



January 6, 2023

Mr. Timothy Buschar  
 Colorado Land Acquisition dba Aspen View Homes  
 Colorado Springs, Colorado 80921  
 Via email: [tbuschar@asperviewhomes.net](mailto:tbuschar@asperviewhomes.net)

**Subject: Trails at Aspen Ridge Filing 4 Trip Generation Comparison Letter  
 PCD File No. SF-21-024**

Dear Mr. Buschar,

Matrix Design Group (Matrix) submitted a traffic impact study addendum to El Paso County dated February 2, 2021 and revised April 16, 2021 analyzing the impacts for the entirety of the Trails at Aspen Ridge development (PUDSP-21-003). Filing 4 was analyzed as Filing 6 in the February 2021 and April 2021 reports. The proposed number of single-family dwelling units in Filing 4 remains 124. The findings from the February 2021 addendum that was revised in April 2021 are still valid for the entirety of the project as the number of units in Filing 4, formerly known as Filing 6 remains the same.

Trails at Aspen Ridge will also contribute trips to the Powers Boulevard/Bradley Road intersection that will require improvements in the future. The project will contribute 58.5% of its incoming trips and 46% of its outgoing trips to the Powers Boulevard/Bradley Road in the horizon year of 2040. This equates to 2,539 daily inbound trips and 1,996 outbound daily trips for a total of 4,535 daily trips through the intersection. The intersection will have 24,250 new daily trips in the year 2040. Therefore, the project contributes (2,539/24,250) 18.7% of the total daily trips through the Powers Boulevard/Bradley Road intersection. The fair share contribution of each of the six Trails at Aspen Ridge filings is broken down in Table 1, below.

*Table 1 – Trails at Aspen Ridge Filing Contributions to Powers/Bradley Intersection*

Parcel	Powers/Bradley Intersection			% Share	
	Entry Trips	Exiting Trips	Total Trips		
Filing 1	534	420	953	3.93%	\$ 53,487.82
Filing 2	289	227	516	2.13%	\$ 28,966.21
Filing 3	584	459	1043	4.30%	\$ 58,518.78
Filing 4	366	288	653	2.69%	\$ 36,647.53
Filing 5	171	135	306	1.26%	\$ 17,151.04
Filing 6	230	181	411	1.69%	\$ 23,043.97
Filing 7	366	288	653	2.69%	\$ 36,647.53
<b>Total</b>	<b>2539</b>	<b>1996</b>	<b>4535</b>	<b>18.70%</b>	<b>\$ 254,462.88</b>

Filing 4 contributes 2.69% towards the cost of intersection improvements at the Powers Boulevard/Bradley Road intersection. With a total estimated cost of \$1,360,692.26 for the intersection improvements, Filing 4's fair share is \$36,647.53.

The Colorado Department of Transportation (CDOT) issued State Highway Access Permit No. 221066 on July 13, 2022 agreeing to the fair share contributions shown in Table 1 above with no new construction or ROW dedication necessary from the Trails at Aspen Ridge developer. CDOT issued a Notice To Proceed for this access permit on September 1, 2022 based on collecting the full escrow amount for all filings shown in Table 1 above. Upon issuance of this Notice to Proceed (NTP), all obligations from the developer to CDOT have been met.

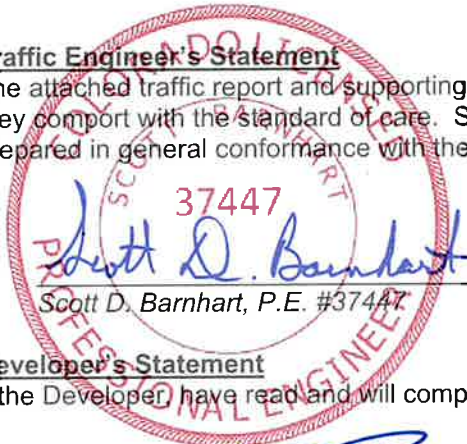
## Excellence by Design

The findings from the February 2021 addendum that was revised in April 2021 should be considered valid for Filing 4 since the number of dwelling units has not changed.

Please let me know if you have any questions at [Scott.Barnhart@matrixdesigngroup.com](mailto:Scott.Barnhart@matrixdesigngroup.com) or (719) 575-0100. Thank you.

**Traffic Engineer's Statement**

The attached traffic report and supporting information were prepared under my responsible charge and they comport with the standard of care. So far as is consistent with the standard of care, said report was prepared in general conformance with the criteria established by the County for traffic reports.



*Scott D. Barnhart*  
\_\_\_\_\_  
Scott D. Barnhart, P.E. #37447

January 6, 2023  
Date

**Developer's Statement**

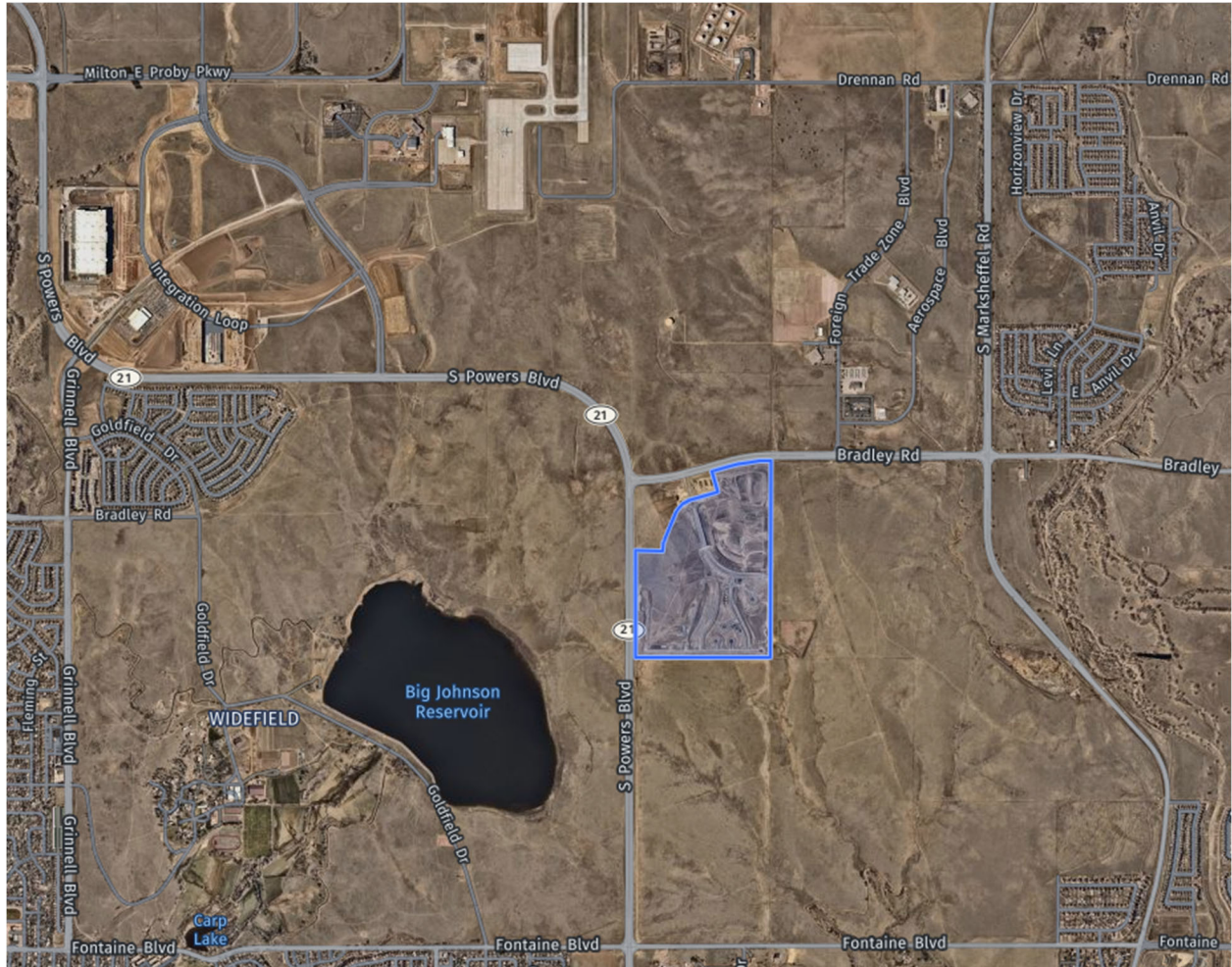
I, the Developer, have read and will comply with all commitments made on my behalf within this report.



\_\_\_\_\_  
Tim Buschar, Director of Entitlement  
Colorado Land Acquisition dba Aspen View Homes  
555 Middle Creek Parkway, Suite 500  
Colorado Springs, CO 80921

1/6/23  
Date

Figure 1 - Vicinity Map



Attachments:

- State Highway Access Permit No. 221066
- Notice to Proceed for State Highway Access Permit No. 221066



Region 2 Traffic Section  
5615 Wills Blvd.  
Pueblo, Colorado 81008  
(719) 546-5732

Permit No. **22106**

July 13, 2022

To: Scott Barnhart  
Matrix Design Group, Inc.  
2435 Research Parkway, Suite #300  
Colorado Springs, Colorado

Dear Applicant:

1. Please **review** the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose **NOT** to act on the permit, within 60 days of the date of this transmittal letter, Colorado Department of Transportation will consider this permit withdrawn and reapplication will be required.
3. If you wish to **APPEAL** the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
4. **If you ACCEPT** the Permit and its Terms and Conditions and are authorized to sign as legal owner of the property or as an authorized representative, **please sign and date** the DocuSign Access Permit form #101 on the line marked "PERMITTEE". **Your signature confirms your agreement to all the listed Terms and Conditions and step #1 of the two step Access Permitting Process.** It will be returned electronically to the permit Author for final signatures and completion. The executed DocuSign envelope will be returned to you electronically through email once the permit author has signed, executing the permit. Keep in mind that this by no means grants access, permission to construct or perform any work in the CDOT right-of-way, this will come with a Notice to Proceed to construct. This agreement step merely states that we have an agreement to grant access at the given location to you.
5. **Upon affixing** the Permittees signature a link to pay the fee will be provided. The link will be through PayPal for the total amount due of \$300.00. If the Permittee is not paying the fee and the fee is being paid by third party a PayPal link can be requested through your permit author and the permit can be executed until fee is paid.
6. As described in the attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed to construct the second step in this process. DO NOT begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law and the permit will be revoked.

If you have any questions please call Arthur Gonzales, Access Manager at cell (719) 248-0905, or office (719) 546-5732.



<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>			CDOT Permit No.
<b>STATE HIGHWAY ACCESS PERMIT</b>			<b>221066</b>
			State Highway No / Mp / Side 021A / 134.549 / Right
Permit Fee \$300.00	Date of Transmittal 07/13/2022	Region / Section / Patrol / Name 2 / 04 / 053 / Bradley Bauer	Local Jurisdiction CDOT

<b>The Permittee(s):</b>  El Paso County - Engineering Joshua Palmer 3275 Akers Drive Colorado Springs, Colorado 80922 (719) 520-6900	<b>The Applicant(s):</b>  Matrix Design Group, Inc. Scott Barnhart 2435 Research Parkway, Suite #300 Colorado Springs, Colorado (719) 457-5590												
<p>is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.</p>													
<p>Location: A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. Intersection of SH21A/Powers Blvd and Bradley Rd. MM134.549 RT.</p>													
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<p>Additional Information: Please see the attached supporting documentation and the terms and conditions.</p>													

<b>MUNICIPALITY OR COUNTY APPROVAL</b>			
Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Date	Title
<p>Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.</p> <p>The permittee shall notify Ronald Young with the Colorado Department of Transportation, at 719-2898718 at least 5 days prior to commencing construction within the State Highway right-of-way.</p> <p>The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have the authority to accept the permit and its terms and conditions.</p>			
Permittee Signature: <i>Joshua Palmer</i>	Print Name Joshua Palmer	Date 8/1/2022   6:36 PM MDT	
Applicant Signature: <i>Scott Barnhart</i>	Print Name Scott Barnhart	Date 7/18/2022   2:08 PM MDT	
<p>This permit is hereby approved by a duly authorized representative of the Department.</p> <p><b>COLORADO DEPARTMENT OF TRANSPORTATION</b></p>			
Signature <i>Arthur Gonzales</i>	Print Name Arthur Gonzales	Title R2 - Access Manager	Date (of issue) 8/1/2022   11:40 AM MDT

Copy Distribution: 184624D2...

Required:

- 1.Region
- 2.Applicant
- 3.Staff Access Section
- 4.Central Files

Make copies as necessary for:

- Local Authority
- Inspector
- MTCE Patrol
- Traffic Engineer

Previous editions are obsolete and may not be used

**State Highway Access Permit  
Form 101, Page 2**

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

**APPEALS**

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

**PERMIT EXPIRATION**

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

**CONSTRUCTION**

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

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SB

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

#### CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

#### MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.



July 13, 2022

Sheet: - 1 -

**PERMIT # 221066**

Permittee: El Paso County - Engineering | Trails at Aspen Ridge (formerly Springs East at Waterview)

Applicant: Matrix Design Group (Representative: Scott Barnhart)

Access Location: A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. Intersection of SH24A/Powers Blvd and Bradley Rd. MM134.549 RT.

1. **A NOTICE TO PROCEED TO CONSTRUCTION, CDOT Form 1265, is required before beginning the construction of the access or any activity in the highway right-of-way.** The Permittee/Applicant shall provide the Department with all requested submittals, documents, plans, and other items listed below for review. These items shall be completed, submitted and approved by the Department before a NOTICE TO PROCEED to construction will be issued:
  - a) A written request for a NOTICE TO PROCEED including the access permit number listed above.
  - b) Copy of the Final Drainage Report, dated, signed, and sealed by a Colorado registered professional engineer.
  - c) Current title policy or warranty deed.
  - d) A copy of the final recorded plat.
  
2. This Access Permit is issued to escrow the Trails at Aspen Ridge (formerly Springs East at Waterview) pro-rata share amount for the future upgrades and allow for roadway improvements to an existing undocumented access connector local roadway of Bradley Rd. to State Highway 21A. The escrow amount required for the re-construction of the access to include the construction of auxiliary lanes, additional lanes, signal reconfiguration (signing, striping, signal cabinet, signal heads) to the state highway as described in 4a below.
  
3. The access is located on the RT side of State Highway 21A, approximately 2,898.72-feet north from milepost 134 (MM134.549). This Access Permit is issued to allow access to State Highway 21C for a change in use of the surrounding property. Specifically, the SE quadrant of the intersection. The previous use of the access was to serve vacant land. The access will now serve a total of approximately 195.25-acres with 852-single family residential lots to include 28.36-acres of commercial development that is unknown at the date of this permit. Access to the development will be gained from Bradley Rd. and Legacy Hills Blvd. intersection approximately 550-feet east of SH21/Bradley Rd intersection. No direct access to SH21A is allowed to Trails at Aspen Ridge (formerly Springs East at Waterview) subdivision development.
  
4. This section of highway is a Category F-W highway. The information submitted for prior approvals for the access application requires the following escrow amounts to be collected and **NO NEW CONSTRUCTION** is required of this permit:
  - a) **Escrow funds in the amount of 18.70% with the dollar amounts of \$254,462.88 will be required for a portion of the future SH21A/Powers Blvd. and Bradley Rd. interchange signal based on a pro-rata share determined by the traffic impact study and supplied documentation.**
  - b) **Escrow funds are required to be held by CDOT within CDOT processes and are due upon the execution of this permit in coordination with CDOT Business Office**
  - c) Future highway construction will likely affect this development with the extension of the northbound right turn lane further south to allow for additional queuing for the dual right turn movement onto eastbound Bradley Rd. from SH21a/Powers Blvd. and may encroach on the intersection to the east to be known as Legacy Hills Dr.
  - d) CDOT requests additional right of way dedication for the required improvements and the future interchange from the SE quadrant, the SW quadrant, and the NW quadrant of the development. Trails at Aspen Ridge does not currently own the



July 13, 2022

Sheet: - 2 -

**PERMIT # 221066**

Permittee: El Paso County - Engineering | Trails at Aspen Ridge (formerly Springs East at Waterview)

Applicant: Matrix Design Group (Representative: Scott Barnhart)

Access Location: A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. Intersection of SH24A/Powers Blvd and Bradley Rd. MM134.549 RT.

- donatable parcels and this shall be completed once further development occurs at these locations.
- e) Future Right of Way donations shall be recorded as part of the Access Permitting process for all future developments in coordination with CDOT Right of Way Unit.
  - f) Any future filing or development of the subject area will require additional reviews to determine future improvements required by additional traffic counts and new development as determined by the State Highway Access Code.
  - g) The Permittee and future developments shall provide the Department with appropriate access restriction deeds "A-lines deeds" with exhibits along State Highway 21A/Powers Blvd. and along Bradley Rd. extending to Legacy Drive.
  - h) The Bradley Rd. and Legacy Hill Drive intersection may be required to be converted to RI/RO in the future if traffic issues arise or future traffic warrants are met to close this proposed full movement intersection.
  - i) There will be no direct access from the north/south traveling roadways section of SH21 to the western boundary of the Trails at Aspen Ridge development. The only access points will be from local roadways off Bradley Rd. and Fontaine Blvd. onto Legacy Hills Blvd. at the proposed signalized intersection with Bradley Rd. approximately 550-feet east.
  - j) Various utilities have been determined with the roadway improvement area and the Developers/Permittee will be required to coordinate for the relocation of these utilities.
  - k) **NO NEW HIGHWAY IMPROVEMENTS ARE REQUIRED OF THIS ACCESS PERMIT.**
5. The Permittee is responsible for wind and air borne erosion control measures during the construction phase. The developer is responsible for MS4 compliance; best management practice during construction should include clean project entry. The project landfall must be shaped and armored in such a way that no head-cutting will occur. No construction traffic is allowed to enter the highway along pioneered pathways through the ditches.
  6. The ditches may not be used for any construction purposes unless allowed under appropriate legal permits; any construction traffic accessing SH21A under permits shall have appropriate flagging or traffic control.
  7. Equipment and vehicles cannot be parked in the clear zone; this includes when occupied by construction personnel; the clear zone shall be kept clear of vehicles, equipment, and stockpile to prevent accidents.
  8. **No additional access will be allowed to State Highway 21A between milepost 132.946 @ Bradley Rd. and milepost 134.536 @ Fontaine Blvd.**
  9. The Permittee shall refer to all additional standard requirements attached to this permit. This includes CDOT Form 101b, enclosed additional terms, conditions, exhibits, and noted attachments.
  10. The following criteria were used to establish this Access Permit:
    - a) The Application for Access Permit (CDOT Form 137) dated 03/09/2021 and accepted by the regional office on 07/19/2021 and all attachments.
    - b) State Highway Access Code, Volume 2, CCR-601-1; Effective date August 31, 1998
    - c) The State Highway Access Category Assignment Schedule, as revised.

