

**EL PASO**  **COUNTY**  
**COLORADO**

COMMISSIONERS:  
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CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Board of County Commissioners  
Mark Waller, Chair

**FROM:** Lindsay Darden, Planner II  
Daniel Torres, PE Engineer II  
Craig Dossey, Executive Director

**RE:** Project File #: VR-19-004  
Project Name: Claremont Business Park Filing 1C  
Parcel Nos.: 54081-01-027 and 54081-01-054

OWNER:	REPRESENTATIVE:
Hammers Construction, Inc. 1411 Woolsey Heights Colorado Springs, Co 80915	Hammers Construction, Inc. 1411 Woolsey Heights Colorado Springs, Co 80915

**Commissioner District: 2**

Planning Commission Hearing Date:	5/19/2020
Board of County Commissioners Hearing Date	6/9/2020

**EXECUTIVE SUMMARY**

A request by Hammers Construction for approval of a vacation and replat of Lot 2 of Claremont Business Park Filing No. 1A subdivision and an adjacent parcel from Tract C of the Claremont Business Park Filing 2 subdivision to add an interior lot line that will divide Lot 2 into two lots, thereby creating one (1) new additional lot, for a total of two lots. A small triangular shaped area from the adjacent parcel previously platted as part of Tract C will be added to the lot, to be known as Lot 1, as part of this request. The remainder of that parcel shall be reserved for future development and known as Tract A. The parcels are zoned CS (Commercial Service) and are located at the southeast



corner of the Meadowbrook Parkway and Marksheffel Road intersection, within Sections 5 and 8, Township 14, Range 65 Of the 6<sup>th</sup> P.M. The parcels are not located within a small area plan. Prior to submitting this request, a site development plan was approved and subsequent construction of two 10,000 square foot office/warehouse structures occurred on Lot 2 of Claremont Business Park Filing 1A. The purpose of this vacation and replat is to separate the commercial structures to be on separate lots so that they can be sold individually.

#### **A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by Hammers Construction for approval of a vacation and replat of Lot 2 of Claremont Business Park Filing No. 1A and an adjacent parcel from Tract C of the Claremont Business Park Filing No. 2 to add an interior lot line that will divide Lot 2 into two lots, thereby creating one (1) new additional lot, for a total of two lots. A small triangular shaped area from the adjacent parcel previously platted as part of Tract C will be added to the lot, to be known as Lot 1, as part of this request.

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with this request.

**Authorization to Sign:** Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

#### **B. PLANNING COMMISSION SUMMARY**

**Request Heard:** As a Consent item at the May 19, 2020 hearing.

**Recommendation:** Approval, based on recommended conditions and notations.

**Waiver Recommendation:** N/A

**Vote:** 5 to 0

**Vote Rationale:** N/A

**Summary of Hearing:** The applicant was represented at the hearing.

**Legal Notice:** N/A

#### **C. APPROVAL CRITERIA**

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2019) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified, or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

#### **D. LOCATION**

North: CS (Commercial Service)	Vacant
South: CS (Commercial Service)	Landscape Contractor
East: RR-5 (Residential Rural)	Vacant
West: CS (Commercial Service)	Vacant/Industrial

#### **E. BACKGROUND**

On May 6, 2004, a sketch plan for the property was approved by the El Paso County Board of County Commissioners (BoCC). The sketch plan depicted commercial and industrial uses (SKP-03-003) for the subject property. The property was rezoned from the MHP (Mobile Home Park) zoning district to the PBD (Planned Business District) zoning district on January 6, 2005 (PBD-04-003). Due to changes of the nomenclature of the El Paso County Land Development Code, the PBD (Planned Business District) zoning district has been renamed as the CS (Commercial Services) zoning district. The 2.93-acre parcel, known as Lot 2 Claremont Business Park Filing No. 1A, was recorded on October, 18 2006 (VR-06-008). The second parcel that is involved in this vacation and replat was also included in the sketch plan referenced above (SKP-03-003) and was included in Tract C of Claremont Business Park Filing No. 2 which was recorded on January 4, 2007. Tract C was originally a single parcel but, in recent years, several parcels have been illegally divided from that parcel.

A site development plan allowing for two 10,000 square foot office and warehousing buildings was approved on October 10, 2019. The applicant is now proposing to subdivide the parcels into two (2) commercial lots with sizes of 1.182 acres (Lot 1),

1.826 acres (Lot 2). The remainder of the adjacent parcel shall be platted as an 8.33 acre tract. No right-of-way dedication is required or proposed with this vacation and replat. The building and associated landscaping and parking that was previously approved with the site development plan will be retained on Lots 1 and 2 and will meet the dimensional standards and development standards of the Land Development Code (2019).

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

### **2. Zoning Compliance**

The proposed replat will create two (2) lots and will conform to the standards of the CS (Commercial Service) zoning district. The replat will also create one tract for which a final plat shall be required prior to approval of a site development or authorization of issuance of a building permit. The CS (Commercial Service) zoning district density and dimensional standards are as follows:

- Minimum zone district area- 2 acres
- Minimum lot size – none
- Setbacks – 25 feet on all sides unless the adjacent lot is zoned CS. In this instance the side and rear setback may be reduced to zero.
- Maximum building height – 45 feet
- Maximum lot coverage – none

Lots 1 and 2 are proposed to comply with the setback requirements of the CS (Commercial Service) zoning district. The existing buildings (one proposed to be located on each of the proposed lots) also comply with the setback requirements even with the addition of the interior lot line.

### **3. Policy Plan Analysis**

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

***Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.***

***Policy 6.1.11 - Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.***

The subject parcels and the surrounding Claremont Business Park are zoned CS (Commercial Services) with lot sizes ranging from 0.39 to 5.67 acres in size. The applicant is requesting approval of a vacation and replat to divide a 2.93-acre lot and an 8.38-acre lot into two (2) lots and one (1) tract. There is no minimum lot size requirement for the CS (Commercial Service) zoning district. The proposed development is compatible with the previously developed Claremont Business Park in terms of density and land use and the aesthetics of the recently constructed commercial structures are in keeping with the commercial nature of the existing development within the Claremont Business Park. Access to the two lots remains unchanged from the access configuration that was approved with the site development plan and is shared between the two lots. No additional access is proposed from Meadowbrook Parkway to serve the lots.

#### **4. Small Area Plan Analysis**

The property is not located within a small area plan.

#### **5. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes: better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

***Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency, and conservation.***

***Policy 6.0.1 – Continue to require documentation for the adequacy or sufficiency of water, as appropriate for proposed development.***

***Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.***

The proposed vacation and replat creates one new additional lot. As part of the land use review process, the applicant provided documentation demonstrating water sufficiency regarding water quality, quantity, and dependability for the proposed vacation and replat and both lots are addressed in the water finding. Cherokee Metropolitan District has committed to serve the lots. The State Water Engineer's Office has made a recommendation of adequate water supply. The El Paso County Health Department made a recommendation of water quality. A favorable recommendation for water quantity and dependability is anticipated from the County Attorney's Office, however, a formal written recommendation was not available at the time of preparing this staff report. The recommendation from the County Attorney's Office will be provided at the hearing.

## **6. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Community Services Department, Environmental Services Division, was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies areas of potential valley fill deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

The site is not subject to any geologic hazards or unusual geologic constraints.

### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Services was sent a referral and have no outstanding comments.

### **3. Floodplain**

The property is not located within a defined floodplain as determined from FEMA Flood Insurance Rate Map panel number 08041C0756G, dated December 7, 2018.

### **4. Drainage and Erosion**

The property is located within the Sand Creek (FOFO4000) drainage basin, which was studied in 1996. The property was previously platted with drainage and bridge fees paid with the recording of Claremont Business Park Filing No. 1. Per Appendix L Part 1 Section 3.13a of the Engineering Criteria Manual, if the replat results in an increase in the impervious acreage, a drainage basin fee shall be assessed on the additional impervious acreage at the current applicable fee. Based on calculated percentage of imperviousness in the final drainage report, no additional fees are required.

