



RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR WALDEN PRESERVE 2, FILING NO. 5 (SF-22-011)

WHEREAS, Matthew W. Dunston, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Walden Preserve 2, Filing No. 5 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, pursuant to § 30-28-133.5 (1.5), C.R.S., a Board of County Commissioners may delegate to one or more County administrative officials the authority to approve or deny final plats, amendments to final plats, and correction plats provided certain criteria have been met; and

WHEREAS, § 2.2.4 of the El Paso County Land Development Code ("Code"), amended by the Board of County Commissioners of El Paso County, Colorado ("Board") on August 27, 2019, pursuant to Resolution No. 19-329, delegates to the Planning and Community Development Director ("Director") the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on October ___, 2022, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

WHEREAS, based on the evidence, exhibits, consideration of the master plan for the unincorporated area of the County, 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, and comments by the general public, the Director finds as follows:

1. The application was properly submitted for consideration by the Planning and Community Development Executive Director.
2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Director.

3. The administrative review of the application by the Planning and Community Development Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen day (14) time period to submit comments.
 4. All exhibits were received into evidence.
 5. The subdivision is in 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. At a public hearing on the preliminary plan held on May 3, 2022, the Board found that 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 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 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 Code and Engineering Criteria Manual ("ECM").
 12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.
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13. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
14. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
15. 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 Code.
16. 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 that the impacts of the subdivision will be adequately mitigated.
17. The subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
19. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

The El Paso County Planning and Community Development Director therefore APPROVES the final plat application for the Walden Preserve 2, Filing No. 5 Subdivision.

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 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. The 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 Parks and 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 ECM Administrator, shall be filed at the time of final plat recordation.
 8. Collateral sufficient to ensure the public improvements as listed in the approved Financial Assurance Estimate shall be provided when at the time of final plat recordation.
 9. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
 10. The subdivider(s) agrees on behalf of him/herself and any 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. 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 disclose the fee obligation before sale of the property.
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11. Urban park fees will not be required pursuant to the existing Park Lands Agreement for urban park land dedication. Regional park fees (Area 2) in lieu of land dedication in the amount of \$23,000.00 shall be paid at the time of plat recordation.
12. Fees in lieu of school land dedication in the amount of \$15,400.00 shall be paid to El Paso County for the benefit of Lewis-Palmer School District No. 38 at the time of plat recording.

NOTATIONS

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.

DONE THIS 20th day of October, 2022, at Colorado Springs, Colorado.

KEVIN MASTIN, INTERIM EXECUTIVE DIRECTOR
EL PASO COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

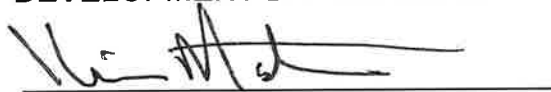
A handwritten signature in black ink, appearing to read 'Kevin Mastin', is written over a horizontal line.

EXHIBIT A

**LEGAL DESCRIPTION – WALDEN PRESERVE 2, FILING NO. 5 EXTERIOR
BOUNDARY;**

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 213109361 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE EAST ONE-HALF (E1/2) OF SECTION 15, AND IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (SW1/4 SW1/4) OF SECTION 14, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 15, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 15, AS MONUMENTED BY A 3/4" REBAR AND 2-1/2" ALUMINUM CAP STAMPED "RAMPART PLS 38560" FROM WHICH THE SOUTHWEST CORNER OF SAID NW1/4, AS MONUMENTED BY A REBAR AND 3-1/4" ALUMINUM CAP STAMPED "BERGE-BREWER LS 9646" BEARS N88°08'01"W, A DISTANCE OF 2636.22 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE N00°25'27"E ALONG THE WESTERLY LINE OF SAID NE1/4, SAID LINE ALSO BEING THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 201058229 AND THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 219121768, ALL OF SAID COUNTY RECORDS, A DISTANCE OF 1082.11 FEET TO THE NORTHWEST CORNER OF THAT TRACT AS DESCRIBED UNDER SAID RECEPTION NO. 213109361, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 211122234 OF SAID COUNTY RECORDS;

