PRE-DEVELOPMENT SITE GRADING ACKNOWLEDGEMENT AND RIGHT OF ACCESS FORM

The undersigned ("Applicant") owns and holds legal title to the real property to be known as <u>Springs at Waterview</u> ("Property"), which Property is legally described on <u>Exhibit A</u> attached hereto and incorporated herein by this reference.

Applicant seeks approval for Pre-Development Site Grading under Section 6.2.6 of the El Paso County Land Development Code. As a condition of approval and issuance of Construction Permit No. _______, Applicant must complete and submit this Pre-Development Site Grading Acknowledgement and Right of Access Form. In compliance therewith, by signing below, Applicant hereby acknowledges and agrees as follows:

- 1. The approval and issuance of the Construction Permit does not guarantee or create a right in, or a right of expectation in, Applicant that the El Paso County Planning Commission will recommend or the Board of County Commissioners of El Paso County will approve Applicant's final plat for the Property. Applicant may proceed with grading under the Construction Permit at Applicant's sole risk.
- The Construction Permit shall be personal to the Applicant and shall <u>not</u> run with the land. Any successors and/or assigns of the Applicant desiring to proceed or continue with the Pre-Development Site Grading approval shall execute their own Pre-Development Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit and provide replacement financial guarantees.
- Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors free access to enter upon the Property at all reasonable hours for the following purposes in accordance with requirements of the El Paso County <u>Engineering Criteria Manual</u> (ECM), Section I.5:
 - a. To inspect and investigate for compliance with Construction Permit requirements, including, but not limited to, proper installation and maintenance of erosion and sediment control measures; and
 - b. To inspect and investigate for completion of grading activities and soil stabilization requirements; and
 - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance which includes such deficiencies to be corrected by Applicant; and
 - d. In the event the Applicant does not correct deficiencies identified in a Letter of Noncompliance, to draw on collateral provided and perform the work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

- 4. To the extent allowed by law, Applicant shall indemnify, defend, and forever hold harmless the Board of County Commissioners of El Paso County, their officers, employees, agents, contractors, and subcontractors, from any and all claim, demand, action, cause of action, loss, damage, injury, property damage, personal injury, death, liability, duty, obligation, costs and expenses (including attorney fees) arising out of or related to such entry on the Property. Nothing in this section shall be deemed to waive or otherwise limit the defenses available to the Board of County Commissioners pursuant to the Colorado Governmental Immunity Act or as otherwise provided by law.
- 5. In accordance with ECM Sections 5.3.15 and I.4.1.A.3, Applicant is obligated to provide security or collateral sufficient to make reasonable provision for completion of the grading, erosion control and final stabilization measures, in the amount set forth on Exhibit B attached hereto.
- 6. Applicant is responsible for providing any renewals of collateral to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement collateral at least fifteen (15) days prior to the expiration of the original or renewal/extension/replacement collateral then in effect. Failure to procure renewal/extension/replacement collateral within this time limit shall allow the County to execute on the collateral.
- 7. All of those certain grading, erosion control and final stabilization measures to be completed as identified on <u>Exhibit B</u> shall be constructed in compliance with the following:
 - a. All laws, resolutions and regulations of the United States, State of Colorado, El Paso County and its various agencies, affected special districts and/or servicing authorities.
 - b. Such other designs, drawings, maps, specifications, sketches and other matter submitted to and approved by any of the above-stated governmental entities.
- 8. All grading, erosion control and final stabilization measures shall be completed by the Applicant within 12 (twelve) months from the date of notice to proceed in the Construction Permit. If Applicant determines that the completion date needs to be extended, Applicant shall submit a written request for a change in the completion date to the ECM Administrator at least 90 days in advance of the required completion date. The request shall include the reasons for the requested change in completion date, the proposed new completion date, and prove collateral is in place to cover the extended at the discretion of the ECM Administrator. Failure to meet the original or extended completion date, as applicable, shall allow the County to execute on the collateral.

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Development Site Grading Acknowledgement and Right of Access Form this _____ day of _____, 2018.

APPLICANT: FRANK W. HOWARD #2 LIMITED PARTNERSHIP, LLLP

Kevin Howard Mng. General	Portnor
Revin floward wing. General	i faithei
STATE OF COLORADO)
)ss.
COUNTY OF EL PASO)
The foregoing instrument was, 2018, by	s acknowledged before me this <u>8</u> day of <u>keyin</u> Howard.
Witness my hand and official	seal.
My commission expires:	Tune 26, 2019
	cd
AMBER A. GRIEGO NOTARY ID #20154025233	
NOTARY PUBLIC STATE OF COLORADO	Notary Public
My Commission expires June 26, 2019	

Craig Dossey, Executive Director Planning and Community Development Department

Date

Approved as to Content and Form:

Assistant County Attorney

Exhibit A Legal Description Springs at Waterview

Tax Schedule Nos.: 5507206036

PARCEL A, WATERVIEW PUMP STATION SUBDIVISION EXEMPTION AN EXEMPTION PLAT OF TRACT D OF PAINTED SKY AT WATERVIEW FILING NO. 1, RECORDED JUNE 22, 2015 UNDER RECEPTION NO. 215713634, COUNTY OF EL PASO, STATE OF COLORADO

LEGAL DESCRIPTION KNOW ALL MEN BY THESE PRESENTS:

THAT WATERVIEW INVESTMENTS LLC, BEING THE OWNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND: THAT INCLUDES:

PARCEL A, WATERVIEW PUMP STATION SUBDIVISION EXEMPTION AN EXEMPTION PLAT OF TRACT D OF PAINTED SKY AT WATERVIEW FILING NO. 1, RECORDED JUNE 22, 2015 UNDER RECEPTION NO. 215713634, COUNTY OF EL PASO, STATE OF COLORADO.

TOTAL AREA CONTAINS 15.68 ACRES, MORE OR LESS.

BASIS OF BEARING

BEARINGS ARE BASED IN THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN. SAID LINE IS MONUMENTED ON THE EAST END BY A 3 1/4" ALUMINUM CAP, LS# 17496 AND ON THE WEST END BY A 3 1/4" ALUMINUM CAP, LS# 17496 AND IS ASSUMED TO BEAR S89'01'29"W.

BENCHMARK

BENCHMARK FOR THIS SITE IS CSU FIMS MONUMENT "5501V", A RAILROAD SPIKE SET IN CONCRETE NEXT TO A RAILROAD RAIL FENCE POST SOUTHWEST OF A 90° CURVE IN POWERS BOULEVARD. SAID POINT APPARENTLY MONUMENTS THE CORNER COMMON TO SECTIONS 6 AND 7, T15S, R65W, AND SECTIONS 1 AND 12, T15S, R66W OF THE 6TH P.M.

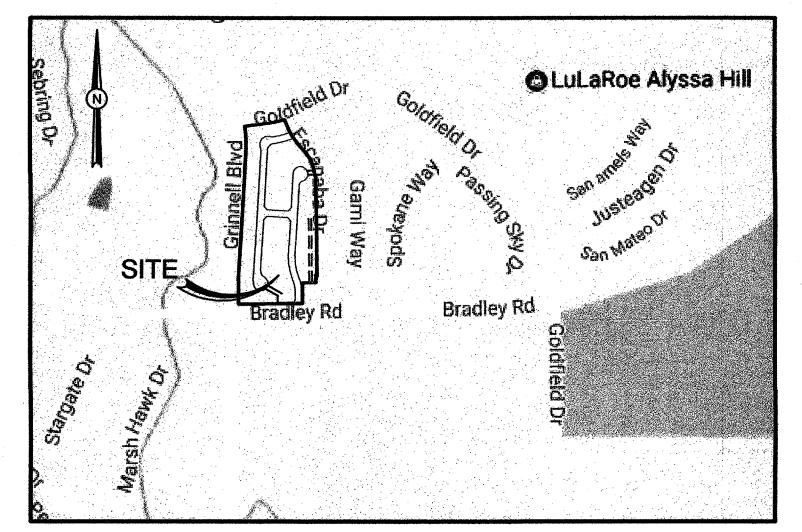
ELEVATION = 5905.44

TRAFFIC CONTROL NOTE

THE CONTRACTOR SHALL PROVIDE ALL TRAFFIC CONTROL DEVICES AND MONITORING NECESSARY TO SAFELY COMPLETE THE WORK SHOWN IN THESE CONSTRUCTION DOCUMENTS IN CONFORMANCE WITH M.U.T.C.D. GUIDELINES. THE CONTRACTOR SHALL COMPLETE ALL NECESSARY WORK FOR PLAN REVIEW, PERMITS AND PROCESSING. TRAFFIC CONTROL WILL NOT BE PAID FOR SEPARATELY BUT IS INCLUDED IN THE COST OF THE PROJECT.

EARLY GRADING AND EROSION CONTROL PLANS **SPRINGS AT WATERVIEW**

EL PASO COUNTY, STATE OF COLORADO



OWNER/DEVELOPER

SWV, LLC 31 N. TEJON STREET, SUITE 500 COLORADO SPRINGS, CO 80903 719-377-0244 CONTACT: P.A. KOSCIELSKI

EL PASO COUNTY

PLANNING AND COMMUNITY DEVELOPMENT 2880 INTERNATIONAL CIRCLE, SUITE 110 COLORADO SPRINGS, COLORADO 80910 719-520-6695

WATER/SANITARY

SECURITY WATER AND SANITATION DISTRICTS 231 SECURITY BOULEVARD COLORADO SPRINGS, COLORADO 80921 719-392-3475

ELECTRIC

COLORADO SRINGS UTILITIES 1521 HANCOCK EXPRESSWAY COLORADO SPRINGS, COLORADO 80903 719-668-8111

CABLE

COMCAST P.O. BOX 173838 DENVER, COLORADO 80217 970-641-4774

LOCATION MAP NTS

ENGINEER/PLANNER

DAKOTA SPRINGS ENGINEERING, LLC 31 N. TEJON, SUITE 500 COLORADO SPRINGS, CO 80903 719-227-7388 CONTACT: CHARLES K. COTHERN, P.E.

SECURITY FIRE **PROTECTION DISTRICT**

400 SECURITY BOULEVARD SECURITY, COLORADO 80911 719-392-7121

GAS

COLORADO SRINGS UTILITIES 1521 HANCOCK EXPRESSWAY COLORADO SPRINGS, COLORADO 80903 719-668-8111

TELEPHONE

CENTURYLINK 7925 INDUSTRY ROAD COLORADO SPRINGS, COLORADO 80939 719-278-4651

NO. TITLE TITLE SHEET GENERAL DETAILS

CONTROL PLAN.

BUSINESS NAM

BY: <u>P.A</u>

TITLÉ:

EL PASO COUNTY COUNTY PLAN REVIEW IS PROVIDED ONLY FOR GENERAL CONFORMANCE WITH COUNTY DESIGN CRITERIA. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, AND/OR ELEVATIONS WHICH SHALL BE CONFIRMED AT THE JOB SITE. THE COUNTY THROUGH THE APPROVAL OF THIS DOCUMENT ASSUMES NO RESPONSIBILITY FOR COMPLETENESS AND/OR ACCURACY OF THIS DOCUMENT.

FILED IN ACCORDANCE WITH THE REQUIREMENTS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE, DRAINAGE CRITERIA MANUALS VOL. 1 AND 2, AND ENGINEERING CRITERIA MANUAL AS AMENDED.

IN ACCORDANCE WITH ECM SECTION 1.12, THESE CONSTRUCTION DOCUMENTS WILL BE VALID FOR CONSTRUCTION FOR A PERIOD OF 2 YEARS FROM THE DATE SIGNED BY THE EL PASO COUNTY ENGINEER. IF CONSTRUCTION HAS NOT STARTED WITHIN THOSE 2 YEARS, THE PLANS WILL NEED TO BE RESUBMITTED FOR APPROVAL, INCLUDING PAYMENT OF REVIEW FEES AT THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTORS DISCRETION.

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RE	/ISIONS:	ENGINEER: DESIGNED BY: .	
<u>NO.</u> 1	DESCRIPTION CITY REVIEW COMMENTS	DATE 1/5/18	DRAWN BY:
			48 HOU Call 1—800 city of coloral gas, electric

SHEET LIST

GRADING & EROSION CONTROL PLAN

GRADING & EROSION CONTROL DETAILS (1 OF 2) GRADING & EROSION CONTROL DETAILS (2 OF 2)

DEVELOPER'S STATEMENT

I, THE DEVELOPER HAVE READ AND WILL COMPLY WITH ALL OF THE REQUIREMENTS OF THE GRADING AND EROSION

IE: SWV. LLC.			
M			
A. KOSCIELSKI	,		

MANAGER

ADDRESS: 31 N. TEJON, SUITE 500 COLORADO SPRINGS, CO 80903

NE, P.E. IEER/ECM ADMINISTRATOR		
ER'S APPROVAL		
THE BEST OF MY KNOWLEDGE AND BLISHED BY THE COUNTY FOR GR	AS PREPARED UNDER MY DIRECTION AND BELIEF SAID PLAN HAS BEEN PREPARED ADMINIMAND EROSION CONTROL PLANS. I ON S REGIMM PART IN PREPARING THIS PL	ACCORDING TO THE ACCEPT RESPONSIBILITY
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OTHERN, P.E. 24997 EHALF OF DAKOTA SPRINGS ENGL	NECENCE INCOMMENT	J-CADCONSULTING.COL 719-377-0002
DATE: 	DSE Dakota Springs Engineering	31 N. TEJON, SUITE 500 COLORADO SPRINGS, CO 80903 P: (719) 227-7388 F: (719) 227-7392
DATE: <u></u>	PROJECT SPRINGS AT WATERV	IEW
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