

**CERTIFICATION:**

I Alice McElhoes researched the records of the El Paso County Clerk and Recorder and established that there was/was not a mineral estate owner(s) on the real property known as Dancing Wolf Estates. An initial public hearing on N/A which is the subject of the hearing, is scheduled for TBD, 2000 18.

Pursuant to §24-65.5-103(4), C.R.S., I certify that a Notice of an initial public hearing was mailed to the mineral estate owner(s) (if established above) and a copy was mailed to the El Paso County Planning Department on 1-26, 20018.

Dated this 26 day of January, 20018.

STATE OF COLORADO    )  
                                      ) s.s.  
COUNTY OF EL PASO    )

The foregoing certification was acknowledged before me this 14<sup>th</sup> day of February, 20018, by Alice McElhoes.

Witness my hand and official seal.

My Commission Expires: 01/26/2022

JENNIFER DAVIS  
Notary Public  
State of Colorado  
Notary ID # 20184004563  
My Commission Expires 01-26-2022

[Signature]  
Notary Public

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95 MAY -3 AM 10:03

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155Filed for record the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
Reception No. \_\_\_\_\_

DEPUTY.

FILING STAMP

STATE DOCUMENTARY

MAY 03 1996

FEE: 20.14

THIS DEED, Made this day of May 01, 1996

between  
JAMES J. SHANKSof the \_\_\_\_\_ County of \_\_\_\_\_ and State of  
Colorado, of the first part, and

DAVID B. MCLEHOES and ALYCE T. MCLEHOES

whose legal address is

of the \_\_\_\_\_ County of EL PASO and State of Colorado, of the second part:  
WITNESSETH, That the said party of the first part, for and in consideration of the sum of (\*\*\$201,390.00)  
TWO HUNDRED ONE THOUSAND THREE HUNDRED NINETY DOLLARS AND 00/100THSand other good and valuable consideration to the said party of the first part in hand paid by the said parties of the  
second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by  
these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, their heirs and  
assigns forever, not in tenancy in common but in joint tenancy, all the following described lot or parcel of land,  
lying and being in the \_\_\_\_\_ County of EL PASO and State of Colorado, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF:

also known as street number VACANT LAND

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and  
the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title  
interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the  
above bargained premises, with the hereditaments and appurtenances.TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said parties of  
the second part, their heirs and assigns forever. And the said party of the first part, for himself, his heirs, executors,  
and administrators, does covenant, grant, bargain and agree to and with the said parties of the second part, their heirs  
and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above  
conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good  
right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and  
that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and  
encumbrances of whatever kind or nature soever;  
EXCEPT GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 1996 AND SUBSEQUENT YEARS AND  
SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS AND RIGHTS OF WAY OF  
RECORD, IF ANY; SELLER RESERVES FOR HIMSELF ALL OIL, GAS, COAL AND MINERAL RIGHTS OF  
WHATEVER KIND AND NATURE AS PART OF THE PURCHASE PRICE.and the above bargained premises in the quiet and peaceable possession of said parties of the second part, the survivor of  
them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming  
or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND. The  
singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all  
genders.IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above  
written.

Signed, Sealed and Delivered in the Presence of

James J. Shanks (SEAL)  
JAMES J. SHANKS

(SEAL)

(SEAL)

STATE OF COLORADO  
County of EL PASO ss.

The foregoing instrument was acknowledged before me this day of May 01, 1996

by JAMES J. SHANKS

My commission expires  
Witness my hand and seal this day of May 1996LISA RUBICK  
NOTARY PUBLIC  
STATE OF COLORADO

My Commission Expires 10-28-98

Lisa Rubick  
Notary PublicWARRANTY DEED - To Joint Tenants  
CSC103379.103379 SR103379



EXHIBIT A

A TRACT OF LAND BEING PORTIONS OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., LYING EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 83, SITUATE IN EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22; THENCE S 88 DEGREES 51 MINUTES 12 SECONDS E ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 1316.26 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 00 DEGREES 03 MINUTES 35 SECONDS W ON THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 1293.66 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HODGEN ROAD, A COUNTY ROAD; THENCE N 88 DEGREES 54 MINUTES 13 SECONDS W ON SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 1149.52 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 83; THE FOLLOWING SIX (6) COURSES ARE ON SAID EASTERLY RIGHT OF WAY LINE:

