

# EL PASO



# COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners  
Darryl Glenn, President**

**FROM: Nina Ruiz, Planner II  
Beck Grimm, EI Engineer I  
Craig Dossey, Executive Director**

**RE: Project File #: EX-18-003  
Project Name: Chung Subdivision Exemption  
Parcel No.: 62030-00-004**

OWNER:	REPRESENTATIVE:
Leisle Chung Revocable Trust 5075 Gibson Lake Court Colorado Springs, CO 80924	McGrady and Associates 2810 Andromeda Drive Colorado Springs, CO 80906

**Commissioner District: 1**

Planning Commission Hearing Date:	N/A
Board of County Commissioners Hearing Date	12/11/2018

## EXECUTIVE SUMMARY

A request by the Leisle Chung Revocable Trust for approval of a subdivision exemption pursuant to C.R.S. § 30-28-101 to legalize an illegal division of land created in 1980. The 31.33 acre metes and bounds parcel is zoned RR-5 (Residential Rural) and is located east of Highway 83, approximately one quarter (1/4) mile south of Old Northgate Road and is within Section 3, Township 12 South, Range 66 West of the 6<sup>th</sup> Principal Meridian. A concurrent request has been made for a variance of use to allow a second dwelling. The property is located within the boundaries of the Black Forest Preservation Plan (1987).



**A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** Approval of an exemption of subdivision pursuant to C.R.S. § 30-28-101.

**Waiver(s):** There are no waivers requested with this exemption of subdivision.

**Authorization to Sign:** Exemption Plat

**B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

**C. APPROVAL CRITERIA**

In approving a subdivision exemption, the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1

(Subdivisions) of the El Paso County Land Development Code (2018):

- The subdivision is consistent with and conforms to this Code and the Master Plan;
- The exemption is a division of land determined not to be within the purpose of C.R.S. §§30-28-101, et seq;
- 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 size, location, and availability of services to the proposed lots or parcels are reasonable, appropriate, and customary for the proposed use; and
- No beneficial purpose would be served by requiring the platting of the subject property.

**D. LOCATION**

North:	RR-5 (Residential Rural)	Agricultural
South:	RR-5 (Residential Rural)	Agricultural
East:	RR-5 (Residential Rural)	Agricultural
West:	RR-5 (Residential Rural)	Agricultural

## E. BACKGROUND

On July 17, 1972, El Paso County adopted subdivision regulations pursuant to Colorado Revised Statutes § 30-28-101. The effect of adopting the subdivision regulations in 1972 is that any subsequent division of land that results in the creation of a parcel having less than 35 acres in size must be approved by the Board of County Commissioners through a subdivision action or as an exemption from the subdivision regulations. The subject parcel is 31.33 acres in size and was created on June 20, 1980, without the approval of the Board of County Commissioners; therefore, the parcel is considered an illegal division of land. The applicant's letter of intent details the chain of title to explain why the illegal division of land was not discovered until recently:

"On or about June 20, 1980, the Robinsons deeded approximately 3.6 acres to a neighbor. The 3.6-acre parcel became part of a larger 266.92-acre parcel (Parcel No. 6200000661). On or about December 3, 1980, the Robisons quitclaimed all the property in the North half of the Southeast Quarter of Section 3 that is south of the southern boundary of the existing parcel. This property became part of two parcels which are 35.01 acres and 81.29 acres, respectively (Parcel Nos. 6203000012 and 6203000011, respectively).

These two transfers left the remaining parcel only 31.83 acres. However, when the Robisons transferred the remaining 31.8-acre parcel in 1998 to William and Carolyn Edwards the legal description did not except out the 3.6-acre parcel that was conveyed in 1980. Thus, the Edwards believed they were acquiring a 35-acre parcel. The Edwards' title insurance also did not except out the 3.6-acre parcel from the legal description. The Edwards had an Improvement Location Certificate created on May 2, 2000 that confirmed the erroneous 35-acre legal description. Thus, the Edwards had every reason to believe they had acquired 35 acres from the Robisons.

Based on the belief that the parcel was 35 acres, the Edwards were issued a well permit on September 1, 1998, a building permit to build their home (Permit # D51714) on June 16, 1999, and a certificate of occupancy for their home on February 18, 2000.

The error in the legal description was not discovered until the property was being conveyed to the current owner (the Applicant) in 2014. The Applicant was unaware that the lot had been illegally subdivided until 2017 when the Applicant

was going through the Variance of Use application process with the County planning staff.”

C.R.S. § 30-28-101 authorizes the Board of County Commissioners to exempt parcels from subdivision regulation. A concurrent request has been made for approval of a variance of use to allow a second dwelling. The second dwelling is proposed to be constructed for the applicants, and their parents will reside in the existing home, as they have done so for years. The proposed home does not qualify as an extended family dwelling as it will exceed the maximum size allowance of 1,500 square feet and is requested to be 10,000 square feet in size. A variance of use and exemption from subdivision must be approved for the second dwelling prior to authorization of a building permit by the Planning and Community Development Department for construction of the second home.

