

PRE-SUBDIVISION SITE GRADING ACKNOWLEDGEMENT  
AND RIGHT OF ACCESS FORM

The undersigned (“Applicant”) owns and holds legal title to the real property to be known as **Grandview Reserve Filing No. 1** (“Property”), which Property is legally described on Exhibit A attached hereto and incorporated herein by this reference.

Applicant seeks approval for Pre-Subdivision Site Grading under Section 6.2.6 of the El Paso County Land Development Code. As a condition of approval and issuance of Construction Permit No. \_\_\_\_\_, Applicant must complete and submit this Pre-Subdivision Site Grading Acknowledgement and Right of Access Form. In compliance therewith, by signing below, Applicant hereby acknowledges and agrees as follows:

1. The approval and issuance of the Construction Permit does not guarantee or create a right in, or a right of expectation in, Applicant that the El Paso County Planning Commission will recommend or the Board of County Commissioners of El Paso County will approve Applicant’s preliminary plan or final plat for the Property. Applicant proceeds with grading under the Construction Permit at Applicant’s sole risk.
2. The Construction Permit shall be personal to the Applicant and shall not run with the land. Any successors and/or assigns of the Applicant desiring to proceed or continue with the Pre-Subdivision Site Grading approval shall execute their own Pre-Subdivision Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit, and provide an updated Financial Assurance Estimate and replacement surety.
3. Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors the right of access to enter upon the Property at all reasonable hours for the following purposes in accordance with requirements of the El Paso County Engineering Criteria Manual (ECM), Section I.5:
  - a. To inspect and investigate for compliance with Construction Permit requirements, including, but not limited to, proper installation and maintenance of erosion and sediment control measures;
  - b. To inspect and investigate for completion of grading activities and soil stabilization requirements;
  - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance describing such deficiencies to be corrected by Applicant; and
  - d. In the event the Applicant does not correct deficiencies identified in a Letter of Noncompliance, to draw on surety provided and perform the

work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

4. Applicant shall indemnify, defend, and forever hold harmless the Board of County Commissioners of El Paso County, their officers, employees, agents, contractors, and subcontractors, from any and all claim, demand, action, cause of action, loss, damage, injury, property damage, personal injury, death, liability, duty, obligation, costs and expenses (including attorney fees) arising out of or related to such entry on the Property. Nothing in this section shall be deemed to waive or otherwise limit the defenses available to the Board of County Commissioners pursuant to the Colorado Governmental Immunity Act or as otherwise provided by law.
5. In accordance with ECM Sections 5.3.15 and I.4.1C, Applicant is obligated to provide surety sufficient to make reasonable provision for completion of the grading, erosion control and final stabilization measures, in the amount set forth on Exhibit B attached hereto. Surety shall be in the form of cash, Certified or Cashier's Check, or letter of credit.
6. Applicant is responsible for providing any renewals of surety to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement surety at least fifteen (15) days prior to the expiration of the surety then in effect. Failure to procure renewal/extension/replacement surety within this time limit shall allow the County to execute on the surety.
7. All of the grading, erosion control and final stabilization measures to be completed as identified on Exhibit B shall be constructed in compliance with the following:
  - a. All laws, resolutions and regulations of the United States, State of Colorado, El Paso County and its various agencies, affected special districts and/or servicing authorities.
  - b. Such other designs, drawings, maps, specifications, sketches and other matter submitted to and approved by any of the above-stated governmental entities.
8. All grading, erosion control, and final stabilization measures shall be completed by the Applicant within 12 (twelve) months from the date of notice to proceed in the Construction Permit. If Applicant determines that the completion date needs to be extended, Applicant shall submit a written request for a change in the completion date to the ECM Administrator at least 90 days in advance of the required completion date. The request shall include the reasons for the requested change in completion date, the proposed new completion date, and prove surety is in place to cover the extension time requested. The completion date for the Construction Permit may be extended at the discretion of the ECM Administrator. Failure to meet the original or extended completion date, as applicable, shall allow the County to execute on the surety.



**Exhibit A**

LEGAL DESCRIPTION: GRANDVIEW RESERVE FILING NO. 1

A TRACT OF LAND BEING A PORTION OF SECTION 21, AND A PORTION OF THE NORTH HALF OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE SOUTHERLY END BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED ACCORDINGLY, PLS 30087, AND BEING MONUMENTED AT THE NORTHERLY END BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED ACCORDINGLY, PLS 30087, BEING ASSUMED TO BEAR N00°52'26"W, A DISTANCE OF 5290.17 FEET.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO; THENCE N00°52'26"W ON THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 2,645.09 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 21; THENCE N89°50'58"W, ON SAID NORTHERLY LINE, A DISTANCE OF 2,934.88 FEET TO THE POINT OF BEGINNING; THENCE S11°05'24"W, A DISTANCE OF 24.40 FEET; THENCE S78°54'36"E, A DISTANCE OF 185.19 FEET; THENCE S26°50'16"W, A DISTANCE OF 203.39

FEET TO A POINT OF CURVE, THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 32°15'55", A RADIUS OF 250.00 FEET, A DISTANCE OF 140.78 FEET TO A POINT OF TANGENT; THENCE S05°25'39"E, A DISTANCE OF 185.30 FEET TO A POINT OF CURVE, THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 11°17'04", A RADIUS OF 1,140.00 FEET, A DISTANCE OF 224.52 FEET TO A POINT OF TANGENT; THENCE S05°51'25"W, A DISTANCE OF 481.83 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING DELTA OF 55°09'30", A RADIUS

OF 550.00 FEET, A DISTANCE OF 529.48 FEET TO A POINT OF TANGENT; THENCE S49°18'05"E, A DISTANCE OF 342.14 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 29°29'59", A RADIUS OF 1,050.00 FEET, A DISTANCE OF 540.61 FEET TO A POINT OF TANGENT; THENCE S19°48'06"E, A DISTANCE OF 438.38 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 08°00'18", A RADIUS OF 1,950.00 FEET, A DISTANCE OF 272.44 FEET TO A POINT OF TANGENT; THENCE S27°48'24"E, A DISTANCE OF 779.86 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 61°56'07", A RADIUS OF 190.00 FEET, A DISTANCE OF 205.39 FEET TO A POINT OF TANGENT; THENCE S89°44'32"E, A DISTANCE OF 289.03 FEET; THENCE S00°12'52"W, A DISTANCE OF 111.41 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28; THENCE N89°47'08"W, ON SAID SOUTH LINE, A

DISTANCE OF A DISTANCE OF 2,630.21 FEET; THENCE N00°12'52"E, A DISTANCE OF 25.00 FEET; THENCE N89°47'08"W, A DISTANCE OF 679.35 FEET; THENCE N44°47'01"W, A DISTANCE OF 42.37 FEET; THENCE N41°52'38"E, A DISTANCE OF 21.11 FEET; THENCE N41°03'22"E, A DISTANCE OF 139.03 FEET; THENCE S89°58'12"W, A DISTANCE OF 288.62 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF EXISTING EASTONVILLE ROAD (60.00 FOOT WIDE); THENCE ON SAID EASTERLY RIGHT-OF-WAY AS DEFINED BY CERTIFIED BOUNDARY SURVEY, AS RECORDED UNDER DEPOSIT NO. 201900096, THE FOLLOWING SEVEN (7) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N79°27'48"W, HAVING A DELTA OF 18°12'30", A RADIUS OF 1,630.00 FEET; A DISTANCE OF 518.00 FEET TO A POINT OF TANGENT;
2. N07°40'18"W, A DISTANCE OF 777.34 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 39°01'10", A RADIUS OF 1,770.00 FEET, A DISTANCE OF 1,205.40 FEET TO A POINT OF TANGENT;
4. N31°20'52"E, A DISTANCE OF 1,517.37 FEET TO A POINT OF CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 2°07'03", A RADIUS OF 1,330.00 FEET, A DISTANCE OF 49.15 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 21;
6. THENCE CONTINUING ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 09°53'50", A RADIUS OF 1,330.00 FEET, A DISTANCE OF 229.74 FEET TO A POINT OF TANGENT;
7. N19°19'59"E, A DISTANCE OF 81.04 FEET;  
THENCE S74°09'13"E, A DISTANCE OF 47.53 FEET; THENCE S27°01'36"E, A DISTANCE OF 35.92 FEET; THENCE S71°02'24"E, A DISTANCE OF 160.69 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 07°52'12", A RADIUS OF 1,150.00 FEET, A DISTANCE OF 157.96 FEET TO A POINT OF TANGENT; THENCE S78°54'36"E, A DISTANCE OF 237.75 FEET; THENCE S11°05'24"W, A DISTANCE OF 105.60 FEET TO THE POINT OF BEGINNING.  
CONTAINING A CALCULATED AREA OF 8,253,692 SQ. FEET OR 189.479 ACRES MORE OR LESS.