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El Paso County, CO  
  
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**RESOLUTION NO. 20-49**

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

**RESOLUTION TO APPROVE A PARK LANDS AGREEMENT BETWEEN  
STERLING RANCH METROPOLITAN DISTRICT AND EL PASO COUNTY  
FOR BRANDING IRON AT STERLING RANCH FILING NO. 2**

**WHEREAS**, a Park Lands Agreement has been proposed between Sterling Ranch Metropolitan District ("District") and El Paso County ("County"); and

**WHEREAS**, pursuant to the requirements of the El Paso County Land Development (the "Code"), the El Paso County Community Services Department estimates the Urban Park Fees for Branding Iron at Sterling Ranch Filing No. 2 to be \$21,600; and

**WHEREAS**, the District provided a Landscape Plan outlining the development of an urban park featuring landscaping, irrigation, benches, and soft surface trails to be installed within Tract CC of Sterling Ranch Master Plat Filing No. 1, which will provide urban recreation opportunities for residents living within Branding Iron at Sterling Ranch Filing No. 2 and the public; and

**WHEREAS**, the County desires to grant the Property Owner \$21,600 in Urban Park Credits, provided that the District installs improvements of an equal or greater value to certain parcels identified as Tract CC in Sterling Ranch Master Plat Filing No. 1, which will provide urban recreation opportunities for residents living in Branding Iron at Sterling Ranch Filing No. 2 and the public; and

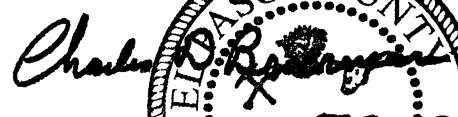
**WHEREAS**, the El Paso County Park Advisory Board unanimously endorsed the Park Land Agreement at their meeting on January 8, 2020; and

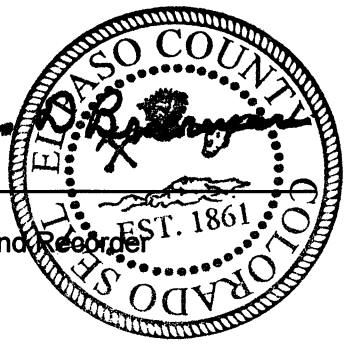
**WHEREAS**, the Board of County Commissioners has reviewed and supports the proposed Park Lands Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of County Commissioners of El Paso County, Colorado, hereby approves the attached Park Lands Agreement and authorizes the Chairperson to execute all required documents.

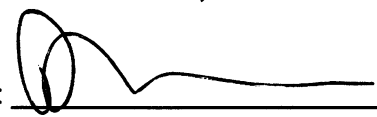
**DONE THIS 4<sup>th</sup> DAY OF FEBRUARY, 2020** at Colorado Springs, Colorado.

**ATTEST:**

By:   
County Clerk and Recorder



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

By:   
Chair

## PARK LANDS AGREEMENT

### BRANDING IRON AT STERLING RANCH FILING NO. 2

THIS PARK LANDS AGREEMENT ("the Agreement") is made and entered into this 9<sup>th</sup> day of February, 2020, by and between STERLING RANCH METROPOLITAN DISTRICT ("Property Owner") and EL PASO COUNTY, BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS of EL PASO COUNTY COLORADO ("County").

### RECITALS

A. Property Owner is the developer of a large parcel of property situated in an unincorporated portion of El Paso County, State of Colorado consisting of approximately 1,444 acres and commonly known and described as Sterling Ranch, which was approved for development by the Board of County Commissioners of El Paso County on November 13, 2008.

B. Property Owner is the owner of and in the process of completing the improvements for a portion of Sterling Ranch platted as Branding Iron at Sterling Ranch Filing No. 2 (the "Property") for development of 75 single-family lots, whose application is anticipated to be considered by the Planning Commission and the Board of County Commissioners in 2020.

C. Pursuant to the requirements of the El Paso County Land Development Code (the "Code"), the El Paso County Community Services Department estimates the Urban Park Fees for the Branding Iron at Sterling Ranch Filing No. 2 to be \$21,600.

D. The County desires to grant the Property Owner \$21,600 in Urban Park Fee Credits, provided that the Property Owner installs urban park improvements (the "Park Improvements") of an equal or greater value to those certain parcels identified as Tract CC in Sterling Ranch Master Plat Filing No. 1 Final Plat, and which urban Park Improvements will provide urban recreation opportunities for the public and residents living in and around Branding Iron at Sterling Ranch Filing No. 2.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants hereinafter set forth, as well as the above Recitals, which are a material part hereof, the County and the Property Owner agree as follows:

1. Park Development and Obligations. Property Owner shall satisfy its urban park development requirements and obligations for the Property by installing or causing the installation of urban park amenities and landscaping within those parcels known as Sterling Ranch Master Plat Filing No. 1 Final Plat, Tract CC, located northeast of the intersection of Dines Boulevard and Sterling Ranch Road. By execution and recordation of this Agreement, the Property is hereby burdened and encumbered by this Agreement.

