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RESOLUTION NO. 18- 472

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

**APPROVE VACATION AND REPLAT OF CLAREMONT RANCH FILING 9C
(VR-18-011)**

WHEREAS, Galloway & Company, Inc., did file an application with the El Paso County Board of County Commissioners for the approval of a vacation and replat of 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, a public hearing was held by this Board on December 11, 2018; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Board of County Commissioners and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. Proper posting, publication and public notice was provided as required by law for the hearing before the Board of County Commissioners.
2. The hearings before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that hearing.
3. The replat complies with the El Paso County Land Development Code and the original conditions of approval of the recorded plat.
4. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.
5. The action does not fall within the intent and purpose of the subdivision regulations.
6. The approval will not adversely affect the public health, safety, and welfare.
7. No land is left, by reason of this vacation, without an established public right-of-way or private access easement connecting the land with an established public road.

8. No public monies have been expended on any road within the vacation area.
9. A dedication or intent to dedicate has been established, where necessary.
10. Where the lots or parcels are subject to any Conditions, Covenants and Restrictions (CC&Rs) or other restrictions, the vacation will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the applicable Homeowners Association or controlling authority.
11. For the above-stated and other reasons, the proposed vacation 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 a vacation and replat of Lot 2 of Claremont Ranch Filing 9B and replat into two (2) commercial lots, Lot 1 at 0.78 acres and Lot 2 at 0.82 acres. 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 BE IT FURTHER RESOLVED the following conditions/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 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.
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.

NOTATION

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

DONE THIS 11th day of December, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
President



EXHIBIT A

**LOT 1, BLOCK 1
CLAREMONT RANCH FILING NO. 9B**

A PORTION OF LOT 1, BLOCK 1, CLAREMONT RANCH FILING NO. 9A OF THE EL PASO COUNTY CLERK AND RECORDER OFFICE AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 4, T.14S., R.66W., OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE SOUTH LINE OF LOT 1, BLOCK 1, CLAREMONT RANCH FILING NO. 9 AND IS CONSIDERED TO BEAR N90°00'00"W, MONUMENTED ON THE WEST BY A NAIL & DISC, "AZTEC LS 36567" AND ON THE EAST BY A NO. 4 REBAR W/ YELLOW PLASTIC CAP, PLS 10376".

BEGINNING AT A THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1 OF THE CLAREMONT RANCH FILING NO 9A.

THENCE S00°00'00"E ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 150.80 FEET;

THENCE N90°00'00"W, A DISTANCE OF 170.06 FEET;

THENCE S00°00'00"E, A DISTANCE OF 30.00 FEET;

THENCE N90°00'00"W, A DISTANCE OF 105.80 FEET TO A POINT ON THE WEST OF SAID LOT 1;

THENCE ALONG SAID WEST LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE N00°08'32"E, A DISTANCE OF 119.07 FEET;
2. THENCE N24°11'38"E, A DISTANCE OF 52.53 FEET;
3. THENCE N47°01'08"E, A DISTANCE OF 18.83 FEET TO THE NORTH LINE OF SAID LOT 1;

THENCE N89°46'01"E ALONG SAID NORTH LINE, A DISTANCE OF 240.27 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIPTION CONTAINS 43,707 SQUARE FEET OR 1.003 ACRES, MORE OR LESS.

**PORTION OF LOT 2, BLOCK 1
CLAREMONT RANCH FILING NO. 9B
(PROPOSED LOT 2A)**

A PORTION OF LOT 2, BLOCK 1, CLAREMONT RANCH FILING NO. 9B OF THE EL PASO COUNTY CLERK AND RECORDER OFFICE AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 4, T. 14S., R. 65W., OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE SOUTH LINE OF LOT 1, BLOCK 1, CLAREMONT RANCH FILING NO. 9 AND IS CONSIDERED TO BEAR N90°00'00"W, MONUMENTED ON THE WEST BY A NAIL & DISC, "AZTEC LS 36567" AND ON THE EAST BY A NO. 4 REBAR W/ YELLOW PLASTIC CAP, PLS 10376".

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF CLAREMONT RANCH FILING NO. 9B; THENCE S00°00'00"E ALONG THE EAST LINE OF SAID CLAREMONT RANCH FILING NO. 9B, A DISTANCE OF 150.80 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID EAST LINE, S00°00'00"E, A DISTANCE OF 127.44 FEET;

THENCE S90°00'00"W, A DISTANCE OF 175.40 FEET;

THENCE S00°00'00"W, A DISTANCE OF 18.00 FEET;

THENCE S90°00'00"W, A DISTANCE OF 100.76 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH MARKSHEFFEL ROAD;

THENCE ALONG SAID EAST LINE N00°08'32"E, A DISTANCE OF 115.44 FEET;

THENCE S90°00'00"E, A DISTANCE OF 105.80 FEET;

THENCE N00°00'00"E, A DISTANCE OF 30.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 170.06 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIPTION CONTAINS 33,806 SQUARE FEET OR 0.776 ACRES, MORE OR LESS.