

Judge Orr Properties, LLC

3107 West Colorado Avenue #258
Colorado Springs, Colorado 80904

10/13/16

To: El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910

Attn: **Craig Dossey**


Re: Rezone of Property near the NW corner of Judge Orr Road and Ellicott Highway
Previously Schedule # 3200000714


Mr. Dossey,

We have paid the Early Assistance Application fee of \$427 and met with Nina Ruiz for an early assistance meeting regarding the process to return an approximately 300-acre portion of land near the northwest corner of Judge Orr Rd. and Ellicott Highway to its original A-35 zoning. Parcels of this land have been sold in 35 + acre Tracts and the surrounding property is zoned A-35 as well.

There are multiple owners of this property and we have agreed to work with Ms. Ruiz and the county to coordinate the various owners to accommodate the process and meet the County requirements for rezoning. Accordingly, I am requesting that all rezoning fees required by El Paso County for these parcels be waived.

Please feel free to call me on my cell phone (719) 499-5694 or by email at mitch.a@roadrunner.com if you have any questions.


Mitch Albrecht
General Manager
Judge Orr Properties, LLC

* Reduce fee to \$2337

10/24/16

Nina Ruiz

From: Nina Ruiz
Sent: Tuesday, September 20, 2016 5:04 PM
To: 'mitch.a@roadrunner.com'
Subject: Albrecht PUD Rezone
Attachments: EAAplic.pdf

Hello,

As we discussed the Albrecht PUD was approved and is now in place as the zoning for the property. Clearly the PUD will not be fully realized due to the property now having multiple owners and many of the parcels being 35 ac in size. Rezoning the PUD back to A-35 is the best action to take. You will have a lot for flexibility in uses and dimensional standards with the A-35 zone and I also believe many of the owners are under the impression that their lots are already A-35. The rezone should be a ne brainer, but we will still have to go through the process. Typically the rezone fee is \$3537 but the deputy director believes there is a potential to request a fee waiver to the director. We can discuss this and all other aspects of the rezone at the early assistance meeting. You can definitely have all of the property owners at the early assistance meeting if you would like. We record the meetings and also provide a copy of the minutes that you may send onto the owners if they are not able to attend during work hours.

For the EA you will need to submit:
-\$427
-complete application (see attached)
-letter of intent
-site plan

Once you have applied for the EA you will be assigned a project manager and engineer. They will contact you to set up a time/day to meet. At the meeting they will discuss the process, fees, any potential issues, and submittal requirements. You should leave the EA feeling confident about what your next steps will be. My determination is based solely upon the information you have provided so it is possible that a different determination could be made if additional information was provided. Please let me know if you need anything else. Have a wonderful day!

Nina Ruiz
Planner II
El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6300 (Main)
(719) 520-6313 (Direct)

PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

PUD-03-011

RESOLUTION NO. 04-406

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

Commissioner Howells moved adoption of the following Resolution:

WHEREAS, Emerson Properties, LLC, did file a petition with the Planning Department of El Paso County to Rezone the herein described property in El Paso County from the A-35 (Agricultural) Zone District to the PUD (Planned Unit Development) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 27, 2004, upon which date the Planning Commission did by formal resolution recommend approval of the subject Zone change petition with conditions and notation; and

WHEREAS, a public hearing was held by this Board on September 23, 2004; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. 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.
2. 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 parties were heard at those hearings.
3. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado, or the applicable comprehensive plan or any amendments thereto.
4. The proposed land use will be compatible with existing and permitted land uses in the surrounding area and will be in harmony and responsive with the character of the surrounding area.
5. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.

6. A need for development has been demonstrated.
7. The proposed development will not have a negative effect upon the existing and future development of the surrounding area.
8. The proposed PUD (Planned Unit Development) District zoning will achieve and advance the stated purposes set forth in Section 16 of the El Paso County Land Development Code.
9. The existing and proposed public services and facilities are adequate for the proposed development, and the proposed public services and facilities will be timely provided.
10. The existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and the proposed transportation network improvements will be timely provided.
11. For the above-stated and other reasons, the proposed Zoning 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 petition of Emerson Properties, LLC, for a Zone change from the A-35 (Agricultural) Zone District to the PUD (Planned Unit Development) Zone District for 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 condition shall be placed upon this approval:

CONDITION:

1. The PUD Development Plan and related documents will be submitted for recording prior to submitting a Final Plat for this area. The Plan and documents must be recorded prior to scheduling a Final Plat for a Planning Commission hearing.

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

Resolution No. 04-406
Page 3

DONE THIS 23rd day of September 2004, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:


Deputy County Clerk

By 
Chairman

Commissioner Bensberg seconded the adoption of the foregoing Resolution.
The roll having been called, the vote was as follows:

| | |
|-----------------------|--------|
| Commissioner Brown | aye |
| Commissioner Bensberg | aye |
| Commissioner Williams | absent |
| Commissioner Huffman | absent |
| Commissioner Howells | aye |

The Resolution was unanimously adopted by the Board of County
Commissioners of the County of El Paso, State of Colorado.

Resolution No. 04-406
EXHIBIT A

The South Half of the South Half of the Northwest Quarter; and the Southwest Quarter; and the Northwest Quarter of the Southeast Quarter except the North 260 feet thereof; and the South Half of the Southeast Quarter; all in Section 36, Township 12 South, Range 63 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Beginning at the Southeast corner of said Section 36; Thence S 89°25'08" W, along the South line of said Section 36, 5231.51 feet to the Southwest corner thereof; Thence N 00°04'34" E, along the West line of said Section, 3319.40 feet to the Northwest corner of said South Half of the South Half of the Northwest Quarter; Thence S 89°59'14" E, along the North line of said South Half of the South Half of the Northwest Quarter, 2612.80 feet to the Northeast corner thereof; Thence S 00°01'40" W, along the East line of said South Half of the South Half of the Northwest Quarter and said Southwest Quarter, 918.40 feet; Thence N 89°53'33" E, 1307.17 feet to a point on the East line of said Northwest Quarter of the Southeast Quarter; Thence S 00°01'21" W, along said line, 1051.41 feet to the Southeast corner thereof; Thence N 89°39'40" E, along the North line of the Southeast Quarter of the Southeast Quarter, 1307.73 feet to a point on the East line of said Section 36; Thence S 00°00'00" W, along said East line, 1306.13 feet to the point of beginning and containing 308.78 acre, more or less.

