

**RECORD OF ADMINISTRATIVE ACTION**

**APPROVAL OF A FINAL PLAT FOR URBAN COLLECTION AT PALMER VILLAGE (SF-20-028)**

WHEREAS, Feathergrass Investments LLC, and MDC Holdings – Richmond American Homes, Inc., did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Urban Collection at Palmer Village subdivision 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, pursuant to § 30-28-133.5 (1.5), C.R.S., a Board of County Commissioners may delegate to one or more County administrative officials the authority to approve or deny final plats, amendments to final plats, and correction plats provided certain criteria have been met; and

WHEREAS, § 2.2.4 of the El Paso County Land Development Code (“Code”), amended by the Board of County Commissioners of El Paso County, Colorado (“Board”) on August 27, 2019 pursuant to Resolution No. 19-329, delegates to the Planning and Community Development Department Director (“Director”) the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on August 27, 2021, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

WHEREAS, based on the evidence, exhibits, consideration of the master plan for the unincorporated area of the County, 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, and comments by the general public, the Director finds as follows:

1. The application was properly submitted for consideration by the Planning and Community Development Department Executive Director.
2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Department Director.
3. The administrative review of the application by the Planning and Community Development Department Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen (14) day time period to submit comments.

4. All exhibits were received into evidence.
5. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. 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.
8. At a public hearing on the preliminary plan held on August 25, 2020, the Board found 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 Code.
9. A public sewage disposal system has been established or, 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 Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Code and Engineering Criteria Manual ("ECM").
12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.
13. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
14. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.

15. 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 Code.
16. 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 that the impacts of the subdivision will be adequately mitigated.
17. The subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
19. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

The El Paso County Planning and Community Development Department Director, therefore, APPROVES the final plat application for the Urban Collection at Palmer Ridge subdivision.

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 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 applicants shall submit the Mylar to Enumerations for addressing.

5. The 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 Parks and 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.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate as approved by the ECM Administrator, shall be filed at the time of final plat recordation.
8. Collateral sufficient to ensure completion of the public improvements as listed in the approved Financial Assurance Estimate shall be provided at the time of final plat recordation.
9. The subdivider(s) agrees on behalf of him/herself and any successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented and all sales documents and on plat notes to ensure that a title search would disclose the fee obligation before sale of the property.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. Regional park fees (Region 2) in lieu of land dedication in the amount of \$46,700.00 and urban park fees (Urban Area 3) in lieu of land dedication in the amount of \$29,500.00 shall be paid at the time of final plat recordation.
12. Fees in lieu of school land dedication in the amount of \$24,000.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recordation.
13. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to recording any final plats. The development guide shall be recorded in conjunction with the PUD development plan.

14. The developer shall participate in a fair and equitable manner in the design and future construction of Akers Drive south of Constitution Avenue. The fair share attributed to Urban Collection at Palmer Village, shall be identified in the applicant's traffic study for the final plat(s) of the residential development east of Hannah Ridge Drive. The corresponding escrow shall be determined and deposited at the time of recording the final plat(s).
15. The extension of Akers Drive from Constitution Avenue to the south property boundary shall be depicted on the future preliminary plan for the areas identified as Tracts M and N located east of the proposed residential development within this Final Plat. The Akers Drive extension shall be constructed with the first final plat that includes land within Tract M and/or N as depicted on the face of the preliminary plan (PUDSP-19-11).
16. Drainage and bridge fees for the Sand Creek drainage basin (FOFO4000), in the amounts of \$111,688 and \$45,683, respectively, shall be paid at the time of final plat recording.
17. The License Agreement shall be filed at the time of final plat recordation.

**NOTATION**

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.

DONE THIS 27th day of August 2021 at Colorado Springs, Colorado.

A handwritten signature in black ink, appearing to read 'Craig Dossey', is written over a horizontal line.

CRAIG DOSSEY, EXECUTIVE DIRECTOR  
EL PASO COUNTY PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT

EXHIBIT A

**PARCEL I:**

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

(BEARINGS REFERRED TO HEREIN ARE BASED ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 5, ASSUMED TO BEAR N89°53'50"E.)

