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El Paso County, CO



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RESOLUTION NO. 19- 417

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

**APPROVE FINAL PLAT FOR LORSON RANCH EAST FILING NO. 4
(SF-19-008)**

WHEREAS, Lorson, LLC Nominee for Murray Fountain, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Lorson Ranch East Filing No. 1 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, a public hearing was held by the El Paso County Planning Commission on October 15, 2019, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on November 12, 2019; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

- 1. The application was properly submitted for consideration by the Planning Commission.**
- 2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.**
- 3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.**
- 4. All exhibits were received into evidence.**

5. The subdivision is in general 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. 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 Land Development 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 Land Development 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 Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 Land Development Code.
15. 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 the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Lorson Ranch East Filing No. 4 Subdivision;

BE IT FURTHER RESOLVED that 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 by the Board of County Commissioners 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 recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The subdivider(s) agrees on behalf of him/herself and any developer or builder 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. 18-471), 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.
10. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$112,176 and urban park (Area 4) fees in the amount of \$70,848.00 shall be paid at the time of plat recordation. If a park lands agreement is executed prior to the plat recordation, the urban park fees will be waived.
11. Drainage, bridge, and surety fees for the Jimmy Camp Creek basin, in the amounts of \$475,387, \$22,227, and \$188,729, respectively, shall be paid at the time of final plat recording.

12. The Lorson Boulevard bridge over the Jimmy Camp Creek main channel shall receive preliminary County acceptance prior to the issuance of any building permits for lots located within the Lorson Ranch East Filing No. 4 subdivision.

NOTATION

1. No school fees are due upon plat recordation pursuant to a Site Dedication and Waiver of Fees in Lieu of Land Dedication agreement between Lorson, LLC, Widefield School District No. 3, and El Paso County, as originally approved by the Board of County Commissioners on April 12, 2012 and as amended by approval of the Board of County Commissioners on August 23, 2016.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 12th day of November, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By:



By:

Chair

EXHIBIT A

**LORSON RANCH EAST FILING NO. 4
LEGAL DESCRIPTION**

BASIS OF BEARING: THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) SECTION 23, MONUMENTED AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER BY A 3.25 INCH ALUMINUM CAP STAMPED "T15S R65W S14 S13 S23 S24 LS 16109" AND AT THE SOUTHEAST CORNER OF SAID NORTHEAST CORNER BY A 3.25 INCH ALUMINUM CAP STAMPED "T15S R65W 1/4 COR S23 S24 PLS 31161", THE LINE IS ASSUMED TO BEAR S00°57'42"E, 2638.33 FEET;

LEGAL DESCRIPTION:

PARCEL A

A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, AND IN THE NORTHWEST QUARTER (NW 1/4) SECTION 24, TOWNSHIP 15 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER COMMON TO SAID SECTIONS 23 AND 24;

THENCE N27°00'27"E, 1937.26 FEET TO THE NORTHWEST LINE OF THAT CERTAIN 100 FOOT WIDE ELECTRICAL EASEMENT DESCRIBED IN BOOK 2665 AT PAGE 715 IN THE RECORDS OF EL PASO COUNTY, COLORADO, AND THE NORTHEAST CORNER OF LORSON BOULEVARD AS PLATTED IN "LORSON RANCH EAST FILING NO. 1" UNDER RECEPTION NO. 219714288 _____ IN THE EL PASO COUNTY RECORDS, BEING THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID "LORSON RANCH EAST FILING NO. 1" THE FOLLOWING TWENTY-ONE (21) COURSES;

- 1) THENCE S89°35'58"W ALONG THE NORTH RIGHT-OF-WAY LINE OF LORSON BOULEVARD 64.03 FEET;**
- 2) THENCE N33°38'32"W A DISTANCE OF 36.48 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 60 FOOT WIDE LAMPREY DRIVE AS PLATTED IN AFORESAID "LORSON RANCH FILING NO. 1";**
- 3) THENCE N00°24'02"W ALONG SAID LINE 589.11 FEET;**
- 4) THENCE N38°14'24"E A DISTANCE OF 32.03 FEET;**
- 5) THENCE N00°24'02"W A DISTANCE OF 50.00 FEET;**
- 6) THENCE N39°00'02"W A DISTANCE OF 32.06 FEET;**
- 7) THENCE N00°24'02"W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAMPREY DRIVE 339.66 FEET;**
- 8) THENCE N37°56'32"E A DISTANCE OF 32.24 FEET;**

- 9) THENCE N00°23'49"W A DISTANCE OF 50.00 FEET;
 - 10) THENCE N38°57'34"W A DISTANCE OF 32.09 FEET;
 - 11) THENCE N00°24'02"W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAMPREY DRIVE 309.91 FEET;
 - 12) THENCE N03°59'22"E A DISTANCE OF 60.18 FEET;
 - 13) THENCE N00°42'26"W A DISTANCE OF 206.65 FEET;
 - 14) THENCE N49°44'55"E A DISTANCE OF 63.21 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF FONTAINE BOULEVARD AS PLATTED IN AFORESAID "LORSON RANCH FILING NO. 1";
 - 15) THENCE N79°04'57"E ALONG SAID LINE 43.60 FEET;
 - 16) THENCE N89°35'58"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FONTAINE BOULEVARD, 299.70 FEET TO A POINT OF CURVE;

 - 17) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1434.92 FEET, A CENTRAL ANGLE OF 19°23'49", (THE LONG CHORD OF WHICH BEARS S80°42'08"E A DISTANCE OF 483.46 FEET), AN ARC DISTANCE OF 485.78 FEET TO A POINT OF TANGENT;
 - 18) THENCE S71°00'13"E ALONG SAID TANGENT 377.73 FEET;
 - 19) THENCE S70°01'19"E A DISTANCE OF 50.01 FEET;
 - 20) THENCE N64°26'39"E A DISTANCE OF 28.50 FEET;
 - 21) THENCE S70°06'29"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FONTAINE BOULEVARD 38.89 FEET TO THE NORTHWEST LINE OF AFORESAID 100 FOOT WIDE ELECTRICAL EASEMENT DESCRIBED IN BOOK 2665 AT PAGE 715;
- THENCE S38°22'41"W ALONG SAID LINE 447.40 FEET TO THE EASTERLY CORNER OF THAT PARCEL CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION UNDER RECEPTION NO. 206041590 IN THE EL PASO COUNTY RECORDS;
- THENCE ALONG SAID PARCEL THE FOLLOWING THREE (3) COURSES;
- 1) THENCE N51°37'19"W A DISTANCE OF 295.16 FEET;
 - 2) THENCE S38°22'41"W A DISTANCE OF 295.16 FEET;
 - 3) THENCE S51°37'19"E A DISTANCE OF 295.16 FEET TO THE AFORESAID NORTHWEST LINE OF SAID 100 FOOT WIDE ELECTRICAL EASEMENT;
- THENCE S38°22'41"W ALONG SAID LINE 1257.37 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 28.193 ACRES MORE OR LESS.

PARCEL B

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23, AND IN THE NORTHWEST QUARTER (NW 1/4) SECTION 24, TOWNSHIP 15 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, EL

PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER COMMON TO SAID SECTIONS 23 AND 24;

THENCE N28°47'34"W, 414.39 FEET TO THE NORTHWESTERLY LINE OF THAT CERTAIN 100 FOOT WIDE ELECTRICAL EASEMENT DESCRIBED IN BOOK 2665 AT PAGE 715 IN THE RECORDS OF EL PASO COUNTY, COLORADO, AND THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 11°45'40", (THE LONG CHORD OF WHICH BEARS N58°05'27"W A DISTANCE OF 159.83 FEET), AN ARC DISTANCE OF 160.11 FEET TO A POINT OF TANGENCY . THENCE N52°12'37"W A DISTANCE OF 365.17 FEET TO A POINT OF CURVE.

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 51°48'35", (THE LONG CHORD OF WHICH BEARS N26°18'20"W A DISTANCE OF 519.88 FEET), AN ARC DISTANCE OF 538.03 FEET, TO A POINT OF TANGENCY. THENCE N00°24'02"W A DISTANCE OF 429.71 FEET TO A POINT ON THE SOUTH LINE OF LORSON BOULEVARD AS PLATTED IN "LORSON RANCH EAST FILING NO. 1" UNDER RECEPTION NO. 219714288 IN THE EL PASO COUNTY RECORDS;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID LORSON BOULEVARD THE FOLLOWING EIGHT (8) COURSES;

- 1) THENCE N89°35'58"E A DISTANCE OF 60.00 FEET;
- 2) THENCE N00°24'02"W A DISTANCE OF 41.57 FEET;
- 3) THENCE N51°38'32"E A DISTANCE OF 49.80 FEET;
- 4) THENCE N89°35'58"E A DISTANCE OF 924.41 FEET;
- 5) THENCE S52°06'10"E A DISTANCE OF 32.27 FEET;
- 6) THENCE N89°35'58"E A DISTANCE OF 50.00 FEET;
- 7) THENCE N50°57'37"E A DISTANCE OF 32.03 FEET;
- 8) THENCE N89°35'58"E A DISTANCE OF 554.18 FEET TO THE NORTHWESTERLY LINE OF AFORESAID 100 FOOT WIDE ELECTRICAL EASEMENT;

THENCE S38°22'41"W, ALONG SAID NORTHWESTERLY LINE, 1642.90 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 30.278 ACRES MORE OR LESS.