SF 03-019

RESOLUTION NO. 04-407

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

Commissioner Bensberg moved adoption of the following Resolution:

WHEREAS, Emerson Properties, LLC, did file an application with the Planning Department of El Paso County for the approval of a Preliminary Plan for Albrecht Estates Subdivision for the herein described property in the unincorporated area of the El Paso County, as well as waiver of the restriction that there be no more than ten (10) lots on a non-through street; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 27, 2004, upon which date the Planning Commission did by formal resolution recommend approval of the subject Preliminary Plan with conditions and notation; and

WHEREAS, a public hearing was held by this Board on September 23, 2004; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. 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.
2. 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 parties were heard at those hearings.
3. The proposed subdivision of land is in compliance with the recommendations set forth in the master plan for the unincorporated area of the county.
4. 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.

5. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
6. For the above-stated and other reasons, the proposed Preliminary Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.
7. The proposed water supply is not sufficient in terms of quality.
8. The proposed water supply is not sufficient in terms of quantity.
9. The proposed water supply is not sufficient in terms of dependability.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Albrecht Estates Subdivision Preliminary Plan request as submitted by Emerson Properties, LLC, for 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 and notation shall be placed upon this approval:

CONDITIONS:

1. Final Plats shall contain the following note:
 - a. Due to various soil and geological conditions, septic systems may need to be located and designed by a Professional Engineer, currently registered in the State of Colorado.
2. 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 Department of Wildlife, Colorado Department of Transportation, U.S. Army Corp of Engineers and the U.S. Fish and Wildlife Service and/or Colorado Department of Wildlife regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

NOTATION:

1. According to Section 47 C. 10. c. of the El Paso County Land Development Code, approval of the Preliminary Plan will expire after twelve (12) months unless a Final Plat has been approved and recorded or a time extension has been granted.

BE IT FURTHER RESOLVED the Board of County Commissioners hereby approves waiver of the restriction that there be no more than ten (10) lots on a non-through street;

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

DONE THIS 23rd day of September 2004, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: 
Deputy County Clerk

By: 
Chairperson

Commissioner Howells seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

| | |
|-----------------------|--------|
| Commissioner Brown | aye |
| Commissioner Bensberg | aye |
| Commissioner Williams | absent |
| Commissioner Huffman | absent |
| Commissioner Howells | aye |

The Resolution was unanimously adopted by the Board of County Commissioners of the County of El Paso, State of Colorado.

Resolution No. 04-407
EXHIBIT A

The South Half of the South Half of the Northwest Quarter; and the Southwest Quarter; and the Northwest Quarter of the Southeast Quarter except the North 260 feet thereof; and the South Half of the Southeast Quarter; all in Section 36, Township 12 South, Range 63 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Beginning at the Southeast corner of said Section 36; Thence S 89°25'08" W, along the South line of said Section 36, 5231.51 feet to the Southwest corner thereof; Thence N 00°04'34" E, along the West line of said Section, 3319.40 feet to the Northwest corner of said South Half of the South Half of the Northwest Quarter; Thence S 89°59'14" E, along the North line of said South Half of the South Half of the Northwest Quarter, 2612.80 feet to the Northeast corner thereof; Thence S 00°01'40" W, along the East line of said South Half of the South Half of the Northwest Quarter and said Southwest Quarter, 918.40 feet; Thence N 89°53'33" E, 1307.17 feet to a point on the East line of said Northwest Quarter of the Southeast Quarter; Thence S 00°01'21" W, along said line, 1051.41 feet to the Southeast corner thereof; Thence N 89°39'40" E, along the North line of the Southeast Quarter of the Southeast Quarter, 1307.73 feet to a point on the East line of said Section 36; Thence S 00°00'00" W, along said East line, 1306.13 feet to the point of beginning and containing 308.78 acre, more or less.



El Paso County
Office of the County Attorney
Civil Division

Assistant County Attorneys

John N. Franklin
M. Cole Emmons
Jay A. Lauer
Shad L. Brown

William H. Louis, Acting County

February 2, 2004

SP-03-019 Albrecht Estates
(Preliminary Plan/rezone)

Reviewed by: M. Cole Emmons, Assistant County Attorney
Kristine Beatty, Paralegal

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Emerson Properties, L.L.C., to subdivide 308.7 acres into 68 residential lots and three open space tracts. The property is currently zoned A-35 and a request has been made to rezone it as PUD. The property is located in the South half of the South half of Section 36, Township 12 South, Range 63 West of the 6th P.M., El Paso County, Colorado.

2. It is unclear whether the Applicant is providing for the source of water to be from individual on-lot wells withdrawing from the alluvium of Upper Black Squirrel Creek, or from a central water system withdrawing from existing wells, Well Permit Nos. 27571-FP, 27572-FP and R-18919-FP. Applicant estimates its annual water requirements for household use at .5 acre-feet per lot, resulting in a total demand of 34.0 acre-feet. Applicant will have to be able to provide a supply of 10,200 acre-feet of water (34 ac.ft./yr. x 300 yrs.) to meet the County's 300 year water supply requirement.

3. In a letter dated December 10, 2003, the State Engineer indicates that Applicant's Consultant submitted a Water Resources Report for the Blue Sky Ranch Subdivision, which the State Engineer assumed was a previous name for Albrecht Estates Subdivision. According to the Engineer, the water resources report is in conflict with the water summary and indicates the Applicant estimates usage for occupancy by 3.25 persons per lot as follows: an annual water demand for in-house use at 0.3 acre-feet; irrigation of lawn and gardens at 0.15 acre-feet and watering of large domestic animals at 0.05 acre-feet resulting in a total of 0.5 acre-feet. The Water Summary form submitted by Applicant indicates .5 acre-feet for in-house use only. The Engineer indicates that the wells with Well Permit Nos. 27571-FP, 27572-FP and R-18919-FP are completed in the alluvium of the Upper Black Squirrel Creek and are permitted for agricultural use (irrigation, domestic and mechanical).

The State Engineer's Office indicates that the Applicant needs to demonstrate ownership or control of the intended water source, and will need to submit change of water right applications to the Ground Water Commission for approval in order to use the existing wells as the wells are currently set up for agricultural use, not for subdivision use. In addition, the State Engineer informed Applicant that within a designated ground water basin, the Ground Water Commission, rather than either the water court or the Upper Black Squirrel Creek Ground Water Management District, has sole authority to approve well permits, determination of water rights and replacement plans. Pursuant to C.R.S. §30-28-136(1)(h)(l), the State Engineer is of the opinion that the proposed water supply will cause injury and is inadequate.

