



RESOLUTION NO. 18-122

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

APPROVE FINAL PLAT FOR THE BEACH AT WOODMOOR (SF-17-015)

WHEREAS, Lake Woodmoor Holdings, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Beach at Woodmoor Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 6, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on March 27, 2018; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.

6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Beach at Woodmoor Subdivision;

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

CONDITIONS

1. 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.
2. 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, or 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 Planning and Community Development 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.
3. 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.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. 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 species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 12-382), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 2) and urban park (Area 1) fees shall be paid at time of final plat recordation.
11. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at time of final plat recordation.

NOTATION

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

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

DONE THIS 27th day of March, 2018, at Colorado Springs, Colorado.



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
President

EXHIBIT A

LEGAL DESCRIPTION

THOSE PORTIONS OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P. M., EL PASO COUNTY, COLORADO CONSISTING OF "PARCEL B" AND "PARCEL I" AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 213017868. SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; THE BASIS OF BEARING FOR THE FOLLOWING METES AND BOUNDS LEGAL DESCRIPTION IS A TANGENT LINE ON THE SOUTHERLY RIGHT-OF-WAY OF LAKE WOODMOOR DRIVE AS PLATTED IN "LAKE WOODMOOR" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK K-2 AT PAGE 83, AND MONUMENTED BY A NO. 5 REBAR AT THE SOUTHWESTERLY END AND BY A REBAR AND YELLOW PLASTIC CAP PLS NO. ILLEGIBLE AT THE NORTHEASTERLY END, SAID LINE IS ASSUMED TO BEAR N76°02'05"E, A DISTANCE OF 599.27 FEET.

PARCEL A:

ALL OF "THE BEACH AT WOODMOOR", ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1972 IN BOOK V2 AT PAGE 57, COUNTY OF EL PASO, STATE OF COLORADO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF "THE BEACH AT WOODMOOR", THENCE ALONG THE SOUTHERLY AND WESTERLY LINES THEREOF THE FOLLOWING FIVE (5) COURSES; (1) THENCE N35°23'59"W A DISTANCE OF 211.27 FEET; (2) THENCE N39°17'29"E A DISTANCE OF 149.96 FEET; (3) THENCE N08°17'29"E A DISTANCE OF 129.97 FEET; (4) THENCE N 61°16 '54"E A DISTANCE OF 200.25 FEET; (5) THENCE N 42°13'39"E A DISTANCE OF 179.61 FEET TO THE SOUTH LINE OF LOT 85 "LAKE WOODMOOR"; THENCE S79°38'09"E, ALONG THE SOUTHERLY LINE THEREOF, A DISTANCE OF 128.42 FEET TO THE SOUTHWESTERLY CORNER OF AN UN-NAMED COMMON ACCESS AREA; THENCE S79°44'42"E, ALONG THE SOUTHERLY LINE THEREOF, A DISTANCE OF 48.16 FEET TO THE SOUTHWEST CORNER OF LOT 86, "LAKE WOODMOOR"; THENCE S79°43'15"E, ALONG THE SOUTHERLY LINE THEREOF, A DISTANCE OF 109.88 FEET TO THE SOUTHWEST CORNER OF LOT 87 "LAKE WOODMOOR"; THENCE S79°44'39"E, ALONG THE SOUTHERLY LINE THEREOF, A DISTANCE OF 103.91 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF LOWER LAKE ROAD AS PLATTED IN "LAKE WOODMOOR"; THENCE ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A CURVE TO THE LEFT, NON-TANGENT TO THE PREVIOUS COURSE, SAID CURVE HAVING A RADIUS OF 292.78 FEET, A CENTRAL ANGLE OF 09°17'51", (THE LONG CHORD OF WHICH BEARS S32°23'24"E A DISTANCE OF 47.46 FEET); AN ARC DISTANCE OF 47.51 FEET TO A POINT

OF TANGENT; THENCE S36°29'59"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE ON SAID TANGENT, A DISTANCE OF 222.62 FEET TO A POINT OF CURVE; THENCE ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 305.00 FEET, A CENTRAL ANGLE OF 16°58'28", (THE LONG CHORD OF WHICH BEARS S28°01'04"E A DISTANCE OF 90.03 FEET), AN ARC DISTANCE OF 90.36 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF LAKE WOODMOOR DRIVE; THENCE S 76°02'05"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 489.68 TO A POINT OF CURVE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ON THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF 09°48'10", (THE CHORD OF WHICH BEARS S71°09'39"W A DISTANCE OF 158.92 FEET), AN ARC DISTANCE OF 159.11 FEET TO A POINT OF TANGENT; THENCE S66°15'32"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ON SAID TANGENT, A DISTANCE OF 269.02 FEET TO THE POINT OF BEGINNING.

PARCEL A CONTAINS A CALCULATED AREA OF 8.126 ACRES MORE OR LESS.

PARCEL B:

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 11 SOUTH RANGE 67 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, LYING SOUTHEASTERLY OF LAKE WOODMOOR DRIVE AS PLATTED IN "LAKE WOODMOOR" AND NORTH OF THE EAST-WEST CENTERLINE OF SAID NORTHEAST QUARTER, AND WESTERLY OF A TRACT CONVEYED BY WARRANTY DEED RECORDED FEBRUARY 15, 1972 IN BOOK 2467 AT PAGE 942, EXCEPTING THEREFROM THAT PORTION CONVEYED TO WOODMOOR WATER AND SANITATION DISTRICT NO. 1 IN WARRANTY DEED RECORDED JUNE 26, 2001 AT RECEPTION NO. 201088802, THIS PARCEL BEING PARCEL E AS CONVEYED TO KAB-PANKEY, LIMITED LIABILITY COMPANY, IN THAT WARRANTY DEED RECORDED APRIL 22, 1994 IN BOOK 6431 AT PAGE 757. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LAKE WOODMOOR DRIVE AS PLATTED IN "LAKE WOODMOOR" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK K-2 AT PAGE 83, SAID POINT BEING THE NORTHEAST CORNER OF "PARCEL B" AS DESCRIBED IN WARRANTY DEED RECORDED UNDER RECEPTION NO. 201088802; THENCE N 66°15'32"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 256.88 FEET TO A POINT OF CURVE; THENCE ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 870.00 FEET, A CENTRAL ANGLE OF 09°48'10", (THE LONG CHORD OF WHICH BEARS N71°09'39"E A DISTANCE OF 148.67 FEET), AN ARC DISTANCE OF 148.85 FEET TO A

POINT OF TANGENT; THENCE N76°02'05"E ALONG SAID RIGHT-OF-WAY LINE ON SAID TANGENT A DISTANCE OF 482.32 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 2467 AT PAGE 942; THENCE S21°17'08"E, ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 331.69 FEET TO THE NORTHEAST CORNER OF "BROOKMOOR FILING NO. 3" ACCORDING TO THE PLAT THEREOF RECORDED UNDER RECEPTION NO 206712228; THENCE S89°50'15"W, ALONG THE NORTHERLY LINE THEREOF, A DISTANCE OF 933.32 FEET TO THE SOUTHEAST CORNER OF AFORESAID "PARCEL B" AS DESCRIBED IN WARRANTY DEED RECORDED UNDER RECEPTION NO. 201088802; THENCE N 35°14'08"W, ALONG THE EASTERLY LINE THEREOF, A DISTANCE OF 53.72 FEET TO THE POINT OF BEGINNING.

PARCEL B CONTAINS A CALCULATED AREA OF 4.191 ACRES MORE OR LESS.