

PRE-SUBDIVISION SITE GRADING ACKNOWLEDGEMENT
AND RIGHT OF ACCESS FORM

The undersigned ("Applicant") owns and holds legal title to the real property to be known as RETREAT AT PRAIRIERIDGE FILING 4 ("Property"), which Property is legally described on Exhibit A attached hereto and incorporated herein by this reference.

Applicant seeks approval for Pre-Subdivision Site Grading under Section 6.2.6 of the El Paso County Land Development Code. As a condition of approval and issuance of Construction Permit No. _____, Applicant must complete and submit this Pre-Subdivision Site Grading Acknowledgement and Right of Access Form. In compliance therewith, by signing below, Applicant hereby acknowledges and agrees as follows:

1. The approval and issuance of the Construction Permit does not guarantee or create a right in, or a right of expectation in, Applicant that the El Paso County Planning Commission will recommend or the Board of County Commissioners of El Paso County will approve Applicant's preliminary plan or final plat for the Property. Applicant proceeds with grading under the Construction Permit at Applicant's sole risk.
2. The Construction Permit shall be personal to the Applicant and shall not run with the land. Any successors and/or assigns of the Applicant desiring to proceed or continue with the Pre-Subdivision Site Grading approval shall execute their own Pre-Subdivision Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit, and provide an updated Financial Assurance Estimate and replacement surety.
3. Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors the right of access to enter upon the Property at all reasonable hours for the following purposes in accordance with requirements of the El Paso County Engineering Criteria Manual (ECM), Section I.5:
 - a. To inspect and investigate for compliance with Construction Permit requirements, including, but not limited to, proper installation and maintenance of erosion and sediment control measures;
 - b. To inspect and investigate for completion of grading activities and soil stabilization requirements;
 - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance describing such deficiencies to be corrected by Applicant; and
 - d. In the event the Applicant does not correct deficiencies identified in a Letter of Noncompliance, to draw on surety provided and perform the

work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

4. Applicant shall indemnify, defend, and forever hold harmless the Board of County Commissioners of El Paso County, their officers, employees, agents, contractors, and subcontractors, from any and all claim, demand, action, cause of action, loss, damage, injury, property damage, personal injury, death, liability, duty, obligation, costs and expenses (including attorney fees) arising out of or related to such entry on the Property. Nothing in this section shall be deemed to waive or otherwise limit the defenses available to the Board of County Commissioners pursuant to the Colorado Governmental Immunity Act or as otherwise provided by law.
5. In accordance with ECM Sections 5.3.15 and I.4.1C, Applicant is obligated to provide surety sufficient to make reasonable provision for completion of the grading, erosion control and final stabilization measures, in the amount set forth on Exhibit B attached hereto. Surety shall be in the form of cash, Certified or Cashier's Check, or letter of credit.
6. Applicant is responsible for providing any renewals of surety to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement surety at least fifteen (15) days prior to the expiration of the surety then in effect. Failure to procure renewal/extension/replacement surety within this time limit shall allow the County to execute on the surety.
7. All of the grading, erosion control and final stabilization measures to be completed as identified on Exhibit B shall be constructed in compliance with the following:
 - a. All laws, resolutions and regulations of the United States, State of Colorado, El Paso County and its various agencies, affected special districts and/or servicing authorities.
 - b. Such other designs, drawings, maps, specifications, sketches and other matter submitted to and approved by any of the above-stated governmental entities.
8. All grading, erosion control, and final stabilization measures shall be completed by the Applicant within 12 (twelve) months from the date of notice to proceed in the Construction Permit. If Applicant determines that the completion date needs to be extended, Applicant shall submit a written request for a change in the completion date to the ECM Administrator at least 90 days in advance of the required completion date. The request shall include the reasons for the requested change in completion date, the proposed new completion date, and prove surety is in place to cover the extension time requested. The completion date for the Construction Permit may be extended at the discretion of the ECM Administrator. Failure to meet the original or extended completion date, as applicable, shall allow the County to execute on the surety.

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Subdivision Site Grading Acknowledgement and Right of Access Form this 7th day of MAY, 2025.