## **F. ANALYSIS**

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

The Board of County Commissioners may grant exemptions from the definition of the term subdivision for any division of land the Board of County Commissioners determines is not within the purpose of C.R.S. 30-28-101. This application for a subdivision exemption plat was reviewed under The El Paso County Land Development Code, Section 7.2.2 E 7.

The BoCC, may, pursuant to the Code, exempt from the definition of "subdivision" any division of land the BoCC determines is not within the purposes of the definition of "subdivision". Generally, an exemption shall be consistent with one of the following criteria in order to receive an exemption from the definition of the term "subdivision:"

- The division of land creates parcels for public or quasi-public use where no dwelling units are allowed, including but not limited to: utility facility, park, open space, fire station, sheriff substation, library, metro district office, and water/sewage facility; or
- The division of land is effected by a deed recorded in the Clerk and Recorder that the BoCC determines is not within the purposes of the definition of subdivision.

Per the applicant's letter of intent, the illegal division of land was created by deed. Subsequent deeds erroneously included a legal description for a 35 acre parcel, where the acreage had actually been decreased to 31.83 acres.

## **2. Zoning Compliance**

The property is zoned RR-5 (Residential Rural), which does not allow two (2) homes on the same property as permanent full-time residences. The existing home and accessory structure meet all dimensional standards of the RR-5 (Residential Rural) zoning district. The proposed second residence will meet all the dimensional standards of the RR-5 (Residential Rural) zoning district.

## **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 6.2.11 Encourage compatible physical character, density and scale in existing neighborhoods.

The adjacent parcel (Parcel No. 6203001003), which is five (5) acres in size, received the acreage that was deeded from the subject parcel in 1980. The division of land of the adjacent parcel was legalized by a subdivision exemption in 2015. Other than the directly adjacent five (5) acre parcel, the majority of the directly adjacent parcels are a minimum of 35 acres in size. The proposed subdivision exemption is compatible with the density and scale of the surrounding development.

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

The property is within the Black Forest Preservation Plan (1987), specifically Planning Unit 4 (Shoup & Highway 83). Planning Unit 4 of the Plan recommends limited development including large lot residential development with no more than one dwelling unit per five acres. The applicant is proposing two dwelling units on a single parcel of land but at a density of one dwelling unit per 15.5 acres.

## **5. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records with El Paso County, no severed mineral rights exist.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No physical hazards were identified in the review of the exemption from subdivision.

### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential.

### **3. Floodplain**

The property is not impacted by any designated floodplain as indicated by FEMA's Flood Insurance Rate Map Number 08041C0295F dated March 17, 1997.

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

The property is located within Black Squirrel Creek (FOMO3600) drainage basin, which is included in the Drainage Basin Fee Program; however, drainage and bridge fees are not assessed with subdivision exemption requests.

### **5. Transportation**

The property is accessed from State Highway 83 via an existing private road. The applicant has obtained an updated CDOT State Highway Access Permit (permit no. 217025) to allow the additional dwelling unit to use the same access.

A traffic impact study was not required and the County Road Impact Fee does not apply to this request because the fee does not apply if the Board of County Commissioners approves the subdivision exemption request. Furthermore, the concurrently processed variance of use is not expected to generate 100 additional daily vehicle trips than the property would be expected to generate without the variance of use request being approved. However, effective on and after January 1, 2020, the obligation to pay Road Impact Fees will be triggered by issuance of a building permit.

## **H. SERVICES**

### **1. Water**

A finding of sufficiency in terms of water quality, quantity and dependability is not required for a subdivision exemption. The property is served by a well that allows up to three (3) single family residences (well permit no. 212373).

**2. Sanitation**

The existing residence is served by an onsite wastewater treatment system (OWTS). The second home will be served by a new OWTS.

**3. Emergency Services**

The site is located within the boundaries of the Black Forest Fire Protection District. The District was sent a referral and did not respond.

**4. Utilities**

Black Hills Energy provides natural gas service and Mountain View Electric Association provides electrical service to the subject parcel.

**5. Metropolitan Districts**

The property is not located within a metropolitan district.

**6. Parks/Trails**

There are no planned parks/trails on or near the subject parcel. No park fees or land dedication in lieu of fees are required for this application.

**7. Schools**

The property is located within the Falcon School District No. 49. No school fees or land dedication in lieu of fees are required with this application.

**I. APPLICABLE RESOLUTIONS**

Approval	Page 43
Disapproval	Page 44

**J. STATUS OF MAJOR ISSUES**

There are no unresolved major issues.

**K. RECOMMENDED CONDITION**

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2018) staff recommends the following condition:

**CONDITION**

The land survey plat, as approved by the Board of County Commissioners, shall be deposited in the El Paso County Clerk and Recorder's Office.