4. The water quality requirements of Section 49.5E of the Land Development Code must be satisfied.

5. Applicant is hereby on notice that it may be required to comply with applicable rules, if any, of the Colorado State Engineer's Office and/or the Upper Black Squirrel Creek Ground Water Management District, which compliance may result in a reduction of well withdrawal limits, and thus a reduction in water availability.

6. Therefore, at this time, until Applicant clarifies its water supply, until a finding of no injury by the State Engineer can be made, and until issuance of the Determinations of Water Rights by the Colorado Ground Water Commission, the County Attorney's Office would recommend a finding that the proposed water supply is insufficient as to quantity and dependability. The El Paso County Health Department shall issue an opinion as to quality.

cc: Barry Holmes, Senior Planner

SP-03-019
y.l.e

El Paso County Development Services Department



Paul Danley
Engineering Division Manager

Imad Karaki
Customer Service Division Manager

Carl F. Schueler
Planning Division Manager

October 12, 2004

Emerson Properties, LLC
2735 Dublin Boulevard
Colorado Springs, Colorado. 80918

RE: Albrecht Estates – Rezoning: A-35 to PUD (PUD-03-011)
Albrecht Estates – Preliminary Plan (SP-03-019)

This is to inform you that the above-referenced requests were heard and approved by the Board of County Commissioners on September 23, 2004. Details are as follows:

Rezoning – Request for approval of a rezoning from A-35 (Agricultural) District to PUD (Planned Unit Development) District for Albrecht Estates, consisting of 308.7 acres, proposed for 68 single-family residential lots and open space. The property (Tax Schedule # 32000-00-619, -620) is generally northeast of the intersection of McClelland Road and Judge Orr Road, and is not in a small area comprehensive plan.

This approval is subject to the following:

CONDITION

1. The PUD Development Plan and related documents will be submitted for recording prior to submitting a final plat for this area. The plan and documents must be recorded prior to scheduling a final plat for a Planning Commission hearing.

Preliminary Plan – Request for approval of a Preliminary Plan for Albrecht Estates, consisting of 308.7 acres, proposed for 67 single-family residential lots and three open space tracts. The property (Tax Schedule # 32000-00-619, -620) is currently zoned A-35, with a request in process for PUD zoning. The property is generally northeast of the intersection of McClelland Road and Judge Orr Road, and is not in a small area comprehensive plan.

Also approved was the requested waiver of the restriction that there be no more than ten (10) lots on a non-through street.

This approval is subject to the following:

CONDITIONS

1. Final plats shall contain the following note:

Emerson Properties, LLC
October 12, 2004
Page 2

- a. Due to various soil and geological conditions, septic systems may need to be located and designed by a Professional Engineer, currently registered in the State of Colorado.
2. 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 Department of Wildlife, Colorado Department of Transportation, U.S. Army Corp of Engineers and the U.S. Fish and Wildlife Service and/or Colorado Department of Wildlife regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

NOTATIONS

1. According to Section 47 C. 10. c. of the El Paso County Land Development Code, approval of the Preliminary Plan will expire after twelve (12) months unless a Final Plat has been approved and recorded or a time extension has been granted.

A finding of insufficiency regarding water.

This represents the Planning Division's understanding of the action taken by the Board of County Commissioners. A copy of their Resolutions will be forwarded to you, once those documents are available.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,



Barry Holmes, AICP, Senior Planner

cc: Dean Mabe
LRS, Inc.
23799 Sanborn Road
Ellicott, Colorado 80808

Files: PUD-03-011, SP-03-019

ec: Eileen Wheeler, Deputy Clerk to the Board



NORTH
SCALE: 1"=200'

CLIENT ADDRESS:
DORRICKER-KIMSON PROPERTIES
2735 N. DALLAS BLVD.
COLORADO SPRINGS, CO 80918

Albrecht Estates

PROJECT NAME:
23799 Sanborn Road, Ellicott, Colorado 80808
REAL ESTATE DEVELOPMENT CONSULTANTS
I.R.S. Inc.

PLATE:

DRAWN BY: JDM
DATE: 11-1-07
CHECKED BY: JDM
DATE: 11-1-07
APPROVED BY: JDM
DATE: 11-1-07

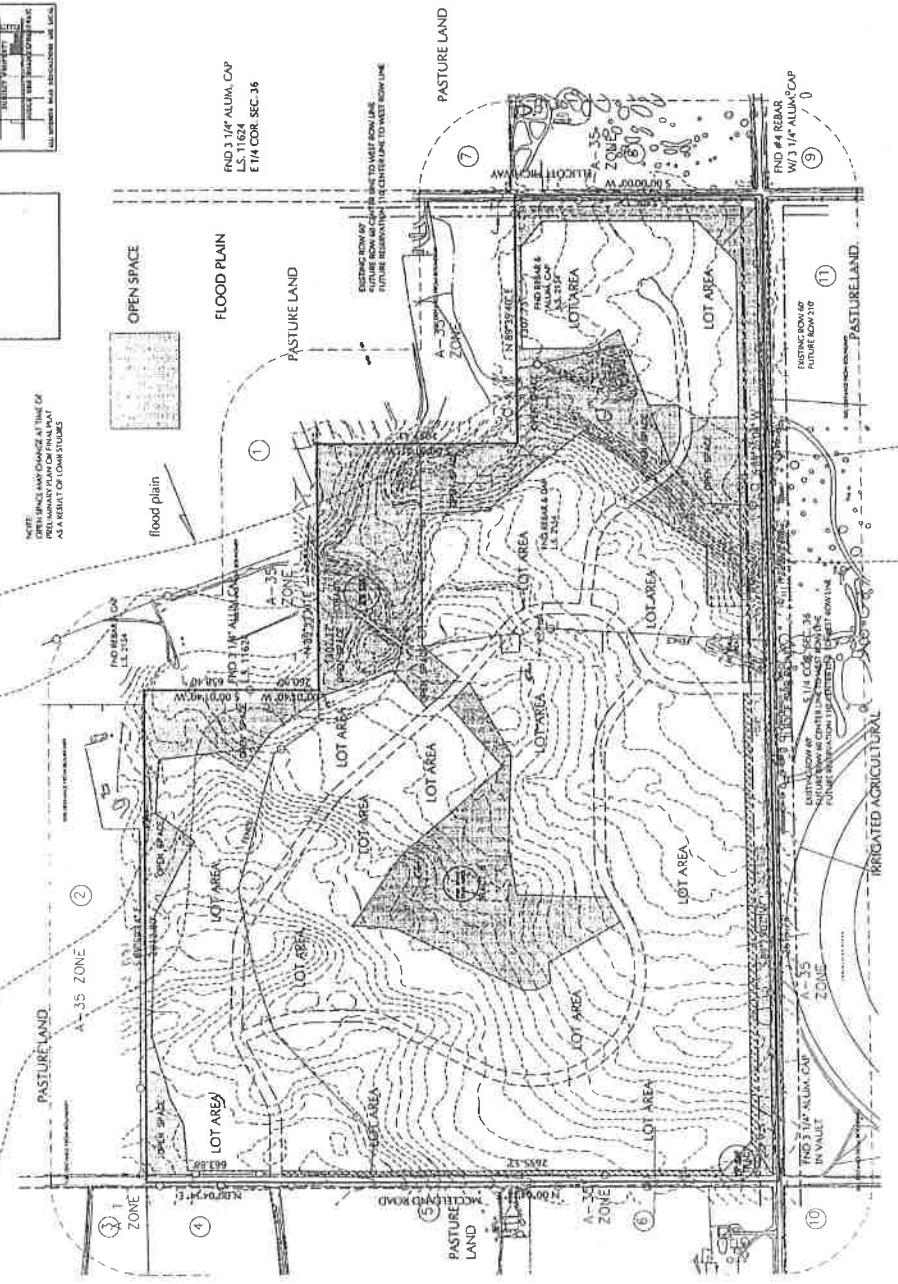
LOCATION MAP AND/OR DIVISION

| | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|
| SECTION | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| LOT AREA | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| ACRES | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| FEET | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| PERCENT | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

DATA

| | |
|-------------|--|
| DATE | 11-1-07 |
| BY | JDM |
| CHECKED BY | JDM |
| APPROVED BY | JDM |
| SCALE | 1"=200' |
| PROJECT | 23799 SANBORN ROAD, ELICOTT, CO |
| CLIENT | DORRICKER-KIMSON PROPERTIES |
| ADDRESS | 2735 N. DALLAS BLVD., COLORADO SPRINGS, CO 80918 |
| SECTION | 11 |
| LOT AREA | 11 |
| ACRES | 11 |
| FEET | 11 |
| PERCENT | 11 |

NOTE: DEPTH RANGES MAY CHANGE AS THE USE OF PRELIMINARY PLAN OR FINAL PLAN AS A RESULT OF COMPLETION



OPEN SPACE
FLOOD PLAIN
PASTURE LAND

END 3 1/4" ALUM. CAP
LS. 11624
E 1/4 COR. SEC. 36

END #4 REBAR
W/3 1/4" ALUM. CAP

PASTURE LAND

PASTURE LAND

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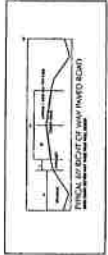


CLIENT ADDRESS
 DEVELOPER/PERSON OPERATING
 2735 N. DUDMAN BLVD
 COLORADO SPRINGS, CO 80918

PROJECT NAME
Albrecht Estates
 PRELIMINARY PLAN

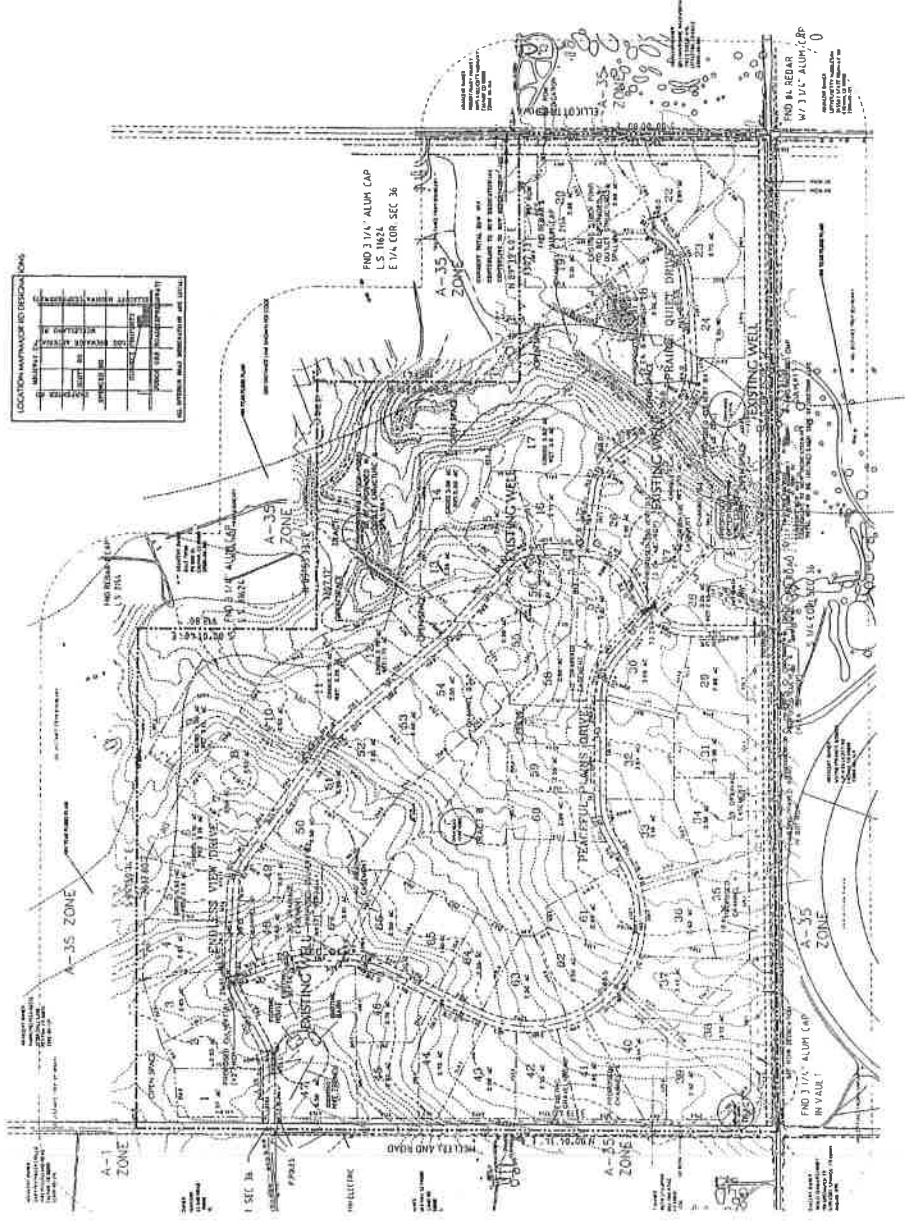
PLATE:
 DRAWN BY:
 REVISION DATE:
 9-15-03
 10-21-03
 11-4-03 for numbers
 2-24-04 Barry Holmes revisions
 05-12-04 MMDAM
 06-8-04 MMDAM
 06-20-04 MMDAM
 8-2-04