APPLICANT:

 V.P.
Loren J. Moreland
Vice President/Project Manager

STATE OF COLORADO)
)ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 7th day of May, 2025, by Loren J. Moreland.

Witness my hand and official seal.

My commission expires: 12-02-2025




Notary Public

Meggan Herington, Executive Director
Planning and Community Development Department

Date

Approved as to Content and Form:


Assistant County Attorney



619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903
(719) 785-0790

NORTH PUD PARCEL
JOB NO. 1305.40-01
MARCH 21, 2025
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EXHIBIT "A"
LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOCATED IN A PORTION OF THE SOUTH HALF OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING ALSO A PORTION OF LAND SURVEY PLAT RECORDED UNDER RECEPTION NO. 211900027, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR N89°08'28"E, A DISTANCE OF 1326.68 FEET.

COMMENCING AT THE CENTER-EAST 1/16 CORNER OF SAID SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE S83°37'56"W, A DISTANCE OF 62.10 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 28 SAID POINT BEING THE NORTHEASTERLY CORNER OF LAND SURVEY PLAT RECORDED UNDER RECEPTION NO. 211900027 SAID POINT BEING ALSO IN THE WESTERLY RIGHT OF WAY LINE OF VOLLMER ROAD;

THENCE ON SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE S09°36'29"W, A DISTANCE OF 114.58 FEET;
2. THENCE S11°14'07"W, A DISTANCE OF 1,052.73 FEET TO A POINT ON CURVE;
3. THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N78°41'41"W, HAVING A DELTA OF 18°35'38", A RADIUS OF 603.83 FEET, AND A DISTANCE OF 195.96 FEET,

THENCE N63°04'00"W, A DISTANCE OF 369.41 FEET;

THENCE ON A CURVE TO THE LEFT, HAVING A DELTA OF 16°58'25", A RADIUS OF 535.00 FEET, AND A DISTANCE OF 158.49 FEET TO THE **POINT OF BEGINNING**;

THENCE S09°57'35"W, A DISTANCE OF 387.95 FEET;

THENCE S02°32'52"W, A DISTANCE OF 287.73 FEET;

THENCE S81°13'12"W, A DISTANCE OF 542.72 FEET;

THENCE S39°33'48"W, A DISTANCE OF 177.48 FEET;

THENCE N50°26'12"W, A DISTANCE OF 22.57 FEET;

THENCE ON A CURVE TO THE LEFT, HAVING A DELTA OF 25°22'53", A RADIUS OF 550.00 FEET, AND A DISTANCE OF 243.64 FEET;

THENCE N75°49'05"W, A DISTANCE OF 133.78 FEET;

THENCE N33°40'16"W, A DISTANCE OF 83.58 FEET;

THENCE N06°41'04"W, A DISTANCE OF 85.77 FEET;

THENCE ON THE ARC OF CURVE TO THE RIGHT WHOSE CENTER BEARS S72°43'31"E, HAVING A DELTA OF 51°38'50", A RADIUS OF 535.00 FEET, AND A DISTANCE OF 482.26 FEET;

THENCE N68°55'19"E, A DISTANCE OF 583.95 FEET;

THENCE ON A CURVE TO THE RIGHT, HAVING A DELTA OF $31^{\circ}02'16''$, A RADIUS OF 535.00 FEET, AND A DISTANCE OF 289.82 FEET TO THE **POINT OF BEGINNING**.

THE DESCRIPTION ABOVE PRODUCES A CALCULATED AREA OF 633,690 SQUARE FEET, (14.54753 ACRES) OF LAND MORE OR LESS AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