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified six (6) adjoining property owners on November 28, 2018, for the Planning Commission hearing. Responses will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Land Survey Plat

Board of County Commissioners' Resolution



# El Paso County Parcel Information

File Name: **EX-18-003**

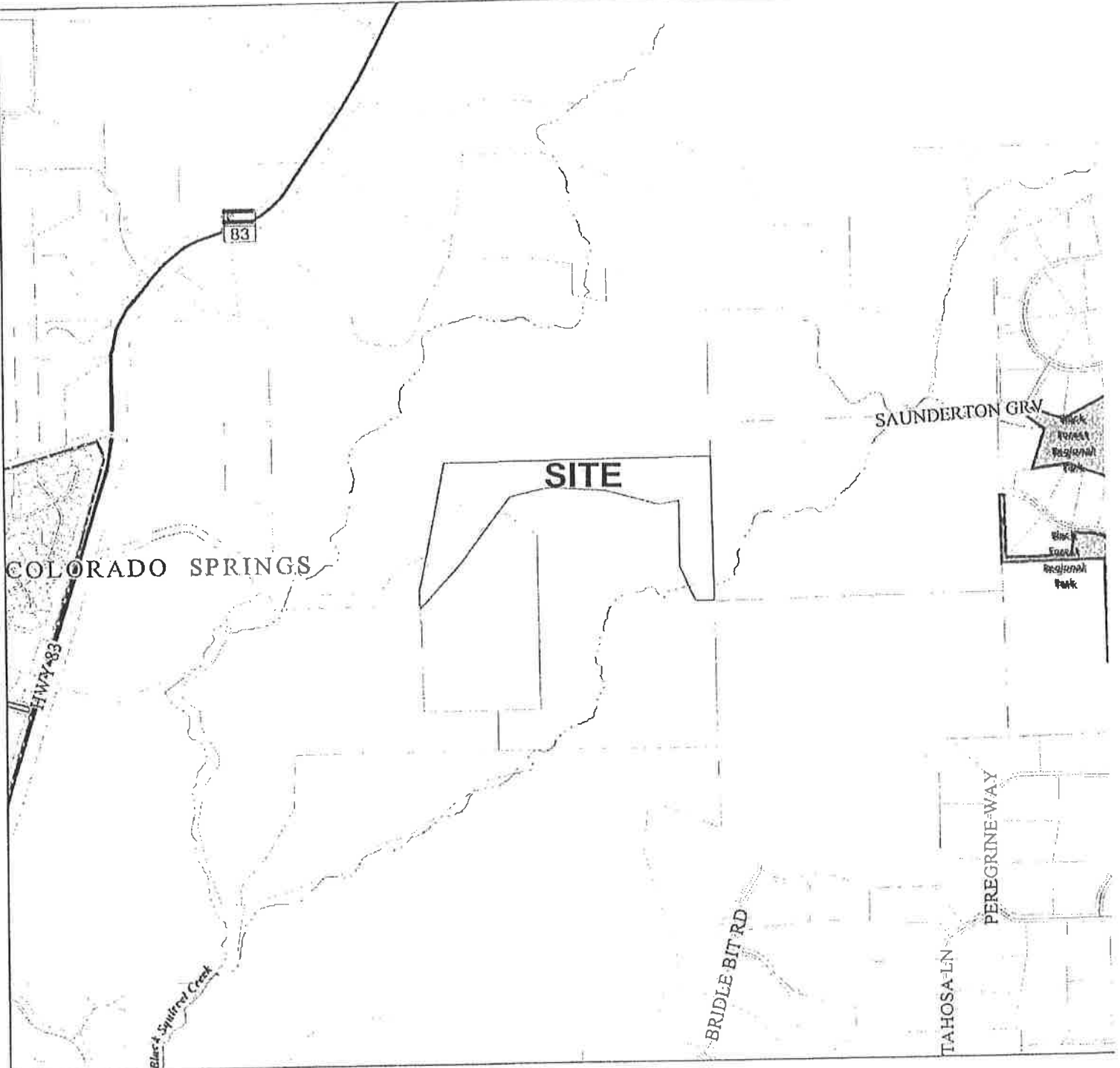
Zone Map No: **--**

PARCEL	NAME
6203000004	CHUNG LEISLE REVOCABLE TRUST

Date: **September 25, 2018**

ADDRESS	CITY	STATE
5075 GIBSON LAKE CT	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80924	8200



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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**Letter of Intent  
For  
Chung Filing No. 1  
Subdivision Exemption**

April 19, 2018

El Paso County Planning and Community Development Department  
ATTN: Nina Ruiz  
2880 International Circle, Ste 110  
Colorado Springs, CO 80910

RE: Subdivision Exemption Application  
13975 Hwy 83  
Colorado Springs, CO 80921

Dear Ms. Nina Ruiz:

As a result of our conversations regarding our pending Variance of Use Application (File Number \_\_\_\_\_), I, as owner of the property identified above, am applying for a subdivision exemption in conformance with El Paso County Land Development Code Section 7.2.2.E.7.

