

**GENERAL APPLICATION FORM**

Edited 9/25/18

Tax Schedule Number(s):

Project Name: WESTGATE AT POWERS FILING NO. 3

Existing Zone: C5/CR APZ1 Acreage: 28.747

Site Address: Not yet assigned

Direction from
Nearest Street
Intersection: Existing Zone: C5/CR APZ1 AO SS
SW of E. Pikes Peak Avenue and
Joystone Drive extension intersection

64133-00-024, 025

TYPE OF PLAN(S) - Check all that apply. Note: MJ=Major Amendment; MN=Minor Amendment; MM=Minor Modification

- | | |
|--|---|
| <input type="checkbox"/> 2020 Land Use Map Amendment | <input type="checkbox"/> Property Boundary Adjustment |
| <input type="checkbox"/> Administrative Relief | <input type="checkbox"/> PUD Concept Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Amendment to Plat Restriction | <input type="checkbox"/> PUD Development Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> PUD Zone Change |
| <input type="checkbox"/> Building Permit to Unplatted Land | <input type="checkbox"/> Street Name Change |
| <input type="checkbox"/> Building Permit Prior to Platting | <input checked="" type="checkbox"/> Subdivision Plat <input type="radio"/> Prelim <input type="radio"/> Prelim & Final <input checked="" type="radio"/> Final |
| <input type="checkbox"/> CMRS No. <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 | <input type="checkbox"/> Subdivision Waiver <input type="radio"/> Design <input type="radio"/> Process |
| <input type="checkbox"/> Concept Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Use Variance <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Conditional Use <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Vacation of Plat |
| <input type="checkbox"/> Coordinated Sign Plan (CSP) | <input type="checkbox"/> Waiver of Replat |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Zone Change; Proposed Zone: _____ |
| <input type="checkbox"/> Development Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> FBZ Development Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Historic Preservation <input type="radio"/> Re-roof <input type="radio"/> Hearing Request | <input type="checkbox"/> FBZ Conditional Use <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Landscape Plan <input type="radio"/> Preliminary <input type="radio"/> Final <input type="radio"/> Irrigation | <input type="checkbox"/> FBZ Interim Use Plan |
| <input type="checkbox"/> Master Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> FBZ Minor Improvement Plan |
| <input type="checkbox"/> Nonuse Variance | <input type="checkbox"/> FBZ Warrant |
| <input type="checkbox"/> Preservation Easement Adjustment | |

PROPERTY OWNER AND/OR APPLICANT/CONSULTANT ACKNOWLEDGEMENT OF RESPONSIBILITIES:

The signature(s) hereby certify that the statements made by myself and constituting part of this application are true and correct. I am fully aware that any misrepresentation of any information on this application may be grounds for denial of this application. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. The applicant/owner by his or her signature understands and agrees that he or she is responsible for the completion of all on-site and off-site improvements as shown and approved on the final plan (including landscaping, paving, lighting, etc.) prior to receiving a Certificate of Occupancy.

Signature of Property Owner

6/8/21

Date

Signature of Consultant

06-08-21

Date

Signature of Developer

6/8/21

Date

APPLICANT CONTACT INFORMATION (please print or type)

Property Owner: POWERS AND AIRPORT, LLC, a Delaware Limited Liability Company

Contact Name: Al Cohen

E-Mail: acohen@srcorp.net

Phone: (949) 636-7261

Developer: STILLWATER EQUITY PARTNERS

Contact Name: Spencer Hymas

E-Mail: spencer@stillwaterep.com

Phone: (385) 429-2480

Consultant/Main Contact name: LAND DEVELOPMENT CONSULTANTS, INC., David V. Hostetler

Phone: (719) 528-6133

Address: 3898 Maizeland Road

City: Colorado Springs

State: CO

Zip Code: 80909

E-Mail: dhostetler@ldc-inc.com

PLANNER AUTHORIZATION: (CITY USE ONLY)☒ Checklists ☒ Distribution Form ☒ Project Blurb ☒ E-mail to Admin. Initial Review Level: ☒ AR ☐ CPC ☐ DRB ☐ HP

Payment \$ 2,602.00

Assigned to: Gabe Sevigny

Date: 6/21/2021

Receipt No.: 39482

City File No: AR FP 21-00406



CPC DP 12-00017

Edited 8/1/17

"WESTGATE AT POWERS FILING NO. 3"

Final Plat Application Requirements¹³

REVIEW CRITERIA: It is the purpose and intent of this article:

- A. To promote the health, safety, convenience and general welfare of the citizens of the City.
- B. To set forth appropriate standards for subdivision design which will:
 - 1. Encourage the development of sound, economical, stable neighborhoods and create a healthy living environment for the residents of the City, in conformance with the goals and policies of the Comprehensive Plan.
 - 2. Provide for lots of adequate size, configuration and appropriate design for the purpose for which they are to be used and to accommodate the physical features of the site.
 - 3. Promote design flexibility.
 - 4. Provide for streets of adequate capacity and with which appropriate improvements will handle anticipated traffic flow.
 - 5. Preserve the significant natural features and environmental quality of the City.
- C. To set forth appropriate standards for utilities and services which will:
 - 1. Provide an efficient, adequate and economical supply of utilities and services to land proposed for development, in order to assure that governmental costs are minimized to the greatest extent possible.
 - 2. Ensure at the time of subdivision that adequate storm drainage, sewage disposal and other utilities, services and improvements needed as a consequence of subdivision of land are provided.
 - 3. Provide for the undergrounding of all public utilities lines up to thirty thousand (30,000) volts except as otherwise provided in section 7.7.805 of this article.
- D. To assure the provision of adequate and safe circulation which will:
 - 1. Minimize traffic hazards through means of appropriate street design, and provide for safe and convenient vehicular and pedestrian traffic circulation.
 - 2. Provide for adequate vehicular access to abutting properties and the subdivider's remaining holdings.
 - 3. Assure that street rights of way are provided for in accord with the major thoroughfare plan and the City Engineer design manual.
 - 4. Provide for safe and convenient pedestrian access throughout the community.
- E. To assure adequate public facilities are provided which will:
 - 1. Enhance the coordination of subdivision development with the provision of public facilities such as parks, recreation areas, schools and other types of community facilities.
 - 2. Ensure that public facilities are provided in accord with the City's Comprehensive Plan.
 - 3. Provide for adequate law enforcement and fire protection facilities.
- F. To ensure the appropriate development of the community through the implementation of the goals and policies of the Comprehensive Plan. (Ord. 96-44; Ord. 01-42)

SUBMITTAL CHECKLIST: The following items will need to be included in any Final Plat review submittal.

Applicant

Planner

☒ **General Development Application Form**☐1 copy of a **Project Statement** identifying the following:

- 1. A clear description of the proposed plat. If public easements dedicated by plat to the City are to be vacated as part of the request, indicate this within the project statement letter;
- 2. A justification based on the review criteria addressing why the proposed plat should be approved; and
- 3. An issue list stating how each of the pre-application issues, as communicated to the applicant/owner by the reviewing planner, has been addressed in the proposed subdivision plat.

☒ 1 copy of a **Final Plat** showing all "Plan Contents" below☐☒ All plans, documents, and reports uploaded to **Dropbox folder** (Planner to send folder invite through email)☐☒ A **legal description** of the proposed project☐☒ 2 copies of a **Geologic Hazard Report** or **Waiver**☐☒ 2 copies of a **Drainage Study**☐☒ 2 copies of a **Traffic Impact Analysis**☐☒ Submittal of the **Wastewater Facilities Master Report** to Colorado Springs Utilities (CSU)☐Email completed form and map to wwmasterplansubmit@csu.org prior to application submittal.

W/HYDRAULIC GRADE LINE

SUBMITTAL CHECKLIST: *Continued from previous page.*

Applicant	Planner
9 <input checked="" type="checkbox"/> Proof of Ownership via title insurance, tax assessor's statement, or a deed.	<input type="checkbox"/>
10 <input checked="" type="checkbox"/> Ad Valorem Taxes - proof payment via paid tax receipt, an archive report, or a certificate for ad valorem property taxes.	<input type="checkbox"/>
11 <input checked="" type="checkbox"/> A copy of the Pre-Application Meeting Summary letter from the assigned City Planner.	<input type="checkbox"/>
<input checked="" type="checkbox"/> 1 copy of an approved Preliminary Plat or Concept, or Development Plan for the proposed project. "ON FILE"	<input type="checkbox"/>
N/A <input type="checkbox"/> Utility Line Locates provided if public easements dedicated by plat to the City are to be vacated, unless waived by Springs Utilities (refer to content requirements).	<input type="checkbox"/>
N/A <input type="checkbox"/> Mineral Estate Owner Notification Certification Affidavit (Public Hearing Items ONLY).	<input type="checkbox"/>

PLAN CONTENT REQUIREMENTS: The content of the final plat must include the following information.

General Information

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> Name of subdivision at the top of the sheet, followed by a subtitle identifying the Section, Township and Range along with City, County and State. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Sheet Size shall be 24" x 36" including 1/2" border with 'landscape' orientation. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Indication of standardized scale, both fractional and bar (i.e. 1" = 20') | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> North arrow | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Vicinity Map (does not have to be to scale). A vicinity location necessary to locate the tract. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Date of preparation of the plat | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Legal Description of the overall boundary of the subdivision with acreage. All courses on the legal shall be shown and labeled on the plat drawing. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Easement statement of standard easements as required on all, side rear and front lots lines. as well as site triangle easements. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Dedication Statements. Statements of land to be dedicated to the City for parks, playgrounds or other public uses, grants of easements and dedication of public streets and alleys to the City. | <input type="checkbox"/> |

All plats with public easements and/or tracts must have the dedication statement:

- | | |
|--|--------------------------|
| <input checked="" type="checkbox"/> <i>"The undersigned does hereby dedicate, grant and convey to the City of Colorado Springs those Public Easements (and tracts) as shown on the plat; and further restricts the use of all Public Easement to the City of Colorado Springs and/or its assigns, provided however, that the sole right and authority to release or quitclaim all or any such Public Easements shall remain exclusively vested in the City of Colorado Springs."</i> | <input type="checkbox"/> |
|--|--------------------------|

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> All plats with public streets shall have the following sentence in the dedication statement:
<i>"All public streets are hereby dedicated to the City of Colorado Springs for public use."</i> | <input type="checkbox"/> |
|---|--------------------------|

All plats with other tracts being dedicated to the City shall have:

- | | |
|--|--------------------------|
| <input checked="" type="checkbox"/> (1) A sentence in the dedication statement similar to "Tract X is hereby dedicated to the City of Colorado Springs for public use." | <input type="checkbox"/> |
| (2) A special numbered plat note defining the purpose and perpetual maintenance responsibility for the tract such as "Tract X is for public drainage, landscaping, trail and open space with maintenance of the surface being vested in the (Distract Name) Special Maintenance District." | <input type="checkbox"/> |

- | | |
|--|--------------------------|
| N/A <input type="checkbox"/> All plats with private streets shall have the following sentence as a plat note:
<i>"All private streets (insert names) are privately owned and maintained by (list owner name, Owner's Association, ect.)."</i> | <input type="checkbox"/> |
|--|--------------------------|

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> Statement of ownership and acknowledgement. The notarized signature of the owner is required. | <input type="checkbox"/> |
|---|--------------------------|

- | | |
|--|--------------------------|
| <input checked="" type="checkbox"/> Statement of mortgagee and acknowledgement. The signature of the mortgagee, if any, consenting to the dedication is required | <input type="checkbox"/> |
|--|--------------------------|

The following statement that the area included in the plat is subject to this Code as such applies to the development of the land:

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> "No building permits shall be issued for building sites within this plat until all required fees have been paid and all required public and private improvements have been installed as specified by the City of Colorado Springs or alternatively until acceptable assurances including but not limited to letters of credit cash subdivision bonds or combinations thereof guaranteeing the completion of all required public improvements including, but not limited to, drainage, street and erosion control have been placed on file with the City of Colorado Springs." | <input type="checkbox"/> |
|---|--------------------------|

- | | |
|--|--------------------------|
| <input checked="" type="checkbox"/> Notary Statement. Acknowledgement of the execution of the plat before a notary public. | <input type="checkbox"/> |
|--|--------------------------|

Applicant

Planner

Access Provisions:

- ☒ N/A a. A Statement Restricting Access. A statement restricting access rights across the right-of-way lines of major highways, parkways, streets or freeways, where required as a provision of approval. ☐
- ☒ b. Provision of Adequate Access. Proof of adequate, suitable access must be provided and clearly indicated on the face of the plat. If access is not directly gained from public right-of-way, a separate signed and recorded easement must be provided and referenced on the face of the plat. ☐
- ☒ Fee block (drainage, bridge, school and park) ☐
- ☒ Certificates for execution by each of the following or their duly appointed representative(s). ☐
- ☒ a. City Engineer ☐ c. City Clerk
- ☐ b. City Planning Director ☐ d. El Paso County Clerk and Recorder
- ☐ Layout. The exact layout including: ☐

Boundary Lines

The subdivision boundary will be clearly distinguishable from other maplines by use of a distinct line type and/or thickness. All lines will be labeled with bearing and distance, and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. All dimensions to be determined by accurate field survey which must balance and close within a limit of 1 in 5,000. Show adjacent and/or intersecting plat/deed lines and label appropriately to include recording information (Book and Page and/or Reception Number). ☐

Streets

All street right-of-ways defined by the plat will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance, and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. Widths shall be labeled from each right-of-way line normal to the corresponding street centerline. All street centerlines defined by the plat will be clearly distinguishable from other map lines by use of distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. The plat shall show the right-of-way lines, widths, locations and street names of all existing and proposed public or private streets: ☐

(1) Within the proposed subdivision, and

(2) Immediately abutting the proposed subdivision, and

(3) Any private street shall include the designation "(private)" immediately following street name; any other Private right of way that is not named shall include the designation "(private)" in a manner that clearly conveys such a status.

Easements

- ☒ All easements as required by City Utilities, the City Engineer and other public and quasi-public agencies. Said easements shall be clearly labeled to include with, use and identification as public or private, if necessary. Tie to property lines and annotate with bearings and distances as necessary. Clearly show and label all existing easements, to include width and recording information, that cross, abut or are located within the subdivision boundary. ☐

Lots and Blocks

- ☒ All lines of lots, blocks and other parcels of land defined by the plat will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance and all curves will be labeled with a radius and arc length. Lots must close to 1 in 5,000. ☐

Identification System

- ☒ All lots and blocks in the subdivision shall be numbered, beginning with the numeral "1" and continuing consecutively throughout the tract, with no omissions or duplications. All tracts shall be likewise labeled beginning with the letter 'A'. Lots and tracts shall be labeled with the area of the lot or tract. ☐

☒ Whenever a plat drawing spans multiple sheets, clear and well-labeled match lines and a keymap shall be included on each sheet. Labels will be of the nature "See Sheet ___ of ___". Duplicate street names, widths, lot numbers, tract names, easement labeling or any such labeling when any feature is shown on multiple sheets. ☐

- ☒ Use leader lines whenever a dimension is not clearly and unmistakably associated with a given line, line segment or arc. ☐
- ☒ All line annotation and all other text will be easily and clearly readable. No text shall overwrite other text or be overwritten by map lines. ☐
- ☒ Provide a legend, which designates all, lines and symbols except where called out on plat drawing. ☐

PLAN CONTENT REQUIREMENTS: *Continued from previous pages.*

Applicant

Planner

Inundation Mark:

The plat shall clearly show the 100-year flood plain line. Reference the appropriate FEMA Panel by which the location of this line has been determined.

→ Option 1: Property located completely outside of the 100-year floodplain:

"This property is located within Zone X (Areas determined to be outside of the 500-year floodplain) as established by FEMA per FIRM panel 08041C_____ F, effective date 3/17/1997."

Option 2: Property located within the 100-year floodplain:

"A portion of this property is located within Zone AE (area located within a 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C_____ F, effective date 3/17/1997."



