SF-07-002

12762

CHERRY SPRINGS RANCH FILING NO. 1

A PORTION OF THE EAST HALF OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

THAT CHERRY SPRINGS RANCH, INC, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

LEGAL DESCRIPTION:

A PORTION OF THE EAST HALF OF SECTION 9 IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EASTERLY BOUNDARY OF PEACEFUL PINES SUBDIVISION FILING NO. 2 AS RECORDED UNDER RECEPTION NO. 99038689, RECORDS OF EL PASO COUNTY, COLORADO BEING MONUMENTED AT THE NORTH END BY A 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "PLS 27275" AND AT THE SOUTH END BY A 2-1/2" ALUMINUM SURVEYORS CAP STAMPED "PLS 30118" IN RANGE BOX IS ASSUMED TO BEAR N00°00'54"W, A DISTANCE OF 1318.79 FEET.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N00°00'54"W, ON THE EASTERLY BOUNDARY OF PEACEFUL PINES SUBDIVISION FILING NO. 2 AS RECORDED UNDER RECEPTION NO. 99038689, RECORDS OF EL PASO COUNTY, COLORADO, A DISTANCE OF 1318.79 FEET;
THENCE N00°03'03"E, A DISTANCE OF 1268.53 FEET;
THENCE S85°42'30"E, A DISTANCE OF 768.13 FEET TO A POINT ON CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S84°53'57"W, HAVING A DELTA OF 27°02'27", A RADIUS OF 265.00 FEET AND A DISTANCE OF 125.07 FEET TO A POINT OF TANGENT;
THENCE N32°08'30"W, A DISTANCE OF 17.77 FEET;
THENCE N57°51'30"E, A DISTANCE OF 70.00 FEET;
THENCE N32°08'30"W, A DISTANCE OF 412.00 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 117°21'27", A RADIUS OF 290.00 FEET, AND A DISTANCE OF 594.00 FEET TO A POINT OF COMPOUND CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 33°30'53", A RADIUS OF 100.00 FEET AND A DISTANCE OF 58.49 FEET TO A POINT OF REVERSE CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 28°43'50", A RADIUS OF 55.00 FEET AND A DISTANCE OF 27.58 FEET TO A POINT OF TANGENT;
THENCE S90°30'00"E, A DISTANCE OF 811.94 FEET;
THENCE S00°00'00"W, A DISTANCE OF 821.00 FEET;
THENCE S90°00'00"W, A DISTANCE OF 761.29 FEET;
THENCE S70°26'07"W, A DISTANCE OF 100.00 FEET TO A POINT ON CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S70°26'07"W, HAVING A DELTA OF 32°03'53", A RADIUS OF 335.00 FEET AND A DISTANCE OF 187.48 FEET TO A POINT OF TANGENT;
THENCE S12°30'00"W, A DISTANCE OF 519.91 FEET;
THENCE S77°30'00"E, A DISTANCE OF 123.87 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 47°40'00", A RADIUS OF 265.00 FEET AND A DISTANCE OF 220.46 FEET TO A POINT OF TANGENT;
THENCE S29°50'00"E, A DISTANCE OF 355.25 FEET;
THENCE S17°45'00"W, A DISTANCE OF 1538.82 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9;
THENCE N89°54'02"W, ON SAID SOUTH LINE, A DISTANCE OF 718.38 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 74.754 ACRES.

DEDICATION:

THE ABOVE OWNER HAS CAUSED SAID TRACT OF LAND TO BE SURVEYED AND PLATTED INTO LOTS, STREETS, TRACTS 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 "CHERRY SPRINGS RANCH FILING NO. 1", EL PASO COUNTY, COLORADO. ALL STREETS, TRACT A AND TRACT B AS PLATTED ARE HEREBY DEDICATED AS PUBLIC RIGHT OF WAY AND SAID OWNERS DO HEREBY PERSONALLY COVENANT AND AGREE THAT ALL PLATTED STREETS ARE TO BE CONSTRUCTED TO THE CURRENT EL PASO COUNTY STANDARDS AND THE SAME WILL BE PROVIDED FOR AT THEIR OWN EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO AND UPON ACCEPTANCE BY RESOLUTION, ALL STREETS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO.