1. THENCE N 43 DEGREES 56 MINUTES 30 SECONDS W A DISTANCE OF 135.06 FEET;
2. THENCE N 02 DEGREES 08 MINUTES 30 SECONDS W A DISTANCE OF 90.90 FEET;
3. THENCE N 63 DEGREES 49 MINUTES 30 SECONDS W A DISTANCE OF 254.32 FEET;
4. THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 1482.50 FEET THROUGH A CENTRAL ANGLE OF 25 DEGREES 57 MINUTES 03 SECONDS AN ARC DISTANCE OF 671.47 FEET, THE LONG CHORD OF WHICH BEARS N 20 DEGREES 07 MINUTES 00 SECONDS W-665.74 FEET;
5. THENCE N 36 DEGREES 24 MINUTES 30 SECONDS W A DISTANCE OF 254.32 FEET;
6. THENCE N 38 DEGREES 05 MINUTES 25 SECONDS W A DISTANCE OF 42.52 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 88 DEGREES 51 MINUTES 12 SECONDS E ON SAID NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 354.96 FEET TO THE POINT OF BEGINNING. ==

January 10, 2017

**Notice to Mineral Rights Owner: Dancing Wolf Estate IV**

**Dear Mineral Rights Owner:**

This letter is being sent to you because David & Alyce McElhoses are requesting a replat of land known as Dancing Wolf Estates (DWE). This information is being provided to you prior to submittal with the County. Please direct any questions on the proposal to the referenced contacts (s). Prior to any public hearing on this proposal a notification of the time and place of the public hearing will be sent to the adjacent property owners by the El Paso County Planning Department. At that time you will be given the El Paso County contact information, the file number and an opportunity to respond either for, against, or expressing no opinion in writing or in person at the public hearing for this proposal.

**For questions specific to the project, please contact:**

David or Alyce McElhoses  
16605 Dancing Wolf Way  
Colorado Springs, CO 80908  
719-337-8124 or 719-440-5390 (email: [alyce@customcoloradohomes.com](mailto:alyce@customcoloradohomes.com))

**Site Address, Location, Size and Zoning:** 16550 (Lot 1 DWE), 16570 (Lot 2 DWE), and 16605 (Lot 2 DWE III) Dancing Wolf Way Colorado Springs, CO 80908. These parcels are all within the PUD zoning of Dancing Wolf Estates. All lots are currently 5 acres or larger. This land is located at the NE corner of Highway 83 and Hodgen Road.

**Request/Justification:** The replat request and vacation of an easement to the County will include several items that are listed as follows:

1. Replat Lot 1 & 2 in Dancing Wolf Estates from two 5 acre parcels to four 2.5 acre parcels. There will be no covenant changes in size, material and color scheme requirements for the residential parcels. Dividing these parcels to 2.5 acres is more in keeping with all of the developments surrounding Dancing Wolf Estates. When the parcels are reduced to 2.5 acres, per covenants, the smaller residential parcels will be restricted from housing horses and sheep, which is appropriate for smaller parcels of land and reduces the outside well water use on those parcels. Further, each lot must plant 4-6' pine trees and this will effectively double the number of trees planted on the west side of the Dancing Wolf Way cul-de-sac. These requirements will help maintain the overall residential nature of Dancing Wolf Estates by assuring limited outbuildings, overgrazing of grasslands in the open areas, and health/growth of the ponderosa pine trees. Lot 1 when divided will consist of two 2.5 acre Community Commercial lots. These Community Commercial lots will follow the restrictions of the PUD rezoning established on September 14, 1998 with the exception of the following: where the wording "Bars, taverns, and nightclubs or like" was used it shall be replaced with the following "nightclub or bar; not to include a brewery, cider house, or similar that has a tasting room or other establishment that serves alcohol as a secondary part of its business model". Changing this wording is in keeping with the expanding industries in the area and allows for a potentially more innovative and efficient use of the land for enjoyment of surrounding communities. Additionally, the original square footage of commercial space was stated to be ~10,000sf. When the commercial lot is divided into two 2.5 acre parcels, the allowed commercial square footage between both parcels will be ~14,000sf. This is an increase of 4,000sf which is similar in size to a reasonably sized custom home. The increase is therefore roughly the same as if the added lot was zoned as a 2.5 acre residential lot.
2. A replat of Lot 2 in Dancing Wolf Estates III. This lot is currently 5.78 acres and will become approximately two 2.89 parcels. The added parcel will be serviced by an added flag stem between Lot 3 of Dancing Wolf Estates and Lot 1 of Dancing Wolf Estates III (see attached map). The reasons for dividing this residential lot into two smaller parcels are for those stated in Item #1. In addition, this lot is not the most functionally shaped parcel. The



proposal is to split the lot at its smallest width which will produce two lots that are better shaped and more functional for building and living on.