Option 3: Property located within a 100-year floodplain where a LOMR has been processed:

"A portion of this property is located within Zone AE (area located within the 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C_____ F, effective date 3/17/1997 and as modified by LOMR# 0_-08-_____ P effective date DD/MM/YYYY."



→ Option 4: Property located within 100-year floodplain where a CLOMR has been processed and lot restrictions apply until a LOMR is approved by FEMA:

"A portion of this property is located within Zone AE (area located within the 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C_____ F, effective date 3/17/1997. A CLOMR# 0_-08-_____ R effective date DD/MM/YYYY is on record with the Regional Floodplain Administration. The following lots are will not be allowed building permits ("enter lot numbers") until a FEMA approved LOMR removing the properties from the 100-year floodplain is received by the Regional Floodplain Administration."

*All **bold** and "_____" require the Applicant to insert the appropriate data for their specific site.

☒ Book and Page and/or Reception Number for all existing and newly created easements. ☐

☒ All other information required by Colorado State law. ☐

☒ Sheet Size shall be 24" x 36" including 1/2" border with 'landscape' orientation. ☐

☒ Scale Bar ☐

☒ North arrow ☐

Adjacent Subdivision. Names of adjacent platted areas along with the Reception and/or PlatBook and Page Number shall be shown. If unplatted, so indicate. Existing street right-of-way that intersect the subdivision boundary or are adjacent to said boundary lines shall be clearly labeled with the street name, right-of-way width and appropriate deed or plat recording information where in said right-of-way is defined. Show and label all existing lots and blocks that are immediately adjacent to the subdivision boundary. ☐

☒ Basis of Bearing. A clearly defined basis of bearings shall be provided, both verbally and graphically. All monumentation defining said line shall be shown and labeled on the plat drawing. When said line is not common with the subdivision boundary, it shall be accurately tied to the boundary with bearings and distances. ☐

N/A ☐ Public Land and/or Land Reserved In Deeds. Location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision. ☐

☒ Monuments. All monuments used to determine and/or describe a boundary (including Basis of Bearings, Point of Beginning and Point of Commencement) shall be shown and clearly labeled on the plat drawing. Monuments for corners defined by the plat, or otherwise found to be missing in the field, shall be placed and set in accord with the requirements of the State of Colorado. ☐

☒ Not a Part of Subdivision. All areas enclosed within the subdivision boundary, which do not constitute a part of the subdivision shall be labeled 'Not a part of this subdivision.' All lines pertaining to such areas shall be dashed. ☐

☒ The area in sq.ft. of all Lots and Tracts sought to be platted. ☐

☒ The following statement in compliance with Section 7.7.303.D.7. "The area included in the plat described herein is subject to the Code of the City of Colorado Springs, 2001 As Amended." ☐

☒ The final plat shall be clearly and legibly prepared by a registered land surveyor or engineer ☐

N/A ☐ Show all common ingress-egress, parking and access easements required by the development plan. ☐

☒ The proposed subdivision meet all of the requirements of Chapter 7, Section 2 through 9 of the City Code, the Public Works Design Manual and any other applicable City ordinance and resolutions. ☐

PLAN CONTENT REQUIREMENTS: *Continued from previous pages.*

Applicant

Planner

Surveyor's Statement, which shall read:

- ☒ "The undersigned Professional Land Surveyor licensed in the State of Colorado, hereby states and declares that the accompanying plat was surveyed and drawn under his/her responsible charge and accurately shows the described tract of land, and subdivision thereof, and that the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his/her knowledge and belief." ☐

- 12 ☒ Closure Sheets. One (1) copy of the computer closure sheets for the entire subdivision area. Such sheets shall not be required if not more than five (5) lots in the subdivision are irregular (not rectangular) in shape. ☐

Replat should include the following information:

- ☒ The replat shall be identified by its own separate title. The title block of the replat shall further identify the subdivision of record of that portion of the subdivision of record which is being replatted. ☐

- N/A ☐ The replat shall contain the following notice: *'The approval of this replat vacates all prior plats for the area described by this replat.'* ☐

- N/A ☐ The replat shall show graphically the "as platted" lot(s) separately on the plat drawing. The drawing shall indicate all existing easements. ☐

If any existing lot line is being removed, relocated or re-orientated, any associated Easements dedicated by plat still remain unless vacated separately or as part of this request. If this easement is to be vacated as part of this request, provide the following information With the replat:

- N/A ☐ The project description letter needs to indicate that the associated lot line easement(s) or other platted easement(s) are to be vacated. Provide locates from the utility locaters, unless no water or wastewater mains exist adjacent to the area being replatted or unless CSU specifically waives the submission of locates. ☐

Geologic Hazard Study disclosure statement (not required if waiver has been approved): "This property is subject to the findings summary and conclusions of a Geologic Hazard Report prepared by _____ dated _____, which identified the following specific geologic hazard on the property: _____. A copy of said report has been placed within file # _____ or within the subdivision file _____ of the City of Colorado Springs Planning and Development Team. Contact the Planning and Development Team, 30 South Nevada Avenue, Suite 105, Colorado Springs, CO, if you would like to review said report." ☐

- ☒ If within an airport overlay, the following note must be added: "The aviation easement dedicated herein for public aviation purposes, shall be considered a public easement subject to those terms and conditions as specified on the instrument recorded at reception no. 217069667 of the Records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect." ☐

June 15, 2021

Gabe Seigny
Principal Planner, South Team
COLORADO SPRINGS LAND USE REVIEW
30 S. Nevada Avenue, Suite 701
Colorado Springs, CO 80903

RE: WESTGATE AT POWERS FILING NO. 3 Final Plat Submittal
TSN: 64133-00-024, 025

PROJECT STATEMENT:

This RAPID RESPONSE submittal is for approval of a Final Plat for a previously-approved Development Plan, CPC DP 12-00017. The 28.747 acre site, currently vacant, is located in the vicinity of the Southwest corner of future Joystone Drive's Northerly extension with E. Pikes Peak Avenue. This will be a 3-lot, 1-tract Final Plat, with Lot 1 (Clubhouse Facility) and Lot 2 (1st Phase of Apartment Complex Construction) separated by the APZ Zone Line, Lot 3 being the 2nd Phase of Apartment Complex Construction, and Tract A is for Sand Creek Channel dedication to the City of Colorado Springs. This site is zoned C5/CR APZ1 AO SS. The proposal for the Final Plat are to address a consistent use, zoning and improved access from both Troy Hill Road and Airport Road with additional proposed improvements to the East fork of Sand Creek.

The general location of this zoning aims to address the important connection at Airport Road and Powers Boulevard by first locating the PBC Zone close to the noted major intersection and allowing for a flexible commercial/retail area fitting of the Powers corridor and more specifically to the associated Peterson Air Force Base. Location of this zoning compliments the adjacent existing residential zones to the West and Southwest while also providing a use type that more accurately buffers and transitions the existing residential zones with the proposed PBC zone uses via the multi-family apartment complex.

The associated Development Plan focuses on tying the PBC area and existing residential areas together while also addressing needed improvements in regards to both access and drainage. The proposed development plan implements a new multi-family apartment development to the West and connecting retail uses to the South. With the DP, improved access is being proposed to Troy Hill Road and the possible future E. Pikes Peak Avenue extension. The improvements aim to address a common disconnect in this area and aid in the proposed future COOT interchange improvements at Airport Road and Powers Boulevard. Included with the access, intersection improvements at Airport and realigned Troy Hill Roads are being proposed to accurately address signalization needs and improved cross access needs between the proposed development and existing commercial developments south of Airport Road. In conjunction with the access improvements, additional improvements are being proposed to Sand Creek addressing the current floodplain and drainage in this area. Previous LOMR applications have been submitted and approved addressing the proposed channel redesign and floodplain improvements.

Thank you for your consideration.

David V. Hostetler, Director of Surveying, LAND DEVELOPMENT CONSULTANTS, INC.
3898 Maizeland Road, Colorado Springs, CO 80909 (719) 528-6133 dhostetler@ldc-inc.com

WESTGATE AT POWERS FILING NO. 3

A PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

BE IT KNOWN BY THESE PRESENTS:

That POWERS AND AIRPORT, LLC, a Delaware Limited Liability Company, being the owner of the following described tract of land to wit:

A parcel of land being a portion of the West Half of the Southeast Quarter (W2SE4) and the East Half of the Southwest Quarter (E2SW4) of Section 13, Township 14 South, Range 66 West of the 6th P.M., also being those tracts described by document (Reception No. 218016661, El Paso County, Colorado records) and a portion of that tract described by document (Reception No. 207138943, said El Paso County records), situate in the City of Colorado Springs, El Paso County, Colorado, described as follows:

Commencing at the Southwest corner of said Section 13's W2SE4 (all bearings in this description are relative to the Southerly line of said Reception No. 207138943's tract, which bears S86°44'41"E "assumed"); thence N00°24'31"W along the West line of said W2SE4, said line also being coincident with the Southerly extension of said tract's Westerly line and the Southerly extension of the Easterly line of GOLDEN ACRES MOBILE HOME PARK (Plat Book Z-2, Page 81, said records), 330.00 feet to the Southwesterly corner of said tract, said corner also being the Point of Beginning of the parcel herein described (the following six (6) courses are along the Westerly boundary line of WESTGATE AT POWERS FILING NO. 1 (Reception No. 219714294, said records); 1) continue N00°24'31"W along said coincident lines, 254.72 feet; 2) on a curve to the right, said curve having a central angle of 35°50'21", a radius of 389.15 feet, an arc length of 243.42 feet; 3) on a reverse curve to the left, said curve having a central angle of 57°46'06", a radius of 310.00 feet, an arc length of 312.56 feet; 4) on a reverse curve to the right, said curve having a central angle of 27°08'30", a radius of 290.00 feet, an arc length of 137.38 feet; 5) N04°49'08"E, 136.18 feet; 6) on a curve to the right, said curve having a central angle of 03°31'27", a radius of 220.00 feet, an arc length of 13.53 feet to a point on the Northeasterly right-of-way line of Joystone Drive (70' right-of-way) as platted in said FILING; thence Northwesterly on a non-tangent curve to the right, said curve having a central angle of 40°04'30", a radius of 300.02 feet, an arc length of 209.85 feet (the chord to said curve bears N30°55'16"W, a distance of 205.60 feet) to a point on said W2SE4's West line; thence N00°24'31"W along said West line, said line also being coincident with the Easterly exterior line of said Reception No. 218016661's tract, 408.56 feet to the most Northerly Northeasterly corner of said Reception No. 218016661's tract (the following three (3) courses are along the exterior lines of said tract); 1) N86°44'44"W along a line parallel to the North line of the Southwest Quarter of said Section 13, 1321.51 feet to an angle point of said tract; 2) S00°24'45"E along the West line of said E2SW4, 935.27 feet to an angle point of said tract, said point also being the Northwesterly corner of said PARK; 3) N89°35'29"E along the Northerly line of said PARK, 1318.75 feet to an angle point of said tract, said point also being the Northeasterly corner of said PARK; thence S00°24'31"E along the West line of said W2SE4, said line also being coincident with said PARK's Easterly line and said Reception No. 207138943's tract's Westerly line, 543.64 feet to the Point of Beginning and the terminus point of this description;

Containing 28.747 acres (1,252,217 square feet), more or less.



COLORADO

Department of Transportation

Region 2 Traffic Section
5615 Wills Blvd.
Pueblo, Colorado 81008
PH (719) 546-5407

March 5, 2019

Alan Cohen
Powers and Airport LLC
1901 Newport Blvd, Suite 350
Costa Mesa, CA 92627

Re: State Highway Access Permit No. 217086 located in El Paso County on CO Highway 024H near Mile Reference Pt. 309.51 Left & Right

Dear Al,

Enclosed is your Notice to Proceed (NTP) for the above stated access permit. This NTP is valid only if the referenced access permit has not expired. Access permits expire one year from the date of issue if not under construction or completed. Your permit will expire on 05-16-2019. Access Permits may be extended twice, for one year at a time, in accordance with Section 2.3(11)(3), of the Access Code. You must obtain a new NTP following the suspension of work through the winter. If the permit has expired and no other extensions are available to you, then a new access permit application must be submitted to CDOT.

You shall notify the CDOT Inspector Jeremiah Johnson, at (719) 250-4973, at least 48-hours prior to commencing construction within the State Highway right-of-way. All construction shall be completed in an expeditious and safe manner and shall be finished within 45-days from the start of construction. You must also contact the CDOT Inspector upon completion of access construction to request a final inspection, prior to any use, as allowed by this permit.

All materials and construction shall be completed in accordance with all applicable Department Standards and Specifications, and constructed in conformance with 2 CCR 601-1, State Highway Access Code, including any additional terms and conditions of the issued access permit. A fully endorsed (signed) copy of the issued access permit and the issued NTP shall be available for review at the construction site during construction.

If you have any questions or need more information, please contact me at the office listed above.

Respectfully,

Valerie Sword
Region 2 Permit Manager

Xc: Jennifer Irvine, El Paso County
Karami
Andrew
Bauer/Patrol 9
Gonzales/Johnson-file

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS CODE

NOTICE TO PROCEED

CDOT Permit No.

217086

State Highway/Mile Post/Side

024H / 309.51/Left & Right

Local Jurisdiction

Colorado Springs

Permittee(s):

Applicant:

Alan Cohen
Powers and Airport LLC
1901 Newport Blvd, Suite 350
Costa Mesa, CA 92627
(949) 999-2035 ext. 385

The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(11)(d), of the Access Code.

Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

1. All conditions and terms apply as described in the Access Permit.
2. A traffic control plan must be submitted to Mr. Jeremiah Johnson in Pueblo five working days prior to beginning work in the highway right-of-way for CDOT approval.
3. Five working days prior to beginning construction within the highway right-of-way, please contact Mr. Jeremiah Johnson in Pueblo at (303) 250-4973.
4. Upon completion of the construction of the access, please contact Mr. Johnson in writing by email jeremiah.johnson@tshengineering.com for final inspection.
5. The Notice to Proceed to construction and the Access Permit will expire on May 16, 2019 unless the construction of the access has been completed and accepted by the Department or a request for extension has been approved.

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By

(X)

Title

Date

This Notice is not valid until signed by a duly authorized representative of the Department

Colorado Department of Transportation

By

(X)

Title

Date

Valerie Livers

Permits Mgr

3/5/19

Copy distribution:

Required:

Region (original)

Applicant

Staff Access Section

Make copies as necessary for:

Local Authority

MTCE Patrol

Inspector

Traffic Engineer

Form 1265 8/98, 6/99

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT		CDOT Permit No. 217086
		State Highway No / Mp / Side 024H / 309.510 / Lt & Rt
Permit Fee \$300.00	Date of Transmittal 03/21/2018	Region / Section / Patrol / Name 2 / 04 / 9 Brad Bauer
		Local Jurisdiction City of Colorado Springs

RECEIVED

The Permittee(s): Alan Cohen Martin List 2009 Trust 9891 Irvine Center Drive, Ste 200 Irvine, CA 92618 (949) 398-8209	The Applicant(s): MAY 16 2018 CDOT Region 2 Permits Dept.
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is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: Approximately 520' west of Airport Rd/Powers Blvd intersection.

Access to Provide Service to:	(Land Use Code)	(Size)	(Units)
	820 - Shopping Center	23820	SqFt
	310 - Hotel 128 Room	1	Each
	832 - High-Turnover (Sit-Down) Restaurant	7200	SqFt
	710 - General Office Building	107400	SqFt
	834 - Fast Food Res. With Drive-Through Window	7	Each
	912 - Drive-in Bank	3200	SqFt

Additional Information:
See additional Terms and Conditions

PAID
CK #4072 5/16/18

MUNICIPALITY OR COUNTY APPROVAL
Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Date	Title
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used. The permittee shall notify Jeremiah Johnson 7192504973 with the Colorado Department of Transportation, at (719) 250-4973 at least 48 hours prior to commencing construction within the State Highway right-of-way. The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.			

Permittee Signature: <i>Alan Cohen</i>	Print Name ALAN COHEN	Date 3/26/18
Co-Permittee Signature: (if applicable)	Print Name	Date

This permit is not valid until signed by a duly authorized representative of the Department.

