

FINAL PLAT

CITIZEN ON CONSTITUTION FILING No. 1
A REPLAT OF TRACTS M & N, URBAN COLLECTION AT PALMER VILLAGE
A PORTION OF THE NORTHEAST QUARTER OF
SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

KNOW ALL BY THESE PRESENTS:

That The Citizen on Constitution, LLC, being the owner of the following described tract of land to wit:

LEGAL DESCRIPTION:

Tracts M and N, Urban Collection at Palmer Village, County of El Paso, State of Colorado.
Containing a calculated area of 534,215 square feet (12.264 acres) of land, more or less.

DEDICATION

The above owner has caused said parcel of land to be platted into a lot, tracts and easements as shown hereon. The undersigned does hereby grant and convey to the County of El Paso all right-of-way dedications and easements for public use. The tract of land herein platted shall be known as CITIZEN ON CONSTITUTION FILING No. 1 in the County of El Paso, State of Colorado.

OWNERSHIP AND ACKNOWLEDGMENT STATEMENT:

The aforementioned, The Citizen on Constitution, LLC, has executed this instrument this ___ day of ___, 20___, A.D.
By: Garrett Partners XXXVII, LLC, its Manager

Eric Garrett, Manager

OWNERS CERTIFICATE

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into a lot, tracts, a street and easements, as shown hereon under the name and subdivision of CITIZEN ON CONSTITUTION FILING No. 1. All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated within the public right-of-way will become matters of maintenance by El Paso County, Colorado. However, El Paso County shall NOT maintain the easements, private access into Lot 1 or any improvements within Tracts A and B. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

By: Eric Garrett, Manager of Garrett Partners XXXVII, LLC, the Manager of The Citizen on Constitution, LLC, its successors and assigns.

By:
Title:

ATTEST: (if corporation)

Secretary/Treasurer

STATE OF
COUNTY OF } SS

The above and aforementioned instrument was acknowledged before me this ___ day of ___, 20___, A.D.

By: Eric Garrett, Manager of Garrett Partners XXXVII, LLC, its Manager

Witness my hand and seal:

My Commission expires

Notary Public

EASEMENT VACATION ACKNOWLEDGMENT:

The undersigned, being the beneficiary of the Non-exclusive Permanent Easement as recorded under Reception No. 221188151, records of El Paso County, does hereby vacate and terminate said easement and undersigned waives and terminates any and all obligations associated with said easement.

COMPANY: Richmond American Homes of Colorado, Inc., A Delaware corporation

ADDRESS: 4350 S. Monaco St. Denver, CO 80237

Executed this ___ day of ___, 20___.

Authorized agent:

Name: Title:

for and on behalf of Richmond American Homes of Colorado, Inc., A Delaware corporation.

NOTARIAL:

STATE OF COLORADO } SS
COUNTY OF EL PASO }

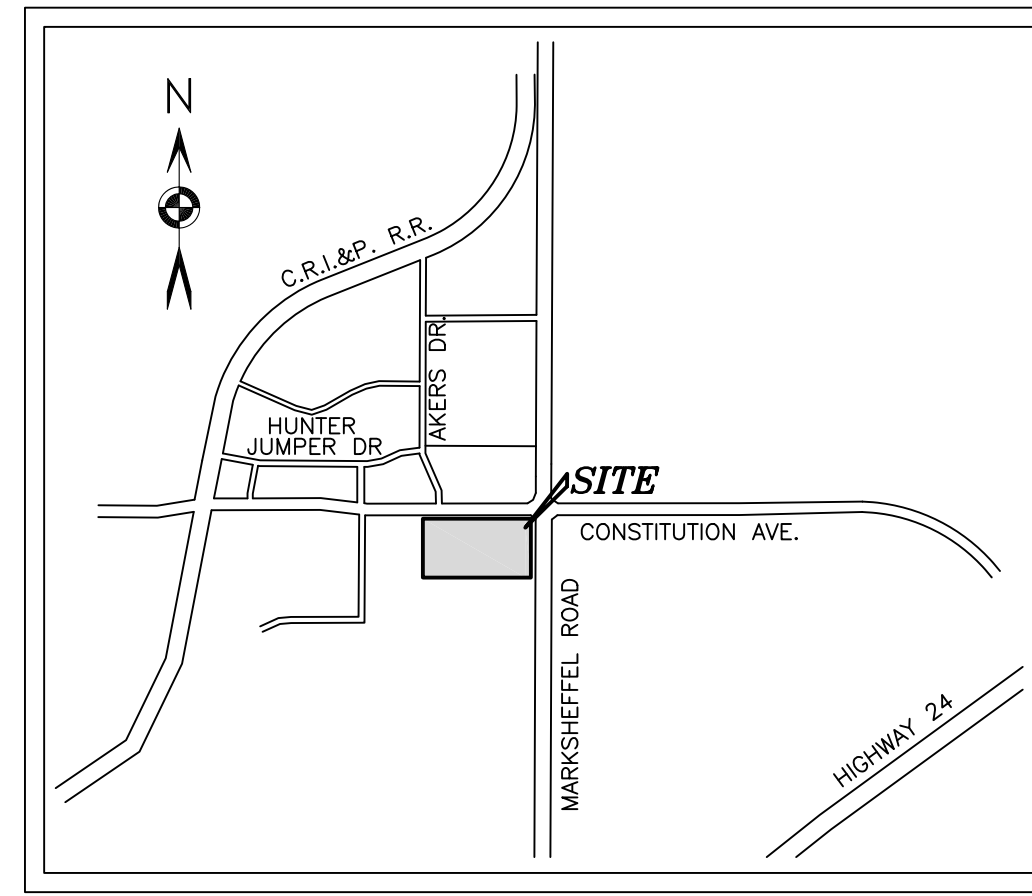
The above and aforementioned instrument was acknowledged before me this ___ day of ___, 20___, A.D.

By: , Authorized agent

Witness my hand and seal:

My Commission expires

Notary Public



VICINITY MAP
(NOT TO SCALE)

EASEMENT STATEMENT:

Unless otherwise indicated, all side, front and rear lot lines are hereby platted on either side with a 10 foot public utility and drainage easement. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the property owner.

All easements shown or dedicated hereon for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Reception No. 212112548 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.

EASEMENT AND TRACT MAINTENANCE NOTES:

Tract A shall be utilized as an open space. Ownership and maintenance of Tract A shall be vested to The Citizen on Constitution, LLC, and/or successors.

Tract B shall be utilized as a drainage tract. Ownership and maintenance of Tract B shall be vested to The Citizen on Constitution, LLC, and/or successors. Tract B is subject to a Private Detention Basin/Stormwater Quality BMP Maintenance Agreement and Easement as recorded at Reception No. of the records of El Paso County. The Citizen on Constitution, LLC, and/or successors will be responsible for maintenance of the subject drainage facilities.

SUMMARY:

Table with 3 columns: Description, Area (Acres), and Percentage. Rows include 1 LOT (8.994 ACRES, 73.34%), 2 TRACTS (1.640 ACRES, 13.37%), DEDICATED RIGHT-OF-WAY (1.630 ACRES, 13.29%), and TOTAL (12.264 ACRES, 100.00%).

FLOOD PLAIN CERTIFICATION:

The Federal Emergency Management Agency, Flood Insurance Rate Map No. 08041C0756G, effective date December 7, 2018, indicates this parcel of land to be located in Zone X (Areas determined to be outside the 0.2% annual chance floodplain).

SURVEYOR'S CERTIFICATE:

I Spencer J. Barron, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on October 6, 2021, by me or under my direct supervision and that the monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in compliance with the applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and the applicable provisions of the El Paso County Land Development Code.

This certification is neither a warranty nor guarantee, either expressed or implied.

Spencer J. Barron
Colorado Professional Land Surveyor No. 38141
For and on behalf of Barron Land, LLC

COUNTY APPROVAL

This plat for CITIZEN ON CONSTITUTION FILING No. 1 was approved for filing by the El Paso County, Colorado Planning and Community Development Department this ___ day of ___, 20___

Planning and Community Development Director Date

This plat for CITIZEN ON CONSTITUTION FILING No. 1 was approved for filing by the El Paso County, Colorado Board of County Commissioners on the ___ day of ___, 20___, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (right-of-way, street, tracts and easements) are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Urban Collection at Palmer Village is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception #221714832.

