

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 VILLAGES AT STERLING RANCH EAST ("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.

APPLICANT:

Assistant County Attorney

EXHIBIT A



VILLAGES AT STERLING RANCH
JOB NO. 1183.26-01
JULY 26, 2024
PAGE 1 OF 2

619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903
(719) 785-0790

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH REFERENCES TO RECORDED DOCUMENTS BEING THOSE CERTAIN DOCUMENTS RECORDED IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER'S OFFICE AND WITH BEARINGS REFERENCED TO THE EASTERLY RIGHT OF WAY LINE OF STERLING RANCH ROAD AS DEDICATED IN HOMESTEAD NORTH AT STERLING RANCH FILING NO. 1 RECORDED ON MAY 19, 2023 UNDER RECEPTION NO. 223715150, BEING MONUMENTED AT BOTH ENDS BY NO.5 REBAR WITH 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "JR ENG LS 38252" ASSUMED TO BEAR N13°28'38"E, A DISTANCE OF 1168.84 FEET.

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID STERLING RANCH ROAD ALSO BEING THE NORTHEAST END OF THE ABOVE DESCRIBED BEARING REFERENCE;

THENCE ON THE EASTERLY RIGHT OF WAY LINE OF SAID STERLING RANCH ROAD THE FOLLOWING THREE (3) COURSES:

1. THENCE N58°28'29"E, A DISTANCE OF 49.50 FEET;
2. THENCE S76°31'31"E, A DISTANCE OF 10.00 FEET;
3. THENCE N13°28'38"E, A DISTANCE OF 130.00 FEET;

THENCE S76°31'31"E, A DISTANCE OF 1,424.76 FEET;

THENCE S13°28'29"W, A DISTANCE OF 440.00 FEET;

THENCE S76°31'31"E, A DISTANCE OF 66.21 FEET;

THENCE S13°28'29"W, A DISTANCE OF 690.84 FEET;

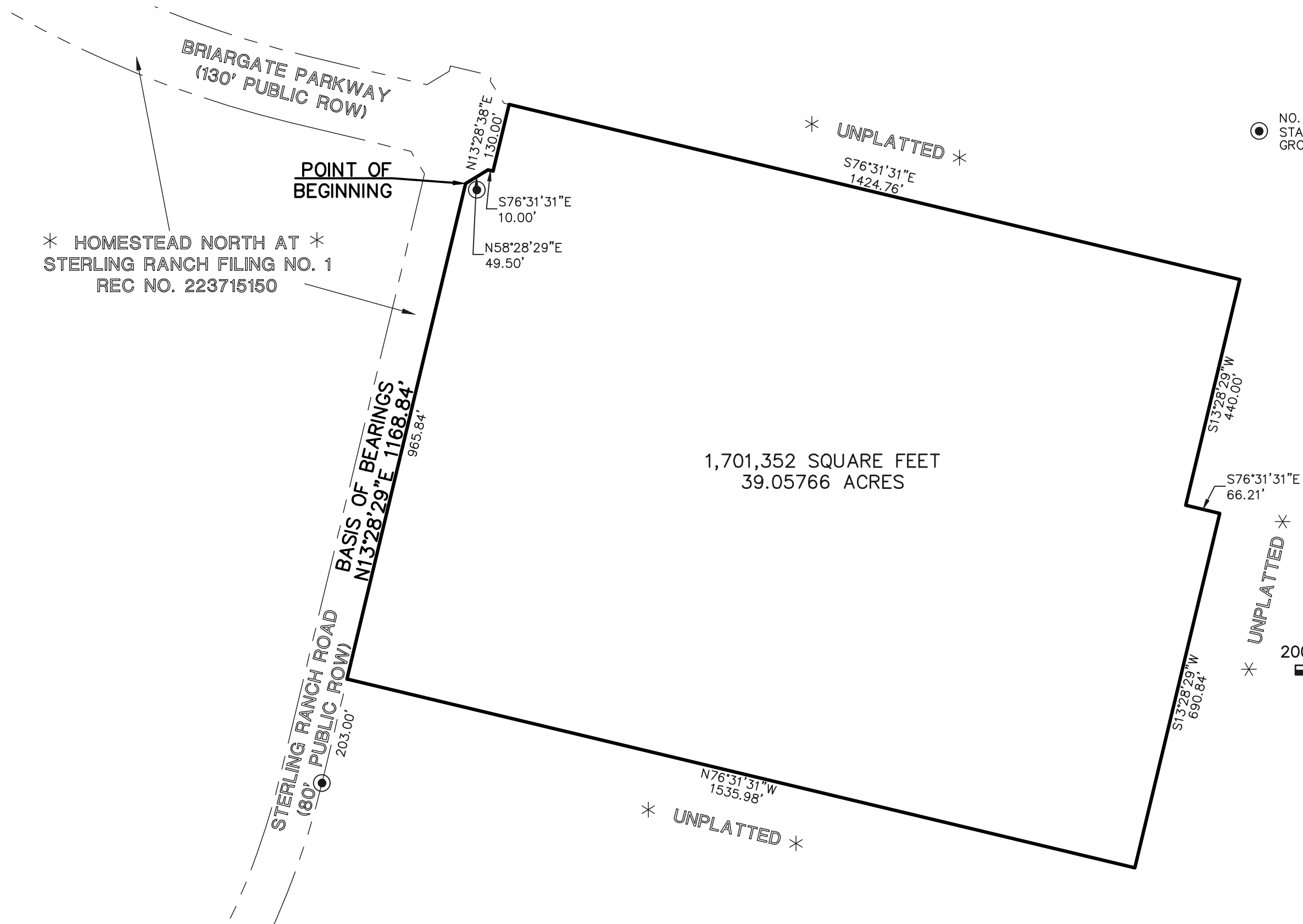
THENCE N76°31'31"W, A DISTANCE OF 1,535.98 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE;

THENCE N13°28'29"E, ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 965.84 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION PRODUCES A CALCULATED AREA OF 1,701,352 SQUARE FEET (39.05766 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



ROBERT L. MEADOWS, JR., P.L.S. NO. 34977
PREPARED FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS



VILLAGES AT STERLING
RANCH BOUNDARY
JOB NO. 1183.26-01
JULY 26, 2024
SHEET 2 OF 2



CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY
WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION
AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN
FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT
DEPICT A MONUMENTED LAND SURVEY.

N: \\118326\DRAWINGS\SURVEY\LEGALS\01-V-SR BDY\01-118326-BDY.DWG

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