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El Paso County, CO



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RESOLUTION NO. 17-261

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

APPROVE VACATION AND REPLAT OF FOREST LAKES FILING NO. 1A (VR-17-003)

WHEREAS, Forest Lakes Metropolitan District did file an application with the Planning and Community Development Department of El Paso County for the approval of a Vacation and Replat for certain herein described property in the unincorporated area of El Paso County; and

WHEREAS, a public hearing was held by this Board on September 26, 2017; and

WHEREAS, a portion of Forest Lakes Drive right-of-way was vacated to Forest Lakes Metropolitan District, a portion of said right-of-way was retained by El Paso County, and a portion of Parcel C (depicted on Exhibit A attached hereto) was conveyed to Forest Lakes Metropolitan District by a separate action pursuant to Board Resolution No. 17-260 (V-17-002); and

WHEREAS, the portions of Forest Lakes Drive and Parcel C, as depicted on Exhibit A attached hereto, were conveyed by El Paso County to the Forest Lakes Metropolitan District by separate recorded deeds; 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 and Community Development 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 Board of County Commissioners of El Paso County.
2. The hearings before 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. That the replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
4. That no nonconforming lots are created and, in the case of existing nonconforming lots, the nonconformity is not increased.

5. That the replat is in keeping with the purpose and intent of the Land Development Code.
6. That the replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
7. 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.
8. That the approval will not adversely affect the public health, safety, and welfare.
9. That, where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the correction will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The Vacation and Replat of land is in compliance with the recommendations set forth in the master plan for the unincorporated area of the County.
11. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
12. El Paso County Parks did not identify any planned parks or trails in or near the properties. Park land dedication or fees in lieu of dedication requirements are not applicable to this vacation and replat action.
13. The development is located within the Lewis Palmer School District No. 38 boundaries. School land dedication or fees in lieu of dedication requirements are not applicable to this vacation and replat action.
14. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
15. For the above-stated and other reasons, the proposed Vacation and Replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Vacation and Replat of Forest Lakes Filing 1A as submitted by the Forest Lakes Metropolitan 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 conditions/notations shall be placed upon this approval:


**RECOMMENDED CONDITIONS OF APPROVAL**

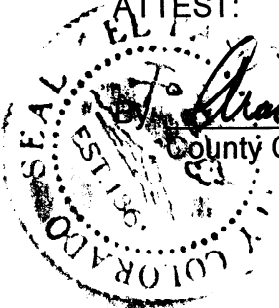

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

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

DONE THIS 26th day of September, 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By:   
Darryl Glenn, President

ATTEST:  
  
  
County Clerk & Recorder

Resolution No. 17-261  
EXHIBIT A

**PARCEL A**

TRACT A, FOREST LAKES FILING NO. 1, COUNTY OF EL PASO, STATE OF COLORADO, RECORDED UNDER RECEPTION NUMBER 206712407, RECORDS OF EL PASO COUNTY, COLORADO.

CONTAINING A CALCULATED AREA OF 1.497 ACRES.

**PARCEL B**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO AS DEPICTED ON A LAND SURVEY PLAT PREPARED BY W.K. CLARK & ASSOCIATES, INC. DEPOSITED UNDER RECEPTION NO. 94901132, OF THE RECORDS OF EL PASO COUNTY, COLORADO, MONUMENTED AT THE EAST END BY A 1-1/4 INCH OUTSIDE DIAMETER IRON PIPE AT THE SOUTHEAST CORNER OF SAID SECTION 27 AND AT THE WEST END BY A MARKED STONE AT THE SOUTH QUARTER CORNER OF SAID SECTION 27, BEING ASSUMED TO BEAR S89°06'01"W, A DISTANCE OF 2627.04 FEET

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE S89°46'20"E ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 568.96 FEET;  
THENCE N00°13'40"E, A DISTANCE OF 29.78 FEET TO A POINT ON THE NORTH LINE OF BAPTIST ROAD, AS RECORDED IN BOOK 6505 AT PAGE

952 RECORDS OF EL PASO COUNTY, COLORADO, BEING ALSO THE SOUTHWEST CORNER OF FOREST LAKES DRIVE, AS PLATTED IN FOREST LAKES FILING NO. 1, RECORDED UNDER RECEPTION NO. 206712407, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE WESTERLY LINE OF SAID FOREST LAKES DRIVE AND THE EASTERLY LINE OF TRACT A, AS PLATTED IN SAID FOREST LAKES FILING NO. 1, THE FOLLOWING (7) SEVEN COURSES;

- 1) ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS BEARS N89°15'06"W, HAVING A RADIUS OF 870.00 FEET, A DELTA OF 07°29'40" AND A DISTANCE OF 113.80 FEET TO A POINT OF TANGENT;
- 2) N06°44'46"W, A DISTANCE OF 42.08 FEET TO A POINT OF CURVE;
- 3) ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 03°41'15", A RADIUS OF 2277.24 FEET AND A DISTANCE OF 146.56 FEET TO A POINT OF TANGENT;
- 4) N10°26'01"W, A DISTANCE OF 67.05 FEET TO A POINT OF CURVE;
- 5) THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 03°41'03", A RADIUS OF 2390.80 FEET AND A DISTANCE OF 153.73 FEET TO A POINT OF TANGENT;
- 6) N14°07'04"W, A DISTANCE OF 43.55 FEET TO A POINT OF CURVE;
- 7) ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 09°13'53", A RADIUS OF 870.00 FEET AND A DISTANCE OF 140.17 FEET TO A POINT ON CURVE;

THENCE S23°20'57"E, A DISTANCE OF 245.15 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 17°02'56", A RADIUS OF 850.00 FEET AND A DISTANCE OF 252.93 FEET TO A POINT ON CURVE, BEING ALSO A POINT ON THE WESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 215058904;

THENCE ON SAID WESTERLY LINE AND THE WESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO.215058903, ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS BEARS S81°15'33"W, HAVING A DELTA OF 01°59'41", A RADIUS OF 2397.24 FEET AND A DISTANCE OF 83.45 FEET TO A POINT OF TANGENT;

THENCE CONTINUING IN SAID WESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 215058903 THE FOLLOWING (2) TWO COURSES:

- 1) S06°44'46"E, A DISTANCE OF 89.75 FEET TO A POINT OF CURVE;
- 2) ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 05°06'13", A RADIUS OF 910.00 FEET AND A DISTANCE OF 81.06

FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE OF  
BAPTIST ROAD;

THENCE N89°46'20"W ON SAID NORTHERLY RIGHT OF WAY LINE OF  
BAPTIST ROAD, A DISTANCE OF 124.75 FEET TO THE POINT OF  
BEGINNING;

CONTAINING A CALCULATED AREA OF 1.091 ACRES.

**PARCEL C**

THAT PARCEL OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED  
RECORDED UNDER RECEPTION NO. 215058903 OF THE RECORDS OF EL  
PASO COUNTY, COLORADO.

CONTAINING A CALCULATED AREA OF 0.487 ACRES.

CONTAINING A TOTAL CALCULATED AREA OF 3.075 ACRES