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Chuck Broerman
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RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR FALCON MEADOWS AT BENT GRASS FILING NO. 2 (SF-21-034)

WHEREAS, CHALLENGER HOMES LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Falcon Meadows at Bent Grass Filing No. 2 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, on April 28, 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 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 July 27, 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 Falcon Meadows at Bent Grass Filing No. 2 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. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
- ~~11. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$49,680.00 and for urban parks (Area 3) in the amount of \$31,320.00 shall be paid at the time of plat recordation.~~
- ~~12. Fees in lieu of school land dedication in the amount of \$25,920 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.~~

13. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

offset credits

14. Drainage fees in the amount of \$306,096 and bridge fees in the amount of \$42,048 for the Falcon drainage basin (CHWS1400) shall be paid to El Paso County at the time of plat recordation. Drainage fees may be offset with pre-credits, to be determined prior to plat recording.

15. The developers shall participate in a fair and equitable manner in offsite transportation improvements, as deemed appropriate by the PCD Director and the County Engineer in consultation with the City of Colorado Springs, including but not limited to the items listed in Table 2 of the Falcon Meadows at Bent Grass Transportation Impact Analysis, as approved:

- a) Lengthening of the current eastbound single left-turn deceleration lane on Woodmen approaching Golden Sage Road.
- b) Southbound exclusive right-turn lane on Golden Sage Road approaching Woodmen Road.
- c) Signalization of Golden Sage Road/Woodmen Frontage Road or reconstruction as a modern roundabout

\$28,122

An escrow agreement, including a financial assurance estimate for the intersection improvements, as approved by the Planning and Community Development Department Director and the County Attorney's Office shall be completed and escrow deposited with the final plat for the respective improvements within the County's jurisdiction in accordance with Table 2, of the Falcon Meadows at Bent Grass Filing No. 2 Transportation Memorandum dated March 18, 2022.

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. The developer was required to construct and provide collateral for the eastbound left turn lane on Woodmen Frontage Road to Bent Grass Meadows Drive within two-years of the Falcon Meadows at Bent Grass Filing No. 1 final plat recording.
3. Construction of onsite channel improvements south of Bent Grass Meadows Drive (approximately 930 linear feet) was required to be completed by the developer within

two years of recordation of the Falcon Meadows at Bent Grass Filing No. 1 final plat that includes any property located south of Bent Grass Meadows Drive.

DONE THIS 28th day of April, 2022 at Colorado Springs, Colorado.

CRAIG DOSSEY, EXECUTIVE DIRECTOR
EL PASO COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

A handwritten signature in black ink, appearing to read "Craig Dossey", is written over a horizontal line. The signature is stylized and cursive.

EXHIBIT A

FALCON MEADOWS AT BENT GRASS FILING NO. 2
LEGAL DESCRIPTION:

DESCRIPTION

A PORTION OF TRACT G, BENT GRASS RESIDENTIAL FILING NO. 2, AND A PORTION OF THE WEST HALF OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1 BEARS $N00^{\circ}13'46''W$, MONUMENTED BY THE SOUTHWEST CORNER OF SAID SECTION 1, BEING A 2-1/2 INCH ALUMINUM CAP IN RANGE BOX STAMPED "PLS 17664", AND BY THE WEST QUARTER CORNER OF SAID SECTION 1, BEING A 2" ALUMINUM CAP STAMPED "PLS 28651", WITH ALL BEARINGS HEREIN RELATIVE THERETO;

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 1;

THENCE WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, $N00^{\circ}14'14''W$, A DISTANCE OF 1,316.12 FEET TO THE NORTH SIXTEENTH CORNER OF SAID SECTION 1;

THENCE WITH THE NORTH LINE OF THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, $N89^{\circ}36'34''E$, A DISTANCE OF 1,207.60 FEET;

THENCE DEPARTING THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, $S00^{\circ}24'55''W$, A DISTANCE OF 135.43 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE WITH SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A DELTA ANGLE OF $134^{\circ}24'55''$, HAVING A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 129.03 FEET, AND A CHORD BEARING $S23^{\circ}17'58''E$, A CHORD DISTANCE OF 101.41 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF $44^{\circ}24'56''$, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 38.76 FEET, AND A CHORD BEARING $S21^{\circ}42'02''W$, A CHORD DISTANCE OF 37.80 FEET;

THENCE $S00^{\circ}30'26''E$, A DISTANCE OF 271.08 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE WITH SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF $115^{\circ}24'50''$, HAVING A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 110.79 FEET, AND A CHORD BEARING $S06^{\circ}49'35''E$, A CHORD DISTANCE OF 92.99 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF $48^{\circ}11'23''$, HAVING A RADIUS OF 35.00 FEET, AN ARC LENGTH OF 29.44 FEET, AND WHOSE CHORD BEARS $S26^{\circ}47'08''W$, A CHORD DISTANCE OF 28.58 FEET;

THENCE S02°41'25"W, A DISTANCE OF 48.65 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 03°11'15", HAVING A RADIUS OF 475.00 FEET, AN ARC LENGTH OF 26.42 FEET, AND WHOSE CHORD BEARS S01°05'49"W, A CHORD DISTANCE OF 26.42 FEET;

THENCE S00°29'48"E, A DISTANCE OF 15.55 FEET;

THENCE N90°00'00"E, A DISTANCE OF 104.05 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 09°03'17", HAVING A RADIUS OF 227.00 FEET, AN ARC LENGTH OF 35.87 FEET, AND WHOSE CHORD BEARS N18°01'06"E, A CHORD DISTANCE OF 35.84 FEET TO A POINT OF REVERSE CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 20°33'31", HAVING A RADIUS OF 133.00 FEET, AN ARC LENGTH OF 47.72 FEET, AND WHOSE CHORD BEARS N12°15'59"E, A CHORD DISTANCE OF 47.47 FEET;

THENCE N01°59'13"E, A DISTANCE OF 158.63 FEET;

THENCE N02°46'30"W, A DISTANCE OF 23.36 FEET TO A POINT ON THE EAST LINE OF SAID TRACT G;

THENCE WITH SAID EAST LINE OF SAID TRACT G, S07°25'43"E, A DISTANCE OF 64.83 FEET;
THENCE CONTINUING WITH SAID EAST LINE OF TRACT G, S12°15'03"E, A DISTANCE OF 78.86 FEET;

THENCE CONTINUING WITH SAID EAST LINE OF SAID TRACT G, S16°48'19"E, A DISTANCE OF 98.31 FEET;

THENCE CONTINUING WITH SAID EAST LINE OF SAID TRACT G, S04°47'47"W, A DISTANCE OF 94.40 FEET;

THENCE CONTINUING WITH SAID EAST LINE OF SAID TRACT G, S27°22'40"W, A DISTANCE OF 143.51 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BENT GRASS MEADOWS DRIVE;

THENCE WITH SAID NORTH RIGHT OF WAY LINE, S89°30'12"W, A DISTANCE OF 191.33 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE CONTINUING WITH SAID NORTH RIGHT OF WAY LINE AND SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 65°45'45", HAVING A RADIUS OF 605.00 FEET, AN ARC LENGTH OF 694.40 FEET, AND WHOSE CHORD BEARS S56°37'18"W, A CHORD DISTANCE OF 656.91 FEET;

THENCE S23°44'26"W, A DISTANCE OF 247.83 FEET;

THENCE S89°46'14"W, A DISTANCE OF 493.96 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1;
THENCE WITH SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 1, N00°13'46"W, A DISTANCE OF 205.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 36.40 ACRES (1,585,416 SQUARE FEET), MORE OR LESS.