The site generally drains to the southwest. Stormwater runoff will be conveyed via curb and gutter and ribbon gutters within the site to a private sand filter basin that provides the required water quality capture volume for the site. The sand filter basin outlet structure ties into an existing private storm sewer that runs along Meadowbrook Parkway. This private storm sewer ultimately connects to a public storm sewer system that routes the runoff into the East Fork of Sand Creek. The owner(s) of Lots 1 and 2 shall be jointly responsible for the maintenance of the private sand filter basin as indicated in the maintenance agreement between El Paso County and the owner. Per the associated final drainage report, this development will not adversely affect the adjacent or downstream properties.

### **5. Transportation**

The property is located at the northeast corner of Meadowbrook Parkway and Woosley Heights. The two proposed lots will be accessed from a single driveway via Woosley Heights, an existing private roadway. A joint access easement has been recorded for the shared access and driveway access permits were issued for each building (AP-19-1354 and AP-19-1355). Per the submitted traffic study, the site will generate 219 vehicle-trips on the average weekday. The traffic generated by the site is not anticipated to cause adverse impacts to the surrounding transportation network. There are no improvements identified in the 2016 Major Transportation Corridor Plan (MTCP) in the immediate vicinity of the site.

In accordance with Resolution No. 12-387, this proposed replat will not be assessed any fees through the El Paso County Road Impact Fee program since the site is located within the boundaries of the Central Marksheffel Metropolitan District. As outlined in the resolution, the Central Marksheffel Metropolitan District constructed improvements to the regional transportation system and received Road Impact Fee program credits. A portion of the credits were used by the District to pay the future fee obligations of property within the District.

## **H. SERVICES**

### **1. Water**

The Cherokee Metropolitan District provides water service and has committed to serve the property

Sufficiency:

Quality: Sufficient

Quantity:

Dependability:

Attorney's summary: A favorable recommendation for water quantity and dependability is anticipated from the County Attorney's Office, however, a formal written recommendation was not available at the time of preparing this staff report. The recommendation from the County Attorney's Office will be provided at the hearing. El Paso County Public Health has made a favorable recommendation regarding water quality.

### **2. Sanitation**

Wastewater service is provided by the Cherokee Metropolitan District. The District has provided a report demonstrating adequate capacity to serve the proposed lots.

### **3. Emergency Services**

The property is within the Cimarron Hills Fire Protection District. A referral was sent to the fire protection district, but no response was received.

### **4. Utilities**

Commitment letters have been submitted by Colorado Springs Utilities to provide electrical and natural gas services to the two lots.

### **5. Metropolitan Districts**

The property is located within the Central Marksheffel Metropolitan District and the Cherokee Metropolitan District.

## **6. Parks/Trails**

Park land dedication or fees in lieu of park land dedication are not required for commercial subdivisions. The El Paso County Parks Master Plan (2013) does not identify any parks or open space in the vicinity of the project site.

## **7. Schools**

School land dedication or fees in lieu of school land dedication are not required for commercial subdivisions

## **I. APPLICABLE RESOLUTIONS**

See Attached Resolution.

## **J. STATUS OF MAJOR ISSUES**

There are no outstanding major issues for this project.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

### **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.

## **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 13 adjoining property owners on April 29, 2020, for the Board of County Commissioners meeting. Responses will be provided at the hearing.

## **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Plat Drawing  
El Paso County Health Department Letter  
State Engineer's Letter  
County Attorney's Letter  
Planning Commission Resolution  
Board of County Commissioners' Resolution

## El Paso County Parcel Information

PARCEL	NAME
5408101027	HAMMERS CONSTRUCTION INC
5408101054	HAMMERS CONSTRUCTION INC

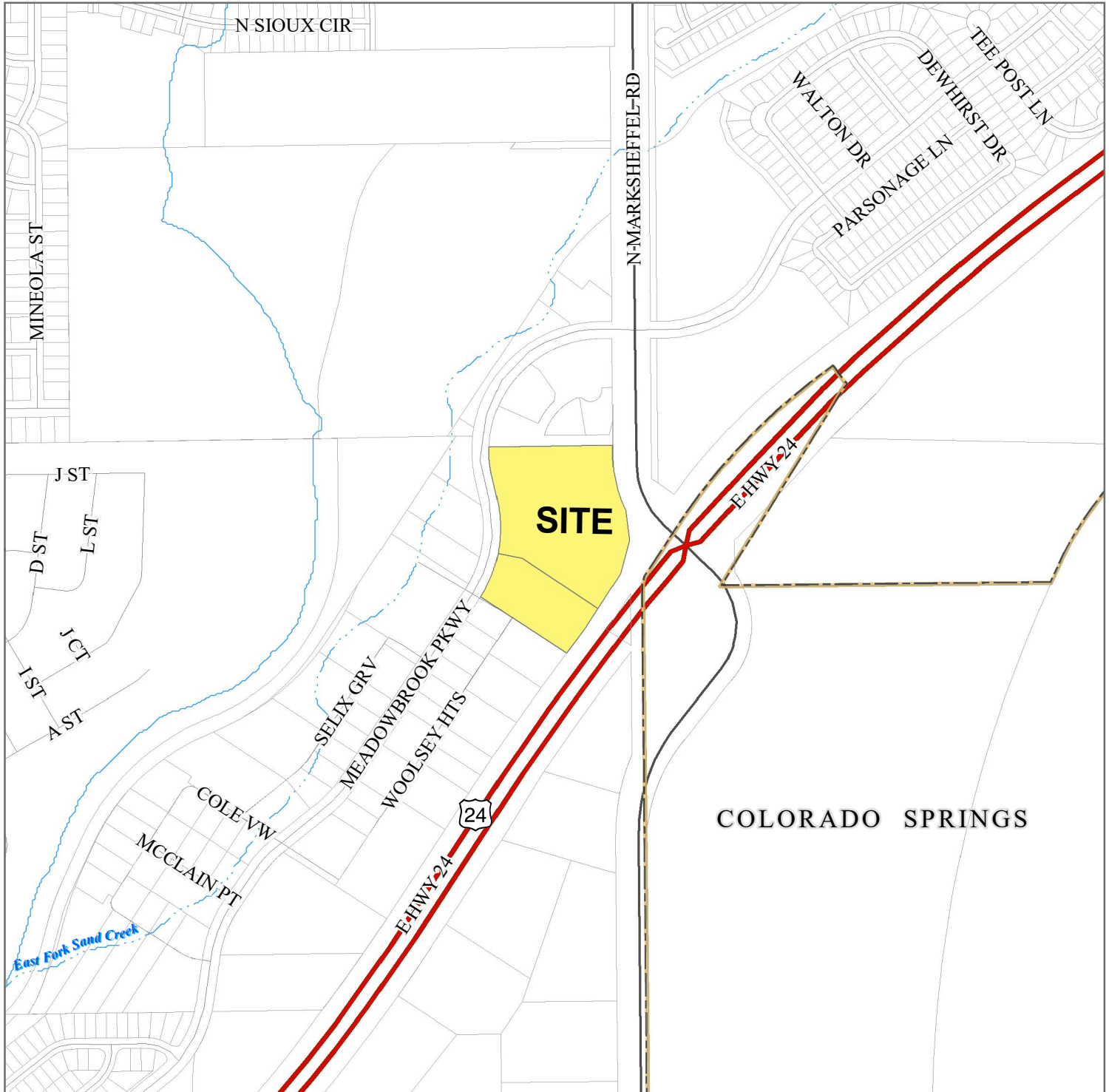
File Name: VR-19-004

Zone Map No. --

ADDRESS	CITY	STATE
1411 WOOLSEY HTS	COLORADO SPRINGS	CO
1411 WOOLSEY HTS	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80915	5400
80915	5400

Date: April 29, 2020



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 919 520-6600



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Steve Hammers, President

# HAMMERS CONSTRUCTION, INC

1411 Woolsey Heights, Colorado Springs, Colorado. 80915-5400  
(719) 570-1599 | [www.hammersconstruction.com](http://www.hammersconstruction.com)

*Specializing in Design/Build*

## Letter of Intent

Final Plat – VR 19-004

### Owner Information

Hammers Construction, Inc.  
1411 Woolsey Heights  
Colorado Springs, CO 80915  
Project Name: Claremont Business Park  
Fil No. 1C

### Owner Representatives

Hammers Construction, Inc.  
Robert Green – Project Manager  
Lisa Peterson – Design (Applicant)  
1411 Woolsey Heights  
Colorado Springs, CO 80915  
(719) 570-1599

### Site:

See attached Legal Description  
Address: 1491 & 1495 Woolsey Heights, 1111 Meadowbrook Parkway  
Colorado Springs, CO 80915  
Lot Size: 11.318 acres  
Zoned – CS  
Parcel number: 54081-01-027 & 54081-01-054

### Request and Justification

Requesting to divide Lot 2 of filing 1A (54081-01-027) into 2 lots. With this a portion of Tract C (54081-01-054) will be dedicated to Lot 2 to straighten out this property. Please prefer to plat drawing for overall proposal. Two (2) 10,000 sf buildings have been built on the current Lot 2 of filing 1A site and we want to be able to separate them for 2 owners to buy the lots. A traffic study was provided with this application. In addition, there is sufficient water to create this lot as approvals and commitment letter has been provided by Cherokee.