July 13, 2022

Sheet: - 3 -

**PERMIT # 221066**

Permittee: El Paso County - Engineering | Trails at Aspen Ridge (formerly Springs East at Waterview)

Applicant: Matrix Design Group (Representative: Scott Barnhart)

Access Location: A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. Intersection of SH24A/Powers Blvd and Bradley Rd. MM134.549 RT.

- d) The Colorado Department of Transportation (CDOT) M&S Standard Plans, "Wire, Fence and Gates", M-607-1
  - e) The Colorado Department of Transportation (CDOT) M&S Standard Plans, "Survey Monuments", M-629-1
  - f) Vicinity Map
  - g) Attached Details
  - h) Reviewed Traffic Memo, provided by Matrix Design by Scott Barnhart, PE # 37447, revised April 16, 2021.
  - i) Reviewed Final Drainage Report (Filing No.2), by Matrix Design, Jesse Sullivan, PE #55600, dated February, 2021.
11. The Permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) and incorporated by the U.S. Attorney General as a federal standard. These guidelines are defining traversable slope requirements and prescribing the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at:  
<https://www.codot.gov/business/designsupport/standard-plans>.
12. It is the responsibility of the Permittee/applicant to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly from the appropriate agency. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" for details. FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.
13. ALL discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.
14. Unless otherwise identified by CDOT or the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) as significant sources of pollutants to the waters of the State, the following discharges to storm water systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. However, construction activities may require a Construction Stormwater Permit. Contact the CDOT Water Quality Program Manager at 303-757-9343.
15. Any other discharges may require Colorado Discharge Permit(s) or separate permits from CDPHE or the appropriate agency before work begins. For additional information and forms, go to the CDPHE website at:  
<http://www.cdphe.state.co.us/wq/PermitsUnits/wqcdpmt.html>.
16. All discharges to the CDOT highway drainage system must comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit

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**PERMIT # 221066**

Permittee: El Paso County - Engineering | Trails at Aspen Ridge (formerly Springs East at Waterview)

Applicant: Matrix Design Group (Representative: Scott Barnhart)

Access Location: A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. Intersection of SH24A/Powers Blvd and Bradley Rd. MM134.549 RT.

Regulations, and are subject to inspection by the CDOT and CDPHE. Although El Paso County may or may not be a municipality that is required to obtain MS-4 permits, CDOT would like to emphasize this development devise and implement a permanent plan for periodic removal and disposal of sediment from detention facilities and for maintenance of development detention facilities. Attached is the CDOT Environmental Clearances Information Summary listing some of the more commonly encountered environmental permits/clearances that may apply to activities and contacts for questions regarding these permits/clearances.

17. This Access Permit is issued in accordance with the 1998 State Highway Access Code (2CCR 601-1) and is based in part upon the information submitted by the Permittee. This Access Permit is only for the use and purpose stated in the Application and on the Permit. Any changes, based upon existing and/or anticipated future conditions in traffic volumes, drainage, types of traffic, or other operational aspects may render this permit void, requiring a new Application for Access Permit to be submitted for review by the Department and/or Issuing Authority.
- 18. This access will allow full movement access at the existing intersection of SH21A and Bradley Rd. However, left turn movements in and out of this access may be modified or prohibited at some future date.**
19. Any additional permits and clearances required by other Federal, State, Local Government Agencies or Ditch Companies is the responsibility of the Permittee and/or Applicant.
20. The Permittee is responsible for obtaining any necessary additional federal, state and/or local government agency permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee.
21. Whenever there is work within the highway right of way for the intersection of Legacy Hills Dr., the Permittee shall develop and implement a professionally developed traffic control plan.
  - a) This plan shall utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around and through the work site as well as ensure the safety of the work force.
  - b) A certified Traffic Control Supervisor or a Professional Traffic Engineer may prepare the traffic control plan.
  - c) The plan shall be in conformance with the latest Manual on Uniform Traffic Control Devices (MUTCD) and other applicable standards.
  - d) The plan must be submitted and approved by the Senior Maintenance Supervisor listed below five working days prior to beginning construction within the highway right of way.
  - e) The approved traffic control plan will be attached to the Permit and the NOTICE TO PROCEED TO CONSTRUCTION and must be available on site throughout the duration of the construction.
  - f) All work that requires traffic control shall be supervised by a registered professional traffic engineer or by a certified traffic control supervisor.
  - g) The contractor in accordance with the Department Standards shall certify flagging personnel, when required.

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**PERMIT # 221066**

Permittee: El Paso County - Engineering | Trails at Aspen Ridge (formerly Springs East at Waterview)

Applicant: Matrix Design Group (Representative: Scott Barnhart)

Access Location: A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. Intersection of SH24A/Powers Blvd and Bradley Rd. MM134.549 RT.

22. If any traffic control devices are evident within 50 feet of the construction area, the Permittee/Contractor must contact Mr. Jimmy Biren, CDOT Traffic Operations Engineer, in Pueblo. Mr. Biren can be contacted in Pueblo at (o)719-546-5404 (c)719-248-8315.
23. CDOT retains the right to perform any necessary maintenance work in this area.
24. No construction vehicles shall be parked, or construction materials stockpiled on the highway right-of-way overnight. No private vehicles may be parked on the highway right-of-way at any time during construction.
25. Two-way traffic shall be maintained throughout the work area at all times.
26. **TRAFFIC VOLUMES - The Average Daily Traffic (AADT) volumes using this access shall not exceed 4,383-trips.** If in the future, the traffic volumes increase by greater than 20% of the permitted number, the permittee (property owner) is required to apply for a new Access Permit and may be required to construct highway improvements.
27. All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures and all applicable US Occupational Safety and Health Administration (OSHA) regulations- including but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.
28. Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:
  - a) Head protection that complies with the ANSI Z89.1-1997 standard;
  - b) At all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999;
  - c) High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2 for daytime work and Class 3 for night time work is required).
  - d) Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.
29. **UTILITIES - The Permittee is hereby advised that other utilities may exist within the proposed permit area. Permittee shall implement any and all measures to protect any existing utilities from damage. It is known that there is new Fiber Optic cable buried in the CDOT ROW and must be mitigated.**
30. The Permittee is responsible to comply with the Subsurface Utility Engineering (SUE) requirements as defined in the ASCE 38 (American Society for Civil Engineering).



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**PERMIT # 221066**

Permittee: El Paso County - Engineering | Trails at Aspen Ridge (formerly Springs East at Waterview)

Applicant: Matrix Design Group (Representative: Scott Barnhart)

Access Location: A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. Intersection of SH24A/Powers Blvd and Bradley Rd. MM134.549 RT.

31. The Permittee is responsible for any utilities and/or traffic control devices disrupted by the construction of this access and all expense incurred for repair. There are existing utilities on the highway right-of-way by permit. Owners of those utilities must be contacted. Any work necessary to protect existing permitted utilities, such as encasements, bulwarks, etc. will be the responsibility of the Permittee.
  - a) The Permittee is hereby advised that other utilities may exist within the proposed permit area. Permittee shall implement any and all measures to protect any existing utilities from damage.
  - b) Non-Destructive Air-vacuum Excavation (potholing) to expose the utilities being surveyed to determine their exact depth and location maybe necessary before any work commences. A core hole saw cut is the recommended method of entry through pavement for potholing. Flowfill is required for backfill of the core hole under the pavement or on the roadway.
  - c) The vacuum excavation technique is used not only to expose utilities but also for other uses that are benefited by the non-invasive/non-destructive, environmentally friendly technology such as dewatering or drill fluid/saw cutting fluid removal.
  - d) The Contractor shall utilize a spotter to assist in the visual inspection of all excavation work as it progresses near existing CDOT Intelligent Transportation Systems fiber optic line conduits, pull boxes and manholes. The Contractor shall provide a spotter to aid equipment operators when construction activities are near marked or unmarked fiber lines.
  - e) The spotter shall observe all excavation work as it progresses to ensure that no damage occurs to existing underground fiber lines. When the spotter has visual sight of the underground conduit, the spotter shall notify the equipment operator of the proximity to the conduit and begin to guide the excavation work. The spotter shall guide all excavation work around the conduit to ensure no damage occurs.
32. Additional CDOT permits are required for work involving water, sanitary sewer, gas, electrical, telephone and landscaping within the right-of-way.
33. Any damage to existing highway facilities shall be repaired immediately at no cost to the Department and prior to continuing other work. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department inspector.
34. Installation or removal of any right-of-way fence by the Permittee shall be consistent with right-of-way fence law in section 35-46-111 C.R.S. The Permittee is required to obtain a highway right-of-way fence agreement for a special fence if the Permittee desires to remove the existing standard highway fencing in the area. The Permittee shall contact Mrs. Amber Billings at (719) 546-5413 for information regarding the fence agreement.
35. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the entrance shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. This shall be in conformance with the Department's Standard M-607-1.
36. All right-of-way fence posts and wire removed are Department property and shall be turned over to a representative of the Department.

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**PERMIT # 221066**

Permittee: El Paso County - Engineering | Trails at Aspen Ridge (formerly Springs East at Waterview)

Applicant: Matrix Design Group (Representative: Scott Barnhart)

Access Location: A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. Intersection of SH24A/Powers Blvd and Bradley Rd. MM134.549 RT.

37. Physical separation and delineation along a property frontage such as curb and gutter or fencing, may be required when necessary to ensure that access will be limited to permitted locations.
- Survey markers or monuments must be preserved in their original positions. Notify a CDOT Land Surveyor, at (719) 546-5456 immediately upon damage to or discovery of any such markers or monuments at the work site.
  - Any survey markers or monuments disturbed during the execution of this permit shall be repaired and/or replaced immediately to the satisfaction of the CDOT Land Surveyor at the expense of the Permittee.
  - All survey procedures and minimum tolerances shall be in conformance with the Department Survey Manual and the "Manual of Instruction for the Survey of Public Lands of the United States" 1972 and section 38-53-101 et seq, C.R.S.
  - Monuments shall conform to Department Standard M-629-1.
38. The highway drainage system is for the protection of the state highway right-of-way, structures, and appurtenances. It is not designed nor intended to serve the drainage requirement of abutting or other properties beyond undeveloped historical flow. Drainage to the state highway right-of-way shall not exceed the undeveloped historical rate of flow.
39. Any work in area adjacent to open water (streams, drainage, ponds, etc.) will require adequate erosion control measures in accordance with Section 107.25 of the Department standard specifications.
40. All drainage appurtenances required for detention and release shall be located and fully maintainable outside the highway right-of-way.
41. A "Notice to Proceed" (CDOT Form 1265) is required to complete the access permitting process, even when construction is not required.

**STATE HIGHWAY ACCESS PERMIT APPLICATION**

Instructions: - Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.  
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.  
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.  
- Submit an application for each access affected.  
- If you have any questions contact the issuing authority.  
- For additional information see CDOT's Access Management website at <http://www.dot.state.co.us/AccessPermits/index.htm>

**Please print or type**

1) Property owner (Permittee) <b>El Paso County</b>		2) Applicant or Agent for permittee (if different from property owner) <b>Matrix Design Group</b>															
Street address <b>3275 Akers Dr.</b>		Mailing address <b>2435 Research Parkway, Suite 300</b>															
City, state & zip <b>Co. Springs, CO 80922</b>	Phone # <b>(719) 520-6900</b>	City, state & zip <b>Co. Springs, CO 80920</b>	Phone # (required) <b>(719) 575-0100</b>														
E-mail address <b>jenniferirvine.elpasoco.com</b>		E-mail address if available <b>Scott.Barnhart@matrixdesigngroup.com</b>															
3) Address of property to be served by permit (required) <b>A portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M.</b>																	
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? <table border="1"> <tr> <td>county</td> <td>subdivision</td> <td>block</td> <td>lot</td> <td>section</td> <td>township</td> <td>range</td> </tr> <tr> <td><b>El Paso</b></td> <td></td> <td></td> <td></td> <td><b>Section 9</b></td> <td><b>15 South</b></td> <td><b>65 West</b></td> </tr> </table>				county	subdivision	block	lot	section	township	range	<b>El Paso</b>				<b>Section 9</b>	<b>15 South</b>	<b>65 West</b>
county	subdivision	block	lot	section	township	range											
<b>El Paso</b>				<b>Section 9</b>	<b>15 South</b>	<b>65 West</b>											
5) What State Highway are you requesting access from? <b>SH-21A/Powers Boulevard</b>		6) What side of the highway? <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W															
7) How many feet is the proposed access from the nearest mile post? <b>2,883</b> feet <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: <b>MP 134</b>		How many feet is the proposed access from the nearest cross street? <b>1,030</b> feet <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W from: <b>SH-21A</b>															
8) What is the approximate date you intend to begin construction? <b>3/1/2021</b>																	
9) Check here if you are requesting a: <input checked="" type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated: _____) <input type="checkbox"/> improvement to existing access <input type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)																	
10) Provide existing property use <b>Empty lot with infrastructure construction taking place for future residential development</b>																	
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: _____ and/or, permit date: _____																	
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe: _____																	
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.																	
14) If you are requesting agricultural field access - how many acres will the access serve?																	
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.																	
business/land use	square footage	business	square footage														
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?																	
type	number of units	type	number of units														
<b>Single Family</b>	<b>680</b>																
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.																	
Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes <b>4,297</b>	# of multi unit trucks at peak hour volumes <b>43</b>															
# of single unit vehicles in excess of 30 ft. <b>43</b>	# of farm vehicles (field equipment) <b>0</b>	<b>Total count of all vehicles</b> <b>4,383</b>															



18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- a) Property map indicating other access, bordering roads and streets.
- b) Highway and driveway plan profile.
- c) Drainage plan showing impact to the highway right-of-way.
- d) Map and letters detailing utility locations before and after development in and along the right-of-way.
- e) Subdivision, zoning, or development plan.
- f) Proposed access design.
- g) Parcel and ownership maps including easements.
- h) Traffic studies.
- i) Proof of ownership.

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage <http://www.dot.state.co.us/environmental/Forms.asp>.

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.


Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.


If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

**The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.**

**I understand receipt of an access permit does not constitute permission to start access construction work.**

Applicant or Agent for Permittee signature 	Print name <b>Scott D. Barnhart</b>	Date <b>3/9/2025</b>
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If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.

Property owner signature 	Print name <b>JENNIFER E. IRVINE, P.E. COUNTY ENGINEER</b>	Date <b>9 MARCH 2021</b>
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**LETTER OF INTENT**

**For**

**Trails at Aspen Ridge  
PUDSP Amendment**

Prepared for:

**El Paso County Planning & Community Development**

2880 International Circle, Suite 110

Colorado Springs, CO 80910

On Behalf of:

**COLA, LLC**

555 Middle Creek Pkwy, Suite 500

Colorado Springs, CO 80920

Prepared by:



**Matrix**

2435 Research Parkway, Suite 300

Colorado Springs, CO 80920

(719) 575-0100

fax (719) 572-0208

February 2021

Project No. 20.886.028

**Owner/ Applicant:** COLA LLC  
555 Middle Creek Parkway, Suite 380  
Colorado Springs, CO 80921

**Planner/ Civil:** Matrix Design Group  
2435 Research Parkway, Suite 300  
Colorado Springs, CO 80920

**Tax Schedule No:** 5509302003, 5509305003

**Site Location, Size, Zoning:**

The Trails at Aspen Ridge PUDSP Amendment is a proposed single-family subdivision, currently zoned as PUD. The site was previously approved as a Planned Unit Development Site Plan (PUDSP-191) by the El Paso County Commissioners on December 10, 2019 and was originally a part of the Springs East at Waterview Preliminary Plan (SP-17-010) approved by the El Paso County Board of County Commissioners on February 12, 2019.

This previously approved Planned Unit Development encompassed 605 single-family residential lots and included a rezone of 117.98 acres from RS-5000 to PUD. Trails at Aspen Ridge Filing No. 1, a part of the overall Trails at Aspen Ridge development, is comprised of 181 single-family residential lots on 48.91 acres zoned as RS-5000. The Trails at Aspen Ridge Filing 1 is currently under construction and shall remain as approved. Additionally, two commercial parcels are located within the Trails at Aspen Ridge development totaling 28.36 acres owned by a third-party and are not included as part of this PUDSP Amendment. The project remains in conformance with the Waterview Sketch Plan Amendment approved October 24, 2018 by El Paso County Planning and Community Development which permits an overall density of 4-6 DU/acre.

The Trails at Aspen Ridge PUDSP Amendment is proposing a Major Amendment to the original Trails at Aspen Ridge PUDSP. This proposed application will encompass the entire 117.98 acres previously approved as part of PUDSP-191 and is to include 680 single-family residential lots with varying sizes and product types of as well as parks and open space. The proposed 680 single family detached residential units is an increase from the approved 605 residential units, an increase of 12.4%, for a density of 5.76 DU/ Acre. . The project remains in conformance with the Waterview Sketch Plan Amendment approved October 24, 2018 by El Paso County Planning and Community Development which permits an overall density of 4-6 DU/acre.

The project is located southeast of the intersection of Powers Blvd. and Bradley Road with the main access into the site via approved locations along Bradley Road. Construction activities are in progress for Trails at Aspen Ridge Filing No. 1, but the remainder of the is currently vacant.

**Request and Justification:**

The purpose of this application is to request approval of Major Amendment to the previously approved Trails at Aspen Ridge PUDSP to include 680 new single family lots on 117.98 acres for a density of 5.76 DU/ Acre. The site layout incorporates a mix of lot sizes with a minimum lot square footage of 3,000 SF. The PUDSP Amendment will simplify the

unit types by removing previously approved two-family products as all we as alley-loaded product types in future phases. Phase 2 of the Trails at Aspen Ridge will retain the previously approved alley-loaded product type and private streets. . The side lot setbacks for the alley loaded product are being revised as part of this amendment to 5' side on both sides rather than the previously approved 3' and 7' to be in accordance with Residential Building Code standards and requirements.

The proposed small lot, alley-loaded product type was introduced as a more recent introduction to the housing styles found within El Paso County. While this product type has become more common place within the City of Colorado Springs, market demand has driven an increase in this type of product within newly designed county master planned communities. The rear-loaded product creates a Traditional Neighborhood environment where the front doors face common open space or public streets with the garages located at the rear of the house to be accessed via the private roadways/ alleys. This design and housing style creates more open space and common areas for use by the community increasing opportunities for gathering and socializing. Pedestrian connectivity is provided throughout the development allowing safe routes through and within the community.

The revised Trails at Aspen Ridge development will be built out over five phases, with Phase 1 and Phase 2 currently under review or nearing approval.

While the density of the site has increased, the PUDSP Amendment has provided 17.8 acres of open space, or 15.1% of the total development area. This exceeds the required 10%, 11.8 acres, of open space specified in the EPCLDC PUD requirements. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide pedestrian corridors throughout the development. A large community park will be provided in Phase 3 of the development to serve as a focal point and an amenity for residents. This is in addition to various smaller pocket parks located throughout the community.

El Paso County PUD Section 4.2.6(D) Approval Criteria, 1998 El Paso County Policy Plan, and El Paso County Preliminary Plan Section 7.2.1(D)-2E Approval Criteria:

The PUDSP sets forth the stated purpose of the PUD Zoning and Preliminary Plan Criteria through illustrated detailed use design, dimensional and development standards, building and parking locations, service connections, landscaping and other important site improvements.

The 1998 El Paso County Policy Plan establishes broad goals and policies intended to serve as a framework for land use applications and development in the County. The County Wide Policy Plan ties the specific small area plans, and other Master Plan elements such as the Master Plan for Mineral Extraction, the El Paso County Department of Parks and Leisure Services Master Plan and the Major Transportation Corridors Plan together. The Policy Plan provides general direction in terms of density, buffers, transitions, and infrastructure where no small area plan exists. The Trails at Aspen Ridge PUDSP meets the requirements of these planning tools as outlined in more detail within the sections below.

The proposed Trails at Aspen Ridge project is in general conformance with the El Paso County Policy Plan and the approved Waterview Sketch Plan. The approved Waterview Sketch Plan indicates residential use at a density of 4-6 DU/ Acre for this area of which the PUDSP conforms. The proposed property is suitable for the intended use and the use is compatible with both the existing and allowed land uses on the neighboring properties to the west and southeast consisting of single family residential or open space. The new development will be in harmony with the existing surrounding character of the area and natural environment using varying residential densities, perimeter buffering and provisions for both natural and built open space. There are no areas of significant historical, cultural or recreational features found on site.

Though the project site is not located within any small area master plans, the application follows the requirements of this code and all applicable statutory provisions. The project has been designed to not be detrimental to the health, safety, or welfare of the present or future inhabitants by meeting the submittal guidelines as illustrated in the zoning code and application packet. The proposed deviations from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide. The deviation requests and justification are highlighted in detail in the sections below.

The Trails at Aspen Ridge project will not have a negative impact upon the existing and future development of the area. The design approach supports *Policy 6.1.1: Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County* and *Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.*

The proposed application provides adequate consideration for any potentially detrimental use and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site. The site design includes various landscape buffers; open space corridors; pedestrian connectivity; and a centrally located park site. Increased landscape setbacks have been provided along Legacy Hill Drive to create an enhanced streetscape and pedestrian corridor for the development. There are no landscape related PUD Modifications being requested as this time.

The proposed single-family residential use will not overburden the capacities of existing or planned roads, utilities or other public features, drainage and grading, police protection, emergency services, and water/ wastewater services. These services were planned for in advance through the Sketch Plan process in order to be adequately sized to meet the demands of this development. Fees in lieu of land will be provided for schools. A police/ fire station site location has not been requested as part of this development and is not provided. A sufficient water supply has been acquired and can be provide the water necessary for the proposed units and associated irrigation needs. In addition, a wastewater system has been established and can adequately serve the proposed units. Please refer to the water and wastewater reports for more information.

By providing open space areas and extending existing utility services already approved and in place, the proposed development supports both *Policy 6.1.5: Support the development of well-planned mixed-use projects* and *Policy 6.1.11: Plan and implement land development so*



*that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

**Master Plan for Mineral Extraction:**

The 1996 Master Plan for Mineral Extraction updates and supersedes the 1975 El Paso County Master Plan for Mineral Extraction of Commercial Mineral Deposits as amended in 1978 and 1982. This updated plan has two primary purposes, the first is to facilitate continued compliance with the mineral resource protection mandates outlined in the "Preservation of Commercial Mineral Deposits Act" of 1973 and the second is to provide guidance to the El Paso County Planning Commission and Board of County Commissioners in evaluating land use proposals involving new or expanded mining and mineral resource processing operations. Per the El Paso County Master Plan for Mineral Extraction Aggregate Resource Maps, this site is identified as 'Eolian Deposits' of windblown sands. The proposed project does not contain any mineral deposits of commercial value and does not permit the use of any area containing a commercial mineral deposit which would unreasonably interfere with the present or future extraction of such deposits.

**Total Number of Residential Units, Density, and Lot Sizes:** 680 Single-Family Residential Units on 117.98 acres with a density of 5.76 DU/acre.

**Total Number of Industrial or Commercial Sites:**

There are no industrial or commercial sites proposed with this application.

**Areas of Required Landscaping:**

The proposed PUD/ Preliminary Plan includes landscape design and streetscape planting requirements for the streetscapes along Powers Blvd., Frontside Drive, Legacy Dr, and Bradley. The landscape design includes a mix of deciduous and evergreen trees, varying ground plane treatments, and numerous planting beds. There are no landscape waivers being requested at this time.

**Approximate Acres and Percent of Land Set Aside for Open Space:**

Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide pedestrian corridors throughout the development. The Trails at Aspen Ridge project is proposing 17.8 acres of open space which is 15.1% of the project area. Per the EPCLDC PUD requirements, the minimum amount of required open space is 10% of the 117.98 acres project site or 11.80 acres. The provided open space with this submittal is in addition to the open space and park area provided within the Filing 1 Plat not included in the overall provided open space.

The proposed development benefits through the provision of interconnected open space, aesthetic park features and harmonious design. The Trails at Aspen Ridge project is proposing various types of recreational amenities to include active and passive open space areas; trail and pedestrian connectivity corridors; common open space for the rear loaded product types; and a 3-acre central park site. Final design of the park site and common open space areas will be completed with future final plat filings at which time coordination with the El Paso County Parks Department will be completed regarding potential park land agreements for the provided improvements.

**Traffic Engineering:**

Vehicular access and street layout shall be as illustrated on the PUD/ Preliminary Plan drawings. The Trails at Aspen Ridge will be accessed from Bradley Rd. via two intersection locations which were previously approved. Traffic will be dispersed by two collector streets with two proposed round-a-bouts to help with traffic flow and levels of service. As discussed elsewhere the Trails at Aspen Ridge project is proposing several private access roads to serve the rear loaded unit types. A PUD modification has been requested to permit the private roads. All other roadways will be public, built to El Paso County standards.

The applicant requests that platted lots within The Trails at Aspen Ridge be included in the county wide Public Improvements District (PID 2) being formed and implemented as part of the Traffic Impact Fee resolution.

**Proposed Services:**

The Trails at Aspen Ridge will be a part of the Waterview II Metropolitan District which will own and maintain common areas such as setbacks, trails, pedestrian corridors, parks, open space, private streets, signage, and detention facilities. This development will be served by the additional entities as outlined below:

- |                       |   |
|-----------------------|---|
| 1. Water:             | Widefield Water and Sanitation District |
| 2. Wastewater:        | Widefield Water and Sanitation District |
| 3. Gas:               | City of Colorado Springs                |
| 4. Electric:          | Mountain View Electric                  |
| 5. Fire:              | Security Fire Protection District       |
| 6. School:            | Widefield District #3                   |
| 7. Library:           | Pikes Peak Library District             |
| 8. Roads:             | El Paso County Road and Bridge          |
| 9. Police Protection: | El Paso County Sheriff's Department     |

**Impacts associated with the PUD Development Plan & Preliminary Plan:**

Floodplain: This site is not located within a designated FEMA floodplain as determined by the flood insurance map, community map number '08041C0768G' effective date December 7, 2018.

Site Geology: Entech Engineering, Inc. has provided a Soils, Geology and Geologic Hazard report with previous submittals which has been reviewed and approved. This report has identified several potential Geologic Hazards on site related to development of the property along with proposed mitigation of the hazards. The development will incorporate the recommended mitigation during final design and construction on site.

Wetlands: There are no drainage areas, drainage ways or water courses found on site, as a result there are not wetlands present. All drainage and erosion criteria have been met following El Paso County Development Standards.

Air Pollution: By adhering to current air quality regulations, any air pollution emanating from the development will be negligible. Currently, the site has very little vegetation which results in a high amount of dust during windy days; however, the proposed

development will provide irrigated turf areas and native seeding to alleviate the dust issues. Construction practices will adhere to El Paso County health department, as well as state department codes and regulations

Water Pollution: By adhering to current wastewater and stormwater regulations, any water pollution emanating from the development will be negligible. An erosion and sedimentation plan will be in place prior to construction.

Noise Pollution: Vehicular movement is expected to be the only major source of noise pollution emanating from the site after construction is complete. The proposed development is surrounded by similar land uses, and the effects of noise generated from the site will have little or no impact on other surrounding areas.

Visual Assessment: The natural mountain backdrop of the Rampart Range is perhaps the best natural feature of Trails at Aspen Ridge community with sweeping view in nearly all directions. The scenic view shed is impaired somewhat by intervening development; however, the panoramic views remain quite spectacular.

## PROPOSED TRAILS AT ASPEN RIDGE PUD MODIFICATION REQUESTS:

### 1) JUSTIFICATION FOR PUD MODIFICATIONS: INTERSECTION SPACING

Chapter 8.4.4 (C)(E1)(E4) of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.H are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meet the criteria for approval in ECM Section 5.8.7.

#### Nature of Request:

Section of LDC/ECM from which modification is sought:

*Section 2.2.5 (E)*

Specific Criteria from which modification is sought:

*Road Access Criteria: roads shall not intersect urban local roadways closer than 175' from each other (centerline to centerline).*

Proposed nature and extent of modification:

*To permit urban local roadways to intersect centerline to centerline closer than 175' at Fish Hook Dr. and Winner Creek Dr to 113.6'.*

#### LDC Chapter 4.2.6.F.2.H: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of

the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
N/A
- Provision of a more efficient pedestrian system;  
*The reduce roadway intersection spacing is a direct result of the constraint created by the fixed location of Blackmer Street via Bradley Rd. The access location off of Bradley Rd. (Blackmer St.) was determined in coordination with El Paso County and CDOT as part of previous approvals.*
- Provision of additional open space;  
*The Trails at Aspen Ridge PUDSP is proposing 17.8 acres of open space which does not include a park within Phase 1/ Filing 1. The Trails as Aspen Ridge project is providing a central community park, various pocket parks, and additional open space is designed into the community between the fronts of the rear loaded unit types. This open space serves as pedestrian connectivity corridors and gathering space for the residents.*
- Provision of other public amenities not otherwise required by the Code; or  
N/A.
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.  
*This open space provides opportunities for gathering and socializing. In addition, pedestrian connectivity is provided throughout the development allowing safe routes through and within the community.*



### **ECM Section 5.8.6: Limits of Consideration:**

The ECM Administrator may only consider a project-specific modification to an existing standard when

one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
N/A
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
N/A.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

*The proposed waiver to the standard is a result of the fixed access location via Bradley Road into the project. The design as illustrated on the drawings incorporates public streets which based on the subdivision design creates one intersection spaced at less than 175' as required. This particular intersection/ roadway serves 25 lots and was purposely designed to eliminate cut through traffic.*

### **ECM Section 5.8.7: Criteria for Approval**

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based on design and site constraint considerations.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The proposed design will achieve a comparable result in that all streets will be constructed to meet county standards, including sight distance and pedestrian ramp connections.*
- The modification will not adversely affect safety or operations;  
*The modification to permit roadway intersections less than 175' will not adversely affect safety or operations as these intersections are not designed as through streets limiting traffic to residents and only serves 25 lots.*
- The modification will not adversely affect maintenance and its associated cost; and  
*The modification to the intersection spacing requirements will not adversely affect maintenance or costs as all streets will be constructed to El Paso County standards and are to be owned and maintained by El Paso County.*
- The modification will not adversely affect aesthetic appearance.  
N/A.

## PREVIOUSLY APPROVED TRAILS AT ASPEN RIDGE PUD MODIFICATION REQUESTS:

### 1) JUSTIFICATION FOR PUD MODIFICATIONS: MID-BLOCK CROSSINGS

Chapter 4.2.6.F.2.G of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.H are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meet the criteria for approval in ECM Section 5.8.7.

#### Nature of Request:

Section of LDC/ECM from which modification is sought:

*LDC Chapter 8.4.3(B2) and ECM Section 2.5.2.(C4)*

Specific Criteria from which modification is sought:

*Mid-block Crossings: Access ramps on local roadways shall be spaced no greater than 600 feet apart.*

Proposed nature and extent of modification:

*To provide mid-block crossings along Lazy Ridge Drive, Wagon Hammer Drive, and Blue Mine Street in excess of 600'*

#### LDC Chapter 4.2.6.F.2.H: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of

the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
N/A.
- Provision of a more efficient pedestrian system;  
*Pedestrian circulation within the Trails at Aspen Ridge is provided through both on street sidewalks and through internal open space tracts. Walkways provided through the development via internal open space tracts permit circulation throughout the development and connect to the proposed parks. The project is designed to encourage the use of the of the sidewalk system and reduce the amount of driving within the community. Where the mid-block crossings exceed the 600' distance, crossings are provided in close proximity to the 600' required either within the proposed tracts containing internal trails/ sidewalks or at 'T' intersections. The exhibit below illustrates the provided mid-block crossings that exceed 600'.*
- Provision of additional open space;  
*The Trails at Aspen Ridge PUDSP is proposing 27.04 acres of open space which includes a park within Filing 1 currently under Final Plat review, as well as a 6-acre community park centrally located. Additional common open space is provided throughout the development as well as trail/ sidewalk corridors.*
- Provision of other public amenities not otherwise required by the Code; or  
N/A.

- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.  
*The Trails at Aspen Ridge PUDSP is proposing 27.04 acres of open space which includes a park within Filing 1 currently Final Plat review, as well as a 6-acre community park centrally located. Additional common open space is provided throughout the development as well as trail/ sidewalk corridors.*

#### **ECM Section 5.8.6: Limits of Consideration:**

The ECM Administrator may only consider a project-specific modification to an existing standard when

**one** of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
*The ECM requirement for midblock crossings, and the associated 600-foot minimum distance, is not based on any specific standard. ADA standards do not require midblock crossings or a minimum distance between crossing points. The ADA standards only require crossings at street intersections as this is the safest location to cross the street. ADA crossings and ramps are provided throughout the development.*
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
*While there is significant topography on this site, the proposed crossings are at intersections with trail crossings provided internally through the community.*
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
*The standard does not impose any particular hardship on the applicant. However, it will be more beneficial to pedestrian continuity and public safety to focus pedestrian crossing points at designed trail crossings and connection points.*

#### **ECM Section 5.8.7: Criteria for Approval**

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based purely on practical and pedestrian connectivity considerations.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The crossing locations shown within this development are preferred in the context of pedestrian connectivity as the proposed locations provide logical connection points to the internal trail system. The ECM requirement for a 600-foot minimum distance between mid-block crossings would require additional mid-block crossings. These additional crossings are unnecessary given the proximity of the proposed mid-block crossings as designed (See attached exhibit). This requirement is not based on any ADA or other standard and would result in randomly located midblock crossings with no specific destination.*
- The modification will not adversely affect safety or operations;  
*The mid-block crossings proposed in this development include a striped crosswalk for safety and will not affect operations as the required location of 600' spacing would result in randomly placed mid-block crossings with no direct connection.*

- The modification will not adversely affect maintenance and its associated cost; and  
N/A.
- The modification will not adversely affect aesthetic appearance.  
N/A.

## 2) JUSTIFICATION FOR PUD MODIFICATIONS: SIDEWALK LOCATION ALONG COLLECTOR ROADWAY

Chapter 4.2.6.F.2.G of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.H are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meet the criteria for approval in ECM Section 5.8.7.

### Nature of Request:

Section of LDC/ECM from which modification is sought:

*ECM Section Figure 2-14 Typ. Urban Non-Residential Collector Cross Section*

Specific Criteria from which modification is sought:

*Sidewalk location and spacing from back of curb to be 8' per the cross-section.*

Proposed nature and extent of modification:

*To permit a curvilinear sidewalk along Legacy Drive and Frontside Drive, both of which are non-residential collectors, with varying widths of parkway between the sidewalk and back of curb.*

### LDC Chapter 4.2.6.F.2.H: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
N/A.
- Provision of a more efficient pedestrian system;  
*Pedestrian circulation within the Trails at Aspen Ridge is provided through both on street sidewalks and through internal open space tracts. Walkways provided through the development via internal open space tracts permit circulation throughout the development and connect to the proposed parks. The project is designed to encourage the use of the sidewalk system and reduce the amount of driving within the community.*
- Provision of additional open space;  
*The Trails at Aspen Ridge PUDSP is proposing 27.04 acres of open space which includes a park within Filing 1 currently under Final Plat review, as well as a 6-acre community park centrally located. Additional common open space is provided throughout the development as well as trail/sidewalk corridors.*
- Provision of other public amenities not otherwise required by the Code; or

N/A.

- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.  
*The proposed curvilinear sidewalk along the main entry into the community along Legacy Drive and Frontside Drive allows a more interesting landscape street design. The varying parkway width between sidewalk and curb incorporates a mix of shrubs and turf in a designed curvilinear pattern. The proposed sidewalk and landscape design do not affect the health, safety or public welfare of the community.*

#### **ECM Section 5.8.6: Limits of Consideration:**

The ECM Administrator may only consider a project-specific modification to an existing standard when

one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
*The ECM requirement for 8' is provided for adequate separation between the sidewalk and the roadway. In those areas where the distance is less than 8', a physical barrier is incorporated through the use of shrubs or ornamental grasses.*
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
N/A.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
*The proposed change to the standard is not a result of an undue hardship but rather a desire by the owner/ developer to provide interest and creativity along the main roadways through the development.*

#### **ECM Section 5.8.7: Criteria for Approval**

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based purely on design and aesthetic considerations.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The 5' curvilinear sidewalk achieves the intended result of providing the required pedestrian walkways along a public roadway. The design as proposed is superior to the standard in that it creates interest and a variable landscape design.*
- The modification will not adversely affect safety or operations;  
*The sidewalk as designed will not adversely affect safety or operations as all ADA requirements and crossings are met.*
- The modification will not adversely affect maintenance and its associated cost; and  
N/A.
- The modification will not adversely affect aesthetic appearance.



*The modification to permit a curvilinear sidewalk along Legacy Drive and Frontside Drive increases the aesthetic appearance with a mixture of shrubs and turf provided between the sidewalk and curb.*

### **3) JUSTIFICATION FOR PUD MODIFICATIONS: PERMIT PRIVATE STREETS**

Chapter 8.4.4 (C)(E1)(E4) of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.H are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meet the criteria for approval in ECM Section 5.8.7.

#### **Nature of Request:**

Section of LDC/ECM from which modification is sought:

*Section 8.4.4 (C)(E1)(E4)*

Specific Criteria from which modification is sought:

*Public Roads are Required; Use of Private Roads is Generally Limited, and Private Roads are to Comply with Access Standards*

Proposed nature and extent of modification:

*To permit private roads to serve as access alleys for the rear loaded product as illustrated within Phase 4 and Phase 5 on the PUD drawings.*

#### **LDC Chapter 4.2.6.F.2.H: Modification of Existing LDC or ECM Standard.**

For approval of a modification of a general development standard in the LDC or criteria or standard of

the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
*The proposed private roadways provide access to the rear-loaded type product style currently desired in today's market. The rear-loaded product creates a Traditional Neighborhood environment where the front doors face common open space with the garages located at the rear of the house to be accessed via the private roadways/ alleys. With this design and housing style, more open space and common areas are provided for use by the community.*
- Provision of a more efficient pedestrian system;  
*Pedestrian circulation located within the areas served by the private roadway/ alleys is located at the front of the house reducing vehicular/ pedestrian conflicts. Mid-block crossings are provided in several locations to move pedestrians safely and effectively through the community.*
- Provision of additional open space;  
*The Trails at Aspen Ridge PUDSP is proposing 27.04 acres of open space which includes a park within Phase 1/ Filing 1 as well as a 6-acre community park centrally located. Additional open space is designed into the community between the fronts of the rear loaded unit types. This open space serves as pedestrian connectivity corridors and gathering space for the residents.*
- Provision of other public amenities not otherwise required by the Code; or  
N/A.
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

*The incorporation of the private roadways for use as access to the rear of the house creates additional, common open space along the fronts of these units. This open space provides opportunities for gathering and socializing. Pedestrian connectivity is provided throughout the development allowing safe routes through and within the community.*

#### **ECM Section 5.8.6: Limits of Consideration:**

The ECM Administrator may only consider a project-specific modification to an existing standard when

one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
*The ECM permits the use of private roadways.*
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
N/A.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
*The proposed waiver to the standard is not a result of an undue hardship but rather a desire by the owner/ developer to provide a rear-loaded product style to meet current housing market demands and to provide a mix of housing styles. All private roadways will be built to county standards as required.*

#### **ECM Section 5.8.7: Criteria for Approval**

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based on design and aesthetic considerations.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The design as proposed is superior to the standard in that it adds another housing style to the community creating a mixed-residential neighborhood. This housing style utilizing the alley for garage access incorporates more common open space for the residents to enjoy while also providing pedestrian corridors separated from streets and driveways.*
- The modification will not adversely affect safety or operations;  
*The modification to permit private streets will not adversely affect safety or operations. A letter in support of the design and layout of private streets has been provided by the fire department.*
- The modification will not adversely affect maintenance and its associated cost; and  
*The modification to permit private streets will not adversely affect maintenance or costs as these will be owned and maintained by the metropolitan district.*
- The modification will not adversely affect aesthetic appearance.  
*The modification to permit private streets will not adversely affect aesthetic appearances since the cross-section width of these alleys is narrower than a public street and additional common space is being provided.*



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 matrixdesigngroup.com

March 9, 2021

Jennifer Irvine, P.E., MPA  
 County Engineer  
 El Paso County Department of Public Works  
 3275 Akers Drive  
 Colorado Springs, CO 80922

**RE: Trails at Aspen Ridge Access Permit through the Colorado Department of Transportation**

Dear Jennifer:

This cover letter serves to summarize the intent of the COLA, LLC to apply for an access permit from El Paso County and the Colorado Department of Transportation (CDOT). Ultimately, the access permit will need to serve intersection modifications at the signalized intersection of Powers Boulevard (SH-21A) and Bradley Road as well as a new intersection 1,030-ft east for Legacy Hill Drive. Trails at Aspen Ridge only represents the 6 filings of 680 single family residential dwelling units south of Bradley Road and only requires the south leg of Legacy Hill Drive to be constructed at this time. There is also an agreement between COLA, LLC and El Paso County to install a traffic signal once enough residential units are constructed and occupied to trigger the Manual on Uniform Traffic Control Devices (MUTCD) traffic signal warrants to be met. COLA, LLC has designed the traffic signal that will eventually be constructed and is in the process of getting this approved. Receiving this access permit will allow the intersection and signal to be constructed.

Trails at Aspen Ridge will consist of 680 single family residential dwelling units at completion. The traffic generation characteristics of this development are shown below from the latest traffic study for the project.

**Table 1 – Trails at Aspen Ridge Trip Generation**

Parcel Name	Size (ac)	DU/KSF	Land Use Code – Land Use Description	AM VEHICLE TRIPS			PM VEHICLE TRIPS			DAILY VEHICLE TRIPS			
				Entry	Exit	Total	Entry	Exit	Total	Entry	Exit	Total	
<b>Single Family Residential</b>													
Filing 1	181	181	210 - Single-Family Detached Housing	33	100	133	113	66	179	897	897	1794	
Filing 2	98	98	210(1) - Single-Family Detached Housing	19	56	75	63	37	100	510	510	1020	
Filing 3	195	195	210(2) - Single-Family Detached Housing	36	107	143	122	71	193	961	961	1922	
Filing 4	132	132	210(3) - Single-Family Detached Housing	25	74	99	84	49	133	671	671	1342	
Filing 5	140	140	210(4) - Single-Family Detached Housing	26	78	104	88	52	140	709	709	1418	
Filing 6	106	106	210(5) - Single-Family Detached Housing	20	60	80	68	40	108	549	549	1098	
<b>TOTAL SINGLE-FAMILY DU</b>			<b>SINGLE-FAMILY RESIDENTIAL TRIPS</b>	<b>159</b>	<b>475</b>	<b>634</b>	<b>538</b>	<b>315</b>	<b>853</b>	<b>4297</b>	<b>4297</b>	<b>8594</b>	
				<b>TOTAL PEAK HOUR TRIPS</b>			<b>159</b>	<b>475</b>	<b>634</b>	<b>538</b>	<b>315</b>	<b>853</b>	<b>4297</b>

The project site is shown in Figure 1 below.

Matrix is submitting the following attached items for El Paso County to review in order to issue an access permit to construct the south leg of Legacy Hill Drive at Bradley Road and the traffic signal per the direction of CDOT:

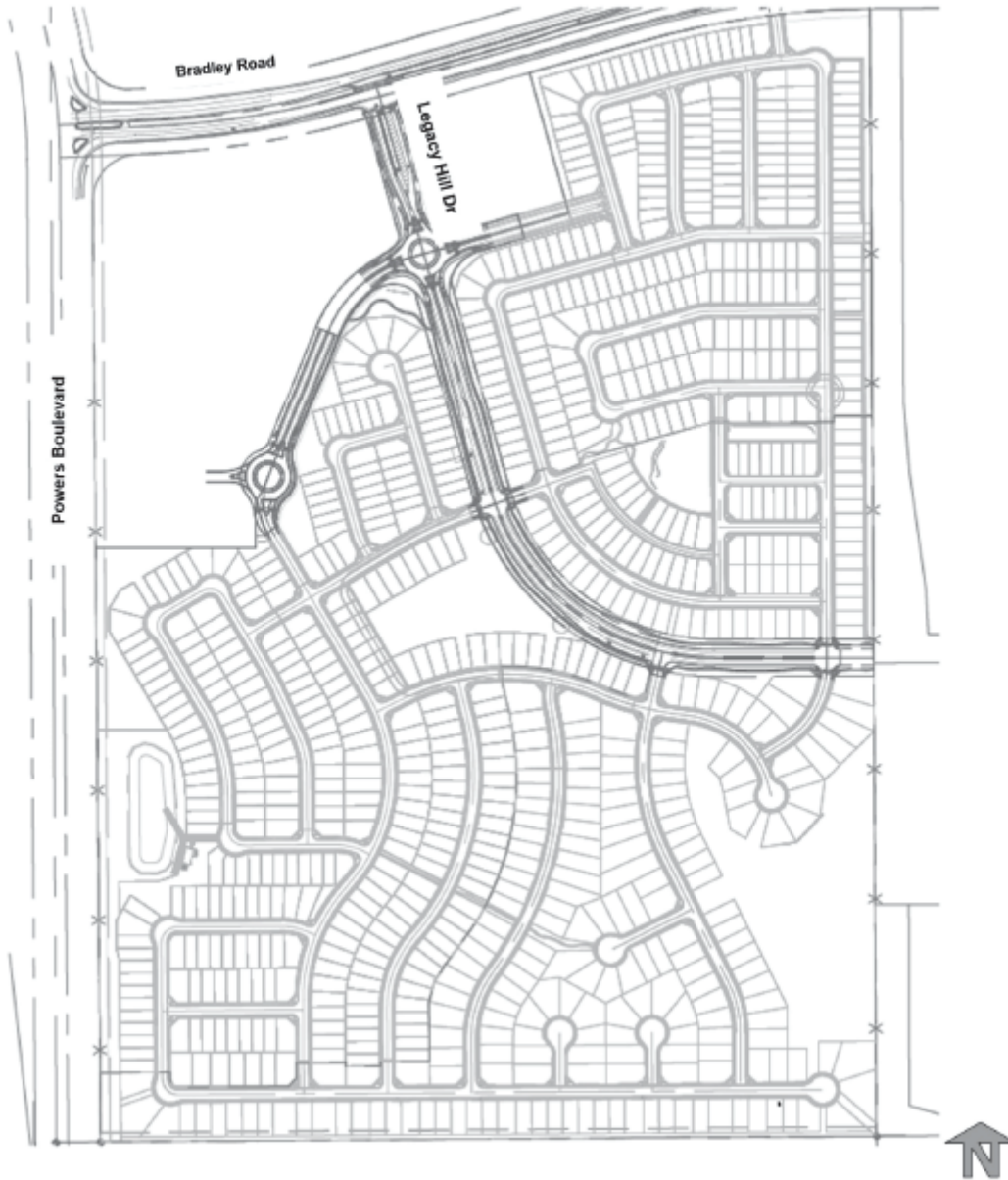
- This letter of intent along with a copy of the letter of intent submitted to El Paso County for the PUDSP submission
- Title Report showing proof of ownership
- Site Plan (shown below as Figure 1)
- Total ownership map from Assessor's website
- Recorded subdivision plat (for Filing 1 as it is the only 1 recorded to date)

**Excellence by Design**



- Any recorded easements (shown on the Filing 1 plat)

**Figure 1 – Trails at Aspen Ridge Site Plan**



If you have any questions, please feel free to contact me at (719) 575-0100 or at [Scott.Barnhart@matrixdesigngroup.com](mailto:Scott.Barnhart@matrixdesigngroup.com).

Sincerely,

Scott D. Barnhart, P.E., PTOE  
Senior Associate of Transportation

Attach.



# TRAILS AT ASPEN RIDGE

## PLANNED UNIT DEVELOPMENT AND SITE PLAN MAJOR AMENDMENT - TRAFFIC IMPACT STUDY

Prepared for:

El Paso County, CO

Prepared by:



2435 Research Parkway, Suite 300  
Colorado Springs, CO 80920

Contact: Scott Barnhart, PE, PTOE  
719.575.0100

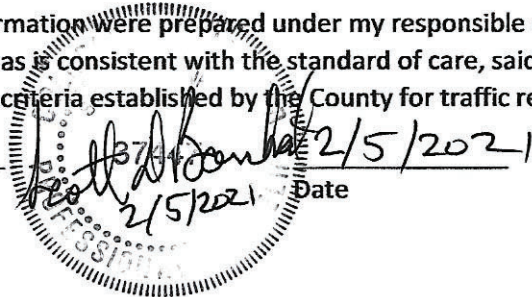
On Behalf of:

Colorado Land Acquisition dba Aspen View Homes  
555 Middle Parkway, Suite 500  
Colorado Springs, CO 80921

### Traffic Engineer's Statement

The attached traffic report and supporting information were prepared under my responsible charge and they comport with the standard of care. So far as is consistent with the standard of care, said report was prepared in general conformance with the criteria established by the County for traffic reports.

Scott D. Barnhart, P.E. #37447



### Developer's Statement

I, the Developer, have read and will comply with all commitments made on my behalf within this report.

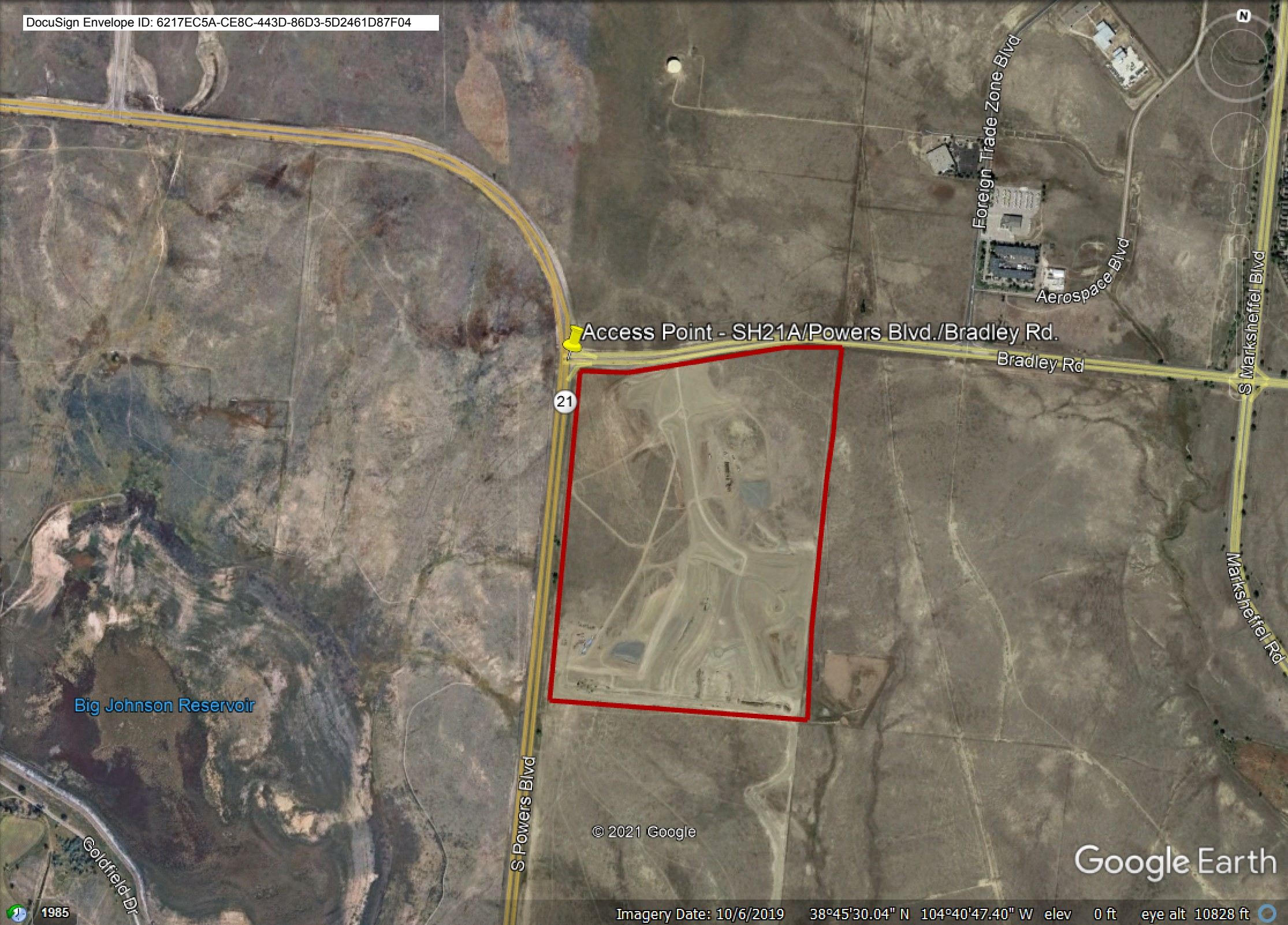
Tim Buscha: DIRECTOR  
Colorado Land Acquisition dba Aspen View Homes  
555 Middle Creek Parkway, Suite 500 Colorado Springs, CO 80921  
January 28, 2021

1/5/21  
Date

Revised: April 16, 2021







Big Johnson Reservoir

Access Point - SH21A/Powers Blvd./Bradley Rd.

21

Foreign Trade Zone Blvd

Aerospace Blvd

Bradley Rd

S Marksheffel Blvd

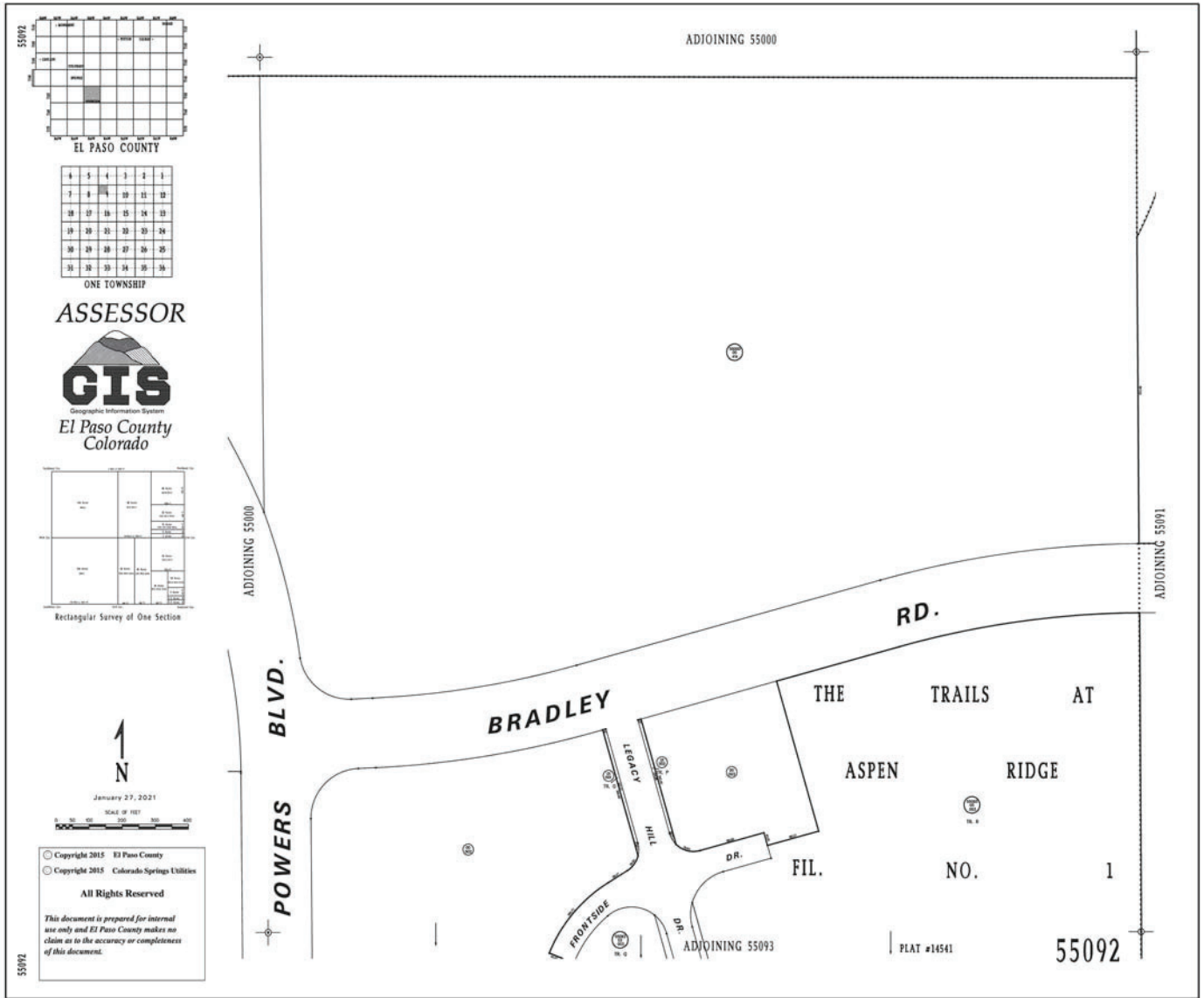
Marksheffel Rd

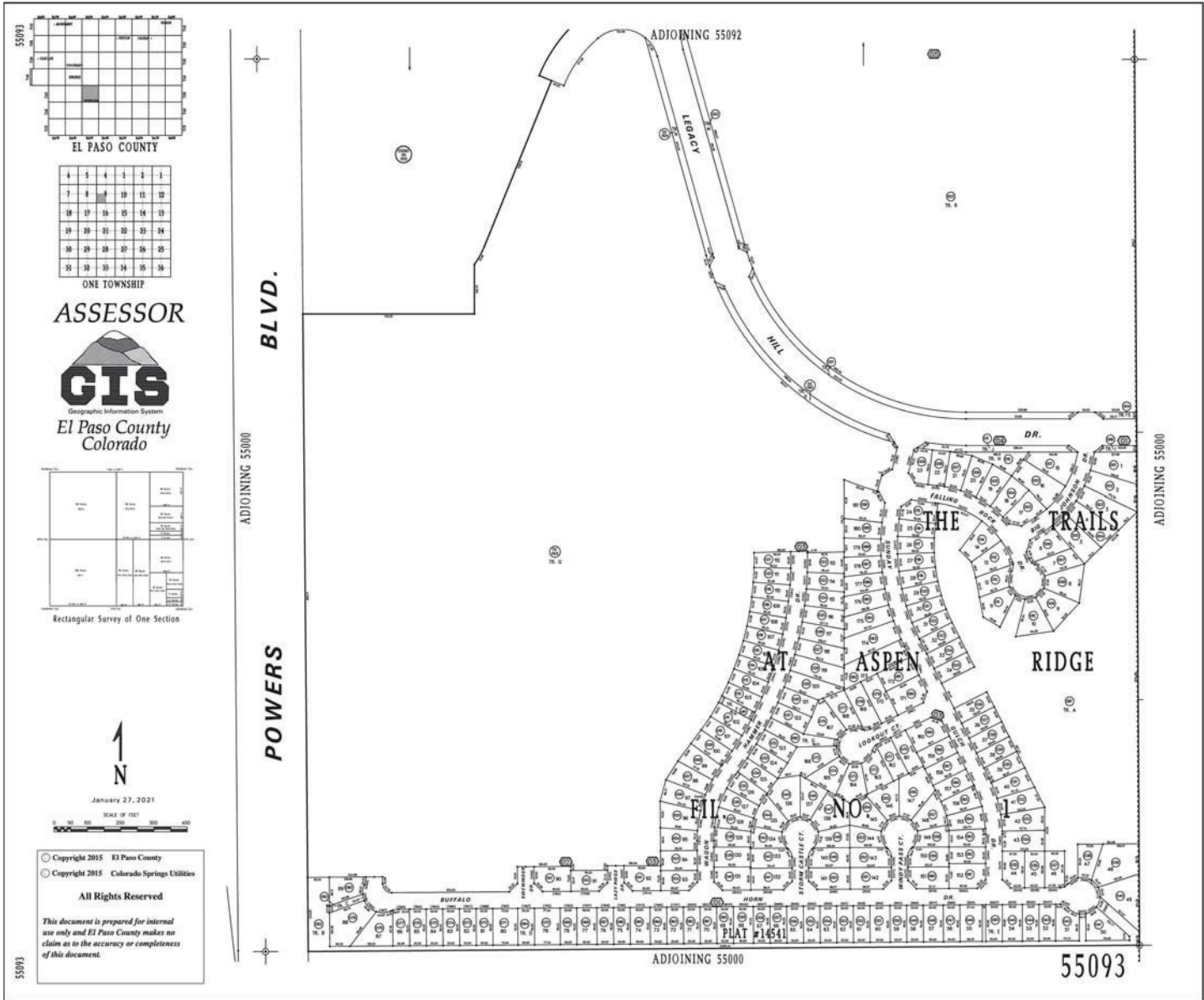
S Powers Blvd

© 2021 Google

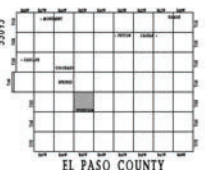
Google Earth







55093



EL PASO COUNTY

4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48

ONE TOWNSHIP

ASSESSOR



El Paso County Colorado



Rectangular Survey of One Section



January 27, 2021



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55093

**EL PASO COUNTY - COLORADO**

5509302003  
5296 SUNDAY GULCH DR

Total Market Value

**OVERVIEW**

Owner:	COLA LLC
Mailing Address:	7910 GATEWAY BLVD EAST #102 EL PASO TX, 79915-1810
Location:	5296 SUNDAY GULCH DR
Tax Status:	Outed Parcel
Zoning:	PUD
Plat No:	14541
Legal Description:	TR Q THE TRAILS AT ASPEN RIDGE FIL NO 1 *** NEW PARCEL NUMBERS FOR 2021 ARE PLATTED TO #14795 THE TRAILS AT ASPEN RIDGE FIL NO 2 VARIOUS #'S ON 55093 ***

**MARKET & ASSESSMENT DETAILS**

	Market Value	Assessed Value
Land	N/A	N/A
Improvement	N/A	N/A
Total	N/A	N/A

No buildings to show.

**SALES HISTORY**

	Sale Date	Sale Price	Sale Type	Reception
+	07/14/2020	\$0	-	220714541

**TAX ENTITY AND LEVY INFORMATION**

County Treasurer Tax Information

Tax Area Code: **DJF** Levy Year: **2020** Mill Levy: **125.193**

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	7.755	FINANCIAL SERVICES	(719) 520-6400
EPC ROAD & BRIDGE (UNSHARED)	0.330	-	(719) 520-6498
WIDEFIELD SCHOOL NO 3	56.164	TERRY KIMBER	(719) 391-3026
SECURITY FIRE PROTECTION	10.002	RICH BUTLER	(719) 392-3271
SOUTHEASTERN COLO WATER CONSERVANCY	0.942	JAMES BRODERICK	(719) 948-2400
CENTRAL COLORADO CONSERVATION	0.000	PAMELA DAVISON	(719) 473-7104
WATERVIEW II METROPOLITAN	40.000	SEAN ALLEN	(303) 858-1800
EL PASO COUNTY PID #2	10.000	NIKKI SIMMONS	(719) 520-6400

No Photo Available



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 Assessor'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 call us at (719) 520-6600.





Map Satellite



Bradley Rd

Bradley Rd

Bradley Rd

Bradley Rd

Trade Zone Blvd

S Powers Blvd



Google





**Land Title Guarantee Company  
Customer Distribution**



***PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.***

Order Number: **SC55075039-3**

Date: **02/03/2021**

Property Address: **REMAINDER TRAILS AT ASPEN RIDGE FILING NO. 1, Colorado Springs, CO 80906**

**PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS**

---

**For Closing Assistance**

**For Title Assistance**

Robert Hayes  
102 S TEJON #760  
COLORADO SPRINGS, CO 80903  
(303) 850-4136 (Work)  
(719) 634-3190 (Work Fax)  
[rohayes@ltgc.com](mailto:rohayes@ltgc.com)

---

ASPEN VIEW HOMES  
Attention: DAN ROMANO  
6240 LAKE SHORE CT  
COLORADO SPRINGS, CO 80915  
(719) 382-9433 (Work)  
DROMANO@ASPENVIEWHOMES.NET  
Delivered via: Electronic Mail





**Land Title Guarantee Company**  
**Estimate of Title Fees**

Order Number: **SC55075039-3** Date: **02/03/2021**  
 Property Address: **REMAINDER TRAILS AT ASPEN RIDGE FILING NO. 1, Colorado Springs, CO  
80906**  
 Parties: **A PURCHASER TO BE DETERMINED  
COLA, LLC, A COLORADO LIMITED LIABILITY COMPANY**

Visit Land Title's Website at [www.ltgc.com](http://www.ltgc.com) for directions to any of our offices.

<b>Estimate of Title insurance Fees</b>	
"TBD" Commitment	\$269.00
<b>Total \$269.00</b>	
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
<b>Thank you for your order!</b>	

**Note:** The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

**Chain of Title Documents:**

[El Paso county recorded 08/08/2018 under reception no. 218091834](#)

[El Paso county recorded 08/08/2018 under reception no. 218091785](#)

**Plat Map(s):**

[El Paso county recorded 07/14/2020 under reception no. 220714541 at book 120 page 119](#)

**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule A**

Order Number: SC55075039-3

**Property Address:**

REMAINDER TRAILS AT ASPEN RIDGE FILING NO. 1, Colorado Springs, CO 80906

**1. Effective Date:**

01/27/2021 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"TBD" Commitment

\$5,000.00

Proposed Insured:

A PURCHASER TO BE DETERMINED

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

A Fee Simple

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

COLA, LLC, A COLORADO LIMITED LIABILITY COMPANY

**5. The Land referred to in this Commitment is described as follows:**

A TRACT OF LAND LOCATED IN A PORTION OF THE WEST 1/2 OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 9; THENCE N00°19'32"W ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 9, A DISTANCE OF 1,600.02 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

- 1) THENCE N90°00'00"W A DISTANCE OF 511.94 FEET TO A POINT OF CURVE TO THE RIGHT;
- 2) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 690.00 FEET, A DELTA ANGLE OF 14°33'32", AN ARC LENGTH OF 175.29 FEET;
- 3) THENCE S 14°33'21" A DISTANCE OF 123.85 FEET;
- 4) THENCE S12°47'44"W A DISTANCE OF 80.40 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT;
- 5) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 92°53'07", AN ARC LENGTH OF 32.42 FEET, WHOSE LONG CHORD BEARS S59°14'06"W A DISTANCE OF 28.99 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT;
- 6) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 915.00 FEET, A DELTA ANGLE OF 00°20'29", AN ARC LENGTH OF 5.45 FEET, WHOSE LONG CHORD BEARS N74°09'06"W A DISTANCE OF 5.45 FEET
- 7) THENCE S15°57'58"W A DISTANCE OF 50.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT TO A NON-TANGENT CURVE TO THE LEFT;
- 8) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 965.00 FEET, A DELTA ANGLE OF 06°15'56", AN ARC LENGTH OF 105.53 FEET, WHOSE LONG CHORD BEARS N70°51'04"W A DISTANCE OF 105.47 FEET;
- 9) THENCE S00°00'00"W A DISTANCE OF 214.74 FEET;
- 10) THENCE S88°42'27"W A DISTANCE OF 110.10 FEET;
- 11) THENCE N01°25'17"W A DISTANCE OF 4.78 FEET;
- 12) THENCE S88°27'00"W A DISTANCE OF 160.00 FEET;
- 13) THENCE S00°08'37"W A DISTANCE OF 44.57 FEET;

**ALTA COMMITMENT****Old Republic National Title Insurance Company****Schedule A**Order Number: SC55075039-3

- 14) THENCE S02°52'08"W A DISTANCE OF 44.56 FEET;
- 15) THENCE S05°32'45"W A DISTANCE OF 44.55 FEET;
- 16) THENCE S08°16'16"W A DISTANCE OF 44.55 FEET;
- 17) THENCE S10°58'49"W A DISTANCE OF 44.56 FEET;
- 18) THENCE S13°41'29"W A DISTANCE OF 44.57 FEET;
- 19) THENCE S17°04'35"W A DISTANCE OF 44.59 FEET;
- 20) THENCE S19°47'14"W A DISTANCE OF 44.56 FEET;
- 21) THENCE S22°29'47"W A DISTANCE OF 44.55 FEET;
- 22) THENCE S25°12'20"W A DISTANCE OF 44.55 FEET;
- 23) THENCE S27°14'20"W A DISTANCE OF 22.28 FEET;
- 24) THENCE S29°42'04"W A DISTANCE OF 49.02 FEET;
- 25) THENCE S35°26'44"W A DISTANCE OF 49.01 FEET;
- 26) THENCE S36°30'56"W A DISTANCE OF 116.64 FEET;
- 27) THENCE S32°43'04"W A DISTANCE OF 66.86 FEET;
- 28) THENCE S14°55'16"W A DISTANCE OF 66.77 FEET;
- 29) THENCE S00°26'25"E A DISTANCE OF 193.86 FEET;
- 30) THENCE N90°00'00"E A DISTANCE OF 159.90 FEET;
- 31) THENCE S00°00'00"W A DISTANCE OF 13.82 FEET;
- 32) THENCE S89°33'35"W A DISTANCE OF 110.00 FEET;
- 33) THENCE N00°26'25"W A DISTANCE OF 12.59 FEET;
- 34) THENCE S89°33'35"W A DISTANCE OF 160.00 FEET;
- 35) THENCE S00°26'25"E A DISTANCE OF 55.00 FEET TO A POINT OF CURVE TO THE RIGHT;
- 36) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 90°00'00", AN ARC LENGTH OF 31.42 FEET, WHOSE LONG CHORD BEARS S44°33'35"W A DISTANCE OF 28.28 FEET;
- 37) THENCE W89°33'35"W A DISTANCE OF 358.00 FEET TO A POINT OF CURVE TO THE RIGHT;
- 38) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 27.00 FEET, A DELTA ANGLE OF 89°57'15", AN ARC LENGTH OF 42.39 FEET, WHOSE LONG CHORD BEARS N45°27'48"W A DISTANCE OF 38.17 FEET;
- 39) THENCE N00°29'10"W A DISTANCE OF 20.98 FEET;
- 40) THENCE N89°30'50"E A DISTANCE OF 224.98 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 21, AS RECORDED JANUARY 26, 1987 IN BOOK 5307 AT PAGE [1472](#) OF THE RECORDS OF SAID EL PASO COUNTY;
- 41) THENCE N00°29'10"W ON SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,691.70 FEET;
- 42) THENCE S90°00'00"E A DISTANCE OF 515.00 FEET
- 43) THENCE N00°00'00"W A DISTANCE OF 148.75 FEET TO A POINT OF CURVE TO THE LEFT;
- 44) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 260.00 FEET, A DELTA ANGLE OF 13°32'37", AN ARC LENGTH OF 61.46 FEET, WHOSE LONG CHORD BEARS N28°47'53"E A DISTANCE OF 61.32 FEET;
- 45) THENCE N22°01'36"E A DISTANCE OF 538.15 FEET TO A POINT OF CURVE TO THE RIGHT;
- 46) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 410.00 FEET, A DELTA ANGLE OF 52°19'12", AN ARC LENGTH OF 374.39 FEET, WHOSE LONG CHORD BEARS N35°46'43"E A DISTANCE OF 175.86 FEET;
- 47) THENCE N74°20'48"E A DISTANCE OF 525.87 FEET;
- 48) THENCE N15°39'12"W A DISTANCE OF 469.98 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED JANUARY 26, 1987 IN BOOK 5307 AT PAGE [1472](#) OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING THREE (3) COURSES FOLLOW SAID SOUTHERLY RIGHT-OF-WAY LINE:

**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule A**

**Order Number: SC55075039-3**

- 49) THENCE N74°20'48"E A DISTANCE OF 385.15 FEET TO A POINT OF CURVE TO THE RIGHT;  
50) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,759.79 FEET, A DELTA ANGLE OF 15°09'41", AN ARC LENGTH OF 730.29 FEET, WHOSE LONG CHORD BEARS N81°55'38"E A DISTANCE OF 728.16 FEET;  
51) THENCE N89°30'29"E A DISTANCE OF 3.77 FEET TO A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 9;  
52) THENCE S00°19'32"E ON SAID LINE, A DISTANCE OF 2,038.35 FEET TO THE POINT OF BEGINNING.

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**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule B, Part I**

**(Requirements)**

**Order Number:** SC55075039-3

**All of the following Requirements must be met:**

**This 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.**

**Pay the agreed amount for the estate or interest to be insured.**

**Pay the premiums, fees, and charges for the Policy to the Company.**

**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.**

1. PARTIAL RELEASE OF DEED OF TRUST DATED AUGUST 08, 2018 FROM COLA, LLC, A COLORADO LIMITED LIABILITY COMPANY TO THE PUBLIC TRUSTEE OF EL PASO COUNTY FOR THE USE OF VIVA CAPITAL FUNDING, LLC, A COLORADO LIMITED LIABILITY COMPANY TO SECURE THE SUM OF \$4,436,500.00 RECORDED AUGUST 09, 2018, UNDER RECEPTION NO. [218092391](#).
2. WRITTEN CONFIRMATION THAT THE INFORMATION CONTAINED IN STATEMENT OF AUTHORITY FOR COLA, LLC, A COLORADO LIMITED LIABILITY COMPANY RECORDED MAY 23, 2018 AT RECEPTION NO. [218058480](#) IS CURRENT. NOTE: SAID INSTRUMENT DISCLOSES RANDALL S. O'LEARY ALSO KNOWN AS RANDAL S. O'LEARY, CHIEF EXECUTIVE OFFICER/PRESIDENT, PATRICK WOODS, SENIOR VICE PRESIDENT, DOUGLAS LITTLE, CHIEF FINANCIAL OFFICER OR KEVIN HART, AUTHORIZED REPRESENTATIVE AS THE PERSONS AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NOT ACCURATE, A CURRENT STATEMENT OF AUTHORITY MUST BE RECORDED.
3. WARRANTY DEED FROM COLA, LLC, A COLORADO LIMITED LIABILITY COMPANY TO A PURCHASER TO BE DETERMINED CONVEYING SUBJECT PROPERTY.

NOTE: ALL PARTIES WILL BE REQUIRED TO SIGN A FINAL AFFIDAVIT AND AGREEMENT AT CLOSING.

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.



**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule B, Part II**

**(Exceptions)**

Order Number: SC55075039-3

**This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.**

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
- 8. EXISTING LEASES AND TENANCIES, IF ANY.**
- 9. RIGHTS OF UPPER AND LOWER RIPARIAN OWNERS IN AND TO THE FREE AND UNOBSTRUCTED FLOW OF THE WATER OF ANY CREEK THAT COURSES THROUGH THE SUBJECT PROPERTY, WITHOUT DIMINUTION.**
- 10. ANY INTEREST WHICH MAY HAVE BEEN ACQUIRED BY THE PUBLIC IN AND TO THE 30 FEET OF SUBJECT PROPERTY ADJACENT TO SECTION LINES BY REASON OF A RESOLUTION OF BOARD OF COUNTY COMMISSIONERS RECORDED OCTOBER 3, 1887 IN BOOK A AT PAGE 78 AND JUNE 20, 1917, IN BOOK 571 AT PAGE 55 WHICH PROVIDED FOR PUBLIC ROADS 60 FEET IN WIDTH BEING 30 FEET ON EITHER SIDE OF SECTION LINES ON THE PUBLIC DOMAIN.**
- 11. RIGHT OF THE PROPRIETOR OF A VEIN OR LODGE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED APRIL 19, 1883 IN BOOK 57 AT PAGES 5 AND 6; JULY 20, 1886 IN BOOK 72 AT PAGE 71; APRIL 28, 1888 IN BOOK 72 AT PAGE 247; AND OCTOBER 28, 1919 IN BOOK 54 AT PAGE 101.**

**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule B, Part II**

**(Exceptions)**

**Order Number:** SC55075039-3

12. RIGHT OF WAY EASEMENT GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, FOR ELECTRICAL TRANSMISSION AND DISTRIBUTION PURPOSES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED DECEMBER 04, 1958, IN BOOK 1714 AT PAGE [539](#).
13. EASEMENT GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, FOR ELECTRICAL TRANSMISSION AND DISTRIBUTION, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED NOVEMBER 30, 1978, IN BOOK 3114 AT PAGE [310](#) AND RECORDED NOVEMBER 30, 1978, IN BOOK 3114 AT PAGE [311](#).
14. THE EFFECT OF NOTICE CONCERNING UNDERGROUND FACILITIES OF THE MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC. RECORDED MAY 9, 1983 IN BOOK 3718 AT PAGE [812](#).
15. EASEMENT GRANTED TO WYCO PIPE LINE COMPANY, FOR PIPELINE TRANSPORTING OIL, HYDROCARBONS, GAS, WATER AND ANY OTHER SUBSTANCES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED JANUARY 28, 1986, IN BOOK 5119 AT PAGE [410](#). SAID RIGHT OF WAY WAS ASSIGNED TO THE KANEB PIPELINE OPERATING PARTNERSHIP, L.P., A DELAWARE LIMITED PARTNERSHIP BY THE INSTRUMENT RECORDED FEBRUARY 27, 1995 IN BOOK 6608 AT PAGE [1373](#) AND FURTHER ASSIGNED TO ROCKY MOUNTAIN PIPELINE PARTNERSHIP L.P., A DELAWARE A LIMITED PARTNERSHIP BY THE INSTRUMENT RECORDED OCTOBER 12, 2005 AT RECEPTION NO. [205161563](#) AND FURTHER ASSIGNED TO PPRPL, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY THE INSTRUMENT RECORDED DECEMBER 2, 2013 UNDER RECEPTION NO. [213144183](#).
16. TERMS, CONDITIONS, PROVISIONS, BURDENS, AND OBLIGATIONS AS SET FORTH IN FINDINGS AND DECREE IN THE MATTER OF THE FORMATION OF THE WATERVIEW II METROPOLITAN DISTRICT, RECORDED APRIL 24, 2008 UNDER RECEPTION NO. [208046728](#) AND RECORDED JUNE 9, 2017 UNDER RECEPTION NO. [217066836](#). RESOLUTION NO. 06-308 APPROVING THE TITLE 32 WATERVIEW II METROPOLITAN DISTRICT SERVICE PLAN, -CYGNET LAND, LLC (ID-06-002) IN CONNECTION THEREWITH RECORDED OCTOBER 05, 2006, UNDER RECEPTION NO. [206147887](#).
17. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION NO. 14-405 REGARDING WATERVIEW SKETCH PLAN AMENDMENT (SKP-13-001) RECORDED OCTOBER 29, 2014 AT RECEPTION NO. [214099213](#).
18. THE EFFECT OF INCLUSION OF THE SUBJECT PROPERTY IN THE SECURITY FIRE PROTECTION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JUNE 29, 2017, UNDER RECEPTION NO. [217076365](#).
19. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN INCLUSION AND SERVICE AGREEMENT BETWEEN WIDFIELD WATER AND SANITATION DISTRICT AND RANKIN HOLDINGS, L.P., A COLORADO LIMITED PARTNERSHIP, THE EUGENIA M. & BASIL E. BLUME TRUST, AND JUDY R. TIMM, AN INDIVIDUAL, (CYGNET LAND) RECORDED FEBRUARY 22, 2018 UNDER RECEPTION NO. [218020393](#).
20. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTIONS REGARDING ZONING, NO. 18-209 AND 18-210 RECORDED MAY 22, 2018 UNDER RECEPTION NOS. [218058345](#) AND [218058346](#) AND NO. 18-425 RECORDED NOVEMBER 13, 2018 UNDER RECEPTION NO. [218131756](#).
21. (THIS ITEM WAS INTENTIONALLY DELETED)

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** SC55075039-3

22. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DECLARATION OF RESTRICTIONS. RECORDED JUNE 23, 2020 UNDER RECEPTION NO. [22087532](#).
23. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT RECORDED JULY 14, 2020 UNDER RECEPTION NO. [220101444](#).



## LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

**Note: Pursuant to CRS 10-11-122, notice is hereby given that:**

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The 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:** Effective September 1, 1997, CRS 30-10-406 requires that 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 may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** 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 Commitment, the 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 CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-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 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 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 a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.





**JOINT NOTICE OF PRIVACY POLICY OF  
LAND TITLE GUARANTEE COMPANY,  
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY  
LAND TITLE INSURANCE CORPORATION AND  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
  - your transactions with, or from the services being performed by us, our affiliates, or others;
  - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



## Commitment For Title Insurance

### Issued by Old Republic National Title Insurance Corporation

#### 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 EXTRACONTRACTUAL 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, Old Republic National Title Insurance Company, a Minnesota 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 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

#### 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, 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; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

##### 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.

**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>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:  
 Land Title Guarantee Company  
 3033 East First Avenue Suite 600  
 Denver, Colorado 80206  
 303-321-1880



Senior Vice President



**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
 A Stock Company  
 400 Second Avenue South, Minneapolis, Minnesota 55401  
 (612) 371-1111

By  President  
 Attest  Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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# Access to SH21/Powers Blvd. at Bradley Rd. Intersection MM134.549 for property to the SE quadrant.



## Legend

### Find Route Point

◆ Override 1

— Find Route Line

- Milepoints

### Highways: Access Categories

— FW: Interstate System; Freeway Facils

— EX: Expressway, Major Bypass

— RA: Regional Highway

— RB: Rural Highway

— NRA: Non-Rural Principal Highway

— NRB: Non Rural Arterial

— NRC: Non Rural Arterial

### Highways: Functional Class

— 1 Interstate

— 2 Principal Arterial - Fwys and Expwys

— 3 Principal Arterial - Other

— 4 Minor Arterial

— 5 Major Collector

— 6 Minor Collector

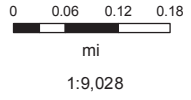
— 7 Local

— Highways

— CDOT ROW Boundaries

— Counties

Created:  
Date: 7/19/2021  
Time: 12:29:04 PM





## COLORADO DEPARTMENT OF TRANSPORTATION

### Environmental Clearances Information Summary

**PURPOSE** - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive—additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT: Please Review The Following Information Carefully – Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies.**

**CLEARANCE CONTACTS** - As indicated in the permit/clearance descriptions listed below, the following agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE): General Information – (303) 692-2000  
Water Quality Control Division (WQCD): (303) 692-3500  
Environmental Permitting Website <https://www.colorado.gov/pacific/cdphe/all-permits>
- CDOT Water Quality Program Manager: (303) 512-4053 <https://www.codot.gov/programs/environmental/water-quality>
- CDOT Asbestos Project Manager: (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-5216
- U.S. Army Corps of Engineers, District Regulatory Offices:  
Omaha District (Northeastern CO), Denver Office (303) 979-4120  
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>  
Sacramento District (Western CO), Grand Junction Office (970) 243-1199  
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>  
Albuquerque District (Southeastern CO), Pueblo Office (719) 543-9459  
<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <https://www.codot.gov/business/permits>

**Wildlife Resources** - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat requires special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website, <http://www.codot.gov/programs/environmental/wildlife/guidelines>, or the Colorado Parks and Wildlife (CPW) website, <http://www.cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>. Additional guidance may be provided by the appropriate Region Planning and Environmental Manager (RPEM).

**Cultural Resources** - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified (<https://www.historycolorado.org/file-access>; 303-866-5216). Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of CDOT. If archaeological sites/artifacts or historic resources are encountered as the project progresses, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office and RPEM.

**Paleontological Resources** - The level of effort required for paleontological resources is dependent on the amount of ground disturbance, including rock scaling, digging, trenching, boring, ground leveling, and similar activities.

- If the permit will involve extensive ground disturbance (generally involving more than one mile of CDOT ROW), a full review will be required by a qualified paleontologist, including map, file, and locality searches, with final recommendations provided by the CDOT paleontologist upon receipt of the report. Based on results of the review, a survey or inventory of the permit area may be necessary.
- If the permit will involve a small amount of ground disturbance (less than one mile of ROW), the applicant must request a fossil locality search through the University of Colorado Museum of Natural History (<https://www.colorado.edu/cumuseum/research-collections/paleontology/policies-procedure>) and the Denver Museum of Nature and Science (<https://www.dmns.org/science/earth-sciences/earth-sciences-collections/>). The museum collections manager will provide information about localities in the project area. If there are no known localities, the permit requirement for paleontology is complete upon submitting that information to CDOT. If there are known localities, the CDOT paleontologist will be contacted by the museum with details, and additional recommendations will be made if necessary. Note that museum staff are not required to disclose the details of fossil localities to the permit applicant, nor is detailed locality information required for the permit application to proceed.
- If the permit involve no ground disturbance, no action is required for paleontological resources. If fossils are encountered during the permitted action, all work in the immediate area of the find should stop and the CDOT Staff Paleontologist and the Region Environmental Manager should be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. Contact Information: See the museum websites listed above. The CDOT Paleontologist is not able to conduct locality searches independently. For further information contact CDOT Paleontologist Nicole Peavey at [nicole.peavey@state.co.us](mailto:nicole.peavey@state.co.us) or (303)757-9632.



**Hazardous Materials, Solid Waste** - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or petroleum contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed.

**Contact Information:** Theresa Santangelo-Dreiling, CDOT Hazardous Materials Management Supervisor: (303) 512-5524.

**Asbestos Containing Materials, Asbestos Contaminated Soil** - All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions.

**Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information **concerning clearance on CDOT projects** is available from the CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Hazardous Materials Management Supervisor: (303) 512-5524.

**Transportation of Hazardous Materials** - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact**

**Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

**Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD** - Clean Water Act section 404 permits are often required for the discharge of dredged or fill material into waters of the U.S., including wetlands. Several types of section 404 permits exist, including nationwide, regional general, and individual permits. Nationwide permits are the most commonly authorized type for activities with relatively minor impacts. If an individual 404 permit is required, section 401 water quality certification from the CDPHE WQCD is also required. Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (contact information above). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**Working on or in any stream or its bank** - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project measured by valley length. The CPW application, as per guidelines agreed upon by CDOT and CPW, can be accessed at <https://www.codot.gov/programs/environmental/wildlife/guidelines>.

**Erosion and Sediment Control Practices** - Any activities that disturb one or more acres of land require a Stormwater Construction Permit (SCP) from the CDPHE-WQCD. Erosion & sediment control requirements will be specified in that permit. In situations where a stormwater permit is *not* required, all reasonable erosion and sediment control measures should be taken to minimize erosion and sedimentation. Control practices should be in accordance with CDOT Standard Specifications 107.25, 208, 213 and 216 (<https://www.codot.gov/business/designsupport/cdot-construction-specifications>). The CDOT Erosion Control and Stormwater Quality Guide (website: <https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality>) can also be used to design erosion/sediment controls. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500. Website: <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>

**Site Stabilization** - All disturbances require a stabilization plan, native seeding or landscape design plan according to applicable CDOT Standard Specifications 212-217 and 623. The CDOT Erosion Control and Stormwater Quality Guide should also be used to plan restoration of disturbed vegetation. Website: <https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality>

**Stormwater Discharge From Industrial Facilities** - Discharges of stormwater runoff from certain types of industrial facilities, such as concrete batch plants - require a CDPS Stormwater Permit. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500. Website: <https://colorado.gov/pacific/cdphe/wq-commerce-and-industry-permits>

**Concrete Washout** - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility and must be located a minimum of 50 feet from state waters, drainageways, and inlets. Concrete washout shall be in accordance to CDOT specifications and guidelines at <https://www.codot.gov/business/designsupport/cdot-construction-specifications> and refer to the specifications and their revisions for sections 101, 107 and 208.

**Construction Dewatering (Discharge or Infiltration) and Remediation Activities** - Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering or Remediation Activities Discharge Permit. **Contact**

**Information:** Contact the CDPHE-WQCD at (303) 692-3500. For Applications and Instructions: <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>.

**Municipal Separate Storm Sewer System (MS4) Requirements** - When working in a MS4 area, discharges to the storm sewer system are subject to CDOT's or other municipalities' MS4 Permit. For activities within the boundaries of a municipality that has a MS4 permit, the owner of such activity should contact the municipality regarding stormwater related requirements. All discharges to the CDOT highway drainage system or within the Right of Way (ROW) must comply with the applicable provisions of the Colorado Water Quality Control Act, the Water Quality Control Commission (WQCC) Regulations (<https://www.colorado.gov/pacific/cdphe/wqcc-regulations-and-policies-and-water-quality-statutes>) and the CDOT MS4 Permit #COS-000005 (<https://www.codot.gov/programs/environmental/water-quality/documents>). Discharges are subject to inspection by CDOT and CDPHE. For CDOT-related MS4 programs and requirements, go to: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs>.

**Post-Construction Permanent Water Quality** - When working in a CDOT MS4 area and the activity disturbs one or more acres, permanent water quality control measures may be required. Information on the requirements can be found under the CDOT Permanent Water Quality MS4 Program at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality>

### **Discharges to Storm Sewer Systems**

**Prohibited Discharges** - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include, but are not limited to, substances such as wash water, paint, automotive fluids, solvents, oils or soaps and sediment.

**Allowable Discharges** - The following discharges to stormwater systems are allowed without a permit from the CDPHE-WQCD: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, uncontaminated springs, footing drains, water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500. Information can also be found in the CDOT Illicit Discharge MS4 Program PDD at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/idde.html>.

**Spill Reporting** - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4426 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, any spill in the highway right-of-way exceeding 25 gallons, or that may otherwise present an immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-877-518-5608. More information can be found at <https://www.colorado.gov/pacific/cdphe/emergency-reporting-line>.

**Disposal of Drilling Fluids** - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes," and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact CDPHE (telephone #'s listed above).

**Noxious Weeds and Invasive Species Management Plan** - Noxious Weeds and Invasive Species guidance can be found by contacting the Colorado Department of Agriculture (<https://www.colorado.gov/pacific/agconservation/noxiousweeds>) and the Colorado Division of Parks and Wildlife (<http://cpw.state.co.us/aboutus/Pages/RS-NoxiousWeeds.aspx>). In either case, management plans involving the control of noxious weeds associated with the permitted activity and cleaning of equipment will be required.

**GENERAL NOTES**

- ALL MATERIAL DIMENSIONS AND WEIGHTS ON THIS STANDARD ARE NOMINAL UNLESS OTHERWISE INDICATED.
- AT EACH LOCATION WHERE AN ELECTRIC TRANSMISSION, DISTRIBUTION OR SECONDARY LINE CROSSES A WOOD POST FENCE, THE CONTRACTOR SHALL FURNISH AND INSTALL A GROUND CONFORMING TO ARTICLE 250 OF THE NATIONAL ELECTRICAL CODE. THE GROUND ROD SHALL BE A MINIMUM DIAMETER OF 1/2 IN. AND 8 FT. IN LENGTH, AND DRIVEN AT LEAST 7/2 FT. INTO THE GROUND. THE ROD SHALL BE CONNECTED TO EACH WIRE WITH A MINIMUM AWG NO. 8 STRANDED COPPER WIRE. GROUNDING WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE WORK.
- A METAL LINE POST SHALL BE INSTALLED A MAXIMUM OF EVERY 500 FT. ALONG A WOOD POST FENCE. THE METAL POST SHALL BE WITHIN 1 FT. OF THE NEAREST WOOD POST, AND SHALL BE TIED TO EACH STRAND WITH A WIRE CLAMP.
- DIMENSIONS SHOWN FOR "STANDARD" AND "ALTERNATIVE" APPLY FOR BOTH WOOD AND METAL POST FENCE.
- FENCE WIRE SHALL BE ENDED, DOUBLE WRAPPED AND TIED OFF AT END POSTS. SINGLE POSTS, LINE BRACE POSTS, FENCE TO BE CONTINUED SHALL THEN BE RESTARTED IN THE SAME MANNER.
- FENCE WIRE SHALL BE PLACED ON EITHER ROAD OR FIELD SIDE OF POSTS, DEPENDING ON LOCAL CONDITIONS, I.E. ON CURVES, THE WIRE SHALL BE PLACED ON THE SIDE OF THE POST WHICH WILL RESULT IN THE LEAST TENSION ON FENCE TIES. THIS WILL ALSO APPLY WHERE WIND DRIFT, TUMBLE WEEDS OR OTHER CONDITIONS WOULD EXERT UNUSUAL PRESSURE AGAINST THE WIRE. WHERE POSSIBLE, WIRE SHOULD BE PLACED ON THE LIVESTOCK SIDE OF THE POSTS.
- WHERE STEEL POSTS ARE SPECIFIED, EVERY FIFTH POST SHALL BE WOOD, WHEN SPECIFIED ON THE PLANS.
- RIGHT OF WAY FENCES SHALL BE CONSTRUCTED APPROXIMATELY 6 IN. INSIDE THE BOUNDARY OF THE RIGHT OF WAY AS SHOWN ON THE PLANS, UNLESS OTHERWISE SPECIFIED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR RE-ESTABLISHING DISTURBED OR DESTROYED SURVEY MONUMENTS TO THE APPROPRIATE ACCURACY IN ACCORDANCE WITH SUBSECTION 625.08 OF THE STANDARD SPECIFICATIONS.

**LINE POSTS:**

TYPE: "STUDDER" TEE" OR "W" WITHOUT ANCHOR)  
 HEIGHT: 42 IN.  
 WEIGHT: 16 LBS./LIN. FT. IN. MINIMUM  
 LENGTH: 6 FT. IN. MINIMUM  
 ANCHOR: SECURELY FASTENED, WITH BEARING SURFACE EQUIVALENT TO RESIST MOVEMENT OF POST. WEIGHT: 0.67 LB.

**METAL END POSTS AND GATE POSTS:**

TYPE: 2 1/2 IN. X 2 1/2 IN. X 1/4 IN. STRUCTURAL STEEL ANGLES  
 WEIGHT: 4.10 LBS./LIN. FT.  
 NUMBER OF BRACES: ONE  
 LENGTH: END, 6 FT.-6 IN. MINIMUM. PANEL GATE, 7 FT.-0 IN. MINIMUM.

**BRACES: (FOR CORNER, END OR LINE BRACE POSTS)**

TYPE: 2 IN. X 2 IN. X 1/4 IN. STRUCTURAL STEEL ANGLES  
 WEIGHT: 3.19 LBS./LIN. FT.  
 LENGTH: SAME AS CORNER AND END POSTS USED.

**FOOTINGS OR BASES:**

CONCRETE SHALL BE CLASS B.  
 CONCRETE WITH LIGHTWEIGHT AGGREGATES CONFORMING TO ASHTO M 195 (ASTM C 330) WILL BE PERMITTED.

**ALTERNATIVES (CONTRACTORS OPTION)**

END, CORNER, AND LINE BRACE POSTS

TYPE	I.D. INCHES	D.D. INCHES	WEIGHT LB./FT.	WALL THICKNESS INCHES
1. STD. GALV. PIPE	2 1/2	2 7/8	5.79 ± 5%	0.203
2. H.S. COLD ROLLED PIPE	2 1/2	2 7/8 ± 0.16	4.64 ± 5%	0.160 ± 5%

LENGTHS SHALL BE 6 FT.-6 IN. MINIMUM

**BRACES:**

TYPE: 1 1/2 IN. O.D. TUBULAR STEEL WITH 2 1/2 IN. BRACE BAND, HINGE BOLT AND 1 1/2 IN. I.D. RAIL END; ALL GALVANIZED.  
 WEIGHT: 16 LBS./LIN. FT. ± 5%  
 LENGTH: 6 FT.-6 IN. MINIMUM.

**BARBED WIRE:**

ZINC-COATED STEEL BARBED WIRE SHALL CONFORM TO ASHTO M 280, (ASTM A 121), 12-1/2 GAGE WITH CLASS 1 COATING, OR ALUMINUM-COATED STEEL BARBED WIRE CONFORMING TO ASTM A 585 TYPE 1.

**WOVEN WIRE MESH:**

WOVEN WIRE USED IN COMBINATION WIRE FENCE SHALL BE GALVANIZED AND CONFORM TO ASHTO M 279, (ASTM A 116) COATING CLASS 1, AND THE FOLLOWING:

STANDARD	WOVEN WIRE FIELD FENCE, STYLE OR DESIGN NO.	ALTERNATIVE 4 IN. X 4 IN. WIRE "W" MESH
832-6-11*	32 IN. WIDTH 0.65 LBS./LIN.FT.	34 IN. WIDTH - 0.75 LBS./LIN.FT.
726-6-11*	26 IN. WIDTH 0.55 LBS./LIN.FT.	26 IN. WIDTH - 0.54 LBS./LIN.FT.
		CROSS WIRES-1 STRAND-14-1/2 GAGE MIN. HORIZONTAL-2 STRAND-12-1/2 GAGE

\* 12-1/2 GAGE WOVEN WIRE FENCE FABRIC (832-6-12-1/2 OR 726-6-12-1/2) MAY BE USED WHEN SPECIFIED IN THE CONTRACT.

ALL FENCE WIRE TIES, CLIPS, CLAMPS, STAPLES AND OTHER WIRE APPURTENANCES SHALL BE GALVANIZED IN ACCORDANCE WITH ASHTO M 232.

**DRIVEWAY GATES (SINGLE):**  
 HEIGHT: 42 IN.  
 WEIGHT: NOT LESS THAN 90 LBS. COMPLETE WITH LATCH AND HINGES.  
 WIDTH OF GATE OPENING: 16 FT.-0 IN. MINIMUM TO 20 FT.-0 IN. MAXIMUM.  
 GATE FRAME: 1 IN. I.D. STANDARD GALVANIZED PIPE OR ACCEPTABLE EQUIVALENT AND SHALL BE OF ALL WELDED CONSTRUCTION.  
 WOVEN WIRE SHALL ENCLOSE THE GATE FRAME AS SHOWN AND SHALL BE THE SAME WOVEN WIRE DESIGN AS THE FENCE, OR AS APPROVED BY THE ENGINEER.

**ALTERNATIVE DRIVEWAY GATES (SINGLE PANEL):**

WEIGHT: GALVANIZED STEEL, 75 LBS.  
 HEIGHT: APPROXIMATELY 42 IN. (5 PANELS).  
 WIDTH OF GATE OPENING: 16 FT.-0 IN. MINIMUM TO 20 FT.-0 IN. MAXIMUM.  
 GATES SHALL BE OF RIVETED CONSTRUCTION AS FOLLOWS:  
 MINIMUM FOUR NO. 10 RIVETS AT EACH RIGHT ANGLE CONNECTION AND WHERE DIAGONAL BRACES CONNECT TO HORIZONTAL PANELS.  
 MINIMUM THREE NO. 10 RIVETS WHERE DIAGONAL BRACES CONNECT TO TOP AND BOTTOM PANELS.

**WALK GATES:**

HEIGHT: APPROXIMATELY 42 IN. (5 PANELS)  
 WEIGHT: GALVANIZED STEEL, 16 LBS.-TEMPERED ALUMINUM, 10 LBS.  
 WIDTH OF GATE OPENING: 3 FT.-0 IN. MINIMUM.

**ALTERNATIVE WALK GATES:**

HEIGHT: 42 IN.  
 WEIGHT: NOT LESS THAN 18 LBS. COMPLETE WITH LATCH AND HINGES.  
 WIDTH OF GATE OPENING: 3 FT.-0 IN. MINIMUM.  
 GATE FRAME: 3/4 IN. I.D. STANDARD GALVANIZED PIPE OR ACCEPTABLE EQUIVALENT AND SHALL BE OF ALL-WELDED CONSTRUCTION.  
 WOVEN WIRE SHALL BE OF THE SAME CONSTRUCTION DESIGNATED FOR DRIVEWAY GATE.

ALTERNATIVE EQUIVALENT STANDARD METAL GATES OTHER THAN SHOWN WILL BE ACCEPTABLE SUBJECT TO THE ENGINEER'S APPROVAL.  
 IN LIEU OF GALVANIZED FINISH ON GATE FRAMES; CADMIUM-PLATED PIPE OR ALUMINUM PAINTING WILL BE ACCEPTED.

**LATCHES AND HINGES:**

GALVANIZED STEEL OR ALUMINUM OF STANDARD MANUFACTURE. HINGES SHALL BE PLACED AS SHOWN TO PREVENT THEFT.  
 IN LIEU OF STANDARD MAKE LATCHES, THE CONTRACTOR MAY USE AN ELECTRO-GALVANIZED CHAIN, EYEBOLT AND SNAPHOOK TYPE LATCH. EYEBOLT CHAIN AND SNAPHOOK ASSEMBLY SHALL BE SECURED TO LATCH SIDE OF GATE. GATE CLOSURE MAY BE ACCOMPLISHED BY WRAPPING CHAIN AROUND END POST AND SNAPPING HOOK INTO CHAIN.

**WOOD STAYS:**

WOOD STAYS SHALL BE UNTREATED NATIVE TIMBER. STAY DIMENSIONS SHALL BE 2 IN. X 2 IN. NOMINAL MINIMUM (1/2 IN. X 1 1/2 IN.). WOOD STAYS MAY BE STAPLED, OR DRILLED AND TIED WITH WIRE. METAL STAYS MAY BE TIED TO THE BOTTOM WIRE.

**Computer File Information**

Creation Date: 07/31/19	Date:
Designer Initials: JBK	(R-X)
Last Modification Date: 07/31/19	(R-X)
Detailer Initials: LTA	(R-X)
CAD Ver.: MicroStation V8	(R-X)

**Sheet Revisions**

Date:	Comments

**Colorado Department of Transportation**

2829 West Howard Place  
 CDDT HO, 3rd Floor  
 Denver, CO 80204  
 Phone: 303-757-9021 FAX: 303-757-9868

**WIRE FENCES AND GATES**

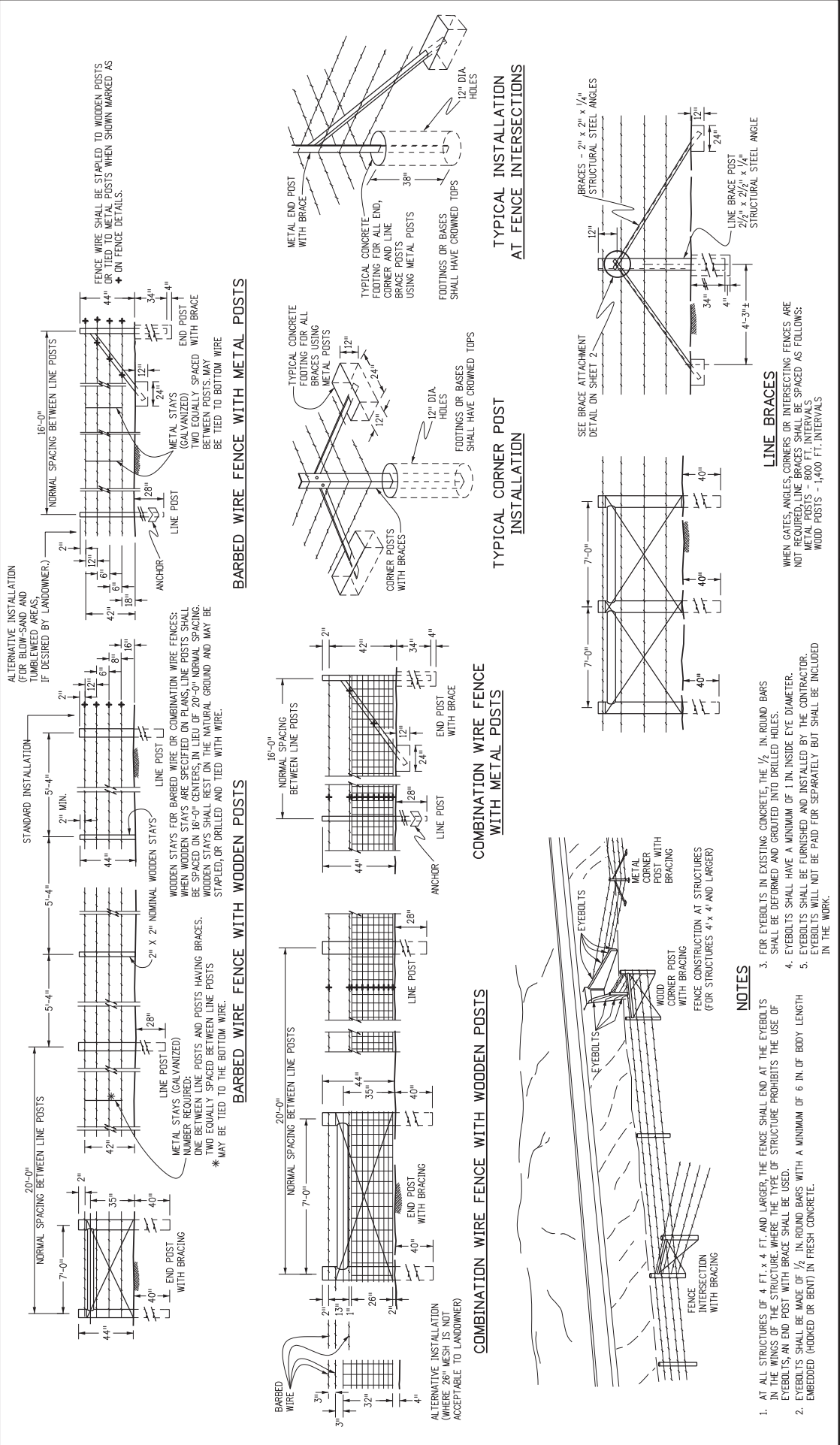
STANDARD PLAN NO. M-607-1

Standard Sheet No. 1 of 3

Project Sheet Number: \_\_\_\_\_

Issued by the Project Development Branch: July 31, 2019

JBK



<b>Computer File Information</b>		<b>Sheet Revisions</b>		<b>Standard Plan No.</b>	
Creation Date: 07/31/19	Designer: JBK	Date:	Comments	M-607-1	Standard Sheet No. 2 of 3
Last Modification Date: 07/31/19	Detailer: LTA				
CAD Ver.: MicroStation V8	Scale: Not to Scale	Units: English			Project Sheet Number:

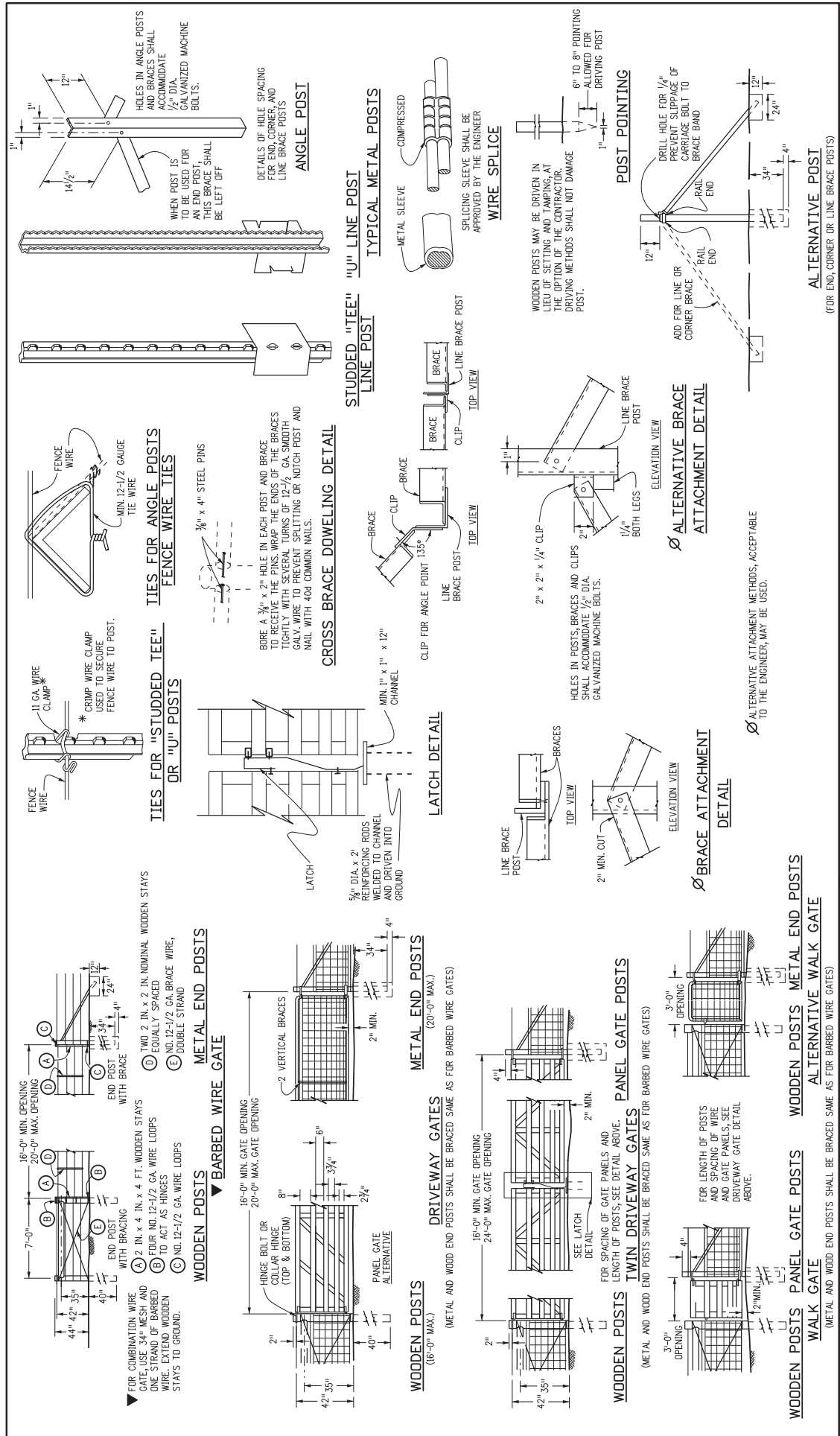
**WIRE FENCES AND GATES**

Colorado Department of Transportation  
 2829 West Howard Place  
 CDOT HO, 3rd Floor  
 Denver, CO 80204  
 Phone: 303-757-9021 FAX: 303-757-9868

**Project Development Branch**

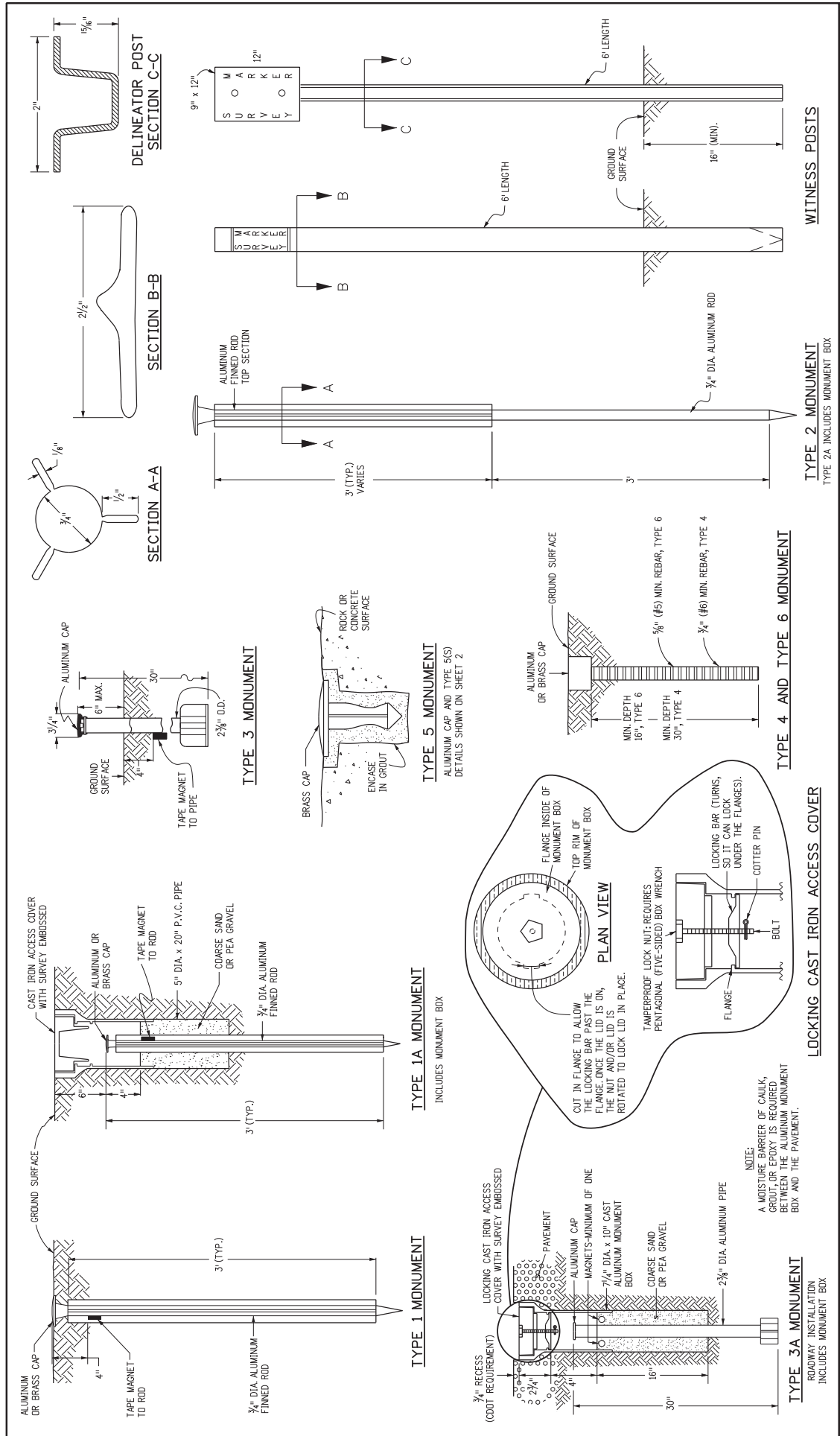
Issued by the Project Development Branch: July 31, 2019





<b>Computer File Information</b>		<b>Sheet Revisions</b>	
Creation Date: 07/31/19	Designer Initials: JBK	Date:	Comments
Last Modification Date: 07/31/19	Detailer Initials: LTA		
CAD Ver.: MicroStation V8	Scale: Not to Scale	Units: English	
<b>WIRE FENCES AND GATES</b>		Colorado Department of Transportation	
Standard Sheet No. 3 of 3		2829 West Howard Place CDDT HO, 3rd Floor Denver, CO 80204 Phone: 303-757-9021 FAX: 303-757-9868	
Project Sheet Number:		JBK	
Issued by the Project Development Branch: July 31, 2019		Project Development Branch	





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Creation Date: 07/31/19	Designer Initials: JBK	Date:	Comments
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CAD Ver.: MicroStation V8	Scale: Not to Scale		
Units: English			
<b>LOCKING CAST IRON ACCESS COVER</b>		<b>STANDARD PLAN NO.</b>	
TYPE 2A INCLUDES MONUMENT BOX		M-629-1	
<b>TYPE 2 MONUMENT</b>		<b>MONUMENTS</b>	
TYPE 2A INCLUDES MONUMENT BOX		Standard Sheet No. 1 of 2	
<b>TYPE 4 AND TYPE 6 MONUMENT</b>		Project Sheet Number:	
TYPE 2A INCLUDES MONUMENT BOX		Issued by the Project Development Branch: July 31, 2019	
<b>WITNESS POSTS</b>		Project Development Branch	
TYPE 2A INCLUDES MONUMENT BOX		Colorado Department of Transportation	
TYPE 2A INCLUDES MONUMENT BOX		2829 West Howard Place	
TYPE 2A INCLUDES MONUMENT BOX		CDDT HO, 3rd Floor	
TYPE 2A INCLUDES MONUMENT BOX		Denver, CO 80204	
TYPE 2A INCLUDES MONUMENT BOX		Phone: 303-757-9021 FAX: 303-757-9868	
TYPE 2A INCLUDES MONUMENT BOX		JBK	

**ALL MONUMENTATION MATERIALS WILL BE FURNISHED BY CDOT**  
 THE MONUMENT TYPE SHALL MEET THE MINIMUM STANDARDS AS DETERMINED BY THE COLORADO STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS RULES (STATE BOARD RULES).  
 THE CDOT SURVEY COORDINATOR SHALL APPROVE ALL EXCEPTIONS FOR STAMPING MONUMENTS DIFFERING FROM THE STANDARDS.

**TYPE 1 AND TYPE 1A ALUMINUM FINNED ROD MONUMENTS**  
 THESE MONUMENTS SHALL BE USED FOR ROW OR REFERENCE MONUMENTS OR MAY BE USED FOR AN ALIQUOT CORNER MONUMENT. THIS MONUMENT SHALL INCLUDE MONUMENT, INSTALLATION AND RECORD FILING REQUIREMENTS SHALL BE AS STATED FOR TYPE 3 AND TYPE 3A MONUMENTS.  
 MONUMENTS SHALL BE INSTALLED BY ATTACHING THE PROPER SIZE TIP TO ONE END OF A SECTION OF FINNED ROD AND A 3 IN LONG X 3/4 IN DIA STAINLESS STEEL ADAPTER TO THE OTHER END. THE DRIVER IS THEN PLACED OVER THE STAINLESS STEEL ADAPTER FOR THE HAMMER TO CONTACT. TYPE 1 MONUMENTS SHALL USE A MINIMUM 3 FT. SECTION OF FINNED ROD WHEN SUBSURFACE ROCK OR CONCRETE IS ENCOUNTERED LESS THAN 3 FT. BELOW THE GROUND SURFACE, THE ROD SHALL BE EMBEDDED IN THE ROCK OR IN CONCRETE AT LEAST 6 IN. AND GROUTED IN PLACE. THE ROD MAY BE SHORTENED TO ACCOMMODATE THE CONDITIONS.  
 WHEN UNSTABLE SOIL CONDITIONS ARE ENCOUNTERED, ADDITIONAL SECTIONS OF ROD SHALL BE ADDED TO ACHIEVE STABILITY. HORIZONTAL AND VERTICAL STABILITY ARE REQUIRED.  
 TYPE 1A MONUMENT INCLUDES MONUMENT BOX. A LOCKING CAST IRON ACCESS COVER SHALL BE INSTALLED WHEN THE MONUMENT IS LOCATED IN THE ROADWAY PAVEMENT.

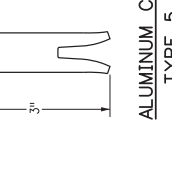
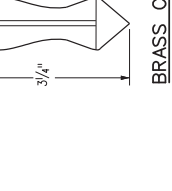
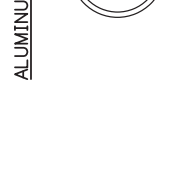
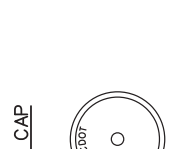
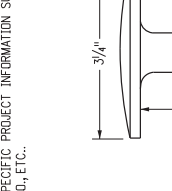
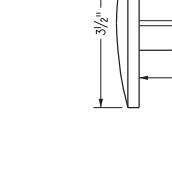
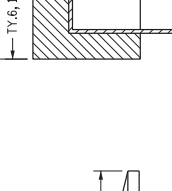
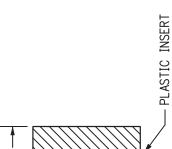
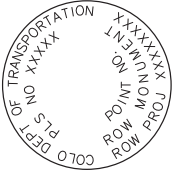
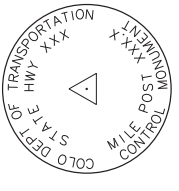
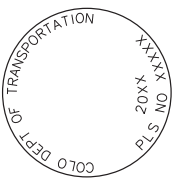
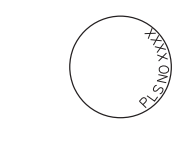
**TYPE 2 AND TYPE 2A ALUMINUM FINNED ROD MONUMENTS**  
 THIS MONUMENT SHALL BE USED FOR HORIZONTAL AND VERTICAL CONTROL MONUMENTS. WHEN UNSTABLE SOIL CONDITIONS ARE ENCOUNTERED, ADDITIONAL SECTIONS OF ROD SHALL BE ADDED TO ACHIEVE STABILITY. HORIZONTAL AND VERTICAL STABILITY ARE REQUIRED. SOIL CONDITIONS SHALL BE DETERMINED BY FIRST PLACING THE PROPER SIZE TIP TO THE GROUND. THE MONUMENT SHALL BE SET INTO PLACE BY FIRST PLACING THE PROPER SIZE TIP TO THE GROUND. THE MONUMENT SHALL BE DRIVEN THE ROD AT LEAST 30 IN INTO THE GROUND. ADDITIONAL 3 FT LONG X 3/4 IN DIA FINNED ROD SECTIONS SHALL BE ADDED AND DRIVEN FLUSH WITH THE GROUND UNTIL THE MONUMENT IS IN A STABLE POSITION. THE FINS ARE BENT OVER USING PLIERS TO ACCOMMODATE INSTALLING THE CAP. THE CAP IS FIRMLY SEATED ONTO THE LAST FINNED SECTION OF ROD USING A DEAD BLOW SLEDGE HAMMER.  
 TYPE 2A MONUMENT INCLUDES MONUMENT BOX. A LOCKING CAST IRON ACCESS COVER SHALL BE INSTALLED WHEN THE MONUMENT IS LOCATED IN THE ROADWAY PAVEMENT.

**TYPE 3 AND TYPE 3A ALUMINUM PIPE MONUMENTS**  
 THIS MONUMENT SHALL BE USED FOR AN ALIQUOT CORNER MONUMENT. THE INSTALLATION OF THIS MONUMENT AND RECORD FILING SHALL BE DONE IN ACCORDANCE WITH THE STATE BOARD RULES. ALSO REFER TO THE CDOT SURVEY MANUAL AND THE BUREAU OF LAND MANAGEMENT REQUIREMENTS FOR MONUMENT INSTALLATION. THE LAND SURVEYOR'S LICENSE NUMBER AND THE YEAR SHALL BE STAMPED ON THE CAP.  
 TYPE 3A MONUMENT INCLUDES MONUMENT BOX. A LOCKING CAST IRON ACCESS COVER SHALL BE INSTALLED WHEN THE MONUMENT IS LOCATED IN THE ROADWAY PAVEMENT.

**TYPE 4 ALUMINUM MONUMENT**  
 THIS MONUMENT MAY BE INSTALLED IN LIEU OF REPLACING THE ENTIRE MONUMENT WHEN REBAR IS IN PLACE AT AN ALIQUOT CORNER LOCATION. REFER TO THE STATE BOARD RULES. A MINIMUM 2 IN DIA CAP SHALL BE USED ON 3/4 IN (#6) REBAR.  
**TYPE 5 BRASS/ALUMINUM CAP MONUMENT**  
 THIS MONUMENT MAY BE INSTALLED IN LIEU OF ALL OTHER CDOT MONUMENTS, WHEN THE POSITION IS LOCATED IN CONCRETE OR STABLE ROCK FORMATION.

**TYPE 5(S) COPPER ALLOY CAP MONUMENT - SMALL**  
 THIS MONUMENT MAY BE INSTALLED IN LIEU OF A TYPE 5 MONUMENT, WHEN THE POSITION IS LOCATED IN A CONCRETE SIDEWALK, CURB OR GUTTER, OR WHEN SETTING A TYPE 5 WOULD COMPROMISE THE INTEGRITY OF THE RECEIVING STRUCTURE.  
 STAMPING REQUIREMENTS:  
 ● "RP" WHEN THE APPLICATION IS A REFERENCE POINT.  
 ● "ROW" POINT NUMBER, "IN S", AND REGISTRATION NUMBER WHEN THE APPLICATION IS A ROW POINT.  
 ● "CP" AND A UNIQUE IDENTIFIER PROVIDED BY THE REGION SURVEY COORDINATOR, WHEN THE APPLICATION IS A CONTROL POINT.  
 ● "PE", POINT NUMBER, "LS", AND REGISTRATION NUMBER, WHEN THE APPLICATION IS A PERMANENT EASEMENT POINT.  
 ● "PP" AND POINT NUMBER, WHEN THE APPLICATION IS A PROJECT POINT.

**TYPE 6 ALUMINUM MONUMENT**  
 THIS MONUMENT SHALL BE USED FOR PERMANENT EASEMENTS, PROJECT BENCH MARKS, PROJECT POINTS, AND REFERENCES. AN ALUMINUM CAP WITH A MINIMUM DIAMETER OF 1 1/2 IN., SHALL BE USED ON 3/8 IN. (#5) MINIMUM REBAR.  
**\* WITNESS POSTS**  
 THE WITNESS POST WILL BE SUPPLIED BY CDOT AND INSTALLATION SHALL BE INCLUDED IN THE WORK. IT SHALL BE DRIVEN WITHIN 1 FT. OF THE MONUMENT WHEN POSSIBLE. A DELINEATOR POST WITH A 9 IN X 12 IN METAL SIGN PANEL MAY BE USED IN LIEU OF THE PLASTIC POST. THIS POST SHALL CONFORM TO STANDARD PLAN S-612-1. A REQUIRED WITNESS POST MAY BE OMITTED WITH THE APPROVAL OF THE ENGINEER IF THE WITNESS POST LOCATION IS WITHIN A TRAVELED WAY, DRIVEWAY, OR ACCESS OPENING.



**MONUMENT APPLICATION**

CAP TYPE	MONUMENT TYPE									
	1	1A	2	2A	3	3A	4	5	5(S)	6
REFERENCE	X	X						X	X	X
ROW	X	X	X					X	X	X
CONTROL			X					X	X	X
ALIQUOT CORNER	X			X		X	X	X	X	X
PERMANENT EASEMENT								X	X	X
PROJECT POINTS								X	X	X
WITNESS POST (REQUIRED)			X	X	X					X

**ALUMINUM CAP**  
 TY 4, 2" / TY 6, 1/2"  
 PLASTIC INSERT  
 CDOT

**BRASS CAP**  
 TYPE 5  
 FOR PLACING IN EXISTING CONCRETE OR ROCK

**ALUMINUM CAP**  
 TYPE 5  
 FOR PLACING IN EXISTING CONCRETE OR ROCK

**ALUMINUM CAP**  
 USED WITH ALUMINUM ROD

**COPPER ALLOY CAP**  
 TYPE 5(S)  
 FOR PLACING IN EXISTING SIDEWALK, CURB, OR GUTTER

**MONUMENT APPLICATION**

CAP TYPE	MONUMENT TYPE									
	1	1A	2	2A	3	3A	4	5	5(S)	6
REFERENCE	X	X						X	X	X
ROW	X	X	X					X	X	X
CONTROL			X					X	X	X
ALIQUOT CORNER	X			X		X	X	X	X	X
PERMANENT EASEMENT								X	X	X
PROJECT POINTS								X	X	X
WITNESS POST (REQUIRED)			X	X	X					X

**Computer File Information**  
 Creation Date: 07/31/19  
 Designer Initials: JBK  
 Last Modification Date: 07/31/19  
 Detailer Initials: LTA  
 CAD Ver.: MicroStation V8 Scale: Not to Scale Units: English

**Sheet Revisions**

Date:	Comments

**Colorado Department of Transportation**  
 2829 West Howard Place  
 CDOT HO, 3rd Floor  
 Denver, CO 80204  
 Phone: 303-757-9021 Fax: 303-757-9868

**Project Development Branch**

**SURVEY MONUMENTS**  
 M-629-1  
 Standard Sheet No. 2 of 2

**STANDARD PLAN NO.**  
 M-629-1  
 Standard Sheet No. 2 of 2

Issued by the Project Development Branch: July 31, 2019  
 Project Sheet Number:



**COLORADO**  
Department of  
Transportation

Region 2 Traffic Section  
5615 Wills Blvd.  
Pueblo, Colorado 81008  
(719) 546-5732

October 28, 2022

Joshua Palmer  
El Paso County - Engineering  
3275 Akers Dr.  
Colorado Springs, Colorado 80922

Scott Barnhart  
Matrix Design Group, Inc.  
2435 Research Parkway, Suite #300  
Colorado Springs, Colorado

RE: **State Highway Access Permit No. 221066**, Located on a portion of the West 1/2 of Section 9, Township 15 South, Range 65 West of the 6th P.M. | Southeast quadrant of the Intersection of SH24A/Powers Blvd and Bradley Rd. at MM134.549, RT. **Notice to Proceed**

Dear Permittee,

The Colorado Department of Transportation (CDOT) has received your signed permit and application fee. A copy of the issued permit is enclosed. CDOT has issued a Notice to Proceed (NTP) for this permit since the permit did not require any additional construction of the access. CDOT has received all documents need for the NTP per the Terms and conditions of the Access Permit including the escrow amount via cashiers check #7231301629. Please keep a copy of the access permit and the notice to proceed for your files.

If you have any questions or need more information, please contact me at the office listed above.

Respectfully,

Arthur Gonzales  
Region 2 - Access Manager

Xc: CDOT  
File

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b> <b>STATE HIGHWAY ACCESS CODE</b> <b>NOTICE TO PROCEED</b>	CDOT Permit No. <b>221066</b>
	State Highway/Mile Post/Side 021A / 134.549 / Right
	Local Jurisdiction CDOT

<b>Permittee(s):</b> Joshua Palmer El Paso County - Engineering 3275 Akers Dr. Colorado Springs, Colorado 80922 (719) 520-6900	<b>Applicant:</b> Scott Barnhart Matrix Design Group, Inc. 2435 Research Parkway, Suite #300 Colorado Springs, Colorado (719) 457-5590
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The permittee is hereby authorized to proceed with access use within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Since the Access Permit did not require any construction. The access permit is to document the new development of Trails at Aspen Ridge and the escrow collection for future expansion of the intersection of SH21/Powers Blvd and Bradley Rd.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

1. NO NEW CONSTRUCTION
2. Escrow collected 09/01/2022 via check.

**Municipality or County Approval** (When the appropriate local authority retains issuing authority)

By (X)	Title	Date
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This Notice is not valid until signed by a duly authorized representative of the Department

**Colorado Department of Transportation**

By (X) <i>Arthur Gonzales</i>	Title Access Manager	Date 09/01/2022
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