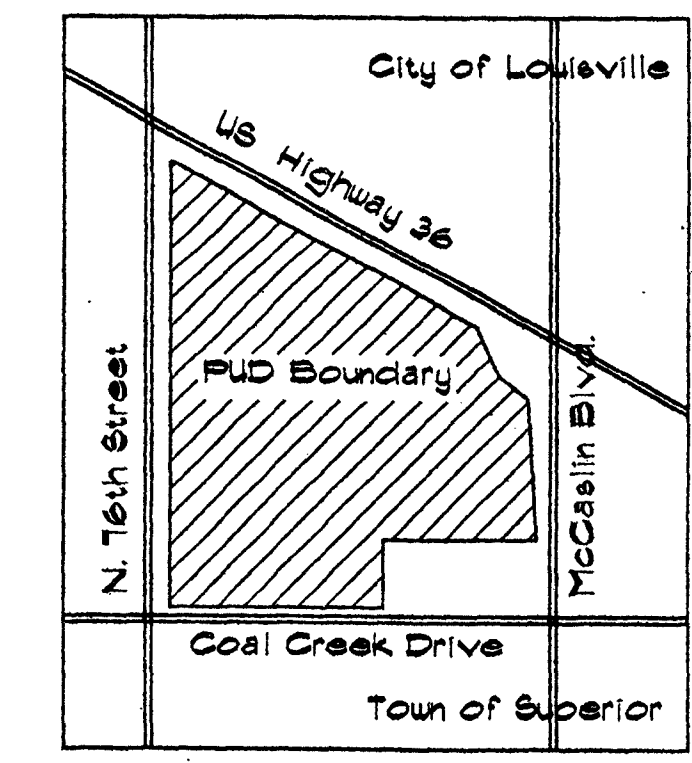
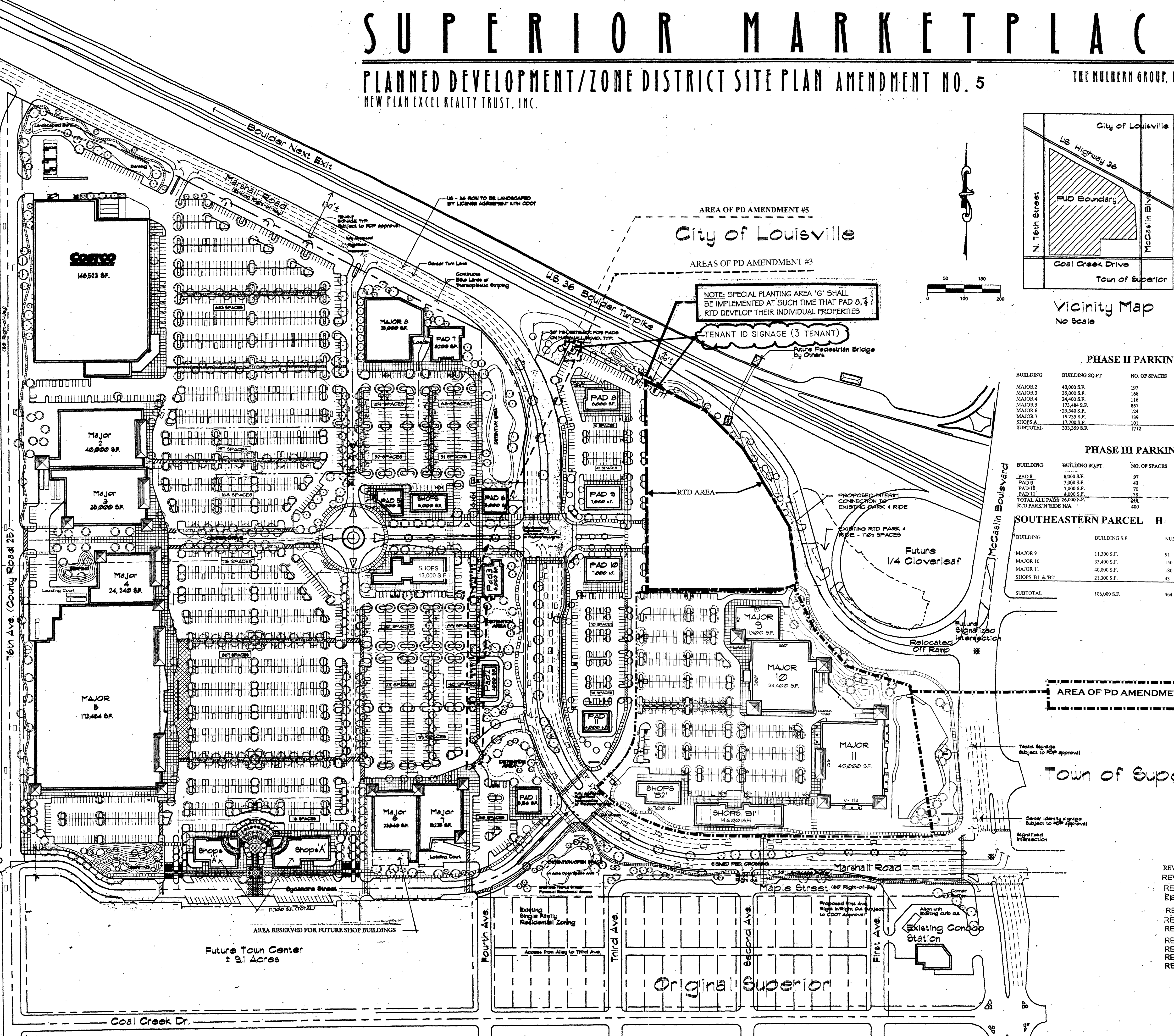
1730 BLAKE STREET SUITE 435
 DENVER, COLORADO 80202
 303-297-3334 FAX 303-292-4261