### Existing and proposed facilities, structures and roads.

The lot will be entered from Woolsey Heights and Two (2) 10,000 sf building are existing on the property indicated above.

### Drainage basin and Bridge fee.

Claremont Business Park Fil. No. 1A, Lot 2 site consists of 2.988 acres (including 0.06 acres of a portion of Tract C) with this proposed re-plat. This project site was previously studied in the "Final Drainage Report for Claremont Business Park Filing No. 2", dated November 2006, by Matrix Design Group, Inc. The Drainage and Bridge fee calculations were determined at 80% impervious in the original drainage report. This re-plat development's impervious surface area is 1.959 acres. The non-impervious surface areas include the WQ pond, landscape/open space and steep slope adjacent to Hwy 24 and accounts of the balance of the site of 1.028 ac. The total proposed percent impervious surface area is 65.6%, less than that of the original calculations of 80%. Therefore, the re-plat of CBP Lot 2 into (2) lots under Claremont Business Park Fil. No. 1C, shall not require additional drainage or bridge fees.

# CLAREMONT BUSINESS PARK FILING NO. 1C

A REPLAT OF LOT 2 "CLAREMONT BUSINESS PARK FILING NO. 1A", 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 BEING A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 8, T14S, R65W, OF THE 6TH P.M., EL PASO COUNTY , COLORADO

## BE IT KNOWN BY THESE PRESENTS:

THAT HAMMERS CONSTRUCTION INC., A COLORADO COMPANY, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND:

## LEGAL DESCRIPTION:

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 473.70 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF 44°51'39", AND A CHORD OF 461.69 FEET WHICH BEARS N10°16'00"E TO A POINT OF TANGENT;

(2)THENCE N12°09'05"W ALONG SAID TANGENT 118.69 FEET TO A POINT OF CURVE;

(3)THENCE 132.18 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 14°25'32", AND A CHORD OF 131.83 FEET WHICH BEARS N04°55'27"W;

THENCE N89°44'12"E A DISTANCE OF 578.27 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 SIX (6) COURSES;

(1)THENCE S00°10'49"W A DISTANCE OF 48.44 FEET TO A POINT OF CURVE;

(2)THENCE 264.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF 25°02'59", AND A CHORD OF 262.40 FEET WHICH BEARS S12°21'26"E;

(3)THENCE S08°46'53"E NON-TANGENT TO THE PREVIOUS COURSE 142.31 FEET;

(4)THENCE S14°56'24"W A DISTANCE OF 184.34 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°01'38"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 493,011 S.F. (11.318 ACRES MORE OR LESS).

## DEDICATION:

THE UNDERSIGNED OWNER HAS CAUSED SAID PARCEL TO BE PLATTED INTO LOTS, A TRACT, AND EASEMENTS, AS SHOWN ON THE PLAT. THE UNDERSIGNED DOES HEREBY DEDICATE, GRANT AND CONVEY TO EL PASO COUNTY COLORADO THOSE PUBLIC EASEMENTS AS SHOWN ON THE PLAT; AND FURTHER RESTRICTS THE USE OF ALL PUBLIC EASEMENTS TO EL PASO COUNTY AND/OR ITS ASSIGNS, PROVIDED HOWEVER, THAT THE SOLE RIGHT AND AUTHORITY TO RELEASE OR QUITCLAIM ALL OR ANY SUCH PUBLIC EASEMENTS SHALL REMAIN EXCLUSIVELY VESTED IN EL PASO COUNTY. THIS PARCEL OF LAND AS PLATTED HEREIN SHALL BE KNOWN AS "CLAREMONT BUSINESS PARK FILING NO. 1C", IN EL PASO COUNTY, COLORADO.

## OWNER:

HAMMERS CONSTRUCTION INC.  
1411 WOOLSEY HEIGHTS  
COLORADO SPRINGS, COLORADO 80915

BY:

STEVE HAMMERS, PRESIDENT

## NOTARIAL:

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

THE ABOVE AND AFOREGMENTIONED INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D. BY \_\_\_\_\_

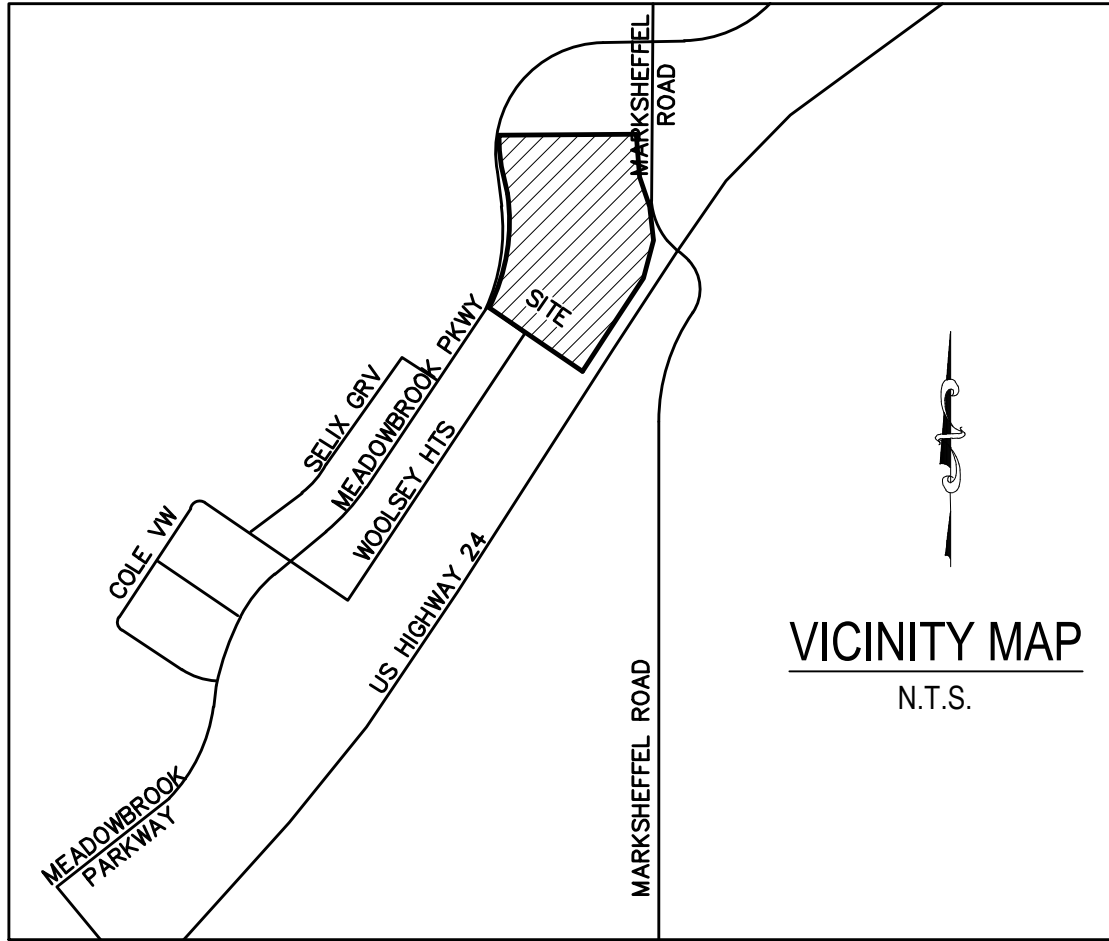
WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_

## EASEMENTS:

EASEMENTS ARE AS SHOWN ON THIS PLAT (SEE PAGE 4 OF 4). THE SOLE RESPONSIBILITY FOR MAINTENANCE BEING VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.



