

COMMISSIONERS: Stan VanderWerf (Chair) Cami Bremer (Vice-Chair) Longinos Gonzalez, Jr. Holly Williams Carrie Geitner

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

Date: April 5, 2022

- To: Board of County Commissioners
- From: John Green, Planner II
- Subject:Request to Grant a Three (3) Year Extension of Time to Record the
Falcon Acres Final Plat (SF-07-014). New PCD File No. SF-22-003
- **Summary:** A request by Thousand Hills Land and Cattle Co, LLC, for approval of a three (3) year extension to record the Falcon Acres Final Plat.

The Falcon Acres Final Plat (PCD File No. SF-07-014) was approved by the Board of County Commissioners (BoCC) on February 14, 2008. At the time of initial approval, final plats were required to be recorded within one (1) year from the date of BoCC approval. Currently, final plats are required to be recorded within two (2) years from the date of BoCC approval.

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

The applicants are requesting an extension of three (3) years to record the plat. Staff is recommending an additional Condition of Approval No. 3 requiring that all associated engineering documents be updated to meet those standards and requirements in place today. Staff is also



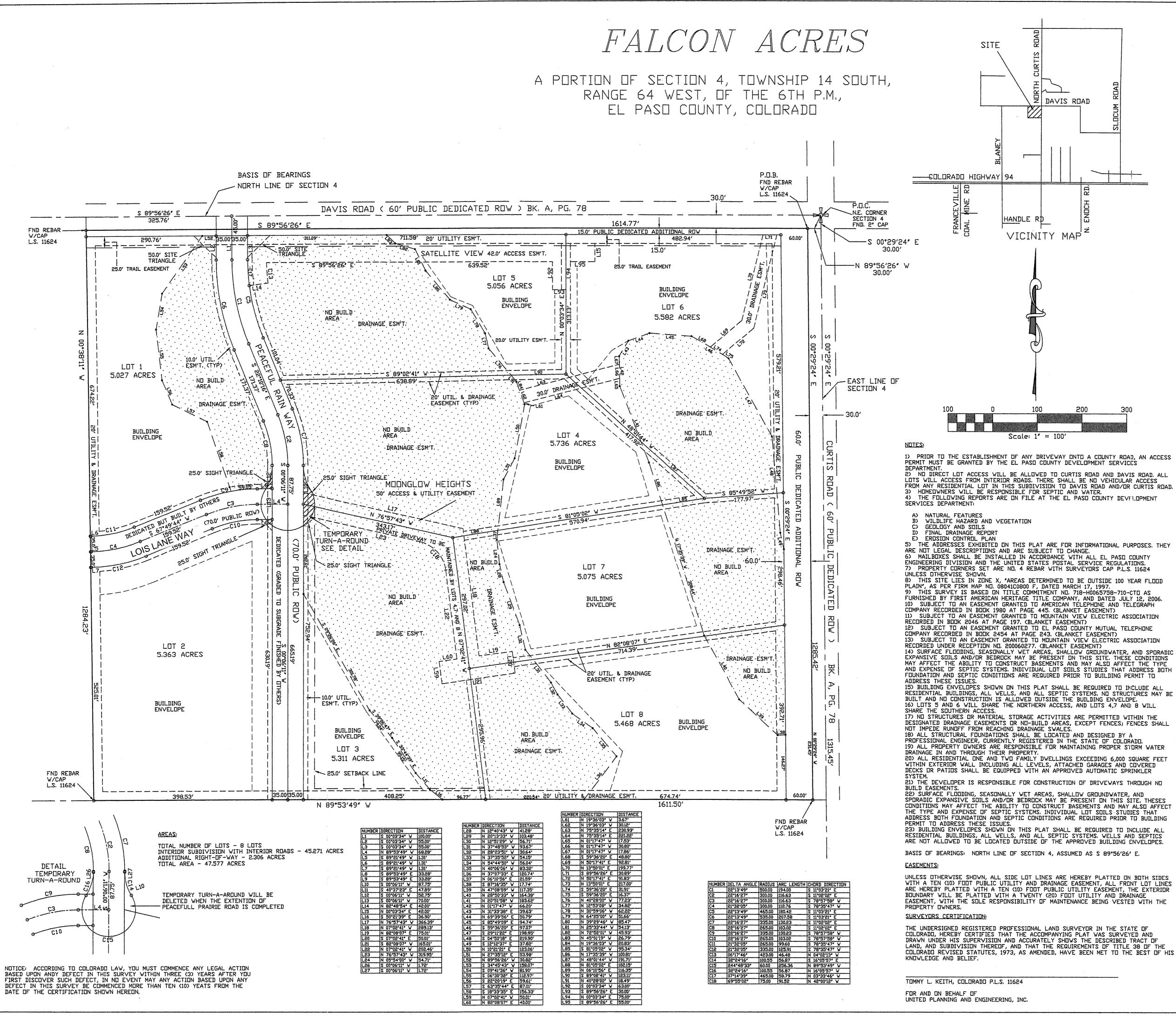
COLORADO SPRINGS, CO 80910-3127 FAX: (719) 520-6695 recommending Condition of Approval No. 1, which would require all fees associated with a final plat to be updated to those fees in place at the time of recordation.