SHEET 2 OF 3



LOCATION MAP FOR REFERENCE ONLY

| SECTION | 1 | 2 | 3 | 4 |
|---------|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |



MAP OF CONSTRAINTS AND GEOLOGIC HAZARDS RELATED TO SEWAGE DISPOSAL

LEGEND

AREA I: These areas consist of that portion of the site characterized by deep, isolated deposits and small, unproductive streams. These areas have the potential for leachate generation and are not suitable for agricultural use. These areas are to be revegetated with native species and the leachate is to be collected and disposed of in a suitable manner.

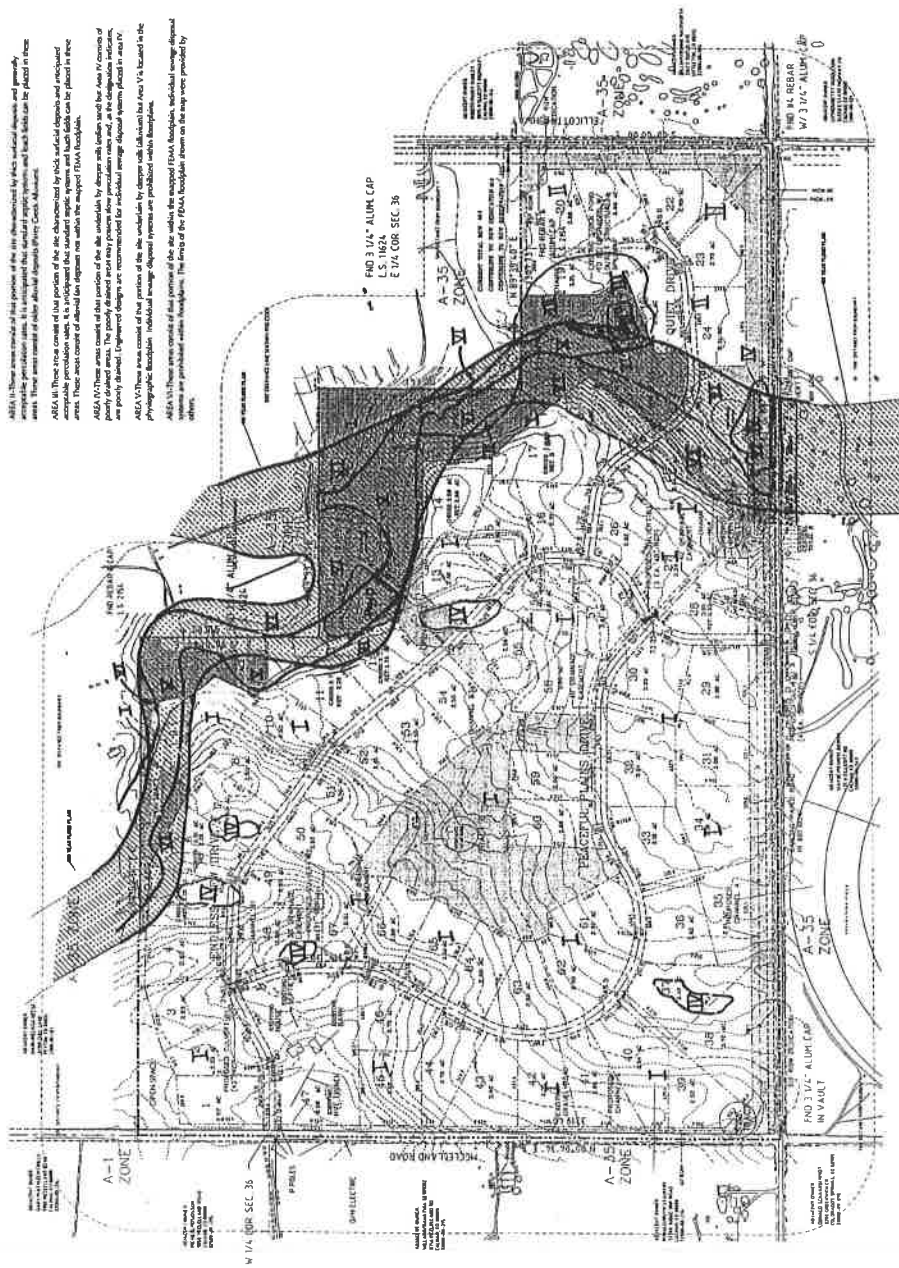
AREA II: These areas consist of that portion of the site characterized by deep, isolated deposits and small, unproductive streams. These areas have the potential for leachate generation and are not suitable for agricultural use. These areas are to be revegetated with native species and the leachate is to be collected and disposed of in a suitable manner.

AREA III: These areas consist of that portion of the site characterized by deep, isolated deposits and small, unproductive streams. These areas have the potential for leachate generation and are not suitable for agricultural use. These areas are to be revegetated with native species and the leachate is to be collected and disposed of in a suitable manner.

AREA IV: These areas consist of that portion of the site characterized by deep, isolated deposits and small, unproductive streams. These areas have the potential for leachate generation and are not suitable for agricultural use. These areas are to be revegetated with native species and the leachate is to be collected and disposed of in a suitable manner.

AREA V: These areas consist of that portion of the site characterized by deep, isolated deposits and small, unproductive streams. These areas have the potential for leachate generation and are not suitable for agricultural use. These areas are to be revegetated with native species and the leachate is to be collected and disposed of in a suitable manner.