COLORADO DEPARTMENT OF TRANSPORTATION

Signature <i>Valerie Sward</i>	Print Name Valerie Sward	Title Permit Mgr	Date (of issue) 5/16/18
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Copy Distribution:

Required:
1. Region
2. Applicant

3. Staff Access Section
4. Central Files

Make copies as necessary for:
Local Authority
MTCE Patrol
Inspector
Traffic Engineer

Previous editions are obsolete and may not be used
Page 1 of 3 CDOT Form #101 5/07

**State Highway Access Permit
Form 101, Page 2**

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

Approximately 520' west of Airport Rd/Powers Blvd intersection. Route: 024, Mile Post: 309.51 Side:
Left & Right

For Permittee: Alan Cohen - Westgate at Powers

General

1. READ ALL ADDITIONAL STANDARD REQUIREMENTS ON THE ATTACHED FORM 101 AND OTHER TERMS AND CONDITIONS ON THESE ATTACHED SHEETS. A COPY OF THIS PERMIT MUST BE ON THE JOB SITE WITH THE CONTRACTOR.
2. The Permittee/Applicant shall provide the Department with the following submittals, documents, plans and other items for review prior to the issuance of a NOTICE TO PROCEED to construction:
 - a) A written request for a NOTICE TO PROCEED including the access permit number listed above.
 - b) The Permittee, through a Colorado registered professional engineer, shall provide design, construction, pavement striping and signing plans to the Department and/or Issuing Authority for approval. Design plans must include, but not limited to, layout of auxiliary lanes, utility locations, present and proposed right-of-way lines, present and proposed traffic control devices, cross sections on 50 foot intervals (NO CONTOURS), typical sections showing proposed surfacing requirements, and seeding requirements. See attached checklist. Upon approval and prior to issuing a NOTICE TO PROCEED, the auxiliary lane(s) and intersection improvement design plans shall be provided and shall be stamped and sealed by a Colorado registered professional engineer. The final design plans will be incorporated into this Access Permit. The Permittee shall furnish the Department with a minimum of two sets of final design plans.
 - c) Cost estimate for the improvements of the highway.
 - d) A performance bond from the Permittee's contractor to CDOT that will insure completion of the approved highway and all related intersection improvements in conformance with CDOT standards and specifications is required and shall be in place prior to issuance of the Notice to Proceed. The bond must be in the amount equal to 110% of the cost necessary to complete the project in accordance with access permit terms and conditions, as estimated by the Engineer of Record (EOR) and approved by CDOT. The bond company must be licensed to do business in the State of Colorado. The Cost Estimate and a draft of the bond language must be provided and approved by CDOT before acceptance of the final bond and before issuance of the Notice to Proceed. Attached are performance bond guidelines to aid in the creation of the draft bond.
 - e) The Permittee shall provide the Department with a donation form, legal description and survey of any area that is required to be donated to the Department for the construction of highway improvements.
 - f) For projects that include signal work, signal mast arm and shop drawings.
 - g) Current title policy or warranty deed.
 - h) A copy of the final recorded plat.
 - i) Proof of donation of right-of-way shall be provided to accommodate all improvements would be done on public property. The Department will accept a recorded subdivision plat indicating donation of ROW or you may follow the checklist attached to this permit.
 - j) The Permittee/Applicant is required to include the portion of CDOT Rights of Way to be impacted by the construction of the access within their Construction Stormwater Permit (CSP). A Notice to Proceed will not be issued until the Permittee/applicant provides CDOT Region 2 permit office with the proof of such inclusion on the developer's CSP.

Approximately 520' west of Airport Rd/Powers Blvd intersection. Route: 024, Mile Post: 309.51 Side: Left & Right

For Permittee: Alan Cohen - Westgate at Powers

- | | |
|-----------|--|
| Insurance | <p>3. A certificate of insurance naming the Colorado Department of Transportation (CDOT) as an additional insured is required to be submitted before work begins.</p> <p>4. The Permittee or the contractor shall be required to provide comprehensive general liability and property damage insurance naming the Department and the issuing authority (if applicable) as an additional insured party, in the amounts of not less than \$600,000 per occurrence and automobile liability insurance of \$600,000 combined single limit bodily injury and property damage for each accident, during the period of access construction. By accepting the permit, the Permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the Permittee's use of the access permit during the construction of the access.</p> |
| Access | <p>5. A NOTICE TO PROCEED TO CONSTRUCTION, CDOT Form 1265, is required before beginning the construction of the access or any activity in the highway right-of-way. All submittals, documents, plans, and other items that must be completed shall be submitted and approved by the Department before a NOTICE TO PROCEED to construction will be issued.</p> <p>6. The access is located on the north side of Airport Rd which connects to the west side of State Highway 024G, at approximately milepost 309.51.</p> <p>7. This section of highway is a Category EX highway. The information submitted with the application requires the following auxiliary lanes be designed and installed:</p> <ul style="list-style-type: none"> a) A westbound right-turn deceleration lane on Airport approaching the realigned Troy Hill Rd. This lane should be 155' plus a 160' taper. b) An eastbound left-turn deceleration lane on Airport Rd. approaching the realigned Troy Hill Rd. This lane should be 455' plus a 160' taper. c) The intersection will be fully signalized. Signal work shall be completed per CDOT's latest Standards/Specifications and the attached provision. <p>8. This Access Permit is issued to relocate Troy Hill Road's connection to Airport Rd, which lies within State Highway 024G right-of-way. The new location of the access will be approximately 550 feet west of the existing to align with existing Airport Creek Pt. The removal of the existing access shall include, but is not limited to, the return of highway right-of-way slopes, ditches, and fences to match existing adjacent conditions, including removal of asphalt aprons and culverts. Any asphalt removed from the highway shall result in a smooth finished edge. The removal of the access shall be completed to the satisfaction of the Senior Highway Maintenance Supervisor designated below. The access will serve Troy Hill Road (expected to become a City Street) and proposed new development to include;</p> <ul style="list-style-type: none"> • 23820 sf of shopping center, • a 128-room hotel, • 7200 sf high-turnover sit-down restaurant, • 107400 sf general office building, • 7 fast food restaurants with drive-thru windows, and • a 3200 sf drive-in bank. <p>9. A pre-construction meeting shall to be held prior to any construction within the state highway right-of-way. The permittee shall contact the Access Manager, Mr.</p> |

Approximately 520' west of Airport Rd/Powers Blvd intersection. Route: 024, Mile Post: 309.51 Side:
Left & Right

For Permittee: Alan Cohen - Westgate at Powers

Arthur Gonzales at 719-546-5732 at least 5 days prior to access construction to schedule the meeting and access construction.

10. Under no circumstances shall the construction of a private driveway by a private interest interfere with the completion of a public highway construction project. The private interest shall coordinate work the CDOT resident engineer named below.
11. The Permittee is responsible for wind and air borne erosion control measures during the construction phase. The developer is responsible for MS4 compliance; best management practice during construction should include clean project entry. The project landfall must be shaped and armored in such a way that no head-cutting will occur. No construction traffic is allowed to enter the highway along pioneered pathways or through the ditches.
12. The ditches may not be used for any construction purposes unless allowed under appropriate legal permits; any construction traffic accessing SH 24G under permits shall have appropriate flagging or traffic control.
13. Equipment and vehicles cannot be parked in the clear zone; this includes when occupied by construction personnel; the clear zone shall be kept clear of vehicles, equipment and stockpile to prevent accidents.
14. The Permittee shall refer to all additional standard requirements attached to this permit. This includes CDOT Form 101b, enclosed additional terms, conditions, exhibits, and noted attachments.
15. The following criteria were used to establish this Access Permit:
 - a) The Application for Access Permit (CDOT Form 137) dated August 24, 2018 and accepted by the regional office on February 5, 2018 and all attachments.
 - b) State Highway Access Code, Volume 2, CCR-601-1; Effective date August 31, 1998
 - c) The State Highway Access Category Assignment Schedule, as revised.
 - d) The Colorado Department of Transportation (CDOT) M&S Standard Plans
 - e) Vicinity Map
 - f) Troy Hill Rd Realignment Contract signed September 14, 2017.
 - g) Exhibit A, "Seeding Requirements"
 - h) Environmental Clearances Information Summary
 - i) Design Plans
 - j) Standard Special Provision Compliance with NCHRP 350 Crashworthiness Certification for Work Zone Traffic Control Devices.
 - k) Approved Traffic Report, signed and sealed by Jeffrey C. Hodsdon, PE #31684, dated January 10, 2017.
16. The Permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board), and incorporated by the U.S. Attorney General as a federal standard. These guidelines are defining traversable slope requirements and prescribing the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <https://www.codot.gov/business/designsupport/standard-plans>.

Approximately 520' west of Airport Rd/Powers Blvd intersection. Route: 024, Mile Post: 309.51 Side: Left & Right

For Permittee: Alan Cohen - Westgate at Powers

17. All costs associated with the installation of this access are the responsibility of the Permittee. This includes the design, construction, utility relocation, testing of materials and inspection.
18. This Access Permit is issued in accordance with the 1998 State Highway Access Code (2CCR 601-1), and is based in part upon the information submitted by the Permittee. This Access Permit is only for the use and purpose stated in the Application and on the Permit. Any changes, based upon existing and/or anticipated future conditions in traffic volumes, drainage, types of traffic, or other operational aspects may render this permit void, requiring a new Application for Access Permit to be submitted for review by the Department and/or Issuing Authority.
19. If necessary, minor changes, corrections and/or additions to the Permit may be ordered by the Department Inspector, other Department representative, or the local authority, to meet unanticipated site conditions. Changes may not be in violation of the State Highway Access Code. All major changes to the permit must be approved in writing by the Department prior to commencement of any work on or within the State Highway right-of-way.
20. All work is to conform to the plans referenced by this permit on file with the Colorado Department of Transportation or as modified by this Permit or a valid Notice to Proceed. If discrepancies arise, this permit and the valid Notice to Proceed shall take precedence over the plans. The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations or any other elements, which shall be confirmed and correlated at the work site. The Department through the approval of this document assumes no responsibility for the completeness and/or accuracy of the plans.
21. The Department standards, specifications, and regulations shall override the design plans incorporated in this permit should an oversight, omission, or conflict occur. The Department assumes no liability or responsibility whatsoever for the accuracy, completeness or correctness of the Permittee's design plans. Any design plan errors are the sole responsibility of the Permittee and/or the engineer.
22. The access shall be completed in an expeditious and safe manner and shall be finished within **45 days** from initiation of construction within State Highway right-of-way.
23. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-way in a forward movement. Backing into the right-of-way shall be considered a violation of the Terms and Conditions of the Access Permit and may result in the revocation of the Permit by the Department and/or Issuing Authority.
24. This access will be allowed a full movement. However, left turn movements in and out of this access may be prohibited at some future date.
25. A Fully Executed Complete Copy of this Permit and a valid Notice to Proceed to Construction must be on the job site with the contractor at all times during the construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of the work by order of the Department

Approximately 520' west of Airport Rd/Powers Blvd intersection. Route: 024, Mile Post: 309.51 Side:
Left & Right

For Permittee: Alan Cohen - Westgate at Powers

Inspector or the Issuing Authority.

26. Any additional permits and clearances required by other Federal, State, Local Government Agencies or Ditch Companies is the responsibility of the Permittee and/or Applicant.
27. The Permittee is responsible for obtaining any necessary additional federal, state and/or local government agency permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee.
28. **Five working days prior to beginning construction**, the Permittee/Contractor must contact Mr. Brad Bauer, Senior Maintenance Supervisor, to coordinate the construction with any scheduled maintenance activity. Mr. Bauer can be contacted in Colorado Springs at (719) 227-3205. Failure to comply with this requirement may result in the revocation of this permit.
29. The AM Peak Hour volumes for the ingress and egress turning exit movements exiting this access shall not exceed 657 and 657, respectively. The PM Peak Hour volumes for the ingress and egress turning exit movements exiting this access shall not exceed 745 and 715, respectively.
30. Reconstruction or improvements to the access may be required when the Permittee has failed to meet the required design and/or materials specifications. If any construction element fails within two years from Access Inspection Acceptance date due to improper construction or material specifications, the Permittee shall be responsible for all repairs. Failure to make such repairs may result in the revoking of the permit and closure of the access.
31. All access permit requirements shall be met prior to the herein-authorized use of this access.
32. Signing and striping are the responsibilities of the Permittee. All signs shall be manufactured in accordance with the Manual on Uniform Traffic Control Devices (M.U.T.C.D.). The sheeting for the signs shall be highway intensity sheeting (ASTM Type IV retro reflective sheeting). The Department shall approve the striping.
33.
 - a) CDOT will require the Permittee to hire a Colorado registered professional engineer to inspect the work carefully, and to affirm to the best of their knowledge and belief that the construction is in compliance with the permit specifications, and to report any item which may not be in compliance or cannot be determined to be in compliance, and the nature and scope of the item relative to compliance.
 - b) CDOT may require testing of materials. When so required, test results shall be provided to the Department or as specified on the permit. CDOT is requesting a written confirmation from the Permittee that this requirement is met.
 - c) One complete set of the "as built" plans (half size, 11" x 17"), signed and sealed by a Colorado registered Professional Engineer, must be submitted to CDOT.

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- d) The Department (CDOT) will require the Permittee to have a Colorado registered Professional Engineer to be in responsible charge of construction observation. The PE's responsibilities include, but are not limited to:
 - e) The PE in Responsible Charge of Construction Observation shall evaluate compliance with plans and specifications with regard to the roadway improvements within the State Highway right-of-way only. The PE's responsibilities shall be as defined in Section 5 of the "Bylaws And Rules Of The State Board Of Registration For Professional Engineers And Land Surveyors", and the relevant sections of the 1999 CDOT Standard Specifications for Road and Bridge Construction. The PE shall carefully monitor the contractor's compliance on all aspects of construction, including Construction Zone Traffic Control.
 - f) Engineering Certification: After inspection and before final acceptance, the Engineer shall certify to CDOT, in writing, that all inspections, materials, materials testing, and construction methods conform to the plans, specifications and purpose of design. The PE shall be experienced and competent in road and bridge construction management, and inspection and materials testing. Certification is defined as a statement that includes all of the following:
 - i. Is signed and/or sealed by a Professional Engineer representing that the engineering services addressed therein have been performed by the Professional Engineer, or under the Professional Engineer In Responsible Charge.
 - ii. Is based upon the Professional Engineer's knowledge, information, and belief; and
 - iii. Is in accordance with applicable standards of practice.
 - iv. CDOT is requesting a written confirmation from the Permittee that this requirement is met.
34. All construction materials, techniques and processes shall be in conformance with the specification on the permit and shall be consistent with Department Standard Specifications for Road and Bridge Construction as set forth in the latest "Standard Specifications for Road and Bridge Construction" manual.
35. Additional CDOT permits are required for work involving water, sanitary sewer, gas, electrical, telephone and landscaping within the right-of-way.
36. Any damage to existing highway facilities shall be repaired immediately at no cost to the Department and prior to continuing other work. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department inspector.
37. The Department Inspector or the Issuing Authority may suspend any work due to non-compliance with the provisions of this permit, adverse weather or traffic conditions, concurrent highway construction or maintenance in conflict with permit work or any condition deemed unsafe for workers or the general public. The work may be resumed upon notice from the Department Inspector or Issuing Authority.
38. The Permittee shall maintain adequate, unobstructed sight distance in both directions from the access. When determining the distance between accesses, the point of tangent shall be used where a radius is present, or the beginning of the curb cut. The minimum sight distance that shall be maintained along the highway

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for the access shall be 150 feet. The minimum sight distance that shall be maintained for the vehicle entering the highway shall be 250 feet.

