

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 Phase 3 (“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:**

A TRACT OF LAND BEING A PORTION THE SOUTHEAST QUARTER OF SECTION 21, A PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, A PORTION OF THE NORTHWEST QUARTER OF SECTION 27 AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6<sup>TH</sup> 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 6<sup>TH</sup> PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE SOUTHERLY END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED ACCORDINGLY, "PLS 30087," AND BEING MONUMENTED AT THE NORTHERLY END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED ACCORDINGLY, "PLS 30087," BEING ASSUMED TO BEAR N00°52'26"W, A DISTANCE OF 5,290.17 FEET.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO; THENCE N89°38'06"E A DISTANCE OF 602.59 FEET TO THE POINT OF BEGINNING; THENCE S32°03'23"E A DISTANCE OF 447.39 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 07°12'46", A RADIUS OF 1,300.00 FEET A DISTANCE OF 163.65 FEET TO A POINT ON CURVE; THENCE S45°55'49"W A DISTANCE OF 1,166.50 FEET; THENCE N89°47'08"W A DISTANCE OF 88.92 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28; THENCE N89°47'08"W, ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, A DISTANCE OF 1,127.53 FEET; THENCE N00°12'52"E; A DISTANCE OF 11.41 FEET; THENCE N89°44'32"W A DISTANCE OF 289.10 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 61°56'07", A RADIUS OF 290.00 FEET A DISTANCE OF 313.48 FEET TO A POINT OF TANGENT; THENCE N27°48'24"W A DISTANCE OF 779.86 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 08°00'18", A RADIUS OF 2,050.00 FEET A DISTANCE OF 286.41 FEET TO A POINT OF TANGENT; THENCE N19°48'06"W 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 29°29'59", A RADIUS OF 950.00 FEET, A DISTANCE OF 489.12 FEET TO A POINT OF TANGENT; THENCE N49°18'05"W A DISTANCE OF 29.46 FEET; THENCE N38°44'17"E A DISTANCE OF 100.06 FEET; THENCE S53°13'21"E A DISTANCE OF 159.27 FEET; THENCE S60°22'39"E A DISTANCE OF 211.52 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S22°55'07"W HAVING A DELTA OF 26°23'43"E, A RADIUS OF 1,668.20 FEET A DISTANCE OF 768.52 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S46°15'00"W HAVING A DELTA OF 12°10'43", A RADIUS OF 1,363.49 FEET A DISTANCE OF 289.82 FEET TO A POINT ON CURVE; THENCE S31°44'28"E A DISTANCE OF 23.97 FEET; THENCE N65°27'05"E A DISTANCE OF 122.04 FEET; THENCE S72°44'18"E A DISTANCE OF 15.00 FEET 28.4 TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE OT THE RIGHT WHOSE CENTER BEARS S72°44'18"E HAVING A DELTA OF 76°32'04", A RADIUS OF 60.00 FEET A ; DISTANCE OF 80.15 FEET TO A POINT ON CURVE; THENCE N28°43'11"E A DISTANCE OF 325.08 FEET; THENCE N14°14'45"W A DISTANCE OF 65.01 FEET; THENCE N54°32'52"W A DISTANCE OF 5.87 FEET; THENCE N06°45'50"W A DISTANCE OF 66.21 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 29°56'47", A RADIUS OF 142.50 FEET A DISTANCE OF 74.48 FEET TO A POINT OF TANGENT; THENCE N23°10'57"E A DISTANCE OF 204.59 FEET; THENCE N19°42'45"E A DISTANCE OF 111.00 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE WHOSE CENTER BEARS N19°42'45"E HAVING A DELTA OF 22°06'06", A RADIUS OF 839.00 FEET A DISTANCE OF 323.64 FEET TO A POINT OF ON CURVE; THENCE N87°36'38"E A DISTANCE OF 202.47 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 28°38'49", A RADIUS OF 1,306.00 FEET A DISTANCE OF 652.98 FEET TO A POINT ON CURVE; THENCE N76°41'58"E A DISTANCE OF 55.78 FEET; THENCE S58°18'02"E A DISTANCE OF 185.25 FEET; THENCE S13°18'02"E A DISTANCE OF 76.12 FEET; THENCE S30°22'37"W A DISTANCE OF 119.64 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER



March 5, 2024  
Job No. 2217-02  
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BEARS S30°22'37"W A DELTA OF 27°34'01", A RADIUS OF 700.00 FEET A DISTANCE OF 336.79 FEET TO A POINT OF TANGENT; THENCE S32°03'23"E A DISTANCE OF 15.72 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 4,478,988 SQUARE FEET OR 102.823 ACRES, MORE OR LESS.