AREA VI: These areas consist of that portion of the site characterized by deep, isolated deposits and small, unproductive streams. These areas have the potential for leachate generation and are not suitable for agricultural use. These areas are to be revegetated with native species and the leachate is to be collected and disposed of in a suitable manner.



NORTH
SCALE: 1"=200'

CLIENT ADDRESS:
DESIGNER/ENGINEER PROPERTIES
2733 N. DUBLIN BLVD
COLORADO SPRINGS, CO 80918

Albrecht Estates
PRELIMINARY PLAN GEOLOGY

PROJECT NAME:
REAL ESTATE DEVELOPMENT CONSULTANTS
23799 Sashorn Road, Ellicott, Colorado 80808

IR's inc.

PLATE:

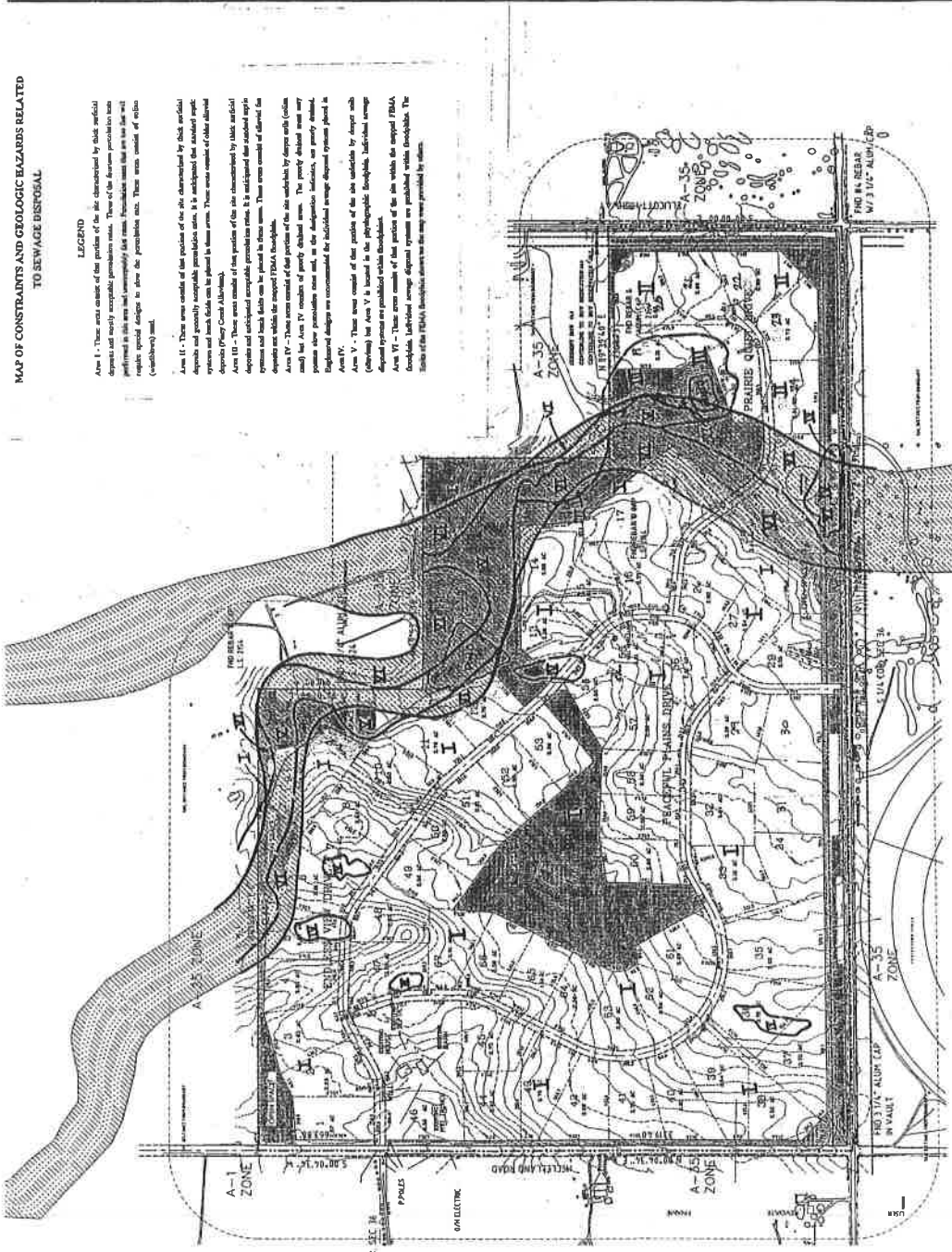
DRAWN BY:
REVISION DATE:
9-15-03
10-27-03
11-4-03 lot numbers
2-24-04 Barry Holmes re
05-12-04 MWD/DAM
06-8-04 MWD/DAM
06-20-04 MWD/DAM

SHEET 3 OF 3

MAP OF CONSTRAINTS AND GEOLOGIC HAZARDS RELATED TO SEWAGE DISPOSAL

LEGEND

- Area I - These areas consist of the portions of the site characterized by thick artificial deposits and nearby acceptable permeability rates. These of the former perviousness have performed in this area that unsuitability for reuse. Foundation means that are too low and require special design to show the permeability rate. These areas consist of soils (contiguous) and.
- Area II - These areas consist of the portions of the site characterized by thick artificial deposits and generally acceptable permeability rates. It is anticipated that residual pipe systems and tank fields can be placed in these areas. These areas consist of older filled deposits (Penny Creek Alluvium).
- Area III - These areas consist of the portions of the site characterized by thick artificial deposits and acceptable permeability rates. It is anticipated that residual pipe systems and tank fields can be placed in these areas. These areas consist of alluvial deposits and bank flats can be placed in these areas. These areas consist of alluvial deposits and bank flats can be placed in these areas.
- Area IV - These areas consist of the portions of the site underlain by deeper soils (old fill) but Area IV consists of poorly drained areas. The poorly drained areas may possess slow permeability rates and, in the independent situation, are priority areas. Engineering design is recommended for individual average disposal system plants in these areas.
- Area V - These areas consist of the portions of the site underlain by deeper soils (old fill) but Area V is located in the physiographic landscape. Individual average disposal system are published within this area.
- Area VI - These areas consist of the portions of the site underlain by deeper soils (old fill) but Area VI is located in the physiographic landscape. Individual average disposal system are published within this area.