TRACT TABLE				
TRACT	SIZE (ACRES)	USE	MAINTENANCE	OWNERSHIP
A	8.330	FUTURE DEVELOPMENT	HAMMERS	HAMMERS
HAMMERS CONSTRUCTION INC. — SEE PLAT NOTE 16				

## SUMMARY:

2 LOTS	2.988 ACRES	26.40%
1 TRACT	8.330 ACRES	73.60%
TOTAL	11.318 ACRES	100.00%

## SURVEYORS CERTIFICATE

I, VERNON P. TAYLOR, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON DATE OF SURVEY, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000 ; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

VERNON P. TAYLOR DATE  
COLORADO PLS NO. 25966, FOR AND  
ON BEHALF OF M&S CIVIL CONSULTANTS, INC.  
20 BOULDER CRESCENT, SUITE 110  
COLORADO SPRINGS, COLORADO 80903

## NOTICE:

ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

## BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR "CLAREMONT BUSINESS PARK FILING 1C" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020. SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (STREETS AND EASEMENTS) ARE ACCEPTED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

PREVIOUS PLAT NAME IN ENTIRELY IS VACATED AND AMENDED FOR THE AREAS DESCRIBED BY THIS REPLAT, SUBJECT TO ALL COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDED, RECEPTION NO. 206712398 AND RECEPTION NO. 207712506.

PRESIDENT, BOARD OF COUNTY COMMISSIONERS DATE

THIS PLAT FOR "CLAREMONT BUSINESS PARK FILING 1C" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, SUBJECT TO ANY NOTES OR CONDITIONS SPECIFIED HEREON.

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR DATE

## CLERK AND RECORDER:

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D., AND DULY RECORDED UNDER RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

FEE: \_\_\_\_\_ CHUCK BROERMAN, RECORDER

SURCHARGE: \_\_\_\_\_ BY: \_\_\_\_\_ DEPUTY

## FEES:

DRAINAGE FEE: \_\_\_\_\_

BRIDGE FEE: \_\_\_\_\_

SCHOOL FEE: \_\_\_\_\_

PARK FEE: \_\_\_\_\_

FINAL PLAT  
CLAREMONT BUSINESS PARK  
FILING NO. 1C  
JOB NO. 44-034  
DATE PREPARED: 01/31/2020  
DATE REVISED: 04/27/2020



102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5485

PCD FIL. NO. VR-19-004

SHEET 1 OF 4

# CLAREMONT BUSINESS PARK FILING NO. 1C

A REPLAT OF LOT 2 "CLAREMONT BUSINESS PARK FILING NO. 1A", 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 BEING A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 8, T14S, R65W, OF THE 6TH P.M., EL PASO COUNTY , COLORADO

### GENERAL PLAT NOTES:

1. BASIS OF BEARINGS: THE CHORD OF THE WESTERLY LINE OF LOT 2 "CLAREMONT BUSINESS PARK FILING NO. 1A" UNDER RECEPTION NO. 206712398, BEING MONUMENTED AT THE SOUTHERLY END WITH A NAIL AND WASHER, PLS NO. ILLEGIBLE, AND AT THE NORTHERLY END WITH A REBAR AND ALUMINUM CAP PLS NO. 27605 IS ASSUMED TO BEAR N22°18'18"E A DISTANCE OF 218.26 U.S. SURVEY FEET.
2. THE FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 08041C0756 G, WITH AN EFFECTIVE DATE OF DECEMBER 7, 2018 SHOWS THE SUBJECT PROPERTY LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD).
3. A COMMITMENT FOR TITLE INSURANCE ISSUED BY LAND TITLE GUARANTEE COMPANY, COMMITMENT NO. SC55077390.1-3, WITH AN EFFECTIVE DATE OF MARCH 31, 2020, HAS BEEN EXAMINED AS IT RELATES TO THE SUBJECT PROPERTY. THE FOLLOWING EXCEPTIONS AS NUMBERED THEREIN ARE HEREBY NOTED.
  - i. (TC#9, TC#27) THE PROPERTY MAY BE SUBJECT TO RESERVATION IN DEED RECORDED APRIL 10, 1919 IN BOOK 565 AT PAGE 117 OF ALL COAL UNDER SAID LANDS TOGETHER WITH THE RIGHT OF SURFACE ENTRY.
  - ii. (TC#10, TC#28) THE PROPERTY MAY BE SUBJECT TO RESERVATION IN DEED RECORDED DECEMBER 9, 1920 IN BOOK 565 AT PAGE 229 OF ALL COAL UNDER SAID LANDS TOGETHER WITH THE RIGHT OF SURFACE ENTRY.
  - iii. (TC#11, TC#29) THE PROPERTY MAY BE SUBJECT TO RESERVATION, IN DEED RECORDED AUGUST 9, 1939 IN BOOK 976 AT PAGE 231, AS FOLLOWS: UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER MINERAL RIGHTS, TOGETHER WITH RIGHT OF SURFACE ENTRY.
  - iv. (TC#12) THE PROPERTY MAY BE SUBJECT TO RIGHT OF WAY AND/OR EASEMENT, GIVEN TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INCORPORATION, FOR ELECTRIC PURPOSES, THE EXACT LOCATION OF WHICH IS NOT SPECIFIED, RECORDED FEBRUARY 16, 1972 IN BOOK 2468 AT PAGE 53. RELEASE OF RIGHT OF WAY RECORDED OCTOBER 02, 2018 UNDER RECEPTION NO. 218115279.
  - v. (TC#13, TC#31) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT EVIDENCED BY MEMORANDUM OF AGREEMENT RECORDED OCTOBER 25, 2002 AT RECEPTION NO. 202185171.
  - vi. (TC#14, TC#32) THE PROPERTY MAY BE SUBJECT TO THE EFFECT OF INCLUSION OF THE SUBJECT PROPERTY IN THE CENTRAL MARKSHEFFEL METROPOLITAN DISTRICT, AS EVIDENCED BY INSTRUMENTS RECORDED OCTOBER 3, 2002 UNDER RECEPTION NO. 202169647 AND RERECORDED MAY 11, 2004 UNDER RECEPTION NO. 204077221, DECEMBER 12, 2002, UNDER RECEPTION NO. 202221165 AND MAY 11, 2004 UNDER RECEPTION NO. 204077224, AND AS AMENDED BY INSTRUMENT RECORDED NOVEMBER 14, 2017 UNDER RECEPTION NO. 217138355.
  - vii. (TC#15) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENTS AGREEMENT RECORDED OCTOBER 01, 2004 AT RECEPTION NO. 204166012.
  - viii. (TC#16) THE PROPERTY MAY BE SUBJECT TO THE EFFECT OF RESOLUTION 04-178, REGARDING SKETCH PLAN RECORDED FEBRUARY 3, 2005 UNDER RECEPTION NO. 205016957.
  - ix. (TC#17, TC#33) THE PROPERTY MAY BE SUBJECT TO THE EFFECT OF RESOLUTION NO. 05-15, REGARDING ZONING RECORDED APRIL 4, 2005 UNDER RECEPTION NO. 205047387.
  - x. (TC#18) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN AVIGATION EASEMENT RECORDED JUNE 29, 2006 UNDER RECEPTION NO. 206095824.
  - xi. (TC#19) THE PROPERTY MAY BE SUBJECT TO RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED MARCH 02, 2006, UNDER RECEPTION NO. 206031585, AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 26, 2006, UNDER RECEPTION NO. 206185249.
  - xii. (TC#20) THE PROPERTY MAY BE SUBJECT TO EASEMENT GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, FOR UTILITIES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED AUGUST 07, 2006, UNDER RECEPTION NO. 206116483.
  - xiii. (TC#21) THE PROPERTY MAY BE SUBJECT TO EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF CLAREMONT BUSINESS PARK FILING NO. 2 RECORDED JANUARY 4, 2007 UNDER RECEPTION NO. 207712506.
  - xiv. (TC#22) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SUBDIVISION IMPROVEMENTS AGREEMENT RECORDED JANUARY 04, 2007 AT RECEPTION NO. 207001840 AND FEBRUARY 13, 2007 UNDER RECEPTION NO. 207021069.
  - xv. (TC#23), THE PROPERTY MAY BE SUBJECT TO THE EFFECT OF RESOLUTION NO. 06-362, REGARDING FINAL PLAT, RECORDED JUNE 25, 2007, UNDER RECEPTION NO. 207084816.

