

EL PASO

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COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
KEVIN MASTIN, INTERIM EXECUTIVE DIRECTOR

Date: August 30, 2022

To: Board of County Commissioners

From: Ryan Howser, AICP Planner III

Subject: A request by Clovis Point Co, LLC for reconsideration of the Prairie Ridge Filing No. 1 final plat (PCD File No. SF-07-016) to create seven (7) single-family residential lots. The 39.77-acre property is zoned RR-5 (Residential Rural) and is located on the east side of Brown Road, approximately one-half of a mile north of the Brown Road and Walker Road intersection and within Section 12, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61000-00-483) (Commissioner District No. 2).

Summary: The Prairie Ridge Filing No. 1 final plat (PCD File No. SF-07-016) was approved by the Board of County Commissioners (BoCC) on April 24, 2008. Final plats at the time of initial approval were required to be recorded within one (1) year from the date of BoCC approval. Currently, final plats are required to be recorded within two (2) years from the date of BoCC approval.

On April 28, 2011, the BoCC adopted A Resolution Extending the Expiration Period of Previously Approved Preliminary Plans and/or Final Plats (hereafter known as the Extension Resolution) (Resolution No. 11-146). The resolution granted an extension to the time to record and/or implement all sketch plans, preliminary plans, and final plats approved from January 2, 2006 through and including April 28, 2009. Subsequent amendments to the Resolution (Board Resolution Nos. 12-48, 12-386, 13-416, and 14-475) had extended the time to record and/or implement qualifying sketch plans, preliminary plans, and final plats through December 31, 2017. The extension resolution has now expired and has not been renewed by the Board of County Commissioners. The plat was not recorded within the approved extension period.



This extension requires the applicant to provide evidence that the basis of the findings of water sufficiency had not changed, revise the final drainage report to reflect current drainage basin fee requirements, and to provide an analysis of the approved construction drawings with associated financial assurance estimates to ensure compliance with current transportation criteria, stormwater requirements, and construction cost estimates. An application for review of the above-mentioned items was submitted and reviewed with the application for reconsideration.

Approval of the reconsideration requires all fees associated with a final plat to be updated to those fees in place at the time of recordation.

All conditions and notations associated with the final plat approval by the Board of County Commissioners remain, in addition to those recommended conditions below. The conditions of approval and notations attached to the final plat approval are as follows:

CONDITIONS OF APPROVAL

1. All conditions of approval associated with approval of the Prairie Ridge Filing No. 1 final plat (PCD File No. SF-07-016) shall remain in effect except as modified herein or as otherwise required in order to comply with current subdivision development criteria.
2. Fees in lieu of regional parkland dedication in the amount of \$3,269.00 shall be paid to El Paso County.
3. The Subdivider(s) agrees on behalf of him/herself and any developer or builder 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 find the fee obligation before sale of the property.
4. Minor amendments to the final plat may be approved administratively by the Planning and Community Development Director if the proposed

amendments are consistent with the intent of the Board of County Commissioners' approval.

5. Brown Road will retain its current alignment. Prior to recording the final plat, Applicant shall enter into an Escrow Agreement ("Agreement") with the County in which Applicants shall agree to participate in the completion of off-site public improvements to bring Broad Road into compliance with El Paso County local roadway standards ("Brown Road Improvements"). Said Agreement shall require separate approval by the Board. Said Agreement shall address the following:
 - 1) Applicants' total fair, equitable, and reasonably proportional contribution to the Brown Road Improvements shall be \$14,553 per lot for a total of \$101,871 structured as follows:
 - a. Prior to recording the final plat, Applicants shall deposit the sum of \$66,150 with the El Paso County Treasurer, which funds the County shall maintain and deposit in a separate, interest-bearing account not part of the County's operating budget.
 - b. Applicant shall require as a condition of sale and closing of each of the seven lots, at the time of closing each lot, payment by the buyer to Applicant of 1/7th of the remaining \$35,721 balance of the contribution, or \$5,103 per lot, which funds Applicants shall cause to be paid to Planning and Community Development Department who in turn will transfer funds to the El Paso County Treasurer for deposit into the above described account. Interest shall accrue on the amount of \$5,103 per lot from the date of recording of the Final Plat at an interest rate of 5 percent per annum simple interest.
 - 2) Said funds shall only be used for the purpose of construction, or contributing to the construction of, the Brown Road Improvements.
 - 3) On or before the expiration date, the County may use the funds, including any interest accrued thereon, only for the purpose of construction, or contributing to the construction of, the Brown Road Improvements. The expiration date is 5 years from the closing date of sale of the last lot in Prairie Ridge subdivision or 10 years from the date of the Agreement whichever is later.
 - 4) Should the County not use said funds on or before the expiration date, the County shall return the funds to the applicants, their heirs, successors, and assigns (excluding individual lot owner successors), together with accrued interest.

6. The Subdivision Improvements Agreement, including the financial assurance estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.

NOTATIONS

1. Failure to record the plat within one (1) year following Board of County Commissioner approval will require reconsideration by the Board. Said reconsideration may involve compliance with new criteria, regulations and updated fees.
2. The proposed subdivision is located entirely within the East Cherry Creek Drainage Basin (CYCY0200). This basin has not been studied and no drainage or bridge fees apply.

Recommendation:

Should the Board of County Commissioners approve the request to reconsider the final plat, staff recommends inclusion of the above six (6) conditions and two (2) notations.

Authorization:

Approval includes authorization for the Chair to sign the final plat and all other documents necessary to satisfy the intent of the Board of County Commissioners.

Attachments:

Letter of Intent
Vicinity Map
Final Plat Drawing
BOCC Resolution



May 7, 2021

PCD File No. SF2010

**LETTER OF INTENT
PRAIRIE RIDGE
RECONSIDERATION FOR A FINAL PLAT**

Owner:

Sonship Properties LLC
P.O. Box 511
Rocky Ford, CO 81067
(719) 241-0022, Justin Ensor

Applicant:

M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO
(719) 635-5736, David Gorman

Site Location Size and Zoning:

The Prairie Ridge subdivision was previously approved by the El Paso County Board of County Commissioners on April 24, 2008. However, the final plat was not recorded at that time and it has expired. The owner is seeking reconsideration of the previously approved Final Plat.

The proposed subdivision to be known as "Prairie Ridge" is located within the southeast one-quarter of Section 12, Township 11 South, Range 66 west of the 6th principal meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 61000-00-483. The site has no currently assigned address, but is located on Brown Road in northwestern El Paso County. There are no existing improvements on the property. The site is 39.769± acres in area and is zoned RR-5 (Residential Rural – 5 Acre).

The site is situated on the south and east sides of Brown Road which makes right angle turn at its northerly extent. Brown Road is a gravel, County maintained road but is not platted right-of-way. Walker Road is located approximately 0.5 miles to the south and Black Forest Road is located approximately 1.3 miles to the west. Unplatted 35-acre to 80-acre parcels, all zoned RR-5, surround the site.

Request and Justification:

The request is a reconsideration of a previously approved final plat. The proposed subdivision is to create seven (7) single-family rural residential lots from the 39.769± acre property. All proposed lots exceed 5.0 acres in area in accordance with the RR-5 zoning. The subdivision will also be compatible with the RR-5 zone with respect to land use (single-family residential), minimum building setbacks, water supply and wastewater disposal. The plat will dedicate 1.199± acres as right-of-way for existing Brown Road. The previously approved subdivision had a Subdivision Improvements Agreement associated with the approval. The proposed reconsideration includes an updated Subdivision Improvements Agreement.

Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
Fax 719-635-5450 • e-mail mve@mvecivil.com

Access for the lots will be from Brown Road, which is the existing gravel public road located along the north and west edges of the site. Brown Road connects to Walker Road approximately one-half mile south of the site and has an existing 60 foot long asphalt apron as a transition from the Walker Road pavement to the Brown Road gravel surface. The property owner will place up to 1 inch of additional gravel material in the locations identified in the Road Conditions Report in order to provide a total of 6" thick gravel surface from Walker Road and all along the project frontage.

Driveway Access for all proposed lots are by private driveways connecting to Brown Road. Three of the seven lots are flag lots with flag stem extensions connecting to Brown Road. Flag lot access is appropriate for this subdivision due to the five-acre rural residential lot size and the constraints of the natural features of the site. In this case, it would be impractical to extend public road right-of-way and county maintained infrastructure to the interior 5.0 acre rural residential lots from gravel Brown Road. A public or private roadway would require the crossing and disturbance of the natural drainageway in order to serve all the lots. The proposed flag lot configuration provides adequate and efficient private access to the three lots in a way that minimizes potential disturbance of the natural features of the site.

The proposed Subdivision is compatible with the surrounding land uses and neighborhood. Some of the surrounding unplatted parcels contain agricultural and single family residential structures. The proposed Minor Subdivision application is in conformance with the goals, objectives, and policies of the Master Plan including the Policy Plan and the Black Forest Preservation Plan discussed below.

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.* The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request:

Goal 6.1 a – “Encourage patterns of growth and development which compliment the regions' unique natural environments and which reinforce community character.” and Policy 6.1.14 – “Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County.”; This area of the County is conducive to rural residential development. The five acres lot density has reduced impact on environmental conditions. The existing community character is preserved with this proposed plat. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of the residential lots on the site. The proposed plat is consistent with the Black Forest Preservation Plan as it applies to the Northern Grasslands sub-area which is discussed in the section below.;

Goal 6.4 – “Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.” and “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 plat will not create the need for additional roadways or public facilities. The site will remain rural residential and is surrounded by existing agricultural and rural residential development on the north, south, east, and west sides.; *Policy 6.4.4 - “Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential area or to be incorporated as a buffer between higher density and undevelopable areas.”*; The proposed subdivision plat is in an area adjacent to existing RR-5 zoned property with rural residential and agricultural land use to the north, west, south and east.

Another element of the Master Plan is the Small Area Plan. Prairie Ridge is located within the area of the Black Forest Preservation Plan (1987), specifically within the “Northern Grasslands” sub-area of the plan. The small area plan is significantly outdated and does not take into account the land use trends and events of the last 34 years in this rapidly developing portion of the county. However, the northern grasslands area specifies that low density residential development should be strictly held to one dwelling unit per five acres, which is consistent with the proposed subdivision. The small area plan also specifies that roads should be aligned “with topography to preserve visual character and reduce drainage problems”. No new roads are proposed with this subdivision since all access is proposed to be provided by low-impact driveways connecting to Brown Road. In this way, lot access is provided while eliminating the need for roadway crossings or driveway crossings of significant natural drainageways. The natural drainageways are also designated to be no build areas. The proposed Minor Plat is consistent with the Black Forest Preservation Plan.

The proposed plat is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site vicinity. Any required Park Fees will be paid at the time of plating. The proposed subdivision is also in compliance with the 2040 Major Transportation Corridors Plan (MTCP) and Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The District Court, Water Division 1 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow the drilling of seven residential use wells for the subdivision in Case No. 06CW100. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of well permits based on the decreed water rights.

Prairie Ridge is located within Region 2 in the Water Master Plan. This is comprised of the northwest corner of the county including the tri-lakes area. The site is located in a 2060 designated Growth Area as determined in the Water Master Plan. The Water Master Plan contains estimates of the demands and available supply by region at the years 2018, 2040 and 2060 Build-Out. The 2018/2040/2060 demands in Region 2 are estimated to be 7,532 acre-feet per year, 11,713 acre-feet per year, and 13,254 acre-feet per year, respectively. The 2018/2040/2060 supplies in Region 2 are estimated to be 13,607 acre-feet per year, 20,516 acre-feet per year, and 20,756 acre-feet per year, respectively, indicating a surplus of supply for the region at each time. However, a significant portion of the supply is derived from non-renewable Denver Basin groundwater. Considering only the Prairie Ridge subdivision, demands are estimated to be 7.00

acre-feet of water per year for the current, 2040 and 2060 time frames, respectively. Water supply available by decree to the subdivision is 7.00 acre-feet per year for each of the current, 2040 and 2060 time frames. From that total 7.00 acre-feet, the decree allows up to 2.1 acre-feet per year to be withdrawn for indoor domestic and incidental commercial uses. The remaining 4.90 acre-feet per year may be used for landscape irrigation, livestock watering, fountains, decorative ponds, swimming pools, hot tubs fire fighting dust suppression and augmentation purposes. In practice, it is expected due to the nature of the development, that the amount of landscape irrigation will be minimized and the other allowed uses will not be common in number or frequency.

A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County.* The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible.* All new single-family residence on the proposed 5 acre lots will utilize onsite wastewater treatment systems which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*

The Prairie Ridge Preliminary Plan (SP-07-014) was approved by the Board of County Commissioners on April 24, 2008. The Final Plat is in compliance with the approved Preliminary Plan. The subdivision will be developed in accordance with the approved Preliminary Plan and with current Land Development Code.

3. *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.*

The proposed subdivision plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision except for the enhancement of the Brown Road gravel surface as detailed in the Road Conditions Report

4. *Either 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 this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;.*

Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan. A prior finding of water sufficiency was made with the prior approval of the plat by BOCC. Furthermore, updated Water Resources and Water Quality Reports are provided in support of water sufficiency.

5. *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 this Code.*

Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.

6. *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)].*

A soils report has been prepared for the site and the owner will comply with the recommendations of the report.

7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.*

The proposed Minor Subdivision is consistent with the submitted Final Drainage Report. There are not Drainage facilities needed or proposed with this development. The the owner will comply with the requirements of the drainage report.

8. *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.*

All proposed lots will access existing public Brown Road. New private driveways will be established for each new proposed lot and Driveway Permits for each lot will be obtained.

9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Prairie Ridge is located within the Tri-Lakes Monument Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Lewis-Palmer School District 38, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

10. *The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

Prairie Ridge is located within the Tri-Lakes Monument Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

11. *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.*

All Offsite impacts are determined to be insignificant with the addition of one residence to the site already containing one residence. The owner will be responsible to pay park, school, drainage and Traffic Impact fees.

12. *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 SIA so the impacts of the subdivision will be adequately mitigated.*

There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact fees due for this project.

13. *The subdivision meets other applicable sections of Chapter 6 and 8.*

The subdivision meets the requirements of the Land Development Code.

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].* No Mineral estate owners have been identified in association with this application.

Existing and Proposed Facilities:

Existing improvements and facilities include the adjacent public roadway of Brown Road. There are no public subdivision improvements required for this site.

Total Number Of Residential Units And Densities:

The gross area of Prairie Ridge is 39.796+/- acres and is proposed to contain 7 rural residential Single Family Units. An area of 38.570+/- acres will be single-family residential lots. The average lot size in the subdivision is 5.510 acres. The gross density of the site is 0.14 units per acre.

Fire Protection:

The Prairie Ridge subdivision property is located within the Tri-Lakes Monument Fire Protection District. The lots and homes are subject to the codes and policies adopted by the District regarding fire protection.

Proposed Access Locations:

The access locations for Prairie Ridge are the seven (7) proposed driveway access points onto Brown Road which will be made in a locations to be determined in accordance with the County's access policies.

Traffic Impact and Traffic Impact Fees:

The seven (7) proposed single family residential units will access public Brown Road, which connects to Walker Road on the south. The development is expected to generate a total of 66 trips per day (Average weekday trips ends) and 7 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

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El Paso County Parcel Information

File Name:

Date:

PARCEL	NAME	ADDRESS
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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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PRAIRIE RIDGE FILING NO. 1

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12,
TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
EL PASO COUNTY, COLORADO

NOTES:

1. o - Indicates survey monument set with a #4 rebar with Surveyor's Cap, P.L.S. #18465.
 • - Indicates recovered survey monument as noted.
 * - Indicates man-made fill data.
 ◆ - Indicates section corner as noted.

KNOW ALL MEN BY THESE PRESENTS:

That CLOVIS POINT CO, LLC, a Colorado Limited Liability Company being the owner of the following described tract of land to wit:

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 12, Township 11 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, to wit:

The Southeast Quarter of the Southeast Quarter of said Section 12, except the Westerly 30.00 feet for public road purposes, and being described as follows:

Beginning at the Southeast corner of said Section 12, said corner monumented by an alloy capped steel pin marked PLS No. 25361;

thence S89°04'51"W, along the South line of the Southeast Quarter of the Southeast Quarter of the said Section 12, a distance of 1305.15 feet to a point 30.00 feet Easterly of the Southwest corner thereof, said corner monumented by a plastic capped steel pin marked PLS No. 23875;

thence N00°13'51"W, 30.00 feet Easterly of and parallel with the West line of the said Southeast Quarter of the Southeast Quarter of the said Section 12, a distance of 1325.59 feet to a point on the North line thereof, said corner monumented by a plastic capped steel pin marked PLS No. 23875;

thence N89°01'29"E, along the North line of the said Southeast Quarter of the Southeast Quarter of the said Section 12, a distance of 1307.46 feet to the Northeast corner thereof, said corner monumented by an alloy capped steel pin marked PLS No. 13830;

thence S00°07'55"E, along the East line of the said Southeast Quarter of the Southeast Quarter of the said Section 12, a distance of 1326.90 feet to the Point of Beginning;

Containing 39.769 acres, more or less.

OWNER'S CERTIFICATE:

The undersigned being the owner in the land described herein, has laid out, subdivided and platted said land into lots, streets and easements as shown hereon under the name and subdivision of PRAIRIE RIDGE FILING NO. 1. All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioner of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance and replacement of utility lines and related facilities.

CLOVIS POINT CO, LLC

By: Alexander Kuhnke, Managing Member

Alexander Kuhnke, Managing Member

NOTARIAL:

STATE OF COLORADO }
COUNTY OF EL PASO }SS

The above and aforementioned was acknowledged before me this _____ day of _____, 20____ A.D., by Alexander Kuhnke, Managing Member of Clovis Point CO, LLC, a Colorado Limited Liability Company.

Witness my hand and seal_____

My commission expires _____

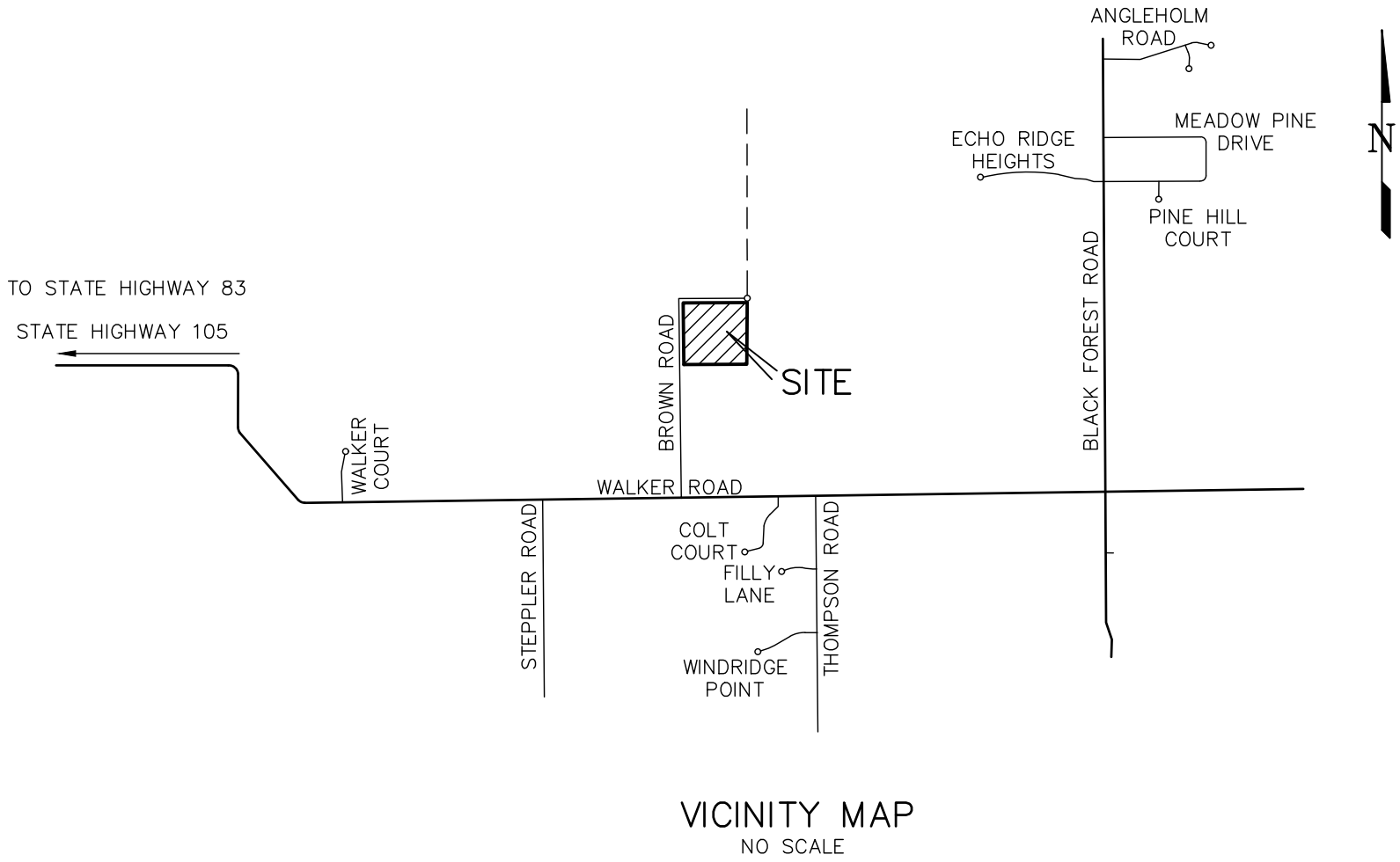
FEES:

Park Fee: _____ Drainage Fee: _____
School Fee: _____ Bridge Fee: _____

1. This survey does not constitute a title search by LDC, Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of record, LDC, Inc. relied upon a Commitment for Title Insurance, issued by TITLE RESOURCES GUARANTY COMPANY. Commitment No. 3117422-02451 dated May 17, 2022 at the exact time of recording.
- Item 4 Terms, conditions, provisions, agreements, easements and obligations specified under the easement, 30 feet wide, for ingress and egress and utility purposes over and along the North boundary line of the herein described parcel, as created in the instrument recorded September 3, 2004 at Reception No. 204150806.
- Item 5 An easement for electrical lines and incidental purposes granted to MVEA, Inc. by instrument recorded December 7, 2004 at Reception No. 204200417
- Item 6 Terms, conditions, provisions, agreements, easements and obligations specified under the non-exclusive permanent easement recorded July 16, 2008 at Reception No. 208080295.
- Item 7 Terms, conditions, provisions, agreements, easements and obligations specified under the non-exclusive permanent easement recorded July 16, 2008 at Reception No. 208080296.
- Item 8 Notes and easements specified under the Improvement Location Certificate prepared by Forth Land Surveying, Inc. Dated October, 2, 2018, Project No. 18092.
- Item 10 Terms, conditions, provisions, agreements, easements and obligations specified under the Water Rights Special Warranty Deed recorded October 8, 2019 at Reception No. 218116879.
2. Prior to the establishment of any driveway, an access permit must be granted by the El Paso County Planning and Community Development Department.
3. Sewage treatment is the responsibility of each individual property owner. The El Paso County Health Department must approve each system and, in some cases, the Department may require an engineered system prior to permit approval.
4. Basis of Bearings: All bearings are based on the South line SE1/4 SE1/4 SEC. 12, with a found alloy capped steel pin at its Easterly end and a found alloy capped steel pin at its Westerly end, as shown hereon and assumed to bear S89°04'51"W, a distance of 1335.15 feet.
5. Unless otherwise indicated, all side and rear lot lines are hereby platted on each side with a ten foot (10') Public Utilities and Drainage Easement. The exterior boundary shall have a twenty foot (20') Public Utilities and Drainage Easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
6. All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
7. Individual wells are the responsibility of each individual property owner. Permits for individual domestic wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits, subject to the provisions of the decree entered by the Water Court, Water Division 1, in Consolidated Case Nos. 06CW100 (Div. 1) and 06CW20 (Div. 2) on April 13, 2007 (the "Water Decree").
- Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life; however, for El Paso County Development Services purposes, water in the Denver Basin Aquifers is evaluated based on a 300 year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin Aquifer may be less than either the 100 years or 300 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon nonrenewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.
- Water withdrawal and wells are subject to the terms, restrictions and responsibilities as found within the Water Decree and the Declaration of Covenants, Conditions and Restrictions of Prairie Ridge recorded in the El Paso County records.

8. FEDERAL EMERGENCY MANAGEMENT AGENCY, Flood Insurance Rate Map Number 08041C0305 G, effective date December 7, 2018, indicates the area in the vicinity of this parcel of land to be a Zone X (area determined to be out of the 500 year flood plain).
9. ~~(19339)~~ - Indicates property address. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
10. Note Regarding Stormwater Drainage:
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 individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
11. Mailboxes:
Mailboxes shall be installed in accordance with all El Paso County Planning and Community Development Department and United States Postal Service regulations.
12. According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
13. The following listed lots have been found to be the most impacted by the listed geologic hazards listed below. Mitigation measures and a map of the hazard areas can be found in the report, Soil, Geology, and Geologic Hazard Study, Prairie Ridge Properties, El Paso County, Colorado, by Entech Engineering, Inc., dated May 31, 2007, and addendum dated September 17, 2007, in File SP-07-016 at the El Paso County Planning and Community Development Department:
- Potentially shallow groundwater area - Lots 4, 5, 6, and 7 - NO BUILD AREA
Seasonally shallow groundwater - Lots 4, 5, 6 and 7 - NO BUILD AREA
Man-made fill - Lots 1, 2, 5 and 6
- NOTE: If foundations are to be located within areas of man-made fill, then additional investigation will be required.
NOTE: Septic systems must be setback 25' from areas of Potentially Shallow Ground Water and areas of Seasonally Shallow Ground Water.
14. The following reports and or letters have been submitted and are on file at the El Paso County Planning and Community Development Department: Soils and Geology, Drainage, Water Resources, and Wildfire Mitigation.
15. Public and Common Subdivision Improvements:
No lot or interest therein, shall be sold, conveyed, or transferred whether by deed or by contract, nor shall building permits be issued, until and unless the required public and common development improvements have been constructed, completed, and preliminarily accepted in accordance with the Subdivision Improvements agreement between the applicant/owner and El Paso County as recorded under Reception Number _____ in the Office of the Clerk and Recorder of El Paso County, Colorado or in the alternative, other collateral is provided to make provision for the completion of said improvements in accordance with the El Paso County Land Development Code and Engineering Criteria Manual. Any such alternative collateral must be approved by the Board of County Commissioners or, if permitted by the Subdivision Improvements Agreement, by the Planning and Community Development Director and meet the policy and procedure requirements of El Paso County prior to the release by the County of any lots for sale, conveyance or transfer.
This plat restriction may be removed or rescinded by the Board of County Commissioners or, if permitted by the Subdivision Improvements Agreement, by the Planning and Community Development Department Director upon either approval of an alternative form of collateral or completion and preliminary acceptance by the Board of County Commissioners of all improvements required to be constructed and completed in accordance with said Subdivision Improvements Agreement. The partial release of lots for sale, conveyance or transfer may only be granted in accordance with any planned partial release of lots authorized by the Subdivision Improvements Agreement.

16. 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 & Wildlife Service.
17. All homes are required to have in-home fire sprinklers installed per NFPA Code 13R, Section 901.2. Sprinkler systems shall be installed, repaired, tagged, and maintained by a FSC-A contractor licensed by the Pikes Peak Regional Building Department.
18. This subdivision includes a waiver of the El Paso County Land Development Code to allow flag lot access to Brown Road for Lots 4, 5 & 6 which is approved with the Final Plat application.
19. Site plans shall include topography, width and percent of grade of access roads, landscape, vegetation details including proposed defensible space, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, structures and their appendages, roof classification of buildings, site water supply systems and anything else deemed necessary by the Fire Code Official. All site plans shall be submitted and approved by the Fire Code Official prior to the issuance of the building permit and prior to combustible construction materials being delivered to the site.
20. Individual lot owners are responsible for constructing driveways, including necessary drainage culverts from Brown Road per Land Development Code Section 6.3.3.C.2 and 6.3.3.C.3. Due to their length, driveways for Lots 4, 5 and 6 will need to be specifically approved by the Tri-Lakes/Monument Fire Rescue Authority.



21. This property is subject to the covenants for Prairie Ridge Subdivision recorded under Reception No. _____ of the records of El Paso County, Colorado.
22. At time of closing on each lot a sum of \$5,104.00 will be paid to El Paso County to be deposited to the Public Improvement Contribution Fund (Reception No. _____) for off-site public improvements to Brown Road. These funds will be held by El Paso County in a fund setup solely for those improvements. Interest shall accrue on the amount of \$5,104.00 per lot from the date of recording of the Final plat at an interest rate of 5% per annum simple interest.
23. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successor and assignees that Subdivider and/or said successors and assignees 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 find the fee obligation before sale of the property.

SURVEYOR'S CERTIFICATION:

I Daniel L. Kupferer, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat correctly represents the results of a survey made on date of survey, by me or under my direct supervision and accurately shows subdivision thereof, and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in full compliance with all applicable provisions of the El Paso County Land Development Code, and that the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of my professional knowledge, belief and opinion and that it is in accordance with applicable standards of practice and this is not a guaranty or warranty, either expressed or implied.

Daniel L. Kupferer
Colorado Professional Land Surveyor No. 18465

APPROVALS:

This plat for Prairie Ridge Filing No. 1 was approved by the El Paso County Planning and Community Development Department Director on the _____day of _____, 20____, subject to any notes or conditions specified hereon.

Planning and Community Development Director

Board of County Commissioners' Certificate
This plat for Prairie Ridge Filing No. 1 was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____day of _____, 20____, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (streets and easements) are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the land Development Code and Engineering Criteria Manual and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners

Date

RECORDING:

Clerk and Recorder
STATE OF COLORADO }
COUNTY OF EL PASO }SS
I hereby certify that this instrument was filed for record in my office at ____ o'clock ____M., this _____ day of _____, 20____ A.D., and is duly recorded under Reception No. _____ of the records of El Paso County, Colorado.

Chuck Broerman, Clerk and Recorder

SURCHARGE: _____ BY: _____
FEE: _____ Deputy

REVISIONS		By		Date	
No.	Description				
1	COUNTY COMMENTS	MTG	08/13/07		
2	BOUNDARY CONFIGURATION	MTG	10/29/07		
3	COUNTY COMMENTS	KLW	12/06/07		
4	COUNTY COMMENTS	KLW	12/11/07		
5	COUNTY COMMENTS	PAC	10/13/08		
6	REVISED FOR RESUBMITTAL	DLK	05/24/19		
7	COUNTY COMMENTS	DLK	2-24-2021		
8	CHANGED TITLE TO FILING NO. 1	DLK	10-21-2021		

H Scale:	N/A
V Scale:	N/A
Designed By:	MTG
Drawn By:	MTG
Checked By:	DVH
Date:	05/31/19

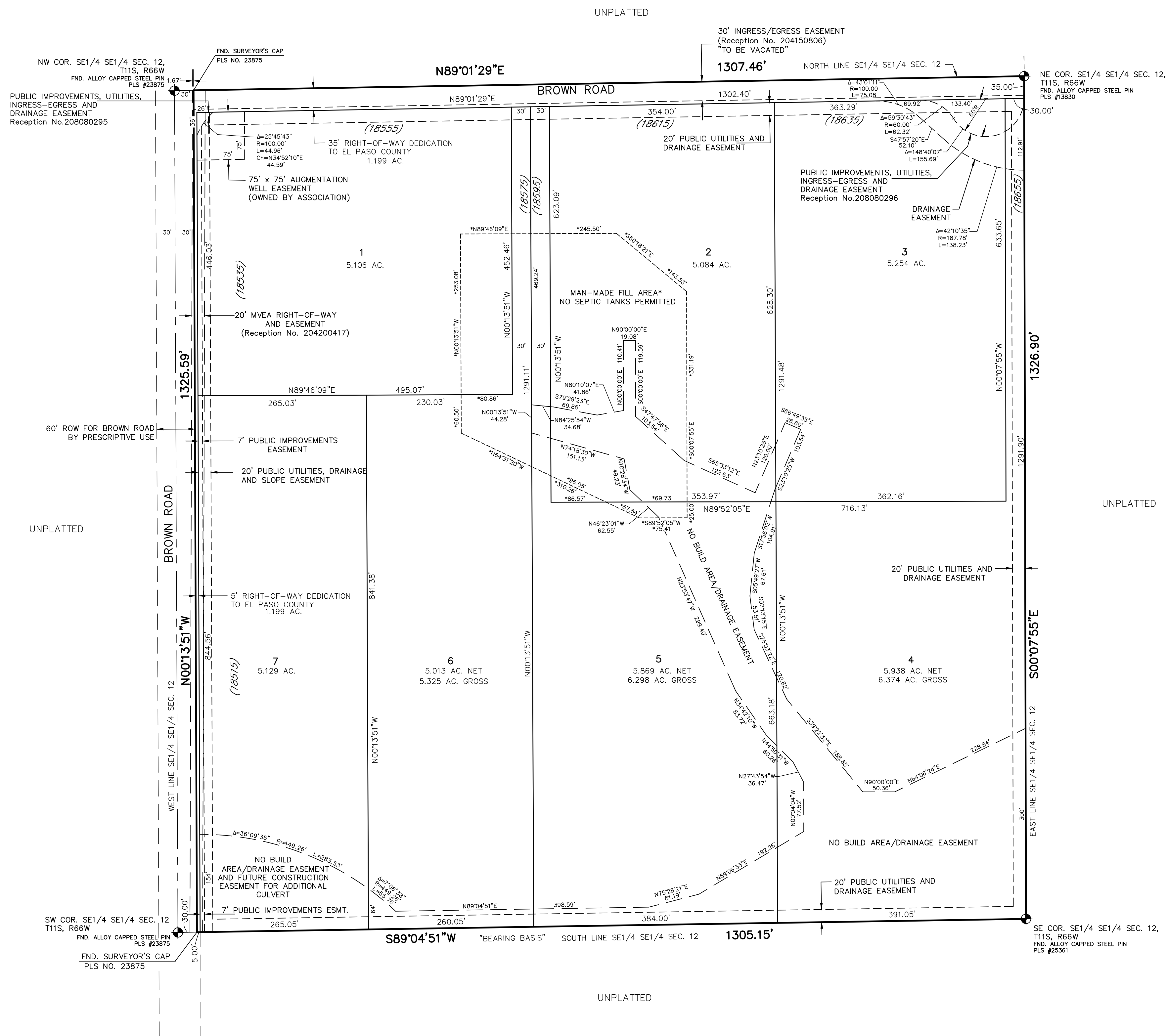
	www ldc-inc.com • TEL: (719) 528-6133 • FAX: (719) 528-6648 3888 MAZELAND ROAD • COLORADO SPRINGS, CO 80909
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Project No.: 18065

Sheet: 1 of 2

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
EL PASO COUNTY, COLORADO

1. ○ – Indicates survey monument set with a #4 rebar with Surveyor's Cap, P.L.S. #18465.
 ● – Indicates recovered survey monument as noted.
 * – Indicates man-made fill data.
 ⊕ – Indicates aliquot section corner as noted.



H Scale:	1" = 100'
V Scale:	N/A
Designed By:	
Drawn By:	MTC
Checked By:	DVH
Date:	07/11/07



FINAL PLAT
PRAIRIE RIDGE FILING NO. 1

PCD File No. SF2010

RESOLUTION NO. _____

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

**RECONSIDERATION OF A FINAL PLAT TO APPROVE THE PRAIRIE RIDGE FILING
NO. 1 FINAL PLAT (SF-20-010)**

WHEREAS, the Board of County Commissioners of El Paso County, Colorado previously approved the Final Plat for Prairie Ridge Filing No. 1 on April 24, 2008; and

WHEREAS, the Board of County Commissioners previously adopted Resolution No. 14-475, approving an extension to record all final plats approved from January 2, 2006 through and including April 28, 2009 until December 31, 2017; and

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the reconsideration of the Prairie Ridge Filing No. 1 final plat request as submitted and pursuant to the conditions contained herein, for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference; and

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

1. All conditions of approval associated with approval of the Prairie Ridge Filing No. 1 final plat (PCD File No. SF-07-016) shall remain in effect except as modified herein or as otherwise required in order to comply with current subdivision development criteria.
2. Fees in lieu of regional parkland dedication in the amount of \$3,269.00 shall be paid to El Paso County.
3. The Subdivider(s) agrees on behalf of him/herself and any developer or builder 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 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 find the fee obligation before sale of the property.
4. Minor amendments to the final plat may be approved administratively by the Planning and Community Development Director if the proposed

amendments are consistent with the intent of the Board of County Commissioners' approval.

5. Brown Road will retain its current alignment. Prior to recording the final plat, Applicant shall enter into an Escrow Agreement ("Agreement") with the County in which Applicants shall agree to participate in the completion of off-site public improvements to bring Broad Road into compliance with El Paso County local roadway standards ("Brown Road Improvements"). Said Agreement shall require separate approval by the Board. Said Agreement shall address the following:
 - 1) Applicants' total fair, equitable, and reasonably proportional contribution to the Brown Road Improvements shall be \$14,553 per lot for a total of \$101,871 structured as follows:
 - a. Prior to recording the final plat, Applicants shall deposit the sum of \$66,150 with the El Paso County Treasurer, which funds the County shall maintain and deposit in a separate, interest-bearing account not part of the County's operating budget.
 - b. Applicant shall require as a condition of sale and closing of each of the seven lots, at the time of closing each lot, payment by the buyer to Applicant of 1/7th of the remaining \$35,721 balance of the contribution, or \$5,103 per lot, which funds Applicants shall cause to be paid to Planning and Community Development Department who in turn will transfer funds to the El Paso County Treasurer for deposit into the above described account. Interest shall accrue on the amount of \$5,103 per lot from the date of recording of the Final Plat at an interest rate of 5 percent per annum simple interest.
 - 2) Said funds shall only be used for the purpose of construction, or contributing to the construction of, the Brown Road Improvements.
 - 3) On or before the expiration date, the County may use the funds, including any interest accrued thereon, only for the purpose of construction, or contributing to the construction of, the Brown Road Improvements. The expiration date is 5 years from the closing date of sale of the last lot in Prairie Ridge subdivision or 10 years from the date of the Agreement, whichever is later.
 - 4) Should the County not use said funds on or before the expiration date, the County shall return the funds to the applicants, their heirs, successors, and assigns (excluding individual lot owner successors), together with accrued interest.
6. The Subdivision Improvements Agreement, including the financial assurance estimate, as approved by the El Paso County Planning and

Resolution No.

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Community Development Department, shall be filed at the time of
recording the final plat.

DONE THIS ____ day of _____, 20____, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By:

By: _____

County Clerk and Recorder

Resolution No. 22-
EXHIBIT A

That SONSHIP PROPERTIES, LLC, a Colorado Limited Liability Company being the owner of the following described tract of land to wit:

A parcel of land situated in the Southeast Quarter of the Southeast Quarter of Section 12, Township 11 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, to wit:

The Southeast Quarter of the Southeast Quarter of said Section 12, except the Westerly 30.00 feet for public road purposes, and being described as follows:

Beginning at the Southeast corner of said Section 12, said corner monumented by an alloy capped steel pin marked PLS No. 25361;

thence S89°04'51"W, along the South line of the Southeast Quarter of the said Section 12, a distance of 1305.15 feet to a point 30.00 feet Easterly of the Southwest corner thereof, said corner monumented by a plastic capped steel pin marked PLS No. 23875;

thence N00°13'51"W, 30.00 feet Easterly of and parallel with the West line of the said Southeast Quarter of the Southeast Quarter of the said Section 12, a distance of 1325.59 feet to a point on the North line thereof, said corner monumented by a plastic capped steel pin marked PLS No. 23875;

thence N89°01'29"E, along the North line of the said Southeast Quarter of the Southeast Quarter of the said Section 12, a distance of 1307.46 feet to the Northeast corner thereof, said corner monumented by an alloy capped steel pin marked PLS No. 13830;

thence S00°07'55"E, along the East line of the said Southeast Quarter of the Southeast Quarter of the said Section 12, a distance of 1326.90 feet to the Point of Beginning;

Containing 39.769 acres, more or less.