

**GENERAL APPLICATION FORM**

Revised 2-3-18

Project Name:	BLR-VA1 Filings 50, 51, 52, 53, 54, 55, 56	Existing Zone:	PUD/AO	Acreage:	127.80
Site Address:	N/A	Direction from Nearest Street Intersection:	North of of Stetson Hills Blvd, South of Dublin Blvd. and east of the Future Banning Lewis Parkway		
Tax Schedule Number(s):	5300000654				

TYPE OF PLAN(S) - Check all that apply. Note: MJ=Major Amendment; MN=Minor Amendment; MM=Minor Modification

- | | |
|--|--|
| <input type="checkbox"/> 2020 Land Use Map Amendment | <input type="checkbox"/> Property Boundary Adjustment |
| <input type="checkbox"/> Administrative Relief | <input type="checkbox"/> PUD Concept Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Amendment to Plat Restriction | <input checked="" type="checkbox"/> PUD Development Plan <input checked="" type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> PUD Zone Change |
| <input type="checkbox"/> Building Permit to Unplatted Land | <input type="checkbox"/> Street Name Change |
| <input type="checkbox"/> Building Permit Prior to Platting | <input checked="" type="checkbox"/> Subdivision Plat <input type="radio"/> Prelim <input type="radio"/> Prelim & Final <input checked="" type="radio"/> Final |
| <input type="checkbox"/> CMRS No. <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 | <input type="checkbox"/> Subdivision Waiver <input type="radio"/> Design <input type="radio"/> Process |
| <input type="checkbox"/> Concept Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Use Variance <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Conditional Use <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Vacation of Plat |
| <input type="checkbox"/> Coordinated Sign Plan (CSP) | <input type="checkbox"/> Waiver of Replat |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Zone Change; Proposed Zone: _____ |
| <input type="checkbox"/> Development Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> FBZ Development Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Historic Preservation <input type="radio"/> Re-roof <input type="radio"/> Hearing Request | <input type="checkbox"/> FBZ Conditional Use <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input checked="" type="checkbox"/> Landscape Plan <input type="radio"/> Preliminary <input checked="" type="radio"/> Final <input type="radio"/> Irrigation | <input type="checkbox"/> FBZ Interim Use Plan |
| <input type="checkbox"/> Master Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> FBZ Minor Improvement Plan |
| <input type="checkbox"/> Nonuse Variance | <input type="checkbox"/> FBZ Warrant |
| <input type="checkbox"/> Preservation Easement Adjustment | |

PROPERTY OWNER AND/OR APPLICANT/CONSULTANT ACKNOWLEDGEMENT OF RESPONSIBILITIES:

The signature(s) hereby certify that the statements made by myself and constituting part of this application are true and correct. I am fully aware that any misrepresentation of any information on this application may be grounds for denial of this application. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. The applicant/owner by his or her signature understands and agrees that he or she is responsible for the completion of all on-site and off-site improvements as shown and approved on the final plan (including landscaping, paving, lighting, etc.) prior to receiving a Certificate of Occupancy.

SEE ATTACHED LETTER		3/22/21
Signature of Property Owner	Signature of Consultant	Date
Signature of Developer		Date

APPLICANT CONTACT INFORMATION (please print or type)

Property Owner:	H20 Sub BLR Village 4, LLC, a Colorado limited liability company	Contact Name:	Jennifer Ruby
E-Mail:	jruby@walton.com	Phone:	(480) 586-9347
Developer:	Clayton Properties Group II, Inc. DBA Oakwood Homes Colorado Springs	Contact Name:	Scott Smith
E-Mail:	SSmith@OakwoodHomesCO.com	Phone:	(719) 499-7764
Consultant/Main Contact name:	LAI Design Group - Rick Haering	Phone:	(303) 734-1777
Address:	88 Inverness Circle East, Suite J-101	City:	Englewood
State:	CO	Zip Code:	80112
E-Mail:	rhaering@gmail.com		

PLANNER AUTHORIZATION: (CITY USE ONLY)

☒ Checklists ☒ Distribution Form ☒ Project Blurb ☒ E-mail to Admin. Initial Review Level: ☒ AR ☐ CPC ☐ DRB ☐ HP

Payment \$ **\$26,496.00** Assigned to: **Katelynn Wintz** Date: **3/25/21**

Receipt No.: _____ City File No: **AR FP 21-00178**

**SIGNATURE PAGE TO CITY OF COLORADO SPRINGS GENERAL APPLICATION FORM
FOR BLR VILLAGE A1 FILINGS 50, 51, 52, 53, 54, 55, AND 56**

H2O Sub BLR Village 4, LLC, a Colorado limited liability company

By: Highway 20, LLC, a Delaware limited liability company,
Its: Sole Member and Manager

By: Walton Institutional Management, LLC, a Delaware limited liability company,
Its: Manager

By: WDH Management, Inc., a Delaware corporation
Its: Manager

By:  _____

Name: Jennifer Ruby

Title: Authorized Signatory

Date: March 16, 2021



Final Plat Application Requirements

REVIEW CRITERIA: It is the purpose and intent of this article:

- A. To promote the health, safety, convenience and general welfare of the citizens of the City.
- B. To set forth appropriate standards for subdivision design which will:
 - 1. Encourage the development of sound, economical, stable neighborhoods and create a healthy living environment for the residents of the City, in conformance with the goals and policies of the Comprehensive Plan.
 - 2. Provide for lots of adequate size, configuration and appropriate design for the purpose for which they are to be used and to accommodate the physical features of the site.
 - 3. Promote design flexibility.
 - 4. Provide for streets of adequate capacity and with which appropriate improvements will handle anticipated traffic flow.
 - 5. Preserve the significant natural features and environmental quality of the City.
- C. To set forth appropriate standards for utilities and services which will:
 - 1. Provide an efficient, adequate and economical supply of utilities and services to land proposed for development, in order to assure that governmental costs are minimized to the greatest extent possible.
 - 2. Ensure at the time of subdivision that adequate storm drainage, sewage disposal and other utilities, services and improvements needed as a consequence of subdivision of land are provided.
 - 3. Provide for the undergrounding of all public utilities lines up to thirty thousand (30,000) volts except as otherwise provided in section 7.7.805 of this article.
- D. To assure the provision of adequate and safe circulation which will:
 - 1. Minimize traffic hazards through means of appropriate street design, and provide for safe and convenient vehicular and pedestrian traffic circulation.
 - 2. Provide for adequate vehicular access to abutting properties and the subdivider's remaining holdings.
 - 3. Assure that street rights of way are provided for in accord with the major thoroughfare plan and the City Engineer design manual.
 - 4. Provide for safe and convenient pedestrian access throughout the community.
- E. To assure adequate public facilities are provided which will:
 - 1. Enhance the coordination of subdivision development with the provision of public facilities such as parks, recreation areas, schools and other types of community facilities.
 - 2. Ensure that public facilities are provided in accord with the City's Comprehensive Plan.
 - 3. Provide for adequate law enforcement and fire protection facilities.
- F. To ensure the appropriate development of the community through the implementation of the goals and policies of the Comprehensive Plan. (Ord. 96-44; Ord. 01-42)

SUBMITTAL CHECKLIST: The following items will need to be included in any Final Plat review submittal.

Applicant	Planner
<input checked="" type="checkbox"/> General Development Application Form	<input type="checkbox"/>
1 copy of a Project Statement identifying the following: <ul style="list-style-type: none"> 1. A clear description of the proposed plat. If public easements dedicated by plat to the City are to be vacated as part of the request, indicate this within the project statement letter; 2. A justification based on the review criteria addressing why the proposed plat should be approved; and 3. An issue list stating how each of the pre-application issues, as communicated to the applicant/owner by the reviewing planner, has been addressed in the proposed subdivision plat. 	<input type="checkbox"/>
<input checked="" type="checkbox"/> 1 copy of a Final Plat showing all "Plan Contents" below	<input type="checkbox"/>
<input checked="" type="checkbox"/> All plans, documents, and reports uploaded to Dropbox folder (Planner to send folder invite through email)	<input type="checkbox"/>
<input checked="" type="checkbox"/> A legal description of the proposed project	<input type="checkbox"/>
<input checked="" type="checkbox"/> 2 copies of a Geologic Hazard Report or Waiver	<input type="checkbox"/>
<input checked="" type="checkbox"/> 2 copies of a Drainage Study	<input type="checkbox"/>
<input checked="" type="checkbox"/> 2 copies of a Traffic Impact Analysis	<input type="checkbox"/>
<input checked="" type="checkbox"/> Submittal of the Wastewater Facilities Master Report to Colorado Springs Utilities (CSU) Email completed form and map to wwwmasterplansubmit@csu.org prior to application submittal.	<input type="checkbox"/>

SUBMITTAL CHECKLIST: *Continued from previous page.*

Applicant

Planner

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> Proof of Ownership via title insurance, tax assessor's statement, or a deed. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Ad Valorem Taxes - proof payment via paid tax receipt, an archive report, or a certificate for ad valorem property taxes. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> A copy of the Pre-Application Meeting Summary letter from the assigned City Planner. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> 1 copy of an approved Preliminary Plat or Concept , or Development Plan for the proposed project. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Utility Line Locates provided if public easements dedicated by plat to the City are to be vacated, unless waived by Springs Utilities (refer to content requirements). | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Mineral Estate Owner Notification Certification Affidavit (Public Hearing Items ONLY). | <input type="checkbox"/> |

PLAN CONTENT REQUIREMENTS: The content of the final plat must include the following information.