### GENERAL PLAT NOTES: (CONT.)

- xvi. (TC#24) THE PROPERTY MAY BE SUBJECT TO THE EFFECT OF RESOLUTION NO. 19-11, APPROVE PRELIMINARY PLAN REQUEST FOR CLAREMONT COMMERCIAL FILING NO. 2 RECORDED JANUARY 10, 2019 UNDER RECEPTION NO. 219003040.
  - xvii. (TC#25) THE PROPERTY MAY BE SUBJECT TO THE EFFECT OF RESOLUTION REGARDING LORSON RANCH METROPOLITAN DISTRICT NO. 1 RECORDED JANUARY 28, 2020, UNDER RECEPTION NO. 22012433 AND JANUARY 28, 2020, UNDER RECEPTION NO. 22012432.
  - xviii. (TC#26) THE PROPERTY MAY BE SUBJECT TO RIGHT OF WAY EASEMENT AS GRANTED TO COLORADO TELEPHONE COMPANY, FOR COMMUNICATIONS LINES AND INCIDENTAL PURPOSES, IN INSTRUMENT RECORDED MARCH 03, 1905, IN BOOK 358 AT PAGE 565.
  - xix. (TC#30) THE PROPERTY MAY BE SUBJECT TO EACH AND EVERY RIGHT OF ACCESS TO STATE HIGHWAY 24 AS CONVEYED IN WARRANTY DEED TO DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO RECORDED FEBRUARY 20, 2002 UNDER RECEPTION NO. 202028680.
  - xx. (TC#34) THE PROPERTY MAY BE SUBJECT TO EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF CLAREMONT BUSINESS PARK FILING NO. 1 RECORDED AUGUST 16, 2005 UNDER RECEPTION NO. 205127124. EL PASO COUNTY RESOLUTION NO. 05-110 IN CONNECTION THEREWITH RECORDED SEPTEMBER 23, 2005 UNDER RECEPTION NO. 205149817.
  - xxi. (TC#35) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS SET FORTH IN SUBDIVISION IMPROVEMENTS AGREEMENT RECORDED AUGUST 16, 2005 AT RECEPTION NO. 205127123.
  - xxii. (TC#36) THE PROPERTY MAY BE SUBJECT TO EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF AMENDED PLAT CLAREMONT BUSINESS PARK FILING NO. 1 RECORDED SEPTEMBER 21, 2005 UNDER RECEPTION NO. 205198301. EL PASO COUNTY RESOLUTION NO. 05-314 IN CONNECTION THEREWITH RECORDED NOVEMBER 05, 2008 UNDER RECEPTION NO. 208120446.
  - xxiii. (TC#37) THE PROPERTY MAY BE SUBJECT TO RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AND EASEMENTS, AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CLAREMONT BUSINESS PARK RECORDED MARCH 02, 2006, UNDER RECEPTION NO. 206031585, AND AS AMENDED IN INSTRUMENT RECORDED JANUARY 03, 2007, UNDER RECEPTION NO. 207001307.
  - xxiv. (TC#38) THE PROPERTY MAY BE SUBJECT TO EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF CLAREMONT BUSINESS PARK FILING NO. 1A RECORDED AUGUST 18, 2006 UNDER RECEPTION NO. 206712398. EL PASO COUNTY RESOLUTION NO. 06-286 IN CONNECTION THEREWITH RECORDED OCTOBER 13, 2006 UNDER RECEPTION NO. 206151738.
  - xxv. (TC#39) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS OF WATER AND SEWER SERVICE AGREEMENT RECORDED OCTOBER 20, 2006 AT RECEPTION NO. 206155229.
  - xxvi. (TC#40) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS AND PROVISIONS OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS RECORDED JANUARY 09, 2020 AT RECEPTION NO. 220003868.
4. WATER AND WASTEWATER SERVICES FOR THIS SUBDIVISION ARE PROVIDED BY THE CHEROKEE METROPOLITAN DISTRICT SUBJECT TO THE DISTRICTS RULES REGULATIONS AND SPECIFICATIONS. THE OFFICE OF THE STATE ENGINEER HAS ISSUED AN OPINION OF WATER INADEQUACY BASED ON ITS ANALYSIS AND INTERPRETATION OF A STIPULATED AGREEMENT CONCERNING THE AVAILABILITY OF CERTAIN WATER RIGHTS FOR USE OUTSIDE OF THE UPPER BLACK SQUIRREL CREEK DESIGNATED BASIN, AND THUS FOUND INSUFFICIENCY OF WATER RESOURCES FOR THIS SUBDIVISION BASED ON THAT AGREEMENT. THIS INTERPRETATION DIFFERS FROM CERTAIN OPINIONS ISSUED BY THE OFFICE IN THE PAST. BASED ON ITS OWN REVIEW OF THE STIPULATED AGREEMENT AND ITS HISTORY (AND NOT ON THE AMOUNT OF WATER ACTUALLY AVAILABLE) THE BOARD OF COUNTY COMMISSIONERS IN AN OPEN AND PUBLIC HEARING DID NOT ACCEPT THE INTERPRETATION OF THE STATE ENGINEERS OFFICE. THE BOARD OF COUNTY COMMISSIONERS FOUND THAT CHEROKEE HAS COMMITED TO PROVIDE WATER SERVICE TO THE SUBDIVISION AND ASSERTED THAT ITS LONG TERM WATER SERVICE CAPABILITIES ARE SUFFICIENT. THE BOARD OF COUNTY COMMISSIONERS MADE THIS DETERMINATION IN RELIANCE UPON THE TESTIMONY AND EXPERTISE PROVIDED BY CHEROKEE AT THE PUBLIC HEARING THEREON. AT THE HEARING, CHEROKEE ASSERTED THAT ITS PLANS AND CONTINUED FINANCIAL INVESTMENT IN INFRASTRUCTURE ARE DESIGNED TO ALLOW CHEROKEE TO CONTINUE TO PROVIDE THIS SUBDIVISION AND ITS EXISTING CUSTOMERS WITH WATER AND WASTEWATER SERVICES FOR 300 YEARS OR MORE.
  5. ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY REGISTERED IN THE STATE OF COLORADO.