This Letter of Intent supports only our application for subdivision exemption and is separate from our Variance of Use Application. We understand that our Variance of Use Application cannot be considered unless our application for subdivision exemption is granted. Therefore, we would like to focus our attention on this application and expedite its review and presentation to the Board of County Commissioners, if that is at all possible.

This letter presents the case for how this request complies with the "Criteria for Approval" of "Other Subdivision Exemptions Approved by BoCC" in Chapter 7, Section 7.2.2.E.7, of the Land Use Development Code.

Thank you for the opportunity to make this application and please let us know if you need any additional information.

Sincerely,  
Leisle Chung Revocable Trust

*Leisle Chung*

By: Leisle Chung

**Owner/Developer**

**Leisle Chung Revocable Trust  
5075 Gibson Lake Court  
Colorado Springs, CO 80924  
(719)-429-7948**

**Consultant**

**James McGrady  
McGrady and Associates  
2810 Andromeda Drive  
Colorado Springs, Co 80906  
(719)-494-3782**

**Site Location, Size, Zoning**

The purpose of this letter is to provide sufficient information to support the subdivision exemption plat of Chung Filing No. 1. The site is located at 13975 Highway 83 and consists of 31.83 acres and is located in the Northeast quarter of the Southeast Quarter of Section 3, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M. in El Paso County, Colorado. The site is east of the intersection of Highway 83 and Northgate Boulevard. The lot is zoned RR-5.

**Application Request:**

The Applicant requests that a legal lot be created for the tract of land identified on the El Paso County Assessor's maps as parcel 6203000004. The property was conveyed to Barbara and John Robison ("Robisons") in 1959. On or about June 20, 1980, the Robisons deeded approximately 3.6 acres to a neighbor. The 3.6-acre parcel became part of a larger 266.92-acre parcel (Parcel No. 6200000661). On or about December 3, 1980, the Robisons quitclaimed all the property in the North half of the Southeast Quarter of Section 3 that is south of the southern boundary of the existing parcel. This property became part of two parcels which are 35.01 acres and 81.29 acres, respectively (Parcel Nos. 6203000012 and 6203000011, respectively).

These two transfers left the remaining parcel only 31.83 acres. However, when the Robisons transferred the remaining 31.8-acre parcel in 1998 to William and Carolyn Edwards the legal description did not except out the 3.6-acre parcel that was conveyed in 1980. Thus, the Edwards believed they were acquiring a 35-acre parcel. The Edwards' title insurance also did not except out the 3.6-acre parcel from the legal description. The Edwards had an Improvement Location Certificate created on May 2, 2000 that confirmed the erroneous 35-acre legal description. Thus, the Edwards had every reason to believe they had acquired 35 acres from the Robisons.

Based on the belief that the parcel was 35 acres, the Edwards were issued a well permit on September 1, 1998, a building permit to build their home (Permit # D51714) on June 16, 1999, and a certificate of occupancy for their home on February 18, 2000.

The error in the legal description was not discovered until the property was being conveyed to the current owner (the Applicant) in 2014. The Applicant was unaware that the lot had been

illegally subdivided until 2017 when the Applicant was going through the Variance of Use application process with the County planning staff. The Applicant would like to build a second home on the property (see pending application for Variance of Use) and is unable to obtain a building permit until the lot is legalized. The Applicant has no intention at this time of dividing the lot into more than one lot.

The El Paso County Land Development Code Section 7.2.2.E.7 provides that the Board of County Commissioners (BoCC) may, by resolution, grant exemptions from the subdivision platting requirements if the BoCC determines that the division of land is not within the purpose of C.R.S. §§ 30-28-101, *et seq.* The purpose of the C.R.S. §§30-28-101, *et seq.*, is the division of land into more than one parcel. The Applicant has no intention of dividing the lot into more than one parcel with this application: the Applicant's only intention is to make the existing lot legal. The division of land created by the recording of the prior deeds was not within the purposes of the definition of subdivision.

#### **Criteria for Subdivision Exemption**

The criteria for approval of this type of an exemption from the Subdivision Code are found in Land Development Code Section 7.2.2.E.7. Below are each of the criteria from Section 7.2.2.E.7 and support for how this application complies with each:

1. The exemption is consistent with and conforms to this Code and Master Plan:

The existing 31.8-acre parcel conforms with the zoning requirements of the RR-5 (Residential Rural) zone district. The RR-5 zoning district is a 5-acre district intended to accommodate low-density, rural, single-family residential development.