General Information

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> Name of subdivision at the top of the sheet, followed by a subtitle identifying the Section, Township and Range along with City, County and State. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Sheet Size shall be 24" x 36" including 1/2" border with 'landscape' orientation. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Indication of standardized scale, both fractional and bar (i.e. 1" = 20') | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> North arrow | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Vicinity Map (does not have to be to scale). A vicinity location necessary to locate the tract. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Date of preparation of the plat | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Legal Description of the overall boundary of the subdivision with acreage. All courses on the legal shall be shown and labeled on the plat drawing. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Easement statement of standard easements as required on all, side rear and front lots lines. as well as site triangle easements. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Dedication Statements. Statements of land to be dedicated to the City for parks, playgrounds or other public uses, grants of easements and dedication of public streets and alleys to the City. | <input type="checkbox"/> |

All plats with public easements and/or tracts must have the dedication statement:

- | | |
|--|--------------------------|
| <input checked="" type="checkbox"/> <i>"The undersigned does hereby dedicate, grant and convey to the City of Colorado Springs those Public Easements (and tracts) as shown on the plat; and further restricts the use of all Public Easement to the City of Colorado Springs and/or its assigns, provided however, that the sole right and authority to release or quitclaim all or any such Public Easements shall remain exclusively vested in the City of Colorado Springs."</i> | <input type="checkbox"/> |
|--|--------------------------|

All plats with public streets shall have the following sentence in the dedication statement:

- | | |
|--|--------------------------|
| <input checked="" type="checkbox"/> <i>"All public streets are hereby dedicated to the City of Colorado Springs for public use."</i> | <input type="checkbox"/> |
|--|--------------------------|

All plats with other tracts being dedicated to the City shall have:

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> (1) A sentence in the dedication statement similar to <i>"Tract X is hereby dedicated to the City of Colorado Springs for public use."</i> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> (2) A special numbered plat note defining the purpose and perpetual maintenance responsibility for the tract such as <i>"Tract X is for public drainage, landscaping, trail and open space with maintenance of the surface being vested in the (Distract Name) Special Maintenance District."</i> | <input type="checkbox"/> |

All plats with private streets shall have the following sentence as a plat note:

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> <i>"All private streets (insert names) are privately owned and maintained by (list owner name, Owner's Association, ect.)."</i> | <input type="checkbox"/> |
|---|--------------------------|

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> Statement of ownership and acknowledgement. The notarized signature of the owner is required. | <input type="checkbox"/> |
|---|--------------------------|

- | | |
|--|--------------------------|
| <input checked="" type="checkbox"/> Statement of mortgagee and acknowledgement. The signature of the mortgagee, if any, consenting to the dedication is required | <input type="checkbox"/> |
|--|--------------------------|

The following statement that the area included in the plat is subject to this Code as such applies to the development of the land:

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> "No building permits shall be issued for building sites within this plat until all required fees have been paid and all required public and private improvements have been installed as specified by the City of Colorado Springs or alternatively until acceptable assurances including but not limited to letters of credit cash subdivision bonds or combinations thereof guaranteeing the completion of all required public improvements including, but not limited to, drainage, street and erosion control have been placed on file with the City of Colorado Springs." | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Notary Statement. Acknowledgement of the execution of the plat before a notary public. | <input type="checkbox"/> |

Applicant

Planner

Access Provisions:

- ☒ a. A Statement Restricting Access. A statement restricting access rights across the right-of-way lines of major highways, parkways, streets or freeways, where required as a provision of approval. ☐
- ☒ b. Provision of Adequate Access. Proof of adequate, suitable access must be provided and clearly indicated on the face of the plat. If access is not directly gained from public right-of-way, a separate signed and recorded easement must be provided and referenced on the face of the plat. ☐

☒ Fee block (drainage, bridge, school and park) ☐

Certificates for execution by each of the following or their duly appointed representative(s).

- ☒ a. City Engineer ☐ c. City Clerk
- ☐ b. City Planning Director ☐ d. El Paso County Clerk and Recorder

☒ Layout. **The exact layout including:** ☐

Boundary Lines

The subdivision boundary will be clearly distinguishable from other maplines by use of a distinct line type and/or thickness.

All lines will be labeled with bearing and distance, and all curves will be labeled with a central angle (delta), radius and arc

- ☒ length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. All dimensions to be determined by accurate field survey which must balance and close within a limit of 1 in 5,000. Show adjacent and/or intersecting plat/deed lines and label appropriately to include recording information (Book and Page and/or Reception Number). ☐

Streets

All street right-of-ways defined by the plat will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance, and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. Widths shall be labeled from each right-of-way line normal to the corresponding street centerline. All street centerlines defined by the plat will be clearly distinguishable from other map lines by use of distinct line type and/or thickness. All

- ☒ lines will be labeled with a complete bearing and distance and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. The plat shall show the right-of-way lines, widths, locations and street names of all existing and proposed public or private streets: ☐

(1) Within the proposed subdivision, and

(2) Immediately abutting the proposed subdivision, and

(3) Any private street shall include the designation "(private)" immediately following street name; any other Private right of way that is not named shall include the designation "(private)" in a manner that clearly conveys such a status.

Easements

All easements as required by City Utilities, the City Engineer and other public and quasi-public agencies. Said easements

- ☒ shall be clearly labeled to include with, use and identification as public or private, if necessary. Tie to property lines and annotate with bearings and distances as necessary. Clearly show and label all existing easements, to include width and recording information, that cross, abut or are located within the subdivision boundary. ☐

Lots and Blocks

- ☒ All lines of lots, blocks and other parcels of land defined by the plat will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance and all curves will be labeled with a radius and arc length. Lots must close to 1 in 5,000. ☐

Identification System

- ☒ All lots and blocks in the subdivision shall be numbered, beginning with the numeral "1" and continuing consecutively throughout the tract, with no omissions or duplications. All tracts shall be likewise labeled beginning with the letter 'A'. Lots and tracts shall be labeled with the area of the lot or tract. ☐

- ☒ Whenever a plat drawing spans multiple sheets, clear and well-labeled match lines and a keymap shall be included on each sheet. Labels will be of the nature "See Sheet ___ of ___". Duplicate street names, widths, lot numbers, tract names, easement labeling or any such labeling when any feature is shown on multiple sheets. ☐

☒ Use leader lines whenever a dimension is not clearly and unmistakably associated with a given line, line segment or arc. ☐

☒ All line annotation and all other text will be easily and clearly readable. No text shall overwrite other text or be overwritten by map lines. ☐

☒ Provide a legend, which designates all, lines and symbols except where called out on plat drawing. ☐

PLAN CONTENT REQUIREMENTS: *Continued from previous pages.*

Applicant

Planner

Inundation Mark:

The plat shall clearly show the 100-year flood plain line. Reference the appropriate FEMA Panel by which the location of this line has been determined.

Option 1: Property located completely outside of the 100-year floodplain:

"This property is located within Zone X (Areas determined to be outside of the 500-year floodplain) as established by FEMA per FIRM panel 08041C____ F, effective date 3/17/1997."

Option 2: Property located within the 100-year floodplain:

"A portion of this property is located within Zone AE (area located within a 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C____ F, effective date 3/17/1997."

☒ Option 3: Property located within a 100-year floodplain where a LOMR has been processed:

"A portion of this property is located within Zone AE (area located within the 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C____ F, effective date 3/17/1997 and as modified by LOMR# 0_-08-____ P effective date DD/MM/YYYY."

Option 4: Property located within 100-year floodplain where a CLOMR has been processed and lot restrictions apply until a LOMR is approved by FEMA:

"A portion of this property is located within Zone AE (area located within the 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C____ F, effective date 3/17/1997. A CLOMR# 0_-08-____ R effective date DD/MM/YYYY is on record with the Regional Floodplain Administration. The following lots are will not be allowed building permits ("enter lot numbers") until a FEMA approved LOMR removing the properties from the 100-year floodplain is received by the Regional Floodplain Administration."

*All **bold** and "____" require the Applicant to insert the appropriate data for their specific site.