39. Any landscaping or potentially obstructing objects such as but not limited to advertising signs, structures, trees, and bushes, shall be designed, placed, and maintained at a height not to interfere with the sight distance needed by any vehicle using the access. Planting of tree(s), which will be over 4 inches in caliper at maturity, will not be allowed within 30 feet of the edge of the traveled way. All other objects shall not exceed a total height of thirty inches from the top of final grade. The Department will require any object or landscaping that becomes unsightly or is considered to be a traffic hazard to be removed by the Permittee at no cost to the Department.
40. The auxiliary lanes shall be 12 feet wide exclusive of gutter pan and/or shoulder.
 - a) Shoulders adjacent to the travel lane shall be a minimum of six feet in width, but no less than the width of the current shoulder.
 - b) Shoulders adjacent to the travel lane shall be a minimum of 10 feet in width on any highway designated as part of the National Highway System.
 - c) Shoulders adjacent to an auxiliary lane shall be four feet in width.
 - d) When it is necessary to establish a left turn lane or median island, or otherwise redirect the vehicles on the traveled way, redirect tapers required for redirecting through travel lanes. The redirect taper shall be designed at 16:1.
 - e) For any access that is not a curb cut, including streets and private access using curb returns, the first 20 feet beyond the closest highway lane, including speed change lanes or the distance to the side drain, whichever is greater, shall slope down and away from the highway at a two percent grade to ensure proper drainage control.
41. Installation of auxiliary lane(s) (i.e. right/left acceleration lanes, right/left deceleration lanes) and/or a traffic signal may be required in the future as determined by the Department. These improvements will be determined based on safety problems created by the access. If the vehicular volume of the access meet warrants as required by Section 3 of the State Highway Access Code, or if the warrants for a signal are met in accordance with the Manual on Uniform Traffic Control Devices (M.U.T.C.D.), a new access permit will be required. The improvements shall be designed and installed by the Permittee in a timely manner to the Department's standards and specifications and at no cost to the Department. Failure by the Permittee to provide such improvements shall result in the revocation of this access permit and closure of the access approach.
42. Within the right-of-way, maximum grades shall be limited to ten percent for low volume field and residential access. All other accesses shall be limited to a maximum of eight percent grade. Lesser grades may be required for drainage control purposes.
43. The horizontal axis of an access to the highway shall be at a right angle to the centerline of the highway and extend a minimum of 40 feet from the edge of pavement or to the right-of-way line, whichever is greater.
44. Soil preparation including topsoil, seeding and mulching is required with the highway right-of-way on all disturbed areas not surfaced and those areas beyond the highway that may erode and send debris into the highway right-of-way. The

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Department or local municipality shall provide minimum seed mixes, types and rates of seeding and preparation. (See attached Exhibit A)

45. Installation of any traffic control device necessary for the safe and proper operation and control of the access shall be required by the permit at the cost of the Permittee.

- a) All traffic control devices within the highway or other public right-of-way or access that serve the general public shall conform to the M.U.T.C.D.
- b) Prior to removing any existing highway signs within the limits of the construction activities, the Permittee must contact Mr. Gary Garcia with the Department. Mr. Garcia can be contacted at (719) 546- 5767.

Traffic

46. Traffic control and work hours on state highways, interstates and freeways will be allowed as determined by the CDOT Inspector for this permit and area only.

47. No interference with traffic will be allowed after 12:00 Noon the day before a 3- or 4-day holiday weekend, as listed under 108.06 of the Standard Specifications for Road and Bridge Construction.

48. If any traffic control devices are evident within 50 feet of the construction area, the Permittee/Contractor must contact Mr. Jimmy Biren, Asst. Traffic Operations Engineer, in Pueblo. Mr. Biren can be contacted in Pueblo at (719) 546-5404.

Traffic Control

49. Whenever there is work within the highway right of way, the Permittee shall develop and implement a traffic control plan. This plan shall utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around and through the work site as well as ensure the safety of the work force. A certified Traffic Control Supervisor or a Professional Traffic Engineer shall prepare the traffic control plan. The plan shall be in conformance with the latest Manual on Uniform Traffic Control Devices (MUTCD) and other applicable standards. The plan must be submitted and approved by the State Access Inspector listed below five working days prior to beginning construction within the highway right of way. The approved traffic control plan will be attached to the Permit and the NOTICE TO PROCEED TO CONSTRUCTION and must be available on site throughout the duration of the construction. All work that requires traffic control shall be supervised by a registered professional traffic engineer or by a certified traffic control supervisor. The contractor in accordance with the Department Standards shall certify flagging personnel, when required.

50. Two-way traffic shall be maintained throughout the work area at all times.

51. Work shall BEGIN AFTER 8:30 a.m. and all equipment shall be off the right-of-way BEFORE 3:30 p.m. each day. No work is allowed within the highway right-of-way on weekends or State/Federal holidays. No construction vehicles shall be parked, or construction materials stockpiled on the highway right-of-way overnight. No private vehicles may be parked on the highway right-of-way at any time during construction.

Utilities

52. The Permittee shall call 811 for all locates prior to any digging or underground work. For CDOT owned underground facilities, contact CDOT Region 2 Traffic 719-546-5418. The Permittee is responsible for any utilities and/or traffic control devices disrupted by the construction of this access and all expense incurred for

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repair. There are existing utilities on the highway right-of-way by permit. Any work necessary to protect existing permitted utilities, such as encasements, bulwarks, etc. will be the responsibility of the Permittee.

- a) The Permittee is hereby advised that other utilities may exist within the proposed permit area. Permittee shall implement any and all measures to protect any existing utilities from damage. Non-Destructive Air-vacuum Excavation (potholing) to expose the utilities being surveyed to determine their exact depth and location maybe necessary before any work commences. A core hole saw cut is the recommended method of entry through pavement for potholing. Flow fill is required for backfill of the core hole under the pavement or on the roadway.
- a) The vacuum excavation technique is used not only to expose utilities but also for other uses that are benefited by the non-invasive/non-destructive, environmentally friendly technology such as dewatering or drill fluid/saw cutting fluid removal.
- b) The Contractor shall utilize a spotter to assist in the visual inspection of all excavation work as it progresses near existing CDOT Intelligent Transportation Systems fiber optic line conduits, pull boxes and manholes. The Contractor shall provide a spotter to aid equipment operators when construction activities are near marked or unmarked fiber lines.
- c) The spotter shall observe all excavation work as it progresses to ensure that no damage occurs to existing underground fiber lines. When the spotter has visual sight of the underground conduit, the spotter shall notify the equipment operator of the proximity to the conduit and begin to guide the excavation work. The spotter shall guide all excavation work around the conduit to ensure no damage occurs.

Miscellaneous 53. WORKER SAFETY AND HEALTH All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:

- Head protection that complies with the ANSI Z89.1-1997 standard;
- At all construction sites or whenever there is danger of injury to feet, protective footwear that complies with the ANSI Z41-1999 standard will be worn;
- High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 3).
- Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

54. CDOT retains the right to perform any necessary maintenance work in this area.

Access C & G 55. Attached is CDOT Standard Plan M-609-1, entitled "Curbs and Gutters".

56. All existing curb and gutter that is removed during the construction of the access shall be replaced with Standard Type 2 Curb in conformance with Section IIB of

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CDOT Standard M-609-1 or match the existing curb and gutter.

- a) Any new curb and gutter that is constructed shall be Standard Type 2 in conformance with Section IIB of CDOT Standard M-609-1 or the match existing curb and gutter.
- b) The new curb and gutter shall be installed to ensure proper drainage.
- c) All existing curb cuts and/or driveways that are removed shall be replaced with Standard Type 2 curb in conformance with Section IIB of CDOT Standard M-609-1 or match existing curb and gutter.
- d) The access that is to be closed shall be replaced with new Standard Type 2 curb and gutter in conformance with Section IIB of CDOT Standard M-609-1.

57. The sidewalk shall be constructed to match existing width and meet CDOT standards. Construct a 6-foot wide, 4-inches thick concrete sidewalk abutting or behind the curb. Construct curb ramps at the intersection of sidewalks and curbs per CDOT Standard M-608-1.
58. For all curb cuts, the vertical curve from the traveled way into the access shall be the flattest curve that can be obtained. To prevent the center or overhang drag of a vehicle, crest vertical curves shall not exceed a four-inch hump in a 10-foot chord. To prevent the center or overhang drag of a vehicle, sag vertical curves shall not exceed a four-inch depression in a 10-foot chord. Valley gutters are not allowed.
59. The areas behind the curb and sidewalk shall have a down slope away from the roadway of at least one-percent.
60. The access width, for an access without curbs, shall be measured exclusive of the radii or flares. The width of any non-traversal median is not counted as part of the access width. Only the travel portion is measured.
61. The surface width of the access shall be 46 feet at the ROW line.
62. The radii of the curb return of the access shall be large enough to accommodate the largest vehicle using the access on a daily basis.

Access Drg

63. All discharges to the CDOT highway drainage system must comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations, and are subject to inspection by the CDOT and CDPHE. CDOT recommends this development devise and implement a permanent plan for periodic removal and disposal of sediment from detention facilities and for maintenance of development detention facilities. Attached is the CDOT Environmental Clearances Information Summary listing some of the more commonly encountered environmental permits/clearances that may apply to activities and contacts for questions regarding these permits/clearances.
64. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system in the right-of-way or any adopted municipal system and drainage plan.
65. The highway drainage system is for the protection of the state highway right-of-way, structures, and appurtenances. It is not designed nor intended to serve the

drainage requirement of abutting or other properties beyond undeveloped historical flow. Drainage to the state highway right-of-way shall not exceed the undeveloped historical rate of flow.

66. All existing drainage structures shall be extended, modified or upgraded as applicable to accommodate all new construction and safety standards. This shall be done in accordance to the Department's standard specifications.
67. Any work in area adjacent to open water (streams, drainage, ponds, etc.) will require adequate erosion control measures in accordance with Section 107.25 of the Department standard specifications.
68. All drainage appurtenances required for detention and release shall be located and fully maintainable outside the highway right-of-way.

Access Median
Des

69. Where a single left turn lane is necessary, a median area of a minimum of 16 feet shall be provided. The median will consist of a 12-foot left turn lane and a 4-foot painted separator. Where a median area does not exist or where the painted median area is less than 16 feet in width and a left turn is required, the roadway shall be widened to accommodate the median and left turn lane.
 - a) When a barrier median is required, the median area shall consist of a 12-foot lane, exclusive of gutter and a minimum 6-foot raised median divider.
 - b) Where the existing median is a non-traversal barrier design, any new median construction shall be of similar barrier design unless otherwise required by this permit.
 - c) Where it is necessary to widen a highway for a median and public right-of-way is made available, the highway shall be widened equally on both sides in order to maintain the existing highway centerline.

Access
Subgrade

70. Whenever highway widening is required, the following applies;
 - a) Prior to placement of fill material, the permitted owner/contractor shall clear and grub the affected access area. Clearing and grubbing shall consist of clearing, grubbing, removing and disposing of vegetation and debris within the limits of construction and/or fill placement.
 - b) Upon completion of clearing and grubbing activities, the area shall be proof-rolled with heavy construction equipment to provide assurance that no soft spots are present that would prove detrimental to the final product. Soft spots shall be removed and/or stabilized with suitable material.
 - c) If fill is placed, it shall be constructed with suitable soil in maximum 8 inch loose lifts and compacted as specified before the next lift is placed. Once the fill section is complete, the area shall be proof-rolled with heavy construction equipment to provide assurance that no soft spots are present that would prove detrimental to the final product.
 - d) Base course shall be constructed in maximum 8 inch loose lifts and compacted as specified before the next lift is placed. Prior to asphalt/concrete placement, the area shall be proof-rolled with heavy construction equipment to provide assurance that no soft spots are present that would prove detrimental to the final product.

Access
Surfacing

71. The access shall be surfaced upon completion of earthwork construction and prior to being used. The access shall be surfaced from the highway roadway to the right-of-way line.

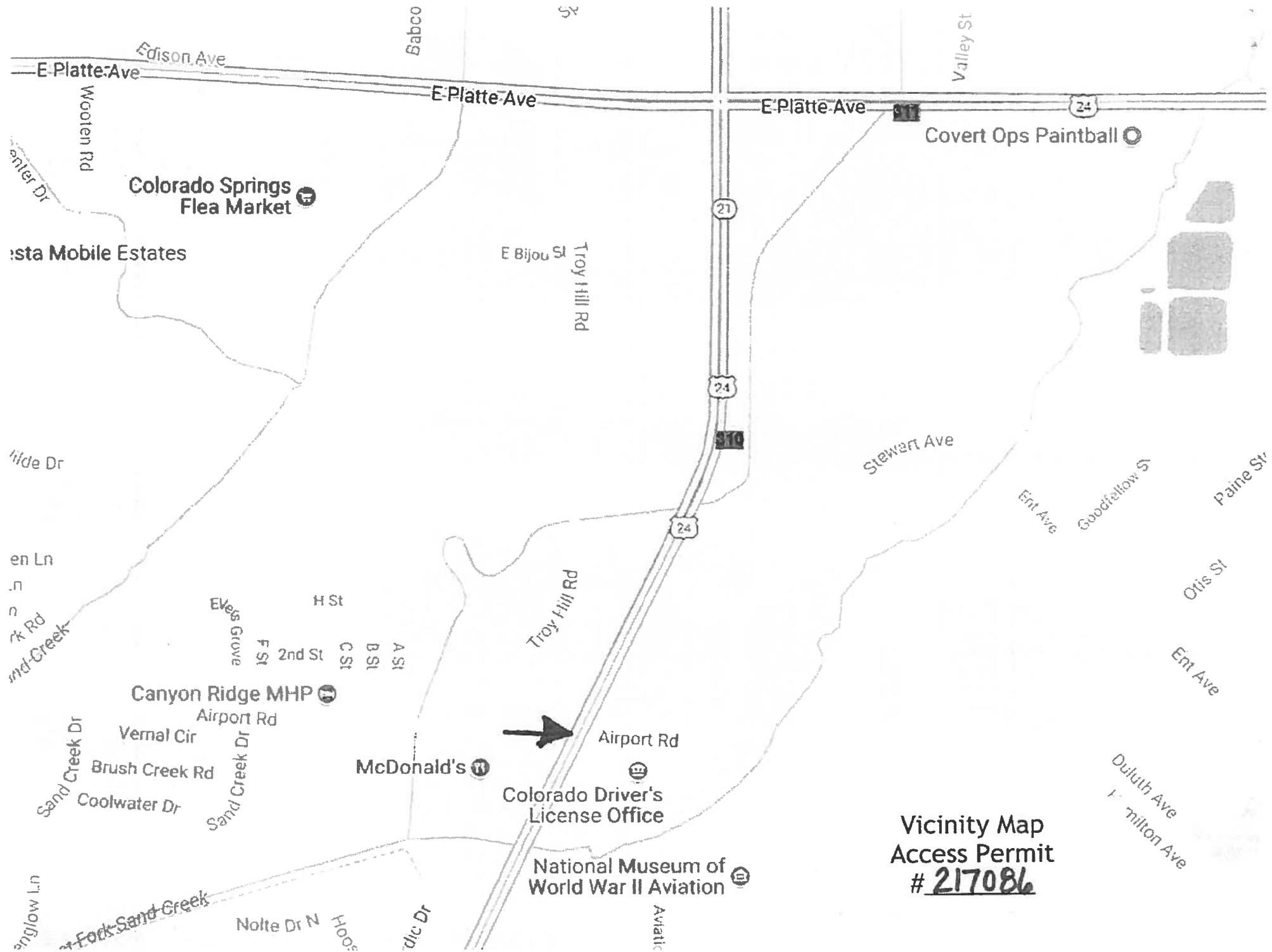
Approximately 520' west of Airport Rd/Powers Blvd intersection. Route: 024, Mile Post: 309.51 Side: Left & Right

For Permittee: Alan Cohen - Westgate at Powers

- a) Any access requiring a turn lane shall have a hard surface pavement for a minimum distance of 50 feet from the traveled way. The surfacing for the access and the widening shall be per an approved pavement design and Hot Mix Asphalt design on a sub-grade with "R>66". The pavement design shall be submitted to Mr. Jody Pieper, CDOT Materials Engineer for review and approval. The pavement and mix designs shall be incorporated in the design plans. Mr. Pieper can be contacted in Pueblo at (719) 546-5438.
- b) The Permittee will be responsible for removing the existing rumble strips that are located in the shoulder of the existing highway at the access connection point.
- c) A two-inch overlay of the entire width of the roadway is required.
- d) The two-inch overlay shall be 2 inches of compacted and approved Hot Mix Asphalt. The top layer of plant mix bituminous pavement shall not be placed between October 1 and April 1, unless otherwise approved by the Department Inspector.
- e) If hard surfacing (concrete or bituminous pavement) abuts existing pavement, the existing pavement shall be saw cut and removed a minimum of one (1) foot back from the existing edge of pavement.
- f) If patching is required due to saw cutting, 6 inches of approved Hot Mix Asphalt shall be used. The material will be placed in 3 lifts.
- g) Compaction and placement of Hot Mix Asphalt shall be in accordance to section 401 of the Department's Standard Specifications.
- h) Placement of base course materials shall be in accordance with section 304 of the Department's Standard Specifications. Compaction of the Aggregate Base Course shall comply with section 304 of the Department's Standard Specifications.
- i) Compaction of sub-grade, embankments and backfills shall be in accordance to section 203 of the Department's Standard Specifications. If frost, water or moisture is present in the sub-grade, no surfacing materials shall be placed until all frost, water or moisture is gone or removed.