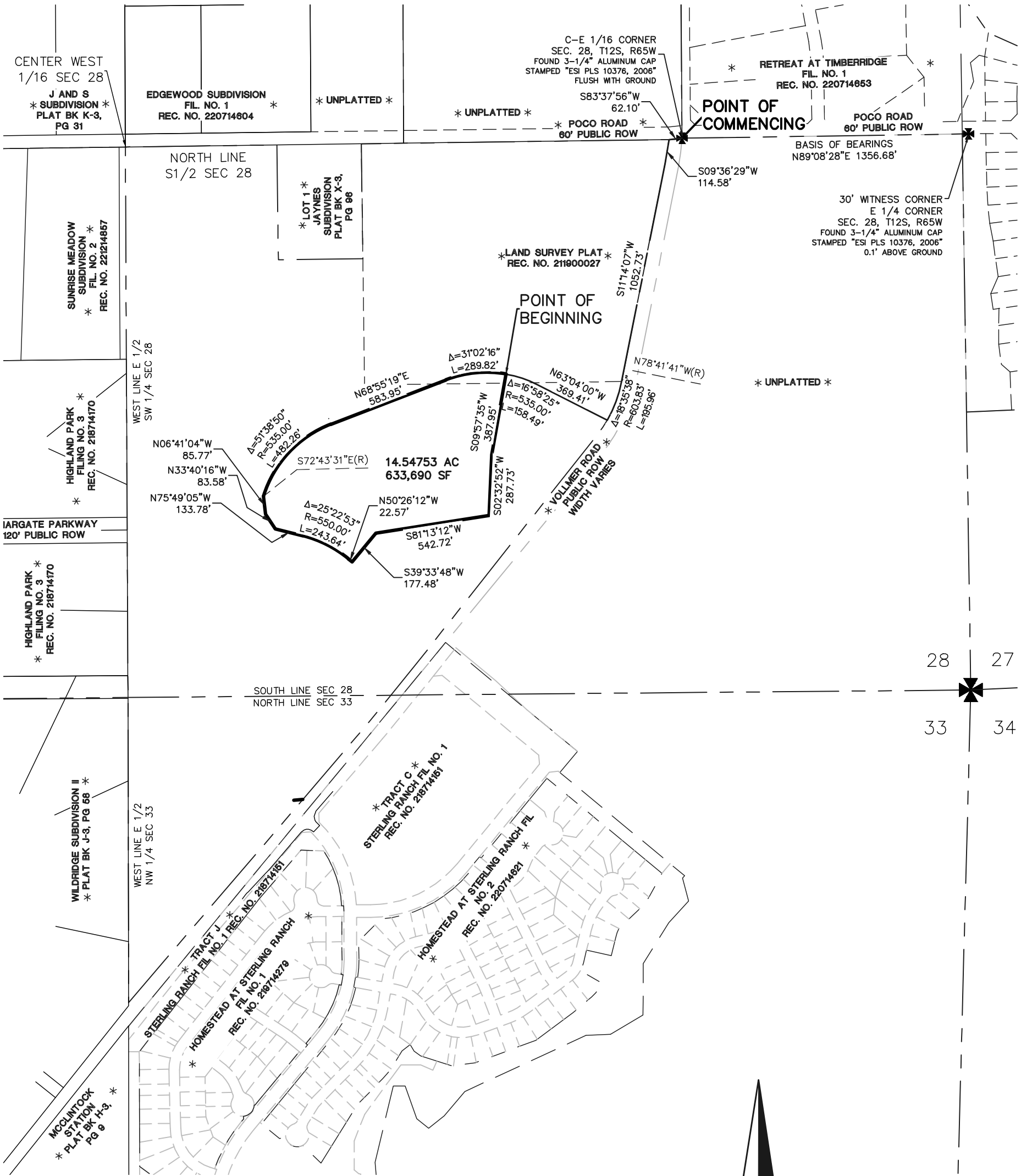
ROBERT L. MEADOWS, JR., PLS 34977
PREPARED FOR AND ON BEHALF OF
CLASSIC CONSULTING
ENGINEERS AND SURVEYORS



619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903
(719)785-0790

NORTH PUD PARCEL
JOB NO. 1305.40-01
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SHEET 3 OF 3

EXHIBIT "B"



500 250 0 500 1000

SCALE: 1" = 500'

CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY.

N: \130540\DRAWINGS\SURVEY\LEGALS\01-NORTH PUD PARCEL\01-130540B-NORTH PUD PARCEL.DWG