### GENERAL PLAT NOTES: (CONT.)

6. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
7. ACCESS TO MEADOWBROOK PARKWAY SHALL BE VIA WOOLSEY HEIGHTS (A PRIVATE ROAD). THERE SHALL BE NO DIRECT ACCESS TO MEADOWBROOK PARKWAY, MARKSHEFFEL ROAD, OR U.S. HIGHWAY 24 ALLOWED.
8. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
9. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICES REGULATIONS.
10. NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACT ASSOCIATED WITH AIRPORT: THIS SERVES AS NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACTS ON THIS PROPERTY DUE TO ITS CLOSE PROXIMITY TO AN AIRPORT, WHICH IS BEING DISCLOSED TO ALL PROSPECTIVE PURCHASERS CONSIDERING THE USE OF THIS PROPERTY FOR RESIDENTIAL AND OTHER PURPOSES. THIS PROPERTY IS SUBJECT TO THE OVERFLIGHT AND ASSOCIATED NOISE OF ARRIVING AND DEPARTING AIRCRAFT DURING THE COURSE OF NORMAL AIRPORT OPERATIONS.ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO AVIGATION EASEMENTS AS RECORDED AT RECEPTION NO. 203019547 AND RECEPTION NO. 206095824 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDERAS SUCH, FUTURE OWNERS SHOULD MAKE THEMSELVES FAMILIAR WITH THE FOLLOWING STIPULATIONS AND FACTS.
  - NO MAN-MADE OR NON MAN-MADE OBSTRUCTIONS SHALL BE ALLOWED TO PENETRATE THE 40:1 APPROACH SURFACE.
  - ALL EXTERIOR LIGHTING PLANS SHALL BE APPROVED BY THE DIRECTOR OF AVIATION TO PREVENT A HAZARD TO AIRCRAFT.
  - NO ELECTROMAGNETIC LIGHT, NOR ANY PHYSICAL EMISSIONS WHICH MAY INTERFERE WITH AIRCRAFT, AVIGATION, COMMUNICATIONS OR NAVIGATIONAL AIDS SHALL BE ALLOWED.
  - WHILE NOT A REQUIREMENT, A RECOMMENDATION IS MADE THAT A 25 DB REDUCTION IN INTERIOR NOISE (IN THE OFFICES OR ANY INHABITED WORK AREAS SUSCEPTIBLE TO AIRCRAFT NOISE) BE OBTAINED BY SOUNDPROOFING USING FAA RECOMMENDED CONSTRUCTION TECHNIQUES AND PERFORMED BY A CERTIFIED ACOUSTICAL ENGINEER.
  - IF A CRANE IS USED DURING CONSTRUCTION, AN FAA FORM 7460-1 WILL NEED TO BE FILED THROUGH THE AIRPORT OPERATIONS OFFICE AND APPROVED BY THE FEDERAL AVIATION ADMINISTRATION BEFORE ANY BUILDING PERMIT IS ISSUED BY THE CITY OR COUNTY. NORMAL TIME REQUIRED FOR APPROVAL IS 30 TO 60 WORKING DAYS.
11. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICTED. STRUCTURES, FENCES, MATERIALS, OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENT.
12. LOTS 1 AND 2 OF THIS PROPERTY ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND GRANT OF EASEMENTS AS RECORDED AT RECEPTION NO. 220003868 OF THE RECORDS OF EL PASO COUNTY.
13. THE WATER QUALITY POND DRAINAGE EASEMENT SHOWN HEREIN GRANTS ACCESS TO THE OWNERS OF BOTH LOTS 1 AND 2 FOR THE PURPOSES OF MAINTENANCE AND REPAIR OF THE POND AND DRAINAGE FACILITIES.
14. LOTS 1 AND 2 OF THIS PROPERTY IS SUBJECT TO A PRIVATE DETENTION BASIN/ STORMWATER QUALITY BMP MAINTENANCE AGREEMENT AND EASEMENT AS RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY. OWNERS OF LOTS 1 AND 2 SHALL BE JOINTLY RESPONSIBLE FOR THE MAINTENANCE OF THE SUBJECT DRAINAGE FACILITIES.
15. THE PRIVATE ROAD AS SHOWN ON THIS PLAT WILL NOT BE MAINTAINED BY EL PASO COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN CONFORMANCE WITH EL PASO COUNTY STANDARDS IN EFFECT AT THE DATE OF THE REQUEST FOR DEDICATION AND MAINTENANCE.
16. TRACT A IS FOR FUTURE DEVELOPMENT AND WILL BE OWNED AND MAINTAINED BY HAMMERS CONSTRUCTION INC. NO BUILDING PERMITS OR LAND USE APPROVALS MAY BE ISSUED UNTIL THE TRACT IS REPLATTED. NO IMPACT FEES HAVE BEEN COLLECTED IN ASSOCIATION WITH THE TRACT.
17. THE PROPERTY IS WITHIN THE SERVICE AREA OF THE CENTRAL MARKSHEFFEL METROPOLITAN DISTRICT AND, AS SUCH, IS SUBJECT TO AN ASSESSMENT FOR THE CONSTRUCTION OF MARKSHEFFEL ROAD.
18. ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO A RECIPROCAL ACCESS/PARKING AGREEMENT AS RECORDED AT RECEPTION NO. \_\_\_\_\_, OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
19. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN OR FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: TRANSPORTATION IMPACT STUDY; DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL M REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; WILDFIRE HAZARD REPORT; NATURAL FEATURES REPORT.

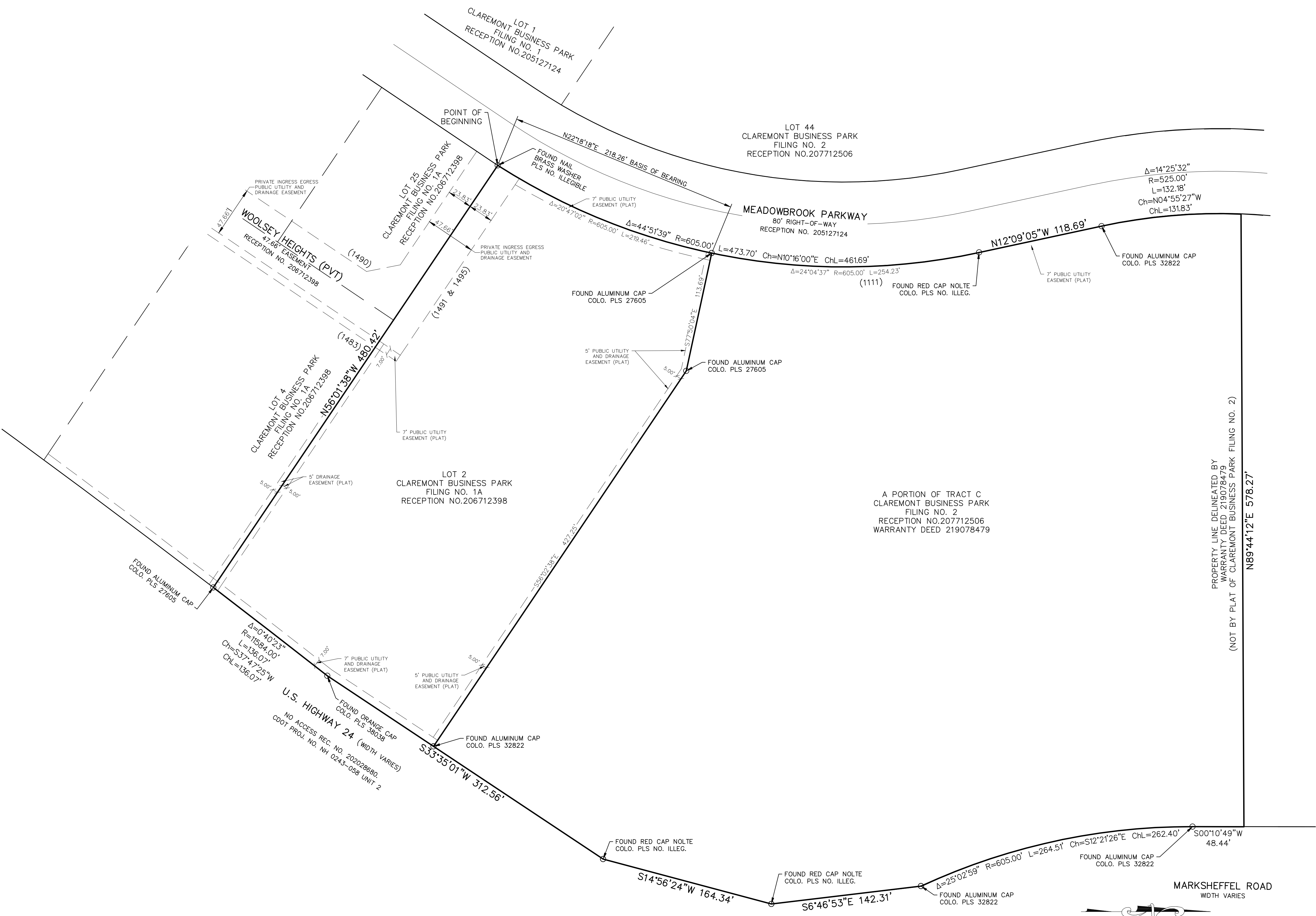
FINAL PLAT  
CLAREMONT BUSINESS PARK  
FILING NO. 1C  
JOB NO. 44-034  
DATE PREPARED: 01/31/2020  
DATE REVISED: 04/27/2020