Access
Survey

- 72. Physical separation and delineation along a property frontage such as curb and gutter or fencing, may be required when necessary to ensure that access will be limited to permitted locations.
 - a) Survey markers or monuments must be preserved in their original positions. Notify Ms. Lorelei Ward, CDOT Land Surveyor, at (719) 546-5744 immediately upon damage to or discovery of any such markers or monuments at the work site.
 - b) Any survey markers or monuments disturbed during the execution of this permit shall be repaired and/or replaced immediately to the satisfaction of the CDOT Land Surveyor at the expense of the Permittee. All survey procedures and minimum tolerances shall be in conformance with the Department Survey Manual and the "Manual of Instruction for the Survey of Public Lands of the United States" 1972 and section 38-53-101 et seq, C.R.S.
 - c) Monuments shall conform to Department Standard M-629-1.



Vicinity Map
Access Permit
217086

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application

CDOT Region 2
Permits Dept.

Instructions:

**Please print
or type**

- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
- Contact the Issuing authority to determine what plans and other documents are required to be submitted with your application.
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
- Submit an application for each access affected.
- If you have any questions contact the issuing authority.
- For additional information see CDOT's Access Management website at <http://www.dot.state.co.us/AccessPermits/index.htm>

1) Property owner (Permittee) Martin List 2009 Trust		2) Applicant or Agent for permittee (if different from property owner)								
Street address 9891 Irvine Center Drive, Suite 200		Mailing address								
City, state & zip Irvine, CA 92618	Phone # 949-398-8209	City, state & zip	Phone # (required)							
E-mail address acohen@srccorp.net		E-mail address if available								
3) Address of property to be served by permit (required) Westgate at Powers Development (Northwest of Powers Boulevard and Airport Road)										
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? <table border="1"> <tr> <td>county E1 Paso</td> <td>subdivision</td> <td>block</td> <td>lot</td> <td>section 13</td> <td>township 14S</td> <td>range 66W</td> </tr> </table>				county E1 Paso	subdivision	block	lot	section 13	township 14S	range 66W
county E1 Paso	subdivision	block	lot	section 13	township 14S	range 66W				
5) What State Highway are you requesting access from? Airport Road (west of SH21 - Powers Blvd.)		6) What side of the highway? <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W								
7) How many feet is the proposed access from the nearest mile post? 520 feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W from: MP-309.5		How many feet is the proposed access from the nearest cross street? 520 feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W from: Powers Blvd. (SH21)								
8) What is the approximate date you intend to begin construction? 1/15/2018										
9) Check here if you are requesting a: <input type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated:) <input type="checkbox"/> improvement to existing access <input type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input checked="" type="checkbox"/> relocation of an existing access (provide detail)										
10) Provide existing property use Vacant										
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: and/or, permit date:										
12) Does the property owner own or have any interests in any adjacent property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - please describe: EPC Parcel Nos. 64130-00-123,125,129, 64133-00-022,024,025										
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.										
14) If you are requesting agricultural field access - how many acres will the access serve? N/A										
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.										
business/land use	square footage	business	square footage							
Commercial (see LSC Traffic Study)	171,570									
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?										
type	number of units	type	number of units							
Apartments	600 DU									
Hotel	128 Rms									
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.										
Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes 20,130	# of multi unit trucks at peak hour volumes								
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)	Total count of all vehicles 20,130								

Previous editions are obsolete and may not be used

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- | | |
|--|---|
| a) Property map indicating other access, bordering roads and streets. | e) Subdivision, zoning, or development plan. |
| b) Highway and driveway plan profile. | f) Proposed access design. |
| c) Drainage plan showing impact to the highway right-of-way. | g) Parcel and ownership maps including easements. |
| d) Map and letters detailing utility locations before and after development in and along the right-of-way. | h) Traffic studies. |
| | i) Proof of ownership. |

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage <http://www.dot.state.co.us/environmental/Forms.asp>.

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.


Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

I understand receipt of an access permit does not constitute permission to start access construction work.

Applicant or Agent for Permittee signature	Print name	Date
	Alan H Cohen	8/24/2017
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.		
Property owner signature	Print name	Date

mp 309.51

mp 309.51

5/2/17	Internal mtg w/ Wayne, Amber, Neal + me
6/9/17	Mtg w/ Al Cohen, John Schwab, W T + me - request TIS + AP
9/21/17	Rec'd appl by email - Val requests proof of ownership
	Rec'd draft TIS, Drg rpt + civil drgs.
10/26/17	Request proof of ownership, rec'd Eric's comments, needs edit
10/30/17	Rec'd proof of ownership
11/27/17	Log in to program, provide TIS + drg comments
1/16/18	Rec'd revised TIS - to Eric for review
1/10/18	Rec'd Eric's comments - TIS approved
2/5/18	Appl formally accepted
2/20/18	Begin permit offer prep.
2/21/18	CR0T Ransomware Attack - hold
3/21/18	Complete T + C's creation - mail out
5/16/18	Rec'd signed permit w/ FCC - issue permit w/o NTP review docs.
5/24/18	Solicit comments from Mark, Sarah, Karen, Wayne on CR0T commitments
6/14/18	Permit issuance Htr w/o NTP
	Plans to Jimmy, Jody + Andy's for review
8/7/18	Rec'd Jody's comments
8/31/18	Rec'd Andy's comments
9/3/18	Rec'd Jimmy's comments
9/14/18	Mtg w/ John Schwab + Jason - need to modify T + C's.
2/4/19	Rec'd revised TIS, plans, drg + pavement - to Specialist's Review
2/7/19	Rec'd Jimmy's comment
2/8/19	Rec'd Jody's comment
3/4/19	Rec'd Andy's comment
3/5/19	Issue NTP pending LOC receipt
3-5-19	Put NTP in mail + emailed corpus

Ruggera, Lois

From: Lois Ruggera <LRuggera@springsgov.com>
Sent: Tuesday, February 12, 2019 9:04 AM
To: Ruggera, Lois
Subject: AR FP 18-00467 - Westgate at Powers Filing No. 1 *RAPID RESPONSE* - Engineering Development Review

Review Item - Engineering Development Review

Project-Review Number: 23071-37
Buckslip: AR FP 18-00467
Subdivision or Project Name: Westgate at Powers Filing No. 1 *RAPID RESPONSE*
Planner: Lonna Thelen
Responsible Engineer: Cory Sharp

Reviewer: Cory Sharp

Description:

Item Type: (FP) Final Plat

Submittal: 1st

Date Received: 06/28/2018

Date Due: 07/13/2018

Date Reviewed:

Firm: None

Review Fees: None: 0.0000 @ \$0 per none, Total Fee: \$0.00

Review Fees are Paid?: False

Reviewer Comments:

Final plat comments:

1. Fees and inspection fees to be determined.
2. Remove Tract C from the plat which will also change the legal description and boundary. Please review and revise as appropriate.
3. Tract A is shown on both sides of Joystone Drive, please revise one side of the tracts with a different designation since that tract is broken into 2 tracts. Please review and revise as appropriate.
4. The square feet of Joystone Drive does not need to be shown.
5. Please add the following avigation note in place of note 11:
THE PROPERTY BEING PLATTED HEREIN IN ITS ENTIRETY IS SUBJECT TO AN AVIGATION EASEMENT FOR PUBLIC AVIGATION PURPOSES. SAID EASEMENT SHALL BE CONSIDERED A PUBLIC EASEMENT AND SUBJECT TO THOSE TERMS AND CONDITIONS AS SPECIFIED ON THE INSTRUMENT RECORDED AT RECEPTION NO. 217069667 OF THE RECORDS OF EL PASO COUNTY, COLORADO. ALL OTHER EASEMENTS OR INTERESTS OF RECORD AFFECTING ANY OF THE PLATTED PROPERTY DEPICTED HEREON SHALL NOT BE AFFECTED AND SHALL REMAIN IN FULL FORCE AND EFFECT.
6. Please revise the second part of the easement statement with the current language:
All easements that are dedicated hereon for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at reception number 212112548 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.
7. Please remove note 8 and renumber the notes.

8. Please complete the City File No. AR FP 18-00467.

9. Last sentence of the easement statement "easements determined to be required by Colorado Springs Utilities to be created, as needed, prior to construction by separate document" was this a request of CSU? Is the statement necessary? Please review and revise as appropriate.

El Paso County, Colorado
Property Tax Details

Property Taxes for 2020 Due 2021

[Display Tax Statement](#)

This information reflects current year status of tax liability, assessments due, fees, interest, and current payments received. This information is not to be used in place of a certificate of taxes due.

Parcel Information

Schedule Number: 6413300024

Owner Information

Name: POWERS & AIRPORT LLC

Mailing Address: 160 W CANYON CREST RD 3
ALPINE UT 84004

Property Information

Property Address: 13-14-66

Property Type: Real

Legal Description

TRACT IN E2SW4 OF SEC 13-14-66 AS FOLS, BEG AT PT ON E LN OF SD E2SW4 657.6 FT S FROM NE COR THEREOF, CONT S ON SD LN 386.4 FT ANG R 90< W 466.7 FT, ANG L 90< S 466.7 FT, ANG R 90< W 854.5 FT TO W LN OF SD E2SW4, N ON SD LN 843.1 FT, TH E PARA WITH N LN OF SW4 1325.5 FT TO POB

Property Valuation

Total Assessed Land: \$139,970

Total Assessed Improvements: \$0

Total Assessed: \$139,970

[Assessment questions? Click here](#)

Value

Total Market Value: \$482,645

Taxes Billed

Base Tax Amount: \$14,433.29

Special Assessment Amount: \$0.00

Improvement District Amount: \$0.00

Total Current Year Taxes: \$14,433.29

Total Current Year Taxes do not reflect outstanding tax liens and delinquencies, if any. See Alerts.

Alerts

N/A

Current Year Payments Due as of 6/14/2021

Option 1:

Payment Type	Due Date	Taxes & Fees Due	Interest Due	Total Amount		
First Half:	March 01	\$0.00	\$0.00	\$0.00	False	Pay
Second Half:	June 15	\$0.00	\$0.00	\$0.00	False	Pay

OR

Option 2:

Payment Type	Due Date	Taxes & Fees Due	Interest Due	Total Amount		
Full Amount:	April 30	\$0.00	\$0.00	\$0.00	False	Pay

Current Year Payments Received

Date	Amount
04/30/2021	\$14,433.29

Prior Year(s) Transaction History

Date	Amount
08/28/2020	\$7,190.96
03/10/2020	\$7,190.96
04/18/2019	\$15,169.26
02/16/2018	\$14,626.04
10/17/2017	\$8,611.69

Note: Prior years transaction history data is for a maximum of 4 years.

[Print This Page](#)

Please Note: This web page is best viewed in Compatability View.

El Paso County, Colorado
Property Tax Details

Property Taxes for 2020 Due 2021

[Display Tax Statement](#)

This information reflects current year status of tax liability, assessments due, fees, interest, and current payments received. This information is not to be used in place of a certificate of taxes due.

Parcel Information

Schedule Number: 6413300025

Owner Information

Name: POWERS & AIRPORT LLC

Mailing Address: 160 W CANYON CREST RD 3
ALPINE UT 84004

Property Information

Property Address: 5445 E PIKES PEAK AVE

Property Type: Real

Legal Description

TRACT IN E2SW4 OF SEC 13-14-66 AS FOLS, BEG AT PT ON E LN OF SD E2SW4 1044 FT S OF NE COR THEREOF, ANG R 90< WLY 466.7 FT, ANG L 90< SLY 466.7 FT, ANG L 90< ELY 466.7 FT, TH ANG L 90< 466.7 FT TO POB

Property Valuation

Total Assessed Land: \$31,580

Total Assessed Improvements: \$0

Total Assessed: \$31,580

[Assessment questions? Click here](#)

Value

Total Market Value: \$108,900

Taxes Billed

Base Tax Amount: \$3,256.43

Special Assessment Amount: \$0.00

Improvement District Amount: \$0.00

Total Current Year Taxes: \$3,256.43

Total Current Year Taxes do not reflect outstanding tax liens and delinquencies, if any. See Alerts.

Alerts

N/A

Current Year Payments Due as of 6/14/2021

Option 1:

Payment Type	Due Date	Taxes & Fees Due	Interest Due	Total Amount		
First Half:	March 01	\$0.00	\$0.00	\$0.00	False	Pay
Second Half:	June 15	\$0.00	\$0.00	\$0.00	False	Pay

OR

Option 2:

Payment Type	Due Date	Taxes & Fees Due	Interest Due	Total Amount		
Full Amount:	April 30	\$0.00	\$0.00	\$0.00	False	Pay

Current Year Payments Received

Date	Amount
04/30/2021	\$3,256.43

Prior Year(s) Transaction History

Date	Amount
08/28/2020	\$1,622.42
03/10/2020	\$1,622.42
04/18/2019	\$3,422.48
02/16/2018	\$3,299.91
10/17/2017	\$1,950.64

Note: Prior years transaction history data is for a maximum of 4 years.

