

PRE-DEVELOPMENT SITE GRADING ACKNOWLEDGEMENT
AND RIGHT OF ACCESS FORM

The undersigned (“Applicant”) owns and holds legal title to the real property to be known as Creekside at Lorson Ranch Filing No. 1 (“Property”), which Property is legally described on Exhibit A attached hereto and incorporated herein by this reference.

Applicant seeks approval for Pre-Development 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-Development 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 final plat for the Property. Applicant may proceed 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-Development Site Grading approval shall execute their own Pre-Development Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit and provide replacement financial guarantees.
3. Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors free 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; and
 - b. To inspect and investigate for completion of grading activities and soil stabilization requirements; and
 - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance which includes 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 collateral provided and perform the work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

4. To the extent allowed by law, 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.4.1.A.3, Applicant is obligated to provide security or collateral 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.
6. Applicant is responsible for providing any renewals of collateral to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement collateral at least fifteen (15) days prior to the expiration of the original or renewal/extension/replacement collateral then in effect. Failure to procure renewal/extension/replacement collateral within this time limit shall allow the County to execute on the collateral.
7. All of those certain 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 collateral 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 collateral.

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Development Site Grading Acknowledgement and Right of Access Form this _____ day of _____, 2018.

APPLICANT: Lorson, LLC

sign

Jeff Mark

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Craig Dossey, Executive Director Date
Planning and Community Development Department

Approved as to Content and Form:

Assistant County Attorney

PUDSP-18-005

Exhibit A: Legal Description

**CREEKSIDE AT LORSON RANCH FILING NO. 1
83.085 ACRES BOUNDARY**

A PARCEL OF LAND IN THE NORTH HALF OF SECTION 23, T15S, R65W, OF THE 6th P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS USED IN THIS LEGAL DESCRIPTION IS THE EAST-WEST CENTERLINE OF SECTION 23, BEING MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 23 AND 24 WITH A 3.25 INCH ALUMINUM CAP ON A NO. 6 REBAR STAMPED "T15S R65W, S23 S24, PLS 31161", AND MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 22 AND 23 WITH A NO. 6 REBAR (NO CAP). SAID CENTERLINE IS ASSUMED TO BEAR S89°41'54"W, 5319.46 FEET.

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 22 AND 23;

THENCE N89°41'54"E ALONG SAID CENTERLINE 142.46 FEET TO THE SOUTHEAST CORNER OF "CARRIAGE MEADOWS SOUTH AT LORSON RANCH FILING NO. 1" AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NO. 218714083 AND THE POINT OF BEGINNING;

THENCE ALONG THE EASTERLY LINES OF SAID "CARRIAGE MEADOWS SOUTH AT LORSON RANCH FILING NO. 1" THE FOLLOWING THREE (3) COURSES;

(1) THENCE N20°36'33"E A DISTANCE OF 560.24 FEET TO A POINT OF CURVE;

(2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2169.98 FEET, A CENTRAL ANGLE OF 06°34'13", (THE CHORD OF WHICH BEARS N17°19'26"E, 248.71 FEET), AN ARC DISTANCE OF 248.84 FEET TO A POINT OF TANGENT;

(3) THENCE N04°02'20"E ALONG SAID TANGENT 295.75 FEET TO THE SOUTHWEST CORNER OF "THE MEADOWS AT LORSON RANCH FILING NO. 4" AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NO. 215713698;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID "THE MEADOWS AT LORSON RANCH FILING NO. 4" THE FOLLOWING EIGHT (8) COURSES;

(1) THENCE N89°35'58"E A DISTANCE OF 508.54 FEET TO A POINT OF CURVE;

(2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 948.17, A CENTRAL ANGLE OF 35°42'15", (THE CHORD OF WHICH BEARS N71°44'51"E, 581.34 FEET), AN ARC DISTANCE OF 590.86 FEET TO A POINT OF TANGENT;

(3) THENCE N53°53'43"E ALONG SAID TANGENT 488.36 FEET TO A POINT OF CURVE;

(4) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1058.48 FEET, A CENTRAL ANGLE OF 36°19'14", (THE CHORD OF WHICH BEARS N72°03'20"E, 659.81 FEET), AN ARC DISTANCE OF 670.99 FEET;

(5) THENCE N44°35'58"E NON-TANGENT TO THE PREVIOUS COURSE 35.36 FEET;

(6) THENCE N00°24'02"W A DISTANCE OF 158.34 FEET TO A POINT OF CURVE;

(7) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 566.89 FEET, A CENTRAL ANGLE OF 15°51'49", (THE CHORD OF WHICH BEARS N08°19'56"W, 156.45 FEET), AN ARC DISTANCE OF 156.96 FEET;