102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
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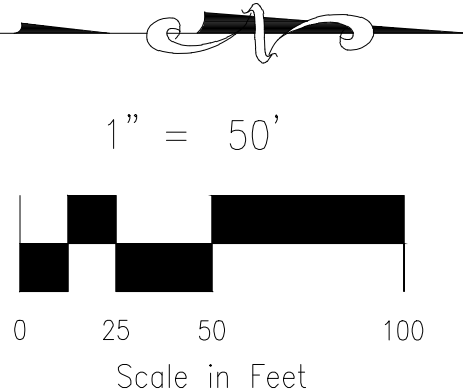
CLAREMONT BUSINESS PARK FILING NO. 1C

A REPLAT OF LOT 2 "CLAREMONT BUSINESS PARK FILING NO. 1A", 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 BEING A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 8, T14S, R65W, OF THE 6TH P.M., EL PASO COUNTY , COLORADO



- LEGEND
- BOUNDARY LINE
  - DRAINAGE/UTILITY EASEMENT LINE
  - ELEC/FIBER/TEL EASEMENT LINE
  - FOUND NO. 5 REBAR WITH CAP AS NOTED HEREON FLUSH WITH GROUND
  - SET NO. 5 REBAR & ORANGE CAP LS 25966 FLUSH WITH GROUND (UNLESS NOTED OTHERWISE)

AS PLATTED



FINAL PLAT  
CLAREMONT BUSINESS PARK  
FILING NO. 1C  
JOB NO. 44-034  
DATE PREPARED: 01/31/2020  
DATE REVISED: 04/27/2020

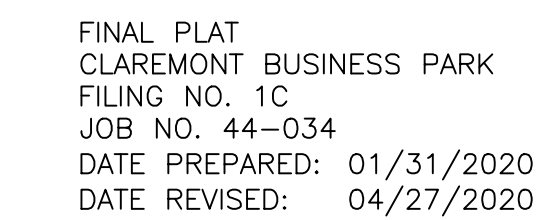


102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5485

PCD FIL. NO. VR-19-004

SHEET 3 OF 4

A REPLAT OF LOT 2 "CLAREMONT BUSINESS PARK FILING NO. 1A", 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 BEING A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 8, T14S, R65W, OF THE 6TH P.M., EL PASO COUNTY , COLORADO





Prevent • Promote • Protect

Environmental Health Division  
1675 W. Garden of the Gods Road  
Suite 2044  
Colorado Springs, CO 80907  
(719) 578-3199 *phone*  
(719) 578-3188 *fax*  
[www.elpasocountyhealth.org](http://www.elpasocountyhealth.org)

**Claremont Business Park, Lot 2, VR-19-004**

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- Water and wastewater services will be provided by Cherokee Water and Sanitation District. There are Letters of Commitment to Serve water and wastewater from the District dated 21Oct2019. Cherokee Metropolitan District is assigned PWSID # CO-0121125 from the Colorado Department of Public Health and Environment. There is a finding for sufficiency in terms of water quality.
- There is sufficient wastewater treatment capacity at Cherokee Metropolitan District wastewater treatment facility to treat the projected wastewater flow for this project.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for more information.

Mike McCarthy  
El Paso County Public Health  
Environmental Health Division  
719.575.8602  
[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)  
18Feb2020



May 8, 2020

Lindsay Darden  
El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910-3127

RE: Claremont Business Park Filing 1C  
Sec. 8, Twp. 14S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 26915

Dear Ms. Darden;

We have received a referral concerning the above-referenced proposal to divide a 2.988 +/- acre tract of land into 2 lots. According to the submittal, the tract of land is described as Lot 2 Claremont Business Park Filing no. 1A and a portion of Tract C Claremont Business Park Filing 2. This property was planned to be replatted as Claremont Business Park Filing No. 3, but the final plat were never recorded. The water supply allocated for Filing No. 3 was described in the Nolte Report, dated October 2009. This subdivision proposes to use a portion of the water that was previously dedicated to Filing No. 3.

Claremont Business Park (CBP) has been the subject of several proposed and revised subdivision filings. The proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee"). Cherokee has dedicated 58 acre-feet/year of water from the Kane Water Right to service the entire Claremont Business Park, which includes Padmark Business Park.

### Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, and the Water/Wastewater Report dated February 11, 2020 included with the submittal provide an estimated demand of 0.63 acre-feet/year as shown in the table, below.

Use	Amount (square feet)	Water Use Rate (gallons/day/square feet)	Water Use Rate (AF/year/1000 square feet)	Demand (acre-feet/year)
Commercial Space	20,000	0.022	0.025	0.50
Irrigation	8,712	0.013	0.015	0.13
<b>Total</b>				<b>0.63</b>

It should be noted that standard water use rate, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, for lawn and garden irrigation is 0.05 acre-foot per year for each 1,000 square feet, which is significantly higher than the



**water use rate used for irrigation in the Applicant's estimate.** The applicant has indicated that they intend apply xeriscaping and have referenced documents supporting the estimation of a demand of 0.022 gallons/day/square-foot for warehouse use.

### **Source of Water Supply**

The proposed source of water is to be served by Cherokee Metropolitan District, and a February 11, 2020 letter of commitment from Cherokee was provided with the submittal confirming 0.63 acre-feet have been committed to proposed subdivision. According to this office's records and the Water Information Summary Sheet, it appears that Cherokee has adequate water resources to serve the estimated demand of 0.63 acre-feet/year for the proposed development.

### **Additional Comments**

The application materials indicate that the project will collect storm flows in an onsite drainage pond in the southwest corner of the development. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

### **State Engineer's Office Opinion**

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Claremont Business Park, Filing 1C is adequate and can be provided without causing injury to decreed water rights.

Due to the many revisions to the allocation of the 58 acre-feet/year of water that Cherokee has committed to CBP, this office requests that any future referrals for the Claremont Business Park should include specific information about how the 58 acre-feet/year is allocated for use.

Should you or the Applicant have questions concerning any of the above, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.  
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer  
19 Doug Hollister, District 10 Water Commissioner

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

**Diana K. May, County Attorney**

### Assistant County Attorneys

M. Cole Emmons  
Lori L. Seago  
Lisa A. Kirkman  
Steven A. Klaffky  
Peter A. Lichtman  
Mary Ritchie  
Bryan E. Schmid  
Nathan J. Whitney

May 14, 2020

VR-19-4 Claremont Business Park, Lots 1 and 2, Filing 1C  
Vacation and Replat

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney  
Edi Anderson, Paralegal

*MCE*

### FINDINGS AND CONCLUSIONS:

1. This is a vacation and replat proposal by Hammer's Construction, Inc. ("Applicant") to combine Lot 2 from Claremont Business Park Filing 1A and a triangular portion of Tract C from Claremont Business Park Filing 2 and subdivide that resulting combined area of approximately 2.988 acres into 2 parcels, Lots 1 and 2, of what will now be known as Filing 1C, which lots are also known as 1491 and 1495 Woolsey Heights. The property is zoned CS (Commercial Service). Applicant indicates the property will be utilized for warehousing or light industrial use.

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the development is 0.63 acre-feet per year, which equates to 0.25 acre-feet for use in each commercial lot, plus a total of 0.13 acre-feet for irrigation. Because Applicant's construction plans show a drip irrigation system, there was a question as to whether Applicant intends to utilize xeriscaping for their landscaping. In the WSIS, Applicant delineates the water uses and demands as follows:

<b>Water use</b>	<b>Water Demand (acre-feet/year)</b>
Commercial Space	0.50
Irrigation	0.13
<b>Total</b>	<b>0.63</b>

200 S. CASCADE AVENUE  
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6487

Based on Applicant's figures, the Applicant must be able to provide a supply from the District of 189 acre-feet of water (0.63 acre-feet per year x 300 years) to meet the County's 300 year water supply requirement.