3. Vacate a recorded easement for an extension of Dancing Wolf Way which was previously deeded for access to the property to the north, now known as Majestic Pines. This easement is no longer needed as Majestic Pines is solely serviced by Blue Heron Spring Lane. The property from this easement will be split evenly between the two adjoining properties (Lots 2 and 3 of Dancing Wolf Estates), and then a trail easement will run alongside the flag stem for the newly created Lot 4 of DWE IV (from splitting Lot 2 DWE) for the use of Dancing Wolf Estates residents and guests. The removal of this access will assure traffic for Dancing Wolf Way will not be increased by the twenty lot subdivision of Majestic Pines and allow Dancing Wolf residents to utilize some of the easement land for personal enjoyment as this added trail will connect to the black forest trail along Hodgen via an added trail easement on the western edge of Dancing Wolf Estates.
4. Realign the no-build drainage easement lines on Lot 1 and 2 of Dancing Wolf Estates. These lines were placed by David and Alyce McElhoes when the subdivision was created in 1996, to the best of their ability at that time. It appears that these lines were incorrectly placed initially. An engineer has been retained to evaluate the drainage areas and create accurate lines that are in keeping with flood plain drainage maps for this area.

#### **Existing and proposed facilities, structures, roads, etc.:**

Existing roads consist of a single cul-de-sac road with drainage ways and roadside ditches. This 850' county maintained cul-de-sac was built in 1997 by David & Alyce McElhoes into DWE and no additional roads are needed for this replat and amendment. Electric, telephone, and natural gas lines have been constructed underground and are at the road. The added parcels will be serviced by this existing utility backbone underground from the road to the property lines.

All lots in DWE have, or are planned to have, individual wells based on a ruling in Water District Division 1, Case No 94CW198 and Case No. 99CW065. Through an amended ruling, each residential lot shall have a domestic well permit into the Dawson Aquifer, and the commercial lots will have a commercial well into the Dawson Aquifer. Overall water use will not exceed that which was originally augmented to DWE.

All lots either already have been or will be developed with individual OWTS (septic systems) subject to the geological and subsurface report and in accordance with the El Paso County Health Department. Soils and Perk Tests to confirm the viability of OWTS have already been performed as per a Geological Hazards Investigation Report for DWE (a copy of which has been submitted to the County). In addition, there are existing, approved OWTS on Lot 2 DWE and Lot 2 DWE III.

Proposed facilities to be added will be the added trail easements. These will be maintained by the active DWE HOA.

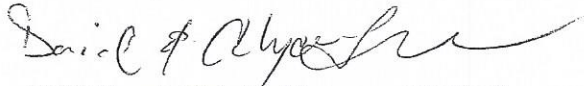
#### **Waiver Requests/Justification:**

The newly created west parcel of Lot 2 DWE III will be serviced by a flag stem off of the existing cul-de-sac. The flag stem will be land purchased from the adjoining owner of Lot 1 Dancing Wolf Estates III. This flag stem will be 20' wide -slightly less than the required 30'. As stated above, Lot 2 DWE III is currently not a very logical or suitable shape. Splitting it along the smallest width of the lot will serve to correct its shape. This will also mean that accessing the new (west) parcel any other way than the one proposed here, within Dancing Wolf Estates, would be very difficult and possibly unsafe. Other access options include very steep topography and the potential for a flag stem that exceeds the longest leg of the lot it serves, as well as access through an area where large amounts of snow accumulate and several mature pine trees exist. Access for the newly created lot along the west edge of Lot 1 DWE III, as proposed, would mean access along a more level terrain, in the open grasslands, and for a shorter length to the parcel. Having the access to the parcel in this area helps keep traffic flow away from existing residences and out of areas of difficult terrain as well as conserve the limited natural feature of mature trees that are on the NE corner of DWEAs as a safety consideration, we have met with Tri-Lakes Fire Department and discussed access requirements. A

20' wide access is what they require as it is the correct width for emergency vehicles. In addition, they require a turn out for fire trucks be made at the end of this flag stem, which will be completed when the lot is developed in order to ensure the safety of the access point is upheld. For these safety reasons, to allow continued residence privacy, and be in keeping with the Master Plan, this waiver is being requested. This access width waiver request does not nullify the main intent or purpose of the code which is for proper and safe access to a parcel. This waiver will provide a safer and more appropriate access point for the new parcel than other available options.

Thank you for your consideration in this matter,

David & Alyce McElhoes

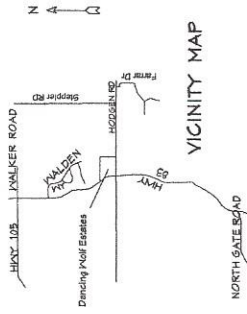
A handwritten signature in black ink, appearing to read "David & Alyce McElhoes", written in a cursive style.