- a. From and after the date of recordation of the subdivision plat for the Property, the Property Owner shall install or cause to be installed certain urban Park Improvements within the designated tracts.

- b. The value of the contribution of Property Owner towards the Park Improvements installed shall be equal to or greater than \$21,600.
- c. The Property Owner will provide a site plan and a design and construction cost estimate for the Park Improvements to the County for review and approval prior the recording of the Final Plat for Branding Iron at Sterling Ranch Filing No.2.
- d. The Park Improvements shall include but are not limited to Branding Iron Park, including sod, trees, shrubs, irrigation, benches, and multi-use trails for use by the public and residents.
- e. The Park Improvements shall be fully completed within two years of the execution of this Agreement. If not completed within two years, the Urban Park Fees in the amount of \$21,600 will be immediately paid to the County by Property Owner. If the above-mentioned conditions are not satisfied within the two-year period, El Paso County Parks will not consider future applications within Sterling Ranch until the improvements have been completed or fees have been paid.
- f. Upon completion of the Park Improvements, El Paso County Parks staff will conduct an inspection of the site(s) and send to the Property Owner a Letter of Fulfillment to finalize the conditions of this Park Lands Agreement.
- g. The Park Improvements will remain for public use in perpetuity, consistent with the zoning of the property identified in the approved Sterling Ranch Phase I Preliminary Plan.

2. Maintenance. Unless otherwise mutually agreed by the Property Owner and the County, the Park Improvements will be maintained as shown on the approved site plan as described in Item 1.c. in perpetuity by the Property Owner for the benefit of the public.

3. Installation. The Property Owner, at no cost to the County, shall be responsible for the installation of all Park Improvements pursuant to this Agreement and pay or cause to be paid any necessary tap fees to properly irrigate the Park Improvements. Any and all Park Improvements are subject to review and acceptance by the County. All Park Improvements shall be installed in compliance with all applicable County regulations, resolutions, and standards.

4. Successors and Assigns. This Agreement is binding on and inures to the benefit of the heirs, successors, and assigns of the Parties hereto, including any successive owners or developers of the Property.

IN WITNESS of the foregoing provisions, the Parties have executed this Agreement as of the date first entered above.

BOARD OF COUNTY COMMISSIONERS  
EL PASO COUNTY, COLORADO

By: [Signature]  
Chair

STERLING RANCH METROPOLITAN  
DISTRICT

By: [Signature]  
James Morley, President

ATTEST

[Signature]  
Clerk & Recorder



APPROVED AS TO FORM:

[Signature]  
County Attorney's Office

November 21, 2019

Tim Wolken  
El Paso County Community Services Department  
2002 Creek Crossing  
Colorado Springs, Colorado 80905

RE: Branding Iron Park (Tract CC)

Dear Mr. Wolken:

On behalf of Sterling Ranch Metro District, I respectfully request that the Community Services Department consider our request to enter into a Parks Land Agreement to grant Sterling Ranch Metro District Urban Park Credits in the following amounts:

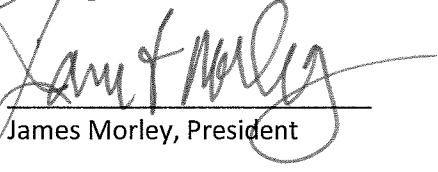
- Branding Iron Filing 2: 75 lots
  - o \$21,600.00 Urban Park Fees

Sterling Ranch Metro District will install improvements of an equal or greater value through construction of paved, multi-use recreational trails along the roadways, recreation areas, and dedicated open space. Please see the attached exhibit for the park improvements as well as the attached cost estimate. The County prepared Parks Land Agreement will cover the details of granting Sterling Ranch Metro District the Urban Park Credits.

Thank you in advance for your consideration in this matter and if you have any questions please do not hesitate to call.

Thank you,

Sterling Ranch Metro District



James Morley, President



N.E.S. Inc.  
619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903  
Tel. 719.471.0073  
Fax 719.471.0267  
www.niescolorado.com  
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PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

Sterling Ranch  
Phase 1

Tract D Branding Iron  
Neighborhood Park  
Exhibit

DATE: 11.21.19  
PROJECT MGR: A. BARLOW  
PREPARED BY: B. ITEN

SEAL

ISSUE INFO

DATE	BY	DESCRIPTION

ISSUE / REVISION

NEIGHBORHOOD  
PARK CONCEPT

SHEET TITLE

SHEET NUMBER

PLAN FILE #  
1 OF 1  
SCALE: 1" = 40'

