

# POWERS CENTRE FILING NO. 3A

A VACATION AND REPLAT OF LOT 1, POWERS CENTRE FILING NO. 3

in the SW 1/4, Section 6, Township 17 South, Range 65 West, 6th P.M.

EL PASO COUNTY, COLORADO

## Know all men by these presents

That, 5922 Ellenview, LLC, a California limited liability company, as to an undivided 50% interest, and 11317 McCormick Street, LLC, a California limited liability company, as to an undivided 50% interest being the owner of the following described tract of land, to wit:

Lot 1 Powers Centre Filing No 3, County of El Paso, State of Colorado, and containing 5.551 acres.

## Owners Certificate

The undersigned, 5922 Ellenview, LLC, a California limited liability company, as to an undivided 50% interest, and 11317 McCormick Street, LLC, a California limited liability company, as to an undivided 50% interest being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots, tracts, streets, and easements (use which are applicable) as shown hereon under the name and subdivision of Powers Centre Filing 3A. All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

## NOTES:

1. Bearings are based on the record bearing of N00°28'24"E, for the westerly line of Lot 1 monumented in the south by an illegible 2 inch aluminum washer on a PK nail (zap-it) and in the north by a 1 inch illegible aluminum cap on a #5 rebar, as shown on the plat. Said monuments are at ground level.

2. Survey monuments found or set are at ground level unless otherwise noted on the plat.

3. Title information was provided by the client as follows:

Title Company: WFG National Title Insurance Company  
File Number: 22-447242  
Effective date: December 21, 2022 at 8:00 a.m.  
This survey does not constitute a title search or opinion.

4. Notice, according to Colorado law, you must commence any legal action based upon any defect in the survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

5. Units of measurement: US Survey Feet

6. The approval of the replat vacates all prior plats for the area described by this replat.

## 7. Flood plain

According to the current effective Federal Emergency Management Agency Flood Insurance Rate Map, the subject property is located outside the boundary of the 100 Year Floodplain, as identified on FEMA Mapping Panels No. 08041C0751 G, and FEMA Mapping Panels No. 08041C0752 G, both dated December 7, 2018. The site is in Zone X on said panels.

8. The following reports have been submitted in association with the Preliminary Plan or Final Plat for this subdivision and are on file at the County Planning and Community Development Department: Water Resources Report; Wastewater Disposal Report; Geology and Soils Report; Fire Protection Report

9. All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.

## 10. Easements

Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with 5 feet public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 7 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.

11. 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 listed species (e.g., Preble's Meadow Jumping Mouse).

12. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.

13. No driveway shall be established unless an access permit has been granted by El Paso County.

14. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.

15. There shall be no direct lot access to Powers Boulevard.

16. The following lots have been found to be impacted by a geologic hazard. Mitigation measures and a map of the hazard area can be found in the report Soils Report for Lot #1, Filing #1, Powers Centre Subdivision by GeoQuest dated April 3, 2019, (see pages 4, 5, 6 for direction if/when attempting any future construction) in file VR236 available at the El Paso County Planning and Community Development Department:

- Other Hazard: Poor Soils Quality as it relates to Drainage during construction.

Any future construction or changes to buildings should be accompanied by a site-specific soil and foundation investigation to determine the engineering properties of the soils. A geologic hazard report that includes the identification of any hazards or constraints imposed by geologic conditions should accompany any report submitted in support of new construction.

There is no construction as a result of this minor replat.

