

**EL PASO COUNTY**  
COLORADO

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**  
O: 719-520-6300  
MegganHerington@elpasoco.com  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

March 29, 2024

ATTN: Sabine Reynoso

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](mailto:ashlynmathy2@elpasoco.com).

Sincerely,



Meggan Herrington, Executive Director  
El Paso County Planning and Community Development Department





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

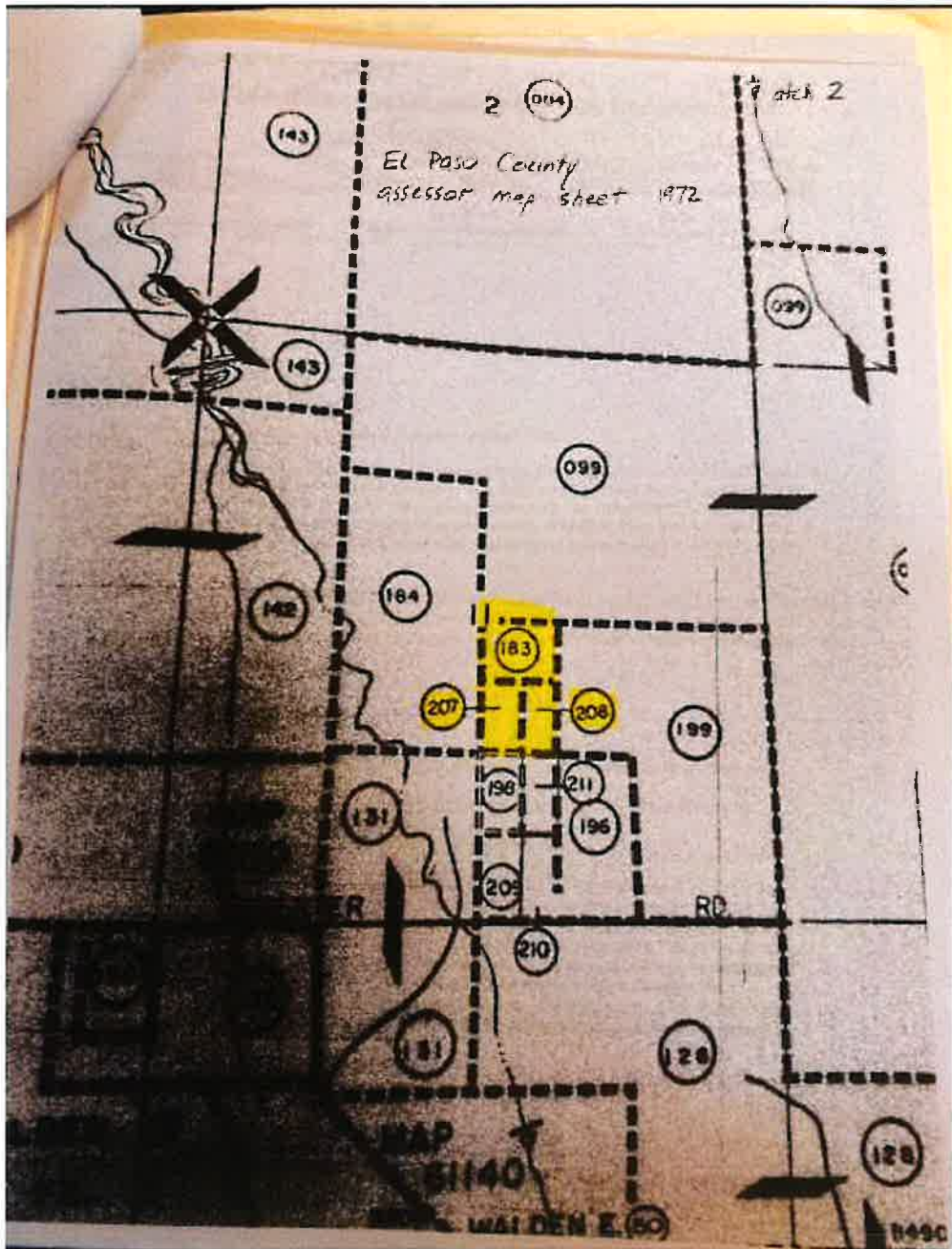


Exhibit E : Book and Page items for each items

## 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:

(60

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.

STATE DEPARTMENT FILE

JAN 26 1971

\$ 1.60



The foregoing real property is conveyed subject to any other easements of record, to soil conservation districts, and to El Paso County, if any, and subject to County roads along Section lines, and to all other existing roads and highways, and subject to taxes for the year 1971, and subsequent years, which Grantee assumes and agrees to pay.

The above described property is conveyed with all its appurtenances and improvements and the grantors warrant the title to the same.

Dated this 30th day of December, 1970.

John E. Richter  
JOHN E. RICHTER, TRUSTEE

Albert L. Corbett  
ALBERT L. CORBETT, TRUSTEE

Fred A. Rianda  
FRED A. RIANDA, TRUSTEE

STATE OF COLORADO )  
                              ) ss  
COUNTY OF EL PASO )



The foregoing instrument was acknowledged before me on the 30th day of December, 1970, by John E. Richter, Trustee, Corbett, Trustee, and Fred A. Rianda, Trustee.

Witness my hand and official seal.

My Commission expires: October 14, 1972

Patricia Ann Meier  
Notary Public

Received at 9:30 o'clock, APR 13 1971  
Reception No. 793906 HARRIET BEALS

BOOK 2401 PAGE 970

WARRANTY DEED

Received at 9:30 o'clock, 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 DOCUMENTARY FEE  
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.

The foregoing real property is conveyed subject to any other easements of record, to soil conservation districts, and to El Paso County, if any, and subject to County roads along Section lines, and to all other existing roads and highways, and subject to taxes for the year 1971, and subsequent years, which Grantee assumes and agrees to pay, and subject to protective covenants recorded in Book 2401 at Page 965 of the Records of the Clerk and Recorder of El Paso County, Colorado.

The above described property is conveyed with all its appurtenances and improvements and the grantor warrants the title to the same.

Dated this 30th day of December, 1970.

William T. Ward  
 WILLIAM T. WARD

STATE OF COLORADO )  
 ) ss  
 COUNTY OF EL PASO )

The foregoing instrument was acknowledged before me this 30th day of December, 1970, by William T. Ward.

Witness my hand and official seal.

My Commission expires: October 15, 1974



Lavonne K. French  
 Notary Public

JUL 27 1972

BOOK 2509 PAGE 188

Filed for record the day of A. D. 19 at 12:30 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, has 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:

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 reversion 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 has 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, covenants 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 has 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.



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 19, 1975.

Notary Public signature and name.

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

STATE DOCUMENTARY

JUL 27 1972

FEE \$ 97

\$97.00.00



No. 904571

# Warranty Deed TO JOINT TENANTS

TO

BOOK 2509 PAGE 189

STATE OF COLORADO,  
El Paso } ss.  
County of

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

day of July 27 1972, A. D. 19

at 2:30 o'clock P.M., and duly recorded

in Book 2509, Page 188

**HARVEY BEALS**

Recorder

By Leather Brewer  
Deputy

Fees, \$ 3.25

WHEN RECORDED RETURN TO

Standard Trust & Billings

218 Mining Exchange Bldg

Out West - 28608

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.

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 1/2 of the Northwest 1/2 of the Southeast 1/2 except for the most Easterly 5 acres thereof, and the Northwest 1/2 of the Northwest 1/2 of the Southeast 1/2, 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 1/2 of the Southwest 1/2, (2) the Northerly 30 feet of the Southeast 1/2 of the Southwest 1/2, (3) the Westerly 30 feet of the Southeast 1/2 of the Southwest 1/2, (4) the Northerly 30 feet of the West 1/2 of the Southwest 1/2 of the Southeast 1/2, (5) the Southerly 30 feet and the Easterly 30 feet of the East 1/2 of the Southwest 1/2 of the Northwest 1/2 of the Southeast 1/2, 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 1/2 of the Southwest 1/2 of the Northwest 1/2 of the Southeast 1/2 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 1/2 of the Southwest 1/2, (2) the Northerly 30 feet of the Southeast 1/2 of the Southwest 1/2, (3) the Westerly 30 feet of the Southeast 1/2 of the Southwest 1/2, (4) the Northerly 30 feet of the West 1/2 of the Southwest 1/2 of the Southeast 1/2, all in Section 11, Township 11 South, Range 66 West of the 6th P.M.

DATED this 15<sup>th</sup> day of ~~March~~ <sup>April</sup>, 1980.

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 15<sup>th</sup> day of ~~March~~ <sup>April</sup>, 1980, by George L. Hall and Janice D. Hall.

WITNESS my hand and seal.

My commission expires: Dec. 17, 1983.



Louise D. Riddell  
Notary Public

34 Parkway  
Denver, CO 80202

34 Parkway  
Denver, CO 80202