CDOT
 Maint.
 Facility

Single
 Family
 Residential

NORTHERN BOUNDARY OF
 SAGAMORE SUBDIVISION

Proposed
 Sycamore
 Street
 60' R.O.W.



Vicinity Map
 No Scale

PHASE II PARKING CHART

BUILDING	BUILDING SQ.FT.	NO. OF SPACES	SPACES/1000 S.F.
MAJOR 2	40,000 S.F.	197	4.9
MAJOR 3	33,000 S.F.	168	4.8
MAJOR 4	24,400 S.F.	116	4.8
MAJOR 5	173,484 S.F.	867	5.0
MAJOR 6	23,540 S.F.	124	5.3
MAJOR 7	19,235 S.F.	139	7.2
SHOPS A	17,200 S.F.	101	5.7
SUBTOTAL	333,359 S.F.	1712	5.14

PHASE III PARKING CHART

BUILDING	BUILDING SQ.FT.	NO. OF SPACES	SPACES/1000 S.F.
PAD 8	8,000 S.F.	97	12.1
PAD 9	7,000 S.F.	43	6.1
PAD 10	7,000 S.F.	70	10.0
PAD 11	4,000 S.F.	28	7.0
TOTAL ALL PADS	26,000 S.F.	248	9.5
RTD PARKING N/A		400	N/A

SOUTHEASTERN PARCEL H

BUILDING	BUILDING S.F.	NUMBER OF SPACES	SPACES/1000
MAJOR 9	11,300 S.F.	91	8.0/1000
MAJOR 10	33,400 S.F.	150	4.5/1000
MAJOR 11	40,000 S.F.	180	4.5/1000
SHOPS 'B1' & 'B2'	21,300 S.F.	43	2.0/1000
SUBTOTAL	106,000 S.F.	464	4.35/1000

AREA OF PD AMENDMENT #4

Town of Superior

- REVISED 12-1-99
- REVISED 01-14-00
- REVISED 3-1-00
- REVISED 6-28-00
- REVISED 2-1-01
- REVISED 3-20-01
- REVISED 4-5-01
- REVISED 11-14-01
- REVISED 6-28-02
- REVISED SEPT 19, 2002
- REVISED 01-14-00

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DATE	REVISION
2.20.98	PD SUBMISSION
3.9.98	PLAN REVISION
3.25.98	PLAN REVISION
4.14.98	PLAN REVISION
4.28.98	PLAN REVISION
5.14.98	PLAN REVISION
6.1.98	PLAN REVISION
1.25.99	PLAN REVISION
5.21.99	PLAN REVISION
REVISED 01-14-00	
PROJECT NUMBER:	97046
DRAWN BY:	GD/DD/RW
CHECKED BY:	DD/MGM
DESCRIPTION:	SITE PLAN

SUPERIOR MARKETPLACE
 SUPERIOR, COLORADO

Revised