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RESOLUTION NO 21-212

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

RESOLUTION TO APPROVE A PARK LANDS AGREEMENT BETWEEN FOREST LAKES RESIDENTIAL DEVELOPMENT, LLC. AND EL PASO COUNTY

WHEREAS, a Park Lands Agreement has been proposed between Forest Lakes Residential Development, LLC. ("Property Owner") and El Paso County ("County"); and

WHEREAS, pursuant to the requirements of the El Paso County Land Development (the "Code"), the El Paso County Community Services Department calculated the 2020 Urban Park Fees for Forest Lakes Filing No. 6 to be \$20,060; and

WHEREAS, the Property Owner provided a plan outlining the development of the Forest Lakes Secondary Regional Trail corridor, which includes a section of the regional trail, connecting neighborhood access trails, benches, dog waste station, trash receptacle, signage, and landscaping to be installed within the Forest Lakes Property, which will provide urban recreation opportunities for residents living within Forest Lakes and the public; and

WHEREAS, the County desires to grant the Property Owner \$20,060 in Urban Park Fee Credits, provided that the Property Owner installs urban park improvements of an equal or greater value to certain parcels identified as "Tract A" Forest Lakes Filing No. 6; and

WHEREAS, the El Paso County Park Advisory Board unanimously endorsed the Park Land Agreement at their meeting on May 12, 2021; and

WHEREAS, the Board of County Commissioners has reviewed and supports the proposed Park Lands Agreement.

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners of El Paso County, Colorado, hereby approves the attached Park Lands Agreement and authorizes the Chairperson to execute all required documents.

DONE THIS FIRST DAY OF JUNE, 2021 at Colorado Springs, Colorado.

**BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

ATTES

By: 

County Clerk and Recorder



By: 

Stan VanderWerf, Chair

PARK LANDS AGREEMENT

FOREST LAKES FILING NO. 6

THIS PARK LANDS AGREEMENT ("the Agreement") is made and entered into this first day of June, 2021, by and between FOREST LAKES RESIDENTIAL DEVELOPMENT #2, LLC, ("Property Owner") and EL PASO COUNTY, BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS of EL PASO COUNTY COLORADO ("County").

RECITALS

A. Property Owner is the developer of a large parcel of property situated in an unincorporated portion of El Paso County, State of Colorado, consisting of approximately 977 acres and commonly known and described as Forest Lakes (the "Property"), which Property was approved for development by the Board of County Commissioners of El Paso County in 2002.

B. Property Owner is the owner of and in the process of completing the improvements for a portion of Forest Lakes platted as Filing No. 6 (the "Property") for development of 68 single-family lots, whose application is anticipated to go before the Planning Commission and the Board of County Commissioners in 2021.

C. Pursuant to the requirements of the El Paso County Land Development Code (the "Code"), the El Paso County Community Services Department estimates the Urban Park Fees for Filing No. 6 to be \$20,060.

D. The County desires to grant the Property Owner \$20,060 in Urban Park Fee Credits, provided that the Property Owner installs Urban Park Improvements (the "Park Improvements") of an equal or greater value to those certain parcels identified as Tracts A in Filing No. 6, and which Park Improvements will provide urban recreation opportunities for residents living in Forest Lakes Filing No. 6.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants hereinafter set forth, as well as the above Recitals, which are a material part hereof, the County and the Property Owner agree as follows:

1. Park Development and Obligations. Property Owner shall satisfy its urban park development requirements and obligations for the Property by installing or causing the installation of urban park amenities and landscaping within those parcels known as the Forest Lakes Filing No. 6 Tract A located along Mesa Top Road, west of the intersection of Old Denver Highway and Baptist Road. By execution and recordation of this Agreement, the Property is hereby burdened and encumbered by this Agreement.

- a. From and after the date of recordation of the subdivision plat for the Property, the Property Owner shall install or cause to be installed certain Park Improvements within the designated tracts.

- b. The value of the contribution of Property Owner towards the Park Improvements installed shall be equal to or greater than \$20,060.
- c. The Property Owner will provide a site plan and a design and construction cost estimate for the Park Improvements to the County for review and approval prior the recording of the Final Plat for Forest Lakes Filing No. 6.
- d. The Park Improvements shall include but are not limited to crusher fines surfaced multi-use trails for use by the public and residents, benches, signage, and a dog waste station.
- e. The Park Improvements shall be fully completed within two years of the execution of this Agreement. If not completed within two years, the Urban Park Fees in the amount of \$20,060 will be immediately paid to the County by Property Owner. If the above-mentioned conditions are not satisfied within the two-year period, El Paso County Parks will not consider future applications within Forest Lakes until such time the Park Improvements have been completed or fees have been paid.
- f. Upon completion of the Park Improvements, El Paso County Parks staff will conduct an inspection of the site(s) and send to the Property Owner a Letter of Fulfillment to finalize the conditions of this Park Lands Agreement.
- g. The site(s) will remain for public use in perpetuity, consistent with the zoning of the property identified in the approved Forest Lakes Phase II PUD Development and Preliminary Plans.

2. Maintenance. Unless otherwise mutually agreed by the Property Owner and the County, the Park Improvements will be maintained as shown on the approved site plan as described in Item 1.c. in perpetuity by either the Property Owner or the Forest Lakes Metropolitan District (the "District") for the benefit of the public.

3. Installation. The Property Owner, at no cost to the County, shall be responsible to coordinate with the District for the installation of all Park Improvements pursuant to this Agreement and pay or cause to be paid any necessary tap fees to properly irrigate the park improvements as determined by the District. Any and all Park Improvements are subject to review and acceptance by the County. All Park Improvements shall be installed in compliance with all applicable County regulations, resolutions, and standards.

4. Successors and Assigns. This Agreement is binding on and inures to the benefit of the heirs, successors, and assigns of the Parties hereto, including any successive owners or developers of the Property.

IN WITNESS of the foregoing provisions, the Parties have executed this Agreement as of the date first entered above.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

FOREST LAKES RESIDENTIAL
DEVELOPMENT #2, LLC.

By: *Alan VandorWeil*
Chair

By: *Jim Boulton*
Jim Boulton, Vice President

ATTEST
Charles D. Bracciano
Clerk & Recorder
EST. 1861
21-212A



APPROVED AS TO FORM:

Lori L. Seago
County Attorney's Office