The County Policy Plan functions as the overall policy element of the County Master Plan. Small Area Plans, such as the Black Forest Preservation Plan, are incorporated as elements of the Master Plan. There is no County Policy Plan element or Black Forest Preservation Plan element that specifically establishes a process for the legalization of illegal parcels.

Issue 6.4 of the County Policy Plan addresses development of rural residential communities. This application complies with several of the policies detailed in Issue 6.4, namely, Policies 6.4.1 and 6.4.8. Policy 6.4.1 of the County Policy Plan is to "protect and sustain established viable rural residential areas where possible." Policy 6.4.8 is to "allow for flexibility in the application of regulations with regard to the unique variations between different rural residential developments." This application is to correct a wrong that occurred almost 38 years ago and was just recently discovered. This parcel was treated as a legal lot until it was transferred to the Applicant. The Applicant seeks to sustain the parcel's established rural residential use. The Applicant requests flexibility in the application of the subdivision regulations due to the unique circumstances of this particular parcel.

The Black Forest Preservation Plan was completed in 1974 and a full update created in 1987 to provide an advisory planning tool for this specific sub-area of the county.

Chapter 3 is “meant to function as the primary applied portion” of the plan, as a guide in the review, administration and implementation of land use decisions.

The following are the critical issues identified by the plan and the impacts, if any, of the Applicant’s request on those issues.

- *History*: Applicant’s request to legalize the existing lot does not impact any historic sites or structures.
- *Socioeconomic*: Applicant’s request to legalize the existing lot will not reduce the socioeconomic mix.
- *Natural systems*: Applicant’s request to legalize the existing lot will not affect the Ponderosa Pines which are located throughout the property. Applicant will continue to adhere to all requirements on septic recharge. Applicant’s request does not include the grazing of livestock on the property. Applicant’s request will not exacerbate dust problems because no new unpaved roads will be created. Applicant’s request to legalize the existing lot will have no impact on wildlife.
- *Groundwater*: Applicant’s request to legalize the existing lot does not impact the groundwater.
- *Community services and public facilities*: Applicant’s request to legalize the existing lot will have no impact on community services or public facilities, as the lot is already served by both.
- *Transportation*: No new roads will be necessary as a result of legalizing the existing lot.
- *Visual Analysis*: Applicant’s property is not visible from any public access roads. Legalizing the existing lot will have no impact on the visual aesthetics of the area.

Goal 3.A of the Black Forest Preservation Plan is to promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area. Policy 3.1 is to “continue promotion of residential subdivisions with an overall average minimum lot area of 5 acres in the Timbered Area and other designated portions of the planning area.” This application is to legalize a lot that is significantly larger than 5 acres.

2. The exemption is a division of land determined not to be within the purpose of C.R.S. §§ 30-28-101, et seq.

Section 30-28-101(10)(a) defines subdivision as “any parcel of land in the state which is to be used for condominiums, apartments, or any other multiple-dwelling units ... or which is divided into two or more parcels, separate interests, or interests in common, unless exempted under paragraph (b)...”

The Applicant seeks to legalize an existing lot. The purpose of this application is not to divide the lot into two or more parcels or to allow for condominiums, apartments, or any other multiple-dwelling units. Therefore, the exemption requested will not result in a division of land within the purposes of C.R.S. §§ 30-28-101, et seq.

3. 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 ECM:

The lot is immediately east of Highway 83 and Northgate Road and the Applicant has a State Highway Access Permit (Permit No. 217025) from CDOT for access to the parcel from Highway 83. The lot is accessed by an existing driveway that has been in place for over 50 years. Applicant has a legally deeded right to the access driveway based on the acquisition deed describing the property and access easement, as described in the original 1959 deed. Applicant's title insurance also insures its ownership of the property and the easement rights.

4. The size, location and availability of services to the proposed lots or parcels are reasonable, appropriate, and customary for the proposed use; and

