

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Date: December 8, 2020

To: Board of County Commissioners

From: Nina Ruiz, Planning Manager
Jeff Rice P.E., Engineer III

Subject: Approval of a request for a reconsideration of the Eagle Rising Preliminary Plan (PCD file no. SP-20-005).

Summary: A preliminary plan for the Eagle Rising Subdivision, consisting of 70.97 acres proposed for residential development consisting of 17 lots, was heard and approved by the Board of County Commissioners on September 24, 2013 (PCD file no. SP-12-006, BoCC Resolution 13-407). The property is generally located approximately one-half (1/2) mile east of Black Forest Road and immediately north of the anticipated Briargate Parkway eastern extension and within the Black Forest Preservation Plan (1987).

The 2013 Preliminary Plan approval included five (5) conditions of approval and three (3) notations. Notation number two (2) states:

“Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.”

A final plat was submitted in 2015, however, it was never completed or scheduled for a public hearing before the Planning Commission or the Board of County Commissioners due to staff review comments not being addressed by the applicant with a resubmittal. The 2015 project was subsequently closed due to inactivity. The applicant submitted another final plat application in 2018. Again, due to the project being inactive for over one year, the final plat application was closed.

No final plat has been approved to date; therefore, the preliminary plan remains expired. The applicant now requests that the preliminary plan be

reconsidered to allow the approval to be reactivated and extended for two years, creating a new expiration date of December 8, 2022.

The applicant is also requesting approval of a waiver of Section 8.4.4.C of the Land Development Code:

“Divisions of land, lots, and tracts shall be served by public roads.”

The preliminary plan approved in 2013 included public roadways. The applicant is now proposing the interior roadways be privately owned and maintained.

The Land Development Code and Engineering Criteria Manual have been updated since the 2013 approval. Staff recommends that a condition of approval be added to the preliminary plan extension requiring that all documents associated with the preliminary plan be brought up to all current standards. It is anticipated that the ultimate layout and configuration will be slightly modified from what was approved in 2013 due to the changes in the regulations. Should the Board of County Commissioners choose to approve the extension, staff requests the Board authorize the PCD Director to approve minor modifications to the layout administratively. The Director shall have the authority to determine whether any proposed future amendment to the plan constitutes a major or minor amendment to the plan. All major amendments to the plan shall be processed as such, including hearings before the Planning Commission and Board of County Commissioners.

The applicant previously received a commitment letter from the Park Forest Water District in support of the now-expired preliminary plan. The Board of County Commissioners made a finding of sufficiency in terms of water quality, quantity, and dependability with the preliminary plan approval. Since the approval date, the District has rescinded their commitment letter. The applicant and the District are currently in litigation regarding this matter. The applicant acknowledges that without the commitment, the water finding is no longer valid. The applicant requests with the preliminary plan extension that the Board of County Commissioners allow the water finding to be deferred until the final plat(s) stage of development.

Recommended Condition of Approval:

1. The 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, Colorado Parks and 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 threatened species.

2. No additional building permits for single-family residences shall be issued prior to approval and recordation of subsequent final plat(s) to create lots within the preliminary plan area.
3. Applicable park, school, drainage, bridge and road impact fees shall be paid to the El Paso County Planning and Community Development Department at the time of recording any final plat.
4. A driveway access permit will be required from the El Paso County Planning and Community Development Department for any access to a County-maintained roadway.
5. Authority is given to the PCD Director to administratively approve minor amendment(s) to the preliminary plan. The Director shall have the authority to determine whether any proposed future amendment to the plan constitutes a major or minor amendment to the plan. All major amendments to the plan shall be processed as such, including hearings before the Planning Commission and Board of County Commissioners.
6. The preliminary plan, including all supporting documents, shall be in accordance with the current standards of the Land Development Code and Engineering Criteria Manual. The applicant shall revise, pursuant to the current standards, and submit at a minimum the following documentation and reports for approval:
 - a. Natural Feature Report
 - b. Wetland Analysis
 - c. Clearance Letter from the US Fish and Wildlife Service
 - d. Soils and Geology Report
 - e. Preliminary Drainage Report
 - f. Grading and Erosion Control Plan
 - g. Traffic Impact Study
7. The applicant will be required to obtain a water sufficiency finding from the Board of County Commissioners with all future final plat(s) applications.

Attachments:

Letter of Intent

2013 Preliminary Plan

Staff Report Considered at the Board of County Commissioners' Hearing

Reconsideration Resolution

LETTER OF INTENT

November 17, 2020

RE: EAGLE RISING PRELIMINARY PLAN SP-12-006 REINSTATEMENT APPLICATION

PARCEL NUMBERS:

52290 00 025
52290 00 029
52290 00 030
52290 00 031

LAND OWNER:

Casas Limited Partnership #4 and IQ Investors, LLC
P.O. Box 2076
Colorado Springs, CO 80901-2976

DEVELOPER:

MyPad, Inc., Stephen J. Jacobs, Jr., President
P.O. Box 2076
Colorado Springs, CO 80901-2976
719.359.1471
mypad.inc@gmail.com

CONSULTANTS / AUTHORIZED REPRESENTATIVES

Duncan S. Bremer, P.C.
15050 Woodcarver Rd.
Monument, CO 80132
719.481.8564
Duncan.bremer@gmail.com

Land Resource Associates, c/o David Jones
9736 Mountain Rd.
Chipita Park, CO. 80809
719.660.1184
chipita1@comcast.net

DEVELOPMENT REQUEST

The applicant is requesting reinstatement of the Eagle Rising Preliminary Plan SP-12-006 for 2 years in order to allow for the Filing No. 1 Final Plat application to move forward in the review process while resolving the water dispute detailed in the attached Duncan Bremer letter.

The applicant is also requesting: 1) Approval of private interior roadways to be owned and maintained by the Home Owners Association. 2) Deferring finding of sufficiency of water from the Preliminary Plan stage until the Final Plat stage as detailed in the attached Duncan Bremer letter.

SITE INFORMATION

The proposed Eagle Rising subdivision is located within a portion of the E1/2 of Section 29, T12S, R65W of the 6th PM. More specifically, the property is located south of the Park Forest Estates subdivision,

north and west of the Highland Park subdivision and east of the Eagle Wing subdivision. Vehicular access to the site is provided from the north by Kurie Road, a 60' ROW gravel County Rural Residential roadway and from the west by Eagle Wing Drive, a 60' ROW asphalt surfaced County Rural Residential roadway. The proposed 70.97 acre subdivision is an in-fill subdivision and is currently zoned RR-2.5 (2.5 ac min.).

Districts serving the property include; Academy School District No. 20, Pikes Peak Library District, Black Forest Fire Protection District, Park Forest Water District (subject to issues outline in the attached Bremer letter), El Paso County Conservation District, Mountain View Electric Association and Black Hills Energy (natural gas).

PREVIOUS PRELIMINARY PLAN APPROVAL

The previously approved Eagle Rising Preliminary Plan allowed for the development of 17 single family residential lots at a minimum lot size of 2.5 acres each and the inclusion of 12.37 acres of open space. The average lot size is proposed to be 3.2 acres and the gross density is proposed to be 1 lot per 4.16 acres. No changes to the previously approved Preliminary Plan are included within this reinstatement application.

HISTORY OF DEVELOPMENT APPLICATIONS

September 24, 2013 by Resolution 13-407, the BOCC approved the Eagle Rising Preliminary Plan (SP-12-006) including Notation No. 2 which stated "Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted." The

Approval of the Preliminary Plan was conditioned on the inclusion of the property in the Park Forest Water District. The Inclusion Agreement required the applicant to construct the on-site water distribution system and related drainage and road improvements and to deed them and its water rights to the District. Consistent with the approved Preliminary Plan, the applicant constructed the improvements and has deeded them and the water rights to the District.

On April 9, 2015, the District obtained a Final Judgment including of the applicant's property into the District.

In August of 2015, the developer submitted an application (paying County review fees) for the Eagle Rising Filing No. 1 Final Plat (SF1517).

During the Final Plat review period, an adjoining property owner illegally started construction of a detached garage detrimental to the north access to this subdivision. The neighbor applied for and was granted a variance by the Board of Adjustment. The applicant, believing that his property/subdivision had been damaged by the construction of the non-conforming garage, initiated litigation to overturn the Board of Adjustment decision. The litigation took its course and a settlement was eventually agreed in July 2018.

Meanwhile, the applicant and P&CD continued to work on the Final Plat application, and P&CD shifted from paper applications to the EDARP electronic system.

In September, 2018, the applicant made a resubmission of the Final Plat application and was surprised to find out that P&CD had closed the prior paper application file. P&CD opened the Final Plat application in EDARP and paid a 2nd application review fee.

During the application's review, the Park Forest Water District rescinded their "will serve" letter effectively halting the Final Plat application's review. The developer is currently in litigation with the District (see attached Duncan Bremer water status letter) to resolve the dispute.