OWNER:

THE AFOREMENTIONED, CHERRY SPRINGS RANCH, INC. HAS EXECUTED THIS INSTRUMENT THIS 30 DAY OF November, 2007

BY: _____
STANLEY M. SEARLE, REGISTERED AGENT

STATE OF COLORADO)
) ss
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30 DAY OF November, 2007, A.D. BY STANLEY M. SEARLE, REGISTERED AGENT OF CHERRY SPRINGS RANCH, INC.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 5.26.08 _____ NOTARY PUBLIC

AMY S GRIES NOTARY PUBLIC STATE OF COLORADO

GENERAL NOTES:

1. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL DOMESTIC WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE INSURANCE OF THESE PERMITS.

2. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT MUST APPROVE EACH SYSTEM AND IN SOME CASES THE DEPARTMENT MAY REQUIRE AN ENGINEER DESIGNED SYSTEM PRIOR TO PERMIT APPROVAL.

3. ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN THE STATE OF COLORADO.

4. THE TRACT OF LAND HEREIN PLATTED LIES WITHIN SECTION 9, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN.

5. UNLESS SHOWN OTHERWISE, THE FOLLOWING EASEMENTS ARE HEREBY PLATTED:

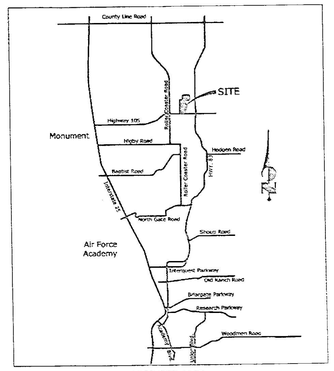
   A. A 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE FRONT OF EACH LOT.

   B. A 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE SIDE OF EACH LOT.

   C. A 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE REAR OF EACH LOT.

   D. ALL EXTERIOR SUBDIVISION BOUNDARIES SHALL HAVE A 20.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT.

   E. THE SOLE RESPONSIBILITY FOR THE MAINTENANCE OF EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNER, EXCEPT AS NOTED HEREON.



VICINITY MAP
N.T.S.

6. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED AND ARE ON FILE AT THE COUNTY PLANNING DEPARTMENT: SOILS AND GEOLOGICAL STUDY; WATER AVAILABILITY STUDY; DRAINAGE REPORTS; WILDFIRE HAZARD REPORT; NATURAL FEATURES REPORT; SUBDIVISION OR PROJECT PERCOLATION TEST RESULTS; EROSION CONTROL REPORT.

7. DUE TO WILDFIRE CONCERNS, THE APPLICANTS AND SUBSEQUENT HOMEOWNERS ARE ENCOURAGED TO INCORPORATE WILDFIRE FUEL BREAK PROVISIONS AS RECOMMENDED BY THE COLORADO STATE FOREST SERVICE AND ILLUSTRATED THROUGH PUBLICATIONS AVAILABLE THROUGH THE STATE FOREST SERVICES AND IN ACCORDANCE WITH THE HILLTOP PINES FOREST MANAGEMENT AND FIRE MITIGATION PLAN ON FILE AT THE COUNTY DEVELOPMENT SERVICES OFFICE.

8. FIRE PROTECTION BY THE TRI-LAKES FIRE PROTECTION DISTRICT.

9. NO OBSTRUCTIONS GREATER THAN 18 INCHES ABOVE THE PAVEMENT WILL BE ALLOWED WITHIN THE SIGHT VISIBILITY EASEMENTS. THE SIGHT VISIBILITY EASEMENTS ARE TO BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNER.

10. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, CRS.

11. FLOODPLAIN STATEMENT:
A PORTION OF THIS SITE, CHERRY SPRINGS RANCH FILING NO. 1, IS WITHIN A ZONE A, 100 YEAR F.E.M.A. FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP NUMBER 08041C0285F, EFFECTIVE DATE MARCH 17, 1997 AND AS MODIFIED BY THE LOMR NO. 08-08-B221P, EFFECTIVE 08-17-2006..

12. TRACTS A AND B ARE HEREBY DEDICATED TO EL PASO COUNTY AS PUBLIC RIGHT OF WAY.

13. PRIOR TO THE ESTABLISHMENT OF ANY DRIVEWAY, AN ACCESS PERMIT MUST BE GRANTED BY THE EL PASO COUNTY DEVELOPMENT SERVICES DIVISION.

14. NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS THE REQUIRED PUBLIC IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT AND EL PASO COUNTY AS RECORDED AT RECEPTION NO. 207117127, IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, OR IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED WHICH IS SUFFICIENT IN THE JUDGMENT OF THE BOARD OF COUNTY COMMISSIONERS, TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS.

15. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY.

16. NO INDIVIDUAL LOT ACCESS IS ALLOWED TO STATE HIGHWAY 105.

17. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY DEPARTMENT OF TRANSPORTATION AND UNITED STATES POSTAL SERVICE REGULATIONS.

18. PUBLIC DRAINAGE EASEMENTS SHALL BE OWNED AND MAINTAINED BY THE INDIVIDUAL LOT OWNER UNLESS OTHERWISE INDICATED. NO STRUCTURES OR FENCES SHALL BE PLACED IN DRAINAGE EASEMENTS THAT WOULD IMPEDE THE FLOW OF RUNOFF.

19. THE FOLLOWING LOTS HAVE BEEN FOUND TO BE THE MOST IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE REPORT, SOIL, GEOLOGY, GEOLOGIC HAZARD, AND WASTEWATER STUDY CHERRY SPRINGS, PHASE 1 EL PASO COUNTY, COLORADO, BY ENTECH ENGINEERING, INC., APRIL 6, 2006 IN FILE SP-06-007 AT THE EL PASO COUNTY DEVELOPMENT SERVICE DEPARTMENT:

    ROCKFALL SOURCE: LOT 10
    ROCKFALL RUNOUT ZONE: LOT 10
    SEASONAL SHALLOW GROUNDWATER: LOTS 5, 7, 11 AND 12
    POTENTIALLY SEASONAL SHALLOW GROUNDWATER: LOT 10
    POTENTIALLY SEASONAL SHALLOW GROUNDWATER, UNSTABLE SLOPE: LOT 10

20. THE CHERRY SPRINGS RANCH HOMEOWNERS ASSOCIATION HAS BEEN FILED WITH THE COLORADO SECERTARY OF STATE ON MARCH 2, 2007 UNDER I.D. NO. 20071108595.

21. THIS PLAT IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR CHERRY SPRINGS RANCH HOMEOWNERS' ASSOCIATION AS RECORDED UNDER RECEPTION NO. 207023330 OF THE RECORDS EL PASO COUNTY, COLORADO

22. WATER IN THE DENVER BASIN AQUIFERS IS ALLOCATED BASED ON A 100 YEAR AQUIFER LIFE; HOWEVER, FOR EL PASO COUNTY PLANNING PURPOSES, WATER IN THE DENVER BASIN AQUIFERS IS EVALUATED BASED ON A 300 YEAR AQUIFER LIFE. APPLICANTS, THE HOMEOWNERS ASSOCIATION, AND ALL FUTURE OWNERS IN THE SUBDIVISION SHOULD BE AWARE THAT THE ECONOMIC LIFE OF A WATER SUPPLY BASED ON WELLS IN A GIVEN DENVER BASIN AQUIFER MAY BE LESS THAN EITHER THE 100 YEARS OR 300 YEARS INDICATED DUE TO ANTICIPATED WATER LEVEL DECLINES. FURTHERMORE, THE WATER SUPPLY PLAN SHOULD NOT RELY SOLELY UPON NON-RENEWABLE AQUIFERS. ALTERNATIVE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDED FUTURE GENERATIONS WITH A WATER SUPPLY.

23. PRIOR TO APPROVAL OF EACH RESIDENTIAL PLOT PLAN IN THE SUBDIVISION, THE DEVELOPMENT SERVICES DEPARTMENT WILL BE PROVIDED WITH EVIDENCE THAT A LOT-SPECIFIC WILDFIRE MITIGATION PLAN HAS BEEN PREPARED FOR THE PROPOSED RESIDENCE IN ACCORDANCE WITH THE OVERALL WILDFIRE MITIGATION PLAN FOR THIS SUBDIVISION, AND THAT THIS PLAN HAS BEEN SIGNED OFF ON BY THE HOMEOWNERS' ASSOCIATION.

24. SITE VISIBILITY TRIANGLES AS NOTED ON THIS PLAT ARE SUBJECT TO ENFORCEMENT MEASURES AS DEFINED IN THE CHERRY SPRINGS RANCH HOMEOWNERS' ASSOCIATION CONDITIONS, CONVENANTS AND RESTRICTIONS.