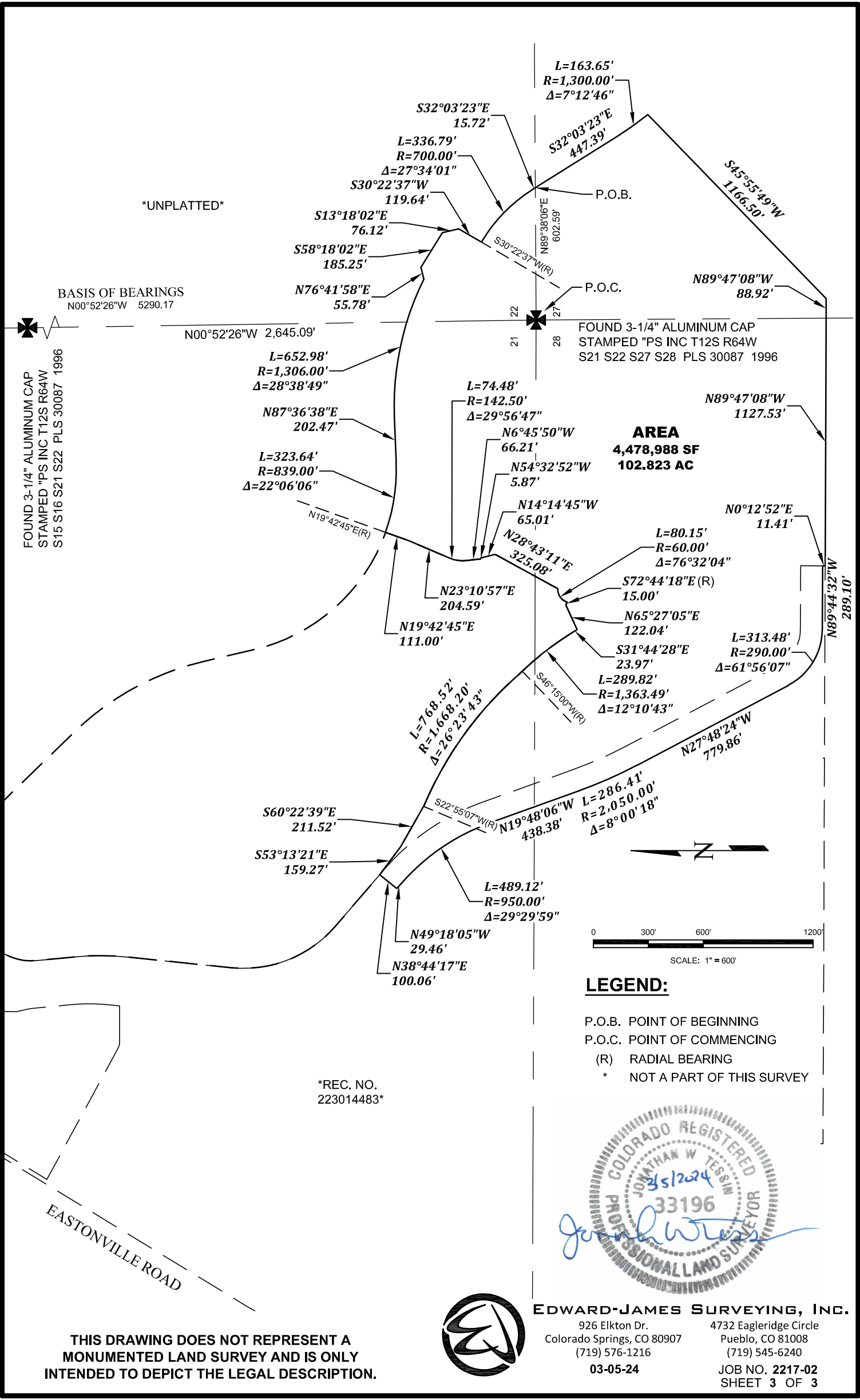
**LEGAL DESCRIPTION STATEMENT**

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



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JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR  
COLORADO PLS NO. 33196  
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.



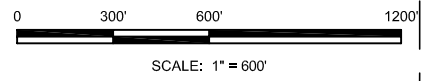
FOUND 3-1/4" ALUMINUM CAP  
STAMPED "PS INC T12S R64W  
S15 S16 S21 S22 PLS 30087 1996

BASIS OF BEARINGS  
N00°52'26"W 5290.17

\*UNPLATTED\*

FOUND 3-1/4" ALUMINUM CAP  
STAMPED "PS INC T12S R64W  
S21 S22 S27 S28 PLS 30087 1996

**AREA**  
4,478,988 SF  
102.823 AC



**LEGEND:**

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (R) RADIAL BEARING
- \* NOT A PART OF THIS SURVEY

\*REC. NO.  
223014483\*



**EDWARD-JAMES SURVEYING, INC.**

926 Elkton Dr.  
Colorado Springs, CO 80907  
(719) 576-1216  
03-05-24

4732 Eagleridge Circle  
Pueblo, CO 81008  
(719) 545-6240  
JOB NO. 2217-02  
SHEET 3 OF 3



**THIS DRAWING DOES NOT REPRESENT A  
MONUMENTED LAND SURVEY AND IS ONLY  
INTENDED TO DEPICT THE LEGAL DESCRIPTION.**