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El Paso County, CO

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RESOLUTION NO. 23-217

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

SUBDIVISION EXEMPTION
ARROYA LANE SUBDIVISION EXEMPTION (EX-23-002)

WHEREAS, Section 30-28-101(10)(d), C.R.S., as amended, authorizes the Board of County Commissioners pursuant to resolution to exempt from the requirements of the subdivision regulations any division of land if the Board of County Commissioners determines that such division is not within the purposes of the statutory provisions governing subdivisions; and

WHEREAS, El Paso County Parks and Community Services did file an application with the El Paso County Planning and Community Development Department for an exemption from the El Paso County Subdivision Regulations for property located within the unincorporated area of the County, hereinafter referred to as the "property," and legally described and incorporated herein as Exhibit "A";

WHEREAS, El Paso County Parks and Community Services intends to utilize the property for the purposes of a trail corridor for the proposed Sand Creek Regional Trail, which will connect extensive trail systems in the city of Colorado Springs, Pineries Open Space, Black Forest Section 16, and Palmer Divide Regional Trail/Woodlake Trail; and

WHEREAS, a public hearing was held by this Board on June 20, 2023; and

WHEREAS, the El Paso County Board of County Commissioners has found the proposed division does not fall within the purposes of the Colorado statutory provisions concerning subdivisions; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the exemption is consistent with and conforms to the El Paso County Land Development Code and the Master Plan.
2. That the exemption is a division of land determined not to be within the purpose of C.R.S. §§30-28-101, et. seq.

3. That legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
4. That the size, location, and availability of services to the proposed lots or parcels are reasonable, appropriate, and customary for the proposed use.
5. That no beneficial purpose to the public would be served by requiring the subdivision of the subject property.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Board of County Commissioners hereby approves the petition of El Paso County Parks and Community Services for a subdivision exemption of a 4-acre parcel of property in the incorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference; and

BE IT FURTHER RESOLVED, the parcel shall be limited to the use as stated in this Resolution; and

BE IT FURTHER RESOLVED, the following condition and notation shall apply to this approval:

CONDITIONS

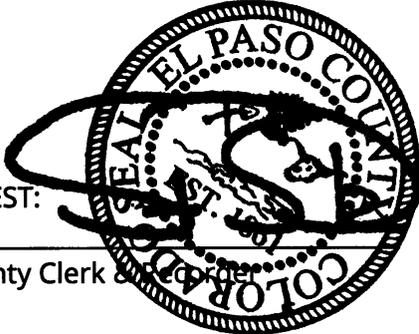
1. The Land survey Plat as approved by the Board of County Commissioners shall be deposited in the El Paso County Clerk and Recorder's Office.
2. The preservation of potential additional ROW shall be required in the event the dedicated ROW shown here is not adequate for the required radii of the future extension of Mitchell Avenue.

NOTATIONS

1. Subdivision Exemption requests not forwarded to the 24 Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

APPROVED this 20th day of June 2023.

ATTEST:
 By: _____
 County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
 OF EL PASO COUNTY, COLORADO

By: *Cami Brennan*
 Chair

EXHIBIT A

PROPERTY DESCRIPTION:

A TRACT OF LAND BEING A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE RIGHT OF WAY AS RECORDED IN BOOK 2678 AT PAGE 431, RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N00°37'14"W ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 40.00 FEET, TO A POINT ON THE NORTHERLY LINE OF THE PARCEL RECORDED UNDER RECEPTION NO. 219018917;

THENCE ON THE NORTHERLY LINE OF SAID PARCEL THE FOLLOWING TWO (2) COURSES:

1. S89°40'23"W ON A LINE 40' FEET NORTH OF AND PERPENDICULAR WITH THE NORTH LINE OF SAID RIGHT OF WAY A DISTANCE OF 348.92 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 18°00'09", A RADIUS OF 560.00 FEET, A DISTANCE OF 175.95 FEET TO **THE POINT OF BEGINNING**;

THENCE CONTINUING ON SAID NORTHERLY LINE THE FOLLOWING TWO (2) COURSES:

1. ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS N17°40'32"E, HAVING A DELTA OF 04°00'38", A RADIUS OF 560.00 FEET, A DISTANCE OF 39.20 FEET TO A POINT OF TANGENT;
2. N68°18'50"W, A DISTANCE OF 145.93 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE AS DESCRIBED IN BOOK 2678 AT PAGE 430;

THENCE N21°41'10"E ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1,684.25 FEET TO THE ANGLE POINT OF THE TRACT OF LAND DESCRIBED IN DOCUMENT RECORDED UNDER RECEPTION NO. 218005438;

THENCE S03°17'03"W, ON SAID BOUNDARY LINE OF SAID TRACT, A DISTANCE OF 348.46 FEET TO A POINT THAT IS 110.00 FEET EASTERLY OF THE EAST RIGHT OF WAY LINE AS RECORDED IN BOOK 2678 AT PAGE 430, SAID POINT BEING ON THE WESTERLY LINE OF THE PARCEL RECORDED UNDER RECEPTION NO. 219114002;

THENCE ON SAID WESTERLY LINE THE FOLLOWING TWO (2) COURSES:

1. S21°41'10"W ON LINE 110.00 FEET EASTERLY OF AND PARALLEL WITH SAID RIGHT OF WAY LINE A DISTANCE OF 1,163.40 FEET;
2. S00°00'00"E, A DISTANCE OF 203.23 FEET TO **THE POINT OF BEGINNING**.

CONTAINING A CALCULATED AREA OF 174,258 SQUARE FEET OR 4.00 ACRES, MORE OR LESS.