☒ Book and Page and/or Reception Number for all existing and newly created easements. ☐

☒ All other information required by Colorado State law. ☐

☒ Sheet Size shall be 24" x 36" including 1/2" border with 'landscape' orientation. ☐

☒ Scale Bar ☐

☒ North arrow ☐

Adjacent Subdivision. Names of adjacent platted areas along with the Reception and/or PlatBook and Page Number shall be shown. If unplatted, so indicate. Existing street right-of-ways that intersect the subdivision boundary or are adjacent to said

☒ boundary lines shall be clearly labeled with the street name, right-of-way width and appropriate deed or plat recording information where in said right-of-way is defined. Show and label all existing lots and blocks that are immediately adjacent to the subdivision boundary. ☐

Basis of Bearing. A clearly defined basis of bearings shall be provided, both verbally and graphically. All monumentation

☒ defining said line shall be shown and labeled on the plat drawing. When said line is not common with the subdivision boundary, it shall be accurately tied to the boundary with bearings and distances. ☐

☒ Public Land and/or Land Reserved In Deeds. Location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision. ☐

Monuments. All monuments used to determine and/or describe a boundary (including Basis of Bearings, Point of Beginning and

☒ Point of Commencement) shall be shown and clearly labeled on the plat drawing. Monuments for corners defined by the plat, or otherwise found to be missing in the field, shall be placed and set in accord with the requirements of the State of Colorado. ☐

☒ Not a Part of Subdivision. All areas enclosed within the subdivision boundary, which do not constitute a part of the subdivision shall be labeled 'Not a part of this subdivision.' All lines pertaining to such areas shall be dashed. ☐

☒ The area in sq.ft. of all Lots and Tracts sought to be platted. ☐

☒ The following statement in compliance with Section 7.7.303.D.7. "The area included in the plat described herein is subject to the Code of the City of Colorado Springs, 2001 As Amended." ☐

☒ The final plat shall be clearly and legibly prepared by a registered land surveyor or engineer ☐

☒ Show all common ingress-egress, parking and access easements required by the development plan. ☐

☒ The proposed subdivision meet all of the requirements of Chapter 7, Section 2 through 9 of the City Code, the Public Works Design Manual and any other applicable City ordinance and resolutions. ☐

Applicant

Planner

Surveyor's Statement, which shall read:

"The undersigned Professional Land Surveyor licensed in the State of Colorado, hereby states and declares that the
☒ accompanying plat was surveyed and drawn under his/her responsible charge and accurately shows the described tract of land, and subdivision thereof, and that the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his/her knowledge and belief."

☒ Closure Sheets. One (1) copy of the computer closure sheets for the entire subdivision area. Such sheets shall not be required if not more than five (5) lots in the subdivision are irregular (not rectangular) in shape. ☐

Replat should include the following information:

☒ The replat shall be identified by its own separate title. The title block of the replat shall further identify the subdivision of record of that portion of the subdivision of record which is being replatted. ☐

☒ The replat shall contain the following notice: *'The approval of this replat vacates all prior plats for the area described by this replat.'* ☐

☒ The replat shall show graphically the "as platted" lot(s) separately on the plat drawing. The drawing shall indicate all existing easements. ☐

If any existing lot line is being removed, relocated or re-orientated, any associated Easements dedicated by plat still remain unless vacated separately or as part of this request. If this easement is to be vacated as part of this request, provide the following information With the replat:

☒ The project description letter needs to indicate that the associated lot line easement(s) or other platted easement(s) are to be vacated. Provide locates from the utility locaters, unless no water or wastewater mains exist adjacent to the area being replatted or unless CSU specifically waives the submission of locates. ☐

Geologic Hazard Study disclosure statement (not required if waiver has been approved): "This property is subject to the findings summary and conclusions of a Geologic Hazard Report prepared by _____ dated _____, which identified the following specific geologic hazard on the property: _____. A copy of said report has been placed within file # _____ or within the subdivision file _____ of the City of Colorado Springs Planning and Development Team. Contact the Planning and Development Team, 30 South Nevada Avenue, Suite 105, Colorado Springs, CO, if you would like to review said report."

☒ If within an airport overlay, the following note must be added: "The aviation easement dedicated herein for public aviation purposes, shall be considered a public easement subject to those terms and conditions as specified on the instrument recorded at reception no. 217069667 of the Records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect." ☐

March 23, 2021

City of Colorado Springs, Colorado
Attn: Katelyn Wintz
30 S. Nevada Ave., Suite 105
Colorado Springs, CO 80903

Re: Banning Lewis Ranch - Village A1 – Filings 50, 51, 52, 53, 54, 55, 56

Ms. Wintz,

On behalf of Clayton Properties Group II, DBA Oakwood Homes Colorado Springs, we respectfully submit our Development Plan & Plats for Banning Lewis Ranch, Village A1, Filings 50, 51, 52, 53, 54, 55, 56. This submittal includes all required items as outlined in the Submittal Requirements Checklist. We have provided the following Project Statement narrative outlining the nature of the submittal.

Overview

The Oakwood Homes Village A1, located within the Banning Lewis Ranch community demonstrates on the PUD Concept Plan (CPC PUP 20-00125) a configuration for single-family residential and open space. This application for the Development Plan and Final Plats of Filings 50, 51, 52, 53, 54, 55, 56 represents the owner's next phase of development within the Banning Lewis Ranch Master Plan. This Development Plan application proposes 449 single-family lots on approximately 127.78 acres. These 7 filings are situated east of the future Banning Lewis Parkway, south of Dublin Blvd, and north of Stetson Hills Blvd.

Filings 50, 51, 52, 53, 54, 55, and 56 will feature three residential product types. The cluster product called the Carriage House that has been used in BLR, the Sterling Duet product that has been used within Village 3, and traditional single family homes on various lot sizes. Each unit has parking within a garage and guest parking is provided on the street. Village A1 stays within the Medium Density category approved on the PUD Concept Plan.

Parts of Village A1 include the streamside overlay zone. As a part of this Development Plan process, we are requesting a refinement to the streamside boundary. Currently the streamside zone for a Type 1 stream lies within an existing regional detention pond. Per discussions with city staff, we will be refining the boundary to follow the extends of this pond. There is also a section of Type 2 stream that requires engineering improvements. The boundary in this area will be refined to follow the final condition of the proposed stream alignment.

Banning Lewis Ranch Filing 50

Requested by LAI Design Group, on behalf of Clayton Properties Group II, for approval of the Banning Lewis Ranch Filing 50 subdivision plat. This subdivision plat **proposes 60 lots**, intended for single-family development, **on 77.01 acres**. The site is zoned PUD/AO (Planned Unit Development: Single-Family and/or Two-Family Residential, 40 ft. max bldg. ht., and a cumulative maximum density of 7.99 du/ac. with an Airport Overlay) located east of the future Banning Lewis Parkway and north of the Stetson Hills Blvd.

Banning Lewis Ranch Filing 51

Requested by LAI Design Group, on behalf of Clayton Properties Group II, for approval of the Banning Lewis Ranch Filing 51 subdivision plat. This subdivision plat proposes 75 lots, intended for single-family on 17.42 acres. The site is zoned PUD/AO (Planned Unit Development: Single-Family Residential and/or Two-Family, 40 ft. max bldg. ht., and a cumulative maximum density of 7.99 du/ac. with an Airport Overlay) located east of the future Banning Lewis Parkway and north of the Stetson Hills Blvd.

Banning Lewis Ranch Filing 52

Requested by LAI Design Group, on behalf of Clayton Properties Group II, for approval of the Banning Lewis Ranch Filing 52 subdivision plat. This subdivision plat proposes 76 lots, intended for single-family development, on 13.76 acres. The site is zoned PUD/AO (Planned Unit Development: Single-Family and/or Two-Family Residential, 40 ft. max bldg. ht., and a cumulative maximum density of 7.99 du/ac. with an Airport Overlay) located east of the future Banning Lewis Parkway and north of the Stetson Hills Blvd.

Banning Lewis Ranch Filing 53

Requested by LAI Design Group, on behalf of Clayton Properties Group II, for approval of the Banning Lewis Ranch Filing 53 subdivision plat. This subdivision plat proposes 80 lots, intended for single-family development, on 10.58 acres. The site is zoned PUD/AO (Planned Unit Development: Single-Family and/or Two-Family Residential, 40 ft. max bldg. ht., and a cumulative maximum density of 7.99 du/ac. with an Airport Overlay) located east of the future Banning Lewis Parkway and north of the Stetson Hills Blvd.

Banning Lewis Ranch Filing 54

Requested by LAI Design Group, on behalf of Clayton Properties Group II, for approval of the Banning Lewis Ranch Filing 54 subdivision plat. This subdivision plat proposes 86 lots, intended for Two-family development, on 9.01 acres. The site is zoned PUD/AO (Planned Unit Development: Single-Family and/or Two-Family Residential, 40 ft. max bldg. ht., and a cumulative maximum density of 7.99 du/ac. with an Airport Overlay) located east of the future Banning Lewis Parkway and north of the Stetson Hills Blvd.

Banning Lewis Ranch Filing 55

Requested by LAI Design Group, on behalf of Clayton Properties Group II, for approval of the Banning Lewis Ranch Filing 55 subdivision plat. This subdivision plat proposes 52 lots, intended for single-family development, on 7.21 acres. The site is zoned PUD/AO (Planned Unit Development: Single-Family and/or Two-Family Residential, 40 ft. max bldg. ht., and a cumulative maximum density of 7.99 du/ac.

with an Airport Overlay) located east of the future Banning Lewis Parkway and north of the Stetson Hills Blvd.

Banning Lewis Ranch Filing 56

Requested by LAI Design Group, on behalf of Clayton Properties Group II, for approval of the Banning Lewis Ranch Filing 55 subdivision plat. This subdivision plat proposes 20 lots, intended for single-family development, on 4.86 acres. The site is zoned PUD/AO (Planned Unit Development: Single-Family and/or Two-Family Residential, 40 ft. max bldg. ht., and a cumulative maximum density of 7.99 du/ac. with an Airport Overlay) located east of the future Banning Lewis Parkway and north of the Stetson Hills Blvd.