THENCE S89°35'03"E ALONG THAT LINE COMMON TO SAID RECEPTION NO. 213109361 AND SAID RECEPTION NO. 211122234, A DISTANCE OF 854.59 FEET TO THE EASTERLY COMMON CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE WESTERLY LINE OF WALDEN III, FILING 2, AS RECORDED UNDER RECEPTION NO. 613967 OF SAID COUNTY RECORDS;

THENCE ALONG THAT LINE COMMON TO SAID RECEPTION NO. 213109361 AND SAID WESTERLY LINE THE FOLLOWING SIX (6) COURSES:

- 1.) THENCE S07°23'22"E, A DISTANCE OF 8.12 FEET;
- 2.) THENCE S07°44'05"E, A DISTANCE OF 149.86 FEET;
- 3.) THENCE S22°42'50"E, A DISTANCE OF 349.65 FEET;
- 4.) THENCE S32°11'25"E, A DISTANCE OF 299.80 FEET;
- 5.) THENCE S37°31'17"E, A DISTANCE OF 350.65 FEET;
- 6.) THENCE N59°00'43"E, A DISTANCE OF 50.06 FEET TO THE MOST WESTERLY CORNER OF WALDEN III, FILING 3, AS RECORDED UNDER RECEPTION NO. 800707 OF SAID COUNTY RECORDS;

THENCE CONTINUING ALONG SAID EASTERLY LINE AND THE WESTERLY LINE OF SAID WALDEN III, FILING 3 THE FOLLOWING THREE (3) COURSES:

- 1.) THENCE S27°51'18"E, A DISTANCE OF 990.82 FEET;
- 2.) THENCE S38°51'53"E, A DISTANCE OF 838.44 FEET;
- 3.) THENCE S47°21'06"E, A DISTANCE OF 424.50 FEET TO THE SOUTHWEST CORNER OF SAID

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WALDEN III, FILING 3, SAID POINT ALSO BEING A POINT ON THE NORTHERLY LINE OF WALDEN PRESERVE 2, FILING NO. 4, AS RECORDED UNDER RECEPTION NO. 220714513 OF SAID COUNTY RECORDS;

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) COURSES:

- 1.) THENCE S80°11'30"W, A DISTANCE OF 343.12 FEET;
- 2.) THENCE S44°28'12"W, A DISTANCE OF 844.52 TO THE NORTHWESTERLY CORNER OF SAID WALDEN PRESERVE 2, FILING NO. 4 AND A POINT ON THE WESTERLY LINE OF THAT TRACT OF LAND AS RECORDED UNDER SAID RECEPTION NO. 213109361, SAID POINT ALSO BEING A POINT ON THE

EASTERLY LINE OF WALDEN III, AS RECORDED UNDER RECEPTION NO. 417849
OF SAID COUNTY RECORDS;

THENCE ALONG THAT LINE COMMON TO SAID WESTERLY LINE AND SAID
EASTERLY LINE THE FOLLOWING SEVEN (7) COURSES:

- 1.) THENCE N54°22'41"W, A DISTANCE OF 688.47 FEET;
- 2.) THENCE N38°59'22"W, A DISTANCE OF 349.86 FEET;
- 3.) THENCE N24°59'50"W, A DISTANCE OF 374.99 FEET;
- 4.) THENCE N11°37'08"W, A DISTANCE OF 59.99 FEET;
- 5.) THENCE N15°50'20"W, A DISTANCE OF 545.94 FEET;
- 6.) THENCE N26°21'13"W, A DISTANCE OF 609.82 FEET;
- 7.) THENCE N60°50'09"W, A DISTANCE OF 499.91 FEET TO THE POINT OF
BEGINNING;

SAID TRACT CONTAINS 91.85 ACRES OF LAND, MORE OR LESS.