(8) THENCE N73°44'10"E RADIAL TO THE PREVIOUS COURSE 5.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF "OLD GLORY DRIVE" AS RECORDED IN A SPECIAL WARRANTY DEED UNDER RECEPTION NO. 208057388 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID "OLD GLORY DRIVE" THE FOLLOWING FOUR (4) COURSES;

(1) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, RADIAL TO THE PREVIOUS COURSE, SAID CURVE HAVING A RADIUS OF 571.99 FEET, A CENTRAL ANGLE OF 15°51'37", (THE CHORD OF WHICH BEARS S08°19'52"E, 157.83 FEET), AN ARC DISTANCE OF 158.33 FEET TO A POINT OF TANGENT

(2) THENCE S00°24'02"E ALONG SAID TANGENT 183.34 FEET;

(3) THENCE N89°35'58"E A DISTANCE OF 60.00 FEET;

(4) THENCE N00°24'02"W A DISTANCE OF 40.01 FEET TO THE SOUTHWEST CORNER OF "ALLEGIAN AT LORSON RANCH" AS PLATTED UNDER RECEPTION NO. 212713204 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE SOUTHERLY LINES OF SAID "ALLEGIAN AT LORSON RANCH" THE FOLLOWING TWO (2) COURSES;

(1) THENCE S45°24'02"E A DISTANCE OF 56.57 FEET;

(2) THENCE N89°35'59"E A DISTANCE OF 594.34 FEET TO THE SOUTHWEST CORNER OF "THE MEADOWS AT LORSON RANCH FILING NO. 3" AS PLATTED UNDER RECEPTION NO. 213713396 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE N89°29'15"E ALONG THE SOUTHERLY LINE THEREOF 85.20 FEET TO THE WESTERLY LINE OF "LORSON RANCH EAST FILING NO. 1" AS PLATTED UNDER RECEPTION NO. _____ IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID "LORSON RANCH EAST FILING NO. 1" THE FOLLOWING SIX (6) COURSES;

(1) THENCE S00°24'02"E A DISTANCE OF 80.00 FEET;

(2) THENCE N89°35'58"E A DISTANCE OF 14.76 FEET;

(3) THENCE S45°24'02"E A DISTANCE OF 14.14 FEET;

(4) THENCE N89°35'58"E A DISTANCE OF 60.00 FEET;

(5) THENCE N51°59'14"E A DISTANCE OF 29.49 FEET

(6) THENCE N89°35'58"E A DISTANCE OF 693.52 FEET;

THENCE S21°18'01"W A DISTANCE OF 20.20 FEET;

THENCE S11°46'57"W A DISTANCE OF 127.69 FEET;

THENCE S00°29'43"W A DISTANCE OF 173.06 FEET;

THENCE S11°17'09"W A DISTANCE OF 285.14 FEET;

THENCE S31°55'05"W A DISTANCE OF 182.34 FEET;

THENCE S 58°54'51"E A DISTANCE OF 4.71 FEET;

THENCE S31°05'09"W A DISTANCE OF 90.00 FEET;

THENCE S76°28'55"W A DISTANCE OF 247.86 FEET;

THENCE N82°16'06"W A DISTANCE OF 188.62 FEET;

THENCE S77°50'20"W A DISTANCE OF 405.01 FEET;

THENCE S60°55'25"W A DISTANCE OF 219.41 FEET;

THENCE S17°08'25"W A DISTANCE OF 123.42 FEET;

THENCE S85°20'33"W A DISTANCE OF 169.20 FEET;

THENCE N65°32'01"W A DISTANCE OF 188.46 FEET;

THENCE N44°43'03"W A DISTANCE OF 230.04 FEET;

THENCE N88°34'10"W A DISTANCE OF 160.16 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 74°59'26", (THE CHORD OF WHICH BEARS S53°56'07"W, 261.74 FEET), AN ARC DISTANCE OF 281.40 FEET TO A POINT OF TANGENT;

THENCE S16°26'24"W ALONG SAID TANGENT 116.82 FEET;

THENCE S83°30'09"W A DISTANCE OF 446.06 FEET;

THENCE N77°01'58"W A DISTANCE OF 350.83 FEET;

THENCE S28°55'26"W A DISTANCE OF 265.02 FEET;

THENCE S36°43'29"W A DISTANCE OF 311.41 FEET TO THE EAST-WEST CENTERLINE OF SECTION 23;

THENCE S89°41'54"W ALONG SAID CENTERLINE 749.79 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND CONTAINS A CALCULATED AREA OF 83.085 ACRES MORE OR LESS.

PREPARED BY: VERNON P. TAYLOR COLO. PLS 25966
FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS INC.
20 BOULDER CRESCENT SUITE 110
COLORADO SPRINGS, COLORADO 80903