CLIENT ADDRESS:
 2735 N. GULICH BLVD.
 COLORADO SPRINGS, CO 80918
 970-491-4141 / 719-534-2424

Albrecht Estates
 PRELIMINARY PLAN GEOLOGY

ITS inc.
 REAL ESTATE DEVELOPMENT CONSULTANTS
 23799 sandborn road, elliecott, colorado 80808
 PROJECT NAME:

PLATE:

DRAWN BY:
 REVISION DATE:
 9-15-03
 10-21-03
 11-4-03 lot numbers
 2-24-04 Barry Holmes revisions
 4-4-04 GEO DETAILS
 Revised 6-8-04



NORTH
SCALE: 1" = 200'

CLIENT ADDRESS:
DEVELOPER/PERSONS PROPERTIES
2735 N. DUBLIN BLVD
COLORADO SPRINGS, CO 80918

Albrecht Estates

WELL LOCATION PLAN

REAL ESTATE DEVELOPMENT CONSULTANTS
23799 S. ABERNETHY ROAD, ELICOTT, COLORADO 80808

IR's inc.

PLATE:

DRAWN BY:

REVISION DATE:

9-15-03

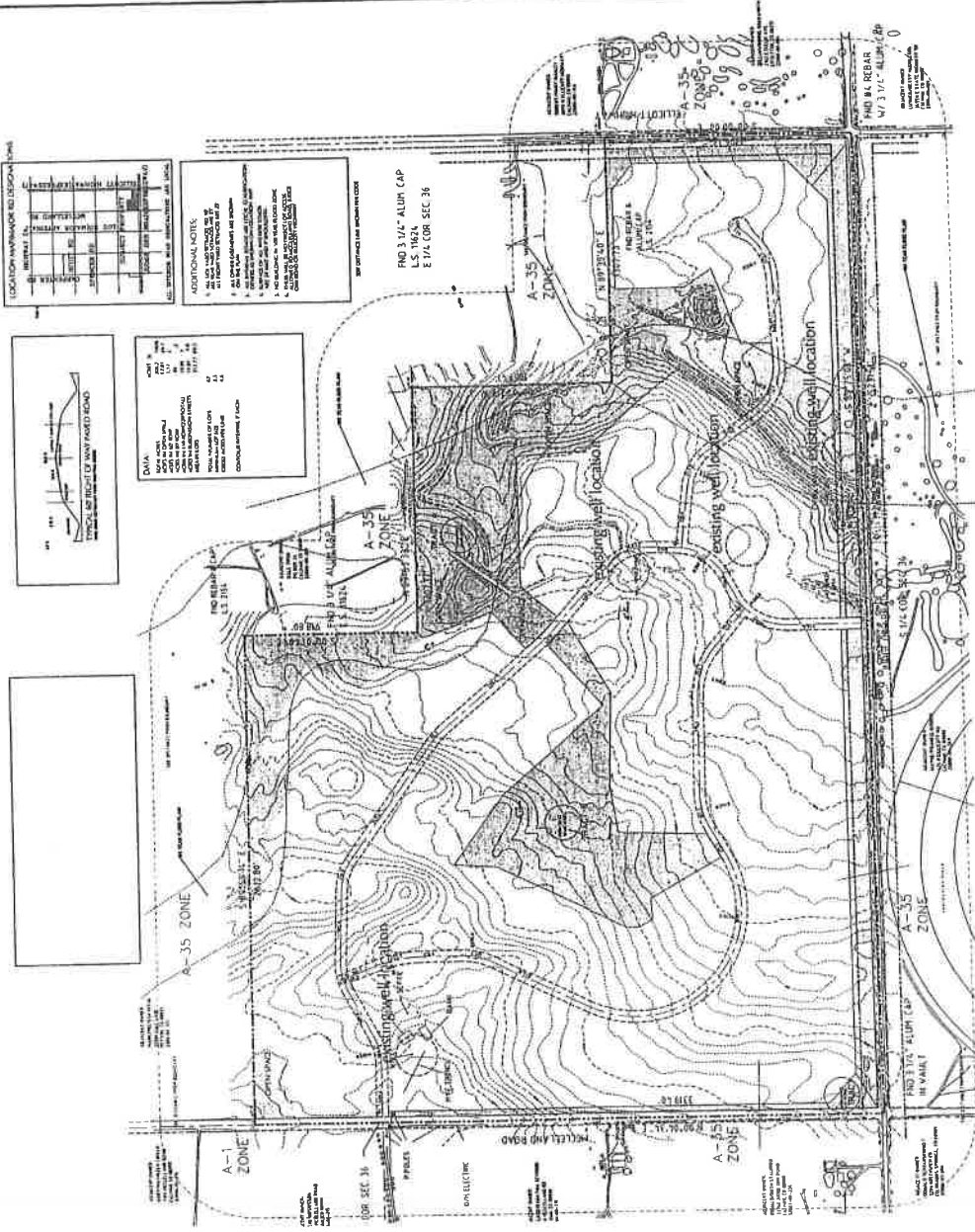
10-21-03

11-4-03 lot numbers

2-24-04 Barry/Holmes revisions

5-13-04
Revised 6-8-04

Sheet 5 of 5



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El Paso County, CO

214020779

RESOLUTION NO. 09-136

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

APPROVE FINAL PLAT FOR JUDGE ORR ESTATES FILING NO. 1 (SF-08-004)-EMERSON PROPERTIES, LLC

WHEREAS, Emerson Properties, LLC, did file an application with the Development Services Division of El Paso County for the approval of a Final Plat for Judge Orr Estates Filing No. 1 for the herein described property in the unincorporated area of El Paso County; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on February 3, 2009, upon which date the Planning Commission did by formal resolution recommend approval of the subject Final Plat with conditions and notations; and

WHEREAS, a public hearing was held by this Board on April 9, 2009; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Division, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. 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.
2. 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 parties were heard at those hearings.
3. The proposed subdivision of land is in compliance with the recommendations set forth in the master plan for the unincorporated area of the county.
4. That the subdivision is in substantial conformance with the approved Preliminary Plan.

5. That the subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
6. 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.
7. That a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
8. That all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
9. That adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the El Paso County Land Development Code and Engineering Criteria Manual.
10. That necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
11. That final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
12. That off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.