**DWE Map & Vicinity Map: see attached**



Legal  
Lots 1-3 Dancing Wolf Estates  
Lots 1-2 Dancing Wolf Estates III

Project Developers & Owners  
David and Alyce McElhorts  
18603 Dancing Muff Way  
C.S. CO. 80409



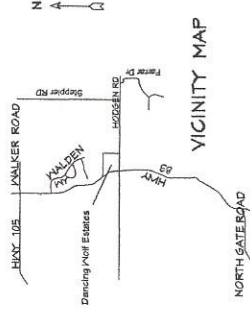
# DANCING WOLF ESTATES IV AS REPLATTED

Legal  
Lots 1-3 Dancing Wolf Estates  
Lots 1-2 Dancing Wolf Estates III

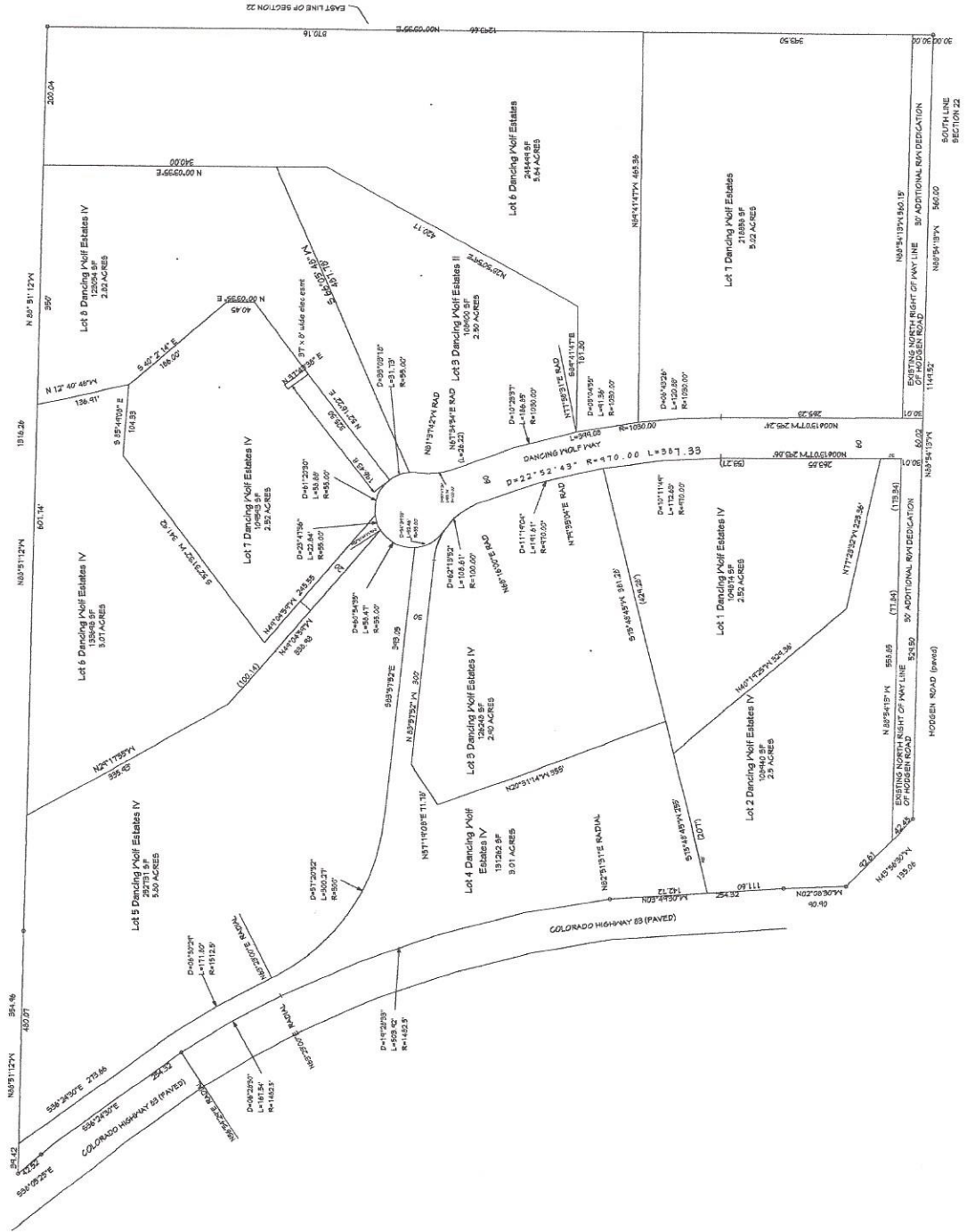
Project Developers & Owners  
David and Alpa McElhines  
16609 Dancing Wolf Way  
C.S. CO. 80703



GRAPHIC SCALE  
0 100 200 300 400  
IN FEET  
SCALE: 1" = 100'



VICINITY MAP





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Sent To James Shank c/o Don & Joan Shanks  
Street and Apt. No., or PO Box No. 27 Lakewood Heights Dr. #27  
City, State, ZIP+4® Lakewood, CO 80215

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7015 3010 0002 3968 2861