17. Basin Transfer/Insufficiency: Water and wastewater services for this subdivision are provided by the Cherokee Metropolitan District (Cherokee) subject to the District's rules, regulations and specifications. The Office of the State Engineer has issued an opinion of water inadequacy based on its analysis and interpretation of a stipulated agreement concerning the availability of certain water rights for use outside of the Upper Black Squirrel Creek Designated Basin, and thus found insufficiency of water resources for this subdivision based on that agreement. This interpretation differs from certain opinions issued by the Office in the past. Based on its own review of the stipulated agreement and its history (and not the amount of water actually available) the Board of County Commissioners in an open and public hearing did not accept the interpretation of the State Engineer's Office. The Board of County Commissioners found that Cherokee has committed to provide water service to the subdivision and asserted that its long term water service capabilities are sufficient. The Board of County Commissioners made this determination in reliance upon the testimony and expertise provided by Cherokee at the public hearing thereon. At the hearing, Cherokee asserted that its plans and continued financial investment in infrastructure are designed to allow Cherokee to continue to provide this subdivision and its existing customers with water and wastewater services for 300 years or more.

18. NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACT ASSOCIATED WITH AIRPORT: This serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport, which is being disclosed to all prospective purchasers considering the use of this property for residential and other purposes. This property is subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations. All property within this subdivision is subject to an Avigation Easement as recorded at Book 2465, Pages 481 and 759 of the records of the El Paso County Clerk and Recorder.

19. All property within this subdivision is subject to a Declaration of Covenants as recorded in instrument recorded October 13, 1982 in Book 3621 at Page 592. Amendment recorded December 3, 1985 in Book 5095 at Page 982 of the records of the El Paso County Clerk and Recorder.

## 20. Reciprocal Access/Parking Agreement

All property within this subdivision is subject to a Reciprocal Access/Parking Agreement as described in the Covenants recorded October 13, 1982 in Book 3621 at Page 592. Amendment recorded December 3, 1985 in Book 5095 at Page 982 of the records of the El Paso County Clerk and Recorder.

21. The Subdivider(s) agree(s) on behalf of himself/herself and any developer or builder successor and assignees that Subdivider and/or said successor and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No 19-471), 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.

## 23. Utility Services

Utility Services to the site will be provided by the following:

Electricity - Colorado Springs Utilities

Gas - Colorado Springs Utilities

Water / Wastewater - Cherokee Metropolitan District

5922 Ellenview, LLC, a California limited liability company, as to an undivided 50% interest, and 11317 McCormick Street, LLC, a California limited liability company, as to an undivided 50% interest  
By: Michael J. Nisenbaum  
Title: Manager/Member

STATE OF COLORADO )  
) SS  
COUNTY OF \_\_\_\_\_ )

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Michael J. Nisenbaum as owner, Ellenview, LLC, a California limited liability company, as to an undivided 50% interest, and 11317 McCormick Street, LLC, a California limited liability company, as to an undivided 50% interest.

My commission expires \_\_\_\_\_

Witness my hand and official seal

Notary Public

## Surveyors Certificate

I, Oliver E. Watts, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on 11-18-22, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000 ; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

I attest the above on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

Oliver E. Watts, Colorado PE-LS No. 9853 Date  
For and On Behalf of: Oliver E. Watts, Consulting Engineer, Inc.

This plat for Powers Centre Filing No 3A was approved for filing by the El Paso County, Colorado Board of County Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public easements are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners Date

This plat for Powers Centre Filing No 3A was approved for filing by the El Paso County, Colorado Planning and Community Development Department Director on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, subject to any notes or conditions specified hereon.

Planning and Community Development Director Date

Clerk and Recorder

STATE OF COLORADO

COUNTY OF EL PASO

I hereby certify that this instrument was filed in my office on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_, and was

recorded at

Reception Number \_\_\_\_\_ of the records of El Paso County

SUBDIVISION SUMMARY: \_\_

TOTAL LOTS IN SUBDIVISION: 3

TOTAL ACREAGE: 5.551 Acres

El Paso County Clerk and Recorder

Fee: \_\_\_\_\_

Surcharge: \_\_\_\_\_

School fees: \_\_\_\_\_ Park fees: \_\_\_\_\_

Drainage fees: \_\_\_\_\_ Bridge fees: \_\_\_\_\_

Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to C.R.S. § 18-4-508

PREPARED BY THE OFFICE OF:  
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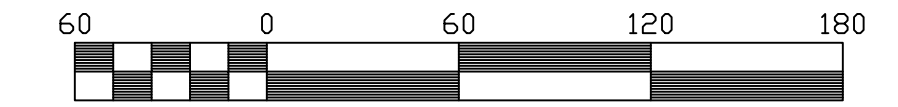
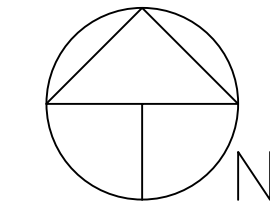
PCD File No: VR236

OLIVER E. WATTS CONSULTING ENGINEER COLORADO SPRINGS

7-12-23 PAGE 1 OF 2 PAGES  
3-22-23 DEW 18-5237-07

# POWERS CENTRE FILING NO. 3A

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 in the SW 1/4, Section 6, Township 17 South, Range 65 West, 6th P.M.  
 EL PASO COUNTY, COLORADO

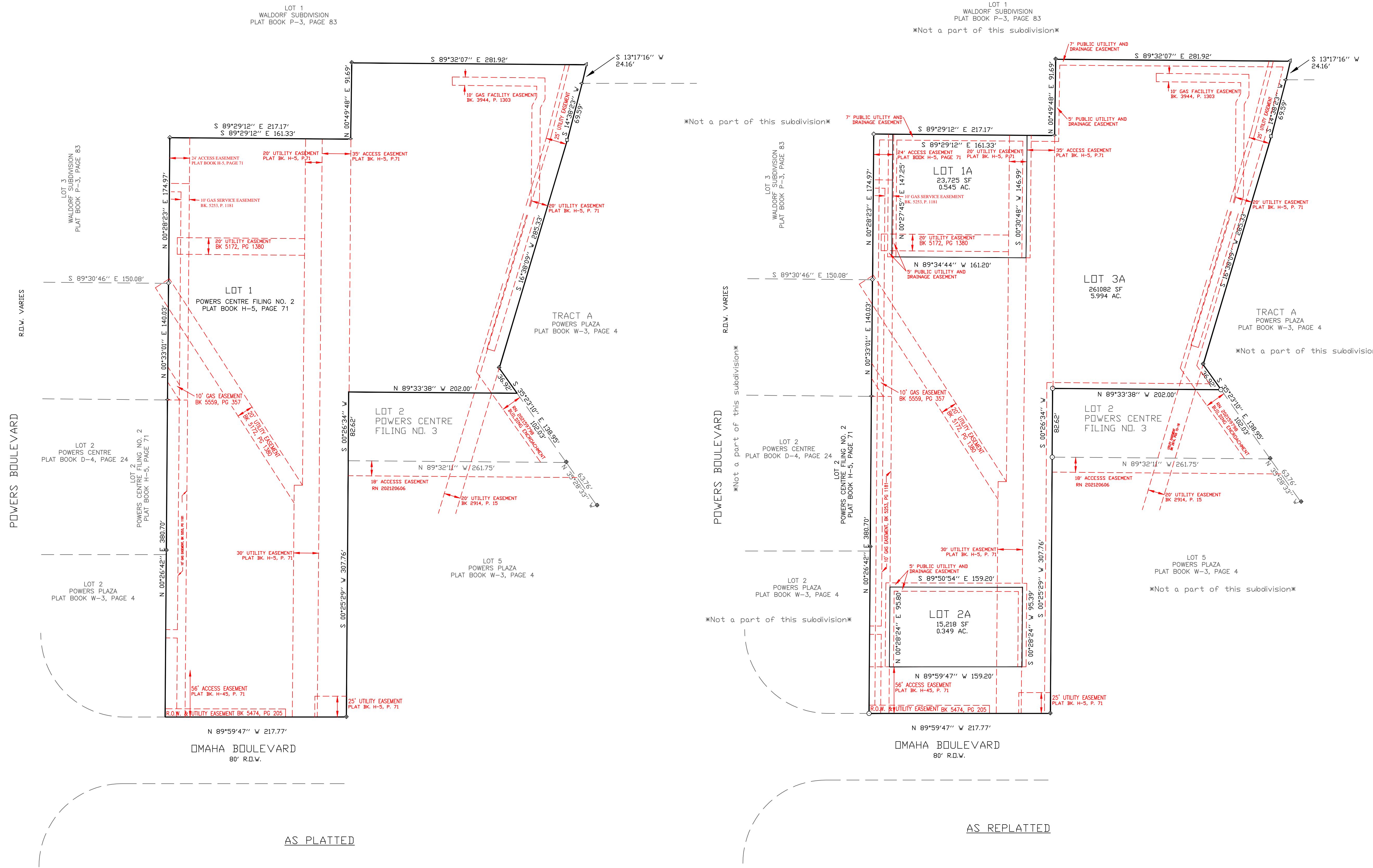
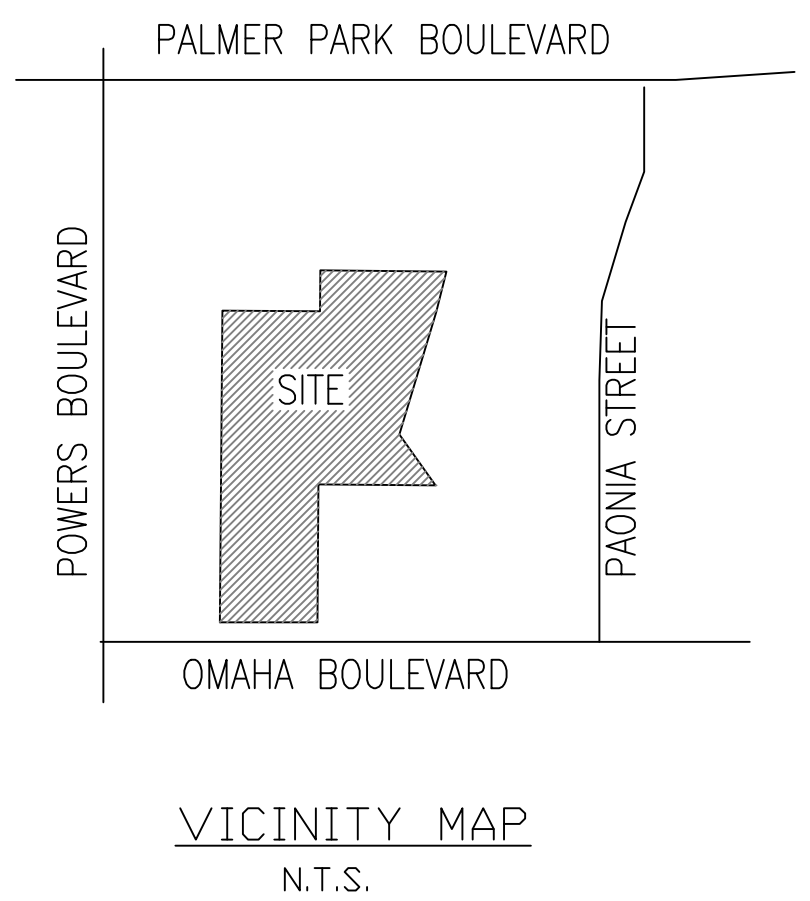


Scale 1" = 60'

### LEGEND:

- SET 2" AL. CAP, #9853 DN #5 REBAR
- FOUND 1" AL. CAP, #10377 DN #5 REBAR
- ◁ FOUND 1-1/4" YELLOW ILLEG CAP DN #5 REBAR
- ◇ FOUND #4 REBAR
- ◆ FOUND 60D NAIL
- ⊕ FOUND ILLEG. ZAPPIT ON CONC. NAIL
- ◇ FOUND 1" ILLEG. AL. CAP ON #5 REBAR

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PREPARED BY THE OFFICE OF:  
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