

RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR STERLING RANCH FILING NO. 4 (SF-22-030)

WHEREAS, SR LAND LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Sterling Ranch Filing No. 4 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, pursuant to § 30-28-133.5 (1.5), C.R.S., a Board of County Commissioners may delegate to one or more County administrative officials the authority to approve or deny final plats, amendments to final plats, and correction plats provided certain criteria have been met; and

WHEREAS, § 2.2.4 of the El Paso County Land Development Code ("Code"), amended by the Board of County Commissioners of El Paso County, Colorado ("Board") on August 27, 2019 pursuant to Resolution No. 19-329, delegates to the Planning and Community Development Director ("Director") the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, November 13, 2023, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

WHEREAS, based on the evidence, exhibits, consideration of the master plan for the unincorporated area of the County, 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, and comments by the general public, the Director finds as follows:

1. The application was properly submitted for consideration by the Planning and Community Development Executive Director.
2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Director.
3. The administrative review of the application by the Planning and Community Development Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen day (14) time period to submit comments.

4. All exhibits were received into evidence.
5. The subdivision is in 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. At a public hearing on the preliminary plan held on November 9, 2021, the Board found that 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 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 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 Code and Engineering Criteria Manual ("ECM").
12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.
13. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.

14. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
15. 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 Code.
16. 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 that the impacts of the subdivision will be adequately mitigated.
17. The subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
19. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

The El Paso County Planning and Community Development Director therefore APPROVES the final plat application for the Sterling Ranch Filing No. 3 Subdivision.

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 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 final plat recordation.
8. Collateral sufficient to ensure the public improvements as listed in the approved Financial Assurance Estimate shall be provided when at the time of final plat recordation.
9. The subdivider(s) agrees on behalf of him/herself and any 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. 19-471), 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 disclose the fee obligation before sale of the property.
10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations dated March 17, 2021 as provided by the County Attorney's Office.

11. Drainage fees for the Sand Creek drainage basin in the amount of \$576,864.11 and bridge fees in the amount of \$235,942.53 shall be paid at the time of final plat recordation.
12. Park fees in lieu of land dedication for the regional park fees (Areas 2 and 3) in the amount of \$72,220.00 and urban park (Areas 2 and 3) fees in the amount of \$45,530.00 shall be paid at the time of plat recordation.

NOTATIONS

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.
2. No school fees are due upon plat recordation pursuant to a previous land dedication to benefit Academy School District No. 20.

DONE THIS ____ day of November, 2023 at Colorado Springs, Colorado.

MEGGAN HERINGTON, EXECUTIVE DIRECTOR
EL PASO COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

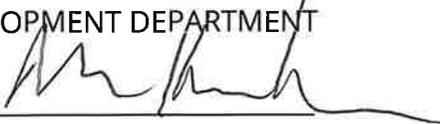


EXHIBIT A

STERLING RANCH FILING NO. 4
LEGAL DESCRIPTION:

TWO PARCELS OF LAND BEING A REPLAT OF ALL OF TRACTS B AND J, STERLING RANCH FILING NO. RECORDED UNDER RECEPTION NO. 222714894 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, A PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AND AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624", SAID LINE BEARS N89°14'14"E, A DISTANCE OF 2,722.56 FEET.

PARCEL A:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N82°23'37"W A DISTANCE OF 4,105.23 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STERLING RANCH ROAD, AS SHOWN ON THE PLAT OF STERLING RANCH FILING NO. 2 RECORDED UNDER RECEPTION NO. 222714894 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

1. S76°19'20"W A DISTANCE OF 441.99 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,040.00 FEET, A CENTRAL ANGLE OF 24°08'46" AND AN ARC LENGTH OF 438.28 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BYNUM DRIVE, AS SHOWN ON THE PLAT OF SAID STERLING RANCH FILING NO. 2 AND A POINT OF NON-TANGENT;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N39°28'36"W A DISTANCE OF 20.01 FEET, TO A POINT ON THE SOUTHERLY LINE OF TRACT I, STERLING RANCH FILING NO. 2 AND A POINT OF NON-TANGENT CURVE;

THENCE ON THE BOUNDARY OF SAID TRACT I, THE FOLLOWING THREE (3) COURSES:

1. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S37°51'18"E, HAVING A RADIUS OF 1060.00 FEET, A CENTRAL ANGLE OF 04°11'34" AND AN ARC LENGTH OF 77.57 FEET, TO A POINT OF NON-TANGENT;
2. N16°30'13"W A DISTANCE OF 179.19 FEET;
3. S73°29'47"W A DISTANCE OF 130.02 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BYNUM DRIVE, AS SHOWN ON THE PLAT OF SAID STERLING RANCH FILING NO. 2 AND A POINT OF NON-TANGENT CURVE;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N78°42'44"E, HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 13°20'11" AND AN ARC LENGTH OF 64.01 FEET, TO A POINT OF TANGENT;
2. N02°02'55"E A DISTANCE OF 502.83 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 02°36'21" AND AN ARC LENGTH OF 23.88 FEET, TO A POINT OF TANGENT;
4. N00°33'26"W A DISTANCE OF 16.47 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORDGRASS DRIVE, AS SHOWN ON THE PLAT OF SAID STERLING RANCH FILING NO. 2;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N89°17'25"E A DISTANCE OF 124.20 FEET, TO A POINT ON THE EASTERLY BOUNDARY LINE OF SAID STERLING RANCH FILING NO. 2;

THENCE ON SAID EASTERLY BOUNDARY LINE, N00°42'35"W A DISTANCE OF 195.00 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF AMENDED PLAT BARBARICK SUBDIVISION RECORDED UNDER RECEPTION NO. 217713910;

THENCE ON SAID SOUTHERLY LINE, N89°17'25"E A DISTANCE OF 697.50 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES:

1. S00°42'35"E A DISTANCE OF 539.36 FEET;
2. N76°19'20"E A DISTANCE OF 63.46 FEET;
3. S13°40'40"E A DISTANCE OF 195.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 678,265 SQUARE FEET OR 15.5708 ACRES.

PARCEL B:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N83°42'20"W A DISTANCE OF 4,128.52 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STERLING RANCH ROAD, AS SHOWN ON THE PLAT OF STERLING RANCH FILING NO. 2 RECORDED UNDER RECEPTION NO. 222714894 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, ON THE WESTERLY BOUNDARY LINE OF STERLING RANCH FILING NO. 3 RECORDED UNDER RECEPTION NO. _____, THE FOLLOWING THREE (3) COURSES:

1. S13°40'40"E A DISTANCE OF 303.66 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 59°37'18" AND AN ARC LENGTH OF 182.10 FEET, TO A POINT OF REVERSE CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 17°06'47" AND AN ARC LENGTH OF 67.20 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID STERLING RANCH FILING NO. 3;

THENCE ON SAID SOUTHERLY BOUNDARY LINE, N89°04'30"E A DISTANCE OF 162.56 FEET, TO A POINT ON THE WESTERLY BOUNDARY LINE OF PAWNEE RANCHEROS FILING NO. 2 RECORDED IN PLAT BOOK U-2 AT PAGE 45;

THENCE ON SAID WESTERLY BOUNDARY LINE, S00°13'07"W A DISTANCE OF 1,128.08 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON SAID SOUTH LINE, S89°16'22"W A DISTANCE OF 1,321.55 FEET, TO A POINT ON THE WEST LINE OF SAID SECTION 4;

THENCE ON SAID WEST LINE, N06°22'51"E A DISTANCE OF 708.97 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT ACCESS AND UTILITY EASEMENT RECORDED UNDER RECEPTION NO. 215051140;

THENCE ON SAID SOUTHERLY EASEMENT LINE, N49°38'28"W A DISTANCE OF 141.98 FEET, TO A POINT ON THE EASTERLY LINE OF SAID STERLING RANCH FILING NO. 2;

THENCE ON SAID EASTERLY LINE, N40°21'31"E A DISTANCE OF 139.50 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD, AS SHOWN ON THE PLAT OF SAID STERLING RANCH FILING NO. 2;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, N49°38'30"W A DISTANCE OF 28.00 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STERLING RANCH ROAD;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING SEVEN (7) COURSES:

1. N40°21'31"E A DISTANCE OF 343.51 FEET;
2. N31°53'31"E A DISTANCE OF 54.33 FEET;
3. N40°21'31"E A DISTANCE OF 25.84 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 950.00 FEET, A CENTRAL ANGLE OF 08°21'17" AND AN ARC LENGTH OF 138.53 FEET, TO A POINT OF NON-TANGENT;
5. N41°03'23"E A DISTANCE OF 60.83 FEET, TO A POINT OF NON-TANGENT CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S37°41'10"E, HAVING A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 24°00'30" AND AN ARC LENGTH OF 402.26 FEET, TO A POINT OF TANGENT;
7. N76°19'20"E A DISTANCE OF 386.99 FEET, TO THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 1,792,262 SQUARE FEET OR 41.1447 ACRES.