

RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR RIVERBEND RESIDENTIAL FILING NO. 1 (SF-18-044)

WHEREAS, Avatar Riverbend, LP, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Riverbend Residential Filing No. 1 subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, 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 Department Director (“Director”) the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on December 7, 2021, 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 Department 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 Department Director.
3. The administrative review of the application by the Planning and Community Development Department Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen day (14) time period to submit comments.

Chuck Broerman
12/10/2021 11:18:23 AM
Doc \$0.00
Rec \$43.00

El Paso County, CO



7
Pages 221225261

SF-18-044

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 March 9, 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 Department Director, therefore, APPROVES the final plat application for the Riverbend Residential Filing No. 1 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 applicants 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 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. Regional park fees (Region 4) in lieu of land dedication in the amount of \$58,480.00 and urban park fees (Urban Area 4) in lieu of land dedication in the amount of \$36,992.00 shall be paid at the time of final plat recordation.
12. Drainage fees for the West Little Johnson drainage basin shall be paid in the amount of \$18,311.00 at the time of the final plat recording.

13. The applicant shall pay fees in lieu of school land dedication for the benefit of Widefield School District No. 3 in the amount of \$28,152.00 at the time of plat recordation.

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.

DONE THIS 7th day of December 2021 at Colorado Springs, Colorado.

CRAIG DOSSEY, EXECUTIVE DIRECTOR
EL PASO COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

A handwritten signature in black ink, appearing to read "Craig Dossey", is written over a horizontal line. The signature is stylized and cursive.

EXHIBIT A

Legal Description for Riverbend Residential Filing No. 1

A tract of land being a portion of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 14, Township 15 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, described as follows:

Bearings based on the West line of the Northeast Quarter (NE 1/4) of Section 14, Township 15 South, Range 66 West of the 6th P.M., monumented at the North Quarter (N 1/4) corner with a 3 1/4" aluminum cap, stamped "BARRON LAND 2018 PLS 38141" and at the Center Quarter (C 1/4) corner with a 3 1/4" aluminum cap, stamped "OLIVER E. WATTS 2000 PE-LS 9853" and bears S 00°24'11" E, 2640.42 feet.

COMMENCING at said North Quarter (N 1/4) corner; thence S 00°24'11" E, along the West line of the Northeast Quarter (NE 1/4), a distance of 638.79 feet; thence N 89°35'49" E, a distance of 265.00 feet to the POINT OF BEGINNING.

Thence N 89°35'49" E, a distance of 175.85 feet;

Thence 105.86 feet along the arc of a 170.00 foot radius tangent curve to the left, having a central angle of 35°40'40" with a chord that bears N 71°45'30" E, 104.16 feet; Thence N 50°00'24" E, a distance of 142.79 feet to a point on the Southwest line of the land described in Warranty Deed recorded in Book 2472 at Page 228, El Paso County Records;

Thence S 36°04'35" E, along said Southwest line and its Southeasterly extension, a distance of 1,091.60 feet to a point on the West right of way line of Southmoor Drive;

Thence S 00°07'59" E, along said West line, a distance of 306.67 feet to an angle point in said Southmoor Drive;

Thence S 34°27'20" E, along the Southwest line of said Southmoor Drive, a distance of 53.43 feet to the Northwest corner of a tract of land described at Reception No. 202040629, El Paso County Records;

Thence S 00°11'18" E along the West line of said tract of land, a distance of 813.74 feet to the Southeasterly end of the common boundary line described in the Boundary Agreement and Quit Claim deed recorded at Reception No. 206153355, El Paso County Records;

Thence N 64°47'25" W, along said boundary line, a distance of 1,396.33 feet;

Thence N 45°18'53" E, a distance of 105.75 feet;

Thence 54.46 feet along the arc of a 55.00 foot radius non-tangent curve to the right, having a central angle of 56°44'10" with a chord that bears N 16°19'02" W, 52.26 feet;

Thence 6.52 feet along the arc of a 30.00 foot radius reverse curve to the left, having a central angle of 12°27'13" with a chord that bears N 05°49'26" E, 6.51 feet, to a point 115.00 feet East of the West line of said Northeast Quarter;

Thence N 00°24'11" W, parallel with and 115.00 feet East of said West line, a distance of 164.35 feet;

Thence N 89°35'49" E, a distance of 150.00 feet to a point 265.00 feet East of said West line;

Record of Administrative Action
Riverbend Residential Filing No. 1
Page 7

Thence N 00°24'11" W, parallel with and 265.00 feet East of said West line, a distance of 1,030.00 feet to the POINT OF BEGINNING.
Containing a total calculated area of 1,591,987 square feet (36.547 acres) of land, more or less.

Spencer J. Barron
State of Colorado Professional Land Surveyor No. 38141
For and on behalf of Barron Land, LLC