25. THIS PLAT IS REGULATED BY A P.U.D. DEVELOPMENT PLAN (FILE PUD-05-007)AS RECORDED UNDER RECEPTION NO.205021422, RECORDS OF EL PASO COUNTY, COLORADO.

26. A PRIVATE DETENTION BASIN/STORMWATER QUALITY BMP IS LOCATED WITHIN THE DRAINAGE EASEMENT ON LOT 11 AND LOT 12. THE CHERRY SPRINGS HOA IS RESPONSIBLE FOR THE MAINTENANCE OF THAT FACILITY. A PRIVATE DETENTION BASIN/STORMWATER MAINTENANCE AGREEMENT AND EASEMENT IS RECORDED UNDER RECEPTION NO. 207141128 OF THE RECORDS OF EL PASO COUNTY, COLORADO. AN OPERATIONS AND MAINTENANCE MANUAL FOR PERMANENT WATER QUALITY BMP IS RECORDED WITH THIS AGREEMENT.

27. AN EASEMENT OF UNDEFINED WIDTH AND LOCATION, FOR ELECTRICAL PURPOSES AS GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION BY AN INSTRUMENT RECORDED MARCH 7, 1983 IN BOOK 3684 AT PAGE 496 AFFECTS THE ENTIRE SUBJECT PARCEL BUT IS NOT SHOWN HEREON DUE TO NO DEFINED LEGAL DESCRIPTION.

28. ALL SURFACE IMPROVEMENTS WITHIN THE CISTERN EASEMENT ON LOT 1 AND THE ADJACENT DRAINAGE EASEMENT ON LOTS 1 AND 2 ARE TO BE MAINTAINED BY THE CHERRY SPRINGS RANCH HOMEOWNERS ASSOCIATION. THE CISTERN AND OTHER MECHANICAL COMPONENTS ASSOCIATED WITH THE CISTERN SHALL BE MAINTAINED BY THE TRI-LAKES FIRE PROTECTION DISTRICT OR THEIR SUCCESSORS OR ASSIGNS.

29. THE MAIN DRAINAGE CHANNEL LOCATED WITHIN THE DRAINAGE EASEMENT AND NO BUILD AREA LOCATED ON LOTS 10, 12, 13, 14, 15 AND 16 SHALL BE MAINTAINED BY THE CHERRY SPRINGS RANCH HOMEOWNERS ASSOCIATION.

30. SHOULD APPALOOSA ROAD EVER BE EXTENDED NORTH OF HIGHWAY 105 IN THE FUTURE, AS DEPICTED ON THE PUD DEVELOPMENT PLAN RECORDED UNDER RECEPTION NO. 206021422, THE PRESENT ACCESS FROM HIGHWAY 105 ONTO CHERRY SPRINGS RANCH DRIVE WILL BE CLOSED.

SURVEYOR'S STATEMENT:

THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATES AND DECLARES THAT THE ACCOMPANYING PLAT WAS SURVEYED AND DRAWN UNDER HIS RESPONSIBLE CHARGE AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND SUBDIVISION THEREOF, AND THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, HAVE BEEN MET TO THE BEST OF MY KNOWLEDGE AND BELIEF.

_____ Nov 30, 2007
DOUGLAS P. REES, PROFESSIONAL LAND SURVEYOR DATE
COLORADO P.L.S. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING, ENGINEERS AND SURVEYORS, LLC.

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS 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.

COUNTY APPROVAL:

APPROVAL IS GRANTED THIS _____ DAY OF _____, 2007 A.D.

_____ _____ 2/26/2008
CHAIR, BOARD OF COUNTY COMMISSIONERS DEVELOPMENT SERVICES DIRECTOR

CLERK AND RECORDER:
STATE OF COLORADO)
) ss
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT 1:41 O'CLOCK P M. THIS 28th DAY OF February, 2008 A.D., AND DULY RECORDED UNDER RECEPTION NUMBER 208713762.

RECORDER: ROBERT C. BALINK, RECORDER

BY: _____ DEPUTY

SCHOOL FEE: $4,928.00
BRIDGE FEE: N/A
PARK FEE: $5,648.00
DRAINAGE FEE: N/A

Fee $30
S.C. $ 1

CHERRY SPRINGS RANCH
FILING NO. 1
2113.10
JANUARY 9, 2007
REVISED JUNE 28, 2007
REVISED JULY 27, 2007
SHEET 1 OF 3

CLASSIC CONSULTING ENGINEERS & SURVEYORS
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