Recommended Conditions of Approval:

- 1. The final plat shall be subject to current exaction requirements, impact fees, traffic fees, park fees, school fees, drainage and bridge fees, or other fees which have been implemented or amended since the time of original submittal and/or approval.
- 2. The applicants shall provide evidence that the basis for the findings of sufficiency with respect to water quality, quantity, and dependability have not changed, prior to recording the final plat. In the event that circumstances have changed related to the required findings of sufficiency, a new sufficiency finding shall be required.
- 3. The applicants shall submit an updated final drainage report, construction drawings, financial assurance estimate, subdivision improvement agreement, and other supporting documents for review for compliance with current transportation criteria, stormwater requirements, and construction cost estimates. Prior to plat recordation all project documents shall be approved by the County Engineer, Planning and Community Development Director, and/or Board of County Commissioners as required.
- 4. All conditions of approval associated with approval of the Falcon Acres Final Plat (PCD File No. SF-07-014) shall remain in effect except as modified herein or as otherwise required in order to comply with current subdivision development criteria.
- 5. Minor amendments to the final plat may be approved administratively by the Planning and Community Development Director if the proposed amendments are consistent with the intent of the Board of County Commissioners approval.

Attachments:

Final Plat 2008 Board of County Commissioner Approval



BE IT KNOWN BY THESE PRESENTS

THAT THOUSAND HILLS LAND AND CATTLE COMPANY, LLC, A COLORADO LIMITED LIABILITY COMPANY ARE THE DWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND,

TO WIT

LDT 1, ALSO KNOWN AS THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PORTION OF LOT 2, ALSO KNOWN AS THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EXCEPT ANY PORTION THEREOF LYING WITHIN DAVIS RUAD AND CURTIS RUAD, COUNTY OF EL PASD, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4, THENCE S 00°29'24' E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, 30.00 FEET, THENCE N 89°56'26' W, 30.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°29'24' E, 30.00 FEET FROM AND PARALLEL WITH SAID EAST LINE, 1285.42 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N 89°53'49' W, 1611.50 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF DF THE EAST HALF OF NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE N 00*38'11' W, 1284.23 FEET TO A POINT 30.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 4; THENCE S 89*56'26' E, 30.00 FEET FROM AND PARALLEL WITH SAID NORTH LINE, 1614.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 47.577 ACRES MORE DR LESS.

IN WITNESS WHEREDFI

THE AFDREMENTIONED, THOUSAND HILLS LAND AND CATTLE COMPANY, A COLORADO LIMITED LIABILITY COMPANY, OWNERS, HAS HEREUNTO SET THEIR HAND AND SEAL THIS _____ DAY OF ______ 2008, A.D.

DEDICATION

THE ABOVE OWNERS HAS CAUSED SAID TRACT OF LAND TO BE SURVEYED AND PLATTED INTO LOTS, STREETS, AND EASEMENTS AS SHOWN ON THE ACCOMPANYING PLAT, WHICH PLAT IS DRAWN TO A FIXED SCALE AS INDICATED THEREON AND ACCURATELY SETS FORTH THE BOUNDARIES AND DIMENSIONS OF SAID TRACT AND THE LOCATION OF SAID EASEMENTS AND WHICH PLAT SO PLATTED SHALL BE KNOWN AS 'FALCON ACRES', EL PASD COUNTY, COLORADO. ALL STREETS PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY PERSONALLY COVENANT AND AGREE THAT ALL PLATTED STREETS WILL BE GRADED, EXCEPT THE STREETS DEDICATED BUT BUILT BY OTHERS AND THAT PROPER DRAINAGE FOR THE SAME WILL BE PROVIDED AT HIS OWN EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASD COUNTY, COLORADO AND UPON ACCEPTANCE BY RESOLUTION, ALL STREETS DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO,

