

**RECORD OF ADMINISTRATIVE ACTION****APPROVAL OF A FINAL PLAT FOR HOMESTEAD NORTH AT STERLING RANCH
FILING NO. 1
(SF-22-013)**

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 Homestead North at Sterling Ranch 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, 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 Department Director ("Director") the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on November 30, 2022, 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 Department 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 Department Director.

3. The administrative review of the application by the Planning and Community Development Department Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen (14) day 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 May 17, 2022, 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 Department Director, therefore, APPROVES the final plat application for Homestead North at Sterling Ranch Filing No 1.

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 applicants 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 completion of the public improvements as listed in the approved Financial Assurance Estimate shall be provided 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. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. Regional park fees (Region 2) in lieu of land dedication in the amount of \$33,580.00 and urban park fees (Urban Area 2) in lieu of land dedication in the amount of \$21,170.00 shall be paid at the time of final plat recordation. A park lands agreement shall be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the final plat.
12. Drainage and bridge fees for the Sand Creek basin, in the amounts of \$541,225 and \$221,388 respectively, apply to this subdivision. In accordance with the Development Agreement recorded at reception number 222098865 (PCD project number DA221), collateral for the Sand Creek Channel Improvements (PCD project number CDR204) has been provided, which collateral satisfies the requirements of LDC Section 8.5.5(C)(3)(b)(ii) and offsets the drainage fees. Bridge fees shall be paid at the time of final plat recording unless offset by the deposit of collateral for the Briargate Bridge improvements (PCD project number CDR2113) with the Subdivision Improvements Agreement for this final plat.
13. The License Agreement shall be filed at the time of final plat recordation.
14. The Channel Maintenance Agreement and Detention Basin/Permanent BMP Maintenance Agreement shall be filed at the time of final plat recordation.
15. Access to Homestead North at Sterling Ranch Filing No. 1 requires construction of Briargate Parkway between Wheatland Drive and Vollmer Road, associated with Sterling Ranch Filing No. 1, which construction shall be completed in accordance with the Development Agreement recorded at reception number 222098865 (PCD project number DA221). Collateral shall be provided for any incomplete portion of this segment of Briargate Parkway prior to recording the Homestead North at Sterling Ranch Filing No. 1 final plat.

Subdivider shall include the specified Briargate Improvements in the subdivision improvements agreement and financial assurance estimate for the final plat of Homestead North at Sterling Ranch Filing No. 1.

Before Subdivider commences construction of the improvements on Briargate Parkway east of Wheatland Drive, consistent with the Homestead North at Sterling Ranch Filing No. 1 Plat, Subdivider shall post collateral sufficient in the

opinion of the County to assure completion of that certain section of Briargate Parkway that begins at Wheatland Drive and extends east to the western boundary of Sand Creek.

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. Academy District 20 is requesting land dedication in lieu of fees within the overall Sterling Ranch Sketch Plan Area.

DONE THIS 30th day of November 2022 at Colorado Springs, Colorado.

KEVIN MASTIN, EXECUTIVE DIRECTOR
EL PASO COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT



EXHIBIT A Legal Description

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, THE SOUTHEAST QUARTER OF SECTION 28, SECTION 33, AND THE WEST HALF OF SECTION 34, ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, AND 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 P.M., 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"

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ALUMINUM CAP STAMPED "LS 11624", SAID LINE BEARS N89°14'14"E A DISTANCE OF 2,722.69 FEET.

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

THENCE N74°13'21"W A DISTANCE OF 2,835.33 FEET, TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE OF STERLING RANCH FILING NO. 3 RECORDED UNDER RECEPTION NO. 222714995 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ON THE NORTHERLY BOUNDARY LINE OF SAID STERLING RANCH FILING NO. 3, THE FOLLOWING THREE (3) COURSES:

1. N40°32'14"W A DISTANCE OF 48.86 FEET;
2. N76°13'42"W A DISTANCE OF 113.48 FEET;
3. S76°19'20"W A DISTANCE OF 65.62 FEET;

THENCE DEPARTING SAID NORTHERLY LINE, THE FOLLOWING FIVE (5) COURSES:

1. N13°40'40"W A DISTANCE OF 22.11 FEET;
2. N01°19'20"E A DISTANCE OF 18.32 FEET;
3. N70°06'35"E A DISTANCE OF 170.61 FEET;
4. S58°40'40"E A DISTANCE OF 19.87 FEET;
5. S13°40'40"E A DISTANCE OF 44.22 FEET, TO A POINT ON THE NORTHERLY LINE OF THAT 80' ACCESS AND UTILITY EASEMENT RECORDED UNDER RECEPTION NO. 214100441;

THENCE ON THE NORTHERLY AND WESTERLY LINES OF SAID EASEMENT, THE FOLLOWING THREE (3) COURSES:

1. N76°19'20"E A DISTANCE OF 1,779.02 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,460.00 FEET, A CENTRAL ANGLE OF 62°50'51" AND AN ARC LENGTH OF 1601.47 FEET, TO A POINT OF TANGENT;
3. N13°28'29"E A DISTANCE OF 1,168.84 FEET;

THENCE DEPARTING THE WESTERLY LINE OF SAID EASEMENT, N31°31'31"W A DISTANCE OF 49.50 FEET;

THENCE ON A LINE BEING 15.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF THAT 160' ACCESS AND UTILITY EASEMENT RECORDED UNDER RECEPTION NO. 214100441, THE FOLLOWING THREE (3) COURSES:

1. N76°31'31"W A DISTANCE OF 232.57 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,065.00 FEET, A CENTRAL ANGLE OF 26°05'19" AND AN ARC LENGTH OF 940.26 FEET, TO A POINT OF TANGENT;
3. N50°26'12"W A DISTANCE OF 400.79 FEET;

THENCE THE FOLLOWING FOUR (4) COURSES:

1. S39°33'48"W A DISTANCE OF 14.16 FEET;
2. N79°16'20"W A DISTANCE OF 242.01 FEET;

3. N35°23'49"W A DISTANCE OF 25.39 FEET;

4. N39°33'48"E A DISTANCE OF 124.30 FEET;

THENCE ON A LINE BEING 15.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID 160' ACCESS AND UTILITY EASEMENT, N50°26'12"W A DISTANCE OF 717.72 FEET, TO THE SOUTHEASTERLY CORNER OF BRIARGATE PARKWAY, AS SHOWN ON THE PLAT OF STERLING RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 218714151; THENCE ON THE EASTERLY AND NORTHERLY RIGHT-OF-WAY LINE OF SAID BRIARGATE PARKWAY, THE FOLLOWING TWO (2) COURSES:

1. N39°33'48"E A DISTANCE OF 130.00 FEET;

2. N50°26'12"W A DISTANCE OF 810.00 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N39°33'48"E A DISTANCE OF 1,018.96 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING SIXTEEN (16) COURSES:

1. S50°28'09"E A DISTANCE OF 220.07 FEET;

2. N39°31'51"E A DISTANCE OF 20.92 FEET;

3. S50°26'12"E A DISTANCE OF 574.81 FEET;

4. S36°32'11"E A DISTANCE OF 65.00 FEET, TO A POINT OF NON-TANGENT CURVE;

5. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N36°32'11"W, HAVING A RADIUS OF 1,043.00 FEET, A CENTRAL ANGLE OF 05°38'09" AND AN ARC LENGTH OF 102.59 FEET, TO A POINT OF REVERSE CURVE;

6. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 755.00 FEET, A CENTRAL ANGLE OF 19°32'10" AND AN ARC LENGTH OF 257.43 FEET, TO A POINT OF TANGENT;

7. S39°33'48"W A DISTANCE OF 33.69 FEET;

8. S50°26'12"E A DISTANCE OF 365.58 FEET;

9. S19°42'21"W A DISTANCE OF 180.77 FEET;

10. S32°15'45"W A DISTANCE OF 71.66 FEET;

11. S41°47'19"W A DISTANCE OF 88.37 FEET;

12. S14°57'52"W A DISTANCE OF 155.36 FEET;

13. S03°04'57"E A DISTANCE OF 108.15 FEET;

14. S78°59'19"E A DISTANCE OF 116.25 FEET;

15. S35°23'49"E A DISTANCE OF 25.33 FEET;

16. S39°33'48"W A DISTANCE OF 138.78 FEET;

THENCE ON A LINE BEING 15.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID 160' ACCESS AND UTILITY EASEMENT, THE FOLLOWING THREE (3) COURSES:

1. S50°26'12"E A DISTANCE OF 682.86 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,935.00 FEET, A CENTRAL ANGLE OF 26°05'19" AND AN ARC LENGTH OF 881.07 FEET, TO A POINT OF TANGENT;
3. S76°31'31"E A DISTANCE OF 232.57 FEET;

THENCE THE FOLLOWING NINE (9) COURSES:

1. N58°28'13"E A DISTANCE OF 49.50 FEET;
2. N13°28'29"E A DISTANCE OF 10.00 FEET;
3. S76°31'32"E A DISTANCE OF 80.00 FEET;
4. S13°28'29"W A DISTANCE OF 10.00 FEET;
5. S31°31'31"E A DISTANCE OF 49.51 FEET;
6. S76°31'31"E A DISTANCE OF 10.00 FEET;
7. S13°28'38"W A DISTANCE OF 130.00 FEET;
8. N76°31'31"W A DISTANCE OF 10.00 FEET;
9. S58°28'29"W A DISTANCE OF 49.50 FEET, TO A POINT ON THE EASTERLY LINE OF SAID 80' ACCESS AND UTILITY EASEMENT;

THENCE ON EASTERLY AND SOUTHERLY LINES OF SAID 80' ACCESS AND UTILITY EASEMENT, THE FOLLOWING THREE (3) COURSES:

1. S13°28'29"W A DISTANCE OF 1,168.84 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,540.00 FEET, A CENTRAL ANGLE OF 62°50'51" AND AN ARC LENGTH OF 1,689.22 FEET, TO A POINT OF TANGENT;
3. S76°19'20"W A DISTANCE OF 1,779.02 FEET;

THENCE DEPARTING THE SOUTHERLY LINE OF SAID 80' ACCESS AND UTILITY EASEMENT, S13°40'40"E A DISTANCE OF 15.90 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,886,972 SQUARE FEET OR 43.3189 ACRES.