Chair, Board of County Commissioners Date

RECORDING

STATE OF COLORADO } SS
COUNTY OF EL PASO }

I hereby certify that this instrument was filed for record at my office at ___ O'clock __M., this day of ___, 2022 A.D., and is duly recorded under Reception Number of the records of El Paso County, Colorado.

Fee: _____

Surcharge: _____

Chuck Broerman, Recorder

By: Deputy

FEES:

- School Fee (School District 49):
Bridge Fee (Sand Creek Drainage Basin): \$70,045.55
Urban Park Fee:
Regional Park Fee:
Drainage Fee (Sand Creek Drainage Basin): \$171,239.90

PCD File No. SF-22-06

SHEET INDEX

- SHEET 1 - COVER, LEGAL DESCRIPTION, VICINITY MAP
SHEET 2 - GENERAL NOTES
SHEET 3 - AS PLATTED BOUNDARY
SHEET 4 - AS RE-PLATTED BOUNDARY

Table with 4 columns: No., Date, By, Remarks. Rows show revisions to address comments and cover sheet revisions on 10/19/22, 10/26/22, 10/27/22, and 12/05/22.

BARRON LAND logo and contact information: 2790 N. Academy Blvd, Suite 311, Colorado Springs, CO 80917. P: 719.360.6827, F: 719.466.6527. PROJECT No.: 21-048 SHEET 1 OF 4

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SURVEYOR'S NOTES

1. NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
2. The approval of this Replat vacates all prior plats for the area described by this plat.
3. The lineal units used in this drawing are U.S. Survey Feet. A U.S. Survey Foot is defined as 1200/3937 meters.
4. This survey does not constitute a title search by Barron Land, LLC to determine ownership, rights-of-way, or easements of record. For information regarding ownership, rights-of-way, and easements of record, Barron Land, LLC relied upon Title Commitment No. NCS-1074278-INDY, with an effective date of January 19, 2022 as provided by First American Title Insurance Company.
5. This survey was performed in the field on October 6, 2021.
6. The overall subject parcel contains a calculated area of 534,215 square feet (12.264 acres) of land, more or less.
7. BASIS OF BEARINGS: Bearings are based upon the South Right-of-Way line of Constitution Avenue, as described in "Parcel B" within the Warranty Deed recorded under Reception No. 210085356, monumented on the West with a #4 rebar with yellow plastic cap stamped "PLS 4842" and on the East with a #5 rebar with yellow plastic cap stamped "Aztec PLS 36567" and is assumed to bear N 89°53'50" E, a distance of 1691.84 feet.
8. The subject property shown herein lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on Federal Emergency Management Agency flood insurance rate map number 08041C0756G, effective December 7, 2018.
9. This site is not within a designated F.E.M.A. floodplain as determined by the flood insurance rate map number 08041C0756G, effective December 7, 2018.
10. There shall be no direct lot access to Constitution Avenue. Access to Marksheffel Road will be via Lot 1. This access point is limited to right out access only.
11. Geologic hazard note:
 Per the geotechnical investigation report prepared by CTL Thompson, Inc., dated May 27, 2022, (CTL Thompson Project No. CS19460-125) the subject Lot and tracts were not identified as having geologic hazards at the time of the report. The report (PCD File No. SF226) is on file at the El Paso County Planning and Community Development Department. Site is underlain by undocumented fill. Calculations for the mitigation are included in the file.
12. The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications and the proposed plan reflects all site elements required by the applicable ADA design standards and guidelines as published by the United States Department of Justice, approval of this plan by El Paso County does not assure compliance with the ADA or any regulations or guideline enacted or promulgated under or with respect to such laws.
13. Snow storage shall be accommodated on site at the ends of the Private drive aisles, not in the Public Right-of-Way.
14. Emergency access gates are to be designed by the Developer and must include the Diablo Control Proximity Auto Opening System (www.diablocontrols.com) and override to provide emergency and Fire Department ingress and egress.
15. Any person who knowingly removes or knowingly causes to be removed any Public land survey monument, as defined by Section 38-53-103 (18), C.R.S., or control corner, as defined in Section 38-53-103 (6), C.R.S., or a restoration of any such monument or who knowingly removes or knowingly causes to be removed any bearing tree knowing such is a bearing tree or other accessory, as defined by Section 38-53-103(1), C.R.S., even if said person has Title to the land on which said monument or accessory is located, commits a class 2 misdemeanor unless, prior to such removal, said person has caused a Colorado professional land surveyor to establish at least two witness corners or reference marks for each such monument or accessory removed and has filed or caused to be filed a monument record pursuant to Article 53 of Title 38, C.R.S.
16. A standard Avigation Easement conveyed to the City of Colorado Springs, appurtenant to the Colorado Springs Airport recorded April 19, 1988 in Book 5497 at Page 502 covers the subject Property but is not shown herein.
17. A standard Avigation Easement conveyed to the City of Colorado Springs, appurtenant to the Colorado Springs Airport recorded March 14, 1989 in Book 5612 at Page 726 covers the subject Property but is not shown herein.
18. A standard Avigation Easement recorded March 20, 2014 at Reception No. 214022685 covers the subject Property but is not shown herein.
19. No Lots shall be sold, conveyed, or transferred to a Party other than one that purchases the entire Subdivision, whether by Deed or by Contract, unless and until the required Public and Common development improvements for the Subdivision have been constructed and completed in accordance with the Subdivision Improvements Agreement recorded at Reception No. 221188154 and Reception No. _____, the approved construction plans and preliminary acceptance of said improvements has been received from El Paso county. Should a Party purchase the entire Subdivision, Lots within the Subdivision may be sold, conveyed, or transferred and have building permits issued upon receipt of collateral acceptable to the County which is sufficient to guarantee construction of the improvements in the approved financial assurance estimate. If subdivider or a purchaser posts collateral more than ninety (90) days following plat recording, an updated financial assurance estimate may be required. This Plat restriction may be removed or rescinded by the Board of County Commissioners or, if permitted by the Subdivision improvements agreement, by the planning and community development department director upon either approval of an alternative form of collateral or completion and preliminary acceptance by the El Paso board of county commissioners of all improvements required to be constructed and completed in accordance with said subdivision improvements agreement. The partial release of Lots for sale, conveyance or transfer may only be granted in accordance with any planned partial release of Lots authorized by the Subdivision improvements agreement.

SURVEYOR'S NOTES (CONTINUED)

20. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns 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 submittal. 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 find the fee obligation before sale of the Property.
21. Notice of potential aircraft overflight and noise impact associated with airport: this serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport, which is being disclosed to all prospective purchasers considering the use of this property for residential and other purposes. This property is subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations.
22. All property owners are responsible for maintaining proper storm water drainage in and through their Property. Public drainage easements as specifically noted on the Plat shall be maintained by the individual Lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage Easements. A Detention Pond Maintenance Agreement is recorded at Reception No. _____.
23. No driveway shall be established unless an access permit has been granted by the City of Colorado Springs.
24. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
25. The following reports have been submitted in association with the preliminary plan or Final Plat for this Subdivision and are on file at the County Planning and Community Development Department: transportation impact study; drainage report; water resources report; wastewater disposal report; geology and soils report; fire protection report; noise report.
26. 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 listed species (e.g., Preble's Meadow jumping mouse).
27. The addresses exhibited on this Plat are for informational purposes only. They are not the legal description and are subject to change.
28. The property shown hereon is located within the Constitution Heights Metropolitan District per the document recorded at Reception No. 210099703 of the El Paso County Clerk and Recorder.
29. At the time of post construction (when proposed improvements have been installed/constructed) the paved areas within Lot 1 that are intended for vehicular travel shall be encumbered with a blanket-in-nature easement for ingress and egress.
30. Noise mitigation techniques shall be completed by the developer in accordance with the Noise Analysis Report by Kimley-Horn and Associates, Inc., dated April 5, 2022, and shall be incorporated into the multifamily development.
31. The public utility easement that is shown throughout Lot 1 is to be utilized for all necessary utilities. It is not exclusive to the Cherokee Metropolitan District utilities.
32. Utility Providers:
 Sanitary Sewer: Cherokee Metropolitan District
 Water: Cherokee Metropolitan District
 Electric: Colorado Springs Utilities
 Gas: Colorado Springs Utilities

PCD File No. SF-22-06

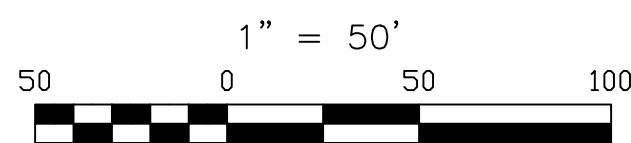
DATE: 04/04/2022 REVISIONS			
No.	Remarks	Date	By
4	ADDRESS COMMENTS	10/19/22	KPB
5	ADDRESS COMMENTS	10/26/22	KPB
6	COVER SHEET REVISIONS	10/27/22	KPB
7	COVER SHEET REVISIONS	12/05/22	KPB

BARRON LAND
 BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION
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 PROJECT No.: 21-048 SHEET 2 OF 4

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LEGEND:

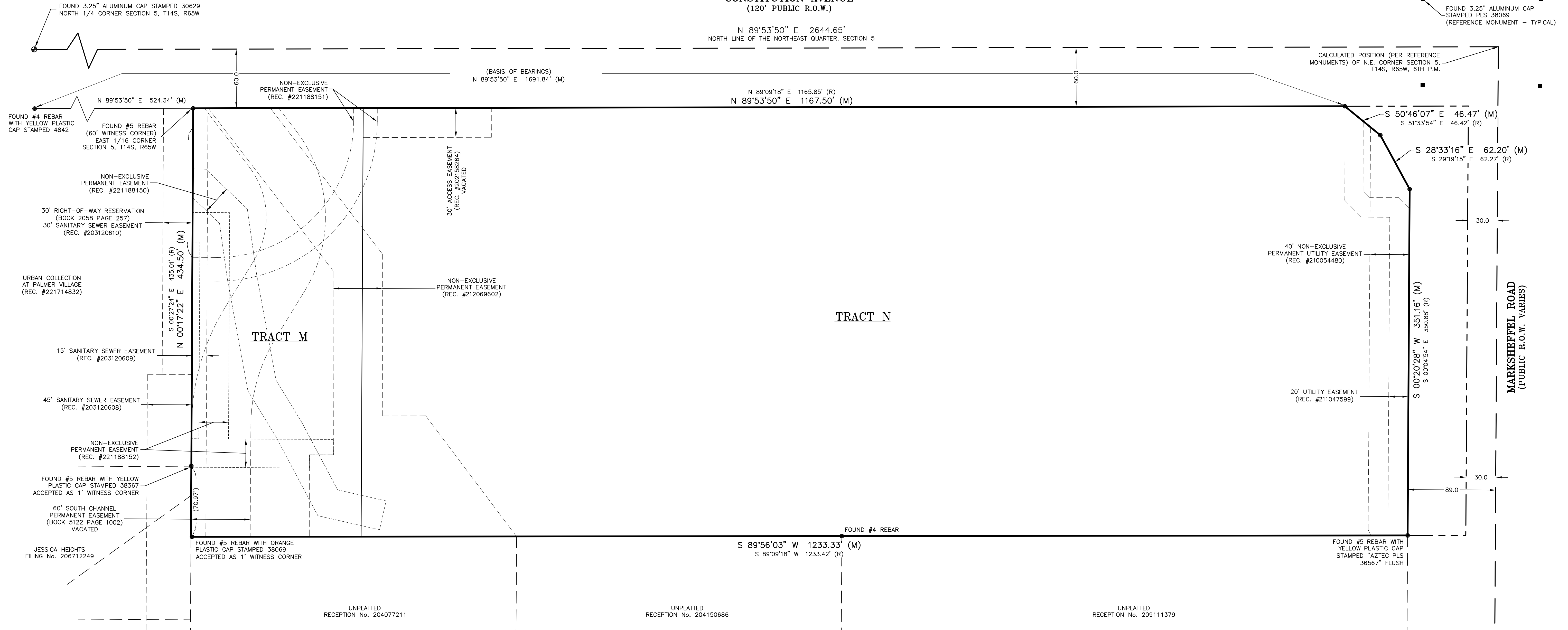
- FOUND SECTION MONUMENT AS NOTED
- FOUND #5 REBAR WITH YELLOW PLASTIC CAP STAMPED "AZTEC PLS 36567" UNLESS NOTED OTHERWISE
- FOUND REFERENCE MONUMENT AS NOTED
- (M) FIELD-MEASURED DIMENSIONS
- (R) RECORD DIMENSIONS
- (C) CALCULATED DIMENSIONS
- R.O.W. RIGHT-OF-WAY
- (XXXX) LOT ADDRESS
- SUBDIVISION BOUNDARY LINES
- - - ADJACENT PARCEL LINES
- SECTION LINES
- - - EASEMENT LINES

AS PLATTED

CONSTITUTION AVENUE
 (120' PUBLIC R.O.W.)

N 89°53'50" E 2644.65'
 NORTH LINE OF THE NORTHEAST QUARTER, SECTION 5

FOUND 3.25" ALUMINUM CAP STAMPED PLS 38069
 (REFERENCE MONUMENT - TYPICAL)



PCD File No. SF-22-06

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BARRON LAND

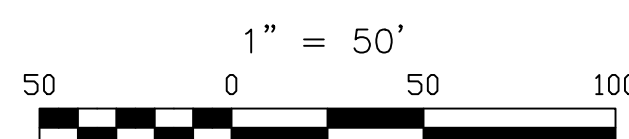
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PROJECT No.: 21-048 SHEET 3 OF 4

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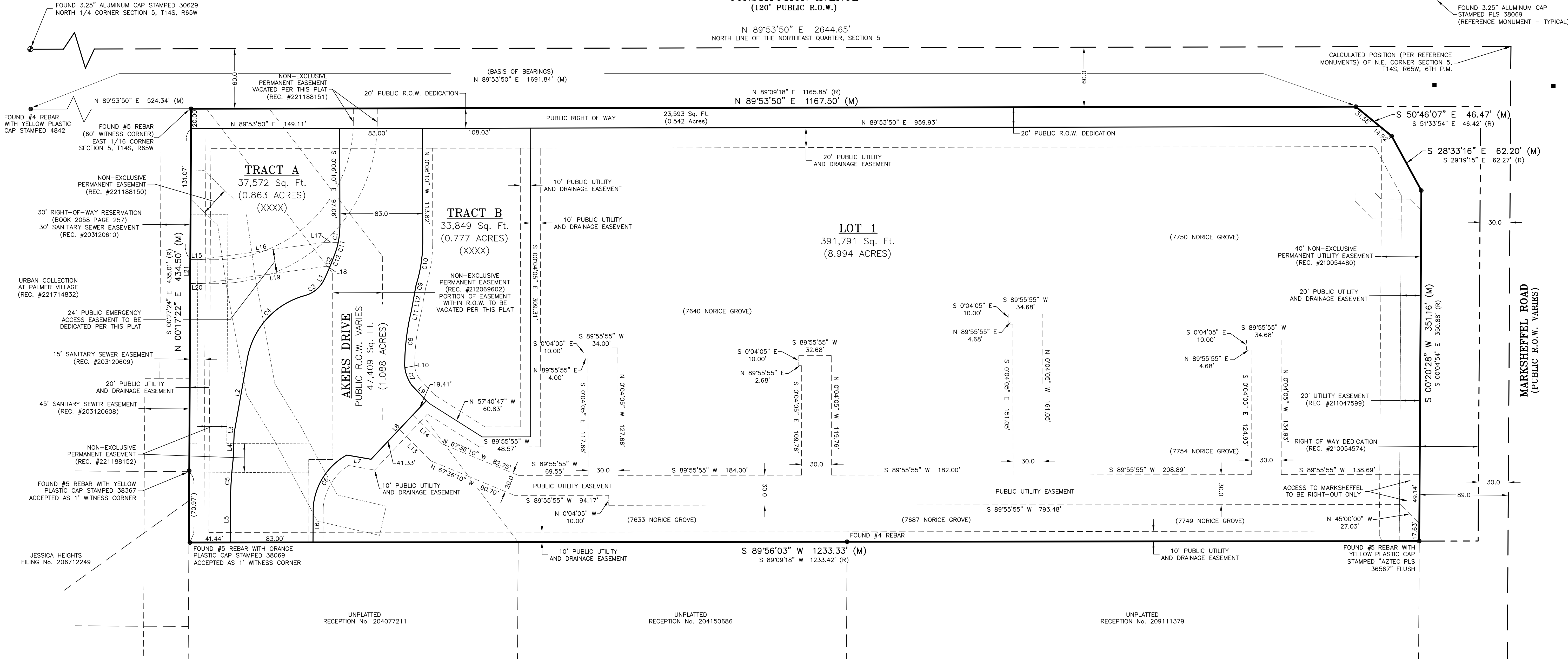
AS RE-PLATTED

LEGEND:

- FOUND SECTION MONUMENT AS NOTED
- FOUND #5 REBAR WITH YELLOW PLASTIC CAP STAMPED "AZTEC PLS 36567" UNLESS NOTED OTHERWISE
- FOUND REFERENCE MONUMENT AS NOTED
- (M) FIELD-MEASURED DIMENSIONS
- (R) RECORD DIMENSIONS
- (C) CALCULATED DIMENSIONS
- R.O.W. RIGHT-OF-WAY
- (XXXX) LOT ADDRESS
- SUBDIVISION BOUNDARY LINES
- LOT/TRACT LINES
- DEDICATION LINES
- - - ADJACENT PARCEL LINES
- SECTION LINES
- - - EASEMENT LINES

CONSTITUTION AVENUE
 (120' PUBLIC R.O.W.)

N 89°53'50" E 264.65'
 NORTH LINE OF THE NORTHEAST QUARTER, SECTION 5



LINE BEARING	DISTANCE	CURVE RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
L1 N 27°45'20" E	4.35	85.58	24.15	S 07°59'06" W	24.07	16°09'58"
L2 N 10°03'02" E	70.86	299.43	31.68	S 22°02'00" W	31.66	6°03'40"
L3 S 09°56'25" W	5.14	30.50	22.90	S 53°21'45" W	22.37	43°01'39"
L4 S 02°14'18" W	26.61	79.50	83.93	S 42°27'48" W	85.23	64°49'53"
L5 S 00°17'22" W	39.22	385.52	43.87	S 03°32'43" W	43.84	6°31'11"
L6 S 00°17'22" W	35.25	65.50	64.71	N 32°48'17" E	62.11	56°36'28"
L7 S 80°04'43" E	24.69	40.73	16.90	S 23°08'03" E	16.78	23°46'52"
L8 S 43°19'47" W	80.74	230.50	50.70	S 06°19'59" W	50.60	17°36'09"
L9 S 43°19'23" E	21.36	24.00	2.91	S 13°42'11" W	2.91	6°56'49"
L10 S 05°35'34" E	4.01	141.50	42.67	S 08°32'13" W	42.51	17°16'46"
L11 S 13°13'19" W	4.96	85.38	16.87	S 13°46'05" W	16.87	4°36'02"
L12 S 10°13'47" W	24.45	299.43	18.55	S 20°46'40" W	18.55	3°32'59"
L13 S 45°06'10" E	44.97					
L14 S 45°06'10" E	41.54					
L15 N 89°53'50" E	19.11					
L16 N 82°12'24" E	125.93					
L17 N 89°53'50" E	14.36					
L18 S 89°53'50" W	4.49					
L19 S 82°12'24" W	125.93					
L20 S 89°53'50" W	10.89					
L21 N 00°17'22" E	24.00					

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