Development Plan Review Criteria

We have provided the following responses to the Development Plan review criteria provided in the Zoning and Subdivision code;

1. Will the project design be harmonious with the surrounding land uses and neighborhood?

Yes, the proposed Development Plan is consistent in nature with the surrounding land uses and does not pose any negative impacts on the ability of the overall BLR community to continue to develop in its approved framework.

2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?

Yes, the proposed Development Plan continues with residential use and is compatible with the surrounding neighborhood. The existing streets and utilities have been developed with this use in mind. There are multiple connections to walks that connect to existing amenities. This will ensure that the existing facilities in Villages 1, 2, and 3 are not overburdened.

3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?

Yes, the proposed housing units are located so as to ensure minimal impact upon neighboring properties by providing significant setbacks and buffering along the project boundaries.

4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?

Yes, the Development Plan proposes buffering setbacks containing landscaping and walls or fencing to mitigate negative influences that may occur from bordering roadways.

5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?

Yes, the proposed development will provide adequate circulation patterns and multiple points of ingress/egress to the neighborhood.

6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?

Yes, the Development Plan proposes convenient access to all the facilities within the neighborhood. Additionally, the plan promotes safe pedestrian movement through the community via open space trail corridors and detached sidewalks along major roadways.

7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?

Yes, the proposed streets are designed to limit the occurrence of through traffic from non-residents.

8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?

The Development Plan does not require parking areas given that the site consists entirely of single-family and two-family residences.

9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?

Yes, the proposed plan provides pedestrian access ramps at all pedestrian crossings in accordance with the City standard. The planned design does not require parking areas.

10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?

Yes, the proposed circulation design allows for an efficient use of land, requiring a minimal amount of paved area.

11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?

Yes, the Development Plan proposes sidewalks and trails detached from roadways, along with providing landscape buffers adjacent to collector streets. The plan allows for several points of connection with the existing pedestrian walkway system.

12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design?

There are no existing significant natural features on this site.

We appreciate the City's cooperation so far in working with us to kick-off the next phase of this quality project, and we look forward to working with the City to complete this process in order to continue the successful legacy of the Banning Lewis Ranch master plan in Colorado Springs.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Haering". The signature is fluid and cursive, with a large, sweeping loop at the end.

Rick Haering
Senior Associate, LAI Design Group



JOB NO. 2570.20-09
FEBRUARY 3, 2021
PAGE 1 OF 2

619 N. Cascade Avenue, Suite 200 (719) 785-0790
Colorado Springs, Colorado 80903 (719) 785-0799 (Fax)

LEGAL DESCRIPTION: BANNING LEWIS RANCH FILING NO.55

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 2-1/2" ALUMINUM CAP STAMPED "GMS INC. PLS 22095" AND AT THE WEST QUARTER BY A 2-1/2" ALUMINUM CAP STAMPED "DREXEL, BARRELL & CO LS 17664", AND IS ASSUMED TO BEAR N00°20'14"E, A DISTANCE OF 2646.40 FEET.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING THE NORTHEASTERLY CORNER OF TOY RANCHES ESTATES NO. 2 RECORDED IN PLAT BOOK 0-2 AT PAGE 47, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ALSO AN ANGLE POINT IN THE SOUTHERLY RIGHT OF WAY LINE OF DUBLIN BOULEVARD, AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 205087777;

THENCE S28°01'29"E, A DISTANCE OF 4382.62 FEET TO THE NORTHWESTERLY CORNER OF BRODHEAD STREET AS PLATTED IN BANNING LEWIS RANCH FILING NO. 50 RECORDED UNDER RECEPTION NO. _____ BEING ALSO ON THE WESTERLY LINE OF VACATED BANNING LEWIS PARKWAY ORDINANCE NO. ____-____ RECORDED UNDER RECEPTION NO. _____ AND THE VACATION PLAT OF BANNING LEWIS RANCH FILING NO. 1 AND FILING NO. 3 R.O.W. VACATION RECORDED UNDER RECEPTION NO. _____ SAID POINT BEING THE POINT OF BEGINNING;

THENCE N27°42'19"E, ON THE WESTERLY LINE OF SAID VACATED BANNING LEWIS PARKWAY ORDINANCE NO. ____-____ RECORDED UNDER RECEPTION NO. _____ AND SAID VACATION PLAT OF BANNING LEWIS RANCH FILING NO. 1 & FILING NO. 3 R.O.W. VACATION, A DISTANCE OF 818.10 FEET TO THE SOUTHWESTERLY CORNER OF TRACT B AS PLATTED IN SAID BANNING LEWIS RANCH FILING NO. 50;

THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT B THE FOLLOWING TWO (2) COURSES:

1. N82°42'19"E, A DISTANCE OF 64.59 FEET;
2. S62°17'41"E, A DISTANCE OF 452.09 FEET;

THENCE S27°42'19"W, A DISTANCE OF 170.00 FEET;
THENCE N62°17'41"W, A DISTANCE OF 180.00 FEET;
THENCE S27°42'19"W, A DISTANCE OF 252.52 FEET;
THENCE S03°31'24"W, A DISTANCE OF 104.30 FEET;
THENCE S16°31'26"E, A DISTANCE OF 120.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID BRODHEAD STREET;

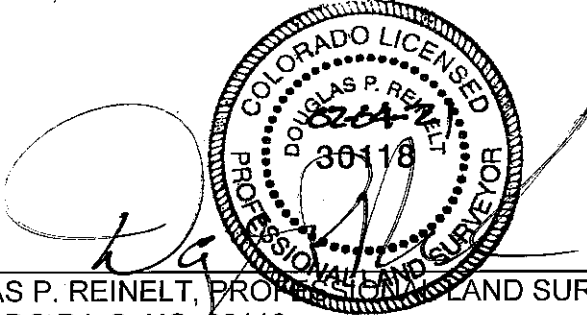
THENCE ON THE NORTHERLY RIGHT OF WAY LINE OF SAID BRODHEAD STREET THE FOLLOWING THREE (3) COURSES:

1. S73°28'34"W, A DISTANCE OF 236.00 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 44°13'45", A RADIUS OF 306.50 FEET AND A DISTANCE OF 236.60 FEET TO A POINT OF TANGENT;
3. N62°17'41"W, A DISTANCE OF 68.53 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 7.214 ACRES.

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.



DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS

FEB 04, 2021
DATE

El Paso County, Colorado

Property Tax Details

Property Taxes for 2020 Due 2021

[Display Tax Statement](#)

This information reflects current year status of tax liability, assessments due, fees, interest, and current payments received. This information is not to be used in place of a certificate of taxes due.

Parcel Information

Schedule Number: 5300000654

Owner Information

Name: H20 SUB BLR VILLAGE 4 LLC
Mailing Address: 14614 N KIERLAND BLVD #120
SCOTTSDALE AZ 85254-2743

Property Information

Property Address: 14-13-65
15-13-65
22-13-65

Property Type: Real

Legal Description

TR IN SEC'S 14,15 & 22-13-65 DESC AS FOLS: COM AT SE COR SEC 9, TH S86<23'15"E 3,894.28 FT FOR POB, TH N00<00'17"W 110.61 FT, N45<00'32"E 42.40 FT, S89<57'43"E 60.60 FT, N88<07'44"E 300.17 FT, S89<57'43"E 49.89 FT, N87<44'51"E 275.23 FT, S89<57'43"E 562.77 FT, S86<27'54"E 180.34 FT, S89<57'43"E 233.78 FT, N86<17'54"E 168.69 FT, S89<57'43"E 1251.82 FT, S44<57'43"E 27.95 FT TO A PT ON TH W LN OF PARCEL KNOWN AS DRAINAGE TR I, TH S00<02'17"W 31.27 FT, S03<28'28"E 62.55 FT, S06<59'13"E 214.47 FT, S00<02'17"W 5.91 FT, TH ALG ARC OF CUR TO THE R HAVING A RAD OF 189.00 FT A C/A OF 12<49'38" WHICH CHORD BEARS N89<57'43"W 42.31 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 311.00 FT A C/A OF 24<18'33" WHICH CHORD BEARS S77<08'08"E 131.95 FT, TH S11<26'38" 91.75 FT, TH ALG ARC OF CUR TO THE R HAVING A RAD OF 189.00 FT A C/A OF 14<60'17" WHICH CHORD BEARS S78<33'22"W 46.20 FT, TH S02<33'39"W 151.54 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 311.00 FT A C/A OF 3<26'19" WHICH CHORD BEARS S87<26'21"E 18.66 FT, TH S00<52'40"E 465.69 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 311.00 FT A C/A OF 31<17'25" WHICH CHORD BEARS N89<07'20"E 169.84 FT, TH S32<10'05"E 111.78 FT, TH ALG ARC OF CUR TO THE R HAVING A RAD OF 189.00 FT, A C/A OF 25<37'07" WHICH CHORD BEARS S57<43'55"W 84.51 FT, TH S06<32'58"E 314.35 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 311.00 FT A C/A OF 25<58'23" WHICH CHORD BEARS N83<27'02"E 140.98 FT, TH ALG ARC OF CUR TO THE R HAVING A RAD OF 79.21 FT A C/A OF 57<59'21" WHICH CHORD BEARS S57<28'40"W 80.17 FT, TH S25<28'00"W 148.86 FT TO A PT ON S R/W LN OF VISTA DEL PRADO BLVD, TH N64<32'00"W 21.92 FT, S70<28'00"W 28.28 FT, N64<32'00"W 60.00 FT, N19<32'00"W 28.28 FT, N64<32'00"W 628.15 FT, S70<28'00"W 31.11 FT, S25<28'00"W 464.88 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 2952.00 FT A C/A OF 14<04'14" WHICH CHORD BEARS S64<32'00"E 724.95 FT, S34<20'17"E 30.96 FT, S10<23'12"W 60.00 FT, S55<06'41"W 30.96 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 2952.00 FT A C/A OF 9<35'39" WHICH CHORD BEARS S79<51'29"E 494.31 FT, S00<13'00"E 137.62 FT, S45<13'00"E 31.11 FT, S00<13'00"E 60.00 FT, S44<47'00"W 31.11 FT, S00<13'00"E 183.34 FT, S04<24'39"E 150.40 FT, S00<13'00"E 218.26 FT, S45<14'02"E FT, S86<20'16"W 183.33 FT, S89<47'00"W 1204.11 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 2077.00 FT A C/A OF 27<31'24" WHICH CHORD BEARS S00<46'55"W 997.73 FT, S63<15'31"W 180.89 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 2088.00 FT A C/A OF 04<30'27" WHICH CHORD BEARS S32<42'32"E 164.27 FT, TH S52<47'00"W 75.91 FT, S48<44'44"W 156.22 FT, S52<47'00"W 542.57 FT, TH ALG ARC OF CUR TO THE R HAVING A RAD OF 922.75 FT A C/A OF 41<57'50" WHICH CHORD BEARS N37<13'00"W 675.83 FT, TH N79<16'27"W 179.17 FT, N82<25'09"W 7.28 FT, N82<25'09"W 188.40 FT, N35<40'25"W 41.69 FT, N11<04'20"E 163.01 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 1065.00 FT A C/A OF 10<00'00" WHICH CHORD BEARS N78<55'40"W 185.88 FT, TH N01<04'20"E 518.81 FT, TH ALG ARC OF A CUR TO THE R HAVING A RAD OF 1135.00 FT A

Property Valuation

Total Assessed Land: \$4,260
Total Assessed Improvements: \$0
Total Assessed: \$4,260

[Assessment questions? Click here](#)

Value

Total Market Value: \$14,702

Taxes Billed

Base Tax Amount: \$254.70
Special Assessment Amount: \$0.00
Improvement District Amount: \$0.00
Total Current Year Taxes: \$254.70

Total Current Year Taxes do not reflect outstanding tax liens and delinquencies, if any.
See Alerts.

C/A OF 09<57'41" WHICH CHORD BEARS S88<55'40"E
197.33 FT, TH ALG ARC OF A CUR TO THE R HAVING A RAD
OF 5834.00 FT A C/A OF 05<12'50" WHICH CHORD BEARS
S67<30'31"E 530.88 FT, TH N27<42'19"E 1915.84 FT, TH ALG
ARC OF CUR TO THE L HAVING A RAD OF 6166.00 FT, A
C/A OF 03<34'40" WHICH CHORD BEARS N62<17'41"W
385.03 FT, N30<46'44"E 475.53 FT, N27<45'58"E 588.69 FT,
TH ALG ARC OF CUR TO THE L HAVING A RAD OF 1550.00
FT A C/A OF 30<34'41" WHICH CHORD BEARS N59<25'35"W
827.22 FT TO POB, EX PT TO RD

Alerts

N/A

Current Year Payments Due as of 2/10/2021

Option 1:

Payment Type	Due Date	Taxes & Fees Due	Interest Due	Total Amount		
First Half:	March 01	\$127.35	\$0.00	\$127.35	True	<input type="button" value="Pay"/>
Second Half:	June 15	\$127.35	\$0.00	\$127.35	False	<input type="button" value="Pay"/>

Current Tax Liability: \$254.70

OR

Option 2:

Payment Type	Due Date	Taxes & Fees Due	Interest Due	Total Amount		
Full Amount:	April 30	\$254.70	\$0.00	\$254.70	True	<input type="button" value="Pay"/>

Current Tax Liability: \$254.70

Current Year Payments Received

N/A

Prior Year(s) Transaction History

Date	Amount
04/28/2020	\$251.92
05/01/2019	\$245.56
04/23/2018	\$291.80
04/18/2017	\$271.75

Note: Prior years transaction history data is for a maximum of 4 years.

Please Note: This web page is best viewed in Compatibility View.

Disclaimer: We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Treasurer's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please contact the Treasurer's office.

For any questions, please contact the Treasurer's Office at: (719) 520-7900 or email to: trsweb@elpasoco.com



First American

Commitment

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1007050B-PHX1

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, ***First American Title Insurance Company***, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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First American

Schedule A

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1007050B-PHX1

Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company National Commercial Services

Commitment No.: NCS-1007050B-PHX1

Property Address: , , CO

Revision No.:

Issuing Office: 2425 E. Camelback Road, Suite 300, Phoenix, AZ 85016

Phone Number: (602)567-8100

Issuing Office File No.: NCS-1007050B-PHX1

SCHEDULE A

1. Commitment Date: December 21, 2020 at 5:00 PM
2. Policy or Policies to be issued:
 - (a) ☒ ALTA® Owner's Policy (6-17-06)
Proposed Insured: A Purchaser To Be Determined
Proposed Policy Amount: \$1,000.00
 - (b) ☐ ALTA® Loan Policy (6-17-06)
Proposed Insured:
Proposed Policy Amount: \$
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. [The Title is, at the Commitment Date, vested in:](#)

H2O Sub BLR Village 4, LLC, a Colorado limited liability company
5. The Land is described as follows:

See Exhibit "A" attached hereto and made a part hereof

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First American

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1007050B-PHX1

Exhibit A

Commitment No.: NCS-1007050B-PHX1

The Land referred to herein below is situated in the County of El Paso, State of Colorado, and is described as follows:

A parcel of land being a portion of the South half of Section 15 and the North half of Section 22, all in Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, being described as follows:

Basis of Bearings: The West line of the Northwest Quarter of Section 15, Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, being monumented at the Northwest corner by a 2-1/2" aluminum cap stamped "GMS Inc. PLS 22095" and at the West Quarter by a 2-1/2" aluminum cap stamped "Drexel, Barrel & Co LS 17664", and is assumed to bear N00°20'14"E, a distance of 2646.40 feet.

Commencing at the Northwest corner of Section 15, Township 13 South, range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, said point being the northeasterly corner of Toy Ranch Estates No. 2 recorded in Plat [Book O-2 at Page 47](#), records of El Paso County, Colorado, said point being also an angle point in the southerly right of way line of Dublin Boulevard, as platted in Banning Lewis Ranch Filing No. 1 recorded under Reception No. [20508777](#);

Thence S14°23'00"E, a distance of 5757.59 feet to the southwesterly corner of vacated Banning Lewis Parkway Ordinance No. ____ recorded under Reception No. _____ and the Vacation Plat of Banning Lewis Ranch Filing No. 1 and Filing No. 3 R.O.W. Vacation recorded under Reception No. _____ said point being the Point of Beginning;

Thence on the westerly line of said vacated Banning Lewis Parkway the following three (3) courses:

1. N07°34'51"E, a distance of 347.74 feet to a point of curve;
2. on the arc of a curve to the right having a delta of 20°07'28", a radius of 1929.00 feet and a distance of 677.54 feet to a point of tangent;
3. N27°42'19"E, a distance of 2703.29 feet;

Thence S62°17'41"E, a distance of 240.00 feet to a point of curve;

Thence on the arc of a curve to the left having a delta of 72°27'09", a radius of 316.50 feet and a distance of 400.22 feet to a point on curve;

Thence S39°18'29"E, a distance of 307.75 feet to a point of curve;

Thence on the arc of a curve to the right having a delta of 39°23'25", a radius of 330.00 feet and a distance of 226.87 feet to a point of tangent;

Thence S00°04'56"W, a distance of 390.64 feet to a point of curve;

Thence on the arc of a curve to the right having a delta of 32°33'43", a radius of 780.00 feet and a distance of 443.28 feet to a point on curve;

Thence S57°21'21"E, a distance of 17.98 feet to a point on the southwesterly boundary of Drainage Tract E as platted in Banning Lewis Ranch Filing No. 4 recorded under Reception No. [205090006](#);

Thence on the southwesterly boundary of said Drainage Tract E the following seven (7) courses:

1. N76°19'26"E, a distance of 32.05 feet to a point on curve;
2. on the arc of curve to the right whose center bears S31°19'26"W, having a delta of 28°51'39", a radius of 580.00 feet and a distance of 292.16 feet to a point of tangent;
3. S27°00'00"E, a distance of 461.49 feet to a point on curve;
4. on the arc of a curve to the right whose center bears S67°03'08"W, having a delta of 23°15'15", a radius of 280.00

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feet and a distance of 113.64 feet to a point of tangent;
5. S00°18'23"W, a distance of 282.31 feet to a point of curve;
6. on the arc of a curve to the left having a delta of 14°36'10", a radius of 320.00 feet and a distance of 81.56 feet to a point of tangent;
7. S14°17'47"E, a distance of 25.96 feet to a point on the northerly right of way line of Stetson Hills Boulevard as platted in Banning Lewis Ranch Filing No. 3 recorded under Reception No. [205064513](#), said point being on the northerly line of vacated Stetson Hills Boulevard Ordinance No. ____-____ recorded under Reception No. _____ and the Vacation Plat of said Banning Lewis Ranch Filing No. 1 and Filing No. 3 R.O.W. Vacation;

Thence continuing S14°17'47"E, a distance of 18.00 feet to a point on curve said point being on the southerly line of said vacated Stetson Hills Boulevard;

Thence on the southerly line of said vacated Stetson Hills Boulevard the following four (4) courses:

1. on the arc of a curve to the left whose center bears S14°51'10"E, having a delta of 22°21'50", a radius of 2059.00 feet and a distance of 803.67 feet to a point of tangent;
2. S52°47'00"W, a distance of 805.77 feet to a point of curve;
3. on the arc of a curve to the right having a delta of 44°47'51", a radius of 938.00 feet and a distance of 733.39 feet to a point of tangent;
4. N82°25'09"W, a distance of 344.24 feet to the southeasterly corner of said vacated Banning Lewis Parkway;

Thence continuing N82°25'09"W, on the southerly line of said vacated Banning Lewis Parkway, a distance of 345.69 feet to the Point of Beginning.