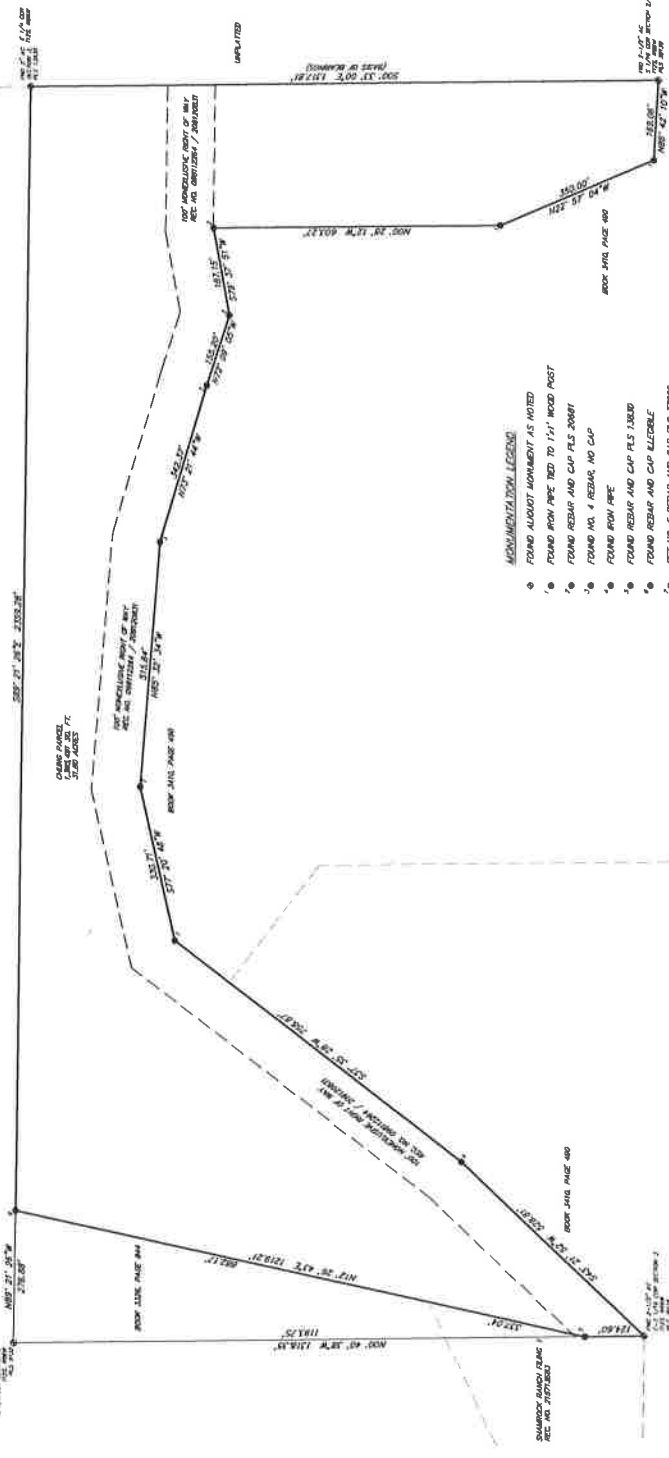
This application for an exemption from the Subdivision Code does not contemplate a change in use or an increase in the need of services. It is a request to legalize an existing lot. Sewer, water, stormwater drainage, fire protection, police protection, and roads are currently available to serve the existing lot. However, this application is supplemental to a pending application for Variance of Use to allow for a second residence on the lot. The application for the Variance of Use addresses the issues related to increasing the density of the lot by adding a second residence.

5. No beneficial purpose would be served by requiring the platting of the subject property.

The Applicant can see no beneficial purpose of requiring the lot to be platted. This application for a subdivision exemption is being filed as a result of the Applicant's desire to put a second home on the lot. The Applicant was informed that the lot had been illegally subdivided during the application process for a Variance of Use to build a second home on the lot. If the subdivision exemption is denied, the only way that the Applicant will be able to obtain a building permit for a second home will be to subdivide the lot, which will result in smaller lots in an area that primarily consists of lots larger than 35 acres. Legalizing the existing lot will allow the lot size to remain consistent with adjacent lots. There is only one smaller (5-acre) adjacent lot that was legalized through the subdivision exemption process in 2015 (Shamrock Ranch Filing No. 1 Exemption Plat, El Paso County Planning File Number EX 151). The Applicant seeks Board of County Commissioners' approval to legalize the existing lot.

# CHUNG PROPERTY EXEMPTION SURVEY PLAT

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 3,  
TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,  
EL PASO COUNTY, COLORADO



- MONUMENTATION LEGEND:**
- FOUND ALUMINUM MONUMENT AS NOTED
  - FOUND IRON PIPE NED TO 1\"/>
  - FOUND REBAR AND CAP PLS 200FT
  - FOUND NO. 4 REBAR, NO CAP
  - FOUND IRON PIPE
  - FOUND REBAR AND CAP PLS 1800
  - FOUND REBAR AND CAP ELEVABLE
  - SET NO. 5 REBAR AND CAP PLS 37000

**LEGAL DESCRIPTION**  
 A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASES OF BEARINGS:**  
 THE BEARINGS OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M. BEING ADJUDICATED AT THE NORTH END BY A FERNANDEZ ALAMARCA CAP STAMPED ACCORDINGLY, AS LINED AND ADJUDICATED IN A CERTAIN MAP OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M. BEING MEASURED AS BEING RESPECTIVELY WITH DISTANCES OF 1317.00 FEET COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 1, SAID POINT BEING THE POINT OF BEGINNING.

IN WITNESS WHEREOF, I, THE SURVEYOR, HAVE HEREBY SET MY HAND AND SEAL OF OFFICE AT THE CITY AND COUNTY OF EL PASO, COLORADO, ON THIS 24th DAY OF APRIL, 2018, AT 11:00 A.M.

**THE RECORDS OF EL PASO COUNTY, COLORADO FOR THE FOLLOWING TEN COMADES:**

1. 188-42170, A DISTANCE OF 160.00 FEET;
2. 182-5774, A DISTANCE OF 350.00 FEET;
3. 182-5774, A DISTANCE OF 603.07 FEET;
4. 182-5774, A DISTANCE OF 187.15 FEET;
5. 182-5774, A DISTANCE OF 155.00 FEET;
6. 182-5774, A DISTANCE OF 542.37 FEET;
7. 182-5774, A DISTANCE OF 515.84 FEET;
8. 182-5774, A DISTANCE OF 510.71 FEET;
9. 182-5774, A DISTANCE OF 728.87 FEET;
10. 182-5774, A DISTANCE OF 528.00 FEET TO THE CENTER SOUTH 1/4

THESE 100.00' ALONG THE WEST LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 1, SAID POINT BEING THE SOUTHWESTERLY CORNER OF SAID SECTION 1, SAID DISTANCES UNDER RECESSION NO. 183107, AS RECORDED UNDER RECESSION NO. 183107.

THOSE 100.00' ALONG THE WEST LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 124.60 FEET, SAID LINE ALSO BEING THE OUTER BOUNDARY LINE OF SAID SHOMAKER RANCH BEING NO. 1; FROM THE EAST QUARTER CORNER OF SAID SECTION 1, A DISTANCE OF 370.00 FEET; FROM THE EAST QUARTER CORNER OF SAID SECTION 1, A DISTANCE OF 102.00 FEET; FROM THE CENTER QUARTER CORNER OF SAID SECTION 1 BEING 1800.00' TO A DISTANCE OF 276.00 FEET; THENCE S89°21'E ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2308.00 FEET TO THE POINT OF BEGINNING, CONTAINING A CALCULATED AREA OF 1,368,981 SQUARE FEET (31.00 ACRES) MORE OR LESS.

TOGETHER WITH A RIGHT OF WAY 100 FEET IN WIDTH FOR HIGHWAYS AND CROSSINGS OVER THE EXISTING ROADWAY RUNNING EAST FROM COLORADO STATE HIGHWAY 83, IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., AS DESCRIBED IN BOOK 1741 AT PAGE 42.

**GENERAL NOTES**

1. THIS EXEMPTION SURVEY PLAT IS BASED IN PART BY A TITLE INSURANCE POLICY PROVIDED BY THE PROPERTY OWNER AS PREPARED BY STEWART TITLE, FILE NO. 01300-5478, EFFECTIVE FEBRUARY 1, 2017, AT 8:00 A.M.
2. THIS EXEMPTION PLAT IS BASED IN PART BY A LAND SURVEY PLAT AS RECORDED UNDER RECESSION NO. 9900025.
3. THIS EXEMPTION PLAT IS BASED IN PART BY A WARRANTY DEED AS RECORDED UNDER RECESSION NO. 21865237.
4. THIS EXEMPTION PLAT IS BASED IN PART BY A WARRANTY DEED AS RECORDED UNDER RECESSION NO. 218644220.
5. THE SUBJECT PROPERTY SHALL BE IMPACTED BY A GRANT OF RIGHT OF WAY TWENTY FEET IN WIDTH PER RECESSION NO. 21865237.
6. THE SUBJECT PROPERTY SHALL BE IMPACTED BY A GRANT OF RIGHT OF WAY TWENTY FEET IN WIDTH PER RECESSION NO. 21865237.
7. THE SURVEYOR HAS REVIEWED THE PLAT, MAPS AND RECESSION NUMBERS ARE PUBLIC DOCUMENTS FILED IN THE RECORDS OF EL PASO COUNTY, COLORADO.
8. ANY PERSON WHO KNOWSLY BEGINS, ALTERS OR DISTURBS ANY PUBLIC LAND SURVEY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO MISDEMEANOR VIOLATION OF STATE STATUTE 18-6-506, C.R.S.
9. ALL BEARINGS AND DISTANCES SHOWN ARE AS MEASURED IN THE FIELD AND ARE BASED UPON THE U.S. SURVEY FOOT.

18. LAST FIELD INSPECTION OF THIS SITE WAS ON APRIL 23, 2018.

**NOTICE:**  
 ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON THIS SURVEY PLAT WITHIN THE PERIOD OF TEN YEARS FROM THE DATE OF THE CONTRACTOR SIGNATURE HEREON.

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**REGISTERED SURVEY PLAT RECEIVING ACKNOWLEDGEMENT**  
 DEPOSITED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018 A.D., AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M., IN BOOK \_\_\_\_\_ OF LAND SURVEY PLATS AT PHASE \_\_\_\_\_ TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

REGISTERED SURVEYOR: \_\_\_\_\_ TITLE: \_\_\_\_\_ DEPOSIT NO.: \_\_\_\_\_

BY: \_\_\_\_\_

**CENTENNIAL LAND SURVEYING**  
 1111 BENTLEY BLVD. #101 • EL PASO, TEXAS 79904  
 (940) 752-4300 • FAX: (940) 752-4301

**NOTICE:**  
 ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON THIS SURVEY PLAT WITHIN THE PERIOD OF TEN YEARS FROM THE DATE OF THE CONTRACTOR SIGNATURE HEREON.

DATE: APR 24 2018	FILE NO. 183107
BY: _____	PLAT NO. 183107/B
TITLE: _____	SCALE: AS SHOWN
REGISTERED SURVEYOR: _____	PROJECT NO. 183107

RESOLUTION NO. 18-

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

SUBDIVISION EXEMPTION FOR CHUNG SUBDIVISION (EX-18-003)

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, Leisle Chung Revocable Trust has applied for an exemption from the El Paso County Subdivision Regulations with reference to a parcel located at 13985 Homes Road; and

WHEREAS, Leisle Chung Revocable Trust intends to utilize this 31.33 acre parcel solely for residential uses; and

WHEREAS, a public hearing was held by this Board on December 11, 2018; 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 Leisle Chung Revocable Trust for a Subdivision Exemption of a 31.33 acre 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 condition shall apply to this approval:

**CONDITION**

The land survey plat, as approved by the Board of County Commissioners, shall be deposited in the El Paso County Clerk and Recorder's Office.

DONE THIS 11<sup>th</sup> day of December, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
President

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

Resolution No. 18-  
EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 3,  
TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO  
COUNTY COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS

THE EAST LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF  
SECTION 3, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M.  
BEING MONUMENTED AT THE NORTH END BY A FOUND 2" ALUMINUM  
CAP STAMPED ACCORDINGLY, PLS 13830 AND AT THE SOUTH END BY A  
FOUND 2-1/2" ALUMINUM CAP STAMPED ACCORDINGLY, PLS 30130;  
MEASURED AS BEARING S00°33'00"E WITH A DISTANCE OF 1317.81 FEET;

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3,  
SAID POINT BEING THE POINT OF BEGINNING;

THENCE S00°33'00"E ON THE EAST LINE OF THE NORTH HALF OF THE  
SOUTHEAST QUARTER SAID SECTION 3, A DISTANCE OF 1317.81 TO THE  
S 1/16 CORNER OF SECTION 3 AND 2, TOWNSHIP 12 SOUTH, RANGE 66  
WEST OF THE 6TH P.M.;

THENCE ALONG A BOUNDARY LINE AS DESCRIBED IN BOOK 3410 AT  
PAGE 490 OF THE RECORDS OF EL PASO COUNTY COLORADO FOR THE  
FOLLOWING TEN COURSES:

1. N86°42'10"W, A DISTANCE OF 169.06 FEET;
2. N22°57'04"W, A DISTANCE OF 350.00 FEET;
3. N00°28'12"W, A DISTANCE OF 603.27 FEET;
4. S79°37'51"W, A DISTANCE OF 187.15 FEET;
5. N72°09'05"W, A DISTANCE OF 155.20 FEET;
6. N73°21'44"W, A DISTANCE OF 342.37 FEET;
7. N85°32'34"W, A DISTANCE OF 515.84 FEET;
8. S77°20'48"W, A DISTANCE OF 330.71 FEET;
9. S37°35'28"W, A DISTANCE OF 758.87 FEET;
10. S43°21'52"W, A DISTANCE OF 528.81 FEET TO THE CENTER SOUTH  
1/16 CORNER OF SAID SECTION 3, SAID POINT BEING THE  
SOUTHEASTERLY CORNER OF SHAMROCK RANCH FILING NO. 1 AS  
RECORDED UNDER RECEPTION NO. 215713683 OF SAID RECORDS;

THENCE N00°40'38"W ALONG THE WEST LINE OF THE NORTH HALF OF  
THE SOUTHEAST QUARTER OF SAID SECTION 3, A DISTANCE OF 124.60

FEET, SAID LINE ALSO BEING THE EASTERLY BOUNDARY LINE OF SAID SHAMROCK RANCH FILING NO. 1;

THENCE N12°26'43"E, ALONG THE EASTERLY BOUNDARY OF SAID SHAMROCK RANCH FILING NO. 1, A DISTANCE OF 337.04 FEET;

THENCE CONTINUE N12°26'43"E ALONG THE EASTERLY BOUNDARY LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 3326 AT PAGE 844, A DISTANCE OF 882.17 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3 FROM WHICH THE CENTER QUARTER CORNER OF SAID SECTION 3 BEARS N89°21'26"W A DISTANCE OF 276.88 FEET;

THENCE S89°21'26"E ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2359.28 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1,385,491 SQUARE FEET (31.80 ACRES) MORE OR LESS.