PREVIOUS JUSTIFICATION FOR REQUEST

Contained within Resolution No. 13-407, Approval Preliminary Plan Request for Eagle Rising (SP-12-006), are sixteen (16) BOCC "Findings" or "Justifications" supporting the approval of the original Preliminary Plan (see attached Resolution). Summarized, these "Findings" include:

1. That proper posting, publication and public notice were provided...
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete...
3. That the proposed subdivision is in general conformance with the goals, objectives and policies of the Master Plan.
4. That the subdivision is consistent with the purposes of the El Paso County Land Development Code.
5. That the subdivision is in conformance with the subdivision design standards and approved Sketch Plan.
6. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability...
7. That a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and Local laws...
8. That areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions...
9. That adequate drainage improvements complying with State law...and the requirements of the LDC and the ECM are provided by the design.
10. That the proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features in the design and providing sufficient open spaces considering the type and intensity of the subdivision: (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balance transportation system...: (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land owners: (4) incorporating identified environmentally sensitive areas...into the design: and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision...
11. That necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
13. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
14. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements...
15. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
16. That for the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

As the applicant is proposing no changes to the originally approved Preliminary Plan and because there has been no substantive physical changes within the property or surrounding neighborhood, with the partial exception of "Findings" 6, 7, 9, and 14 (discussed below), the original BOCC "Findings" or "Justifications" remain as valid today as they were when originally approved and support and/or justify the requested reinstatement.

"Finding" No. 6 addresses water sufficiency in terms of quantity, quality, and dependability. The water quantity, quality and dependability were determined sufficient as to the original Preliminary Plan application. Because of the Water District's recension of the "will serve" letter, the original Preliminary Plan's finding of sufficiency is in question. The attached Duncan Bremer letter details the applicant's

request to defer determination of water sufficiency to the Final Plat stage rather than at the Preliminary Plan stage.

“Findings” 7, 9 and 14 all address compliance with current engineering standards, codes and criteria. Both the applicant and P&CD staff agree that engineering standards, codes and criteria have changed over the years and agree that, should the BOCC grant the requested reinstatement, the following engineering plans and reports will be updated to meet current standards, codes and criteria as a condition of approval of the Preliminary Plan (which update may be concurrent with the processing of the first Final Plat) (1) Onsite Wastewater Treatment Report, (2) Grading & Erosion Control Plan and (3) Preliminary Drainage Report.

The applicant agrees that all CONDITIONS OF APPROVAL and NOTATIONS contained within the BOCC’s original Preliminary Plan approval resolution shall remain in effect.

CURRENT CRITERIA FOR PRELIMINARY PLAN APPROVAL – LDC SEC 7.2.1(D)(2)(e)

The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan; The Master Plan for the County includes the County Policy Plan, relevant small area plans, the County Water Master Plan, and the 2040 Major Transportation Corridor Plan.

County Policy Plan;

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access. The proposed subdivision is an infill development. The proposed single family residential land uses (2.5 ac min lot size) at a gross density of 1 lot per 4.16 ac is compatible with previously developed subdivisions to the north, south, east and west. Vehicular access into the proposed subdivision will be via existing rural residential County roadways.

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses. The proposed 17 lot single family residential subdivision is planned to be a continuation of the Park Forest subdivision to the north and the Eagle Wing subdivision to the west with similar compatible land uses and densities.

Small Area Master Plan (Black Forest Preservation Plan); The proposed subdivision is located within the Black Forest Preservation Plan’s Southern Transitional Area Planning Unit. Development within this Planning Unit north of the proposed Briargate Blvd arterial encourages single family residential development with lot sizes and densities that would provide a buffer between the urban scale development south of Briargate Blvd to rural scale residential development (1 lot per 5.0 ac gr density) within the Timbered Area Planning Unit north of the proposed subdivision. The Eagle View subdivision, currently zoned RR2.5, proposes a minimum lot size of 2.5 acres with a gross density of 1 lot per 4.16 acres, well within the transitional limitations required with the Southern Transitional Area Planning Unit.

Water Master Plan;

Goal 1.1: Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Goal 6.0: Require adequate water availability for proposed development.

See attached Duncan Bremer letter for a detailed discussion as to current water status, water history and request for deferred consideration of water sufficiency.

2040 Major Transportation Corridor Plan; The 2040 Major Transportation Corridor Plan indicates the future extension of Briargate Blvd (principle arterial) along the southerly boundary of the proposed subdivision. Provisions for the future right-of-way dedication necessary to facilitate this planned principle arterial have been incorporated into the subdivision's design documents.

The subdivision is in conformance with the subdivision design standards and any approved sketch plan; With the exception of a single approved EMC deviation regarding the maximum length of a cul-de-sac, the subdivision is consistent with subdivision design standards included within the EMC and the LDC.

A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards (CRS 30-28-133(6)(a) and the requirements of Chapter 8 of the Code; See attached Duncan Bremer letter requesting deferment of consideration of water sufficiency until the Final Plat stage.

A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations. The subdivision will utilize individual on-site septic systems. The subdivision's ability to safely facilitate on-site waste water treatment, in compliance with state and local laws, has been evaluated by Entech Engineering in their On-site Waste Water Treatment report and incorporated into the subdivision's design documents.

All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions; The soil and topographic conditions presenting hazards and recommendations identified in Entech Engineering's Soils, Geology and Geologic Hazards Report have been incorporated into the subdivision's design documents meeting this standard.

Adequate drainage improvements complying with State law and the requirements of this Code and the ECM are provided by the design; The drainage improvements identified in the M&S Civil Engineering's Preliminary Drainage Report and Grading and Erosion Control statement have been incorporated into the subdivision's design documents and meet or exceed State and local drainage requirements.

Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM; Legal and physical vehicular access to the subdivision has been provided on the north by Kurie Rd and from the west by Eagle Wing Dr., both roadways are owned and maintained by El Paso County. Vehicular access to the subdivision lots will be provided by continuations of Kurie Rd and Eagle Wing Dr.

The proposed subdivision has established and adequate level of compatibility by;

- 1. Incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;* As depicted in the ERO Resources' Natural Features Report, the site is bisected north to south by a major drainageway and two existing pond structures. These features have been retained in their natural form, placed into open space tracts or no-build drainage easements and incorporated into the subdivision's design documents.
- 2. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;* Appropriate provisions have been made in this regard given the context of the site and surrounding areas. The LSC Transportation Impact Report's recommendations have been incorporated into the subdivision design documents.
- 3. Incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;* The proposed subdivision is an infill subdivision and the proposed land use (2.5 ac min. single family residential) and gross density of 1 lot per 4.16 acres is consistent with adjoining subdivisions to the north, south, east and west.

4. *Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design;* The Natural Features Report prepared by ERO Resources indicates environmentally sensitive areas following the north/south drainageway and ponds. These sensitive areas are protected by inclusion into open space and/or no-build drainage easements and incorporated into the subdivision's design documents.
5. *Incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of County services and facilities;* The Traffic Report prepared by LSC Transportation Consultants demonstrates that the proposed access points will function within acceptable traffic engineering parameters. The reports relating to water supply, wastewater treatment, and drainage demonstrate that there will be no negative impact on the levels of service of County services and facilities.

Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision; Police services will be provided by the El Paso County Sheriff's Department and fire protection by the Black Forest Fire Protection District which has previously provided a letter of commitment. The subdivision is located in the service areas of Mountain View Electric Association and Black Hills Energy (natural gas) both of which have previously provided letters of commitment.

The subdivision provides evidence to show that the proposed methods of fire protection comply with Chapter 6 of this Code; and. A Wildfire Hazards Identification and Mitigation Plan was previously prepared for the subdivision addressing the criteria in Chapter 6. Recommendations within this Plan have been incorporated into the subdivision's design documents.

The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code. To the best of applicant knowledge, all applicable sections of Chapter 6 and 8 of the LDC have been met.

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,

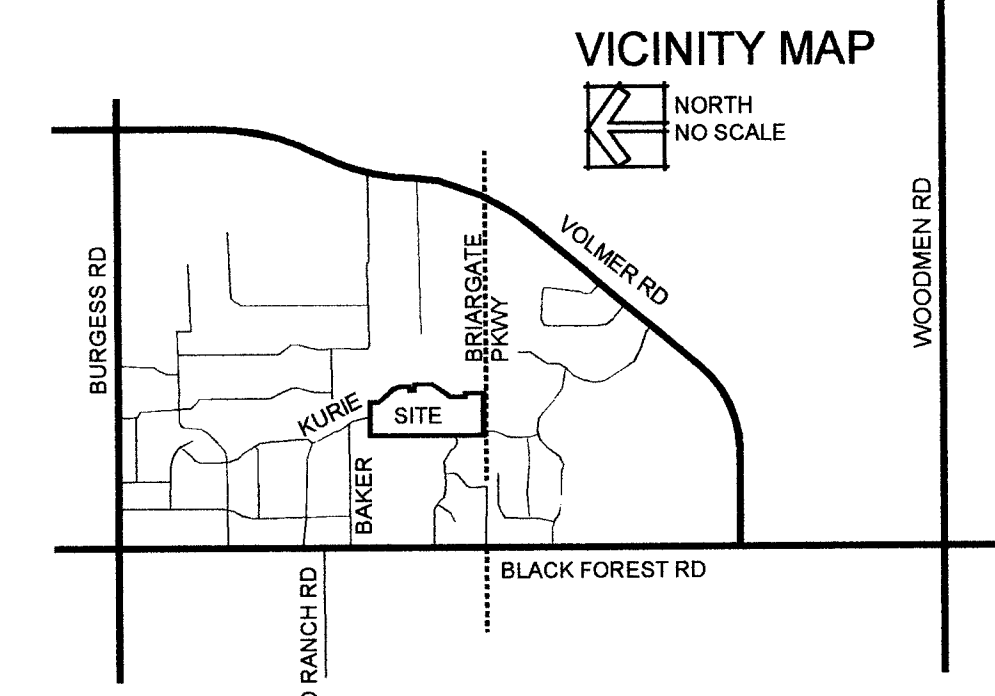
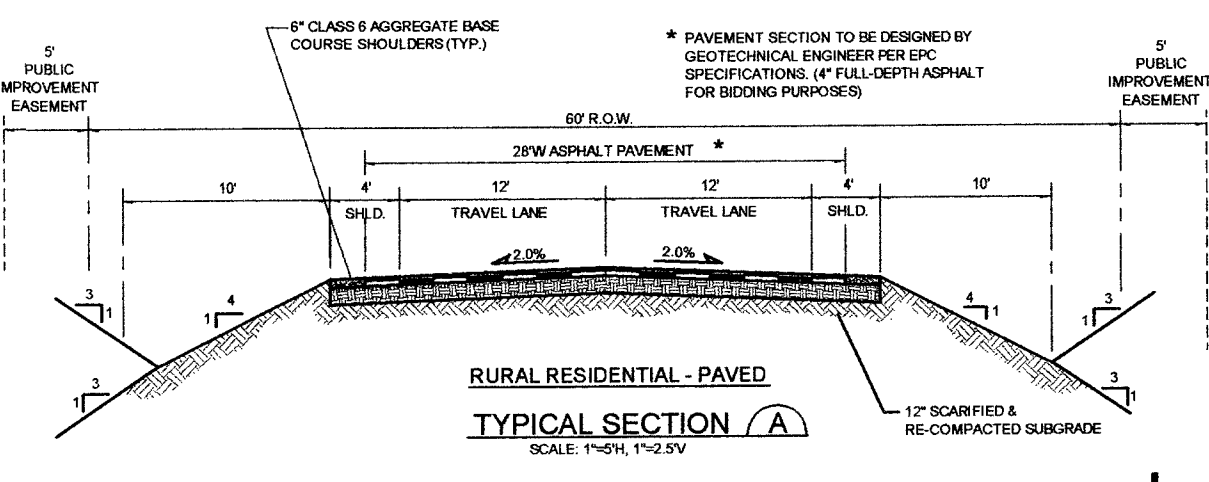
Duncan S Bremer, P.C.

STANDARD DSD PLAT NOTES

1. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: TRANSPORTATION IMPACT STUDY; DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; NATURAL FEATURES REPORT.
2. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OR RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
3. 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 RELATED TO THE LISTED SPECIES IDENTIFIED IN THE PROJECTS ENVIRONMENTAL ASSESSMENT.
4. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
5. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH EL PASO COUNTY AND US POSTAL SERVICE REGULATIONS.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE FINAL DESIGN, CONSTRUCTION, AND MAINTENANCE OF PRIVATE DETENTION POND/WATER QUALITY BMP(S) AS DESCRIBED IN THE APPROVED PRELIMINARY/FINAL DRAINAGE REPORT FOR THIS SUBDIVISION. FINAL DESIGN, CONSTRUCTION DRAWINGS AND DRAINAGE REPORT UPDATES FOR THE DETENTION POND/WATER QUALITY BMP(S) SHALL BE PROVIDED WITH FINAL PLAT SUBMITTALS. THE DETENTION POND/WATER QUALITY BMP(S) SHALL BE CONSTRUCTED AND COMPLETED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.

DEVELOPMENT NOTES:

1. TRACT A - USE OPEN SPACE - TO BE PLACED INTO A CONSERVATION EASEMENT AND OWNED AND MAINTAINED BY HOME OWNERS ASSOCIATION OR OTHER ENTITY ACCEPTABLE TO BOTH THE APPLICANT AND THE BOARD OF COUNTY COMMISSIONERS.
2. AREAS WITHIN THE PRUDENT LINE RESERVATION AREA AND TRACT A SHALL BE A DRAINAGE & DRAINAGE MAINTENANCE ACCESS EASEMENT IN ITS ENTIRETY GRANTED TO EL PASO COUNTY. NO BUILDINGS, BUILDING PERMITS, WELLS OR SEPTIC SYSTEMS SHALL BE ALLOWED WITHIN THIS AREA.
3. NO NON-MOTORIZED TRAILS OR TRAIL EASEMENTS ARE INCLUDED WITHIN THIS APPLICATION.
4. ALL STREETS WITHIN THIS SUBDIVISION SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. STREETS WITHIN FILING 1 SHALL BE ASPHALT SURFACED WHILE STREETS WITHIN FILING 2 SHALL BE GRAVEL SURFACED.
5. WATER TO A CENTRAL DISTRIBUTION SYSTEM OWNED AND OPERATED BY THE PARK FOREST WATER DISTRICT. FIRE HYDRANTS TO BE PROVIDED WITH THE CENTRAL WATER DISTRIBUTION SYSTEM PER THE BLACK FOREST FIRE PROTECTION DISTRICT'S CODE AND SPECIFICATION REQUIREMENTS.
6. WASTE WATER TO BE INDIVIDUAL ON SITE SEPTIC SYSTEMS.
7. THIS PROPERTY IS LOCATED WITHIN AND SERVICED BY MOUNTAIN VIEW ELECTRIC ASSOCIATION SERVICE DISTRICT, THE BLACK FOREST FIRE DISTRICT, THE ACADEMY SCHOOL DISTRICT NO. 20 AND THE BLACK HILLS ENERGY CORPORATION SERVICE DISTRICT.
8. MAXIMUM BUILDING HEIGHT - 35'
9. BUILDING SETBACKS FOR FRONT, SIDE AND REAR YARDS - 25'
10. STANDARD DRAINAGE AND UTILITY EASEMENTS: FRONT - 15', SIDE - 10', REAR - 10' AND PERIMETER 30'.
11. PROPOSED METHOD OF GUARANTEEING FUNDS SHALL BE APPROVED BY AND ACCEPTABLE TO THE EL PASO COUNTY ATTORNEYS OFFICE.
12. ALL RECORDED EASEMENTS WHOSE LOCATION CAN BE DEFINED ARE SHOWN ON THE PLAN. A UTILITY MAINTENANCE EASEMENT WHICH AFFECTS THE ENTIRE PROPERTY IS RECORDED IN BK 3673 PG 917 OF THE EL PASO COUNTY PUBLIC RECORDS.
13. AREAS WITHIN THE PRUDENT LINE RESERVATION AREA SHALL BE OWNED AND MAINTAINED BY THE INDIVIDUAL LOT OWNERS OF THE AFFECTED LOTS.
14. UTILITY LINES PROVIDING SERVICES TO EXISTING BUILDINGS AND FACILITIES MAY BE RELOCATED DEPENDING UPON FINAL UTILITY ENGINEERING PROVIDED BY INDIVIDUAL UTILITY COMPANIES.



NORTH PORTION - (10195 KURIE ROAD)

LEGAL DESCRIPTION: THAT PORTION OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO. 2 (PLAT BOOK B-2 AT PAGE 52); THENCE S00°13'40"E ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29, A DISTANCE OF 1413.98 FEET TO THE TRUE POINT OF BEGINNING; THENCE N00°13'40"W, 1413.98 FEET; THENCE N89°14'16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33'17"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, ALONG SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION NO. 2466425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

S16°04'20"E, 158.01 FEET;
 S02°43'41"W, 265.73 FEET;
 N84°46'08"W, 71.67 FEET;
 S00°11'34"W, 147.46 FEET;
 N88°32'28"E, 150.00 FEET;
 S01°27'34"E, 275.63 FEET.

THENCE S89°45'28"W DEPARTING SAID WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 766.08 FEET; THENCE N00°14'32"W, 100.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE S00°14'32"E, 200.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE N00°14'32"W, 100.00 FEET; THENCE S89°45'28"W, 201.18 FEET TO A POINT ON SAID WEST LINE OF THE EAST HALF OF SAID SECTION 29, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SOUTH PORTION - (10115 KURIE ROAD)

LEGAL DESCRIPTION: THAT PORTION OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO. 2 (PLAT BOOK B-2 AT PAGE 52); THENCE N89°14'16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33'17"E ALONG SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, ALONG SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION NO. 2466425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

S16°04'20"E, 158.01 FEET;
 S02°43'41"W, 265.73 FEET;
 N84°46'08"W, 71.67 FEET;
 S00°11'34"W, 147.46 FEET;
 N88°32'28"E, 150.00 FEET;
 S01°27'34"E, 275.63 FEET.

THENCE S01°27'34"E, A DISTANCE OF 275.63 FEET TO THE TRUE POINT OF BEGINNING; THENCE S01°27'34"E, A DISTANCE OF 188.55 FEET; THENCE S31°53'56"W, A DISTANCE OF 344.55 FEET; THENCE N90°00'00"E, A DISTANCE OF 87.36 FEET; THENCE S00°00'00"E, A DISTANCE OF 459.65 FEET; THENCE S89°39'26"W, A DISTANCE OF 105.00 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29; THENCE N00°13'40"W, ALONG SAID WEST LINE, A DISTANCE OF 1439.98 FEET TO A POINT WHICH IS DRAWN S 89°45'28" W FROM THE POINT OF BEGINNING; THENCE N 89°45'28" E, A DISTANCE OF 201.18 FEET; THENCE S00°14'32"E, 100.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE N00°14'32"E, 200.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE S00°14'32"E, 100.00 FEET; THENCE N89°45'28"E, 201.18 FEET TO THE TRUE POINT OF BEGINNING.

GEOLOGIC HAZARDS NOTE:

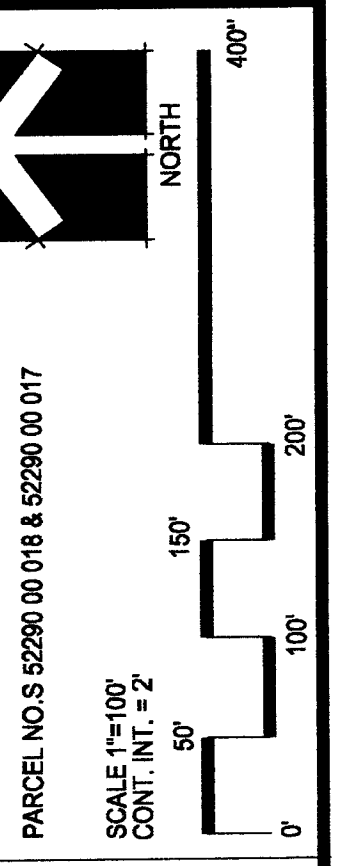
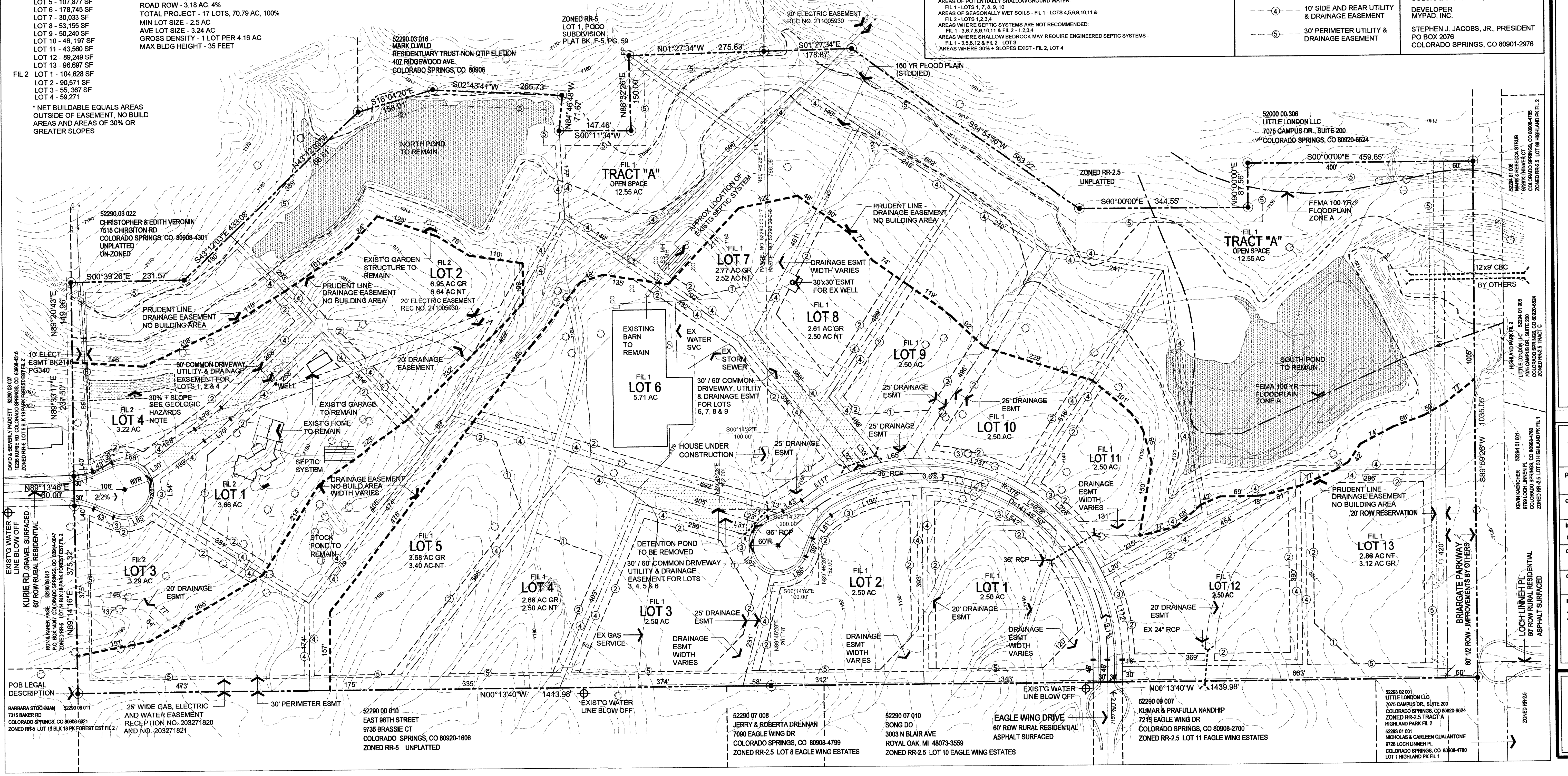
AREAS OF THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS: MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE SOILS, GEOLOGY, HAZARD AND WASTE WATER STUDY FOR THE EAGLE RISING SUBDIVISION BY ENTECH ENGINEERING DATED 5/20/2012 AND 8/14/2012, IN FILE SP-12-008 EAGLE RISING PRELIMINARY PLAN AVAILABLE AT THE EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT.

AREAS OF PONDED WATER: FIL - LOTS 3, 8, 11 & FIL 2 - LOT 2
 AREAS OF POTENTIALLY SHALLOW GROUND WATER: FIL - LOTS 1, 7, 8, 9, 10
 AREAS OF POTENTIALLY WET SOILS - FIL - LOTS 4, 5, 6, 9, 10, 11 & FIL 2 - LOTS 12, 14
 AREAS WHERE SEPTIC SYSTEMS ARE NOT RECOMMENDED: FIL - 1 - 3, 6, 7, 8, 9, 10, 11 & FIL 2 - 1, 2, 2, 4
 AREAS WHERE SHALLOW BEDROCK MAY REQUIRE ENGINEERED SEPTIC SYSTEMS: FIL - 1 - 3, 6, 8, 12 & FIL 2 - LOTS 3
 AREAS WHERE 30%+ SLOPES EXIST: FIL - LOTS 4

TYPICAL LINE SCHEDULE	PROPERTY OWNERS:
1 - FRONT BLDG SETBACK AT 20' MIN. LOT WIDTH	CASAS LIMITED PARTNERSHIP #4 PO BOX 2076 COLORADO SPRINGS, CO 80901-2076
2 - 25' BUILDING SETBACK	52290 00 018 IG INVESTORS LLC PO BOX 2076 COLORADO SPRINGS, CO 80901-2976
3 - 15' FRONT UTILITY & DRAINAGE EASEMENT	DEVELOPER MYPAD, INC.
4 - 10' SIDE AND REAR UTILITY & DRAINAGE EASEMENT	STEPHEN J. JACOBS, JR., PRESIDENT PO BOX 2076 COLORADO SPRINGS, CO 80901-2976
5 - 30' PERIMETER UTILITY & DRAINAGE EASEMENT	

NET BUILDABLE AREAS	DEVELOPMENT DATA -
FIL 1 LOT 1 - 73,609 SF	EXISTING ZONING - RR5
LOT 2 - 84,325 SF	PROPOSED ZONING - RR2.5
LOT 3 - 84,135 SF	SINGLE FAMILY RESIDENTIAL - 17 LOTS, 55.06 AC, 78%
LOT 4 - 50,007 SF	OPEN SPACE (TRACT A) - 12.55 AC, 18%
LOT 5 - 107,877 SF	ROAD ROW - 3.18 AC, 4%
LOT 6 - 178,745 SF	TOTAL PROJECT - 17 LOTS, 70.79 AC, 100%
LOT 7 - 30,033 SF	MIN LOT SIZE - 2.5 AC
LOT 8 - 53,155 SF	AVE LOT SIZE - 3.24 AC
LOT 9 - 50,240 SF	GROSS DENSITY - 1 LOT PER 4.16 AC
LOT 10 - 46,191 SF	MAX BLDG HEIGHT - 35 FEET
LOT 11 - 43,560 SF	
LOT 12 - 89,249 SF	
LOT 13 - 96,697 SF	
LOT 14 - 59,271 SF	
FIL 2 LOT 1 - 104,628 SF	
LOT 2 - 90,571 SF	
LOT 3 - 55,367 SF	
LOT 4 - 59,271 SF	

* NET BUILDABLE EQUALS AREAS OUTSIDE OF EASEMENT, NO BUILD AREAS AND AREAS OF 30% OR GREATER SLOPES



LRA
LAND RESOURCE ASSOCIATES

9736 MOUNTAIN RD.
CHIPPITA PARK, CO 80809
719-684-2298

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JUL 3 1 2013
EPC DEVELOPMENT SERVICES

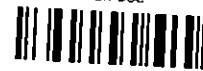
VERSION # 4
DATE 7-31-13

PRELIMINARY PLAN
EAGLE RISING
CASAS LIMITED PARTNERSHIP #4
P.O. BOX 2076, COLORADO SPRINGS, CO 80901-2076

ISSUED FOR:	project number	computer file	issue date	drawn by	checked by	revisions
COUNTY REVIEW			OCT 4, 2012	DFJ		JUNE 28, 2013 JULY 30, 2013

sheet number
1
OF
ONE

File Copy



EL PASO COUNTY



COMMISSIONERS
DENNIS HISSEY (CHAIR)
AND LATHIN (VICE CHAIR)

SHERIFF
DARRYL GLENN
FLORENCE H. DEERSON

DEVELOPMENT SERVICES DEPARTMENT
MAX L. ROTHSCHILD, P.E., DIRECTOR

TO: Board of County Commissioners
Dennis Hissey, Chair

FROM: Raimere Fitzpatrick, Planner II, Ext. #6302
Mike Cartmell, Engineer II
Max Rothschild, P.E., Development Services Director

RE: SP-12-006: Eagle Rising - Preliminary Plan
Tax Schedule Nos. 52290-00-019 and 52290-00-020

OWNER:

REPRESENTATIVE:

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

Land Resource Associates
9736 Mountain Road
Chipita Park, CO 80809

IQ Investors, LLC
P.O. Box 2076
Colorado Springs, CO 80901-2076

Commissioner District: 1

Planning Commission Hearing Date:	08/20/2013
Board of County Commissioners Hearing Date:	09/24/2013

EXECUTIVE SUMMARY

A request by Casas Limited Partnership #4 and IQ Investors, LLC for preliminary plan approval to develop 17 single-family lots developed in two phases. Lots within the preliminary plan area are proposed to be a minimum of 2.5 acres in size. Access to the preliminary plan is proposed via extensions of existing public rights of way into the development area. Proposed roads will be public and built to County standards. Drainage ways and floodplain located within the development will be placed in drainage easements in accordance with Land Development Code provisions. The preliminary plan is located within the Southern Transition Area of the Black Forest Preservation Plan (1987).



A. PLANNING COMMISSION SUMMARY

Request Heard: August 20, 2013, as a consent item pulled for a full hearing
Recommendation: Approval, subject to the conditions and notations. A copy of the Planning Commission Resolution is included as an attachment.
Waiver Recommendation: N/A
Vote: 7 to 2 Cordova and Hannigan were in opposition
Vote Rationale: See below

Raimere Fitzpatrick, Project Manager, provided a brief history of the Eagle Rising items on the agenda, and then introduced Dave Jones, applicant, who provided an overview of the project and answered any and all questions presented.

Raimere Fitzpatrick, Project Manager, and Mike Cartmell, DSD Engineer, provided a planning and engineering overview of the project and answered questions as presented.

There was no one from the hearing room floor who spoke in favor of the two Eagle Rising items.

Summary of Hearing:

SPEAKING FOR: Applicant was represented at the hearing

SPEAKING AGAINST:

Twee dao stated that she lives on lot 13 of Eagle Wing Estates, adjacent to the proposed development. Her concerns are safety for her children. She noted a survey stake showing the property boundary had been moved from her parent's lot, lot 10, and their property is being encroached upon by gravel from a driveway. A mail box has been placed on lot 10. Her family is not accepting this encroachment

Cole Emmons, County Attorney, responded to Ms. Dao stating that the Dao family is to address questions about the encroachment with the applicant. Mr. Emmons also referred to the Black Forest Master Plan to address questions about increased density.

Nandhip Kumar has concerns with traffic, and is worried about his children's safety. He asked that roads be paved. He talked about his stormwater drainage problems and weeds coming onto his property.

Matthew Mangione holds a position on the Eagle Wing Estates Board of Directors and Architectural Committee. Their concerns are with construction access and traffic, dust, litter and noxious weed control; construction noise; construction completion timeframe, and stormwater management. He asked that Briargate Parkway be used for construction traffic, adding that this portion of the roadway is not yet built, but could be constructed as a temporary road.

Rand Holt, also on the Eagle Wing estates Board of Directors and Architectural Committee, addressed construction traffic routes.

Dave Jones, applicant, provided a rebuttal for each of the concerns and questions.

Legal Notice: N/A

B. REQUEST/WAIVERS/AUTHORIZATION

Request: A request for preliminary plan approval for 17 single-family lots.

C. RECOMMENDED CONDITIONS OF APPROVAL

1. The 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 threatened species.
2. No additional building permits for single-family residences shall be issued prior to approval and recordation of subsequent final plat(s) to create additional lots within the preliminary plan area.
3. Applicable park, school, drainage, bridge and road impact fees shall be paid to the El Paso County Development Services Department at the time of recording any final plat.
4. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county-maintained roadway.
5. A floodplain certification letter shall be provided by a professional engineer with every final plat for the approved preliminary plan area.

NOTATIONS

1. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
2. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.
3. The property is subject to the County Road Impact Fee Program. At the time of final plat, the Subdivider(s) will be required to pay traffic impact fees in accordance with the County Road Impact Fee Program (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

D. APPLICABLE RESOLUTIONS: See attached

E. LOCATION:

Abutting zoning and land use:

North: RR-5 (Residential Rural)/single-family residential

South: RR-2.5 (Residential Rural)/ single-family residential

East: RR-2.5 and RR-5(Residential Rural)/ vacant and single-family residential

West: RR-2.5 and RR-5(Residential Rural)/ vacant and single-family residential

F. BACKGROUND

The subject parcels were rezoned to what is now identified as the RR-5 (Residential Rural) zone district together with the surrounding area in the County-wide initiated zoning of a portion of the Black Forest on September 21, 1965 (Board of County Commissioner Resolution 434870). A single family residence and a 30,250 square foot agricultural building exist on the northern 35.45 acre parcel (Parcel No 52290-00-019). A residence is currently under construction on the southern 35.33 acre parcel (Parcel No 52290-00-020). The preliminary plan includes the agricultural building within the proposed lot on which the current house under construction will be located.

There is a map amendment (rezoning) request (P-12-004) under concurrent review with the preliminary plan.

G. APPROVAL CRITERIA

The preliminary plan meets the standards in Section 6 regarding general development standards, fire protection, and environmental considerations; the preliminary plan review standards in Section 7, as well as the review and approval criteria which includes master plan consistency; and the subdivision requirements in Section 8 which address subdivision design, exactions, and utilities, provision of water and wastewater, and public improvements.

H. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

The area has some minor hazards as noted in the geology and soils report submitted. The report indicates these hazards can be mitigated through avoidance and proper engineering design and construction practices.

2. WILDLIFE

Potential impact to wildlife is generally high as depicted in the El Paso County Wildlife Habitat Descriptors Map (1996). The Colorado Division of Wildlife was notified of the application and provided standard recommendations for future homeowners to avoid nuisance conflicts with wildlife

3. FLOODPLAIN

This project is located within a FEMA floodplain as designated on the FEMA Floodplain Insurance Rate Maps (FIRM), map 08041C0530F & 08041C0535F dated

March 17, 1977, for El Paso County. The engineer has elected to provide a floodplain certification letter outlined in 8.4.2.B.1.e.ii of the Land Development Code rather than proceeding with a Letter of Map Revision (LOMR). The preliminary plan shows the expected floodplain within drainage easements in accordance with the requirements of the Code provision.

4. DRAINAGE AND EROSION

This development area lies within the Cottonwood Creek Drainage Basin (FOMO2200). The Cottonwood Creek Drainage Basin Planning Study is an approved study and has drainage and bridge fees associated with development within the basin boundaries.

The site generally drains to the southeast. Runoff will be collected by various drainage swales that will direct the collected runoff to an existing channel and ultimately to an existing retention pond at the southern boundary of the site. Runoff from this pond is required to be released at or below historic levels.

A Grading and Erosion Control plan will be required to be submitted at the time of final plat.

5. TRANSPORTATION

The project is located east of the intersection of Black Forest Road and Eagle Wing Drive, approximately two (2) miles north of Woodmen Road and north of the future extension of Briargate Parkway. Access into the subdivision is proposed via the extension of existing public right of way into the site. Access to Eagle Rising Filing 1 will be from an eastward extension of Eagle Wing Drive, a paved residential local public road. Filing 2 will be accessed by a southerly extension of Kurie Road, a gravel residential local public road. No access is proposed off of Briargate Parkway. All interior roadways are planned to be constructed to County criteria and dedicated to the County for ownership and maintenance.

A new Traffic Impact Study (TIS) was provided and projected traffic meets county criteria.

I. SERVICES

1. WATER

Findings of Sufficiency:

Quality: insufficient

Quantity: insufficient

Dependability: insufficient

Summary

The Park Forest Water District has provided a commitment to serve the development pending annexation into the District during the final plat approval process. Once the State Engineer's Office comments on the sufficiency of the District's water supply, the County Attorney's Office will be able to make a recommendation to the Board of

County Commissioners regarding findings of sufficiency with respect to water quantity and dependability. Subdivisions served by central systems are presumed to have sufficient water quality based on the Colorado Department of Public Health and Environment's regulation of public water supplies.

2. SANITATION

Wastewater will be provided by on-site waste water systems (OWS).

3. EMERGENCY SERVICES

Emergency services will be provided by the Black Forest Fire Protection District.

4. UTILITIES

Mountain View Electric Association will provide electricity.

5. PARKS/TRAILS

The developer will be required to pay park fees in lieu of park land dedication at the final plat recordation.

6. SCHOOLS

The development is located within the Academy School District 20 and will be required to pay school fees in lieu of school land dedication at final plat recordation.

J. PUBLIC COMMENT AND NOTICE

The Development Services Department notified thirteen (13) adjoining property owners on August 6, 2013, for the Planning Commission meeting. Notification for the Board of County Commissioners' hearing was done on September 9, 2013. No responses have been received to date.

K. ATTACHMENTS

Vicinity Map
Letter of Intent
Preliminary Plan
Park Forest Water District Commitment Letter
Planning Commission Resolution
Board of County Commissioners Resolution

El Paso County Parcel Information

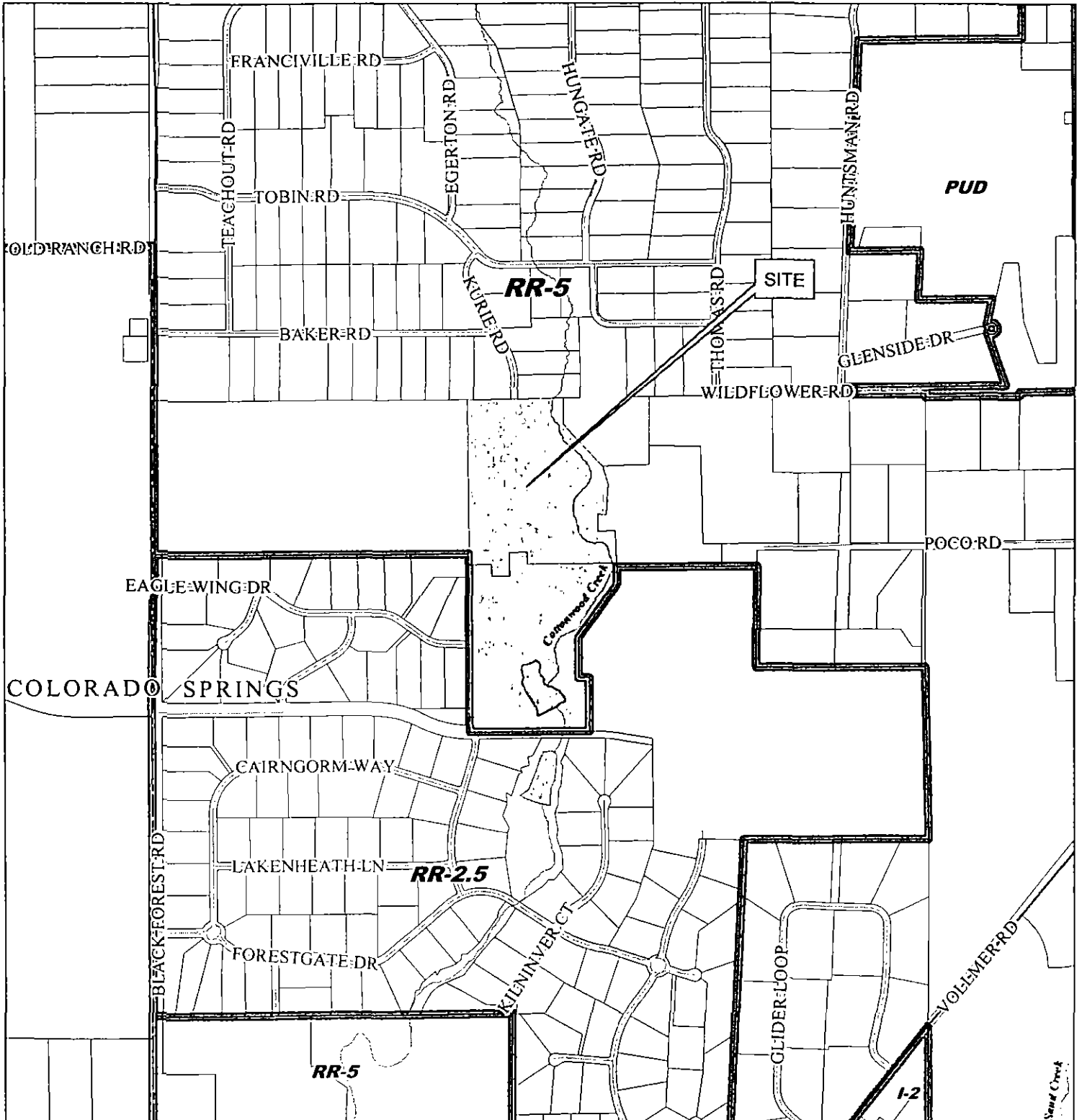
File Name: P-12-004; SP-12-006

Zone Map No.: 523.29

PARCEL	NAME
5229000019	CASAS LIMITED PARTNERSHIP #4
5229000020	IQ INVESTORS LLC
ADDRESS	
PO BOX 2076	COLORADO SPRINGS CO
PO BOX 2076	COLORADO SPRINGS CO

ZIP	ZIPLUS
80901	2076
80901	2076

Date: JULY 31, 2013



Please report any parcel discrepancies to
 El Paso County Assessor
 1675 W Garden of the Gods Rd
 Colorado Springs, CO 80907
 (719) 520-6600



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LETTER OF INTENT

October 04, 2012

RE: EAGLE RISING PRELIMINARY PLAN APPLICATION

PARCEL NUMBERS: 52290 00 ⁰¹⁷~~017~~ and 52290 00 ⁰²⁰~~018~~

RECEIVED

JUL 03 2013

EPC DEVELOPMENT SERVICES

OWNER

Casas Limited Partnership #4 and IQ Investors, LLC
P.O. Box 2076
Colorado Springs, CO 80901-2976

DEVELOPER

MyPad, Inc., Stephen J. Jacobs, Jr., President
P.O. Box 2076
Colorado Springs, CO 80901-2976
719.359.1471
mypad.inc@gmail.com

CONSULTANT

Land Resource Associates, c/o David Jones
9735 Mountain Road
Chipita Park, CO 80809
719.684.2298
chipita1@comcast.net

SITE INFORMATION

The proposed Eagle Rising subdivision is located within a portion of the E ½ of Section 29, T12S, R65W of the 6th PM. More specifically, the property is located south of the Park Forest Estates subdivision, north and west of the Highland Park subdivision and east of the Eagle Wing subdivision. Vehicular access to the site is provided from the north by Kurie Road, a 60' ROW gravel County Rural Residential roadway, from the west by Eagle Wing Drive, a 60' ROW asphalt County Rural Residential roadway and from the south by Loch Linneh Place, a 60' ROW asphalt County Rural Residential roadway. The proposed 70.97 acre subdivision is an in-fill subdivision currently zoned RR-5 (5.0 ac min.). A re-zoning application to RR2.5 has been submitted to El Paso County Development Services.

DEVELOPMENT REQUEST

The applicant is requesting a Preliminary Plan approval to allow for the development of 17 single family residential lots at a minimum lot size of 2.5 acres each and the inclusion of 12.37 acres of open space. The average lot size is proposed to be 3.2 acres and the gross density is proposed to be 1 lot per 4.16 acres.

JUSTIFICATION FOR REQUEST

The proposed Preliminary Plan application is consistent with goals, objectives and recommendations of the governing comprehensive plan (Black Forest Preservation Plan) and the El Paso County Master Plan and will be consistent with the RR2.5 zoning if and when the zone change application is approved by the El Paso County Board of County Commissioners.

EXISTING AND PROPOSED IMPROVEMENTS

One single family residential home, one two car garage and one large metal barn / stable facility exists on the site. These facilities, along with their associated utility services will remain and be integrated into the proposed development plan. Two stock / erosion control ponds exist on the site and will also be integrated into the proposed development plan. The existing perimeter fencing will remain while interior cross fencing will be removed to accommodate future roadways and lot patterns. Ranch roads exist throughout the property. These rough gravel trails will be removed and re-vegetated.

Proposed improvements within this parcel include; County owned and maintained asphalt and gravel roadways, drainage channels, drainage detention pond improvements, electric service, natural gas service and telephone service. Grading and earthmoving activities will be limited to roadway, drainage and utility construction areas.

Water service will be provided by individual on site wells operated under a State approved Water Augmentation Plan. Waste water collection and treatment will be provided by individual on site septic systems

The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Qwest Telephone, Black Forest Fire Protection District and the Academy School District No. 20.

WAIVER REQUESTS

No waivers to the El Paso County Land Development Code are included within this application.

SUPPLEMENTAL INFORMATION

The developer proposes to pay fees in lieu of land dedication for both park and school dedication requirements. The developer will be responsible for constructing all required subdivision improvements at his sole expense. Installation of the required improvements will be guaranteed by a completion bond, letter of credit or joint certificate of deposit acceptable to the El Paso County Board of County Commissioners.

The applicant has requested that the following documents be submitted and reviewed as part of the Final Plat application process rather than the Preliminary Plan application process;

- Draft HOA Water Deeds
- HOA Articles of Incorporation
- HOA Bylaws
- HOA Secretary of State Certification
- Water Quality Report

The applicant's justification for this request is that the applicant is hesitant to legally form the HOA Entity prior to obtaining proper zoning and a preliminary plan commitment regarding the actual number of lots, preliminary drainage requirements, preliminary water requirements and the final amount of open space. In addition, a finding of "water sufficiency" related to quantity, quality and availability is not being requested at the Preliminary Plan application stage. This finding will be requested at the Final Plat application stage.

EARLY GRADING PERMIT

The applicant is requesting permission to begin early grading efforts within the subdivision as part of this Preliminary Plan application.

[PFWD LETTERHEAD]

El Paso County Development Services Department
2880 International Circle
Colorado Springs, CO 80903

RECEIVED

JUL 03 2013

Re: Casas LP # 4 - Park Forest Water District

EPC DEVELOPMENT SERVICES

Dear Madam/Sir:

On behalf of the Park Forest Water District ("District"), this letter will serve as a review of water resources currently available to the District to serve property that is being planned for residential development by Casas LP # 4 ("Casas"). At this time, this letter is not a binding commitment by the District to serve the Casas property; it is prepared solely for your Department's consideration and for the purpose of demonstrating that the District has sufficient water resources available to serve the Casas property upon inclusion into the District's service area. This review also does not consider the ground water available under the Casas property.

Background

For the past several months, the District has been working with Casas' representatives in response to a request by Casas for inclusion into the District's service area. The District understands the proposed residential subdivision is undergoing review with your office, and part of this review requires Casas to demonstrate it can provide water service for the new development. The District continues to work with Casas on including the property within the District's service area.

District water resources

The District's water system is comprised of nine (9) wells which currently provide water to (120) homes (and a small commercial development). The District operates its water system under a plan for augmentation approved and decreed in Case No. 00CW18, Water Division 2. Under the augmentation plan, the District may withdraw annually up to 175.3 acre-feet of water from the Dawson aquifer and up to 70.7 acre-feet from the not-nontributary Arapahoe aquifer. All water consumed within the District is augmented through return flows from individual septic systems on each residential lot, with these return flows accruing back to Cottonwood Creek. The District's augmentation plan requires that four percent (4%) of total pumping from the not-nontributary Arapahoe aquifer must be relinquished to Cottonwood Creek. Taking this into consideration, the total annual quantity available from the not-nontributary Arapahoe aquifer would be reduced to 67.87 acre-feet if the maximum quantity is produced. There is no similar requirement on the Dawson aquifer water, so 175.3 acre-feet would be available from the Dawson aquifer each year. Under the District's current augmentation plan, a total of up to 243.17 acre-feet of water is available to serve the District.

Approximately 335.6 acre-feet of additional water within the Denver aquifer underlying the District's service area could be made available. As this aquifer water was not included within

the District's current augmentation plan it is not considered as a current water supply for purposes of this letter.

Annual well pumping records for the District's water system indicate that 115 acre-feet of water was produced in 2012, and average annual water production is approximately 98 acre-feet. These pumping quantities equal 0.40 acre-feet per tap for 2012, and 0.35 acre-feet per tap on an annual average, based on the current number of taps served.

Water sufficiency

Presuming up to 17 lots on the Casas property are added to the District's water system with 0.40 acre-feet allocated to each lot, a physical water supply of an additional 6.8 acre-feet of water would be required. Per the District's annual water production records, less than half of the annual water supply available to the District is being produced. Therefore, the District has sufficient water available to supply these additional lots if the Casas property is included within the District's service area.

Please do not hesitate me with any questions. Thank you.

Roger Lage, President, Board of Directors
Park Forest Water District

cc: Board of Directors, Park Forest Water District
John Schwab, P.E.
Paul Anderson, Esq.
Steve Jacobs

SOUTH PORTION -(10115 KURIE ROAD)

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO. 2 (PLAT BOOK B-2 AT PAGE 52), THENCE N89° 14' 16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33' 17"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 237.50 FEET; THENCE N89°20'43"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, DEPARTING SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 237.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION NO. 2406425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

S16°04'20"E, 158.01 FEET;
S02°43'41"W, 265.73 FEET;
N84°46'48"W, 71.67 FEET;
S00°11'34"W, 147.46 FEET;
N88°32'26"E, 150.00 FEET;
S01 °27'34"E, A DISTANCE OF 275.63 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S01 °27'34"E, A DISTANCE OF 178.87 FEET; THENCE S34°54'56"W, A DISTANCE OF 563.22 FEET; THENCE S00°00'00"E, A DISTANCE OF 344.55 FEET; THENCE N90°00'00"E, A DISTANCE OF 87.56 FEET; THENCE S00°00'00"E, A DISTANCE OF 459.65 FEET; THENCE S89°59'26"W, A DISTANCE OF 1035.05 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29; THENCE N00°13'40"W, ALONG SAID WEST LINE, A DISTANCE OF 1439.98 FEET TO A POINT WHICH IS DRAWN S 89° 45'28" W FROM THE POINT OF BEGINNING; THENCE N 89°45'28"E, A DISTANCE OF 201.18 FEET; THENCE S00°14'32"E, 100.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE N00°14'32"W, 200.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE S00°14'32"E, 100.00 FEET; THENCE N89°45'28"E, 766.08 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

DESCRIPTION PREPARED BY:
M & S CIVIL CONSULTANTS, INC.
102 EAST PIKES PEAK AVE. STE 306
COLORADO SPRINGS, COLORADO
80903

PRELIMINARY PLAN (APPROVED)

Commissioner Dillon moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP--12-006

WHEREAS, Casas Limited Partnership #4 and IQ Investors, LLC did file an application with the Development Services Department of El Paso County for the approval of a preliminary plan for the Eagle Rising Subdivision for the herein described property in the unincorporated area of El Paso County; and

WHEREAS, a public hearing was held by this Commission on August 20, 2013; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, comments of the El Paso County Development Services Department, comments of public officials and agencies, and comments from all interested parties, this Commission finds as follows:

1. That proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
2. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that hearing.
3. That the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
4. That the subdivision is consistent with the purposes of the El Paso County Land Development Code.
5. That the subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
6. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.

7. That a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
8. That all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
9. That adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
10. That the proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
11. That necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
13. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
14. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
15. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
16. That for the above-stated and other reasons, the proposed subdivision 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 that the Preliminary Plan of Eagle Rising Subdivision as submitted by Casa Limited Partnership #4 and IQ Investors, LLC for the following described unincorporated area of El Paso County be approved:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO 2 (PLAT BOOK B-2 AT PAGE 52); THENCE S 00° 13'40"E ON THE WEST LINE OF THE EAST HALF OF SAID

SECTION 29, A DISTANCE OF 1413.98 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 00° 13'40"W, 1413.98 FEET; THENCE N89 ° 14' 16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, .BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33' 1.7"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 237.50 FEET; THENCE N89°20'43"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, DEPARTING SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION N'O. 2406425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

S16°04'20"E, 158.01 FEET;

S02°43'41"W, 265.73 FEET;

N84°46'48"W, 71.67 FEET;

S00° 11'34"W, 147.46 FEET;

N88°32'26"E, 150.00 FEET;

S01 °27'34"E, 275.63 FEET;

THENCE S89°45'28"W DEPARTING SAID WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 766.08 FEET; THENCE N00°14'32"W, 100.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE S00°14'32"E, 200.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE N00°14'32"W, 1.00.00 FEET; THENCE S89°45'28"W, 201,18 FEET TO A POINT ON SAID WEST LINE OF THE EAST HALF OF SAID SECTION 29, SAID POINT BEING THE TRUE PONT OF BEGINNING.

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID PONT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO. 2 (PLAT BOOK B-2 AT PAGE 52), THENCE N89° 14' 16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89'13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33' 17"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 237.50 FEET; THENCE N89°20'43"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, DEPARTING SAIDSOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION NO. 2406425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

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BE IT FURTHER RESOLVED, that the following conditions and notations be placed upon this approval:

RECOMMENDED CONDITIONS OF APPROVAL

1. The 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 threatened species.
2. No additional building permits for single-family residences shall be issued prior to approval and recordation of subsequent final plat(s) to create additional lots within the preliminary plan area.
3. Applicable park, school, drainage, bridge and road impact fees shall be paid to the El Paso County Development Services Department at the time of recording any final plat.
4. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county-maintained roadway.
5. A floodplain certification letter shall be provided by a professional engineer with every final plat for the approved preliminary plan area.

NOTATIONS

1. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
2. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.
3. The property is subject to the County Road Impact Fee Program. At the time of final plat, the Subdivider(s) will be required to pay traffic impact fees in accordance with the County Road Impact Fee Program (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

AND BE IT FURTHER RESOLVED that the following requested waiver be and hereby is approved:

13-039

N/A

BE IT FURTHER RESOLVED that the resolution and recommendations be forwarded to the Board of County Commissioners of El Paso County for its consideration.

Commissioner Trowbridge seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Hicks	aye
Commissioner Dillon	aye
Commissioner Trowbridge	aye
Commissioner Hannigan	nay
Commissioner Sparks	aye
Commissioner Kinnischtzke	aye
Commissioner Egbert	aye
Commissioner Gioia	aye
Commissioner Cordova	nay

The Resolution was adopted by a vote of 7 to 2 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: August 20, 2013

RESOLUTION NO. 13-

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

APPROVE PRELIMINARY PLAN REQUEST FOR (EAGLE RISING) (SP-12-006)

WHEREAS, Casa Limited Partnership #4 and IQ Investors, LLC did file an application with the Development Services Department of El Paso County for the approval of a Preliminary Plan for Subdivision for the herein described property in the unincorporated area of El Paso County; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 20, 2013, upon which date the Planning Commission did by formal resolution recommend approval of the subject application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on September 24, 2013; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
4. That the subdivision is consistent with the purposes of the El Paso County Land Development Code.
5. That the subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
6. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance

- with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
7. That a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
 8. That all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
 9. That adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
 10. That the proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
 11. That necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
 12. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
 13. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
 14. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

15. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
16. That for the above-stated and other reasons, the proposed subdivision 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 that the Board of County Commissioners of El Paso County, Colorado, hereby approves the request by Casa Limited Partnership #4 and IQ Investors, LLC for Preliminary Plan of Eagle Rising Subdivision for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

RECOMMENDED CONDITIONS OF APPROVAL

1. The 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 threatened species.
2. No additional building permits for single-family residences shall be issued prior to approval and recordation of subsequent final plat(s) to create additional lots within the preliminary plan area.
3. Applicable park, school, drainage, bridge and road impact fees shall be paid to the El Paso County Development Services Department at the time of recording any final plat.
4. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county-maintained roadway.
5. A floodplain certification letter shall be provided by a professional engineer with every final plat for the approved preliminary plan area.

NOTATIONS

1. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

2. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.
3. The property is subject to the County Road Impact Fee Program. At the time of final plat, the Subdivider(s) will be required to pay traffic impact fees in accordance with the County Road Impact Fee Program (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 24th day of August 2013 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

Exhibit A

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO 2 (PLAT BOOK B-2 AT PAGE 52); THENCE S 00° 13'40"E ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29, A DISTANCE OF 1413.98 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 00° 13'40"W, 1413.98 FEET; THENCE N89 ° 14' 16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33' 1.7"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 237.50 FEET; THENCE N89°20'43"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, DEPARTING SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION N'O. 2406425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

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DISTANCE OF 563.22 FEET; THENCE S00°00'00"E, A DISTANCE OF 344.55 FEET;

THENCE N90°00'00"E, A DISTANCE OF 87.56 FEET; THENCE S00°00'00"E, A

DISTANCE OF 459.65 FEET; THENCE S89°59'26"W, A DISTANCE OF 1035.05 FEET

TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29;

THENCE N00°13'40"W, ALONG SAID WEST LINE, A DISTANCE OF 1439.98 FEET

TO A POINT WHICH IS DRAWN S 89° 45'28" W FROM THE POINT OF BEGINNING;

THENCE N 89°45'28"E, A DISTANCE OF 201.18 FEET; THENCE S00°14'32"E,

100.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE N00°14'32"W, 200.00

FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE S00°14'32"E, 100.00 FEET;

THENCE N89°45'28"E, 766.08 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.



WAYNE W. WILLIAMS El Paso County, CO
 09/25/2013 03:02:19 PM
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RESOLUTION NO. 13- 407

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

APPROVE PRELIMINARY PLAN REQUEST FOR (EAGLE RISING) (SP-12-006)

WHEREAS, Casa Limited Partnership #4 and IQ Investors, LLC did file an application with the Development Services Department of El Paso County for the approval of a Preliminary Plan for Subdivision for the herein described property in the unincorporated area of El Paso County; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 20, 2013, upon which date the Planning Commission did by formal resolution recommend approval of the subject application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on September 24, 2013; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
4. That the subdivision is consistent with the purposes of the El Paso County Land Development Code.
5. That the subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
6. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance

- with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
7. That a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
 8. That all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
 9. That adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
 10. That the proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
 11. That necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
 12. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
 13. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
 14. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

15. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
16. That for the above-stated and other reasons, the proposed subdivision 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 that the Board of County Commissioners of El Paso County, Colorado, hereby approves the request by Casa Limited Partnership #4 and IQ Investors, LLC for Preliminary Plan of Eagle Rising Subdivision for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

RECOMMENDED CONDITIONS OF APPROVAL

1. The 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 threatened species.
2. No additional building permits for single-family residences shall be issued prior to approval and recordation of subsequent final plat(s) to create additional lots within the preliminary plan area.
3. Applicable park, school, drainage, bridge and road impact fees shall be paid to the El Paso County Development Services Department at the time of recording any final plat.
4. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county-maintained roadway.
5. A floodplain certification letter shall be provided by a professional engineer with every final plat for the approved preliminary plan area.

NOTATIONS


1. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

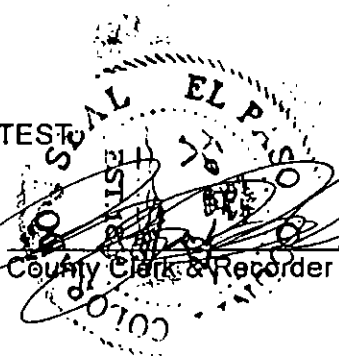
2. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.
3. The property is subject to the County Road Impact Fee Program. At the time of final plat, the Subdivider(s) will be required to pay traffic impact fees in accordance with the County Road Impact Fee Program (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 24th day of August 2013 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST
By: 
County Clerk & Recorder



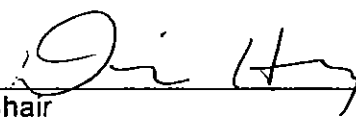
By: 
Chair

Exhibit A

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO 2 (PLAT BOOK B-2 AT PAGE 52); THENCE S 00° 13'40"E ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29, A DISTANCE OF 1413.98 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 00° 13'40"W, 1413.98 FEET; THENCE N89° 14' 16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33' 1.7"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 237.50 FEET; THENCE N89°20'43"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, DEPARTING SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION N'O. 2406425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

S16°04'20"E, 158.01 FEET;

S02°43'41"W, 265.73 FEET;

N84°46'48"W, 71.67 FEET;

S00° 11'34"W, 147.46 FEET;

N88°32'26"E, 150.00 FEET;

S01° 27'34"E, 275.63 FEET;

THENCE S89°45'28"W DEPARTING SAID WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 766.08 FEET; THENCE N00°14'32"W, 100.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE S00°14'32"E, 200.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE N00°14'32"W, 1.00.00 FEET; THENCE S89°45'28"W, 201.18 FEET TO A POINT ON SAID WEST LINE OF THE EAST HALF OF SAID SECTION 29, SAID POINT BEING THE TRUE PONT OF BEGINNING.

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID PONT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO. 2 (PLAT BOOK B-2 AT PAGE 52), THENCE N89° 14' 16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33' 17"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 237.50 FEET; THENCE N89°20'43"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE

OF 149.96 FEET; THENCE S00°39'26"E, DEPARTING SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION NO. 2406425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:
S16°04'20"E, 158.01 FEET;
S02°43'41"W, 265.73 FEET;
N84°46'48"W, 71.67 FEET;
S00°11'34"W, 147.46 FEET;
N88°32'26"E, 150.00 FEET;
S01 °27'34"E, A DISTANCE OF 275.63 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S01 °27'34"E, A DISTANCE OF 178.87 FEET; THENCE S34°54'56"W, A DISTANCE OF 563.22 FEET; THENCE S00°00'00"E, A DISTANCE OF 344.55 FEET; THENCE N90°00'00"E, A DISTANCE OF 87.56 FEET; THENCE S00°00'00"E, A DISTANCE OF 459.65 FEET; THENCE S89°59'26"W, A DISTANCE OF 1035.05 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29; THENCE N00°13'40"W, ALONG SAID WEST LINE, A DISTANCE OF 1439.98 FEET TO A POINT WHICH IS DRAWN S 89° 45'28" W FROM THE POINT OF BEGINNING; THENCE N 89°45'28"E, A DISTANCE OF 201.18 FEET; THENCE S00°14'32"E, 100.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE N00°14'32"W, 200.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE S00°14'32"E, 100.00 FEET; THENCE N89°45'28"E, 766.08 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.