CONCEPT PLANT SCHEDULE

	DECIDUOUS SHADE TREE
	EVERGREEN TREE
	ORNAMENTAL TREE
	DECIDUOUS SHRUB
	EVERGREEN SHRUB
	ORNAMENTAL GRASSES
	LARGE DECIDUOUS SHRUB
	LOW GROW NATIVE SEED MIX
	TURF Kentucky Bluegrass Sod
	PLANT BED 0.75" Rock Mulch
	COMPACTED BREEZE GRAVEL
	WILDFLOWER NATIVE SEED MIX



**STERLING RANCH PHASE 1 TRACT D BRANDING IRON PARK  
LANDSCAPE ESTIMATE**

CLIENT: Morely  
PROJECT NAME: Sterling Ranch Phase 1 Park  
LOCATION: Tract D of SR Phase 1  
DRAWING REF: SR Phase 1 Tract D Park Exhibit

UNIT PRICE DATE: 2019  
DATE: 11/22/2019  
PREPARER: N.E.S. Inc.

ITEM	SIZE	QUANTITY	UNIT	UNIT PRICES	TOTAL
<b>Fine Grading</b>					
Topsoil	4" deep		S.F.	PER CIVIL	
Fine Grade w/ Amendments		43,025	S.F.	\$0.04	\$1,721.00
				<b>SUBTOTAL</b>	<b>\$1,721.00</b>
<b>Irrigation System (Lump Sum Acceptable)</b>					
Irrigation Tap (PER DEVELOPER)			L.S.	\$0.00	\$0.00
Irrigation Meter Fee Cost	1 inch	1	L.S.	\$0.00	\$0.00
Irrigation		1	L.S.	\$53,781.25	\$53,781.25
				<b>SUBTOTAL</b>	<b>\$53,781.25</b>
<b>Soil Preparation</b>					
Sod/Turf Soil Preparation (3 C.Y./1,000 S.F. )		7,757	S.F.	\$0.15	\$1,163.55
Seed/Plant Bed Soil Preparation (2 C.Y./1,000 S.F. )		35,268	S.F.	\$0.12	\$4,232.16
				<b>SUBTOTAL</b>	<b>\$5,395.71</b>
<b>Lawns, Grasses, and Wildflowers</b>					
Turf - Bluegrass Sod		7,757	S.F.	\$0.50	\$3,878.50
Wildflower Native Seed Mix		13,917	S.F.	\$0.20	\$2,783.40
Low Grow Native Seed Mix		10,331	S.F.	\$0.20	\$2,066.20
				<b>SUBTOTAL</b>	<b>\$8,728.10</b>
<b>Trees, Plants</b>					
Deciduous Trees	2.0" cal.	12	EA.	\$275.00	\$3,300.00
Ornamental Trees	1.5" cal.	11	EA.	\$200.00	\$2,200.00
Evergreen Trees	6' Ht.	17	EA.	\$300.00	\$5,100.00
Deciduous & Evergreen Shrubs	#5 cont.	169	EA.	\$25.00	\$4,225.00
Ornamental Grasses	#1 cont.	135	EA.	\$15.00	\$2,025.00
				<b>SUBTOTAL</b>	<b>\$16,850.00</b>
<b>Ground Cover</b>					
3/4" Granite Mulch w/ Geo-Fabric Underlay	3" deep	11,020	S.F.	\$0.65	\$7,163.00
Compacted Breeze Gravel	4" deep	3,743	S.F.	\$1.50	\$5,614.50
Steel Edging (includes install)		842	L.F.	\$3.25	\$2,736.50
				<b>SUBTOTAL</b>	<b>\$15,514.00</b>
<b>Site Amenities</b>					
Benches		3	EA	\$1,500.00	\$4,500.00
Waste Receptacles		2	EA	\$800.00	\$1,600.00
				<b>SUBTOTAL</b>	<b>\$6,100.00</b>
<b>Landscape Labor / Installation Costs</b>					
Landscape Ground Cover		60%	L.S.	\$21,500.00	\$12,900.00
Landscape Trees/Shrubs		30%	L.S.	\$16,900.00	\$5,070.00
				<b>SUBTOTAL</b>	<b>\$17,970.00</b>

**STERLING RANCH PHASE 1 TRACT D BRANDING IRON PARK  
LANDSCAPE ESTIMATE**

CLIENT: Morely	UNIT PRICE DATE: 2019
PROJECT NAME: Sterling Ranch Phase 1 Park	DATE: 11/22/2019
LOCATION: Tract D of SR Phase 1	PREPARER: N.E.S. Inc.
DRAWING REF: SR Phase 1 Tract D Park Exhibit	

ITEM	SIZE	QUANTITY	UNIT	UNIT PRICES	TOTAL
LANDSCAPE IMPROVEMENTS SUBTOTAL					\$124,339.06
10% CONTINGENCY COST					\$12,433.91
TOTAL ESTIMATED LANDSCAPE COST					\$136,772.97
LANDSCAPE COST / SF					\$2.92

NOTES:

1. Irrigation is estimated as \$1.25/SF for all Sod, Seed and Shrub beds.
2. Excludes grading cost.