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El Paso County, CO



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RESOLUTION NO. 17-359

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

SUBDIVISION EXEMPTION FOR SECURITY WATER AND SANITATION
DISTRICT

WHEREAS, Section 30-28-101(10)(d), C.R.S., as amended, authorizes the Board of County Commissioners pursuant to resolution to exempt from the requirements of the subdivision regulations any division of land if the Board of County Commissioners determines that such division is not within the purposes of the statutory provisions governing subdivisions; and

WHEREAS, Block 260 LTD, has applied for an exemption from the El Paso County Subdivision Regulations with reference to a parcel located near the southwest corner of the intersection of Milton E. Proby Parkway and Hancock Expressway; and

WHEREAS, Block 260 LTD intends to convey the property to Security Water and Sanitation District to utilize this 10,400 square foot parcel solely for the location of an existing flow control and pump station operated by the District; and

WHEREAS, a public hearing was held by this Board on December 12, 2017; and

WHEREAS, the El Paso County Board of County Commissioners has found the proposed division does not fall within the purposes of the Colorado statutory provisions concerning subdivisions;

WHEREAS, based on the evidence, testimony, exhibits, study of the Master Plan for the unincorporated area of the County, comments of the El Paso County Planning and Community Development Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That the exemption is consistent with and conforms to the El Paso County Land Development Code and the Master Plan.
2. That the exemption is a division of land determined not to be within the purpose of C.R.S. §§30-28-101, et. seq.
3. That legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.

4. That the size, location, and availability of services to the proposed lots or parcels are reasonable, appropriate, and customary for the proposed use.
5. That no beneficial purpose would be served by requiring the platting of the subject property.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the petition by Falcon Fire Protection District for a Subdivision Exemption of a 10,400 square foot parcel of property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions/notations shall apply to this approval:

RECOMMENDED CONDITIONS

1. The exemption plat as approved by the Board of County Commissioners shall be deposited in the El Paso County Clerk and Recorder's Office.
2. The applicant shall provide a copy of the deed transferring ownership of the exemption parcel to Security Water District for recording prior to depositing the Land Survey (exemption) Plat with the El Paso County Clerk and Recorder's Office.
3. The applicant shall obtain a driveway permit from the El Paso County Planning and Community Development Department prior to depositing the exemption map.

NOTATION

1. Releasing, or exempting, the creation of the parcel from the requirements of subdivision exempts the parcel from the requirements to pay school, park, bridge, drainage, and traffic impact fees.

The parcel shall be limited to the use as stated in this Resolution.

DONE THIS 12th day of December, 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST

By: Cheryl D. Brocman
County Clerk & Recorder

By: _____
President Pro Tempore

Resolution No. 17-359
EXHIBIT A

A tract of land located in the Northeast One-quarter (NW1/4) of Section 2, Township 15 South (T15S), Range 66 West (R66W) of the 6th P.M., County of El Paso, State of Colorado; being more particularly described as follows:

Commencing at the Northeast corner of a tract of land as described under Reception No. 210003562. Said point being also a point on the West line of a tract of land described in Book 5919 at Page 1413, all in the records of the Clerk and Recorder's Office of said County; Thence $N00^{\circ}01'38''W$ along the West line of said tract of land, a distance of 340.85 feet; Thence $N89^{\circ}58'22''E$, a distance of 30.50 feet to the Point of beginning of the tract herein described.

Thence $N00^{\circ}01'38''W$, a distance of 130.00 feet; Thence $N89^{\circ}58'22''E$, a distance of 80.00 feet; Thence $S00^{\circ}01'38''E$, a distance of 130.00 feet; Thence $S89^{\circ}58'22''W$, a distance of 80.00 feet to the Point of Beginning.

Said tract contains 0.239 acres (10,400 S.F.) more or less.