

EL PASO COUNTY
COLORADO

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
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Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
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March 29, 2024

ATTN: Sabine Reynoso

Steve Schleiker
09/13/2024 09:39:04 AM
Doc \$0.00 15
Rec \$83.00 Pages

El Paso County, CO



224072240

RE: Administrative determination and parcel legalization for 4040 Walker Rd ADM
File: ADM-24-005
Parcel ID: 6111000020

Dear Sabine Reynoso:

A request has been made for an interpretation regarding the above-referenced parcel to confirm that the property is considered a legal division of land pursuant to the El Paso County Land Development Code (as amended).

Section 1.15 of the Code defines a "Legal Lot" as:

"A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity."

The subject parcel was created from four different parcels and then combined. The four parcels that make up the subject property are as follows:

1. 61110 00 011 - 14.33 acres (master parcel)
 - a. 61110 00 016 -created in 1988 (1.50 acres)
2. 61000 00 208 - 5.0 acres (master parcel)
 - a. 61110 00 010 - created in 1981 (5 acres)
3. 61000 00 183 - 10.00 acres (master parcel)
 - a. 61110 00 004 - created in 1981 (10 acres)
4. 61000 00 207 - 5.0 acres (master parcel)
 - a. 61000 00 207 – created in 1981 (5 acres)

The master parcels for the above list were each created in 1966. Each master parcel has warranty deeds and cards tied to them. Parcels 2, 3, and 4, did not change in shape or size and thus can be considered legal. Parcel 1 from the list above shows that while the master parcel is legal, there was a change in the size of the parcel in 1981. All of the deeds associated with these parcels depict the Right of Way likely to have been acquired at some point. It is believed that parcel number 61110 00 016 (Parcel 1), did in fact have Right of Way acquired from it. It should be noted that 61110 00 020 was created in 2004 by combining 61110 00 016, 61110 00 010, 61110 00 004 and 61110 00 005.

The subject property is currently 21.5 acres. This does meet the lot size minimum for the zoning district. Since the subject property was created from multiple parcels, and the Right of Way being acquired, we can consider this parcel a legal division of land.

Compliance with Zoning Regulations:

The property was zoned RR-5 (Residential Rural) on April 13, 1983, when zoning was first initiated for this portion of El Paso County.

Section 3.2.2. of the Code defines “Residential Rural” as:

“The RR-5 zoning district is a 5-acre district intended to accommodate low-density, rural, single-family residential development.”

The lot size is considered conforming because it does conform with the RR-5 zoning district’s minimum lot area requirement, due to the subject property being created from multiple parcels, and the Right of Way being acquired, we can consider this parcel a legal division of land.

Discussion and Conclusion:

The property is made up of four different parcels, 3 of which are legal while the third parcel did have Right of Way acquired in addition to being combined with three legal parcels. Per the Land Development Code, a merger of contiguous lots (Section 7.2.2.2) is done to take illegal parcels and combine them with a legal parcel to bring them into conformity. This property was subject to Right of Way being acquired. When this does happen, the property can become smaller while remaining a legal piece of land. The property is zoned RR-5 and is 21.5 acres in size, which does meet the 5-acre minimum lot size for the zoning district. All of the parcels are in the same zoning district, RR-5, and owned by the same property owner.

(2) Merger by Contiguity.

(a) Purpose. The purpose of this Section is to establish standards whereby nonconforming substandard-sized lots or parcels can be combined to create a lot or parcel that more closely approximates the lot size requirements of the applicable zoning district to provide for building permit issuance for new construction or habitable additions, without necessitating a replat or variance.

(b) Applicability. The merger by continuity may be applied to any contiguous nonconforming lots or parcels of land where:

- Not more than 1 residential dwelling is located on the lots or parcels to be combined;
- The lots or parcels to be combined are located within the same zoning district; and
- The lots or parcels are owned in common ownership by the same person, persons or entity.

Any proposed new development shall comply with all other applicable County, State, and Federal Regulations.

If you have any questions or concerns regarding this determination, please contact myself or Ashlyn Mathy, Planner II, at (719) 520 6447 or ashlynmathy2@elpasoco.com.

Sincerely,



Meggan Herrington, Executive Director

El Paso County Planning and Community Development Department

Exhibit A

Card for Parcel number 61000-00-183

11-11-88 ADDRESS OF PROPERTY ADDRESS DESCRIPTION
 PARCELS TOGETHER WITH H/W AS DES IN 61000-00-183 SEC 11-11-88

38- 61000-00-183
 5.00

OWNER	BOOK	PAGE	DATE	TYPE OF INSTRUMENT	REMARKS
JAMES WILLIAMS	100	100	1/19/74	WARRANTY	
J. W. Williams	100	100	1/19/74	WARRANTY	

Exhibit B:

Card for parcel number 61000-00-207

11-11-88 ADDRESS OF PROPERTY ADDRESS DESCRIPTION
 PARCELS AS DES IN

11-11-88 ADDRESS OF PROPERTY ADDRESS DESCRIPTION
 PARCELS TOGETHER WITH H/W AS DES IN 61000-00-207 SEC 11-11-88

38- 61000-00-207
 5.00

OWNER	BOOK	PAGE	DATE	TYPE OF INSTRUMENT	REMARKS
LORETT J W JR					

Exhibit D : Map of 3 of the 4 parcels from 1972

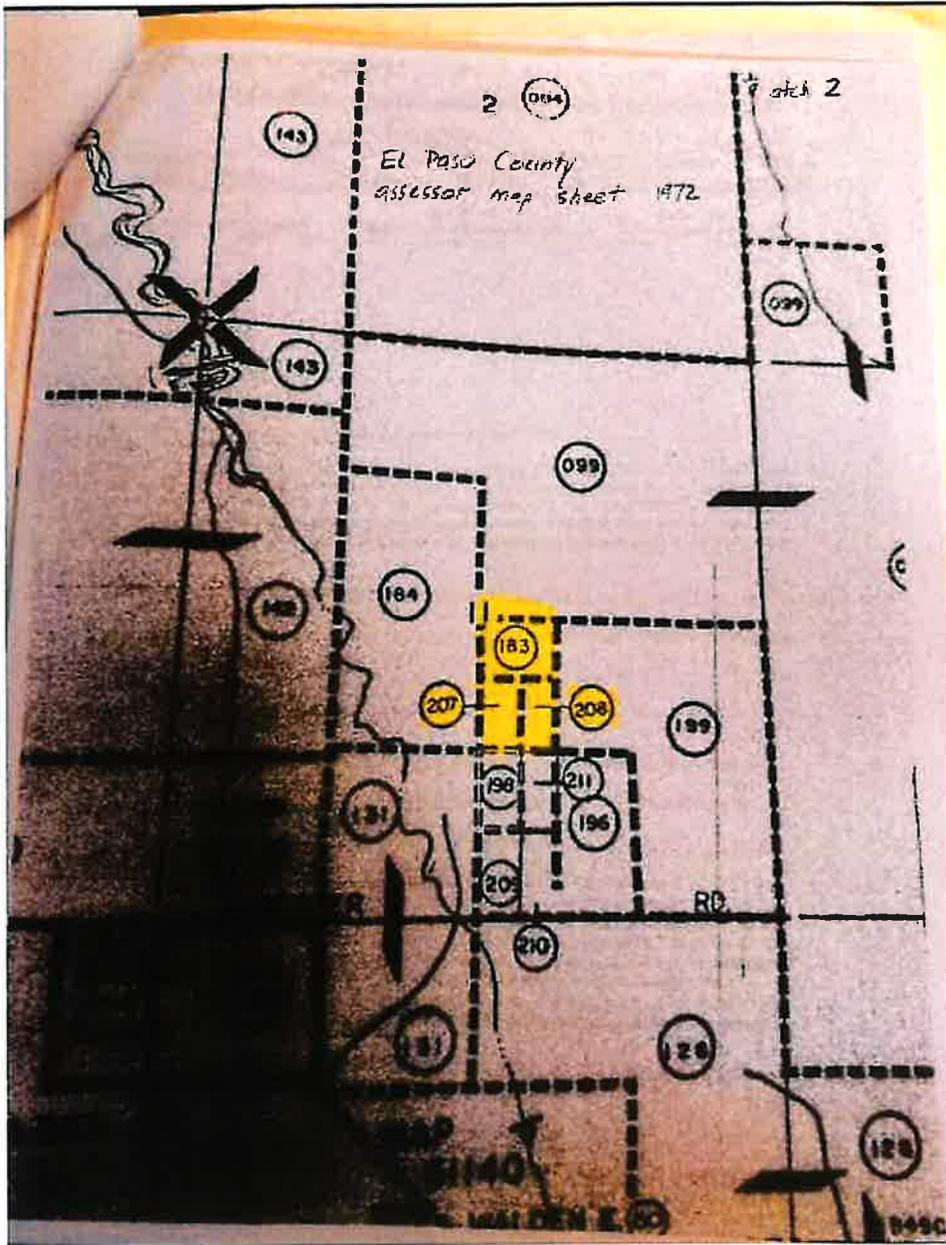


Exhibit E : Book and Page items for each items

WARRANTY DEED

Received at 2:30 o'clock, P.M. JAN 26 1971Reception No. 778393Book HARRIET BEALS
Page

KNOW ALL MEN BY THESE PRESENTS, that JOHN E. RICHTER, ALBERT L. CORBETT and FRED A. RIANDA, Trustees, in joint tenancy, of Colorado Springs, in the County of El Paso, State of Colorado, for Ten Dollars and other good and valuable consideration, in hand paid, hereby sell and convey to WILLIAM T. WARD, Of the County of El Paso, State of Colorado, the following real property in the County of El Paso and State of Colorado, to-wit:

160
The West one-half of the Northwest Quarter of the Southeast Quarter of Section 11, Township 11 South, Range 66 West, of the 6th P.M., together with a perpetual, but non-exclusive right of way and easement over and across

- 1) the Southerly 30 feet of the Northeast one-quarter of the Southwest one-quarter,
- 2) the Northerly 30 feet of the Southeast one-quarter of the Southwest one-quarter,
- 3) the Westerly 30 feet of the Southeast one-quarter of the Southwest one-quarter
- 4) the Northerly 30 feet of the West one-half of the Southwest one-quarter of the Southeast one-quarter, all in Township 11 South, Range 66 West, of the 6th P.M., such right of way and easement for road purposes to inure to the benefit of the respective parties hereto, and their heirs, legal representatives, successors or assigns.

Grantors expressly reserve unto themselves and unto all other of their subsequent grantees the use of said rights of way for road purposes and, in addition, reserve a perpetual, but non-exclusive right of way and easement unto themselves, and unto all of their subsequent grantees, over and across the Southerly 30 feet of the West one-half of the Northwest one-quarter of the Southeast one-quarter of Section 11, Township 11 South, Range 66 West, of the 6th P.M.

ST. CO. FEE

JAN 26 1971

\$ 1.60

Received at 9:30 o'clock, 4 M., APR 13 1971
Reception No. 793906 HARRIST-DEALS

BOOK 2401 PAGE 970

WARRANTY DEED

Received at 9:30 o'clock, 4 .M., APR 13 1971

Reception No. _____ Book _____ Page _____

KNOW ALL MEN BY THESE PRESENTS, that WILLIAM T. WARD, of the County of El Paso, State of Colorado, for Ten Dollars and other good and valuable consideration, in hand paid, hereby sells and conveys to J. R. LORETT, JR., of the County of Jefferson and State of Colorado, the following real property in the County of El Paso and State of Colorado, to-wit:

The South one-half of the West one-half of the Northwest Quarter of the Southeast Quarter of Section 11, Township 11 South, Range 66 West of the 6th P.M., together with a perpetual, but non-exclusive right of way and easement over and across 1) the Southerly 30 feet of the Northeast one-quarter of the Southwest one-quarter, 2) the Northerly 30 feet of the Southeast one-quarter of the Southwest one-quarter, 3) the Westerly 30 feet of the Southeast one-quarter of the Southwest one-quarter, 4) the Northerly 30 feet of the West one-half of the Southwest one-quarter of the Southeast one-quarter, all in Township 11 South, Range 66 West of the 6th P.M., such right of way and easement for road purposes to inure to the benefit of the respective parties hereto, and their heirs, legal representatives, successors or assigns.

STATE DOCUMENT BY FILE
APR 13 1971

\$ 80

Grantor expressly reserves unto himself and unto all other of his subsequent grantees the use of said rights of way for road purposes and, in addition, reserves a perpetual, but non-exclusive right of way and easement unto himself and unto all of his subsequent grantees, over and across the Southerly 30 feet and over and across the Easterly 30 feet of the West one-half of the Northwest one-quarter of the Southeast one-quarter of Section 11, Township 11 South, Range 66 West, of the 6th P.M.

JUL 27 1972

BOOK 2509 PAGE 188

Filed for record the day of A. D. 19 at 12:30 o'clock P.M. Reception No. 904571 HARRIET BEALS RECORDER

This Deed, Made this 12th day of June in the year of our Lord

one thousand nine hundred and seventy-two between J. R. LORETT, JR. of the County of El Paso and State of Colorado, of the first part, and GEORGE L. HALL and JANICE D. HALL of the County of El Paso and State of Colorado, of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable consideration to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, ha s granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot or parcel of land, situate, lying and being in the County of El Paso and State of Colorado, to-wit:

STATE DOCUMENTARY

JUL 27 1972

FEE \$ 91

\$9,700.00

- The East one-half of the Southwest one-quarter of the Northwest one-quarter of the Southeast one-quarter of Section 11, Township 11 South, Range 66 West of the 6th P.M. 1) the Southerly 30 feet of the Northeast one-quarter of the Southwest one-quarter, 2) The Northerly 30 feet of the Southeast one-quarter of the Southwest one-quarter, 3) the Westerly 30 feet of the Southeast one-quarter of the Southwest one-quarter, 4) the Northerly 30 feet of the West one-half of the Southwest one-quarter of the Southeast one-quarter, all in Township 11 South, Range 66 West of the 6th P.M., such right of way and easement for road purposes to inure to the benefit of the respective parties hereto, and their heirs, legal representatives, successors or assigns.

Together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversions and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to Hold the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said party of the first part, for him self, his heirs, executors, and administrators, does covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and ha s good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, except restrictions, reservations, convenants and easements of record, and subject to real property taxes for 1972 and subsequent years. and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said party of the first part ha s hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

J. R. LORETT, JR. (Signature) Seal Seal Seal



STATE OF COLORADO, County of El Paso } ss. The foregoing instrument was acknowledged before me this 12th day of June, 1972, by J. R. Lorett, Jr.

Witness my hand and official seal.

My commission expires August 14, 1975. L. Hamilton Notary Public

*If acting in official or representative capacity, insert name and also office or capacity and for whom acting.

No. 904571

Warranty Deed
TO JOINT TENANTS

TO

BOOK 2509 PAGE 189

STATE OF COLORADO,

County of EL PASO, ss.

I hereby certify that this instrument was filed for record in my office this

day of Jul 27 1972, A. D. 19

at 12³⁰ o'clock P.M., and duly recorded

in Book 2509, Page 188

HARRIET BEALS

Recorder

By Southern Denver Deputy

Fees, \$ 3.25

WHEN RECORDED RETURN TO

Sharon Nelson, A.M.D.

213 Mining Exchange Bldg.

Grantors expressly reserve unto themselves and unto all other of their subsequent grantees the use of said rights of way for road purposes and, in addition, reserve a perpetual, but non-exclusive right of way and easement for ingress and egress for road purposes unto themselves, and unto all other subsequent grantees, over and across the Southerly 30 feet of the Northwest one-quarter of the Southeast one-quarter of Section 11, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado. Except for any easements of record, restrictions of record, covenants of record and mineral reservations of record, if any, including the easements for ingress and egress for road purposes reserved by Sellers and predecessors in title of Sellers.

COUNTY OF EL PASO STATE OF COLORADO FEE 4.00
RECEIVED AT 9:10 O'CLOCK A.M. APR 21 1980
RECEPTION NO. 662557 ARDIS W. SCHMITT David Alley DEPUTY

BOOK 3304 PAGE 21 ①

QUIT CLAIM DEED

GEORGE L. HALL and JANICE D. HALL, for Ten Dollars (\$10.00) and other good and valuable consideration, hereby transfer, assign and quit claim unto WILLIAM T. WARD whose address is 734 Petroleum Building, 110 16th Street, Denver, Colorado 80202, any and all interest the Grantors may have in and to the following described real property located in El Paso County, Colorado, to-wit:

The East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ except for the most Easterly 5 acres thereof, and the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, all lying in Section 11, Township 11 South, Range 66 West of the 6th P.M.

STATE DOCUMENTARY
APR 21 1980
FEE \$ 2.50

Together with perpetual but non-exclusive rights of way and easements for road purposes over and across (1) the Southerly 30 feet of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, (2) the Northerly 30 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, (3) the Westerly 30 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, (4) the Northerly 30 feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, (5) the Southerly 30 feet and the Easterly 30 feet of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, all in Section 11, Township 11 South, Range 66 West of the 6th P.M.

The Grantors hereby expressly reserve unto themselves and their successors and assigns, for the benefit of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 11, Township 11 South, Range 66 West of the 6th P.M., a perpetual but non-exclusive right of way and easement for ingress, egress, and road purposes over and across (1) the Southerly 30 feet of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, (2) the Northerly 30 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, (3) the Westerly 30 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, (4) the Northerly 30 feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, all in Section 11, Township 11 South, Range 66 West of the 6th P.M.

DATED this 15th day of April, 1980.

APR 15 1980
A. VENTURA
NOTARY PUBLIC

George L. Hall
George L. Hall

Janice D. Hall
Janice D. Hall

COUNTY OF El Paso }
STATE OF COLORADO } ss

The foregoing instrument was acknowledged before me this 15th day of March, 1980, by George L. Hall and Janice D. Hall. April

WITNESS my hand and seal.

My commission expires: Dec. 17, 1983.



Louise D. Riddell
Notary Public

APR 15 1980
A. VENTURA
NOTARY PUBLIC