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Disclaimer: We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Treasurer's Office. Do



First American

Commitment

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1060396-SLC1

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, ***First American Title Insurance Company***, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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First American

Schedule A

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1060396-SLC1

Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company National Commercial Services Issuing Office: 215 South State Street, Ste. 380, Salt Lake City, UT 84111

Commitment No.: NCS-1060396-SLC1

Phone Number: (801)536-3100

Property Address: Vacant land - Airport Road, Colorado Springs, CO Issuing Office File No.: NCS-1060396-SLC1

Revision No.:

SCHEDULE A

1. Commitment Date: April 19, 2021 at 5:00 PM
2. Policy or Policies to be issued:
 - (a) ☒ ALTA® Owner's Policy (6-17-06)
Proposed Insured: RealSource Residential, LLC, a Utah limited liability company
Proposed Policy Amount: \$4,800,000.00
 - (b) ☐ ALTA® Loan Policy (6-17-06)
Proposed Insured:
Proposed Policy Amount: \$
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. The Title is, [at the Commitment Date, vested in:](#)

Powers and Airport, LLC, a Delaware limited liability company
5. The Land is described as follows:

See Exhibit "A" attached hereto and made a part hereof

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First American

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1060396-SLC1

Exhibit A

Commitment No.: NCS-1060396-SLC1

The Land referred to herein below is situated in the County of El Paso, State of Colorado, and is described as follows:

Parcel A:

A parcel in the Southeast quarter of Section 13, Township 14 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Southeast quarter (said point being monumented by a 2.5" aluminum monument, pls #22573) from which the Southeast corner of said quarter bears on an assumed bearing South 86°44'41" East, 2638.60 feet (said point being monumented by a 2.5" aluminum monument, pls #22573); thence on the West line of said Southeast quarter, North 00°24'57" W, 330.00 feet to the Northwest corner of that tract of land described in instrument recorded in [Book 3768 at Page 974](#) of said County records, and the point of beginning of the tract to be described hereby; thence continue on said West line North 00°24'57" West, 1316.18 feet to the Southwest corner of that tract described in instrument recorded in [Book 1781 at Page 43](#) of said County records; thence on the South line of said tract, South 86°44'39" East, 731.25 feet (729 feet deed) to the Southeast corner thereof; thence on the East line of said tract, North 00°24'57" West, 300.00 feet to the South line of Frazier's Garden Acres, according to the Plat thereof recorded in Plat [Book Y at Page 23](#), and as amended by Engineer's Statement recorded in [Book 1583 at Page 401](#) of said County records; thence on the South line of said subdivision, South 86°45'35" East, 471.22 feet to the Southeast corner of Lot 11 in Block 3 of said Subdivision, said point being on the West line of the first described tract in Unit 1, Parcel 1 rev. of Department of Transportation, State of Colorado, Project No. STA-STE-NH(CS)024-3 (41) described in instrument recorded in [Book 6902 at Page 1054](#) of said County records; thence on said West line for the next nine courses:

- 1) thence South 03°03'11" West, 36.32 feet;
- 2) thence South 11°40'44" West, 50.00 feet;
- 3) thence South 07°38'35" East, 104.86 feet;
- 4) thence South 19°04'32" East, 102.13 feet;
- 5) thence South 00°06'21" West, 439.00 feet;
- 6) thence South 12°44'15" West, 62.00 feet;
- 7) thence South 29°12'12" West, 158.00 feet;
- 8) thence South 40°17'26" West, 765.00 feet;
- 9) thence South 17°46'01" West, 800 feet to a point on the Northerly line of that tract described in instrument recorded in [Book 3768 at Page 974](#) of said County records; thence North 86°44'41" West on said North line, 614.52 feet to the point of beginning, less and except those parts conveyed by Deed recorded June 25, 2010 at Reception No. [21060322](#); and by Deed recorded August 22, 2012 at Reception No. [212097590](#) and by Deed recorded August 22, 2012 at Reception No. [212097591](#), also excluding therefrom the Plat of Westgate at Powers Filing No. 1 recorded March 20, 2019 at Reception No. [219714294](#), and further excluding therefrom the Plat of Westgate at Powers Filing No. 2 recorded October 10, 2019 at Reception No. [219714417](#).

NOTE: The above legal description will be amended upon satisfaction of the requirements herein set forth.

Parcel B:

That portion of the East Half of the Southwest Quarter of Section 13, Township 14 South, Range 66 West of the 6th P.M., described as follows: Commencing at the Northeast corner of the East Half of the Southwest Quarter of said Section 13; thence South on the East line thereof 1044.0 feet for the Point of Beginning of tract herein described; thence continue

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First American

Schedule BI & BII

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1060396-SLC1

Commitment No.: NCS-1060396-SLC1

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Payment of all taxes and assessments now due and payable as shown on a certificate of taxes due from the County Treasurer or the County Treasurer's Authorized Agent.

NOTE: Tax certificate(s) must be ordered by or provided to the Company at least one week prior to closing.

NOTE: Local ordinances may impose liens on the Land for unpaid water, sewer, stormwater drainage, or other utilities charges. If this transaction includes a sale of the property, a Utilities Agreement and/or escrow is required.

6. Evidence that all assessments for common expenses, if any, have been paid.
7. Receipt by the Company of an ALTA/NSPS Land Title Survey, certified to First American Title Insurance Company, and in form and content satisfactory to the Company. The Company reserves the right to make further requirements and/or exceptions upon review of this survey.
8. Receipt by the Company of a true and accurate Legal Description prepared and certified by a licensed surveyor, of the property to be insured hereunder. This commitment is subject to further requirements and/or exceptions upon review.
9. Recordation of a Partial Release of the Deed of Trust from Powers and Airport, LLC, a Delaware limited liability company to the Public Trustee of El Paso County for the use of Conor Spiegel, Gerald Lee Skousen and Michelle Ann Skousen, as Trustee of the Gerald and Michelle Skousen 2017 Living Trust dated July 18, 2017, The Kristin Spencer Kendell Revocable Trust dated July 29, 2010, Kristin Spencer Kendell Trustee, David L. Payne and Annette M. Payne, Lee Spiegel, Seven Total LLC, a Utah

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limited liability company, PCG Select Series I LLC, a Delaware limited liability company, PCG Select Series II, LLC, a Delaware limited liability company, Wildermuth Endowment Strategy Fund, a Delaware statutory trust, PCG Credit Partners, LLC, a Delaware limited liability company, (Beneficiary) and REEF-PCG LLC, a Utah limited liability company, acting as their administrative agent to secure an indebtedness in the principal sum of \$12,100,000.00, and any other amounts and/or obligations secured thereby, dated December 21, 2017 and recorded February 13, 2018 at Reception No. [218016666](#), to release the property described herein.

NOTE: First Amendment to Construction Deed of Trust in connection therewith recorded December 30, 2019 at Reception No. 219164974 and re-recorded March 10, 2020 at Reception No. [220034264](#).

NOTE: Partial Release in connection therewith recorded March 10, 2020 at Reception No. [220034360](#).

10. Receipt by the Company of the following documentation for Powers and Airport, LLC, a Delaware limited liability company:

Operating Agreement, and all amendments thereto, if any.

Certificate of Good Standing issued by the Delaware Secretary of State.

NOTE: The Company reserves the right to make further requirements and/or exceptions upon review of the above item(s).

11. Receipt by the Company of the following documentation for RealSource Residential, LLC, a Utah limited liability company, a Utah limited liability company:

Operating Agreement, and all amendments thereto, if any.

Certificate of Good Standing issued by the Utah Secretary of State.

NOTE: The Company reserves the right to make further requirements and/or exceptions upon review of the above item(s).

12. Receipt by the Company of a satisfactory Final Affidavit and Indemnity, executed by Powers and Airport, LLC, a Delaware limited liability company.

13. Prior to closing, the Company must confirm whether the county recording office in which the Land is located has changed its access policies due to the COVID-19 outbreak. If recording has been restricted, specific underwriting approval is required; and, additional requirements or exceptions may be made.

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First American

Schedule BI & BII (Cont.)

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: NCS-1060396-SLC1

Commitment No.: NCS-1060396-SLC1

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct land survey and inspection of the Land would disclose, and which are not shown by the Public Records.
4. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.
5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.

Note: Exception number 5 will be removed from the policy provided the Company conducts the closing and settlement service for the transaction identified in the commitment.

6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Any water rights, claims of title to water, in, on or under the Land.
8. Any existing leases or tenancies.
9. Any and all title or interest of the Denver & New Orleans Railroad Company, its successors and/or assigns, in and to the tract of land described in instrument recorded February 23, 1917 in [Book 395 at Page 389](#).

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10. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Grant of Right of Way recorded August 3, 1956 in [Book 1583 at Page 259](#).
11. Right of way for road purposes, as excepted in Deed recorded March 5, 1965 in [Book 2060 at Page 422](#).
12. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Easement recorded November 25, 1970 in [Book 2376 at Page 862](#).
13. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Easement recorded November 25, 1970 in [Book 2376 at Page 863](#).
14. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Easement recorded November 25, 1970 in [Book 2376 at Page 865](#).
15. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Easement recorded May 10, 1974 in [Book 2675 at Page 872](#).
16. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Easement recorded May 10, 1974 in [Book 2675 at Page 874](#).
17. Terms, conditions, provisions, obligations and agreements as set forth in the Possession and Use Agreement recorded September 23, 1993 in [Book 6266 at Page 904](#).

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DISCLOSURE STATEMENT

Pursuant to C.R.S. 30-10-406(3)(a) all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Nonresident withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.

Pursuant to C.R.S. 10-11-122, the company will not issue its owner's policy or owner's policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

C.R.S. 10-11-122 (4), Colorado Notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

NOTE: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

- A. **That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and**
- B. **That such mineral estate may include the right to enter and use the property without the surface owner's permission.**

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-1, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. **The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.**
- B. **No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.**

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- C. **The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.**
- D. **The Company must receive payment of the appropriate premium.**
- E. **If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium, fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.**

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

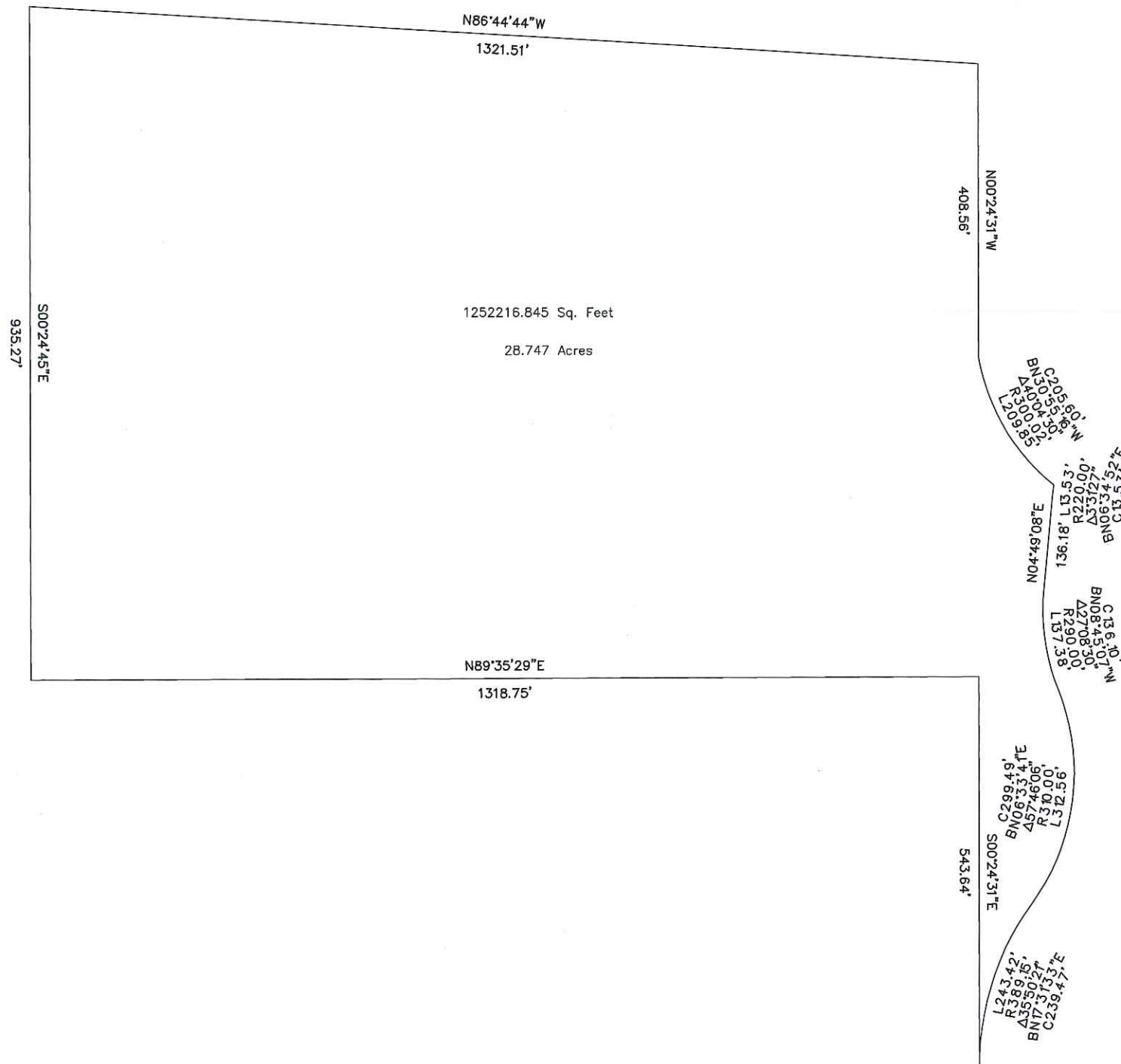
Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

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CLOSURE SHEETS
" WESTGATE AT POWERS FILING NO. 3 "
Sheet 1 of 3



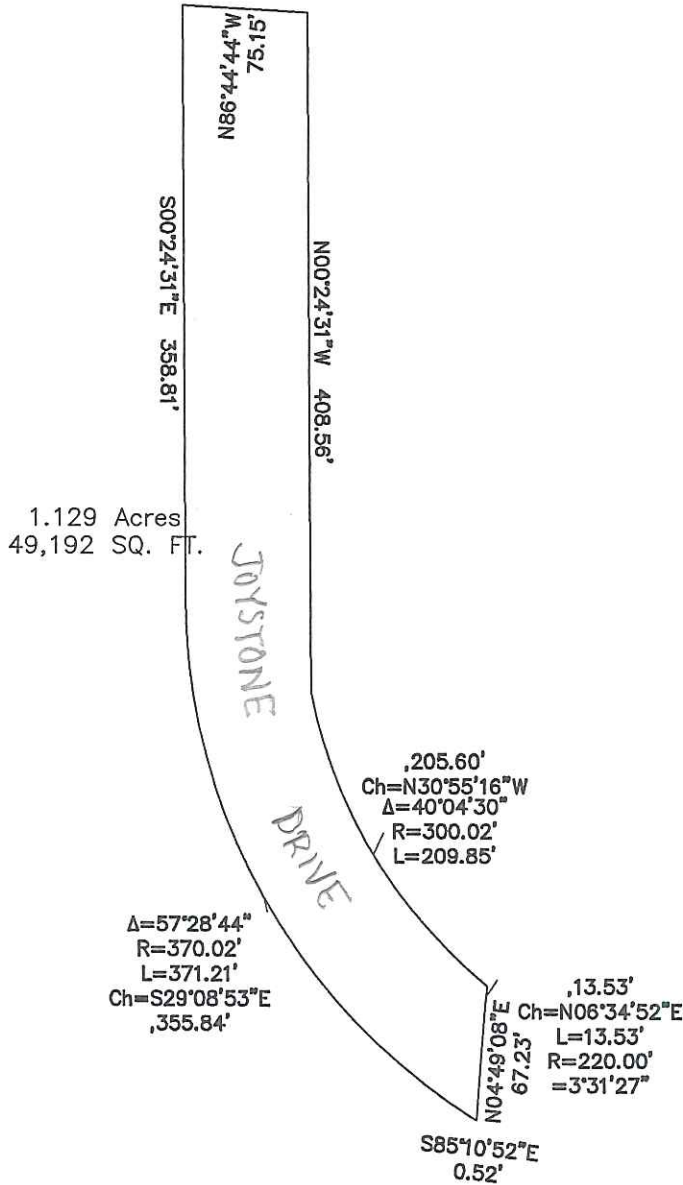
Inverse With Area

Fri Apr 16 09:37:08 2021

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			-1315.40	2449.57	
	Radius: 389.15	Chord: 239.47	Degree: 14°43'24"	Dir: Right	
	Length: 243.42	Delta: 35°50'21"	Tangent: 125.84		
	Chord BRG: N 17°31'33.284"	E Rad-In: N 89°36'22.835"	E Rad-Out: S 54°33'16.267"	E	
	Radius PntNo: N: -1312.73	E: 2838.71			
			-1087.05	2521.68	
	Radius: 310.00	Chord: 299.49	Degree: 18°28'57"	Dir: Left	
	Length: 312.56	Delta: 57°46'06"	Tangent: 171.02		
	Chord BRG: N 06°33'40.756"	E Rad-In: N 54°33'16.267"	W Rad-Out: S 67°40'37.780"	W	
	Radius PntNo: N: -907.27	E: 2269.13			
			-789.53	2555.90	
	Radius: 290.00	Chord: 136.10	Degree: 19°45'26"	Dir: Right	
	Length: 137.38	Delta: 27°08'30"	Tangent: 70.00		
	Chord BRG: N 08°45'07.115"	W Rad-In: N 67°40'37.780"	E Rad-Out: S 85°10'52.011"	E	
	Radius PntNo: N: -679.38	E: 2824.17			
			-655.02	2535.19	
	N 04°49'07.989"	E 136.18			
			-519.32	2546.63	
	Radius: 220.00	Chord: 13.53	Degree: 26°02'37"	Dir: Right	
	Length: 13.53	Delta: 3°31'27"	Tangent: 6.77		
	Chord BRG: N 06°34'51.569"	E Rad-In: S 85°10'52.035"	E Rad-Out: S 81°39'24.827"	E	
	Radius PntNo: N: -537.80	E: 2765.86			
			-505.88	2548.19	
	Radius: 300.02	Chord: 205.60	Degree: 19°05'49"	Dir: Right	
	Length: 209.85	Delta: 40°04'30"	Tangent: 109.42		
	Chord BRG: N 30°55'15.736"	W Rad-In: N 39°02'29.228"	E Rad-Out: N 79°06'59.299"	E	
	Radius PntNo: N: -272.85	E: 2737.17			
			-329.50	2442.54	
	N 00°24'31.090"	W 408.56			
			79.04	2439.62	
	N 86°44'43.872"	W 1321.51			
			154.07	1120.24	
	S 00°24'45.471"	E 935.27			
			-781.18	1126.98	
	N 89°35'28.910"	E 1318.75			
			-771.78	2445.69	
	S 00°24'31.090"	E 543.64			
			-1315.40	2449.57	

