


PRE-DEVELOPMENT SITE GRADING ACKNOWLEDGEMENT  
AND RIGHT OF ACCESS FORM

The undersigned (“Applicant”) owns and holds legal title to the real property to be known as Lorson Ranch East Filing No. 2 (“Property”), which Property is legally described on Exhibit A attached hereto and incorporated herein by this reference.

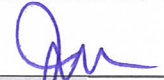
Applicant seeks approval for Pre-Development Site Grading under Section 6.2.6 of the El Paso County Land Development Code. As a condition of approval and issuance of Construction Permit No. \_\_\_\_\_, Applicant must complete and submit this Pre-Development Site Grading Acknowledgement and Right of Access Form. In compliance therewith, by signing below, Applicant hereby acknowledges and agrees as follows:

1. The approval and issuance of the Construction Permit does not guarantee or create a right in, or a right of expectation in, Applicant that the El Paso County Planning Commission will recommend or the Board of County Commissioners of El Paso County will approve Applicant’s final plat for the Property. Applicant may proceed with grading under the Construction Permit at Applicant’s sole risk.
2. The Construction Permit shall be personal to the Applicant and shall not run with the land. Any successors and/or assigns of the Applicant desiring to proceed or continue with the Pre-Development Site Grading approval shall execute their own Pre-Development Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit and provide replacement financial guarantees.
3. Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors free access to enter upon the Property at all reasonable hours for the following purposes in accordance with requirements of the El Paso County Engineering Criteria Manual (ECM), Section I.5:
  - a. To inspect and investigate for compliance with Construction Permit requirements, including, but not limited to, proper installation and maintenance of erosion and sediment control measures; and
  - b. To inspect and investigate for completion of grading activities and soil stabilization requirements; and
  - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance which includes such deficiencies to be corrected by Applicant; and
  - d. In the event the Applicant does not correct deficiencies identified in a Letter of Noncompliance, to draw on collateral provided and perform the work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

4. To the extent allowed by law, Applicant shall indemnify, defend, and forever hold harmless the Board of County Commissioners of El Paso County, their officers, employees, agents, contractors, and subcontractors, from any and all claim, demand, action, cause of action, loss, damage, injury, property damage, personal injury, death, liability, duty, obligation, costs and expenses (including attorney fees) arising out of or related to such entry on the Property. Nothing in this section shall be deemed to waive or otherwise limit the defenses available to the Board of County Commissioners pursuant to the Colorado Governmental Immunity Act or as otherwise provided by law.
5. In accordance with ECM Sections 5.3.15 and I.4.1.A.3, Applicant is obligated to provide security or collateral sufficient to make reasonable provision for completion of the grading, erosion control and final stabilization measures, in the amount set forth on Exhibit B attached hereto.
6. Applicant is responsible for providing any renewals of collateral to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement collateral at least fifteen (15) days prior to the expiration of the original or renewal/extension/replacement collateral then in effect. Failure to procure renewal/extension/replacement collateral within this time limit shall allow the County to execute on the collateral.
7. All of those certain grading, erosion control and final stabilization measures to be completed as identified on Exhibit B shall be constructed in compliance with the following:
  - a. All laws, resolutions and regulations of the United States, State of Colorado, El Paso County and its various agencies, affected special districts and/or servicing authorities.
  - b. Such other designs, drawings, maps, specifications, sketches and other matter submitted to and approved by any of the above-stated governmental entities.
8. All grading, erosion control and final stabilization measures shall be completed by the Applicant within 12 (twelve) months from the date of notice to proceed in the Construction Permit. If Applicant determines that the completion date needs to be extended, Applicant shall submit a written request for a change in the completion date to the ECM Administrator at least 90 days in advance of the required completion date. The request shall include the reasons for the requested change in completion date, the proposed new completion date, and prove collateral is in place to cover the extension time requested. The completion date for the Construction Permit may be extended at the discretion of the ECM Administrator. Failure to meet the original or extended completion date, as applicable, shall allow the County to execute on the collateral.

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Development Site Grading Acknowledgement and Right of Access Form this 15<sup>th</sup> day of January, 2018 

APPLICANT: Lorson, LLC

  
\_\_\_\_\_  
Jeff Mark

STATE OF COLORADO    )  
  )ss.  
COUNTY OF EL PASO    )

The foregoing instrument was acknowledged before me this 15 day of January, 2018, by Jeff Mark.

Witness my hand and official seal.

My commission expires: 3.22.21

SUSAN L GONZALES  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20044004607  
MY COMMISSION EXPIRES MARCH 22, 2021

  
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Craig Dossey, Executive Director  
Planning and Community Development Department

\_\_\_\_\_  
Date

Approved as to Content and Form:

\_\_\_\_\_  
Assistant County Attorney

PUDSP-18-002/SF 18-009

Exhibit A: Legal Description

**LORSON RANCH EAST FILING NO. 2  
53.86 ACRES BOUNDARY**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) SECTION 13, AND OF THE EAST HALF, SOUTHEAST QUARTER (E 1/2, SE 1/4) SECTION 14, AND A REPLAT OF TRACT E OF "PIONEER LANDING AT LORSON RANCH FILING NO. 2" AS RECORDED UNDER RECEPTION NUMBER 217713888 IN THE RECORDS OF EL PASO COUNTY, COLORADO, ALL IN TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO.

BASIS OF BEARING: THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) SECTION 13, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 13 AND 14 WITH A 3" GALVANIZED H20 SCREW ON CAP AND AT THE NORTHEAST CORNER WITH A 3-1/4" ALUMINUM CAP STAMPED "PLS23044". SAID LINE IS ASSUMED TO BEAR N89°32'23"E A DISTANCE OF 2654.23 FEET.

BEGINNING AT THE QUARTER CORNER COMMON TO SECTIONS 13 AND 14; THENCE N89°32'23"E ALONG SAID NORTH LINE, A DISTANCE OF 1482.79 FEET; THENCE S00°28'00"E A DISTANCE OF 454.28 FEET; THENCE S02°33'09"E A DISTANCE OF 136.79 FEET; THENCE N87°26'51"E A DISTANCE OF 9.30 FEET; THENCE S02°33'09"E A DISTANCE OF 160.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF LAMPREY DRIVE, AS RECORDED IN "LORSON RANCH EAST FILING NO. 1" UNDER RECEPTION NUMBER \_\_\_\_\_ IN THE RECORDS OF EL PASO COUNTY, COLORADO;

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

- 1) THENCE S87°26'51"W A DISTANCE OF 111.93 FEET;
- 2) THENCE N47°33'09"W A DISTANCE OF 18.48 FEET;
- 3) THENCE N02°33'09"W A DISTANCE OF 16.93 FEET;
- 4) THENCE S87°26'51"W A DISTANCE OF 50.00 FEET;
- 5) THENCE S02°33'09"E A DISTANCE OF 19.24 FEET;
- 6) THENCE S71°26'26"W A DISTANCE OF 46.20 FEET;
- 7) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 56°56'49" (THE CHORD OF WHICH BEARS S54°17'59"W A DISTANCE OF 567.33 FEET), AN ARC DISTANCE OF 591.38 FEET;
- 8) THENCE S58°27'30"W A DISTANCE OF 33.75 FEET;
- 9) THENCE S20°50'17"W A DISTANCE OF 50.00 FEET;
- 10) THENCE S16°33'16"E A DISTANCE OF 33.97 FEET;
- 11) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 16°13'33" (THE CHORD OF WHICH BEARS S07°42'45"W A DISTANCE OF 167.94 FEET), AN ARC DISTANCE OF 168.50 FEET;

12) THENCE S00°24'02"E A DISTANCE OF 41.44 FEET;  
13) THENCE S04°23'45"W A DISTANCE OF 101.66 FEET;  
14) THENCE S00°24'02"E A DISTANCE OF 94.82 FEET;  
15) THENCE S52°37'06"W A DISTANCE OF 48.31 FEET;  
16) THENCE S89°35'58"W A DISTANCE OF 621.14 FEET;  
17) THENCE N00°06'29"W A DISTANCE OF 663.07 FEET;  
18) THENCE S89°54'29"W A DISTANCE OF 221.60 FEET;  
19) THENCE S49°33'34"W A DISTANCE OF 447.72 FEET;  
20) THENCE S03°27'32"W A DISTANCE OF 397.12 FEET;  
21) THENCE S89°35'58"W A DISTANCE OF 242.34 FEET TO THE SOUTHWEST CORNER OF  
TRACT E OF "PIONEER LANDING AT LORSON RANCH FILING NO. 2" AS RECORDED UNDER  
RECEPTION NUMBER 217713888 IN THE RECORDS OF EL PASO COUNTY, COLORADO;  
THENCE ALONG THE WESTERLY BOUNDARY OF TRACT E, "PIONEER LANDING AT  
LORSON RANCH FILING NO. 2" THE FOLLOWING FOUR (4) COURSES:  
1) THENCE N08°50'55"E A DISTANCE OF 436.63 FEET;  
2) THENCE N42°43'38"E A DISTANCE OF 313.14 FEET;  
3) THENCE N45°28'23"E A DISTANCE OF 55.11 FEET;  
4) THENCE N00°17'57"W A DISTANCE OF 939.46 FEET TO THE NORTH LINE OF SAID  
SOUTHEAST QUARTER SECTION 14;  
THENCE N89°42'01"E ALONG SAID NORTH LINE 412.53 FEET TO POINT OF  
BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 2,346,401 S.F. (53.866 ACRES)  
MORE OR LESS.

PREPARED BY: VERNON P. TAYLOR COLO. PLS 25966  
FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS INC.  
20 BOULDER CRESCENT SUITE 110  
COLORADO SPRINGS, COLORADO 80903