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El Paso County, CO



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RESOLUTION NO. 20-213

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**APPROVE VACATION AND REPLAT OF CLAREMONT BUSINESS PARK
FILING 1C (VR-19-004)**

WHEREAS, Hammers Construction did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of Claremont Business Park Filing 1C for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on May 19, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on June 9, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

- 1. The application was properly submitted for consideration by the Planning Commission.**
- 2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.**
- 3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.**
- 4. All exhibits were received into evidence.**

5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the vacation and replat of Claremont Business Park Filing 1C;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. No additional drainage and bridge fees will be assessed since such fees were previously paid and the replat does not result in an increase in overall impervious surface.
3. In accordance with Resolution No. 12-387, this subdivision will not be assessed fees through the El Paso County Road Impact Fee program since the subdivision is located within the boundaries of the Central Marksheffel Metropolitan District.

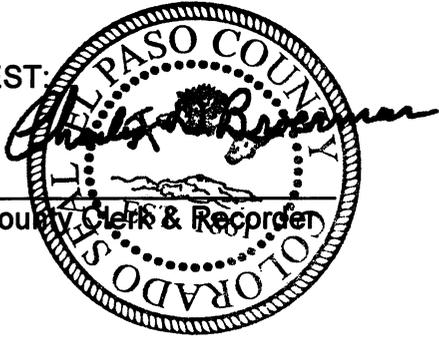
AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 9th day of June, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
County Clerk & Recorder



By: _____


Chair

EXHIBIT A

**CLAREMONT BUSINESS PARK
LOTS 1 AND 2 FILING NO. 1C**

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 8, T14S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO CONSISTING OF LOT 2 "CLAREMONT BUSINESS PARK FILING NO. 1A" AS RECORDED UNDER RECEPTION NO. 206712398 AND THAT PORTION OF TRACT C "CLAREMONT BUSINESS PARK FILING NO. 2" AS RECORDED UNDER RECEPTION NO. 207712506 CONVEYED TO HAMMERS CONSTRUCTION IN A SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 219078479. ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF AFORESAID LOT 2 "CLAREMONT BUSINESS PARK FILING NO. 1A";
THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 80 FOOT MEADOWBROOK PARKWAY THE FOLLOWING THREE (3) COURSES;
(1) THENCE 473.84 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF 44°52'27", AND A CHORD OF 461.82 FEET WHICH BEARS N10°15'36"E TO A POINT OF TANGENT;
(2) THENCE N12°09'05"W ALONG SAID TANGENT 118.55 FEET TO A POINT OF CURVE;
(3) THENCE 131.93 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 14°23'53", AND A CHORD OF 131.58 FEET WHICH BEARS N04°56'10"W;
THENCE N89°40'58"E A DISTANCE OF 578.12 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 24, CDOT PROJECT NO. NH 0243-058 UNIT 2;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES;
(1) THENCE S00°00'33"E A DISTANCE OF 48.74 FEET TO A POINT OF CURVE;
(2) THENCE 264.50 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF 25°02'58", AND A CHORD OF 262.40 FEET WHICH BEARS S12°21'26"E;
(3) THENCE S06°46'53"E NON-TANGENT TO THE PREVIOUS COURSE 142.32 FEET;
(4) THENCE S14°56'24"W A DISTANCE OF 164.34 FEET;
(5) THENCE S33°35'01"W A DISTANCE OF 312.56 FEET TO A POINT OF CURVE;
(6) THENCE 136.07 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 11584.00 FEET, A CENTRAL ANGLE OF 00°40'23", AND A CHORD OF 136.07 FEET WHICH BEARS S37°47'25"W TO THE NORTHEAST CORNER OF LOT 4 "CLAREMONT BUSINESS PARK FILING NO. 1A";
THENCE N56°1'38"W ALONG THE NORTH LINES OF LOT 4 AND LOT 25 "CLAREMONT BUSINESS PARK FILING NO. 1A" 480.42 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 493,020 S.F. (11.318 ACRES MORE OR LESS).