**NOTE: For purposes of this water review, the County Attorney's Office will use the District's 0.64 acre-feet annual figure used in its commitment letters (see Paragraph 3 below). Based on this figure, Applicant must be able to provide a supply from the District of 192 acre-feet of water (0.64 acre-feet per year x 300 years) to meet the County's 300 year water supply requirement.**

3. The General Manager of the District provided updated and separate letters of commitment for Lot 1 and Lot 2 dated April 30, 2020, in which the District conditionally commits to serve each lot in the amount of 0.32 acre-feet annually, which totals 0.64 acre-feet of water per year for the subdivision, which is slightly higher than the demand stated by Applicant in its WSIS. Each commitment is delineated as follows:

Type of Use	Demand (AF/yr)
Domestic	0.25
Irrigation	0.07
<b>Total</b>	<b>0.32</b>

Based on concerns about the Applicant's water use rate for irrigation raised by the State Engineer in its letter dated March 16, 2020, the Applicant, the District, the County Planner, and the State Engineer's Office exchanged a number of e-mails addressing the presumptive use amounts for the claimed uses and for irrigation. In his May 7, 2020, e-mail to Applicant, the District's Engineer, Kevin Brown, advised that the uses presented to the District were for ". . . light industrial/warehousing development so a lower use value per square foot was applied." He further stated "[t]hese buildings would likely be served with a normal ¾ inch meter and this commercial meter size in Cherokee Metropolitan District has an average water use of **0.18 AFY**, less than the amount committed to each of these properties for internal use. The outside use was assigned a water use value based on the irrigated area and a xeriscape watering guide from Northern Water that recommends 1.15 feet of water over the growing season." (Emphasis in original). In e-mail dated May 7, 2020, from Lisa Peterson for Applicant to Kathleen Fuller of the State Engineer's Office, referencing Mr. Brown's justification of the water amounts, she states, "[w]e have read this and agree with the water allocated to the buildings as originally stated per the commitment letters, etc. We do not feel we need to request more water." Ms. Fuller responds to El Paso County Planner Lindsay Darden by e-mail dated May 7, 2020, "[o]ur office finds that the **water estimates are reasonable** based on the additional information. Particularly if you are comfortable comparing this site to warehouses and distribution sites." (Emphasis in original).

In e-mail from the District's Engineer dated April 24, 2020, to Cole Emmons, Mr. Brown clarified that the water the District will provide to this development will be from the

District's general water supply and not from the Kane Water Right. A portion of the Kane Water Right, which water is renewable water, had been allocated to Claremont Business Park developments in the past pursuant to a contract between the District and Claremont Development, Inc. As indicated below, the State Engineer references the Kane Water Right in its letter; however, in each of its April 30 commitment letters, the District clarifies the source: "[t]his water is taken from the District's noncommitted water balance and is not encumbered by any Cherokee Water LLC obligations."

The District's commitment is property and use specific: "[t]his water commitment is hereby made exclusively for this specific development project at this site within the District. . . . If the subject property is re-platted, you must submit a new commitment request prior to submitting the re-plat to El Paso County, which may result in a recalculation of the water demand for the project."

Finally, the District's commitment is only a conditional commitment: "[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment."

4. Applicant provided an updated *Water/Wastewater Report for Claremont Business Park Filing No. 1C*, dated April 2020, by M & S Civil Consultants. Attached to the Report is the Nolte Report for Claremont Filing 3 dated 2009. The Report noted that this current proposed site was "previously platted as Lot 2 of 'Claremont Business Park Filing No. 1A', and a portion of Tract C of 'Claremont Business Park Filing No. 2'. A finding of sufficiency for this subdivision was already granted with the recording of the two specified final plats." The Report states the "principal use for the site will be neighborhood commercial and light industrial," and asserts that Applicant's demand at 0.63 acre-feet per year is reasonable for these proposed uses.

5. The State Engineer's Office previously reviewed the supply for what was then identified as Claremont Business Park Filing 1B in a letter dated March 16, 2020. Based on the communications described above in Paragraph 3, the State Engineer's Office issued an updated letter dated May 8, 2020. The State Engineer's Office reviewed Applicant's proposal to subdivide the 2.988 acres of land into 2 commercial lots. The Engineer noted that "Claremont Business Park (CBP) has been the subject of several proposed and revised subdivision filings. . . . Cherokee has dedicated 58 acre-feet/year of water from the Kane Water Right to service the entire Claremont Business Park, which includes Padmark Business Park." [As indicated above, the District will not supply water from the Kane Water Right.]

The State Engineer's Office reviewed this proposal based on the Water Supply Information Summary, the *Water/Wastewater Report* dated February 11, 2020, and based on an estimated demand of 0.63 acre-feet per year. [It appears that the State Engineer either did not receive the updated April 30 commitment letters from the District or did not consider them in its updated letter because she refers to the February 11 commitment letter and the commitment for 0.63 acre-feet per year.] The Engineer made the same notation about the higher irrigation use rate as they did in their March 16 letter: the "standard water use rate as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration* for lawn and garden irrigation is 0.05 acre-foot per year for each 1,000 square feet, which is significantly higher than the water use rate used for irrigation in the Applicant's estimate." The Engineer again noted that the Applicant intends to use xeriscaping, but did add that the Applicant ". . . referenced documents supporting the estimation of a demand of 0.022 gallons/day/square-foot for warehouse use." The State Engineer described the estimated demand as set forth in the following table:

Use	Amount (square feet)	Water Use Rate (gallons/day/square feet)	Water Use Rate (AF/year/1000 square feet)	Demand (acre-feet/year)
Commercial Space	20,000	0.022	0.025	0.50
Irrigation	8,712	0.013	0.015	0.13
<b>Total</b>				<b>0.63</b>

The State Engineer's Office stated that based on their records "it appears that Cherokee has adequate water resources to serve the estimated demand of 0.63 acre-feet/year for the proposed development." Further, the State Engineer declared that "[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Claremont Business Park, Filing 1C is adequate and can be provided without causing injury to decreed water rights."

Note: As part of its review, the State Engineer's Office noted that the proposal indicated that the "project will collect storm flows in an onsite drainage pond in the southwest corner of the development." Based on that information, the "Applicant should be aware that, unless the proposed improvements to the existing storm water structure can meet the requirements of a 'storm water detention and infiltration facility' as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office."

6. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply, which operates in conformance with the Colorado Primary

Drinking Water Regulations and the CDPHE requirements, as clarified by El Paso County Public Health, and is determined to meet the required water quality standards.

7. Analysis: As indicated above, this review is based on the demand the District committed to serve, which is a total of 0.64 acre-feet per year for the development, rather than the 0.63 acre-feet amount Applicant identified in the Water Supply Information Summary. The difference is negligible. The State Engineer determined that Cherokee Metropolitan District appears to have “. . . adequate water resources to serve the estimated demand of 0.63 acre-feet/year for the proposed development.”

8. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, the negligible difference between a demand of 0.63 and 0.64 acre-feet per year, the updated commitment letters for each lot and supporting communications by the District's Engineer, the Applicant, and the State Engineer's Office that the demand (including lower irrigation figures) is reasonable given the represented proposed uses, but given the conditional nature of the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney's Office can only recommend a finding of **conditional sufficiency** as to water quantity and dependability for Claremont Business Park, Lots 1 and 2, Filing 1C.

#### **CONDITIONS OF COMPLIANCE:**

A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.

B. Applicant must obtain final plat approval (in this case, approval of this Vacation and Replat) and provide evidence thereof to the District within 12 months of the District's updated commitment letters dated April 30, 2020 (approval must be provided by April 30, 2021), to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid. Also, this conditional sufficiency finding is only for the 0.64 acre-feet per year demand and for Applicant's proposed uses of light industrial and warehouses. If that demand amount changes, or if those uses change to uses that require a higher water demand, then this recommended finding of conditional sufficiency will be deemed moot and no longer valid. Once Applicant provides proof to the District that satisfies the District's condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.**

cc: Lindsay Darden, Project Manager

VACATION AND REPLAT (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. VR-19-004  
Claremont Business Park Filing No. 1C**

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 No. 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 this Commission on May 19, 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, and comments by the El Paso County Planning Commission Members during the hearing, this Commission 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 hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
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 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 Zoning Resolutions.
13. For the above-stated and other reasons, the 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 that the Planning Commission recommends approval of the vacation and replat of Claremont Business Park Filing 1C with the following conditions and notations:

### **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 this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Creely seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Creely	aye
Commissioner Brittain Jack	aye
Commissioner Lucia-Treese	aye
Commissioner Moraes	aye

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: May 19, 2020

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Brian Risley, 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).

RESOLUTION NO. 20-

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: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

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;  
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(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).