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El Paso County, CO

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RESOLUTION NO. 22-146

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

SUBDIVISION EXEMPTION FOR Tammy and Justin Spellman Subdivision
Exemption (EX-21-001)

WHEREAS, Section 30-28-101(10)(d), C.R.S., as amended, authorizes the Board of County Commissioners pursuant to resolution to exempt from the requirements of the subdivision regulations any division of land if the Board of County Commissioners determines that such division is not within the purposes of the statutory provisions governing subdivisions; and

WHEREAS, Tammy and Justin Spellman did file an application with the El Paso County Planning and Community Development Department for an exemption from the El Paso County Subdivision Regulations for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference; and

WHEREAS, Tammy and Justin Spellman intends to utilize this 63.59-acre parcel solely for the purposes of creating two (2) single-family residential lots; and

WHEREAS, a public hearing was held by this Board on May 3, 2022; and

WHEREAS, the El Paso County Board of County Commissioners has found the proposed division does not fall within the purposes of the Colorado statutory provisions concerning subdivisions; 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, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the exemption is consistent with and conforms to the El Paso County Land Development Code and the Master Plan.
2. That the exemption is a division of land determined not to be within the purpose of C.R.S. §§30-28-101, et. seq.

3. That legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
4. That the size, location, and availability of services to the proposed lots or parcels are reasonable, appropriate, and customary for the proposed use.
5. That no beneficial purpose to the public would be served by requiring the subdivision of the subject property.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Board of County Commissioners hereby approves the petition of Tammy and Justin Spellman for a subdivision exemption of a 63.59 parcel of property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference; and

BE IT FURTHER RESOLVED, the parcel shall be limited to the use as stated in this Resolution; and

BE IT FURTHER RESOLVED, the following condition and notation shall apply to this approval:

CONDITIONS

1. The Land survey Plat as approved by the Board of County Commissioners shall be deposited in the El Paso County Clerk and Recorder's Office

NOTATIONS

1. Subdivision Exemption requests not forwarded to the 24 Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

DONE THIS 3rd day of May, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: 

County Clerk & Recorder



By: 

Chair

EXHIBIT A

PART OF THE SE 1/4 OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH P.M.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 30
THENCE NORTH 82°27' EAST
A DISTANCE OF 3962.0 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 01°27' WEST A DISTANCE OF 2100.0 FEET.

THENCE SOUTH 89°17' EAST A DISTANCE OF 1320.0 FEET.

THENCE SOUTH 01°27' EAST A DISTANCE OF 2100.0 FEET.

THENCE NORTH 89°17' WEST A DISTANCE OF 1320.0 FEET
TO THE POINT OF BEGINNING.

CONTAINING 63.591 ACRES, MORE OR LESS.

EXCEPT THAT PART CONTAINED IN DEED RECORDED AT RECEPTION
NUMBER 98052175,
AND EXCEPT FOR THAT PART CONTAINED IN FRANCEVILLE COAL MINE
ROAD.
COUNTY OF EL PASO STATE OF COLORADO