

PRE-SUBDIVISION SITE GRADING ACKNOWLEDGEMENT
AND RIGHT OF ACCESS FORM

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

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

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

work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

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

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Subdivision Site Grading Acknowledgement and Right of Access Form this 7th day of September, 2022.

APPLICANT:

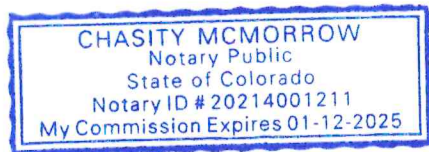
[Signature]
Jeff Mark
Manager

STATE OF COLORADO)
)ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 7 day of September, 2022 by Jeff Mark.

Witness my hand and official seal.

My commission expires: 01-12-2025



[Signature]
Notary Public

Kevin Mastin, Executive Director
Planning and Community Development Department

Date

Approved as to Content and Form:

Assistant County Attorney

Exhibit A: Legal Description

HILLSIDE AT LORSON RANCH FILING NO. 1 BOUNDARY LEGAL DESCRIPTION (128.328 ACRES)

A PARCEL OF LAND IN THE NORTH HALF (N 1/2) SECTION 24 AND THE NORTHEAST QUARTER (NE 1/4) SECTION 23, T15S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 102, "CREEKSIDE SOUTH AT LORSON RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 2221714746 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE EASTERLY LINES THEROF THE FOLLOWING TWO (2) COURSE:

1. THENCE N00°19'53"W A DISTANCE OF 168.15 FEET;
2. THENCE N38°22'41"E A DISTANCE OF 250.28 FEET TO THE SOUTHEAST CORNER OF "LORSON RANCH EAST FILING NO. 4" AS RECORDED UNDER RECEPTION NO. 220714583 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE N38°22'41"E ALONG THE EASTERLY LINE THEREOF, 1,642.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF LORSON BOULEVARD AS SHOWN ON THE PLAT OF "THE HILLS AT LORSON RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 221 _____ IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE SOUTHERLY LINE THEREOF THE FOLLOWING NINE (9) COURSES:

1. THENCE N89°35'58"E A DISTANCE OF 490.91 FEET TO A POINT OF CURVE;
2. THENCE 226.85 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 568.00 FEET, A CENTRAL ANGLE OF 22°53'00", THE CHORD OF 225.35 FEET BEARS S78°57'32"E TO A POINT OF TANGENT;
3. THENCE S67°31'03"E A DISTANCE OF 263.79 FEET;
4. THENCE S28°50'34"E A DISTANCE OF 32.01 FEET;
5. THENCE S67°31'03"E A DISTANCE OF 50.00 FEET;
6. THENCE N73°54'03"E A DISTANCE OF 32.07 FEET;
7. THENCE S67°31'03"E A DISTANCE OF 789.35 FEET TO A POINT OF CURVE;
8. THENCE 178.22 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 968.00 FEET, A CENTRAL ANGLE OF 10°32'56", THE CHORD OF 177.97 FEET BEARS S62°14'35"E TO A POINT OF TANGENT;
9. THENCE S56°58'07"E A DISTANCE OF 9.29 FEET TO THE SOUTHWEST CORNER OF THE SOUTHERLY RIGHT-OF-WAY OF FUTURE LORSON BOULEVARD AS SHOWN ON THE PLAT OF "THE RIDGE AT LORSON RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 22 _____ IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE SOUTHERLY LINE THEREOF THE FOLLOWING TEN (10) COURSES:

1. THENCE S58°24'55"E A DISTANCE OF 79.22 FEET;
2. THENCE 189.64 FEET ALONG A NON TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,030.00 FEET, A CENTRAL ANGLE OF 10°32'56", THE CHORD OF 189.37 FEET BEARS S62°14'35"E TO A POINT OF TANGENT;
3. THENCE S67°31'03"E A DISTANCE OF 663.92 FEET TO A POINT OF CURVE;
4. THENCE 319.29 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,030.00 FEET, A CENTRAL ANGLE OF 17°45'40", THE CHORD OF 318.01 FEET BEARS S76°23'53"E;
5. THENCE S58°30'10"E, NON-TANGENT TO THE PREVIOUS COURSE, 41.38 FEET;
6. THENCE S88°30'10"E A DISTANCE OF 44.27 FEET;
7. THENCE N61°29'50"E A DISTANCE OF 40.94 FEET;
8. THENCE N89°25'43"E A DISTANCE OF 787.32 FEET;
9. THENCE S60°34'17"E A DISTANCE OF 40.00 FEET;

10. THENCE N89°25'43"E A DISTANCE OF 46.97 FEET;
THENCE N00°34'17"W A DISTANCE OF 76.83 FEET;
THENCE N89°25'43"E A DISTANCE OF 380.07 FEET TO THE WESTERLY LINE OF THAT
PROPERTY DESCRIBED BY SPECIAL WARRANTY DEED AS RECORDED UNDER RECEPTION
NO. 209144818 IN THE EL PASO COUNTY, COLORADO RECORDS;
THENCE S00°11'19"E ALONG SAID WESTERLY LINE, 637.47 FEET TO THE NORTHEAST
CORNER OF THE SOUTHEAST QUARTER OF SECTION 24, T15S, R65W OF THE 6TH P.M.;
THENCE S89°25'52"W ALONG SAID NORTH LINE, 2,651.15 FEET;
THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24 THE
FOLLOWING THREE (3) COURSES:
1. THENCE S89°27'59"W A DISTANCE OF 852.91 FEET;
2. THENCE S89°26'11"W A DISTANCE OF 1,604.80 FEET;
3. THENCE S89°09'33"W A DISTANCE OF 178.42 FEET TO THE NORTHEAST CORNER OF
THE SOUTHEAST QUARTER OF SECTION 23, T15S, R65W OF THE 6TH P.M. ;
THENCE S89°52'02"W A DISTANCE OF 266.06 FEET;
THENCE S89°38'10"W A DISTANCE OF 87.85 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 5,589,948 S.F. (128.328 ACRES, MORE OR LESS).

BASIS OF BEARING: A PORTION OF THE EASTERLY BOUNDARY LINE OF "CREEKSIDE
SOUTH AT LORSON RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO 221714746
IN THE RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT EACH END
BY A NO. 5 REBAR AND 1.25 INCH ORANGE PLASTIC CAP STAMPED "M&S CIVIL PLS 29566".
SAID LINE IS ASSUMED TO BEAR N00°19'53"W A DISTANCE OF 168.15 FEET. THE UNIT OF
MEASUREMENTS IS THE U.S. SURVEY FOOT.

PREPARED BY:

VERNON P. TAYLOR, COLORADO PLS NO. 25966
FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS, INC.

DATE