**BEGINNING** AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, SAID CORNER BEING ON THE SOUTHERLY LINE OF CONSTITUTION AVENUE AS DESCRIBED IN "CONSTITUTION AVENUE / PETERSON ROAD RIGHT-OF-WAY", RECORDED IN PLAT BOOK V-3 AT PAGE 169 OF THE RECORDS OF SAID COUNTY (THE FOLLOWING THREE (3) COURSES ARE ALONG SAID SOUTHERLY LINE.);

1. S89°54'50"E, 107.89 FEET;
2. ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 6°04'26", A RADIUS OF 1310.93 FEET, FOR AN ARC DISTANCE OF 138.97 FEET;
3. S83°50'24"E, 364.67 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HANNAH RIDGE DRIVE, AN 80 FOOT RIGHT OF WAY AS SHOWN ON JESSICA HEIGHTS FILING NO .1 AS RECORDED UNDER RECEPTION NO. 206712249 OF THE RECORDS OF SAID COUNTY;

THENCE S00°20'42"W, 370.62 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF LOT 26 OF SAID JESSICA HEIGHTS FILING NO. 1;

THENCE N89°39'18"W, 609.42 FEET ALONG THE NORTHERLY LINES OF SAID LOT 26 AND LOTS 25, 24, 15, 14, AND 13 OF SAID JESSICA HEIGHTS FILING NO. 1 TO THE NORTHWEST CORNER OF SAID LOT 13, SAID CORNER ALSO BEING ON THE WEST LINE OF SAID NORTHEAST QUARTER OF SECTION 5;

THENCE N00°20'42"E, 413.81 FEET ALONG SAID WEST LINE TO THE **POINT OF BEGINNING**.

COUNTY OF EL PASO,  
STATE OF COLORADO

**PARCEL II:**

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

(BEARINGS REFERRED TO HEREIN ARE BASED ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 5, ASSUMED TO BEAR N89°53'50"E.)

**COMMENCING** AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, SAID CORNER BEING ON THE SOUTHERLY LINE OF CONSTITUTION AVENUE AS DESCRIBED IN "CONSTITUTION AVENUE/PETERSON ROAD RIGHT-OF-WAY", RECORDED IN PLAT BOOK V-3 AT PAGE 169 OF THE RECORDS OF SAID COUNTY (THE FOLLOWING SIX (7) COURSES ARE ALONG SAID SOUTHERLY LINE);

1. S89°54'50"E, 107.89 FEET;
2. ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL OF 6°04'26", A RADIUS OF 1310.93 FEET, FOR AN ARC DISTANCE OF 138.97 FEET;
3. S83°50'24"E, 396.82 FEET;

4. ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF  $1^{\circ}55'47''$ , A RADIUS OF 1430.93 FEET, FOR AN ARC DISTANCE OF 48.19 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF HANNAH RIDGE DRIVE, AN 80 FOOT RIGHT OF WAY AS SHOWN ON JESSICA HEIGHTS FILING NO. 1 AS RECORDED UNDER RECEPTION NO. 206712249 OF THE RECORDS OF SAID COUNTY, SAID POINT ALSO BEING THE **POINT OF BEGINNING** OF THE TRACT OF LAND HEREIN DESCRIBED;
5. CONTINUING ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF  $4^{\circ}19'59''$ , A RADIUS OF 1430.93 FEET, FOR AN ARC DISTANCE OF 108.22 FEET TO A LINE 60 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 5;
6.  $N89^{\circ}53'50''E$ , 524.11 FEET ALONG SAID PARALLEL LINE TO ITS INTERSECTION WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 5;

THENCE  $S00^{\circ}17'12''W$ , 364.14 FEET ALONG SAID WEST LINE TO THE NORTHEAST CORNER OF LOT 85 OF SAID JESSICA HEIGHTS FILING NO. 1;

THENCE  $N89^{\circ}39'18''W$ , 632.60 FEET ALONG THE NORTHERLY LINES OF SAID LOT 85 AND LOTS 86, 87, 96, 97, AND 98 OF SAID JESSICA HEIGHTS FILING NO. 1 TO THE NORTHWEST CORNER OF SAID LOT 98, SAID CORNER ALSO BEING ON SAID EASTERLY RIGHT OF WAY LINE OF HANNAH RIDGE DRIVE;

THENCE  $N00^{\circ}20'42''E$ , 363.29 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE **POINT OF BEGINNING**.