13. That adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
14. That the subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
15. That the extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.]
16. The El Paso County Parks Board recommends fees in lieu of land dedication for Region No. 4 Regional Park fees in the amount of \$7,569.00.
17. Peyton School District No. 23 recommends fees in lieu of land dedication in the amount of \$3,330.00.
18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision 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 Judge Orr Estates Filing No. 1 Final Plat request as submitted by Emerson Properties, LLC, for 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 and notations shall be placed upon this approval:

CONDITIONS:

1. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirement, 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.

2. A completed U.S. Army Corps of Engineers permit shall be provided to the El Paso County Development Services Division prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project may be acceptable.
3. Fees in lieu of land dedication in the amount of \$3,330.00 shall be paid to El Paso County for the benefit of Peyton School District No. 23.
4. Fees in lieu of regional parkland dedication in the amount of \$7,569.00 shall be paid to El Paso County (Park Region 4).
5. 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.
6. 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, for 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 Development Services Division, 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.
7. 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.
8. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
9. A driveway permit will be required from the El Paso County Development Services Division for any access to a county maintained roadway.

10. The owner/developer/builder of each lot within this subdivision shall have the responsibility of meeting the 2003 International Fire Code (IFC) standards. At the time of approval of this project, this property is located within the Peyton Fire Protection District, which has adopted the 2003 IFC requiring fire sprinklers for covered structures over 6,000 square feet in size, and other fire mitigation requirements depending upon the level of fire risk associated with the property and structures. The owner of any lot should contact the fire district to determine the exact development requirements relative to the 2003 IFC.
11. Applicant shall submit the Mylar to Enumerations for addressing prior to recording the Final Plat.
12. The Homeowners Association documents/covenants shall be revised prior to recording the plat and recorded with the Final Plat.
13. The Subdivision Improvements Agreement, including the Surety Estimate as approved by the El Paso County Development Services Division, shall be files at the time of the recording of the Final Plat.
14. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading of the surrounding roads and intersections including Judge Orr Road, Ellicott Highway, and McClelland Road. With this Final Plat, the developer's design and financial responsibilities regarding the offsite improvements are as follows:
 - a. Southbound right-turn deceleration lane of Ellicott Highway at Judge Orr Road (5.00% escrow contribution).
 - b. Eastbound left-turn deceleration lane on Judge Orr Road at McClelland Road (13.43% escrow contribution).
 - c. Paving of McClelland Road from Judge Orr Road to the future site access (26.86% escrow contribution).
 - d. Replacement of culvert under Judge Orr Road (\$4,518.66 of the total estimated costs (\$113,625) in escrow contribution).

Except for the culvert contribution, these funds may be covered in the subdivision improvements security collateral until the earlier of: the next filing of the subdivision being recorded, or two years from

the date of recording of this Filing No. 1, at which time the funds shall be deposited into an escrow account.

15. Collateral sufficient to ensure that the public improvements as listed in the approved Surety Estimate shall be provided when the Final Plat is recorded. The Surety Estimate shall include all offsite improvements listed above.
16. Prior to recording the plat, the applicant shall meet all requirements of the Regional Floodplain Administrator and the Development Services Division regarding plat notations and/or Letter of Map Revision approvals.
17. Development of the property shall be in accordance with the approved PUD Development Plan.
18. Disclosure regarding high fluoride levels in the ground water shall be included in the Covenants, and a revised copy of the Covenants shall be submitted to the Development Services Division prior to recording of the Final Plat. The disclosure language shall be the same as Condition No. 31 on the plat.

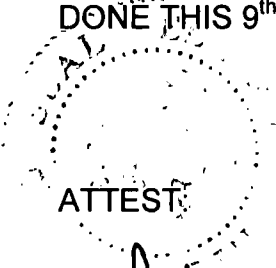
NOTATIONS:

1. Final Plats not forwarded to the Board of County Commissioners within twelve (12) months following Planning Commission action (or an extension thereof) shall be deemed withdrawn and a new Final Plat shall have to be submitted in its entirety.
2. Failure to record the Plat within one (1) year following Board of County Commissioners' approval will require reconsideration by the Board. Said reconsideration may involve compliance with new criteria, regulations, and updated fees.
3. The proposed subdivision is located entirely within the La Vega Ranch drainage basin (CHBR0400). This basin has not been studied and no drainage basin fees or bridge fees apply.
4. The State Division of Wildlife requests that surveys be done for the presence of swift foxes or their dens on the site proposed for development. If surveys show they are present in the area, development should not occur during the breeding or whelping seasons, which occurs from January to May.

Resolution No. 09-136
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AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 9th day of April 2009, at Colorado Springs, Colorado.



ATTEST

By: Robert C. Balm
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Jim Bonney
Chairman

Resolution No. 09-136
EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER; AND A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER EXCEPT THE NORTH 260 FEET THEREOF, AND A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER; ALL IN SECTION 36, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE S89°25'08"W ALONG THE SOUTH LINE OF SAID SECTION 36, 3059.99 FEET; THENCE N00°34'52"W, 140.00 FEET; THENCE N09°04'58"E, 371.01 FEET; THENCE S78°04'28"E, 364.95 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 50°16'16", A RADIUS OF 330.00 FEET, AN ARC DISTANCE OF 289.54 FEET, HAVING A CHORD BEARING OF N25°08'08"E; THENCE N50°12'17"W, 246.35 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 03°53'49", A RADIUS OF 420.00 FEET, AN ARC DISTANCE OF 28.57 FEET, HAVING A CHORD BEARING OF N52°09'11"W; THENCE N13°19'09"E, 181.40 FEET; THENCE S88°00'21"E, 471.88 FEET; THENCE N02°26'17"E, 30.00 FEET; THENCE N88°10'30"W, 404.37 FEET; THENCE N39°01'35"W, 65.82 FEET; THENCE N36°29'10"E, 422.23 FEET; THENCE N41°15'03"E, 60.00 FEET; THENCE S48°44'57"E, 83.91 FEET; THENCE N41°15'03"E, 349.21 FEET; THENCE N00°00'00"E, 129.47 FEET; THENCE S89°41'14"W, 299.09 FEET; THENCE N40°52'14"W, 201.94 FEET; THENCE N19°19'18"W, 386.13 FEET; THENCE N47°12'07"E, 40.07 FEET; THENCE N89°53'33"E 1307.17 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE S00°01'21"W, ALONG SAID EAST LINE, 1051.41 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N89°39'40"E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1307.73 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 36; THENCE S00°00'00"W ALONG SAID EAST LINE, 1306.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 109.802 ACRES MORE OR LESS.