EXCEPTING therefrom Tract D as platted in said Banning Lewis Ranch Filing No. 4.

LEGAL DESCRIPTION PREPARED BY:

Douglas P. Reinelt, Professional Land Surveyor

Colorado P.L.S. No. 30118

For and on behalf of Classic Consulting Engineers and Surveyors

For informational purposes only: APN: 5300000654

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First American

Schedule BI & BII

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1007050B-PHX1

Commitment No.: NCS-1007050B-PHX1

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Payment of all taxes and assessments now due and payable as shown on a certificate of taxes due from the County Treasurer or the County Treasurer's Authorized Agent.

NOTE: Tax certificate(s) must be ordered by or provided to the Company at least one week prior to closing.

NOTE: Local ordinances may impose liens on the Land for unpaid water, sewer, stormwater drainage, or other utilities charges. If this transaction includes a sale of the property, a Utilities Agreement and/or escrow is required.

6. Evidence that all assessments for common expenses, if any, have been paid.
7. Receipt by the Company of an ALTA/NSPS Land Title Survey, certified to First American Title Insurance Company, and in form and content satisfactory to the Company. The Company reserves the right to make further requirements and/or exceptions upon review of this survey.
8. Receipt by the Company of the following documentation for H2O Sub BLR Village 4, LLC, a Colorado limited liability company:

Operating Agreement, and all amendments thereto, if any.

NOTE: The Company reserves the right to make further requirements and/or exceptions upon review of the above item(s).

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9. Receipt by the Company of a satisfactory Final Affidavit and Indemnity, executed by H2O Sub BLR Village 4, LLC, a Colorado limited liability company.
10. Prior to closing, the Company must confirm whether the county recording office in which the Land is located has changed its access policies due to the COVID-19 outbreak. If recording has been restricted, specific underwriting approval is required; and, additional requirements or exceptions may be made.

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First American

Schedule BI & BII (Cont.)

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1007050B-PHX1

Commitment No.: NCS-1007050B-PHX1

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct land survey and inspection of the Land would disclose, and which are not shown by the Public Records.
4. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.
5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.

Note: Exception number 5 will be removed from the policy provided the Company conducts the closing and settlement service for the transaction identified in the commitment.

6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Any water rights, claims of title to water, in, on or under the Land.
8. Any existing leases or tenancies.
9. An easement for utility lines and incidental purposes granted to Mountain View Electric Association, Inc., as set forth in an instrument recorded December 4, 1958 in [Book 1714 at Page 541](#).
10. Notice Concerning Underground Facilities recorded May 9, 1983 in [Book 3718 at Page 812](#).

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11. An easement for utility lines and incidental purposes granted to The Mountain States Telephone and Telegraph Co., as set forth in an instrument recorded July 1, 1938 in [Book 936 at Page 429](#).
12. An easement for utility lines and incidental purposes granted to Mountain View Electric Association, Incorporated, as set forth in an instrument recorded June 23, 1972 in [Book 2499 at Page 190](#).
13. Terms, conditions, provisions, obligations and agreements as set forth in the Settlement Agreement recorded January 3, 1980 in [Book 3268 at Page 317](#), Assignment of Settlement Agreement recorded November 12, 1981 in [Book 3501 at Page 402](#), Assignment and Assumption of Settlement Agreement recorded October 11, 1985 in [Book 5074 at Page 151](#), and Assignment and Assumption of Rights and Obligations recorded March 23, 1993 in [Book 6139 at Page 1447](#).
14. Reservation of nonexclusive perpetual easements, together with a reasonable right of entry as set forth in Chicago Pacific Corporation recorded October 11, 1985 in [Book 5074 at Page 69](#).
15. Terms, conditions, provisions, obligations and agreements as set forth in the Annexation Agreement recorded September 23, 1988 in [Book 5557 at Page 405](#), Annexation Ordinance recorded September 23, 1988 in [Book 5557 at Pages 605 and 624](#), and Order and Judgment recorded March 16, 2005 at Reception No. [205037381](#).
16. An easement for utility lines and incidental purposes granted to Public Service Company of Colorado, as set forth in an instrument recorded January 9, 1974 in [Book 2649 at Page 17](#).
17. An easement for underground pipeline and incidental purposes granted to Diamond Shamrock Pipeline Company, as set forth in an instrument recorded October 31, 1996 at Reception No. [96138613](#).
18. Terms, conditions, provisions, obligations and agreements as set forth in the Possession and Use Agreement recorded January 10, 2001 at Reception No. [201003920](#), and Permanent Easement recorded September 26, 2003 at Reception No. [203226516](#).
19. Terms, conditions, provisions, obligations and agreements as set forth in the Rule and Order recorded March 12, 2004 at Reception No. [204040734](#).

NOTE: Quitclaim Deed (Easement) in connection therewith recorded July 30, 2015 at Reception No. [2150823032](#).

20. Covenants, conditions, restrictions and provisions as set forth in Master Declaration of Covenants, Conditions and Restrictions recorded March 5, 2007 at Reception No. [207030103](#), but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin, and any and all amendments, assignments, or annexations thereto.

NOTE: Assignment of Declarant's Rights in connection therewith recorded November 16, 2011 at Reception No. [211113034](#), May 23, 2012 at Reception Nos. [212059823](#) and [212059827](#) and December 9, 2016 at Reception No. [216142555](#).

21. Terms, conditions, provisions, obligations and agreements as set forth in the Modified and Restated Wastewater Facilities Participation, Utilization, and Service Agreement recorded February 20, 2009 at Reception No. [209017179](#), First Amendment recorded July 15, 2009 at Reception No. [209081602](#), Second Amendment recorded July 20, 2009 at Reception No. [209084033](#), Third Amendment recorded December 23, 2009 at Reception No. [209147154](#) and Fourth Amendment recorded June 24, 2010 at Reception No. [210060212](#).

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NOTE: Assignment Agreement in connection therewith recorded August 11, 2011 at Reception No. [210077136](#).

NOTE: Intergovernmental Assignment Agreement in connection therewith recorded August 11, 2011 at Reception No. [210077137](#).

22. Terms, conditions, provisions, obligations and agreements as set forth in the Annexation Agreement recorded June 13, 2005 at Reception No. [205087757](#).

NOTE: Ordinance No. 04-208 in connection therewith recorded June 13, 2005 at Reception No. [205087756](#).

NOTE: Annexation Plat in connection therewith recorded June 13, 2005 at Reception No. [205087758](#).

23. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Determinable Easement Agreement recorded November 22, 2005 at Reception No. [205187102](#) and November 28, 2005 at Reception No. [205188940](#).

24. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Utility Easement Agreement recorded February 13, 2006 at Reception No. [206022301](#).

NOTE: Quitclaim Deed (Easement) in connection therewith recorded July 30, 2015 at Reception No. [215082032](#).

25. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Permanent Easement Agreement recorded June 26, 2007 at Reception No. [207085941](#).

NOTE: Quitclaim Deed (Easement) in connection therewith recorded July 30, 2015 at Reception No. [215082032](#).

26. Any tax, lien, fee or assessment by reason of inclusion of subject property in the Banning Lewis Metropolitan District No. 6, as evidenced by instrument recorded April 30, 2009 at Reception No. [209046235](#).

27. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Permanent Easement Agreement recorded July 30, 2015 at Reception No. [215082034](#).

28. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Road Transmission Line Easement Agreement recorded July 30, 2015 at Reception No. [215082035](#).

29. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises granted hereby and rights of way for ditches and canals construction by authority of the United States reserved in United States Patents recorded as follows:

Recorded 8-12-1875 in [Book K, Page 562](#); and 8-10-1877 in [Book 25, Page 4](#); and 9-22-1881 in [Book 35, Page 124](#); and 4-19-1894 in [Book 45, Page 282](#); and 3-9-1895 in [Book 45, Page 305](#); and 3-4-1890 in [Book 72, Page 352](#); and 1-22-1891 in [Book 72, Page 390](#); and 4-13-1892 in [Book 143, Page 27](#); and 7-29-1892 in [Book 143, Page 61](#); and 7-29-1892 in [Book 143, Page 62](#); and 7-29-1892 in [Book 143, Page 63](#); and 2-21-1893 in [Book 143, Page 114](#); and 3-4-1893 in [Book 143, Page 118](#); and 2-16-1894 in [Book 143, Page 188](#); and 7-6-1896 in [Book 143, Page 290](#); and 11-16-1918 in [Book 165, Page 320](#); and 11-7-1927 in [Book 165, Page 418](#); and 7-6-1896 in [Book 232, Page 268](#); and 7-

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8-1930 in [Book 290, Page 386](#); and 2-25-1903 in [Book 350, Page 45](#); and 4-2-1907 in [Book 420, Page 73](#); and 7-29-1915 in [Book 526, Page 276](#); and 2-11-1916 in [Book 526, Page 363](#); and 3-26-1951 in [Book 1288, Page 545](#).

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DISCLOSURE STATEMENT

Pursuant to C.R.S. 30-10-406(3)(a) all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Nonresident withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.

Pursuant to C.R.S. 10-11-122, the company will not issue its owner's policy or owner's policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

NOTE: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

- A. **That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and**
- B. **That such mineral estate may include the right to enter and use the property without the surface owner's permission.**

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-2, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. **The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.**
- B. **No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.**
- C. **The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.**
- D. **The Company must receive payment of the appropriate premium.**
- E. **If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the**

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requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium, fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of an ALTA Closing Protection Letter which may, upon request, be provided to certain parties to the transaction identified in the commitment.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

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PRE-APPLICATION MEETING SUMMARY

Area: Central Date: 12/10/20

Pre-Application No.: KW 20-129

Applicant(s) Present: Rick Haering and others

Lot Size: 127.8 acres

Site Location: BLR Village A1 DP & FPs

TSN: 5300000654

Project Description: residential development and 5 concurrent plats

Zone: PUD (current request)

APPLICATION(S) REQUIRED: ☐ No application to the Planning Department required

- | | | |
|---|---|---|
| <input type="checkbox"/> 2020 Land Use Map Amendment | <input type="checkbox"/> Development Agreement (PUD Zone) | <input type="checkbox"/> Street Name Change |
| <input type="checkbox"/> Administrative Relief | <input checked="" type="checkbox"/> Development Plan <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input checked="" type="checkbox"/> Subdivision Plat <input type="radio"/> PP <input checked="" type="radio"/> FP <input type="radio"/> PFP |
| <input type="checkbox"/> Amendment to Plat Restriction | <input type="checkbox"/> Historic Preservation Board | <input type="checkbox"/> Subdivision Waiver <input type="radio"/> Design <input type="radio"/> Process |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Master Plan <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Use Variance <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Building Permit to Unplatted Land | <input type="checkbox"/> Minor Improvement Plan | <input type="checkbox"/> Vacation of Plat |
| <input type="checkbox"/> CMRS No. <input type="checkbox"/> | <input type="checkbox"/> Nonuse Variance / Warrant | <input type="checkbox"/> Vacation of Public Right-of-Way |
| <input type="checkbox"/> Concept Plan <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Preservation Easement Adjustment | <input type="checkbox"/> Waiver of Replat |
| <input type="checkbox"/> Conditional Use <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Property Boundary Adjustment | <input type="checkbox"/> Zone Change |

Visit the Land Use Review Division website at www.coloradosprings.gov/planninginfo for application forms and checklists

MJ = Major Amendment, MN = Minor Amendment, and MM = Minor Modification

NEIGHBORHOOD ORGANIZATION:

Neighborhood Association/Contact: _____ ☐ Neighborhood Meeting

PUBLIC NOTIFICATION REQUIREMENTS:

Note: Applicant will be required to pay for postage at time of poster pick-up.

- | | | |
|---|---|--|
| <input type="checkbox"/> Pre-Application Stage | <input checked="" type="checkbox"/> Internal Review Stage | <input type="checkbox"/> Public Hearing Stage |
| <input checked="" type="checkbox"/> Postcard | <input checked="" type="checkbox"/> Poster | <input type="checkbox"/> No Public Notice Required |
| Buffer Distance: <input type="checkbox"/> 150 ft. | <input type="checkbox"/> 500 ft. | <input checked="" type="checkbox"/> 1,000 ft. |
| | | <input type="checkbox"/> Custom distance: _____ |

ADDITIONAL STUDIES/MATERIALS TO BE SUBMITTED WITH APPLICATION:

- | | | |
|--|---|---|
| <input type="checkbox"/> Geo-Hazard Report | <input checked="" type="checkbox"/> Traffic Impact Analysis | <input checked="" type="checkbox"/> Drainage Report |
| Contact: <u>Patrick Morris, 719-385-5075</u> | Contact: <u>Zaker Alazze, 719-385-5468</u> | Contact: _____ |
| <input checked="" type="checkbox"/> Hydraulic Grade Line | <input checked="" type="checkbox"/> Wastewater Master Facility Report | <input checked="" type="checkbox"/> Land Suitability Analysis |
| <input checked="" type="checkbox"/> Elevation Drawings | <input type="checkbox"/> Mineral Estate Owner Notification | <input type="checkbox"/> Other: _____ |

LDTC MEETING: ☐ Yes ☐ No

Date: _____ **Time:** _____

COMMENTS: (This is a preliminary listing of issues and attention items; additional issues will likely surface as the application proceeds through the review process):

The applicant is proposing a PUD development plan for 127.8 acres of proposed BLR Village A with 5 concurrent final plat filings for an estimated 377 residential units. The overall development plan will also include additional improvements like landscaping, construction of public streets and refinement of an the streamside overlay on a portion of the overall site.

The stream refinement request must be shown on the DP and supported by a professional survey. The applicant has coordinated with Tasha Brackin for site specific information required to consider this request.

A master plan amendment, zone change and concept plan are currently under review for this project site. Approval of those applications is required prior to approval of the DP & plats. The traffic report under review with the concept plan indicated that construction of 80 units will trigger the need to develop Banning Lewis Parkway from the intersection at Dublin to at least the northern entrance of the proposed development. Assurances may be required to be posted for the remaining portion of the parkway down to Stetson Hills and for portions of the extension of Stetson Hills to the easterly project site boundaries. A drainage report and land suitability analysis will be required.

Fees for this site are calculated and provided below. Please coordinate with me to create a dropbox folder when you are ready to submit the application.

NOTE: The above information is intended to assist in the preparation of an application. This sheet is not a complete list of submittal requirements. Refer to the Zoning and Subdivision Ordinances and the appropriate application checklists for further information and details.

This form and the information contained herein is valid for 6 months.

Fee Estimate: \$23,132.00

Number of Plans: 1 hard copy & digital submission of all materials

Katelynn Wintz, AICP

Senior Planner
Land Use Review
Planning & Community Development

30 S. Nevada Avenue, Suite 105 Phone: (719) 385-5192
P.O. Box 1575, MC 155 Fax: (719) 385-5167
Colorado Springs, CO 80901-1575 katelynn.wintz@coloradosprings.com

PLANNING & DEVELOPMENT DEPARTMENT
Project Notification Information

Date: March 26, 2021

Planner: Katelynn Wintz

Planner email: Katelynn.wintz@coloradosprings.gov

Planner phone number: (719) 385-5192

Applicant Email: rhaering@laidesigngroup.com ; thannah@laidesigngroup.com

Applicant Name: Rick Haering & Tyler Hannah

TSN: 5300000654

Site Address (to be used on postcard): no address, unplatted. Location at northeast intersection of Banning Lewis Parkway and Stetson Hills Boulevard

PROJECT: Banning Lewis Ranch Village A1

<input type="checkbox"/>	Pre-application Notice	<input checked="" type="checkbox"/>	Standard Notification
<input type="checkbox"/>	Pre-application Neighborhood Meeting Notice	<input type="checkbox"/>	Standard with Neighborhood Meeting Notice
<input type="checkbox"/>	No notice	<input type="checkbox"/>	Poster only

PUBLIC NOTICE:

☐ 150 feet ☐ 500 feet ☒ 1,000 feet ☐ Modified (attach modified buffer) ☐ No public notice

PROJECT BLURB

Provide a project blurb for each application type, adjust language as needed. Note code sections where applicable for variances.

PUD Development Plan

Request by Clayton Properties Group II dba Oakwood Homes, with representation by LAI Design Group, for approval of a residential PUD Development Plan. If approved the proposed application would allow for 449 residential units as single-family and two-family attached unit types, public trails, and streamside overlay refinement. There are seven concurrent final plats associated with this application. The site is zoned PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), is 127.78-acres in size, and is located northeast of the intersection of Banning Lewis Parkway and Stetson Hills Boulevard.

Final Plat – Filing 50

Request by Clayton Properties Group II dba Oakwood Homes, with representation by LAI Design Group, for approval of a final plat. If approved the proposed application would allow for 60 single-family detached lots and several tracts. The site is zoned PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), is 77.01-acres in size, and is located northeast of the intersection of Banning Lewis Parkway and Stetson Hills Boulevard.

Final Plat – Filing 51

Request by Clayton Properties Group II dba Oakwood Homes, with representation by LAI Design Group, for approval of a final plat. If approved the proposed application would allow for 75 single-family detached lots and several tracts. The site is zoned PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), is 17.42-acres in size, and is located northeast of the intersection of Banning Lewis Parkway and Stetson Hills Boulevard.

