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RESOLUTION NO. 20- 274

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

**APPROVE FINAL PLAT FOR RETREAT AT TIMBERRIDGE FILING NO. 1
(SF-19-009)**

WHEREAS, TimberRidge Development Group, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Retreat at TimberRidge Filing No. 1 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, a public hearing was held by the El Paso County Planning Commission on July 23, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on July 28, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and 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, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

- 1. The application was properly submitted for consideration by the Planning Commission.**
- 2. 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.**
- 3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.**
- 4. All exhibits were received into evidence.**

5. The subdivision is in general 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. 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 Land Development 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 Land Development 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 Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code
14. 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 Land Development Code
15. 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 the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. 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 the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Retreat at TimberRidge Filing No. 1 Subdivision;

BE IT FURTHER RESOLVED that 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 by the Board of County Commissioners 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 Applicant shall submit the Mylar to Enumerations for addressing.

5. **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 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 El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.**
8. **Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.**
9. **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.**
10. **Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$31,920.00 and urban park (Area 2) fees in the amount of \$20,160.00 shall be paid at the time of plat recordation.**
11. **Fees in lieu of school land dedication in the amount of \$3,366.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording. Fees in lieu of school land dedication in the amount of \$14,160.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.**

12. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
13. Drainage and bridge fees for the Sand Creek drainage basin, in the amounts of \$197,544.20 and \$63,150.24 are due at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due. The developer proposes channel improvements that will exceed the cost of the drainage fee. If the channel improvements are completed or collateralized at the time of plat recording, only the bridge fee will be due.
14. The developer, property owner and Retreat Metropolitan District shall be responsible for maintenance of Sand Creek adjacent to the final plat until construction of the necessary channel improvements by the developer is complete and the channel improvements have been accepted by El Paso County.
15. The construction drawings and the final drainage report (SF-19-009) shall be approved by the Planning and Community Development Department and collateral shall be provided by the applicant to guarantee said improvements prior to the recordation of the Retreat at TimberRidge Filing No. 1 final plat.
16. No building permits shall be issued for Lot Nos. 12-70 of the Retreat at TimberRidge Filing No. 1 subdivision, unless and until Subdivider provides to the County written confirmation from Meridian Service Metropolitan District that all wastewater infrastructure necessary to serve such lots has been installed, accepted by said District, and is operational.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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

DONE THIS 28th day of July, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Chair



EXHIBIT A

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTIONS 27 AND 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR S89°08'28"W A DISTANCE OF 1356.68 FEET.

COMMENCING AT THE CENTER-EAST 1/16 CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N00°30'49"W, ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1270.77 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430, RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N21°41'10"E, ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 450.63 FEET;

THENCE S57°10'00"E, A DISTANCE OF 661.28 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S57°10'00"E, HAVING A DELTA OF 09°20'00", A RADIUS OF 770.00 FEET AND A DISTANCE OF 125.43 FEET TO A POINT ON CURVE;

THENCE S66°30'00"E, A DISTANCE OF 255.51 FEET;

THENCE S54°48'53"E, A DISTANCE OF 205.37 FEET;

THENCE S00°50'00"E, A DISTANCE OF 507.39 FEET;

THENCE N89°10'00"E, A DISTANCE OF 389.42 FEET;

THENCE S66°00'00"E, A DISTANCE OF 197.47 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S66°00'00"E, HAVING A DELTA OF 12°37'30", A RADIUS OF 525.00 FEET AND A DISTANCE OF 115.68 FEET TO A POINT OF TANGENT;

THENCE N36°37'30"E, A DISTANCE OF 263.98 FEET;

THENCE S53°22'30"E, A DISTANCE OF 243.17 FEET;

THENCE S71°41'17"E, A DISTANCE OF 171.36 FEET;

THENCE S11°05'00"W, A DISTANCE OF 147.40 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N11°05'00"E, HAVING A DELTA OF 05°02'42", A RADIUS OF 725.00 FEET AND A LENGTH OF 63.84 FEET TO A POINT ON CURVE;
THENCE S06°02'18"W, A DISTANCE OF 136.13 FEET;
THENCE S00°54'30"E, A DISTANCE OF 720.00 FEET;
THENCE S89°05'30"W, A DISTANCE OF 160.00 FEET;
THENCE N88°03'59"W, A DISTANCE OF 85.10 FEET;
THENCE S89°05'30"W, A DISTANCE OF 145.17 FEET;
THENCE S05°04'00"E, A DISTANCE OF 416.10 FEET;
THENCE S00°54'30"E, A DISTANCE OF 175.00 FEET;
THENCE N89°05'30"E, A DISTANCE OF 150.00 FEET;
THENCE S00°54'30"E, A DISTANCE OF 154.28 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 01°30'30", A RADIUS OF 1025.00 FEET AND A DISTANCE OF 26.98 FEET TO A POINT OF TANGENT;
THENCE S02°25'00"E, A DISTANCE OF 18.66 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27 TOWNSHIP 12 SOUTH RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
THENCE S87°35'00"W, ON SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 693.40 FEET TO THE SOUTH SIXTEENTH CORNER COMMON TO SAID SECTIONS 27 AND 28;
THENCE N00°53'18"W ON THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, A DISTANCE OF 1316.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 28;
THENCE S89°08'28"W, ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1326.68 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 68.135 ACRES.