

EL PASO **COUNTY**
COLORADO

COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Date: January 18, 2022

To: Board of County Commissioners

From: Ryan Howser, Planner II

Subject: Request to Grant a Five (5) Year Extension of Time to Record the Davis Ranch Filing No. 3 Final Plat (PCD File No. SF-21-044)

Summary: A request by Lena Gail Case, Marksheffel-Woodmen Investments, LLC, and L G Case, for approval of a five (5) year extension to record the Davis Ranch Filing No. 3 Final Plat.

The Davis Ranch Filing No. 3 Final Plat (PCD File No. SF-05-004) was approved by the Board of County Commissioners (BoCC) on December 14, 2006 (Resolution No. 06-460). At the time of initial approval, final plats were required to be recorded within one (1) year from the date of BoCC approval. Currently, final plats are required to be recorded within two (2) years from the date of BoCC approval.

On April 28, 2011, the BoCC adopted A Resolution Extending the Expiration Period of Previously Approved Preliminary Plans and/or Final Plats (hereafter known as the Extension Resolution) (Resolution No. 11-146). The resolution granted an extension to the time to record and/or implement all sketch plans, preliminary plans, and final plats approved from January 2, 2006 through and including April 28, 2009. Subsequent amendments to the Resolution (Board Resolution Nos. 12-48, 12-386, 13-416, and 14-475) extended the time to record and/or implement qualifying sketch plans, preliminary plans, and final plats through December 31, 2017. The extension resolution has now expired and has not been renewed by the Board of County Commissioners.

In preparation for the extension resolution expiring, the applicants requested and received approval from the BoCC of a two (2) year extension on December 12, 2017 (Resolution 17-355). The BoCC granted a second two-year extension of time to record the plat on December 10, 2019 (Resolution 19-438). The extension required the plat to be recorded



by December 10, 2021 and included a condition of approval that the applicants provide evidence that the basis of the findings of water sufficiency had not changed, revise the final drainage report to reflect current drainage basin fee requirements, and to provide an analysis of the approved construction drawings with associated financial assurance estimates to ensure compliance with current transportation criteria, stormwater requirements, and construction cost estimates. An application for review of the above-mentioned items has not been submitted. The plat was not recorded within the approved extension period.

The applicants are requesting additional time to complete the required updates to the various reports and plans necessary for staff to review to ensure compliance with current development criteria. Approval of the extension requires all fees associated with a final plat to be updated to those fees in place at the time of recordation.

Recommended Conditions of Approval:

1. The final plat shall be subject to current exaction requirements, impact fees, traffic fees, park fees, school fees, drainage and bridge fees, or other fees which have been implemented or amended since the time of original submittal and/or approval.
2. The applicants shall provide evidence that the basis for the findings of sufficiency with respect to water quality, quantity, and dependability have not changed, prior to recording the final plat. In the event that circumstances have changed related to the required findings of sufficiency, a new sufficiency finding shall be required.
3. The applicants shall submit an updated final drainage report, construction drawings, financial assurance estimate, and other supporting documents for review for compliance with current transportation criteria, stormwater requirements, and construction cost estimates. Prior to plat recordation all project documents shall be approved by the County Engineer, Planning and Community Development Director, and/or Board of County Commissioners as required.
4. All conditions of approval associated with approval of the Davis Ranch Filing No. 3 Final Plat (PCD File No. SF-05-004) shall remain in effect except as modified herein or as otherwise required in order to comply with current subdivision development criteria.
5. Minor amendments to the final plat may be approved administratively by the Planning and Community Development Director if the proposed amendments are consistent with the intent of the Board of County Commissioners approval.

Attachments:

Letter of Intent
Vicinity Map

Final Plat
State Engineer Letter
County Attorney Letter
Resolution 06-460
Resolution 17-355
Resolution 19-438
Reconsideration Resolution



3898 Maizeland Road
Colorado Springs, CO 80909

Phone: 719-528-6133
Fax: 719-528-6848

Surveying • Planning

www ldc-inc.com

November 30, 2021

Ryan Howser
El Paso County Planning Dept.
2880 International Circle, Suite 110
Colorado Springs, CO 80910

**Respectfully request 5-year extension to
Plat these properties and amend plan set
to current County standards, where
required**

Re: **DAVIS RANCH FILING NO. 3 - (APN 44000-00-537, 538, 552 and
44030-00-018) . . . LETTER OF INTENT**

LDC, Inc. is representing MARKSHEFFEL-WOODMEN INVESTMENTS, LLC, L G Case and Lena Gail Case c/o Randy Case II, owners of 198.185 acres of land to be known as "DAVIS RANCH FILING NO. 3" (consisting of 65.172 acres), "DAVIS RANCH FILING NO. 4" (consisting of 62.397 acres) and "DAVIS RANCH FILING NO. 5" (consisting of 70.616 acres) located approximately 3 miles northeast of the intersection of Highway 94 and Curtis Road and 4.5 miles north of Schriever Air Force Base.

The final plats of Filings 3, 4 and 5 have been previously approved but not yet completed as to recording and parts of the field construction. This has been due, in large part, to the unfortunate difficult market conditions since original approval and further delayed by the experience with COVID-19. These 3 plats are related to previously platted and recorded Filings 1 and 2 consisting of 28 five-acre or larger lots which are fully completed with all field construction completed where 15 homes have been built in those Filings. A portion of the improvements for Filings 3, 4 and 5 have been constructed with Filings 1 and 2 such as road connections to County roads, Davis Road (to the North) and Amo Road (to the East) and part of the stormwater infrastructure.

Combined, Filings 3, 4 and 5 are for a total of 198.185 acres of land South of Davis Road, East of Curtis Road and West of the intersection of Kennedy Road and Amo Road. All of the subject property was previously zoned RR-5 for the anticipated next phases of the original 5 filing subdivision. This land is bounded by properties zoned RR-3 with the exception of two parcels to the south which are zoned RR-2. Eleven 5-acre or larger lots are proposed for both Filing No. 3 and Filing No. 4 and thirteen 5-acre or larger lots are proposed for Filing No. 5.

In this Filing 3 plat, all roads will be paved and will become County maintained roads as originally planned and approved. A logical continuation of Amo Road is proposed from the subdivision's Filing No. 2 west through Filings 3, 4 and 5 to Curtis Road, to be phased as allowed by Fire and Emergency Services' requirements.

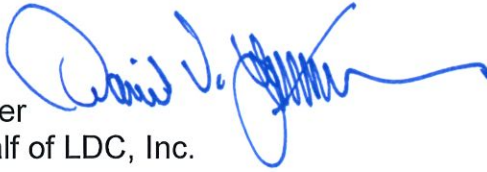
This area is to be served by Mountain View Electric and El Paso Telephone Company. The fire protection is Falcon VFD. School district is Falcon District 49. Gas is to be private propane. This area is located in the Livestock Company Drainage Basin.

No changes to water allocations have been made/sold since original review and approval. Applicants understand that Applicants will be required to update the engineering documents to the current ECM, DCM Criteria prior to plat recording. In recent months, Applicants have worked with consultants and DSD to advance land use document revisions which are pending.

Applicants previously requested a waiver in order to obtain Building Permits for model homes prior to the recording of the Final Plats as per Chapter 5, Section 46E "No building shall be erected, nor shall any building permit be issued within a subdivision before the final plat thereof has been approved by the Board of County Commissioners and recorded by the Clerk and Recorder of El Paso County." However, since there are building sites remaining in Filing 1 and 2 for model homes, this waiver request is being removed.

Sincerely,

David V. Hostetler
For and on behalf of LDC, Inc.



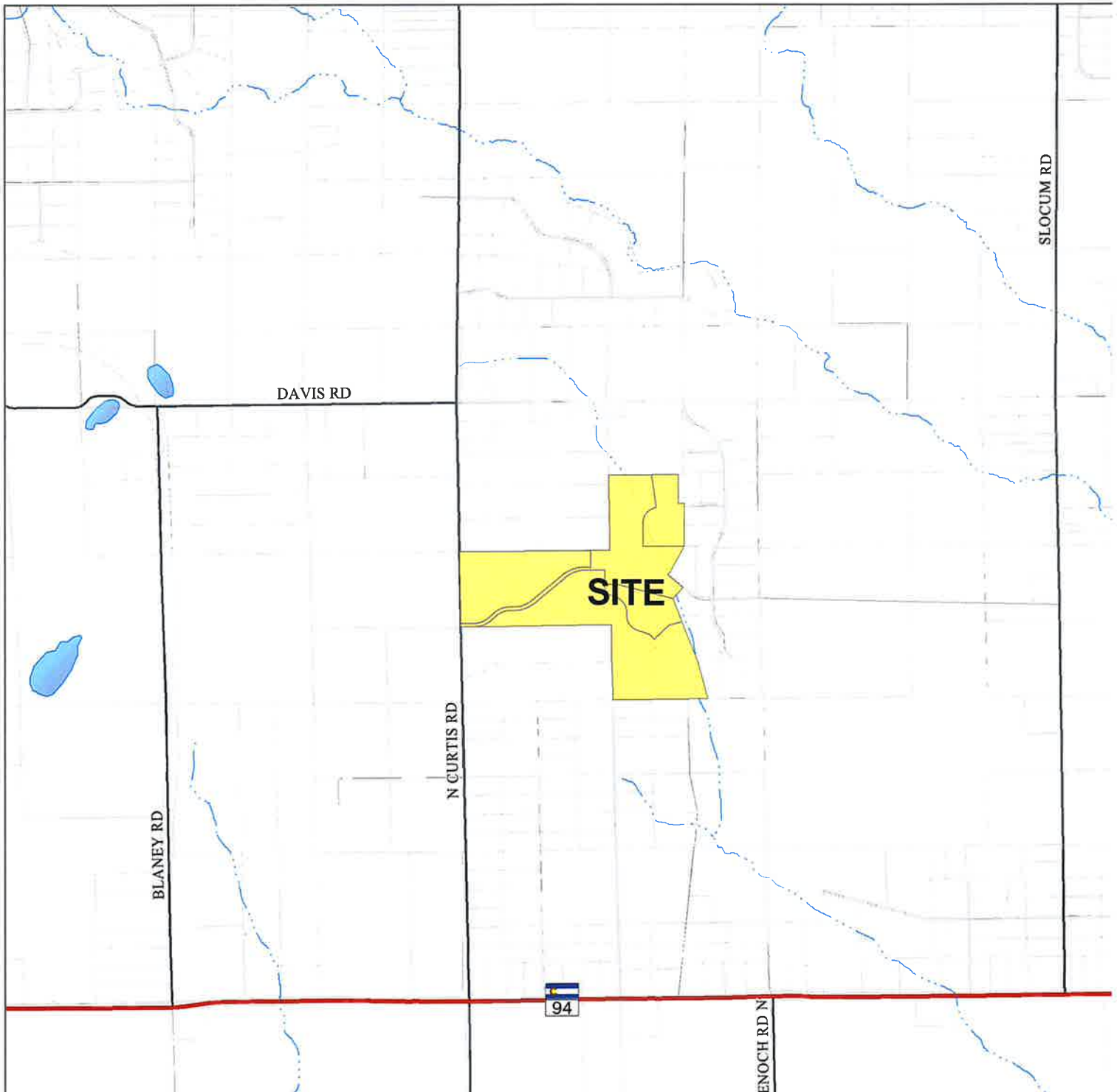
File: 00100.1 Ltr of Intent.doc

El Paso County Parcel Information

File Name: SF-21-044

Zone Map No.: --

Date: January 5, 2022



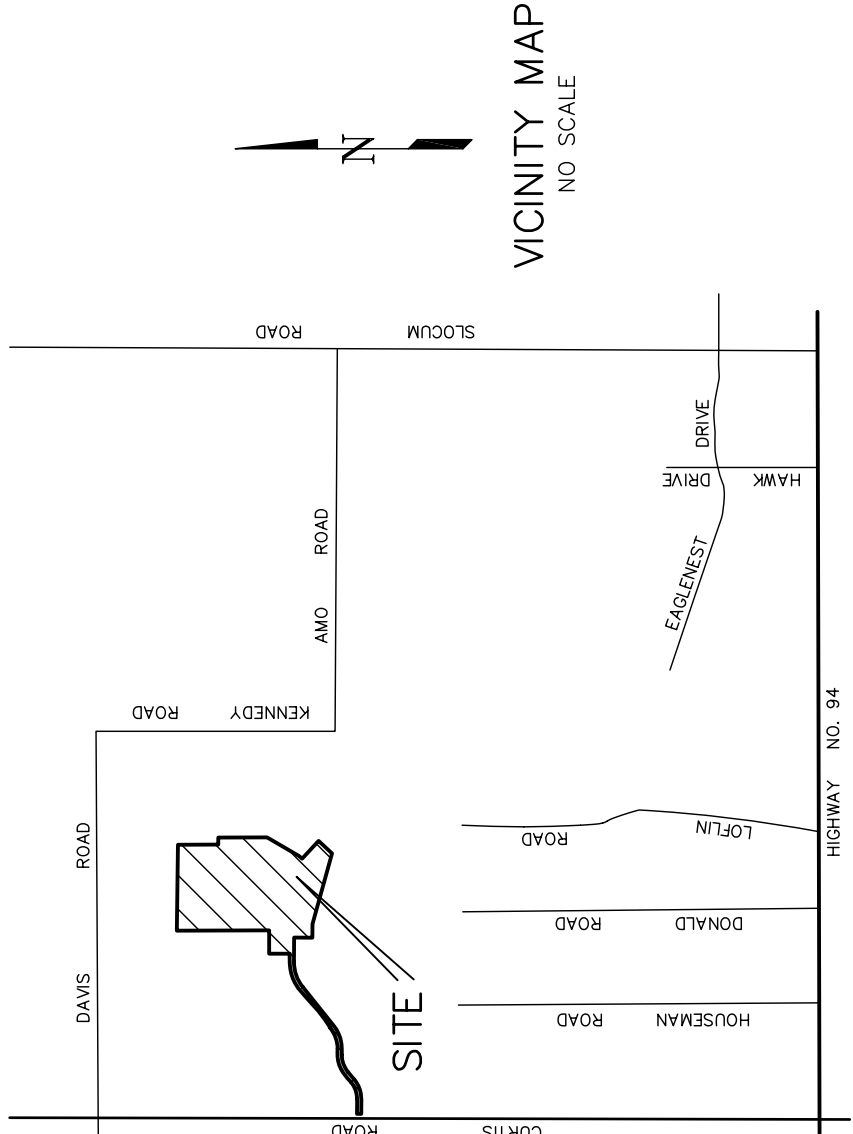
Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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DAVIS RANCH SUBDIVISION FILING NO. 3

A PORTION OF THE EAST ONE-HALF AND THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



NOTES:

- — Indicates recovered #4 rebar with Surveyor's Cap PLS No. 20681, except where noted otherwise.
o — Indicates survey monument set with a #4 rebar with Surveyor's Cap PLS No. 20681, except where noted otherwise.
- This survey does not constitute a title search by LDC, Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of record, LDC, Inc. relied upon a Commitment for Title Insurance, prepared by LAND TITLE GUARANTEE COMPANY, Order No. SC153751—5 dated December 3, 2003 at 5:00 p.m.
- (12345) — the addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.

- Sewage treatment is the responsibility of each individual property owner. The El Paso County Health Department must approve each system and, in some cases, the Department may require a specially designed system prior to permit approval.
- Individual wells are the responsibility of each property owner. Permits for individual domestic wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits.

All wells must be constructed into the Arapahoe Aquifer under determination No. 4-BD with annual withdrawal limited to 0.55 acre feet per lot. This annual withdrawal for a total use of 0.55 acre feet per lot is subject to the following uses: 0.30 acre feet for household uses, a maximum of 3,800 sq. ft. of lawn area (0.22 acre feet), and water for a maximum of 2 horses (0.03 acre feet).

Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life, however, for El Paso County planning purposes, water in the Denver Basin Aquifers is evaluated based on a 300 year aquifer life. Applicants, the Homeowners Association and the Board of County Commissioners should be aware that the economic life of a well supply based water well in the Denver Basin Aquifer may be shorter than the 100 years to 300 years indicated on the plat. The water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.

A totalizing flow meter must be installed on wells and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Black Squirrel Creek Groundwater Management District or the Ground Water Commission upon request. Diversion of water is limited to 0.55 acre feet per year per lot.

Applicant, its successors and assigns, at the time of lot sales, shall convey by deed to individual lot owners (or to the Homeowners Association if one is created and applicant chooses) sufficient water rights in the Arapahoe Aquifer underlying each lot to satisfy El Paso County's 300 year water supply requirement: 1,815 acre feet for the entire subdivision or an appropriate derivative amount to satisfy the requirements of each lot — 165 acre feet per lot (0.55 acre feet per lot per year x 300 years).

The property owner, its successors and assigns, and all future lot owners in this development are hereby on notice that they may be required to comply with applicable rules, if any, of the Colorado Ground Water Management District, which compliance may result in a reduction of well withdrawal limits, and thus a reduction in water capacity.

- No lot, or interest therein, shall be sold, conveyed or transferred whether by deed or by contract, nor shall building permits be issued, until and unless the required public improvements have been constructed and completed in accordance with the Subdivision Improvements Agreement between the applicant and El Paso County as recorded at Reception No. _____, in the office of the Clerk and Recorder of El Paso County, Colorado, or in the alternative, other completion is provided which is sufficient in the judgment of the Board of County Commissioners, to make provision for the collection of said improvements.

Public utility easements, including public improvements are not installed and legally accepted within 18 months from this date, said plat may be vacated after the appropriate public hearings.

- Unless otherwise indicated and/or shown, side, front and rear lot lines are hereby platted on each side with a ten foot Public Utility and Drainage Easement and with a twenty foot Private Water Facilities and Utility Easement which may be coincident as to ten feet nearest the lot line with the Public Utility and Drainage Easement. All exterior subdivision Easement which may be coincident as to twenty feet nearest the lot line with the Public Utility and Drainage Easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners. Existing MVEA above and below ground facilities are allowed to exist and be maintained within the indicated Private Water Facilities and Utility Easement, and any future facilities will fall within the nearest convenient platted Public Utility and Drainage Easement . . . See Easement Detail.

Case Holdings Company, LLC, a Colorado Limited Liability Company, and assigns, and County Line Estates, LLC, a Colorado Limited Liability Company, and assigns ("Water Rights Owners") own water rights in the Denver, Arapahoe, and Laramie-Fox Hills Aquifers. Rights in the Arapahoe will be utilized for the Davis Ranch lot buyers. The Private Water Facilities and Utility Easements are provided so that the land owners can operate above and/or below ground facilities and improvements for treatment, storage and/or distribution in the future which access water rights not fully developed or otherwise utilized. Water Rights Owners shall be required to install and allow vacation of Private Water Facilities and Utility Easements not required for the anticipated distribution system.

- All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.

Lots 3 and 7 contain areas with soils susceptible to active erosion. Foundations, grading, and drainage on these lots should be designed by a Professional Engineer to insure appropriate mitigation measures are employed. Mitigation measures for areas with active erosion consist primarily of regrading and revegetation, which can include erosion control fabric to anchor vegetation.

Lots 2 and 11 contain seasonally wet areas which are located within the no-build and drainage easement areas of these lots. Since no building is allowed in these areas, development will be avoided and no other mitigation measures are required.

- Electric power to be supplied by MOUNTAIN VIEW ELECTRIC ASSOCIATION.
- Fire protection to be supplied by FALCON FIRE PROTECTION DISTRICT.
- Reports and evidence regarding soils, geology, water, sanitation, and wildlife hazards on this subdivision are on file in the office of the El Paso County Land Use Department.

FEES:

Park Fee: _____ School Fee: _____
Drainage Fees: _____ Bridge Fees: _____

BE IT KNOWN BY THESE PRESENTS:

That COUNTY LINE ESTATES, LLC, a Colorado Limited Liability Company, and CASE HOLDINGS, LLC, a Colorado Limited Liability Company, being the owners of the following described tract of land to wit:

A tract of land being a portion of Section 3, Township 14 South, Range 64 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

Beginning at the Northwest corner of Lot 11, DAVIS RANCH SUBDIVISION FILING NO. 1 (Reception No. 206712215, El Paso County, Colorado records) (all bearings in this description are relative to a portion of the North line of the Southwest One-Quarter of the Northeast One-Quarter (SW1/4 NE1/4) of said Section 3, which bears N89°18'55"W assumed"); thence N89°18'55"W along said SW1/4 NE1/4's North line, 1219.89 feet to the Northwest corner of said SW1/4 NE1/4; thence S00°09'11"E along the West line of said SW1/4 NE1/4, 1311.11 feet to the center of said Section 3; thence N89°41'44"W along the North line of the Southwest One-Quarter of said Section 3, 329.70 feet; thence S00°18'16"W, 293.76 feet; thence N89°41'44"W, 114.45 feet; thence on a curve to the left, said curve having a central angle of 39°07'21", a radius of 630.00 feet, an arc length of 430.17 feet; thence on an arc length of 520.72 feet; thence on a curve to the right, said curve having a central angle of 39°05'51", a radius of 470.00 feet, or 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet; thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 370.00 feet; thence S49°57'54"W, 140.30 feet; thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet; thence N89°43'14"W, 239.69 feet to a point on the West line of the Northwest One-Quarter of the Southwest One-Quarter (NW1/4 SW1/4) of said Section 3; thence S00°10°00"E along said NW1/4 SW1/4's West line, 60.00 feet to the Southwest corner of said NW1/4 SW1/4; thence N89°43'14"E along the South line of said NW1/4 SW1/4, 239.22 feet; thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 401°18'52", a radius of 370.00 feet, an arc length of 260.34 feet; thence S89°43'14"E, 85.48 feet; thence on a curve to the left, said curve having a central angle of 39°05'51", a radius of 530.00 feet, an arc length of 361.66 feet; thence N51°10'35"E, 695.51 feet; thence on a curve to the right, said curve having a central angle of 39°07'21", a radius of 570.00 feet, an arc length of 363.21 feet; thence S89°41'44"E, 344.71 feet; thence S00°18'16"W, 260.00 feet; thence S89°41'44"E, 194.29 feet; thence S74°31'41"E, 1039.80 feet to the most Westerly corner of Lot 12, DAVIS RANCH SUBDIVISION FILING NO. 1, (Reception No. 206712216, said El Paso County records) (the following seven (7) courses are along the lines of said FILING NO. 1, and said FILING NO. 1); 1) N24°48'00"E, 260.00 feet; 2) S14°13'30"W, 344.81 feet; 3) N42°41'00"E, 600.00 feet; 4) N29°57'23"E, 523.95 feet; 5) N00°10'35"W, 753.06 feet; 6) S89°49'25"W, 99.39 feet; 7) N00°10'35"W, 512.40 feet to the Point of Beginning.

Containing 65.213 acres, more or less.

DEDICATION:

The above owners have caused said tract of land to be surveyed and platted into lots, streets and easements as shown on the plat hereto attached and hereby certify that the same are true and correct and that the same are being dedicated to the public use and that proper drainage for same will be provided at their own expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado, and upon acceptance by resolution, all streets so dedicated will become matters of maintenance by El Paso County, Colorado.

IN WITNESS WHEREOF:

The aforementioned, COUNTY LINE ESTATES, LLC, a Colorado Limited Liability Company, has executed this instrument this _____ day of _____, 20____ A.D.

COUNTY LINE ESTATES, LLC, a Colorado Limited Liability Company

By _____

NOTARIAL:

STATE OF COLORADO }
COUNTY OF EL PASO }

The above and aforementioned was acknowledged before me this _____ day of _____, 20____

A.D., by _____
LLC, a Colorado Limited Liability Company.

Witness my hand and seal _____
Address _____

My commission expires _____

David V. Hostetler
Colorado Professional Land Surveyor No. 20681

PRELIMINARY COPY
SUBJECT TO FINAL
COUNTY APPROVAL

APPROVALS:

This subdivision was approved by the El Paso County Development Services Department this _____ day of _____, 20____.

Development Services Director

Approved by the Board of County Commissioners of El Paso County, Colorado, this _____ day of _____, 20____.

Chair of the Board

RECORDING:

STATE OF COLORADO }
COUNTY OF EL PASO }

I hereby certify that this instrument was filed for record in my office at _____ o'clock _____M., this _____ day of _____, 20____ A.D., and is duly recorded under Reception No. _____

of the records of El Paso County, Colorado.

ROBERT C. BALINK, RECORDER

SURCHARGE: _____

FEE: _____
BY: _____ Deputy

LDC, Inc.

PLANNING, SURVEYING, LANDSCAPE ARCHITECTURE
3899 Marzeland Road
Colorado Springs, CO 80909
(719) 528-6133 FAX (719) 528-6848

R E V I S I O N S

NO.	DESCRIPTION	BY	DATE
1	EPC-DSP ENGINEERING COMMENTS	HEM	03-17-05
2	DATA CLARIFICATION	ROG	09-06-05
3	DATA CLARIFICATION	PRH	11-15-05
4	COUNTY COMMENTS	LVZD	04-19-06

R E V I S I O N S

DESCRIPTION	BY	DATE
COUNTY COMMENTS	ROG	07-24-06

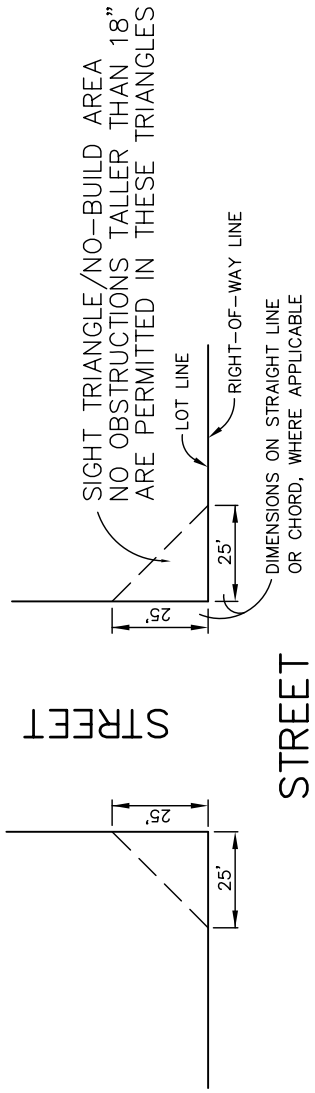
Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

FINAL PLAT
DAVIS RANCH SUBDIVISION FILING NO. 3

PROJECT NO. 00100.1
Drawn By: HEM
Checked By: DVH
Date: 07-30-04
Sheet: 1 of 2

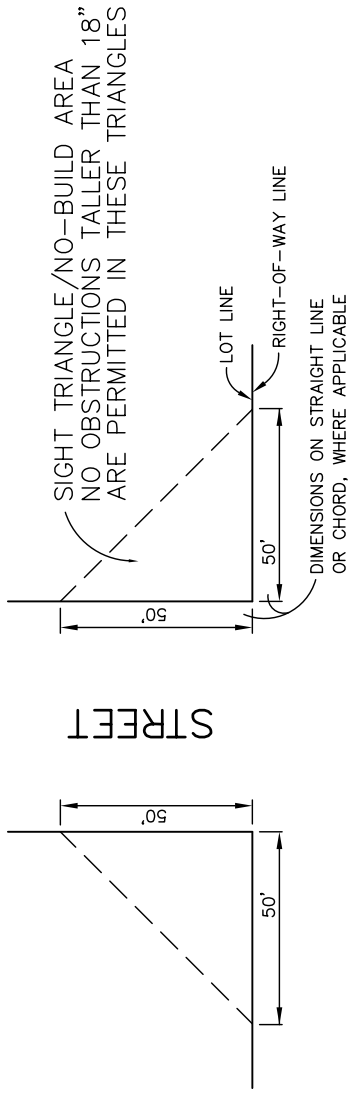
DAVIS RANCH SUBDIVISION FILING NO. 3

A PORTION OF THE EAST ONE-HALF AND THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



NOTE: A TWENTY-FIVE FOOT (25') BY TWENTY-FIVE FOOT (25') SIGHT TRIANGLE NO-BUILD AREA (OBSTRUCTIONS GREATER THAN EIGHTEEN INCHES (18") IN HEIGHT ARE PROHIBITED WITHIN SIGHT TRIANGLES) EXISTS FOR ALL CORNER LOTS.

DETAIL 1

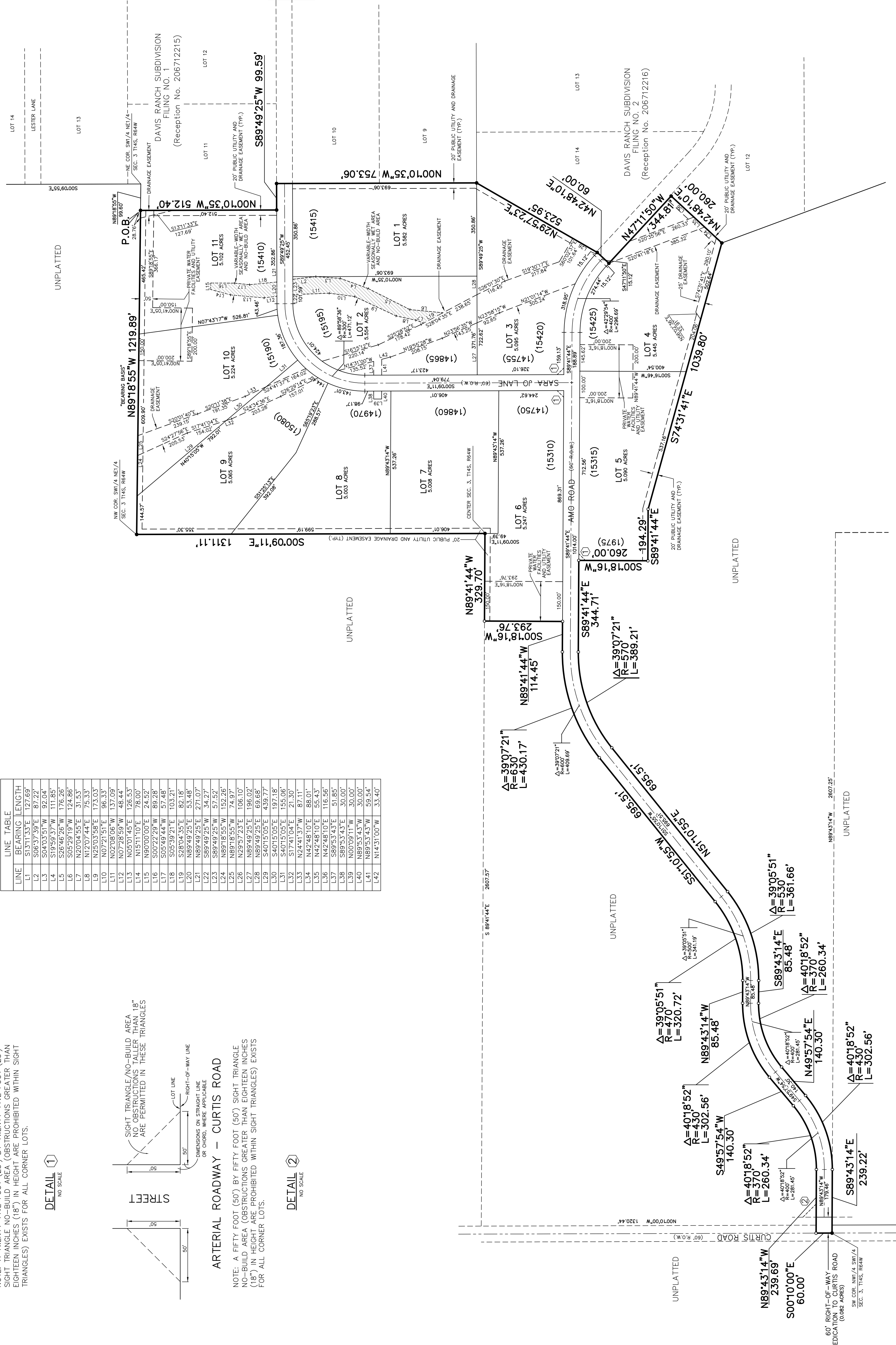


ARTERIAL ROADWAY - CURTIS ROAD

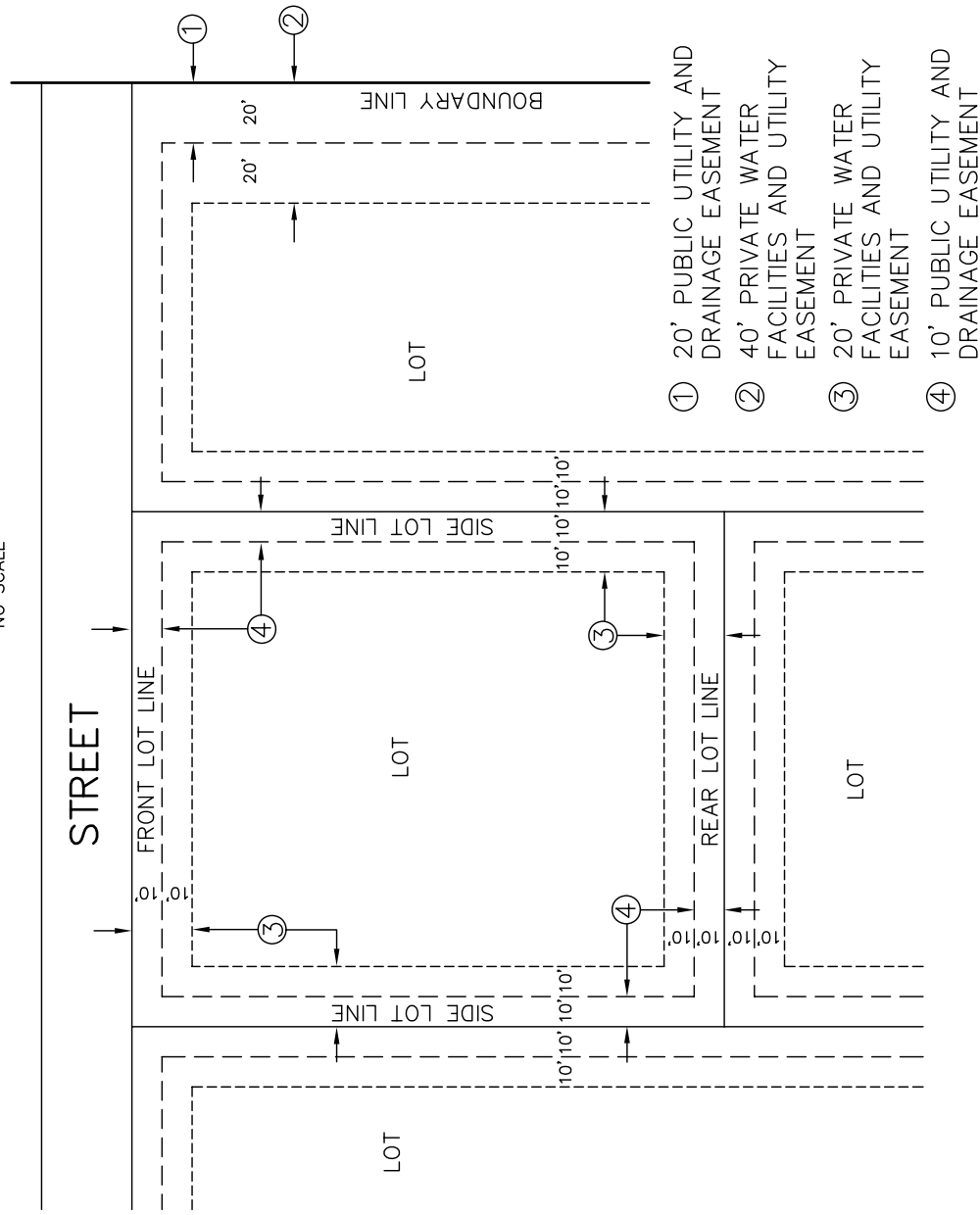
NOTE: A FIFTY FOOT (50') BY FIFTY FOOT (50') SIGHT TRIANGLE NO-BUILD AREA (OBSTRUCTIONS GREATER THAN EIGHTEEN INCHES (18") IN HEIGHT ARE PROHIBITED WITHIN SIGHT TRIANGLES) EXISTS FOR ALL CORNER LOTS.

DETAIL 2

LINE	BEARING	LENGTH
L1	S87°13'1"E	87.22'
L2	S06°37'39"E	87.22'
L3	S04°03'51"W	92.04'
L4	S19°59'37"W	111.85'
L5	S26°46'26"W	176.26'
L6	S05°29'19"W	124.86'
L7	N22°05'55"E	115.51'
L8	N20°07'42"E	76.33'
L9	N25°03'58"E	173.03'
L10	N07°21'51"E	96.33'
L11	N02°08'06"W	137.09'
L12	N07°28'59"W	48.44'
L13	N05°01'45"E	126.53'
L14	N01°01'00"E	104.50'
L15	N00°00'00"E	24.50'
L16	S00°22'29"W	89.28'
L17	S05°49'44"W	57.48'
L18	S05°39'21"E	103.21'
L19	S28°04'35"E	82.18'
L20	N89°49'25"E	53.48'
L21	N89°49'25"W	54.27'
L22	S89°49'25"W	57.52'
L23	S89°49'25"W	57.52'
L24	N89°18'55"W	152.26'
L25	N89°18'55"W	74.97'
L26	N29°57'23"E	106.10'
L27	N89°49'25"E	196.02'
L28	N89°49'25"W	196.02'
L29	S40°15'05"E	439.77'
L30	S40°15'05"E	197.18'
L31	S40°15'05"E	155.06'
L32	S17°41'04"E	21.30'
L33	N24°41'37"W	87.11'
L34	N27°48'10"E	88.01'
L35	N27°48'10"E	116.57'
L36	N42°48'10"E	116.56'
L37	S89°53'43"E	51.85'
L38	S89°53'43"E	30.00'
L39	N0°00'00"E	30.00'
L40	N89°53'43"W	59.54'
L41	N89°53'43"W	59.54'
L42	N14°51'00"W	33.40'



EASEMENT DETAIL (TYPICAL)



NOTE: "ADDRESSED" STREET FRONTAGES WILL BE CONSIDERED THE FRONT LOT LINE FOR OPPOSITE REAR LOT LINE DETERMINATION

PRELIMINARY COPY
SUBJECT TO FINAL
COUNTY APPROVAL

LDC, Inc.

PLANNING, SURVEYING, LANDSCAPE ARCHITECTURE
3898 Marzeland Road
Colorado Springs, CO 80909
(719) 528-6133 FAX (719) 528-6848

REVISIONS

NO.	DESCRIPTION	BY	DATE
1	EPC-DSP ENGINEERING COMMENTS	HEM	03-17-05
2	ADDRESSES ADDED	PRH	03-16-06
3	COUNTY COMMENTS	LVZD	04-19-06

REVISIONS

NO.	DESCRIPTION	BY	DATE

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

FINAL PLAT

DAVIS RANCH SUBDIVISION FILING NO. 3

PROJECT No. 00100.1
Drawn By: HEM
Checked By: DVH
Date: 07-30-04
Sheet: 2 of 2

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us



Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, P.E.
State Engineer

June 16, 2003

ATTN: LINDSY CASE
COUNTY LINE ESTATES, LLC
& CASE HOLDINGS, LLC
102 E PIKES PEAK AVE STE 200
COLO SPGS CO 80903

RE: Determination of Water Right No. 4-BD

Enclosed is a copy of the Ground Water Commission's Findings and Order for change of determination of water right for Determination of Water Right No. 4-BD, to change the allowed beneficial uses of ground water under the subject determination.

This Findings and Order are the Commission's approval of the applicants' application request. This document contains important information about the subject water right and should be retained by the applicants for their records.

If you have any questions, please call me at this office.

Sincerely,

Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

Enclosures: a/s

cc: Upper Black Squirrel Creek GWMD

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. 4-BD

APPLICANT: COUNTY LINE ESTATES, LLC & CASE HOLDINGS, LLC

AQUIFER: ARAPAHOE

FINDINGS

In compliance with Section 37-90-111(1)(g), CRS, County Line Estates, LLC, and Case Holdings, LLC, (hereinafter "applicants") submitted an application for a change of determination of water right to change the allowed beneficial use of ground water under Determination of Water Right No. 4-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Ground Water Commission finds as follows:

1. Pursuant to Section 37-90-107(7), CRS, in a Ground Water Commission Findings and Order dated February 2, 1999, the Commission approved a Determination of Water Right for Joe Davis, assigned Determination No. 4-BD. This determination of water right allows the appropriation of ground water from the Arapahoe (hereinafter "aquifer"), underlying 360 acres, generally described as the NE1/4 of the NE1/4, the S1/2 of the NE1/4, the N1/2 of the SW1/4, and the SE1/4 of Section 3, Township 14 South, Range 64 West of the 6th Principal Meridian. This area is more completely described in Exhibit A of the above described Findings and Order.
2. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 104 acre-feet, to be used on the above described 360 acre area for the following beneficial uses: industrial, commercial, irrigation and central water supply system.
3. Pursuant to Section 37-90-107(7)(c)(III), CRS, an approved determination of water right shall be considered a final determination of the amount of ground water so determined, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. By an application for change of determination of water right - received complete by the Commission on April 26, 2002 - the applicants have requested to change the allowed beneficial uses in the subject determination of water right to the following: industrial, commercial, residential, stock watering, and replacement supply. A central water supply system may deliver the water on the above described property for the above uses.
5. The above described 360 acre land area is located in the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.
6. The applicants have provided evidence to the Commission indicating their control of the subject determination of water right.

Applicants: County Line Estates, LLC & Case Holdings, LLC
Aquifer: Arapahoe
Determination No. 4-BD

Page 2

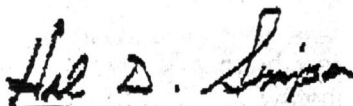
7. On October 16, 2002, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on November 14, 2002, in the form of an objection.
8. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), CRS, the requested change of determination water right was advertised in The Gazette newspaper on October 24 and 31, 2002.
9. a. On November 14, 2002, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 02-GW-23. No other objection to the proposed change was received within the time limit set by statute.

b. On April 4, 2003, the objector withdrew their objection to the application. By Order of the Commission Hearing Officer dated April 18, 2003, Case No. 02-GW-23 was dismissed.
10. In accordance with Section 37-90-111(1)(g), CRS, and the Designated Basin Rules, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

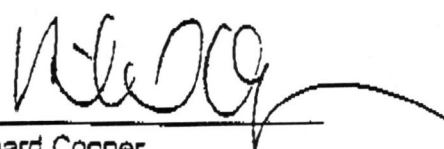
11. Now, therefore, it is ordered that the request for change of water right to change the allowed beneficial uses of ground water for Determination of Water Right No. 4-BD is approved, subject to the following conditions:
12. The use of ground water shall be limited to the following uses: industrial, commercial, residential, stock watering, and replacement supply. A central water supply system may deliver the water on the 360 acre described property for the above uses.
13. The Commission's Findings and Order of February 2, 1999, for Determination of Water Right No. 4-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determination of Water Right No. 4-BD shall remain in full force and effect.

Dated this 16th day of June, 2003.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By:



Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us



June 16, 2003

Bill Owens
GovernorGreg E. Walcher
Executive DirectorHal D. Simpson, P.E.
State EngineerATTN: LINDSY CASE
COUNTY LINE ESTATES, LLC
& CASE HOLDINGS, LLC
102 E PIKES PEAK AVE STE 200
COLO SPGS CO 80903

RE: Permit to Change/Expand Use of an Existing Well

Enclosed is a copy of well Permit No. 59754-F, issued to use an existing well to withdraw ground water from the Arapahoe aquifer in accordance with the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. 4-BD, dated February 2, 1999. This permit also incorporates changes in the determination approved by the Commission in a Findings and Order dated June 16, 2003.

Please review the permit conditions of approval. Permit condition #10 requires that a totalizing flow meter be installed on the well and maintained in good working order. The well owner must maintain a permanent record of total annual withdrawals for the well. The total combined annual withdrawal for this well, together with any other wells permitted to withdraw the allowed allocation, shall not exceed 104 acre-feet - subject to the withdrawal limitations and conditions in the above described February 2, 1999, Order of the Commission.

At time of first use of the well under this permit, the enclosed Notice of Commencement of Beneficial Use must be completed and filed with this office.

Approval of this permit results in cancellation of the previous permit for the well, Permit No. 51398-F.

Be advised that the proposed use of well indicated in the well permit application as "irrigation" is not a specific use stated in the allowed beneficial uses approved in the above Order of the Commission dated June 16, 2003, and is not indicated in the approved permit. You are hereby notified that you have the right to appeal this amendment of the application and issuance of the above well permit by filing a written request with this office within 30 days of the date of this letter, pursuant to Section 37-90-113 and 37-90-114, C.R.S., and the rules of procedure for adjudicatory hearings before the Ground Water Commission. If you have any questions, please call me at this office.

Sincerely,

Richard Cooper
Physical Science Research Scientist
Designated Basins BranchEnclosures: a/s
cc: Upper Black Squirrel Creek GWMD

Form No.
GWS-25**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 59754 -F
DIV. 8 WD 10 DES. BASIN 4 MD 12**APPLICANT**COUNTY LINE ESTATES, LLC
CASE HOLDINGS, LLC
102 E PIKES PEAK AVE STE 200
COLORADO SPRINGS, CO 80903-

(719) 338-1515

APPROVED WELL LOCATIONEL PASO COUNTY
SE 1/4 NE 1/4 Section 3
Township 14 S Range 64 W Sixth P.M.**DISTANCES FROM SECTION LINES**1530 Ft. from North Section Line
1180 Ft. from East Section Line**UTM COORDINATES**

Northing: Easting:

CHANGE/EXPANSION OF USE OF AN EXISTING WELL**CONDITIONS OF APPROVAL**

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this existing well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved to use an existing well pursuant to Section 37-90-107(7), CRS, and the Findings and Orders of the Colorado Ground Water Commission, dated February 2, 1999, and June 16, 2003, for Determination of Water Right No. 4-BD.
- 4) The maximum pumping rate of this well shall not exceed 82 GPM.
- 5) The annual withdrawal of ground water from this well shall not exceed 104 acre-feet, subject to the total annual withdrawal limitations and conditions in paragraphs 18, 19, and 22.e of the above described Order of the Commission, dated February 2, 1999.
- 6) The use of ground water from this well is limited to: industrial, commercial, residential, stock watering, and replacement supply. A central water supply system may deliver the water for these uses. Place of use shall be limited to the 360 acre land area described in the above Order of the Commission, dated February 2, 1999.
- 7) This existing well must be constructed to withdraw water from only the Arapahoe aquifer.
- 8) The owner shall mark the well in a conspicuous place with well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 9) This well shall be constructed within 200 feet of the location specified on this permit, on land claimed in the above Orders. The well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.
- 10) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Ground Water Commission or the Upper Black Squirrel Creek Ground Water Management District upon request.
- 11) At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the well.
- 12) The well was originally used under permit no. 51398-F. Issuance of this permit hereby cancels permit no. 51398-F.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTE: This well is located within a Ground Water Management District where local District Rules may apply to the withdrawal of designated ground water currently authorized under this permit.

APPROVED
RAC

State Engineer

Receipt No. 0483585B

DATE ISSUED 06-16-2003

By

EXPIRATION DATE 06-16-2004

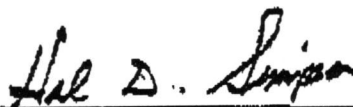
ORDER OF THE COLORADO GROUND WATER COMMISSION

IN THE MATTER OF WELL PERMIT NO. 51398-F**LOCATION: SE1/4 OF THE NE1/4 OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 64
WEST OF THE 6TH PRINCIPAL MERIDIAN****OWNER OF RECORD: COUNTY LINE ESTATES, LLC & CASE HOLDINGS, LLC**

The Colorado Ground Water Commission finds that:

1. Well permit no. 51398-F was issued by the Commission on February 26, 1999, for use of an existing well. The permit was approved in accordance with the Findings and Order of the Commission, dated February 2, 1999, for Determination of Water Right No. 4-BD. A well completion report filed with the Commission indicates that the well was constructed to withdraw ground water from the Arapahoe aquifer at its permitted location.
2. On April 26, 2002, County Line Estates, LLC & Case Holdings, LLC ("applicants"), submitted an application to re-permit and change the use of the well with permit no. 51398-F. As an attachment to their application, the applicants also provided a statement requesting to cancel permit no. 51398-F upon issuance of the new well permit.
3. On June 16, 2003, a new permit was issued to use the subject well, permit no. 59754-F. In accordance with the conditions of this new permit, well permit no. 51398-F is hereby cancelled and is of no further force or effect.

Dated this 16th day of June, 2003.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission



By: Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

FIND-407



Wm. CURTIS WELLS & CO. / consulting geologists
13842 legend way #101 / broomfield, co 80020
telephone (303) 466-3801 / fax 465-5859

Red. 8/20/03

August 18, 2003

Mr. Karl Andrews
102 East Pikes Peak Avenue, Suite 200
Colorado Springs, CO 80903

Re: Davis Ranch Arapahoe Well Production Test, El Paso County, Colorado.
Job No. 5373

Dear Karl:

As you know AmWest Inc. set a test pump in the Davis Ranch Arapahoe well and conducted a 24-hour production test of the structure. For the test, a 25 horse power submersible pump was installed with its intake set at 818 feet below the ground surface and the pump discharge was determined with a flow meter. Water levels in the well were measured with an air line and pressure gauge. The pretest static water level was at 344 feet.

The 24-hour pumping test of the well started on August 13, 2003 at a discharge rate of 40 gallons per minute. This rate was maintained for 3 hours during which time the well water level declined to 513 feet. Pump discharge was then increased to 60 gallons per minute and this production rate was maintained through the end of the test. The final pumping water level was 621 feet below the ground surface. Once the pump was shut off the well water level recovered to within 90 feet of the pretest position in 1-1/2 hours. Table I is a listing of the water levels and production rates measured during the test.

The water produced during the test was clear and at a temperature of 70 degrees. Some small amount of sand was produced at the startup of the test.

If this well is to be used in the planned central water system, I suggest the permanent pump be designed to produce 50 gallons per minute. As shown on Table I, at the 60 gallons per minute production rate, the pumping water level was still slowly declining at the end of the test and, therefore, the 50 gallon per minute production is recommended. This pump should be capable of lifting this amount of water from a level of 700



feet plus whatever additional head is imposed by the distribution system. The pump intake should be set at 875 feet. Both the suggested pumping level and pump setting depth has been positioned to account for regional water level declines over the next five years. Pump discharge must be metered and with the pump two airlines and a pressure gauge should be installed to allow annual measurement of water levels. Also, a non-mechanical, "Dole" valve needs to be in the discharge line so that at no time can the pump discharge more than 50 gallons per minute.

As discussed in my August 8th memorandum, the casing perforations were moderate to highly encrusted. Before the permanent pump is set, the well should be acidized and wire brushed to clear the perforations. One hundred pounds of acid will be needed for this process.

Assuming 63 homeowners are provided water from the central system, the annual water needs would be 35 acre feet if each homeowner used 0.55 acre feet per year. If 15 percent of this supply is pumped in August, the peak month water demand would be about 40 gallons per minute. The subject well can produce this supply, however, for redundancy a second well must be considered.

I trust this information satisfies your immediate needs. If you have questions, please call.

Very truly yours,

Wm. Curtis Wells & Co.

A handwritten signature in cursive script, appearing to read "Curtis", is written over a horizontal line.

Wm. Curtis Wells CPG
Consulting Ground Water Geologist

Table I
Davis Ranch Arapahoe Well

August 13, 2003

By: AmWest Inc.

Pump: 25hp

Pump Intake:

818 ft.

Airline Depth:

802 ft.

Time	PSI	Water Level (ft)	Draw-Down (ft)	Pump Discharge Rate (gpm)	Time	PSI	Water Level (ft)	Draw-Down (ft)	Pump Discharge Rate (gpm)
1745	198	344.62	0.00	0	1245	81	614.89	270.27	60
1746	177	393.13	48.51	40	1345	80	617.20	272.58	60
1747	170	409.30	64.68	40	1445	79	619.51	274.89	60
1748	166	418.54	73.92	40	1545	79	619.51	274.89	60
1749	161	430.09	85.47	40	1645	78	621.82	277.20	60
1750	159	434.71	90.09	40	1745	78	621.82	277.20	60
1751	156	441.64	97.02	40	Pump Off				
1752	154	446.26	101.64	40	1746	88	598.72	254.10	
1753	151	453.19	108.57	40	1747	98	575.62	231.00	
1754	149	457.81	113.19	40	1748	106	557.14	212.52	
1755	145	467.05	122.43	40	1749	110	547.90	203.28	
1757	143	471.67	127.05	40	1750	117	531.73	187.11	
1759	142	473.98	129.36	40	1751	121	522.49	177.87	
1802	141	476.29	131.67	40	1752	124	515.56	170.94	
1805	141	476.29	131.67	40	1753	127	508.63	164.01	
1807	140	478.60	133.98	40	1754	130	501.70	157.08	
1815	138	483.22	138.60	40	1755	132	497.08	152.46	
1825	136	487.84	143.22	40	1801	141	476.29	131.67	
1830	135	490.15	145.53	40	1803	143	471.67	127.05	
1835	135	490.15	145.53	40	1805	144	469.36	124.74	
1845	134	492.46	147.84	40	1810	146	464.74	120.12	
1855	151	453.19	108.57	40	1815	149	457.81	113.19	
1905	151	453.19	108.57	40	1845	157	439.33	94.71	
1915	150	455.50	110.88	40	1915	160	432.40	87.78	
1925	149	457.81	113.19	40					
1935	133	494.77	150.15	40					
1945	133	494.77	150.15	40					
2005	129	504.01	159.39	40					
2025	126	510.94	166.32	40					
2045	125	513.25	168.63	40					
2145	123	517.87	173.25	60					
2245	97	577.93	233.31	60					
2345	95	582.55	237.93	60					
45	92	589.48	244.86	60					
145	90	594.10	249.48	60					
245	88	598.72	254.10	60					
345	87	601.03	256.41	60					
445	86	603.34	258.72	60					
545	85	605.65	261.03	60					
645	84	607.96	263.34	60					
745	83	610.27	265.65	60					
945	83	610.27	265.65	60					
1045	82	612.58	267.96	60					
1145	81	614.89	270.27	60					
1245	81	614.89	270.27	60					



Wm. CURTIS WELLS & CO. / consulting geologists
13842 legend way #101 / broomfield, co 80020
telephone (303) 466-3801 / fax 465-6859

Red 8/11/03

MEMORANDUM

To: Karl Andrews
From: Curt Wells
Date: August 8, 2003
Subject: Davis Ranch Arapahoe Well
Cc: Scott Orr

Via Fax

Karl: On July 30, 2003, AmWest video logged the Davis Ranch Arapahoe well once they removed the small capacity pump in the well. I reviewed the log and except for poor water visibility between the 338-foot static water level and 554 feet, the casing appears intact to the logged depth of 933 feet below the ground surface. The original reported well depth was 940 feet, thus there is a minor amount of fill in the well.

The 6-5/8-inch diameter casing string contains mill-slotted perforations at various intervals reportedly starting at a depth of 395 feet. These slots were visible from about 555 feet to the bottom of the well. The slots were encrusted to a depth of about 765 feet and were less encrusted below this level. As the principal aquifer sands, as shown on the well's geophysical log, are below 765 feet, I have directed AmWest to conduct the 24-hour production test of the structure.

Due to the existing pitless adaptor at 6± feet which restricts the casing diameter, you have concurred that the pitless should be removed. This will allow a higher capacity test pump to be installed and I understand from AmWest, this should occur during the week of the August 11th.

Also, I have instructed AmWest not to reinstall the small pump once the test is completed. You should arrange to pick up the pump and store it out of the weather as it is still useable elsewhere.

If you have questions, please call. - Curt



Wm. CURTIS WELLS & CO. / *consulting geologists*
the ranch office commons, bldg 3, suite 102 / 2010 west 120th avenue
denver, colorado 80234 / telephone (303) 466-3801 / fax 465-5859

MEMORANDUM

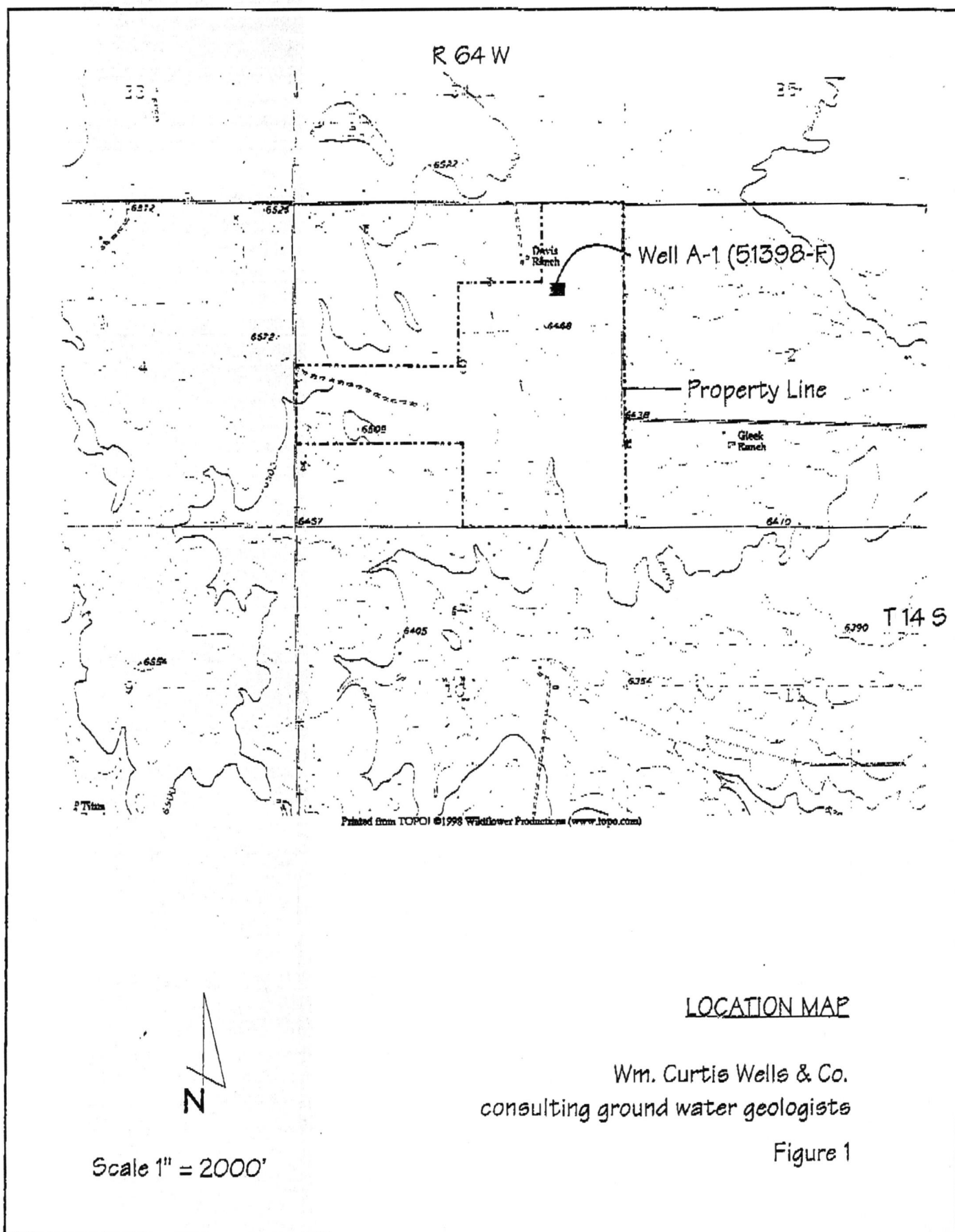
To: Scott Martin
AmWest Inc.
From: Curt Wells
Date: March 10, 2003
Subject: Davis Ranch Well A-1
Cc: Karl Andrews

Scott: I need a proposal for a well video log and a 24-hour production test of a 940-foot deep Arapahoe well. The well is southeast of Falcon at the approximate location shown on Figure-1. Well information is also attached.

There is currently a pump in this well that will have to be pulled and then the video log would be obtained. Unless the casing perforation are completely plugged, a 100± gallons per minute test pump should be set at about 900 feet. The well would be tested for 24 hours under my direction and then the existing pump will be reset.

Please provide a proposal addressed to Karl Andrews care of this office. I will forward the proposal to Karl for his authorization.

If you have questions, please call. - Curt



FORM MUST BE SUBMITTED
WITHIN 60 DAYS OF COMPLETION
OF THE WORK DESCRIBED HERE-
ON. TYPE OR PRINT IN BLACK
INK.

COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street - Room 818

Denver, Colorado 80203

MAY 13 1986

WELL COMPLETION AND PUMP INSTALLATION REPORT

 WATER RESOURCES
STATE - ENGINEER
BOLD

PERMIT NUMBER TEST HOLE

WELL OWNER M.L. PROPERTIES

SE 1/4 of the NE 1/4 of Sec. 3

ADDRESS 5085 LIST DRIVE COLORADO SPRINGS, CO

T. 14 S. R. 64 W. 6TH F

DATE COMPLETED APRIL 27, 1986

HOLE DIAMETER

8 3/4 in. from 0 to 940 ft.

6 1/4 in. from 940 to 1421 ft.

in. from to ft.

DRILLING METHOD ROTARY

CASING RECORD: Plain Casing

Size & kind from to

SEE ATTACHED!
Size & kind from to

Size & kind from to

Perforated Casing

Size & kind from to

SEE ATTACHED!
Size & kind from to

Size & kind from to

GROUTING RECORD

Material CEMENT

Intervals 386' TO GROUND LEVEL

Placement Method PUMPED

*NOTE-CEMENT PLUG SET FROM 940' TO 1015'

GRAVEL PACK: Size N/A

Interval N/A

TEST DATA

Date Tested MAY 6 & 7, 1986

Static Water Level Prior to Test 390

Type of Test Pump SUBMERSIBLE

Length of Test 24 HOURS

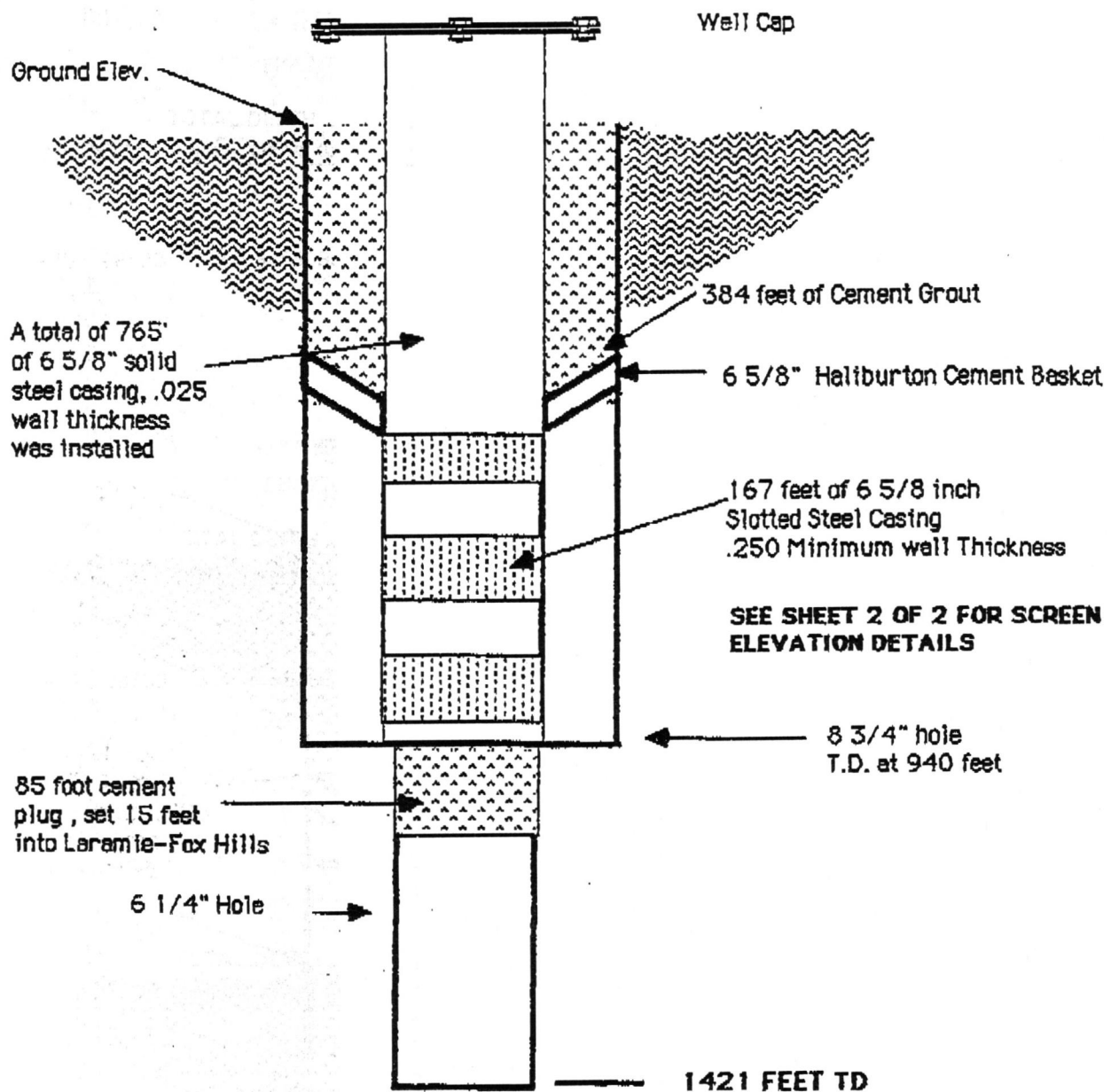
Sustained Yield (Metered) 82.3 GPM

Final Pumping Water Level 753

WELL LOG

From	To	Type and Color of Material	Water Loc.
		PLEASE SEE ATTACHED SHEET FOR THIS INFORMATION!	
		western well was last 1 1/2' through to the end of 1988.	
		Right C. 12.8.97	
		TOTAL DEPTH 1421'	

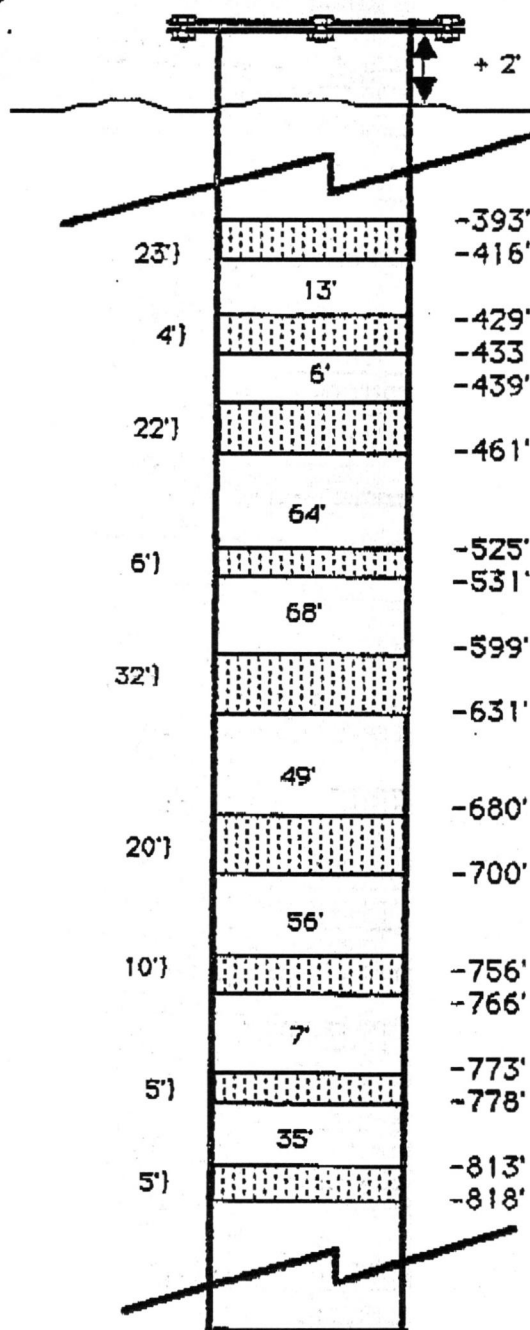
Use additional pages necessary to complete log.



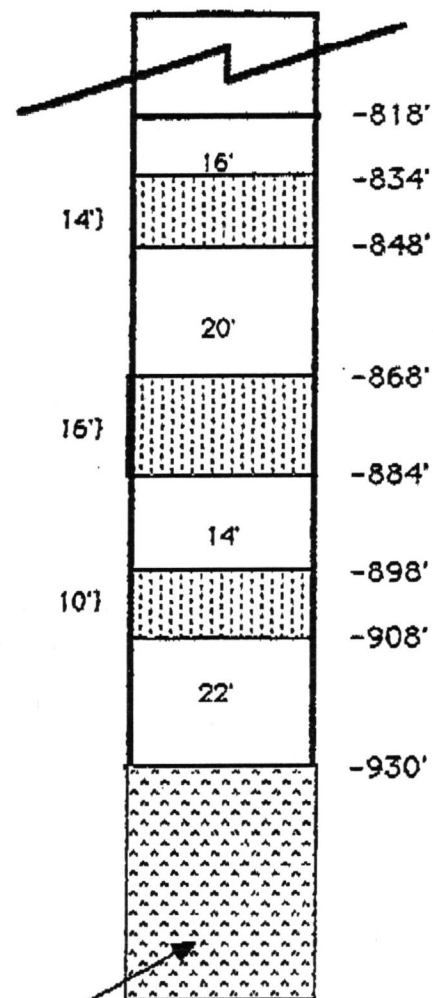
NOT - TO - SCALE

Note: All Measurements are referenced from the existing ground surface.

Western Well Drilling, Inc. 503-288-2247 HENDERSON, CO JOB NO	OWNER M L Properties			
	PROJECT Areospace Center		SITE: TH -#3	
	ENGINEER KKBNA		PROJ NO	
	DATE 4-28-86	REV	BY TRB	SHEET 1 OF 2
	As-built Well Construction			



Note: All Measurements are referenced from the existing ground surface.



A 85 foot cement plug set from 930' to 1015'

NOT - TO - SCALE

Western Well Drilling, Inc. 303-288-2247 HENDERSON, CO JOB NO	OWNER M L Properties			
	PROJECT Areospace Center		SITE: TH - #3	
	ENGINEER KKBNA		PROJ NO	
	DATE 4-28-86	REV	BY TRB	SHEET 2 OF 2
	As-built Well Construction			

4-BD
EXHIBIT - A

RECEIVED

LANDOWNERSHIP STATEMENT

JAN 2 1998

NATIONAL ARCHIVES
3100 L ST NW
COLLEGE PARK, MD 20740

I Joe Davis, whose mailing address is 13630 Pueblo, Peyton, CO 80831, claim and say that I am the owner of the following described property consisting of 360 acres situated in El Paso County, Colorado:

Northeast Quarter of the Northeast Quarter, South One-Half of the Northeast Quarter, North One-Half of the Southwest Quarter and Southeast Quarter of Section 3, Township 14 South, Range 64 West:

and that the ground water sought to be withdrawn from the not non tributary Arapahoe aquifer underlying the above-describe land has not been conveyed or reserved to another, nor has consent been given to it's withdrawal by another.

Further, I claim and say that I have read the statements made herein, know the contents hereof and that the same are true of my knowledge.

Joe Davis
Date 1-19-98

Aquifer depths at this location :

345 to 850'

Well drilled at 500 ft.

Drilled before 1972

Colo. Div. of Water Resources

*303-866-3587 Chris Ginner
XT 8253*

4-BD

EXHIBIT - A

LANDOWNERSHIP STATEMENT

RECEIVED

JAN 23 1998

NOTARIAL PUBLIC
STATE OF COLORADO
JAN 23 1998

I Joe Davis, whose mailing address is 13630 Pueblo, Peyton, CO 80831, claim and say that I am the owner of the following described property consisting of 360 acres situated in El Paso County, Colorado;

Northeast Quarter of the Northeast Quarter, South One-Half of the Northeast Quarter, North One-Half of the Southwest Quarter and Southeast Quarter of Section 3, Township 14 South, Range 64 West:

and that the ground water sought to be withdrawn from the not non tributary Arapahoe aquifer underlying the above-describe land has not been conveyed or reserved to another, nor has consent been given to it's withdrawal by another.

Further, I claim and say that I have read the statements made herein, know the contents hereof and that the same are true of my knowledge.

+ Joe Davis
1-19-98
Date

FILED

SEP 13 1998

NOTARIAL PUBLIC

DAVIS RANCH WATER SUMMARY--Page 2

5. Attachments to this summary:

- a. Ground water investigation report, Wm. Curtis Wells and Co., revised May 30, 2002;
- b. Determination of Water Right No. 4-BD, dated Feb. 2, 1999;
- c. Change of Beneficial Use of Water Right 4-BD dated June 16, 2003;
- d. Letter from Office of State Engineer dated July 24, 2002;
- e. Special Warranty Deed regarding ownership of water rights;

DATE: 7-11-05

MEMO AND INFORMATION FROM:

KARL F. ANDREWS, JR.
Real Estate Brokerage and Development
102 East Pikes Peak Avenue Suite 200
Colorado Springs, CO 80903
Phone: 719-338-1515; FAX: 719-634-2274;

MEMO TO:

MIKE O'NEIL
FAX: 382-8821

SUBJECT/REFERENCE:

1. DAVIS RANCH WATER INFO
2. Also, List of DRAINAGE FEES

October 1, 2003

SUBJECT: WATER RESOURCES SUMMARY AND UPDATE FOR DAVIS RANCH
Section 3, T.14 S., R.64 W. of the 6th P.M., El Paso County, CO

PRELIMINARY PLAN: (SP-02-016) Approved Sept. 11, 2003, by B.O.C.C.
for 63-lot residential subdivision;

1. Applicable Decreed Water Rights Available:

a. Determination of Water Right No. 4-BD:

- (1) Arapahoe aquifer;
- (2) Date: February 2, 1999;
- (3) Approved withdrawal: 104 AF/annum;
- (4) Beneficial uses: industrial, commercial, irrigation, and central water supply system;

b. Change of Water Right to change the allowed beneficial use of ground water for Determination of Water Right No. 4-BD;

- (1) Arapahoe aquifer;
- (2) Date of Change of Water Right: June 16, 2003;
- (3) Approved withdrawal: 104 AF/annum (same);
- (4) Beneficial uses: Changed to: industrial, commercial, residential, stock watering and replacement supply. A central water supply system may deliver the water on the 360 acre described property for the above uses.

2. Water Rights Ownership:

Per Warranty Deed dated April 12, 2002, and recorded May 1, 2002, at R.N. 202070244, El Paso County, CO, Determination of Water Right No. 4-BD and No. 111-BD are owned by County Line Estates LLC and Case Holdings LLC.

3. Annual water Requirement for Davis Ranch Development at full development:

63 lots (x) 0.55 AF per annum per lot = 34.65 AF per annum;
(0.27 AF for household, 0.25 AF for 4,300 Sq.Ft. of lawn watering,
and 0.03 AF for watering 2 horses)

This requirement of 34.65 AF per annum is the amount of annual water supply available from the Arapahoe aquifer per Determination of Water Right No. 4-BD in satisfaction of El Paso County's 300 year water supply requirement.

4. Annual water requirement for each Davis Ranch lot included in individual final plats processed at the County:

Each lot will be entitled to a deed to 0.55 AF per annum in the Arapahoe aquifer for individual Arapahoe wells for residential use.

DAVIS RANCH WATER SUMMARY--Page 2

5. Attachments to this summary:

- a. Ground water investigation report, Wm.Curtis Wells and Co., revised May 30, 2002;
- b. Determination of Water Right No. 4-BD, dated Feb. 2, 1999;
- c. Change of Beneficial Use of Water Right 4-BD dated June 16, 2003;
- d. Letter from Office of State Engineer dated July 24, 2002;
- e. Special Warranty Deed regarding ownership of water rights;



Wm. CURTIS WELLS & CO. / *consulting geologists*
the ranch office commons, bldg 3, suite 102 / 2010 west 120th avenue
denver, colorado 80234 / telephone (303) 466-3801 / fax 465-5859

August 9, 2001

Revised: May 30, 2002

Mr. Karl Andrews
102 East Pikes Peak, Suite 200
Colorado Springs, CO 80903

Re: Ground Water Investigation, Davis Ranch, El Paso County, Colorado
Job No. 5124

Dear Karl:

At your request I have prepared this preliminary ground water report for the 360-acre Davis Ranch property. This irregular shaped parcel spans the Northeast Quarter of the Northeast Quarter, the South One-Half of the Northeast Quarter, the Southeast Quarter and the North One-Half of the Southwest Quarter of Section 3, Township 14 South, Range 64 West. I understand this property may be developed for about 63 single family homes on 5 acre sites. Individual wells will serve this proposed community and non- evaporative septic systems will be the method of wastewater disposal.

For this investigation I have reviewed my files and those of the State Engineer for geologic, ground water and well information in this area. Subsurface geohydrologic information was obtained from my geophysical log file and the State Engineer's aquifer computer data base. From this investigation, I conclude that (1) a sufficient supply of ground water can be appropriated from the Arapahoe aquifer to meet the 300-year water demand of this planned development and (2) the quality of the ground water in this aquifer should be adequate for domestic purposes.

GENERAL COMMENTS

The subject property, at a surface elevation of 6,500 feet above sea level, is located a mile north of Highway 94 along Curtis Road. The parcel, as shown on the attached Figure-1, slopes to the southeast and is drained by tributaries of the West Fork of Black Squirrel Creek.



The property is underlain by three of the four Denver Basin aquifers. In descending stratigraphic order these aquifers are the Denver, Arapahoe and Laramie Fox Hills formations. The base of these respective aquifers should be 370, 900 and 1,500 feet below the ground surface. All of the aquifers are known to produce ground water and typically in this region wells should yield 15, 50 and 120 gallons per minute from the three respective aquifers. The existing Arapahoe well, No. 51398-F was originally tested at a rate of 80 gallons per minute.

Ground water availability in each aquifer is computed by multiplying the area of the property by the formation saturated sand thickness, thence by specific yield (drainable porosity). Based on published aquifer information from the Colorado Division of Water Resources, I list on the table below estimates of ground water stored beneath this subject parcel.

Aquifer		Sand Thickness (ft)	Ground Water Storage (af)
Denver	NNT	105	6400
Arapahoe	NNT	170	10400
Laramie Fox Hills	NT	210	11300
Total			28100

The quality of the water produced from Arapahoe wells should be adequate for drinking purposes. Typically, ground water from this aquifer contains iron at or slightly higher concentrations than the drinking water standard. Until water quality testing can be accomplished, you should contemplate iron treatment of the water supply. Prior to final platting the project, the County will require a water quality analysis from the existing well.



WATER SUPPLY DEVELOPMENT

All of the above described aquifers receive very little surface water recharge, hence the water resource has been identified as "non-renewable". The El Paso County Commissioners, in the late 1980's, declared that developments using this water must demonstrate a 300-year supply in order to establish water supply sufficiency.

For this proposed development I estimate each homeowner would use 0.55 acre feet per year. The in-house use would be about 0.27 acre feet per year and the remaining water would be sufficient for the irrigation of about 4,300 square feet of lawn or garden and the watering of two horses. The 63 homes, therefore, would need about 34.7 acre feet per year or 10,400 acre feet over 300 years. The 300-year supply, equals the Arapahoe aquifer ground water storage, thus the water supply should be sufficient for subdivision purposes.

The Arapahoe ground water can be appropriated from either the existing well No. 51398-F or any number of additional wells according to the Determination of Water Rights, 4-BD, issued by the Colorado Ground Water Commission on February 26, 1999. A copy of the Determination is attached. The Determination approved the use of the Arapahoe aquifer for industrial, commercial, irrigation and a central water supply system (domestic) provided four percent (1.4 acre feet per year) of the water is returned to the upper most aquifer. This requirement is imposed since the Arapahoe aquifer at this location is considered not non-tributary (NNT). For this development septic system return flows should approximate 15 acre feet per year, thus this Determination requirement should be easily fulfilled.

I understand that you have applied to correct the Determination language to read residential supply rather than "central water supply system". This application was submitted to the Commission in April in part to re-permit the existing well for domestic use and thus this structure could be used as one of the 63 wells on this property.

Normally, a 900-foot deep Arapahoe domestic well should cost about \$12 per foot or \$10,800. Pumping equipment should add \$3,000.



RECOMMENDATIONS

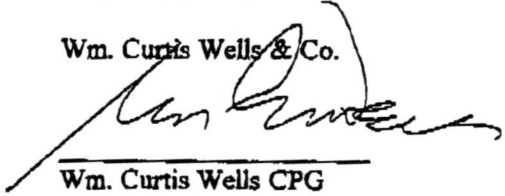
- (1) In developing this property the plat map should illustrate specific on-lot well sites so that all of the proposed Arapahoe wells can be evenly spaced.
- (2) Before final platting, the existing Arapahoe well should be tested to obtain water samples that can be chemically analyzed to verify water supply sufficiency in terms of water quality.

Professional judgements have been expressed in this report. They are based on my understanding of the project and my experience with the aquifers in this area. Well drilling and testing will be necessary to verify my preliminary opinions on well yield and water quality.

I trust this information satisfies your immediate needs. If you have questions, please call.

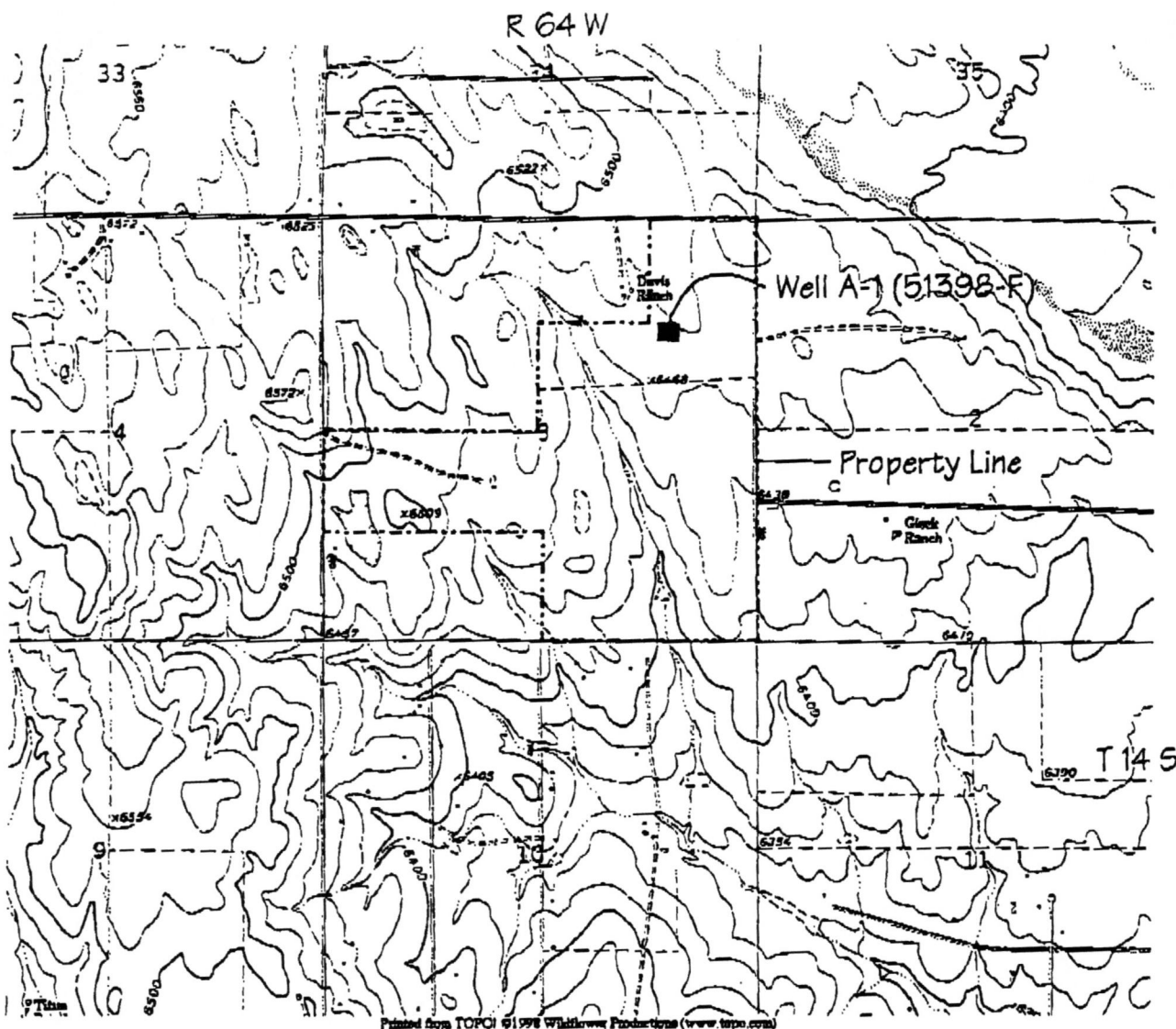
Very truly yours,

Wm. Curtis Wells & Co.



Wm. Curtis Wells CPG
Consulting Ground Water Geologist

(2-copies sent)
cad master



Printed from TOPOI ©1998 Whitewater Productions (www.tupo.com)



Scale 1" = 2000'

LOCATION MAP

Wm. Curtis Wells & Co.
consulting ground water geologists

Figure 1

COLORADO GROUND WATER COMMISSION FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO ALLOW THE APPROPRIATION OF GROUND WATER IN THE UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN.

APPLICANT: JOE DAVIS

Robert C. Balink El Paso Cty, CO

07/10/2003 02:41

203158840

AQUIFER: ARAPAHOE

Doc \$0.00 Page

Rec \$25.00 1 of 5



DETERMINATION NO.: 4-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Joe Davis (hereinafter "applicant") submitted an application for determination of water right to allow the appropriation of ground water from the Arapahoe Aquifer.

FINDINGS

1. The application was received complete by the Ground Water Commission on September 16, 1998.
2. The applicant proposes to appropriate ground water from the Arapahoe Aquifer (hereinafter "aquifer") underlying 360 acres, generally described as the NE1/4 of the NE1/4, the S1/2 of the NE1/4, the N1/2 of the SW1/4 and the SE1/4 of Section 3, Township 14 South, Range 64 West of the 6th Principal Meridian. According to a signed statement dated January 19, 1998, the applicant owns the 360 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims the ownership or control of the ground water in the aquifer underlying this property.
3. The proposed annual appropriation is the maximum allowable amount. Any wells permitted to divert ground water from the aquifer would have a maximum pumping rate of 82 g.p.m.
4. The land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and Ground Water Management District. The Ground Water Commission has jurisdiction.
5. The applicant proposes to apply the appropriated ground water to the following beneficial uses: industrial, commercial, irrigation and central water supply system.
6. The quantity of water in the aquifer underlying the 360 acres of land claimed by the applicant is 10404 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.

Records Note: Copy

Applicant: Jce Davis

Aquifer: Arapahoe

Determination No.:

4-3D

Page 2

- b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 170 feet, based on staff analysis of a geophysical log for a monitoring/observation hole drilled within the claimed property in the SE1/4 of the NE1/4 of Section 3, Township 14 South, Range 64 West of the 6th P.M., MH-11073.
7. At this time, there is no substantial artificial recharge which would affect the aquifer within a one hundred year period.
 8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Colorado Ground Water Commission shall allocate ground water from the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum annual appropriation which could be allowed pursuant to the data in the paragraphs above for the acres owned by the applicant is 104 acre-feet.
 9. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
 10. Based on analysis of data in the records of the State Engineer's office, in accordance with the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicants will, within one hundred years, deplete the alluvium or flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and therefore the ground water is considered to be not-nontributary ground water. Also, the location of the land claimed by the applicants is more than one mile from any point of contact between any natural surface stream, including it's alluvium, and the aquifer. Therefore, the Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.
 11. A review of the records of the Ground Water Commission has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously appropriated.
 12. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and subject to approval by the Commission.
 13. On October 13, 1998, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. No written recommendations from the district were received.
 14. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

Aquifer: Arapahoe
Determination No.: BD

15. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on October 22 and 29, 1998.
16. No objections to the determination of water right and proposed appropriation of ground water were received within the time limit set by statute.
17. In order to prevent injury to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed appropriation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right and the issuance of well permits to construct wells to withdraw the authorized amount of water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission orders that the application for determination of water right to allow the appropriation of ground water from the Arapahoe Aquifer underlying 360 acres of land, generally described as the NE1/4 of the NE1/4, the S1/2 of the NE1/4, the N1/2 of the SW1/4 and the SE1/4 of Section 3, Township 14 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

18. The allowed average annual amount of water to be withdrawn from the aquifer shall not exceed 104 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
19. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual appropriation based on analysis of geophysical logs or other site specific data if such analysis indicates that the initial estimate of the volume of water in storage was incorrect.
20. At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.
21. The use of ground water from this appropriation shall be limited to the following uses: industrial, commercial, irrigation and central water supply system. The place of use shall be limited to the above described 360 acre land area.
22. Subject to the above conditions, well permits for wells to withdraw the authorized annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 360 acre land area.

Aquifer: Arapahoe

Determination No.:

4-BD

b. The wells must be constructed to withdraw water from only the Arapahoe Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.

c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.

d. Each well shall be constructed within 200 feet of the location specified on the individual permit application and approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.

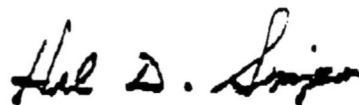
e. The wells may withdraw the allowed average annual amount of water from the aquifer together in any combination.

f. The maximum pumping rate of each well shall not exceed 82 g.p.m.

* g. A totalizing flow meter shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.

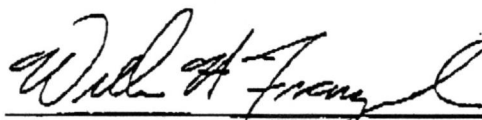
h. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. He shall take necessary means and precautions to preserve these markings.

Dated this 2nd day of FEBRUARY, 19 99.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By:



William H. Fronczak, P.E.
Supervisor - Designated Basins Branch

Prepared by: RAC

RWD-184

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE
ALLOWED BENEFICIAL USE OF GROUND WATER - FOR DETERMINATION OF WATER
RIGHT NO. 4-BD

APPLICANT: COUNTY LINE ESTATES, LLC & CASE HOLDINGS, LLC

AQUIFER: ARAPAHOE

FINDINGS

In compliance with Section 37-90-111(1)(g), CRS, County Line Estates, LLC, and Case Holdings, LLC, (hereinafter "applicants") submitted an application for a change of determination of water right to change the allowed beneficial use of ground water under Determination of Water Right No. 4-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Ground Water Commission finds as follows:

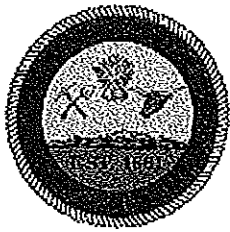
1. Pursuant to Section 37-90-107(7), CRS, in a Ground Water Commission Findings and Order dated February 2, 1999, the Commission approved a Determination of Water Right for Joe Davis, assigned Determination No. 4-BD. This determination of water right allows the appropriation of ground water from the Arapahoe (hereinafter "aquifer"), underlying 360 acres, generally described as the NE1/4 of the NE1/4, the S1/2 of the NE1/4, the N1/2 of the SW1/4, and the SE1/4 of Section 3, Township 14 South, Range 64 West of the 6th Principal Meridian. This area is more completely described in Exhibit A of the above described Findings and Order.
2. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 104 acre-feet, to be used on the above described 360 acre area for the following beneficial uses: industrial, commercial, irrigation and central water supply system.
3. Pursuant to Section 37-90-107(7)(c)(III), CRS, an approved determination of water right shall be considered a final determination of the amount of ground water so determined, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.
4. By an application for change of determination of water right - received complete by the Commission on April 26, 2002 - the applicants have requested to change the allowed beneficial uses in the subject determination of water right to the following: industrial, commercial, residential, stock watering, and replacement supply. A central water supply system may deliver the water on the above described property for the above uses.
5. The above described 360 acre land area is located in the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.
6. The applicants have provided evidence to the Commission indicating their control of the subject determination of water right.

Robert C. Balink El Paso Cty, CO
07/10/2003 02:41
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Rec \$10.00 1 of 2

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Records Note: Copy



**El Paso County
Office of the County Attorney
Civil Division**

William H. Louis, Acting County Attorney

Assistant County Attorneys

John N. Franklin
M. Cole Emmons
Jay A. Lauer
Lori L. Seago

April 27, 2005

SF-05-004 Davis Ranch, Filing #3, 4 & 5
SF-05-005 (Final Plats)
SF-05-006

Reviewed by: M. Cole Emmons, Assistant County Attorney
 Kristine Beatty, Paralegal

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Case Holdings, L.L.C. and County Line Estates, L.L.C., to subdivide 65 acres into 11 single-family lots for Filing No. 3, 62 acres into 11 lots for Filing No. 4, and 98 acres into 13 lots for Filing No. 5. The properties are currently zoned RR-3.

2. The Applicant has provided for the source of water to be from both an existing well with Well No. 51398-F and new on-lot wells withdrawing from the not non-tributary Arapahoe. The Applicant estimates its annual water needs to serve household use at 0.27 acre-feet, irrigation of lawns and gardens at 0.25 acre-feet, and watering of large domesticated animals at 0.03 acre-feet, resulting in a total of 0.55 acre-feet per lot, or 19.25 acre-feet for Filing Nos. 3, 4, and 5. Applicant must be able to provide a supply of 5,775 acre-feet of water (19.25 ac.-ft./yr. x 300 years) to meet the County's 300 year water supply requirement.

3. In a letter dated April 4, 2005, the State Engineer indicated Applicant was issued a Determination of Water Right No. 4-BD from the Colorado Ground Water Commission on February 2, 1999, which was amended on June 16, 2003, to include an approved change of use and change in ownership. The Determination allowed an annual amount of water to be withdrawn from the Arapahoe Aquifer of up to 104 acre-feet, and also required four percent (4%) of the annually withdrawn Arapahoe Aquifer to be returned to the uppermost aquifer. The Engineer states that he can no longer comment favorably on consumption values less than 0.30 acre-feet per year, per lot without document proof showing that the proposed annual 0.26 acre-feet for household use can be maintained for 100 years. The Engineer notes that this is a change in policy from when he commented favorably on the same proposed consumption rates for Davis Ranch Filings 1 and 2 in December 2003. The Engineer suggests that the Applicant can meet this 0.30 amount by decreasing lawn and irrigation to 0.22 acre-feet per lot and reallocating the increase to household use. The State Engineer indicates

27 East Vermijo, Third Floor, Colorado Springs, Colorado 80903
Phone: (719) 520-6485 Fax: (719) 520-6487

that this amount is sufficient to meet both the State's 100 year and the County's 300 year aquifer requirement. Pursuant to §37-28-136(1)(h)(I), the State Engineer is of the opinion that the proposed water supply will not cause material injury to existing water rights but the supply as proposed is inadequate.

4. The water quality requirements of Section 49.5E of the Land Development Code must be satisfied.

5. The Colorado Ground Water Commission issued a Determination for Water Rights in No. 4-BD (Amended) and the Commission found as follows:

	ARAPAHOE AQUIFER 4-BD
Annual Water Amount to be Withdrawn	104 acre-feet
Quantity of Water Available in Aquifer	10,404 acre-feet
Wells shall be located on 360 acres of land	X
No more than 98% of Ground water withdrawn annually shall be consumed	X
Wells must be constructed to withdraw from Aquifer	X (4-BD)
maximum pumping rate	82 g.p.m.
four percent (4%) of water withdrawn annually must be returned to the uppermost aquifer	X

In addition, the following is applicable to this Determination of Water Rights:

a. The use of the ground water is limited to: industrial, commercial, residential, stock watering and replacement supply. A central water supply system may deliver the water on the 360 acre property.

b. Each well shall be constructed within 200 feet of the location specified on the permit application but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.

c. A totalizing flow meter shall be installed on each well.

6. Analysis—Quantity. The annual demand will be 19.25 feet, and the required amount of supply to meet the County's 300 year aquifer life requirement is 5,775 acre-feet. Given the State Engineer's calculation of 10,404 acre-feet available, less the total commitments for Filings 1 and 2 at 4,620 acre-feet (15.4 ac.ft./yr. x 300 yrs.), the quantity of the supply appears to be sufficient to meet the County's 300 year aquifer life requirement.

7. Therefore, despite the State Engineer's opinion that the supply as proposed is inadequate due to the proposed household consumptive use value of 0.27 acre-feet per year, since the total consumptive use figure of 0.55 acre-feet per year per lot does not change, and based upon the finding of no injury by the State Engineer, the Colorado Ground Water Commission Determinations of Water Rights, and on the available supply that is sufficient to meet the total demands of Filings 3, 4 and 5, the County Attorney's Office would recommend a finding that the proposed water supply is sufficient as to quantity and dependability. The El Paso County Health Department shall provide an opinion as to quality.

REQUIREMENTS:

A. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin Aquifers is evaluated based on a 300 year aquifer life. Applicants, the Home Owners Association, and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

B. Applicant, its successors and assigns, at the time of lot sales, shall convey to individual lot owners 165 acre-feet of the Arapahoe Aquifer water. Such conveyance shall consist of sufficient water rights in the Arapahoe underlying each lot to satisfy El Paso County's 300 year water supply requirement. Applicant shall limit annual withdrawals to 0.55 acre-feet per individual on-lot well. This conveyance requirement shall be noted on the plat. Prior to recording the plat, Applicant shall provide to the Development Services Department and the County Attorney's Office for review and approval a form warranty deed for such conveyance, which indicates the determination number, the aquifer, a description of the land area, the amount transferred, and name of the recipient. It is anticipated that these conveyances may satisfy the State Engineer's evidentiary requirement that an applicant for an individual on-lot well has acquired the right to the portion of water being requested on the application.

C. Applicants, their successors and assigns, shall form an HOA, with each lot owner being a member of the association, and shall advise the HOA and all future owners of these lots of all applicable requirements of the Determination of Water Rights, Case No. 4-BD (Amended), as well as their responsibility for metering and collecting data regarding water withdrawals from wells. There shall be a plat note added to this effect.

D. Applicant shall convey to the individual lot owners Applicant's interests, rights, and obligations in the Determination of Water Rights 4-BD (Amended), and create restrictive covenants upon and running with the property which shall obligate individual lot owners and the HOA to carry out the requirements of the Determination—including replacements. This conveyance requirement shall be noted on the plat. Such conveyance shall be accomplished in the warranty deed conveying water rights that shall be reviewed and approved by both the Development Services Department and the County Attorney's Office prior to recording the final plat.

E. Applicant shall submit Declaration of Covenants, Conditions, and Restrictions as well as Bylaws and Articles of Incorporation of the HOA to the Development Services Department and the County Attorney's Office for review, and the same shall be approved by the Development Services Department and the County Attorney's Office prior to final plat approval by the Board of County Commissioners. ~~Said Declaration shall cross-reference the Determination of Water Rights, Case No. 4-BD (Amended),~~ and shall recite the obligations of the individual lot owners and the HOA under each of these documents. Applicant shall provide a copy of the Certificate of Incorporation of the HOA by the Secretary of State to the Development Services Department and the County Attorney's Office.

F. Applicant, its successors and assigns, shall record all applicable documents including, but not limited to, the Determination of Water Rights, Case Nos. 4-BD (Amended), agreements, assignments, and deeds regarding the water rights; Declaration of Covenants, By-laws, and Articles of Incorporation in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

G. Applicant shall include the following note on the plat to give future lot owners in the development notice of the possible enforcement of the UBSCD's Rules:

"The property owner, its successors and assigns, and all future lot owners in this development are hereby on notice that they may be required to comply with applicable rules, if any, of the Colorado Ground Water Commission and/or the Upper Black Squirrel Creek Ground Water Management District, which compliance may result in a reduction of well withdrawal limits, and thus a reduction in water availability."

H. This water review was based upon Applicants intent to use individual on-lot wells for this subdivision and recommendation for sufficiency was based on this assertion. It has come to the attention of the El Paso County Attorney's Office that Applicants have also considered having a central water system. Should Applicant decide in the future to change their water source to a central water system, Applicant is advised that this would be considered a substantial water supply change and they would be required to go back through the review process commencing with the Planning Commission for approval of the central water.

cc: Sheila Booth, Planner
Eric B. Thoman, State Engineer's Office

RESOLUTION NO. 06-460BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADOAPPROVE FINAL PLAT FOR DAVIS RANCH FILING NO. 3 (SF-05-004)-CASE
HOLDINGS, LLC, AND COUNTY LINE ESTATES, LLC

WHEREAS, Case Holdings, LLC, and County Line Estates, LLC, did file an application with the Development Services Department of El Paso County for the approval of a Final Plat for Davis Ranch Filing No. 3 for the herein described property in the unincorporated area of El Paso County with a request for waiver of Section 46.E of the El Paso County Land Development Code, no building shall be erected, nor shall any building permit be issued within a subdivision before the Final Plat thereof has been approved by the Board of County Commissioners and recorded by the Clerk and Recorder of El Paso County, to allow issuance of no more than three total building permits for model homes in Filings 3 and 5 prior to recordation of the Final Plat; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 17, 2006, upon which date the Planning Commission did by formal resolution recommend approval of the subject Final Plat with conditions and notation; and

WHEREAS, a public hearing was held by this Board on December 14, 2006; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested parties were heard at those hearings.
3. The proposed subdivision of land is in compliance with the recommendations set forth in the master plan for the unincorporated area of the county.

4. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
5. The El Paso County Parks Board recommends fees in lieu of land dedication in the amount of \$3,883.
6. Falcon School District No. 49 recommends fees in lieu of land dedication in the amount of \$2,640.
7. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
8. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.
9. The proposed water supply is sufficient in terms of quality.
10. The proposed water supply is sufficient in terms of quantity.
11. The proposed water supply is sufficient in terms of dependability.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Davis Ranch Filing No. 3 Final Plat request as submitted by Case Holdings, LLC, and County Line Estates, LLC, for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions and notation shall be placed upon this approval:

CONDITIONS:

1. Fees in lieu of school land dedication in the amount of \$2,640 shall be paid to El Paso County for the benefit of Falcon School District No. 49, prior to recordation.
2. Fees in lieu of regional parkland dedication in the amount of \$3,883 shall be paid to El Paso County, prior to recordation.

3. 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.
4. 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, for years prior to that year in which approval is granted, have been paid. Therefore, this Plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide the Development Services 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.
5. 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.
6. The Subdivision Improvements Agreement, including the Estimate of Guaranteed Funds (EGF) as approved by the El Paso County Development Services Department, shall be filed at the time of the recording of the Final Plat.
7. Collateral sufficient to ensure that the public improvements as listed in the approved EGF shall be provided when the Final Plat is recorded.
8. Prior to recordation, the applicant shall provide evidence of contributions in the amount of \$1,500/lot to the Falcon Community Builders for Classrooms, to the School District's satisfaction.
9. The following Plat note shall be added that addresses the State Engineer's Office admonition to advise landowners of potential limited water supplies in the Denver Basin:

Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life; however for El Paso County planning purposes, water in the Denver Basin Aquifers is evaluated based on a 300 year aquifer life. Applicants, the Home Owners Association, and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years

indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.

10. Applicant, its successors and assigns, at the time of lot sales, shall convey to individual lot owners 165 acre-feet of the Arapahoe Aquifer water. Such conveyance shall consist of sufficient water rights in the Arapahoe underlying each lot to satisfy El Paso County's 300 year water supply requirement. Applicant shall limited annual withdrawals to 0.55 acre-feet per individual on-lot well. This conveyance requirement shall be noted on the Plat. Prior to recording the Plat, Applicant shall provide to the Development Services Department and the County Attorney's Office for review and approval a from warranty deed for such conveyance, which indicates the determination number, the aquifer, a description of the land area, the amount transferred, and name of the recipient. It is anticipated that these conveyances, may satisfy the State Engineer's Office evidentiary requirement that an applicant for an individual on-lot well has acquired the right to the portion of water being requested on the application.
11. Applicants, their successors, and assigns, shall form an Home Owners Association (HOA), with each lot owner being a member of the association, and shall advise the HOA and all future owners of these lots of all applicable requirements of the Determination of Water Rights, Case No. 4-BD (Amended), as well as their responsibility for metering and collecting data regarding water withdrawals from wells. There shall be a Plat note added to this effect.
12. Applicant shall convey to the individual lot owners Applicant's interests, rights, and obligations in the Determination of Water Rights 4-BD (amended), and create restrictive covenants upon and running with the property which shall obligate individual lot owners and the HOA to carry out the requirements of the Determination – including replacements. This conveyance requirement shall be noted n the Plat. Such conveyance shall be accomplished in the warranty deed conveying water rights that shall be reviewed and approved by both the Development Services Department and the County Attorney's Office prior to recording the Final Plat.

13. Applicant shall submit Declaration of Covenants, Conditions, and Restrictions, as well as Bylaws and Articles of Incorporation of the HOA to the Development Services Department and the County Attorney's Office for review, and the same shall be approved by the Development Services Department and the County Attorney's Office prior to Final Plat approval by the Board of County Commissioners. Said Declaration shall cross-reference the Determination of Water Rights, Case No. 4-BD (Amended), and shall recite the obligations of the individual lot owners and the HOA under each of these documents. Applicant shall provide a copy of the Certification of Incorporation of the HOA by the Secretary of State to the Development Services Department and the County Attorney's Office.

14. Applicant, its successors, and assigns, shall record all applicable documents including, but not limited to, the Determination of Water Rights, Case No. 4-BD (Amended), agreements, assignments, and deeds regarding the water rights; Declaration of Covenants, By-laws, and Articles of Incorporation in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

15. Applicant shall include the following note on the plat to give future lot owners in the development notice of the possible enforcement of the Upper Black Squirrel Creek Ground Water Management District's (UBSCD) Rules:

The property owner, its successors and assigns, and all future lot owners in this development are hereby on notice that they may be required to comply with applicable rules, if any, of the Colorado Ground Water Commission and/or the Upper Black Squirrel Creek Ground Water Management District, which compliance may result in a reduction of well withdrawal limits, and thus a reduction in water capacity.

16. This water review was based upon Applicants' intent to use individual on-long wells for this subdivision and recommendation for sufficiency was based on this assertion. It has come to the attention of the El Paso County Attorney's Office that Applicants have also considered having a central water system. Should Applicant decide in the future to change their water source to a central water system, applicant is advised that this would be considered a substantial water supply change and they would be

required to go back through the review process commencing with the Planning Commission for approval of the central water.

17. Prior to recordation, Development Services Department shall confirm that the fire cistern for this overall project, located within Filing 1, Lot 14, is fully installed and operational to the Falcon Fire District's satisfaction.
18. At the time of Plat recordation, the applicant shall pay Drainage Fees in the amount of \$36,305.85, and Bridge Fees in the amount of \$561.13 in the Livestock Company basin for Filing 3.
19. Prior to Building Permit approval by the Development Services Department, payment shall be made to the 501(c) (3) "Falcon Community Builders for Classrooms" or School District No. 49 and proof of such payment shall be provided to the Development Services Department.
20. Prior to building permit approval by the Development Services Department, the SCS detention pond shall be completed.

NOTATION:

1. Failure to record the Plat within one (1) year following Board of County Commissioners' approval will require reconsideration by the Board. Said reconsideration may involve compliance with new criteria, regulations and updated fees.

AND BE IT FURTHER RESOLVED the Board of County Commissioners hereby grants waiver of Section 46.E of the El Paso County Land Development Code, no building shall be erected, nor shall any building permit be issued within a subdivision before the Final Plat thereof has been approved by the Board of County Commissioners and recorded by the Clerk and Recorder of El Paso County, to allow issuance of no more than three total building permits for model homes in Filings 3 and 5 prior to recordation of the Final Plat.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

Resolution No. 06-460

Page 7

DONE THIS 14th day of December 2006, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST

By



By:

Chair

Resolution No. 06-460
EXHIBIT A, PAGE 1

A tract of land being a portion of Section 3, Township 14 South, Range 64 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

Beginning at the Northwest corner of Lot 11, DAVIS RANCH SUBDIVISION FILING NO. 1 (Reception No. _____ El Paso County, Colorado records) (all bearings in this description are relative to a portion of the North line of the Southwest One-Quarter of the Northeast One-Quarter (SW1/4 NE1/4) of said Section 3, which bears N89°18'55"W "assumed"); thence N89°18'55"W along said SW1/4 NE1/4's North line, 1219.89 feet to the Northwest corner of said SW1/4 NE1/4; thence S00°09'11"E along the West line of said SW1/4 NE1/4, 1311.11 feet to the center of said Section 3; thence N89°41'44"W along the North line of the Southwest One-Quarter of said Section 3, 329.70 feet; thence S00°18'16"W, 293.76 feet; thence N89°41'44"W, 114.45 feet; *thence on a curve to the left, said curve having a central angle of 39°07'21", a radius of 630.00 feet, an arc length of 430.17 feet*; thence S51°10'55"W, 695.51 feet; thence on a curve to the right, said curve having a central angle of 39°05'51", a radius of 470.00 feet, an arc length of 320.72 feet; thence N89°43'14"W, 85.48 feet; thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet; thence S49°57'54"W, 140.30 feet; thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet; thence N89°43'14"W, 239.69 feet to a point on the West line of the Northwest One-Quarter of the Southwest One-Quarter (NW1/4 SW1/4) of said Section 3; thence S00°10'00"E along said NW1/4 SW1/4's West line, 60.00 feet to the Southwest corner of said NW1/4 SW1/4; thence S89°43'14"E along the South line of said NW1/4 SW1/4, 239.22 feet; thence on a curve to the left, *said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet*; thence N49°57'54"E, 140.30 feet; thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet; thence S89°43'14"E, 85.48 feet; thence on a curve to the left, said curve having a central angle of 39°05'51", a radius of 530.00 feet, an arc length of 361.66 feet; thence N51°10'55"E, 695.51 feet; thence on a curve to the right, *said curve having a central angle of 39°07'21", a radius of 570.00 feet, an arc length of 389.21 feet*; thence S89°41'44"E, 344.71 feet; thence S00°18'16"W, 260.00 feet; thence S89°41'44"E, 194.29 feet; thence S74°31'41"E, 1039.80 feet to the most Westerly corner of Lot 12, DAVIS RANCH SUBDIVISION FILING NO. 2

(Reception No. _____ said El Paso County records) (the following seven (7) courses are along the lines of said FILING NO. 2 and said FILING NO. 1);

**Resolution No. 06-460
EXHIBIT A, PAGE 2**

1) N42°48'10"E, 260.00 feet; 2) N47°11'50"W, 344.81 feet; 3) N42°48'10"E, 60.00 feet; 4) N29°57'23"E, 523.95 feet; 5) N00°10'35"W, 753.06 feet; 6) S89°49'25"W, 99.59 feet; 7) N00°10'35"W, 512.40 feet to the Point of Beginning;
Containing 65.172 acres, more or less.



RESOLUTION NO. 17-355

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

RECONSIDERATION TO APPROVE AN EXTENSION OF TIME TO RECORD A FINAL
PLAT

WHEREAS, On December 14, 2006, the Board of County Commissioners approved the Davis Ranch Filing No. 3 Final Plat (Resolution 06-460); and

WHEREAS, that administrative extensions of the time to record have been exhausted and current extensions granted under the Resolution Extending the Expiration Period of previously Approved Preliminary Plans and Final Plats (Resolution 14-475) shall expire December 31, 2017; and

WHEREAS, Lena Gail Case c/o Randy Case II, is requesting the Board of County Commissioners to grant a two (2) year extension of the time to record the Davis Ranch Filing No. 3 subject to all other conditions as previously imposed under Board of County Commissioner Resolution 06-460.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of Lena Gail Case c/o Randy Case II for a two (2) year extension to record the final plat for property located within the unincorporated area of El Paso County more particularly described in Exhibit A, which is attached hereto and incorporated by reference, and subject to the following conditions of approval;

Conditions of Approval:

1. The final plat shall be subject to current exaction requirements, impact fees, traffic fees, park fees, school fees, drainage and bridge fees, or other fees which have been implemented or amended since the time of original submittal and/or approval.
2. The applicant shall provide evidence that the basis for the findings of sufficiency with respect to water quality, quantity, and dependability have not changed, prior to recording the final plat. In the event that circumstances have changed related to the required findings of sufficiency, a new sufficiency finding shall be required.
3. The applicant shall submit an updated final drainage report, construction drawings, financial assurance estimate, and other supporting documents for review for compliance with current transportation and stormwater requirements and construction cost estimates. Prior to plat recordation all project documents shall be approved by the County Engineer, Planning and Community Development Director, and/or Board of County Commissioners as required.

4. All conditions of approval associated with approval of the Davis Ranch Filing No. 3 (PCD File No. SF-05-004) shall remain in effect except as modified herein or as otherwise required in order to comply with current subdivision development criteria.

DONE THIS 12th day of December 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By: Charles D. Broerman
County Clerk & Recorder

The seal of El Paso County, Colorado, is a circular emblem. It features a central figure, possibly a Native American or a historical figure, surrounded by the words "EL PASO COUNTY" and "COLORADO". The seal is stamped in black ink.

By: Paul H. Helm
President

EXHIBIT A

A tract of land being a portion of Section 3, Township 14 South, Range 64 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

Beginning at the Northwest corner of Lot 11, DAVIS RANCH SUBDIVISION FILING NO. 1 (Reception No. _____ El Paso County, Colorado records) (all bearings in this description are relative to a portion of the North line of the Southwest One-Quarter of the Northeast One-Quarter (SW1/4 NE1/4) of said Section 3, which bears N89°18'55"W "assumed"); thence N89°18'55"W along said SW1/4 NE1/4's North line, 1219.89 feet to the Northwest corner of said SW1/4 NE1/4; thence S00°09'11"E along the West line of said SW1/4 NE1/4, 1311.11 feet to the center of said Section 3; thence N89°41'44"W along the North line of the Southwest One-Quarter of said Section 3, 329.70 feet; thence S00°18'16"W, 293.76 feet; thence N89°41'44"W, 114.45 feet; *thence on a curve to the left, said curve having a central angle of 39°07'21", a radius of 630.00 feet, an arc length of 430.17 feet*; thence S51°10'55"W, 695.51 feet; *thence on a curve to the right, said curve having a central angle of 39°05'51", a radius of 470.00 feet, an arc length of 320.72 feet*; thence N89°43'14"W, 85.48 feet; *thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet*; thence S49°57'54"W, 140.30 feet; *thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet*; thence N89°43'14"W, 239.69 feet to a point on the West line of the Northwest One-Quarter of the Southwest One-Quarter (NW1/4 SW1/4) of said Section 3; thence S00°10'00"E along said NW1/4 SW1/4's West line, 60.00 feet to the Southwest corner of said NW1/4 SW1/4; thence S89°43'14"E along the South line of said NW1/4 SW1/4, 239.22 feet; *thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet*; thence N49°57'54"E, 140.30 feet; *thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet*; thence S89°43'14"E, 85.48 feet; *thence on a curve to the left, said curve having a central angle of 39°05'51", a radius of 530.00 feet, an arc length of 361.66 feet*; thence N51°10'55"E, 695.51 feet; *thence on a curve to the right, said curve having a central angle of 39°07'21", a radius of 570.00 feet, an arc length of 389.21 feet*; thence S89°41'44"E, 344.71 feet; thence S00°18'16"W, 260.00 feet; thence S89°41'44"E, 194.29 feet; thence S74°31'41"E, 1039.80 feet to the most Westerly corner of Lot 12, DAVIS RANCH SUBDIVISION FILING NO. 2

(Reception No. _____ said El Paso County records) (the following seven (7) courses are along the lines of said FILING NO. 2 and said FILING NO. 1);

1) N42°48'10"E, 260.00 feet; 2) N47°11'50"W, 344.81 feet; 3) N42°48'10"E,
60.00 feet; 4) N29°57'23"E, 523.95 feet; 5)
N00°10'35"W, 753.06 feet; 6) S89°49'25"W, 99.59 feet; 7) N00°10'35"W,
512.40 feet to the Point of Beginning;
Containing 65.172 acres, more or less.

BoCC

RESOLUTION NO. 19-438

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

RECONSIDERATION OF A FINAL PLAT TO APPROVE A TWO-YEAR TIME
EXTENSION TO RECORD THE FINAL PLAT FOR DAVIS RANCH FILING NO. 3
FINAL PLAT (SF-19-024)

WHEREAS, the Board of County Commissioners of El Paso County, Colorado
("Board"), previously adopted Resolution No. 17-355, approving the Final Plat for Davis
Ranch Filing No. 3;

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El
Paso County, Colorado, hereby approves the extension of time of two years in which to
have the final plat recorded for Davis Ranch Filing No. 3 Final Plat request as
submitted, for the unincorporated area of El Paso County as described in Exhibit A,
which is attached hereto and incorporated by reference;

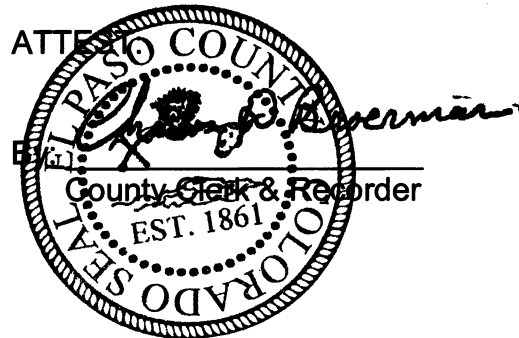
BE IT FURTHER RESOLVED the following conditions shall be placed upon this
approval:

1. The final plat shall be subject to current exaction requirements, impact fees, traffic fees, park fees, school fees, drainage and bridge fees, or other fees which have been implemented or amended since the time of original submittal and/or approval.
2. The applicant shall provide evidence that the basis for the findings of sufficiency with respect to water quality, quantity, and dependability have not changed, prior to recording the final plat. In the event that circumstances have changed related to the required findings of sufficiency, a new sufficiency finding shall be required.
3. The applicant shall submit an updated final drainage report, construction drawings, financial assurance estimate, and other supporting documents for review for compliance with current transportation criteria, stormwater requirements, and construction cost estimates. Prior to plat recordation all project documents shall be approved by the County Engineer, Planning and Community Development Director, and/or Board of County Commissioners as required.
4. All conditions of approval associated with approval of the Davis Ranch Filing No. 3 Final Plat (PCD File No. SF-05-004) shall remain in effect except as modified herein or as otherwise required in order to comply with current subdivision development criteria.

5. Minor amendments to the final plat may be approved administratively by the Planning and Community Development Director if the proposed amendments are consistent with the intent of the Board of County Commissioners approval.

DONE THIS 10th day of December 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO



By: 
Chair

EXHIBIT A

PROPERTY DESCRIPTION: "DAVIS RANCH SUBDIVISION FILING NO. 3"

A tract of land being a portion of Section 3, Township 14 South, Range 64 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

Beginning at the Northwest corner of Lot 11, DAVIS RANCH SUBDIVISION FILING NO. 1 (Reception No. 206712215, El Paso County, Colorado records) (all bearings in this description are relative to a portion of the North line of the Southwest One-Quarter of the Northeast One-Quarter (SW1/4 NE1/4) of said Section 3, which bears N89°18'55"W "assumed"); thence N89°18'55"W along said SW1/4 NE1/4's North line, 1219.89 feet to the Northwest corner of said SW1/4 NE1/4; thence S00°09'11"E along the West line of said SW1/4 NE1/4, 1311.11 feet to the center of said Section 3; thence N89°41'44"W along the North line of the Southwest One-Quarter of said Section 3, 329.70 feet; thence S00°18'16"W, 293.76 feet; thence N89°41'44"W, 114.45 feet; thence on a curve to the left, said curve having a central angle of 39°07'21", a radius of 630.00 feet, an arc length of 430.17 feet; thence S51°10'55"W, 695.51 feet; thence on a curve to the right, said curve having a central angle of 39°05'51", a radius of 470.00 feet, an arc length of 320.72 feet; thence N89°43'14"W, 85.48 feet; thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet; thence S49°57'54"W, 140.30 feet; thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet; thence N89°43'14"W, 239.69 feet to a point on the West line of the Northwest One-Quarter of the Southwest One-Quarter (NW1/4 SW1/4) of said Section 3; thence S00°10'00"E along said NW1/4 SW1/4's West line, 60.00 feet to the Southwest corner of said NW1/4 SW1/4; thence S89°43'14"E along the South line of said NW1/4 SW1/4, 239.22 feet; thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet; thence N49°57'54"E, 140.30 feet; thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet; thence S89°43'14"E, 85.48 feet; thence on a curve to the left, said curve having a central angle of 39°05'51", a radius of 530.00 feet, an arc length of 361.66 feet; thence N51°10'55"E, 695.51 feet; thence on a curve to the right, said curve having a central angle of 39°07'21", a radius of 570.00 feet, an arc length of 389.21 feet; thence S89°41'44"E, 344.71 feet; thence S00°18'16"W, 260.00 feet; thence S89°41'44"E, 194.29 feet; thence S74°31'41"E, 1039.80 feet to the most Westerly corner of Lot 12, DAVIS RANCH SUBDIVISION FILING NO. 2 (Reception No. 206712216, said El Paso County records) (the following seven (7) courses are along the lines of said FILING NO. 2 and said FILING NO. 1); 1) N42°48'10"E, 260.00 feet; 2) N47°11'50"W, 344.81 feet; 3) N42°48'10"E, 60.00 feet; 4) N29°57'23"E, 523.95 feet; 5) N00°10'35"W, 753.06 feet; 6) S89°49'25"W, 99.59 feet; 7) N00°10'35"W, 512.40 feet to the Point of Beginning; Containing 65.172 acres, more or less.

RESOLUTION NO. 22_____

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

**RECONSIDERATION OF A FINAL PLAT TO APPROVE A FIVE (5)-YEAR TIME EXTENSION
TO RECORD THE FINAL PLAT FOR THE DAVIS RANCH FILING NO. 3 FINAL PLAT (PCD
FILE NO. SF-21-044)**

WHEREAS, the Board of County Commissioners of El Paso County, Colorado previously adopted Resolution No. 17-355, approving the Final Plat for Davis Ranch Filing No. 3; and

WHEREAS, the Board of County Commissioners previously adopted Resolution No. 19-438, approving an extension of time of two (2) years in which to have the final plat for Davis Ranch Filing No. 3 recorded; and

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the extension of time of five (5) years in which to have the final plat recorded for the Davis Ranch Filing No. 3 Final Plat request as submitted, for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference; and

BE IT FURTHER RESOLVED the following conditions shall be placed upon this approval:

1. The final plat shall be subject to current exaction requirements, impact fees, traffic fees, park fees, school fees, drainage and bridge fees, or other fees which have been implemented or amended since the time of original submittal and/or approval.
2. The applicant shall provide evidence that the basis for the findings of sufficiency with respect to water quality, quantity, and dependability have changed, prior to recording the final plat. In the event that circumstances have changed related to the required findings of sufficiency, a new sufficiency finding shall be required.
3. The applicant shall submit an updated final drainage report, construction drawings, financial assurance estimate, and other supporting documents for review for compliance with current transportation criteria, stormwater requirements, and construction cost estimates. Prior to plat recordation, all project documents shall be approved by the County Engineer, Planning and Community Development Director, and/or Board of County Commissioners as required.

4. All conditions of approval associated with the approval of Davis Ranch Filing No. 3 Final Plat (PCD File No. SF-05-004) shall remain in effect except as modified herein or as otherwise required in order to comply with current subdivision development criteria.
5. Minor amendments to the final plat may be approved administratively by the Planning and Community Development Director if the proposed amendments are consistent with the intent of the Board of County Commissioners' approval.

DONE THIS 18 day of January, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____

By: _____
County Clerk and Recorder

PROPERTY DESCRIPTION: "DAVIS RANCH SUBDIVISION FILING NO. 3"

A tract of land being a portion of Section 3, Township 14 South, Range 64 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

Beginning at the Northwest corner of Lot 11, DAVIS RANCH SUBDIVISION FILING NO. 1 (Reception No. 206712215, El Paso County, Colorado records) (all bearings in this description are relative to a portion of the North line of the Southwest One-Quarter of the Northeast One-Quarter (SW1/4 NE1/4) of said Section 3, which bears N89°18'55"W "assumed"); thence N89°18'55"W along said SW1/4 NE1/4's North line, 1219.89 feet to the Northwest corner of said SW1/4 NE1/4; thence S00°09'11"E along the West line of said SW1/4 NE1/4, 1311.11 feet to the center of said Section 3; thence N89°41'44"W along the North line of the Southwest One-Quarter of said Section 3, 329.70 feet; thence S00°18'16"W, 293.76 feet; thence N89°41'44"W, 114.45 feet; thence on a curve to the left, said curve having a central angle of 39°07'21", a radius of 630.00 feet, an arc length of 430.17 feet; thence S51°10'55"W, 695.51 feet; thence on a curve to the right, said curve having a central angle of 39°05'51", a radius of 470.00 feet, an arc length of 320.72 feet; thence N89°43'14"W, 85.48 feet; thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet; thence S49°57'54"W, 140.30 feet; thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet; thence N89°43'14"W, 239.69 feet to a point on the West line of the Northwest One-Quarter of the Southwest One-Quarter (NW1/4 SW1/4) of said Section 3; thence S00°10'00"E along said NW1/4 SW1/4's West line, 60.00 feet to the Southwest corner of said NW1/4 SW1/4; thence S89°43'14"E along the South line of said NW1/4 SW1/4, 239.22 feet; thence on a curve to the left, said curve having a central angle of 40°18'52", a radius of 430.00 feet, an arc length of 302.56 feet; thence N49°57'54"E, 140.30 feet; thence on a curve to the right, said curve having a central angle of 40°18'52", a radius of 370.00 feet, an arc length of 260.34 feet; thence S89°43'14"E, 85.48 feet; thence on a curve to the left, said curve having a central angle of 39°05'51", a radius of 530.00 feet, an arc length of 361.66 feet; thence N51°10'55"E, 695.51 feet; thence on a curve to the right, said curve having a central angle of 39°07'21", a radius of 570.00 feet, an arc length of 389.21 feet; thence S89°41'44"E, 344.71 feet; thence S00°18'16"W, 260.00 feet; thence S89°41'44"E, 194.29 feet; thence S74°31'41"E, 1039.80 feet to the most Westerly corner of Lot 12, DAVIS RANCH SUBDIVISION FILING NO. 2 (Reception No. 206712216, said El Paso County records) (the following seven (7) courses are along the lines of said FILING NO. 2 and said FILING NO. 1); 1) N42°48'10"E, 260.00 feet; 2) N47°11'50"W, 344.81 feet; 3) N42°48'10"E, 60.00 feet; 4) N29°57'23"E, 523.95 feet; 5) N00°10'35"W, 753.06 feet; 6) S89°49'25"W, 99.59 feet; 7) N00°10'35"W, 512.40 feet to the Point of Beginning;

Containing 65.172 acres, more or less.