Closure Error Distance> 0.0000
Total Distance Inversed> 5580.64

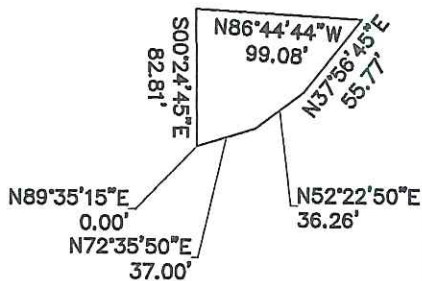
Area: 1252216.845 Sq. Feet, 28.747 Acres



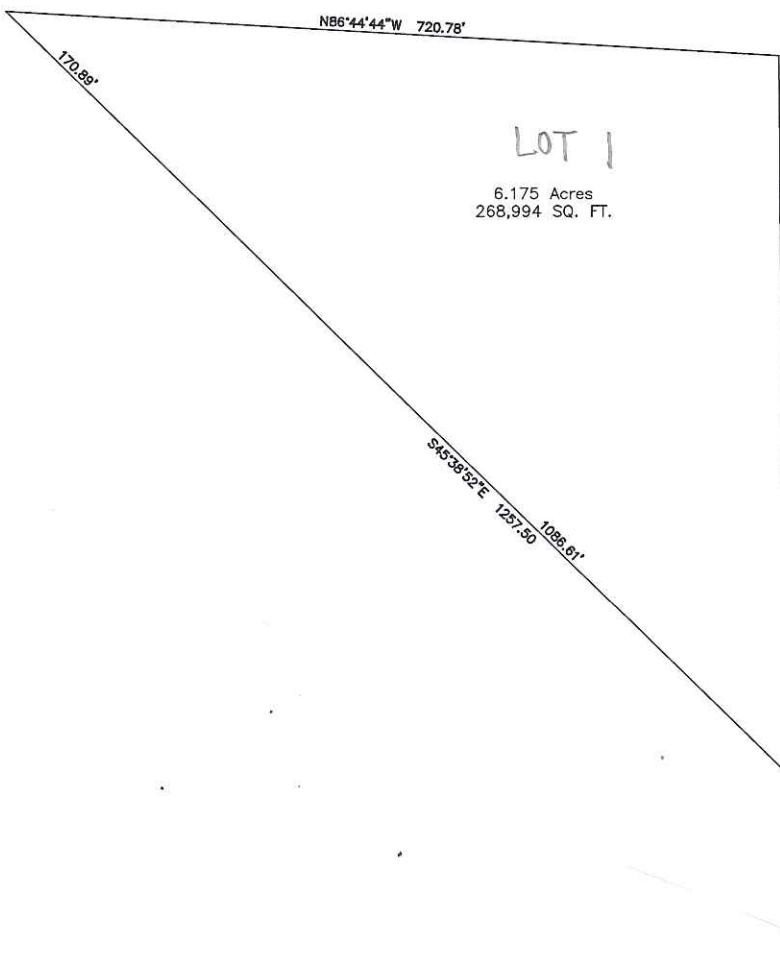
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PntNo	Bearing	Distance	Northing	Easting	Description
N	00°24'31\"	W 408.556	-2807.337	2411.361	
N	88°44'44\"	W 75.154	-2398.792	2408.447	
S	00°24'31\"	E 358.811	-2398.792	2333.415	
Radius:	370.024	Chord: 355.838	-2753.327	2335.874	Dir: Left
Length:	371.208	Delta: 57°28'44\"		202.914	
Chord BRG:	S 29°08'53\"	E Rad-In: N 89°35'29\"	E Rad-Out: N 32°06'44\"	E	
Radius PntNo:	N:	-2750.688	E: 2705.988		
S	85°10'52\"	E 0.521	-3064.145	2509.810	
N	04°49'08\"	E 67.228	-2997.155	2515.458	
Radius:	220.000	Chord: 13.530	-2997.155	2515.458	Dir: Right
Length:	13.532	Delta: 3°31'27\"		6.788	
Chord BRG:	N 06°34'52\"	E Rad-In: S 85°10'52\"	E Rad-Out: S 81°39'25\"	E	
Radius PntNo:	N:	-3015.636	E: 2734.680		
Radius:	300.024	Chord: 205.598	-2983.714	2517.008	Dir: Right
Length:	209.849	Delta: 40°04'30\"		109.422	
Chord BRG:	N 30°55'16\"	W Rad-In: N 39°02'29\"	E Rad-Out: N 79°06'59\"	E	
Radius PntNo:	N:	-2750.688	E: 2705.988		
S	85°10'52\"	E 0.521	-2807.337	2411.361	
Closure Error Distance> 0.0000 Error Bearing> N 90°00'00\"					
Closure Precision> 1 In 3309219725441207.5 Total Distance Inversed> 1504.859					
Area: 1.129 Acres, 49192 SQ. FT.					

TRACT A

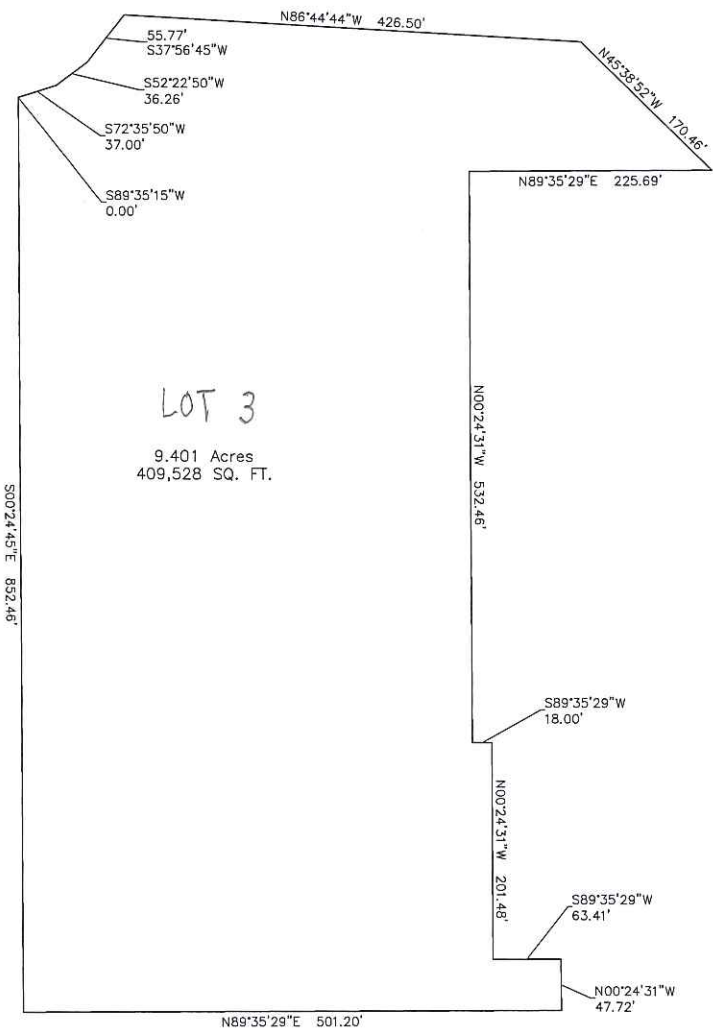
0.119 Acres
5,165 SQ. FT.



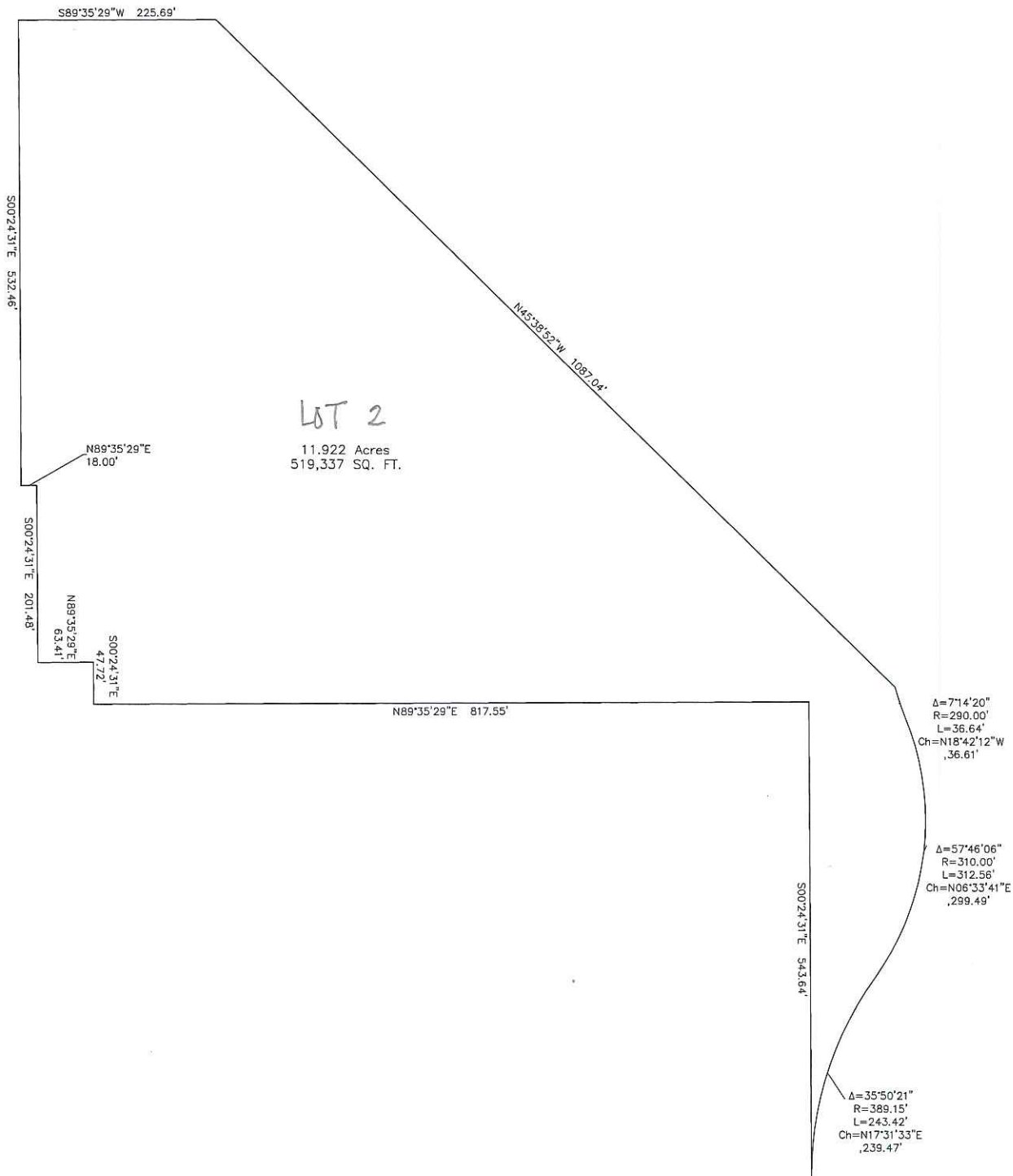
Inverse With Area					Mon Jun 21 11:57:42 2021
PntNo	Bearing	Distance	Northing	Easting	Description
N	86°44'44\"	W 99.083	-9384.378	2025.244	
S	00°24'45\"	E 82.810	-9378.753	1928.322	
N	89°35'15\"	E 0.000	-9461.561	1928.918	
N	72°35'50\"	E 37.003	-9461.561	1928.918	
N	52°22'50\"	E 36.261	-9450.494	1962.228	
N	37°56'45\"	E 55.772	-9428.359	1990.949	
S	85°10'52\"	E 0.521	-9384.378	2025.244	
Closure Error Distance> 0.0000					
Total Distance Inversed> 310.929					
Area: 0.119 Acres, 5165 SQ. FT.					



Inverse With Area					Mon Jun 21 11:57:14 2021
PntNo	Bearing	Distance	Northing	Easting	Description
N	86°44'44\"	W 720.778	-3695.203	2333.415	
S	45°38'52\"	E 170.891	-3654.284	1813.799	
S	45°38'52\"	E 1086.610	-3773.748	1735.998	
Radius:	290.000	Chord: 100.232	-4533.360	2512.985	Dir: Right
Length:	100.738	Delta: 19°54'11\"		50.882	
Chord BRG:	N 05°07'57\"	W Rad-In: N 74°54'57\"	E Rad-Out: S 85°10'52\"	E	
Radius PntNo:	N:	-4457.892	E: 2792.993		
N	04°49'08\"	E 68.950	-4433.530	2504.018	
N	85°10'52\"	W 0.521	-4364.823	2509.810	
Radius:	370.024	Chord: 355.838	-4364.823	2509.810	Dir: Right
Length:	371.208	Delta: 57°28'44\"		202.914	
Chord BRG:	N 29°08'53\"	W Rad-In: N 32°06'44\"	E Rad-Out: N 89°35'29\"	E	
Radius PntNo:	N:	-4051.366	E: 2705.988		
N	00°24'31\"	W 358.811	-4054.005	2335.874	
S	85°10'52\"	E 0.521	-3695.203	2333.415	
Closure Error Distance> 0.0000					
Total Distance Inversed> 2878.507					
Area: 6.175 Acres, 268994 SQ. FT.					



Inverse With Area					Mon Jun 21 14:58:11 2021
PntNo	Bearing	Distance	Northing	Easting	Description
			-12748.970	2272.492	
	S 00°24'45" E	852.461	-13601.410	2278.631	
	N 89°35'29" E	501.200	-13597.835	2779.818	
	N 00°24'31" W	47.720	-13550.117	2779.478	
	S 89°35'29" W	63.411	-13550.569	2716.068	
	N 00°24'31" W	201.481	-13349.093	2714.631	
	S 89°35'29" W	18.000	-13349.222	2696.632	
	N 00°24'31" W	532.459	-12816.776	2692.834	
	N 89°35'29" E	225.694	-12815.167	2918.523	
	N 45°38'52" W	170.465	-12696.000	2796.630	
	N 86°44'44" W	426.500	-12671.788	2370.818	
	S 37°56'45" W	55.772	-12715.769	2336.523	
	S 52°22'50" W	36.261	-12737.903	2307.801	
	S 72°35'50" W	37.003	-12748.970	2272.492	
	S 89°35'15" W	0.000	-12748.970	2272.492	
Closure Error Distance> 0.0000					
Total Distance Inversed> 3168.428					
Area: 9.401 Acres, 409528 SQ. FT.					