COUNTY OF EL PASO,  
STATE OF COLORADO

**PARCEL III:**

**COMMENCING** AT THE NORTHEAST CORNER OF SAID SECTION 5;

THENCE SOUTH  $89^{\circ}53'50''$  WEST, 30.00 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD;

THENCE SOUTH  $00^{\circ}20'42''$  WEST, 60.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED 120.00 FOOT WIDE RIGHT-OF-WAY OF CONSTITUTION AVENUE TO THE **POINT OF BEGINNING** OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE SOUTH  $00^{\circ}20'42''$  WEST, 435.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD TO THE SOUTHEAST CORNER OF THE TRACT OF LAND DESCRIBED IN BOOK 2083 AT PAGE 587 OF THE RECORDS OF SAID COUNTY;

THENCE SOUTH  $89^{\circ}53'50''$  WEST, 1292.28 FEET ALONG THE SOUTH LINE OF SAID TRACT TO THE SOUTHWEST CORNER THEREOF;

THENCE NORTH  $00^{\circ}20'41''$  EAST, 435.00 FEET ALONG THE WEST LINE OF SAID TRACT TO A POINT ON SAID PROPOSED SOUTHERLY RIGHT-OF-WAY LINE OF CONSTITUTION AVENUE;

THENCE NORTH  $89^{\circ}53'50''$  EAST 1292.28 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE **POINT OF BEGINNING**,

COUNTY OF EL PASO, STATE OF COLORADO.



**EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:**

THAT PORTION OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., SITUATE IN EL PASO COUNTY, COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF SAID SECTION 5 THENCE SOUTH 89°53'50" WEST ON THE NORTH LINE THEREOF, 1322.28 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5;

THENCE SOUTH 00°20'41" WEST ON THE WEST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 5, 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED 120.00 FOOT RIGHT-OF-WAY OF CONSTITUTION AVENUE AND THE **POINT OF BEGINNING** OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE (1) CONTINUE ON THE LAST MENTIONED COURSE 435.00 FEET;

(2) NORTH 89°53'50" EAST, 172.42 FEET;

(3) NORTH 00°20'41" EAST 435.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED CONSTITUTION AVENUE;

(4) SOUTH 89°53'50" WEST ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED CONSTITUTION AVENUE, 172.42 FEET TO THE **POINT OF BEGINNING**,

COUNTY OF EL PASO, STATE OF COLORADO.

**EXCEPT THAT PORTION CONVEYED TO THE BOARD OF COUNTY COMMISSIONERS, EL PASO COUNTY, COLORADO IN WARRANTY DEED RECORDED JUNE 9, 2010 UNDER RECEPTION NO. 210054574.**

**PARCEL IV:**

THAT PORTION OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, SITUATE IN COUNTY OF EL PASO, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF SAID SECTION 5;

THENCE SOUTH 89°53'50" WEST ON THE NORTH LINE THEREOF, 1,322.28 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5;

THENCE SOUTH 0°20'41" WEST ON THE WEST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 5, 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PROPOSED 120.00 FOOT RIGHT OF WAY OF CONSTITUTION AVENUE AND THE **POINT OF BEGINNING** OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE (1) CONTINUE ON LAST MENTIONED COURSE, 435.00 FEET:

(2) NORTH 89°53'50" EAST, 172.42 FEET:

(3) NORTH 0°20'41" EAST, 435.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF PROPOSED CONSTITUTION AVENUE;

(4) SOUTH 89°53'50" WEST ON SAID SOUTHERLY RIGHT OF WAY LINE OF PROPOSED CONSTITUTION AVENUE, 172.42 FEET TO THE **POINT OF BEGINNING**.

COUNTY OF EL PASO, STATE OF COLORADO.

