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April \_\_\_\_\_, 2023

El Paso County Planning and Community Development  
c/o Ms. Cristel Madden  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
[cristelmadden2@elpasoco.com](mailto:cristelmadden2@elpasoco.com)

*Re:* Letter of Intent for reconfiguring Lot 3, Highway 24 Eastgate Business Park Building 2, formerly Lot 3 Hillcrest Acres Building 2 to correct the existing plat.

*A request for a revision to a condominium plat for Highway 24 Eastgate Business Park Building No. 2 in the Vicinity of Peterson Road and Space Village Drive*

File Number: SF232

Dear Ms. Madden and Planning Department Members,

I represent the Applicant named below and am submitting this request on the Applicant's behalf. This letter is divided into the sections required for a letter of intent pursuant to Chapter IV, Section 36, of the El Paso County Land Development Code. The Applicant respectfully requests that you review the Type C application and other documents submitted herewith and approve the action requested herein.

The Owners:	Larry Ourada 4225 Saddle Rock Road Colorado Springs, CO 80918 719-491-3634	KC Motorworks, LLC 7245 E. Highway 24 Unit 130 Colorado Springs, CO 80915 719-491-3634
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The Applicant:	Larry Ourada 4225 Saddle Rock Road Colorado Springs, CO 80918 719-491-3634
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The Consultant:	Oliver E. Watts, PE Oliver E. Watts Consulting Engineer, Inc. 614 Elkton Drive Colorado Springs, CO 80907 719-593-0173
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The Consultant/Attorney: Mark D. Francis, Esq.  
1880 Office Club Pointe, Suite 140  
Colorado Springs, CO 80919  
719-265-6900

Project Manager: Ms. Cristel Madden, El Paso County Planning

The Site Location: 7245 East Highway 24, Colorado Springs, CO 80915

The Size: 9,845 square feet more or less

The Zoning: CS CAD-O

The Request and Justification:

This is a request for approval of a condominium plat and map for reconfiguring and correcting the interior Units in an existing condominium building in the Highway 24 Eastgate Business Park located in the vicinity of Peterson Road and Space Village Drive. This is the most recently constructed building in the project and contains 3,240 square feet of limited common elements shown as Units A and B, a 1,611 square foot general common element shown as Unit I, and 9,845 square feet of Units to be occupied shown as Units C – H.

Pursuant to past practices, this request is being made because construction of the exterior shell is complete and certain interior partitions are also in place, and the surveyor prepared the most recent corrected condominium map filed herewith setting forth a reconfiguration of the interior airspace of the building so as to provide for six condominium Units within the area denoted on the map as Units C – H and bounded by Units A and B on one side and Unit I on the other side, thereby constituting a legal condominium in the physical airspace defined therein, that was measured and defined by the corrected map. Units A, B, and I do not physically exist in terms of any structure. El Paso County’s definitions define a Condominium as “A legal form of ownership whereby an owner gains title to an interior air space of individual units in a multi-unit project together with interest in the common areas and facilities appurtenant to the units where the land within the project is owned in common.” Thus, condominiums exist when the interior air space is created with the construction of all surrounding floors, walls, and roofs.

A Plat is defined as a map that provides a “permanent and accurate record of the legal description, dedications, exact size, shape, and location of lots, blocks, roads, easements, and parcels of land. The Plat, when recorded by the Clerk and Recorder, becomes the legal instrument whereby the location and boundaries of separate parcels of land within a subdivision or subdivision exemption are identified.” The El Paso County Land Use Code for

2019 in section 7.2.2 (d) defines a Completed Action as “An action establishing a condominium” that is “considered completed and in effect when an approved condominium map or townhome Plat is filed for recording with the Clerk and Recorder.” Further, Section 7.2.1(3)(a) reads as follows: “Description of Final Plat. The Final Plat is the last step in the approval process for a division of land.” In this case, the Final Plat was recorded in May 2018, and is denoted as Plat 1005.

Section 7.2.2 (E)(1) of the Code states that its purpose is to “provide standards and criteria for approving an exemption plat . . . for new construction where the intent to create condominium units or townhome units was established with the approval of the final plat.” In subsection (1)(b) it states a “condominium map or . . . plat may be approved where a condominium or townhome is proposed to be established on land that was platted in a manner intended for condominium . . . uses at the density proposed, where the proposal involves . . . The construction of a building in order to establish condominium.”

In this case, the condominium was previously established on land that was already platted in a manner intended for condominium construction at the density proposed in the initial Plat (recorded in 2005 as number 917). The construction of the exterior and partial interior partitions has been completed so as to establish condominiums in strict conformance with that approved Plat as will be corrected to so as to complete the reconfiguration of the prior Units C and G into the Units now shown as Units A – H. Through the construction and platting effort, the Applicant has fully complied with the intent of the condominium Plat.

#### Existing and Proposed Facilities, Structures, Roads:

This is a fully constructed project with 5 existing structures in the form of finished and occupied commercial condominium buildings, but with the desire to reconfigure the interior Units in Building 2 from Units C and G as previously denoted to A – H as now denoted on the corrected Plat Map, the exterior shell of which is complete at this time along with an interior partition. The site infrastructure is complete, access and drainage facilities in place and approved by El Paso County, and no new roads or site improvements are planned except for possible future improvements related to the reconfiguration of the interior Units in Building 2 as per the corrected Plat Map.

#### Waiver Requests:

The Applicant is not making any requests for waivers at this time as it believes none are required.

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Submission Items: The Applicant is submitting herewith the following items:

- Type C Application Form
- Codes, Covenants, Condo Declarations, Common Space Restrictions
- Condo Association Bylaws
- Deeds transferring common space to the HOA – N/A as Unit I was previously deeded to the HOA as general common element.
- Legal Description (MS Word Version)
- This Letter of Intent
- Title Commitment (Current within 30 days of the submittal date)
- Vicinity/Location Map
- Corrected Plat Drawing
- Colorado Statutory Power of Attorney Form

In order to finalize the platting process, the Applicant requests that the County complete its administrative review of the materials submitted herewith, so that the platting process can be completed and the condominiums defined in the corrected Plat Map filed herewith be legally recognized by the County.

The Applicant is acting on its own behalf as to the replatting of Unit G, owned by the Applicant, and is the attorney-in-fact for the owner of Unit C, being KC Motor Works, LLC, a Colorado limited liability company, who has authorized the Applicant to act on its behalf in all efforts required to secure the corrected Plat Map and the reconfigure Unit C into the Units shown on the corrected Plat Map.

Please let me, or the Applicant, know how else we can help. Thank you.

With best regards,

/s/

Mark D. Francis

Enclosures: Type C Application and items listed above