



Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com

Type D Application Form (1-2C)

Please check the applicable application type (Note: each request requires completion of a separate application form):

- Appeal
- Approval of Location
- Board of Adjustment
- Certification of Designation
- Const. Drawings, Minor or Major
- Development Agreement
- Final Plat, Minor or Major
- Final Plat, Amendment
- Minor Subdivision
- Planned Unit Dev. Amendment, Major
- Preliminary Plan, Major or Minor
- Rezoning
- Road Disclaimer
- SIA, Modification
- Sketch Plan, Major or Minor
- Sketch Plan, Revision
- Solid Waste Disposal Site/Facility
- Special District
- Special Use
 - Major
 - Minor, Admin or Renewal
- Subdivision Exception
- Vacation
 - Plat Vacation with ROW
 - Vacation of ROW
- Variations
 - Major
 - Minor (2nd Dwelling or Renewal)
 - Tower, Renewal
- Vested Rights
- Waiver or Deviation
- Waiver of Subdivision Regulations
- WSEO
- Other: **Preliminary Plan Reinstatement**

This application form shall be accompanied by all required support materials.

PROPERTY INFORMATION: Provide information to identify properties and the proposed development. Attached additional sheets if necessary.

Property Address(es): 7495 Eagle Wing Dr, 10115 Kurie Rd & 10195 Kurie Rd Colo Spgs, CO 80908	
Tax ID/Parcel Numbers(s) See Attached	Parcel size(s) in Acres: 70.78 AC
Existing Land Use/Development: 2 SF Residences + 1 Steel Barn	Zoning District: RR-2.5

- Check this box if **Administrative Relief** is being requested in association with this application and attach a completed Administrative Relief request form.
- Check this box if any **Waivers** are being requested in association with this application for development and attach a completed Waiver request form.

PROPERTY OWNER INFORMATION: Indicate the person(s) or organization(s) who own the property proposed for development. Attach additional sheets if there are multiple property owners.

Name (Individual or Organization): See Attached	
Mailing Address: See Attached	
Daytime Telephone: 719 359 1471	Fax:
Email or Alternative Contact Information: mypad.inc@gmail.com	

Description of the request: (submit additional sheets if necessary):

Request to reinstate Eagle Rising Preliminary Plan SF1829 allowing for the development of 17 single family residential lots at a minimum of 2.5 ac each and 1 open space tract totaling 12.55 ac at a gross density of 1 lot per 4.14 ac.

For PCD Office Use:	
Date:	File :
Rec'd By:	Receipt #:
DSD File #:	



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APPLICANT(S): Indicate person(s) submitting the application if different than the property owner(s) (attach additional sheets if necessary)

Name (Individual or Organization): MyPad Inc., Stephen J. Jacobs, Jr, President	
Mailing Address: PO Box 2076, Colo Spgs, CO. 80901	
Daytime Telephone: 719 359 1471	Fax:
Email or Alternative Contact Information: mypad.inc@gmail.com	

AUTHORIZED REPRESENTATIVE(S): Indicate the person(s) authorized to represent the property owner and/or applicants (attach additional sheets if necessary).

Name (Individual or Organization): David Jones - Land Resource Associates	
Mailing Address: 9736 Mountain Rd, Chipita Park, CO. 80809	
Daytime Telephone: 719 660 1184	Fax:
Email or Alternative Contact Information: chipita1@comcast.net	

AUTHORIZATION FOR OWNER'S APPLICANT(S)/REPRESENTATIVE(S):

An owner signature is not required to process a Type A or B Development Application. An owner's signature may only be executed by the owner or an authorized representative where the application is accompanied by a completed Authority to Represent/Owner's Affidavit naming the person as the owner's agent

OWNER/APPLICANT AUTHORIZATION:

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial or revocation. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal may delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. I verify that I am submitting all of the required materials as part of this application and as appropriate to this project, and I acknowledge that failure to submit all of the necessary materials to allow a complete review and reasonable determination of conformance with the County's rules, regulations and ordinances may result in my application not being accepted or may extend the length of time needed to review the project. I hereby agree to abide by all conditions of any approvals granted by El Paso County. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I acknowledge that I understand the implications of use or development restrictions that are a result of subdivision plat notes, deed restrictions, or restrictive covenants. I agree that if a conflict should result from the request I am submitting to El Paso County due to subdivision plat notes, deed restrictions, or restrictive covenants, it will be my responsibility to resolve any conflict. I hereby give permission to El Paso County, and applicable review agencies, to enter on the above described property with or without notice for the purposes of reviewing this development application and enforcing the provisions of the LDC. I agree to at all times maintain proper facilities and safe access for inspection of the property by El Paso County while this application is pending.

Owner (s) Signature: *Stephen J. Jacobs, Jr, Pres. Seaman Corp, MyPad Inc.* Date: 8/10/20

Owner (s) Signature: *Steph Jacobs Jr GP CDAS LP* Date: 8/10/20

Applicant (s) Signature: *Steph Jacobs Jr* Date: August 10, 2020
Stephen J Jacobs, Jr, President, MyPad Inc.

EAGLE RISING PRELIMINARY PLAN REINSTATEMENT

TAX ID / PRCEL NUMBERS ATTACHMENT

PARCEL NUMBER	OWNER	AREA
52290 00 025	CASAS LIMITED PARTNERSHIP #4	14.53 AC
52290 00 027	CASAS LIMITED PARTNERSHIP #4	21.17 AC
52290 00 029	IQ INVESTORS LLC	<u>35.08 AC</u>
		TOTAL 70.78 AC

PROPERTY OWNERS

Casas Limitd Partnership #4
P.O. Box 2076
Colorado Springs, CO 80901-2976

IQ Investors, LLC
5390 N. Academy Blvd. #300
Colorado Springs, CO 80918

DUNCAN S. BREMER, P.C.

Attorney At Law

236 N. Washington St,
15050 Woodcarver Road,
Monument, Colorado 80132

(719) 481-8564

Fax (719) 466-2059

Duncan.bremer@gmail.com

To: Board of County Commissioners of El Paso County

Through EDARP

Re: Application for Reconsideration of Preliminary Plan for Eagle Rising – Determination of Water Sufficiency

Thursday, August 6, 2020

Dear Commissioners:

The applicant requests that the Board defer determination of sufficiency of water for the subdivision until the Final Plat stage rather than at the Preliminary Plan stage.

History.

In 2000 and 2010 respectively (by Water Court Case No. 00CW84 and Case No. 10CW24), the Applicant adjudicated its groundwater rights and obtained approval of its augmentation plan to serve up to 18 single-family lots.

September 19, 2013, the Applicant and the Park Forest Water District entered into an Inclusion Agreement by which the Applicant agreed to convey its adjudicated water rights to the District and the District agreed to serve the Applicant's land and development of 17 lots.

September 24, 2013 by Resolution 13-407, the BOCC approved the Preliminary Plan and made a finding of sufficiency of water supply in terms of quantity, quality and dependability for 17 lots.

By Order dated April 9, 2015, the Water Court Approved the District's application for amendment to the applicable augmentation plans concerning the inclusion of the subject property into the District and the District's service to the 17 lots in the Preliminary Plan.

The District issued a "will serve" letter to the County for up to 17 lots on the Applicant's property.

Since then, the District has sought to rescind the Inclusion Agreement and is in litigation with the applicant which seeks to enforce the Inclusion Agreement. It is uncertain when this litigation will be settled or otherwise finalized.

In sum, at least three Water Court decisions have determined that there is sufficient water for the proposed Preliminary Plan. In addition, the BOCC in its prior approval of the Preliminary Plan made a finding of sufficiency of quantity and dependability of water. The only question remaining is whether the water will be supplied by the District or whether, if the Inclusion Agreement is rescinded, the water will be supplied by individual wells on each (minimum 2.5 acre) Lot.

Under these circumstances, it seems prudent for the County to defer consideration of sufficiency of the water for the subdivision until the Final Plat comes before the BOCC.

Very Truly Yours,

Duncan S Bremer, P.C.