THOUSAND HILLS LAND AND CATTLE COMPANY, LLC., A COLORADO LIMITED LIABILITY CEMPANY

DIS ELLIOTT OWNER	
NOTARIAL	
STATE OF COLORADO>	
) SS COUNTY OF EL PASO)	
THE FOREGOING INSTRUMENT WAS ACKNOWLED	GED BEFORE ME THISDAY
DF 2008, A.D., BY LOIS	ELLIOTT
WITNESS MY HAND AND SEAL	
NOT	ARY PUBLIC
MY COMMISSION EXPIRES	
FILING APPROVALS	
THE UNDERSIGNED HEREBY APPROVE FOR FILM ACRES ² .	ING THE ACCOMPANYING PLAT OF 'FALCON
BOARD OF COUNTY COMMISSIONERS	DATE
DEVELOPMENT SERVICES DIRECTOR	DATE
RECORDING	
STATE OF COLORADO	
) SS COUNTY OF EL PÁSO)	
HEREBY CERTIFY THAT THIS INSTRUMENT W	AS FILED FOR RECORD AT MY OFFICE AT
D'CLOCKM., THISDAY OF	
AT RECEPTION NO	OF THE RECORDS OF EL PASO COUNTY,
COLORADO	
ROBERT C. BALINK,	RECURDER
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SURCHARGE:	DEFUII
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	SCHOOL FEES
	PARK FEES
	DRAINAGE FEES
	BRIDGE FEES
UNITED	>
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	PLANNING
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4575 G	FALLEY ROAD SUITE 200

COLORADO SPRINGS COLORADO (719) 597–9900 80915

PROJECT DATE 06-0809 FEBRUARY 06, 2008 SHEET 1 DF

DRAWN J.L. KEITH



DEVELOPMENT SERVICES DEPARTMENT

Bocc

February 19, 2008

Thousand Hills Land and Cattle Company 5470 Slocum Road Falcon, Colorado 80831

RE: Final Plat – Falcon Acres (SF-07-014)

This is to inform you that the above-referenced request Final Plat approval of Falcon Acres was heard and approved by the Board of County Commissioners on February 14, 2008. The proposed 49.23-acre subdivision is in the RR-5 (Residential Rural) District. The subdivision includes eight single-family lots, with a minimum lot size of 5.00 acres. The property (Schedule No. 44040-00-014) is located on the southwest corner of Davis Road and Curtis Road North and is within the Highway 94 Comprehensive Planning Area.

This approval is subject to the following:

CONDITIONS OF APPROVAL

- 1. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
- 2. A completed U.S. Army Corps of Engineers permit shall be provided to the El Paso County Development Services Department prior to project commencement if ground-disturbing activities would occur in wetland areas.
- 3. Fees in lieu of school land dedication in the amount of \$1,920.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49.
- 4. Fees in lieu of regional parkland dedication in the amount of \$2,824.00 shall be paid to El Paso County (Park Region 4).
- 5. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current Title Commitment at the time of submittal of the Mylar for recording.



COLORADO SPRINGS, CO 80910-3127 Fax: (719) 520-6695

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Thousand Hills Land and Cattle Company February 19, 2008 Page 2

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- 6. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Development Services Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
- 7. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
- 8. The Subdivision Improvements Agreement, including the Estimate of Guaranteed Funds as approved by the El Paso County Development Services Department shall be filed at the time of the recording of the Final Plat.
- 9. The Developer is responsible for and the Subdivision Improvements Agreement, Estimate of Guaranteed Funds and collateral shall include construction of driveways through no build areas and the associated grading and drainage improvements.
- 10. Collateral sufficient to ensure that the public improvements as listed in the approved Estimate of Guaranteed Funds shall be provided when the Final Plat is recorded.
- 11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
- 12. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county maintained roadway.
- Drainage fees (Livestock Company Drainage Basin) for this subdivision are \$29,605.00 and bridge fees \$469.53 for a total of \$30,074.53 shall be paid to El Paso County.
- 14. Applicant shall submit the mylar to Enumerations for addressing prior to recording the Final Plat.

NOTATIONS

- 1. The Developer has agreed to deposit \$11,830.70 into the Falcon Fire District Rural Water Fund prior to recording the Final Plat.
- 2. Failure to record the Plat within one (1) year following Board of County Commissioner approval will require reconsideration by the Board. Said reconsideration may involve compliance with new criteria, regulations and updated fees.

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> 3. The Developer has agreed to participate in a Falcon Fire District Developer Gift Agreement Fund in an effort to help support future capital improvements. A signed Gift Agreement has been provided to the Fire District and shall be recorded with the final plat. (See attached Fire District Letter dated September 18, 2007).

This action will not become a matter of public record, nor can building permits be issued or lots conveyed based upon this action, until the Plat has been filed with the El Paso County Clerk and Recorder. This is done through our office but, in order to accomplish such filing, it will be necessary for you to contact us regarding recording fees which must be paid and make an appointment to pay the fees and submit the plat for recordation.

Please note the El Paso County Clerk and Recorder will no longer accept documents for recording unless they have a minimum one-inch clear margin at the top of each page.

This represents the Development Services Department's understanding of the action taken by the Board of County Commissioners. A copy of their Resolution will be forwarded to you, once that document is available.

Should you have any questions or if I can be of further assistance, please contact me at (719) 520-6300.

Sincerely,

Carol Weber, Project Manager III

cc: Tom Keith United Planning and Engineering 4575 Galley Road, Suite 200 Colorado Springs, Colorado 80915

File: Prompt/ SF-07-014

ec: Eileen Wheeler, Deputy Clerk to the Board