[Type text]

Final Plat – Filing 52

Request by Clayton Properties Group II dba Oakwood Homes, with representation by LAI Design Group, for approval of a final plat. If approved the proposed application would allow for 76 single-family detached lots and several tracts. The site is zoned PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), is 13.76-acres in size, and is located northeast of the intersection of Banning Lewis Parkway and Stetson Hills Boulevard.

Final Plat – Filing 53

Request by Clayton Properties Group II dba Oakwood Homes, with representation by LAI Design Group, for approval of a final plat. If approved the proposed application would allow for 80 single-family detached lots and several tracts. The site is zoned PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), is 10.58-acres in size, and is located northeast of the intersection of Banning Lewis Parkway and Stetson Hills Boulevard.

Final Plat – Filing 54

Request by Clayton Properties Group II dba Oakwood Homes, with representation by LAI Design Group, for approval of a final plat. If approved the proposed application would allow for 86 single-family attached lots and several tracts. The site is zoned PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), is 9.01-acres in size, and is located northeast of the intersection of Banning Lewis Parkway and Stetson Hills Boulevard.

Final Plat – Filing 55

Request by Clayton Properties Group II dba Oakwood Homes, with representation by LAI Design Group, for approval of a final plat. If approved the proposed application would allow for 55 single family detached residential lots and several tracts. The site is zoned PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), is 7.21-acres in size, and is located northeast of the intersection of Banning Lewis Parkway and Stetson Hills Boulevard.

Final Plat – Filing 56

Request by Clayton Properties Group II dba Oakwood Homes, with representation by LAI Design Group, for approval of a final plat. If approved the proposed application would allow for 20 new lots as a mix of single family attached and detached residential lots with several tracts. The site is zoned PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay), is 4.86-acres in size, and is located northeast of the intersection of Banning Lewis Parkway and Stetson Hills Boulevard.

POSTCARD

Include 3-5 highlighted points to best describe the project.

- This project proposes 449 new residential units will be a mix of single-family attached (duplex) and single-family detached units.
- 7 concurrent final plats
- A request to refine the streamside overlay boundaries.

POSTER

Fill out applicable information below:

What type of project is proposed? (large bold letters on poster, approx. 35 characters):

PUD Development Plan for 449 residential units and concurrent final plats

Planning and Development Distribution Form
Final Plat

Planner Intake Date: KW 3/25/21

Admin Receive Date: 3/26/21

Project Name: Banning Lewis Ranch Filing 55

1. PUBLIC NOTICE: (see Project Blurb to establish noticing parameters)

2. Date buckslip comments are due (21 calendar days after submittal): 4/15/21

3. HOA: N/A

4. STANDARD DISTRIBUTION:

☒ Include all standard distribution recipients (either check here or individually check boxes below)

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
85	<input type="checkbox"/> Utilities Development Services	Buckslips@csu.org
9	<input type="checkbox"/> Fire	Steven.Smith@coloradosprings.gov
24	<input type="checkbox"/> SWENT	development.review@coloradosprings.gov
17	<input type="checkbox"/> Cory Sharp, LUR MC 155	Cory.Sharp@coloradosprings.gov
66	<input type="checkbox"/> Real Estate Services	Barbara.Reinardy@coloradosprings.gov
14	<input type="checkbox"/> Lois Ruggera Candy Fontecchio	Lois.Ruggera@coloradosprings.gov Candy.Fontecchio@coloradosprings.gov
19	<input type="checkbox"/> Century Link	Patti.Moore@CenturyLink.com Bea.Romero@centurylink.com Melissa.Spencer@centurylink.com
77	<input type="checkbox"/> CSU Customer Contract Administration	Buckslips@csu.org
11	<input type="checkbox"/> IT GIS	Bootsy.Jones@coloradosprings.gov
13	<input type="checkbox"/> Parks & Recreation	Britt.Haley@coloradosprings.gov Constance.Schmeisser@coloradosprings.gov Emily.Duncan@coloradosprings.gov
23	<input type="checkbox"/> Enumerations	addressing@pprbd.org
29	<input type="checkbox"/> Flood Plain	Keith@pprbd.org
98	<input type="checkbox"/> US Postal Service	Elaine.f.medina@usps.gov

45	<input type="checkbox"/> Zaker Alazzeah, Traffic - School Safety	development.review@coloradosprings.gov
65	<input type="checkbox"/> Zaker Alazzeah, Traffic Eng (MC 460)	development.review@coloradosprings.gov
48	<input type="checkbox"/> Street Division	Corey.Rivera@coloradosprings.gov Cole.Platt@coloradosprings.gov
60	<input type="checkbox"/> Transit	Roger.Austin@coloradosprings.gov
25	<input type="checkbox"/> County Health Department	catherinemcgarvy@elpasoco.com
30	<input type="checkbox"/> Comcast	Jason.Jacobsen@comcast.com DENNIS_LONGWELL@comcast.com WSTMWR_MDSubmissions@comcast.com
3	<input type="checkbox"/> CONO	rdavis@cscono.org
92	<input type="checkbox"/> Forestry	Jeff.Cooper@coloradosprings.gov
56	<input type="checkbox"/> PlanCOS	PlanCOS@coloradosprings.gov

5. SCHOOL DISTRICT:

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
36	<input type="checkbox"/> School District # 2	mwilsey@hsd2.org
68	<input type="checkbox"/> School District # 3	dqish@wsd3.org
37	<input type="checkbox"/> School District # 11	Terrance.johns@d11.org Terry.Seaman@d11.org
38	<input type="checkbox"/> School District # 12	cooper@cmsd12.org
39	<input type="checkbox"/> School District # 20	tom.gregory@asd20.org
69	<input type="checkbox"/> School District # 22	chrissmith@esd22.org
41	<input checked="" type="checkbox"/> School District # 49	mandrews@d49.org

6. MILITARY INSTALLATION (if within 2 mile buffer):

ID#	Division Name	Email/Distribution Notes
	<input checked="" type="checkbox"/> None	
84	<input type="checkbox"/> Fort Carson	john.j.sanders71.civ@mail.mil Thomas.j.wiersma.civ@mail.mil
46	<input type="checkbox"/> NORAD	Michael.kozak.2@us.af.mil

		Michael.Shafer.4@us.af.mil joseph.elms@us.af.mil 21CES.CENB.BaseDevelopment@us.af.mil
26	<input type="checkbox"/> USAFA	corine.weiss@us.af.mil craig.johnson.35.ctr@us.af.mil steven.westbay.ctr@us.af.mil elizabeth.dukes.3.ctr@us.af.mil 10CES.CENP.USAFADDEVREVIEWGRP@us.af.mil
75	<input type="checkbox"/> Peterson	PAEK,AYOKA B GS-12 USSF AFSPC 21 CES/CENB <a href="mailto:<ayoka.paek@spaceforce.mil>"><ayoka.paek@spaceforce.mil> joseph.elms@us.af.mil 21CES.CENB.BaseDevelopment@us.af.mil

7. OPTIONAL DISTRIBUTION (Depending on Location of Site):

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
59	<input checked="" type="checkbox"/> StratusIQ – AKA Falcon Broadband	jlandis@stratusiq.com tking@stratusiq.com cotrin@stratusiq.com BLR & Flying Horse
27	<input type="checkbox"/> CDOT (adjacent to CDOT ROW)	Valerie.vigil@state.co.us
34	<input type="checkbox"/> Colorado Geological Survey	cgs_lur@mines.edu
33	<input type="checkbox"/> SECWCD, Garrett Markus	garrett@secwcd.com
18	<input checked="" type="checkbox"/> Streamside Area Overlay	Tasha.Brackin@coloradosprings.gov
15	<input type="checkbox"/> Hillside Overlay	Kerri.Schott@coloradosprings.gov
20	<input checked="" type="checkbox"/> Airport	Kandrews@coloradosprings.gov
63	<input checked="" type="checkbox"/> El Paso County Dev. Services Division	NinaRuiz@elpasoco.com Review of Plans within ½ mile of a County/City Border
43	<input type="checkbox"/> Wescott Fire District (adjacent only)	admin@wescottfire.org
71	<input type="checkbox"/> Falcon Fire Protection District	tharwig@falconfire.org
72	<input type="checkbox"/> Black Forest Fire Protection District	chief@bffire.org
81	<input type="checkbox"/> Broadmoor Fire Protection District	chief@broadmoorfire.com noalsperran@gmail.com
80	<input type="checkbox"/> CSURA – Urban Renewal	Jariah.Walker@coloradosprings.gov

5	<input type="checkbox"/> Metro District	Metro District email
65	<input type="checkbox"/> Kate Brady, Mike Planning, Traffic	Kate.Brady@coloradosprings.gov
53	<input type="checkbox"/> UCCS Review – North Nevada Overlay zone	mwood@uccs.edu
49	<input type="checkbox"/> Chelsea Gaylord, Economic Development	Chelsea.Gaylord@coloradosprings.gov QOZ

8. LAND USE REVIEW:

Hard Copy Full sized plans

<input checked="" type="checkbox"/> Planner	Traffic Report, Drainage Report, Geo-Hazard Report
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Special notes or instructions: