



RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR MAYBERRY, COLORADO SPRINGS FILING NO. 3 (SF2219)

WHEREAS, Mayberry Communities, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Mayberry, Colorado Springs Filing No. 3 subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to § 30-28-133.5 (1.5), C.R.S., a Board of County Commissioners may delegate to one or more County administrative officials the authority to approve or deny final plats, amendments to final plats, and correction plats provided certain criteria have been met; and

WHEREAS, § 2.2.4 of the El Paso County Land Development Code ("Code"), amended by the Board of County Commissioners of El Paso County, Colorado ("Board") on August 27, 2019 pursuant to Resolution No. 19-329, delegates to the Planning and Community Development Department Director ("Director") the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on October 19, 2020, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

WHEREAS, based on the evidence, exhibits, consideration of the master plan for the unincorporated area of the County, comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, and comments by the general public, the Director finds as follows:

1. The application was properly submitted for consideration by the Planning and Community Development Department Executive Director.
2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Department Director.

3. The administrative review of the application by the Planning and Community Development Department Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen day (14) time period to submit comments.
4. All exhibits were received into evidence.
5. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. At a public hearing on the preliminary plan held on July 14, 2020, the Board found 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)(1)] and the requirements of Chapter 8 of the Code.
9. A public sewage disposal system has been established or, 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 Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Code and Engineering Criteria Manual ("ECM").
12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.
13. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
14. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.

15. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
16. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so that the impacts of the subdivision will be adequately mitigated.
17. The subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
19. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

The El Paso County Planning and Community Development Department Director, therefore, APPROVES the final plat application for the Mayberry, Colorado Springs Filing No. 3 Subdivision.

The following conditions and notations shall be placed upon this approval:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicants shall submit the Mylar to Enumerations for addressing.
5. 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 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 species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate as approved by the ECM Administrator, shall be filed at the time of final plat recordation.
8. Collateral sufficient to ensure the public improvements as listed in the approved Financial Assurance Estimate shall be provided at the time of final plat recordation.
9. The subdivider(s) agrees on behalf of him/herself and any successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, 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 disclose the fee obligation before sale of the property.

NOTATIONS

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.

DONE THIS 14th day of November, 2023, at Colorado Springs, Colorado.

MEGGAN HERINGTON, EXECUTIVE DIRECTOR
EL PASO COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT



EXHIBIT A
Subdivision Boundary Description for Proposed
MAYBERRY, COLORADO SPRINGS FILING NO. 3

A tract of land being part of Tract M and all of Tract P, MAYBERRY, COLORADO SPRINGS FILING NO. 1, a subdivision of land in the North Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded December 23, 2020 as Reception Number 220714655 in the Office of the El Paso Clerk and Recorder,

AND

All of Tracts A, B, C and D, MAYBERRY, COLORADO SPRINGS FILING NO. 2, a subdivision of land in the North Half of said Section 14, the plat of said subdivision recorded March 10, 2021 as Reception Number 221714698 in said Clerk and Recorder's Office,

AND

That part of Springs Road Right-of-Way lying South of the most southerly South line of said Tract A extended westerly and that part of Village Main Street Right-of-Way lying South of said Tract B, East of the East line of said Atchison Way extended northerly,

All together more particularly described as follows:

Commencing at the North Quarter-corner of said Section 14 monumented by a found rebar with a 2 inch aluminum cap marked "U.P. & E. PLS 11624 1999" in a monument box, from whence the Northeast corner of said Section 14, monumented by a found 3/4 inch square bar in a monument box, bears South 89° 44' 50" East as shown on said plats, a distance of 2606.58 feet, being the North line of the Northeast Quarter of said Section 14, and all bearings herein are relative thereto; thence South 89° 44' 50" East 1303.29 on said North line; thence South 00° 21' 12" East 39.54 feet to a 5/8 inch rebar with a yellow, broken, illegible cap found on the Northeast corner of said Tract D and the POINT OF BEGINNING of the tract of land herein described; Thence continuing South 00° 21' 12" 2594.09 feet on the East line of said Tract D, being coterminous with the East line of the West Half of said Northeast Quarter, to a 3/4 inch rebar with a 2-1/2 inch aluminum cap marked "RAMPART PLS 38560 2019" found on the Southeast corner of said Tract D, also being the Southeast corner of said West Half; Thence North 89° 36' 00" West 1308.58 feet on the South line of said Tract D and the South line of said Tract C, being coterminous with the South line of said West Half, to a 3/4 inch rebar with a 2-1/2 inch aluminum cap marked "RAMPART PLS 38560 2019" found on the Southwest corner of said Tract C, also being the Center corner of said Section 14; Thence North 00° 14' 20" West 836.81 feet on the West line of said Tract C, being coterminous with the West line of said Northeast Quarter, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the intersection of said

West line with the Southeast line of said Tract M; Thence South $47^{\circ} 51' 33''$ West 344.76 feet on said Southeast line to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the beginning of a tangent curve concave southeasterly; Thence southwesterly on said curve continuing on said Southeast line an arc length of 97.30 feet, said curve having a radius of 580.00 feet, a chord bearing of South $43^{\circ} 03' 13''$ West, a chord distance of 97.19 feet and an interior angle of $09^{\circ} 36' 43''$, to a 5/8 inch rebar with an orange plastic cap marked "PLS 38560" found on the most southerly corner of said Tract M; Thence North $44^{\circ} 17' 33''$ West 418.36 feet on the westerly line of said Tract M to a 5/8 inch rebar with an orange plastic cap marked "PLS 38560" found on the beginning of a tangent curve concave northeasterly; Thence northwesterly and northerly on said curve continuing on said westerly line an arc length of 559.57 feet, said curve having a radius of 750.00 feet, and chord bearing of North $22^{\circ} 55' 07''$ West, a chord distance of 546.68 feet and an interior angle of $42^{\circ} 44' 52''$, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the point of tangency; Thence North $01^{\circ} 32' 41''$ West 153.70 feet continuing on said westerly line of said Tract M to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the intersection of said westerly line with the South Right-of-Way line of Mayberry Drive established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 1; Thence South $89^{\circ} 28' 59''$ East 31.78 feet on said South Right-of-Way line, being coterminous with said westerly line, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Southeast corner of said Mayberry Drive; Thence North $00^{\circ} 20' 22''$ East 100.00 feet continuing on said westerly line of Tract M to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the South Right-of-Way line of Atchison Way established by the plat of MAYBERRY, COLORADO SPRINGS FILING NO. 1A, said plat recorded July 22, 2022 as Reception Number 222714990 in said Clerk and Recorder's office; Thence South $89^{\circ} 28' 59''$ East 62.00 feet on said South Right-of-Way line to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" found on the Southeast corner of said Atchison Way Right-of-Way; Thence North $00^{\circ} 20' 22''$ East 310.00 feet on the East Right-of-Way line of said Atchison way and its northerly extension, being 2.97 feet West of (as measured perpendicular to) said westerly line of Tract M, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the intersection of said northerly extension with the South line of said Tract B; Thence North $89^{\circ} 28' 59''$ West 172.00 feet on said South line of Tract B to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Southwest corner of said Tract B; Thence on the line segments of the westerly line of said Tract B the following 4 courses and distances: 1) North $00^{\circ} 20' 22''$ East 401.73 feet to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on a corner of said westerly line of Tract B; 2) Thence South $89^{\circ} 28' 59''$ East 110.00 feet to a set 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on a corner of said westerly line of Tract B; 3)

Thence North 00° 20' 22" East 196.27 feet to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on a corner of said Westerly line of Tract B; 4) Thence North 10° 04' 50" West 66.13 feet to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Northwest corner of said Tract B; Thence South 89° 28' 59" East 507.84 feet on the North line of said Tract B to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the most northerly Northeast corner of said Tract B; Thence on the northerly and easterly line segments of said Tract B the following 5 courses and distances: 1) South 00° 14' 20" East 107.84 feet to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on a corner of said Tract B; 2) Thence South 89° 44' 49" East 230.82 feet to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the southerly Northwest corner of Lot 1, said MAYBERRY, COLORADO SPRINGS FILING NO. 2; 3) Thence South 00° 00' 00" East 154.51 feet to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set at a point on the North line of Lot 2, said MAYBERRY, COLORADO SPRINGS FILING NO. 2; 4) Thence North 89° 28' 59" West 23.35 feet to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Northwest corner of said Lot 2; 5) Thence South 00° 00' 00" East 173.74 feet to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Southwest corner of said Lot 2; Thence South 89° 28' 59" East 445.91 feet on the most easterly segment of the North line of said Tract B, being coterminous with the South lines of said Lot 1 and Lot 3, said MAYBERRY, COLORADO SPRINGS FILING NO. 1, and its easterly extension to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Southwest corner of said Tract A, also being a point on the East Right-of-Way line of Springs Road established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 1; Thence North 00° 00' 00" East 435.02 feet on the West line of said Tract A, being coterminous with said East Right-of-Way line to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Northwest corner of said Tract A; Thence South 89° 28' 55" East 521.29 feet on the North line of said Tract A to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Northeast corner of said Tract A, being a point on the West line of said Tract D; Thence North 00° 00' 00" East 40.00 feet on said West line to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the Northwest corner of said Tract D; Thence South 89° 28' 49" East 418.15 feet on the North line of said Tract D to the POINT OF BEGINNING, said tract containing 4,610,804 square feet or 105.849 acres..