Inverse With Area					Mon Jun 21 14:58:20 2021
PntNo	Bearing	Distance	Northing	Easting	Description
			-14763.052	2250.174	
	N 89°35'29" E	817.549	-14757.221	3067.702	
	S 00°24'31" E	543.642	-15300.849	3071.579	
Radius: 389.148 Chord: 239.467 Degree: 14°43'24" Dir: Right					
Length: 243.416 Delta: 35°50'21" Tangent: 125.838					
Chord BRG: N 17°31'33" E Rad-In: N 89°36'23" E Rad-Out: S 54°33'16" E					
Radius PntNo: N: -15298.176 E: 3460.718					
			-15072.498	3143.692	
Radius: 310.000 Chord: 299.485 Degree: 18°28'57" Dir: Left					
Length: 312.557 Delta: 57°46'06" Tangent: 171.017					
Chord BRG: N 06°33'41" E Rad-In: N 54°33'16" W Rad-Out: S 67°40'38" W					
Radius PntNo: N: -14892.720 E: 2891.145					
			-14774.974	3177.913	
Radius: 290.000 Chord: 36.614 Degree: 19°45'26" Dir: Right					
Length: 36.639 Delta: 7°14'20" Tangent: 18.344					
Chord BRG: N 18°42'12" W Rad-In: N 67°40'38" E Rad-Out: N 74°54'57" E					
Radius PntNo: N: -14664.825 E: 3446.180					
			-14740.294	3166.172	
	N 45°38'52" W	1087.036	-13980.384	2388.878	
	S 89°35'29" W	225.694	-13981.993	2163.190	
	S 00°24'31" E	532.459	-14514.439	2166.988	
	N 89°35'29" E	18.000	-14514.310	2184.987	
	S 00°24'31" E	201.481	-14715.786	2186.424	
	N 89°35'29" E	63.411	-14715.334	2249.834	
	S 00°24'31" E	47.720	-14763.052	2250.174	
Closure Error Distance> 0.0000					
Total Distance Inversed> 4129.603					
Area: 11.922 Acres, 519337 SQ. FT.					



PRE-APPLICATION MEETING SUMMARY

Area: South ☒ Date: 1/14/2021

Pre-Application No.: 21-003RGS

Applicant(s) Present: Dave Hostetler Lot Size: 27.16

Site Location: Westgate at Powers TSN: 6413300024, 6413300025

Project Description: Final Plat Zone: C5/cr SS APZ1 AO

APPLICATION(S) REQUIRED: ☐ No application to the Planning Department required

- | | | |
|---|--|---|
| <input type="checkbox"/> 2020 Land Use Map Amendment | <input type="checkbox"/> Development Agreement (PUD Zone) | <input type="checkbox"/> Street Name Change |
| <input type="checkbox"/> Administrative Relief | <input type="checkbox"/> Development Plan <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input checked="" type="checkbox"/> Subdivision Plat <input type="radio"/> PP <input checked="" type="radio"/> FP <input type="radio"/> PFP |
| <input type="checkbox"/> Amendment to Plat Restriction | <input type="checkbox"/> Historic Preservation Board | <input type="checkbox"/> Subdivision Waiver <input type="radio"/> Design <input type="radio"/> Process |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Master Plan <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Use Variance <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM |
| <input type="checkbox"/> Building Permit to Unplatted Land | <input type="checkbox"/> Minor Improvement Plan | <input type="checkbox"/> Vacation of Plat |
| <input type="checkbox"/> CMRS No. <input type="checkbox"/> | <input type="checkbox"/> Nonuse Variance / Warrant | <input type="checkbox"/> Vacation of Public Right-of-Way |
| <input type="checkbox"/> Concept Plan <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Preservation Easement Adjustment | <input type="checkbox"/> Waiver of Replat |
| <input type="checkbox"/> Conditional Use <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM | <input type="checkbox"/> Property Boundary Adjustment | <input type="checkbox"/> Zone Change |

Visit the Land Use Review Division website at www.coloradosprings.gov/planninginfo for application forms and checklists

MJ = Major Amendment, MN = Minor Amendment, and MM = Minor Modification

NEIGHBORHOOD ORGANIZATION:

Neighborhood Association/Contact: _____ ☐ Neighborhood Meeting

PUBLIC NOTIFICATION REQUIREMENTS:

Note: Applicant will be required to pay for postage at time of poster pick-up.

- | | | |
|---|--|--|
| <input type="checkbox"/> Pre-Application Stage | <input type="checkbox"/> Internal Review Stage | <input type="checkbox"/> Public Hearing Stage |
| <input type="checkbox"/> Postcard | <input type="checkbox"/> Poster | <input type="checkbox"/> No Public Notice Required |
| Buffer Distance: <input type="checkbox"/> 150 ft. | <input type="checkbox"/> 500 ft. | <input type="checkbox"/> 1,000 ft. |
| <input type="checkbox"/> Custom distance: _____ | | |

ADDITIONAL STUDIES/MATERIALS TO BE SUBMITTED WITH APPLICATION:

- | | | |
|--|--|--|
| <input type="checkbox"/> Geo-Hazard Report | <input checked="" type="checkbox"/> Traffic Impact Analysis | <input checked="" type="checkbox"/> Drainage Report |
| Contact: _____ <input checked="" type="checkbox"/> | Contact: <u>Zaker Alazzeah, 719-385-5468</u> <input checked="" type="checkbox"/> | Contact: <u>Jonathan Scherer, 719-385-5546</u> <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Hydraulic Grade Line | <input checked="" type="checkbox"/> Wastewater Master Facility Report | <input type="checkbox"/> Land Suitability Analysis |
| <input type="checkbox"/> Elevation Drawings | <input type="checkbox"/> Mineral Estate Owner Notification | <input type="checkbox"/> Other: _____ |

LDTTC MEETING: ☐ Yes ☐ No Date: _____ Time: _____

COMMENTS: (This is a preliminary listing of issues and attention items; additional issues will likely surface as the application proceeds through the review process):

- The most recently approved plan for this site is CPC DP 12-00017-A1MN18
- Are there proposed changes to the above approval?
 - If yes then items that need attention are keeping open space, larger buffers for this development as the property to the north is industrial, access to the north will be required, streamside overlay will not allow for structures within the area, APZ zone does not allow for residential uses in that area, clubhouse can stay. If amendments are proposed, please provide staff with a final scope to determine the level of amendments required.
 - If not the proceeding with a final plat, access will still need to be shown to the north and built, bridge will be required over the creek to access the apartments, be sure this is within developers schedule.
- This pre-application is for a final plat, any amendment to the approved DP will require a separate pre-application.
- The remnant parcel discussed during the meeting will have no bearing on this application unless there are attributes from a drainage report that require a detention pond or drainage facility to be built on site to satisfy drainage for the remainder of the platted site.

NOTE: The above information is intended to assist in the preparation of an application. This sheet is not a complete list of submittal requirements. Refer to the Zoning and Subdivision Ordinances and the appropriate application checklists for further information and details.

This form and the information contained herein is valid for 6 months.

Fee Estimate: \$2602.00

Number of Plans: 1 full set

Gabe Seigny

Principal Planner

Land Use Review

Planning and Community Development

30 S Nevada Avenue, Suite 701

P. O. Box 1575, MC 710

Colorado Springs, CO 80901-1575

Phone: (719) 385-5088

Fax: (719) 385-5167

Gabe.seigny@coloradosprings.gov

PLANNING & DEVELOPMENT DEPARTMENT
Project Notification Information

Date: June 21, 2021
Planner: Gabe Sevigny
Planner email: Gabe.Sevigny@coloradosprings.gov
Planner phone number: (719) 385-5088
Applicant Email: Dave Hostetler
Applicant Name: dhostetler@ldc-inc.com
TSN: 6413300024, 6413300025
Site Address (to be used on postcard): 5445 E Pikes Peak

PROJECT: Westgate at Powers Filing No 3

<input type="checkbox"/>	Pre-application Notice	<input checked="" type="checkbox"/>	Standard Notification
<input type="checkbox"/>	Pre-application Neighborhood Meeting Notice	<input type="checkbox"/>	Standard with Neighborhood Meeting Notice
<input type="checkbox"/>	No notice	<input type="checkbox"/>	Poster only

PUBLIC NOTICE:

☐ 150 feet ☐ 500 feet ☒ 1,000 feet ☐ Modified (attach modified buffer) ☐ No public notice

PROJECT BLURB

Provide a project blurb for each application type, adjust language as needed. Note code sections where applicable for variances.

Final Plat

Request by Powers and Airport, LLC, a Delaware Limited Liability Company, with representation by Land Development Consultants, Inc, David V. Hostetler, for approval of the Westgate at Powers Filing No. 3 Final Plat. If approved the proposed application would allow for a subdivision plat to consist of Lot 1 for a clubhouse facility, Lot 2 the 1st phase of the apartment complex construction, Lot 3 the 2nd phase of the apartment construction, and Tract A for Sand Creek Channel dedication to the City of Colorado Springs as previously approved per the development plan, CPC DP 12-00017-A1MJ18. The site is zoned C5/CR APZ1 AO SS (Intermediate Business conditions of record Accident Potential Subzone Airport Overlay Streamside), is 28.747 acres in size, and is located at 5445 E Pikes Peak.

POSTCARD

Include 3-5 highlighted points to best describe the project.

- This project proposes a final plat for 3 lots and a tract
- Future development will include apartment construction and a clubhouse facility
- Previous development approval for CPC DP 12-00017-A1MJ18

POSTER

Fill out applicable information below:

What type of project is proposed? (large bold letters on poster, approx. 35 characters):

Final Plat for 3 lots and a tract

Subtext (below bold letters, file number or additional information approx. 55 characters):

Future development to consist of an apartment complex and clubhouse facility

Planning and Development Distribution Form
Preliminary Plat, **Final Plat**, Preliminary & Final Plat

Planner Intake Date: **June 21, 2021**

Admin Receive Date: **[6/21/21]**

Project Name: **Westgate at Powers Filing No. 3**

1. PUBLIC NOTICE: (see Project Blurb to establish noticing parameters)

2. Date buckslip comments are due (21 calendar days after submittal): **July 12, 2021**

3. HOA: **N/A**

4. STANDARD DISTRIBUTION:

☒ Include all standard distribution recipients (either check here or individually check boxes below)

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
85	<input type="checkbox"/> Utilities Development Services	Buckslips@csu.org
9	<input type="checkbox"/> Fire	CSFDDDevelopmentSMB@coloradosprings.gov
24	<input type="checkbox"/> SWENT	development.review@coloradosprings.gov
17	<input type="checkbox"/> Cory Sharp, LUR MC 155	Cory.Sharp@coloradosprings.gov
66	<input type="checkbox"/> Real Estate Services	Barbara.Reinardy@coloradosprings.gov
14	<input type="checkbox"/> Lois Ruggera Candy Fontecchio	Lois.Ruggera@coloradosprings.gov Candy.Fontecchio@coloradosprings.gov
19	<input type="checkbox"/> Century Link	Patti.Moore@CenturyLink.com Bea.Romero@centurylink.com Melissa.Spencer@centurylink.com
77	<input type="checkbox"/> CSU Customer Contract Administration	Buckslips@csu.org
11	<input type="checkbox"/> IT GIS	Bootsy.Jones@coloradosprings.gov
13	<input type="checkbox"/> Parks & Recreation	Britt.Haley@coloradosprings.gov Constance.Schmeisser@coloradosprings.gov Emily.Duncan@coloradosprings.gov
23	<input type="checkbox"/> Enumerations	addressing@pprbd.org
29	<input type="checkbox"/> Flood Plain	Keith@pprbd.org
98	<input type="checkbox"/> US Postal Service	Elaine.f.medina@usps.gov

45	<input type="checkbox"/> Zaker Alazzeah, Traffic - School Safety	development.review@coloradosprings.gov
65	<input type="checkbox"/> Zaker Alazzeah, Traffic Eng (MC 460)	development.review@coloradosprings.gov
48	<input type="checkbox"/> Street Division	Corey.Rivera@coloradosprings.gov Cole.Platt@coloradosprings.gov
60	<input type="checkbox"/> Transit	Roger.Austin@coloradosprings.gov
25	<input type="checkbox"/> County Health Department	catherinemcgarvy@elpasoco.com
30	<input type="checkbox"/> Comcast	Jason_Jacobsen@comcast.com Justins_Fejeran@comcast.com WSTMWR_MDSubmissions@comcast.com
3	<input type="checkbox"/> CONO	rdavis@cscono.org
92	<input type="checkbox"/> Forestry	Jeff.Cooper@coloradosprings.gov
56	<input type="checkbox"/> PlanCOS	PlanCOS@coloradosprings.gov

5. SCHOOL DISTRICT:

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
36	<input type="checkbox"/> School District # 2	sbecker@hsd2.org
68	<input type="checkbox"/> School District # 3	gishd@wsd3.org
37	<input checked="" type="checkbox"/> School District # 11	TERRY.SEAMAN@d11.org JOSH.CHISM@d11.org
38	<input type="checkbox"/> School District # 12	cooper@cmsd12.org
39	<input type="checkbox"/> School District # 20	tom.gregory@asd20.org
69	<input type="checkbox"/> School District # 22	chrissmith@esd22.org
41	<input type="checkbox"/> School District # 49	mandrews@d49.org

6. MILITARY INSTALLATION (if within 2 mile buffer):

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
84	<input type="checkbox"/> Fort Carson	john.j.sanders71.civ@mail.mil

		Thomas.j.wiersma.civ@mail.mil
46	<input type="checkbox"/> NORAD	Michael.kozak.2@us.af.mil Michael.Shafer.4@us.af.mil joseph.elms@us.af.mil 21CES.CENB.BaseDevelopment@us.af.mil
26	<input type="checkbox"/> USAFA	corine.weiss@us.af.mil craig.johnson.35.ctr@us.af.mil steven.westbay.ctr@us.af.mil elizabeth.dukes.3.ctr@us.af.mil 10CES.CENP.USAFADREVIEWGRP@us.af.mil
75	<input checked="" type="checkbox"/> Peterson	PAEK, AYOKA B GS-12 USSF AFSPC 21 CES/CENB <ayoka.paek@spaceforce.mil> joseph.elms@us.af.mil 21CES.CENB.BaseDevelopment@us.af.mil

7. OPTIONAL DISTRIBUTION (Depending on Location of Site):

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
59	<input type="checkbox"/> StratusIQ – AKA Falcon Broadband	jlandis@stratusiq.com tking@stratusiq.com cotrin@stratusiq.com BLR & Flying Horse
27	<input type="checkbox"/> CDOT (adjacent to CDOT ROW)	Valerie.vigil@state.co.us
34	<input type="checkbox"/> Colorado Geological Survey	cgs_lur@mines.edu
33	<input type="checkbox"/> SECWCD, Garrett Markus	garrett@secwcd.com
18	<input type="checkbox"/> Streamside Area Overlay	Tasha.Brackin@coloradosprings.gov
15	<input type="checkbox"/> Hillside Overlay	Kerri.Schott@coloradosprings.gov
20	<input checked="" type="checkbox"/> Airport	Kandrews@coloradosprings.gov Patrick.Bowman@coloradosprings.gov Kevin.Keith@coloradosprings.gov
63	<input checked="" type="checkbox"/> El Paso County Dev. Services Division	NinaRuiz@elpasoco.com Review of Plans within ½ mile of a County/City Border
43	<input type="checkbox"/> Wescott Fire District (adjacent only)	admin@wescottfire.org
71	<input type="checkbox"/> Falcon Fire Protection District	tharwig@falconfire.org

72	<input type="checkbox"/> Black Forest Fire Protection District	chief@bffire.org
81	<input type="checkbox"/> Broadmoor Fire Protection District	chief@broadmoorfire.com noalsperran@gmail.com
80	<input type="checkbox"/> CSURA – Urban Renewal	Jariah.Walker@coloradosprings.gov
5	<input checked="" type="checkbox"/> Metro District	Metro District email Westgate Metropolitan
65	<input checked="" type="checkbox"/> Kate Brady, Mike Planning, Traffic	Kate.Brady@coloradosprings.gov
53	<input type="checkbox"/> UCCS Review – North Nevada Overlay zone	mwood@uccs.edu
49	<input checked="" type="checkbox"/> Chelsea Gaylord, Economic Development	Chelsea.Gaylord@coloradosprings.gov QOZ

8. LAND USE REVIEW:

Hard Copy Full sized plans

<input checked="" type="checkbox"/> Planner	Traffic Report, Drainage Report, Geo-Hazard Report
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Special notes or instructions: