

RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR FALCON MEADOWS AT BENT GRASS FILING NO. 3 (SF2216)

WHEREAS, CHALLENGER HOMES LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Falcon Meadows at Bent Grass Filing No. 3 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

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

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

WHEREAS, on September 7, 2023, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

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

1. The application was properly submitted for consideration by the Planning and Community Development Executive Director.
2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Director.
3. The administrative review of the application by the Planning and Community Development Director was extensive and complete, all pertinent facts, matters and

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issues were submitted and reviewed, and all interested persons were provided a fourteen-day (14) time period to submit comments.

4. All exhibits were received into evidence.
5. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. At a public hearing on the preliminary plan held on July 27, 2021, the Board found that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Code and Engineering Criteria Manual ("ECM").
12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.

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

The El Paso County Planning and Community Development Director therefore APPROVES the final plat application for the Falcon Meadows at Bent Grass Filing No. 3 Subdivision.

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

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved on the condition that the subdivider or developer must provide to the Planning and Community Development

Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate as approved by the ECM Administrator, shall be filed at the time of final plat recordation.
8. Collateral sufficient to ensure the public improvements as listed in the approved Financial Assurance Estimate shall be provided when at the time of final plat recordation.
9. The subdivider(s) agrees on behalf of him/herself and any successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would disclose the fee obligation before sale of the property.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

11. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$22,540.00 and for urban parks (Area 3) in the amount of \$14,210.00 shall be paid at the time of plat recordation.
12. Fees in lieu of school land dedication in the amount of \$11,760 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
13. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
14. Drainage fees in the amount of \$211,423.05 and bridge fees in the amount of \$29,045.34 for the Falcon drainage basin (CHWS1400) shall be paid to El Paso County at the time of plat recordation. Drainage fees may be offset with pre-credits as applicable.
15. The developers shall participate in a fair and equitable manner in offsite transportation improvements, as deemed appropriate by the PCD Director and the County Engineer in consultation with the City of Colorado Springs, including but not limited to the items listed in Table 2 of the Falcon Meadows at Bent Grass Transportation Impact Analysis, as approved:
  - a) Lengthening of the current eastbound single left-turn deceleration lane on Woodmen approaching Golden Sage Road.
  - b) Southbound exclusive right-turn lane on Golden Sage Road approaching Woodmen Road.
  - c) Signalization of Golden Sage Road/Woodmen Frontage Road or reconstruction as a modern roundabout

An escrow agreement, including a financial assurance estimate for the intersection improvements, as approved by the Planning and Community Development Department Director and the County Attorney's Office shall be completed and escrow deposited with the final plat for the respective improvements within the County's jurisdiction in accordance with Table 2, of the Falcon Meadows at Bent Grass Filing No. 3 Transportation Memorandum dated June 24, 2022.

16. The developers and Bent Grass Metropolitan District shall be responsible for maintenance of their respective portions of the Falcon West Tributary channel within and downstream of the Falcon Meadows at Bent Grass development to the

existing channel improvements north of Woodmen Road until construction of the necessary channel improvements by the developers is complete and the channel improvements have been accepted by El Paso County. The developers' remaining construction requirements are as follows:

- a. If Conditional Letter of Map Revision (CLOMR) approval by FEMA is required it shall be obtained in a timely manner; however, no more than or equal to 192 lots may be platted, if such approval is necessary. The PCD Director may modify the condition administratively up to 221 lots, if a good faith effort has been made regarding approval of the CLOMR.
- b. Construction of offsite channel improvements from the southern boundary of the Meadows at Bent Grass PUDSP to the existing downstream improvements located north of Woodmen Road (approximately 1,440 linear feet) shall be completed prior to final plat recordation for any future final plat that would bring the total number of platted lots in the Meadows at Bent Grass PUDSP area to more than or equal to 192 lots. The PCD Director may modify the condition administratively up to 221 lots, if a good faith effort has been made regarding design and construction of the channel. These improvements may be completed by the developers, other owners of the downstream channel, or the Bent Grass Metropolitan District. If a downstream owner takes responsibility for interim channel maintenance and construction and begins such construction prior to construction of the applicable channel segment by the Bent Grass Meadows PUDSP area developers, then this condition may be revised administratively and as appropriate by the PCD Executive Director via separate instrument in order to remove or otherwise modify the construction responsibilities of the Meadows at Bent Grass developers.
- c. If Letter of Map Revision (LOMR) approval by FEMA is required, it shall be obtained in a timely manner; however, the warranty financial assurances for channel construction shall not be released until the LOMR has been approved, if such approval is necessary.

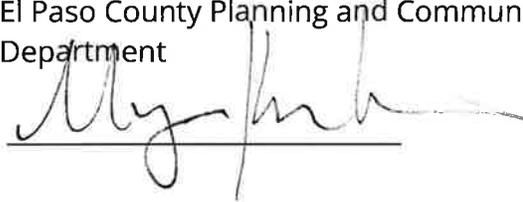
## **NOTATIONS**

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

2. The developer was required to construct and provide collateral for the eastbound left turn lane on Woodmen Frontage Road to Bent Grass Meadows Drive within two-years of the Falcon Meadows at Bent Grass Filing No. 1 final plat recording.
3. Construction of onsite channel improvements south of Bent Grass Meadows Drive (approximately 930 linear feet) was required to be completed by the developer within two years of recordation of the Falcon Meadows at Bent Grass Filing No. 1 final plat that includes any property located south of Bent Grass Meadows Drive.

DONE THIS 7th day of September 2023 at Colorado Springs, Colorado.

Meggan Herington, Executive Director  
El Paso County Planning and Community Development  
Department

A handwritten signature in black ink, appearing to read "Meggan Herington", is written over a horizontal line. The signature is cursive and extends to the right of the line.

**EXHIBIT A**

FALCON MEADOWS AT BENT GRASS FILING NO. 3  
LEGAL DESCRIPTION:

A PORTION OF TRACT G, BENT GRASS RESIDENTIAL FILING NO. 2, AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS  $N00^{\circ}14'14''W$ , MONUMENTED BY THE WEST QUARTER CORNER OF SAID SECTION 1, BEING A #5 REBAR WITH 2" ALUMINUM CAP STAMPED "PLS 28651", AND MONUMENTED BY THE NORTH SIXTEENTH CORNER COMMON TO SECTIONS 1 AND 2, BEING A 1-1/2" ALUMINUM CAP STAMPED "PLS 11624", WITH ALL BEARINGS HEREIN RELATIVE THERETO;

COMMENCING AT SAID NORTH SIXTEENTH CORNER COMMON TO SAID SECTIONS 1 AND 2;

THENCE WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1  $S00^{\circ}14'14''E$ , A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1,  $N89^{\circ}36'34''E$ , A DISTANCE OF 187.29 FEET;

THENCE  $S67^{\circ}07'56''E$ , A DISTANCE OF 151.95 FEET;

THENCE  $N89^{\circ}36'34''E$ , A DISTANCE OF 878.89 FEET;

THENCE  $S00^{\circ}30'26''E$ , A DISTANCE OF 25.41 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF  $134^{\circ}24'55''$ , HAVING A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 129.03 FEET, AND WHOSE CHORD BEARS  $S23^{\circ}17'58''E$ , A CHORD DISTANCE OF 101.41 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF  $44^{\circ}24'56''$ , HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 38.76 FEET, AND WHOSE CHORD BEARS  $S21^{\circ}42'02''W$ , A CHORD DISTANCE OF 37.80 FEET;

THENCE  $S00^{\circ}30'26''E$ , A DISTANCE OF 322.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF  $3^{\circ}11'52''$ , HAVING A RADIUS OF 525.00 FEET, AN ARC LENGTH OF 29.30 FEET, AND WHOSE CHORD BEARS  $S01^{\circ}05'30''W$ , A CHORD DISTANCE OF 29.30 FEET;

THENCE  $S02^{\circ}41'26''W$ , A DISTANCE OF 45.69 FEET;

THENCE  $N87^{\circ}18'34''W$ , A DISTANCE OF 50.00 FEET;

THENCE  $S89^{\circ}30'12''W$ , A DISTANCE OF 224.04 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF  $49^{\circ}08'46''$ , HAVING A RADIUS OF 65.00 FEET, AN ARC LENGTH OF 55.75 FEET, AND WHOSE CHORD BEARS  $N65^{\circ}55'25''W$ , A CHORD DISTANCE OF 54.06 FEET;

THENCE  $N41^{\circ}21'03''W$ , A DISTANCE OF 35.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF  $18^{\circ}27'26''$ , HAVING A RADIUS OF 165.00 FEET, AN ARC LENGTH OF 53.15 FEET, AND WHOSE CHORD BEARS  $N32^{\circ}07'20''W$ , A CHORD DISTANCE OF 52.92 FEET;

THENCE  $N22^{\circ}53'39''W$ , A DISTANCE OF 187.16 FEET;

THENCE  $S67^{\circ}06'21''W$ , A DISTANCE OF 98.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF  $90^{\circ}00'00''$ , HAVING A RADIUS OF 12.00 FEET, AN ARC LENGTH OF 18.85 FEET, AND WHOSE CHORD BEARS  $N67^{\circ}53'39''W$ , A CHORD DISTANCE OF 16.97 FEET;

THENCE  $N22^{\circ}53'39''W$ , A DISTANCE OF 23.892'

THENCE  $S67^{\circ}06'21''W$ , A DISTANCE OF 50.000'

THENCE  $S22^{\circ}53'39''E$ , A DISTANCE OF 23.89 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF  $90^{\circ}00'00''$ , HAVING A RADIUS OF 12.00 FEET, AN ARC LENGTH OF 18.85 FEET, AND WHOSE CHORD BEARS  $S22^{\circ}06'21''W$ , A CHORD DISTANCE OF 16.97 FEET;

THENCE  $S67^{\circ}06'21''W$ , A DISTANCE OF 249.12 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°00'00", HAVING A RADIUS OF 12.00 FEET, AN ARC LENGTH OF 18.85 FEET, AND WHOSE CHORD BEARS N67°53'39"W, A CHORD DISTANCE OF 16.97 FEET;

THENCE N22°53'39"W, A DISTANCE OF 23.89 FEET;

THENCE S67°06'21"W, A DISTANCE OF 50.00 FEET;

THENCE S22°53'39"E, A DISTANCE OF 23.89 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°00'00", HAVING A RADIUS OF 12.00 FEET, AN ARC LENGTH OF 18.85 FEET, AND WHOSE CHORD BEARS S22°06'22"W, A CHORD DISTANCE OF 16.97 FEET;

THENCE S67°06'21"W, A DISTANCE OF 68.83 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°24'01", HAVING A RADIUS OF 225.00 FEET, AN ARC LENGTH OF 48.70 FEET, AND WHOSE CHORD BEARS S60°54'21"W, A CHORD DISTANCE OF 48.60 FEET;

THENCE N35°19'45"W, A DISTANCE OF 230.66 FEET;

THENCE S67°06'21"W, A DISTANCE OF 57.64 FEET;

THENCE S89°45'46"W, A DISTANCE OF 35.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1;

THENCE WITH SAID WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, N00°14'14"W, A DISTANCE OF 414.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.75 ACRES (555,620 SQUARE FEET), MORE OR LESS.