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El Paso County, CO



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RESOLUTION NO. 19-237

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

SUBDIVISION EXEMPTION FOR City of Colorado Springs – Tutt Road and Cottonwood Drainage Project (EX-19-001)

WHEREAS, Section 30-28-101(10)(d), C.R.S., as amended, authorizes the Board of County Commissioners pursuant to resolution to exempt from the requirements of the subdivision regulations any division of land if the Board of County Commissioners determines that such division is not within the purposes of the statutory provisions governing subdivisions; and

WHEREAS, the City of Colorado Springs Water Resources Engineering Division, has applied for an exemption from the El Paso County Subdivision Regulations with reference to this parcel as described in Exhibit A; and

WHEREAS, the City of Colorado Springs Water Resources Engineering Division intends to use this 1.29 acre tract for the construction of a detention pond; and

WHEREAS, a public hearing was held by this Board on June 25, 2019; and

WHEREAS, the El Paso County Board of County Commissioners has found the proposed division does not fall within the purposes of the Colorado statutory provisions concerning subdivisions;

WHEREAS, based on the evidence, testimony, exhibits, study of the Master Plan for the unincorporated area of the County, comments of the El Paso County Planning and Community Development Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That the exemption is consistent with and conforms to the El Paso County Land Development Code and the Master Plan.
2. That the exemption is a division of land determined not to be within the purpose of C.R.S. §§30-28-101, et. seq.
3. That legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
4. That the size, location, and availability of services to the proposed lots or parcels are reasonable, appropriate, and customary for the proposed use.

EXHIBIT A

LEGAL DESCRIPTION:

A portion of the tract of land described in the Warranty Deed recorded at Reception No. 217058373 of the records of El Paso County, Colorado and located in the North 472 feet of the Southwest quarter of the Northwest quarter (SW1/4NW1/4) of Section 6, Township 13 South, Range 65 West of the 6th P.M., El Paso County, Colorado, excepting therefrom the following described tract of land:

COMMENCING at a No. 6 rebar with 3-1/4" aluminum cap stamped by PLS No. 19586 at the Northeast corner of Government Lot 4, being the Northwest quarter of the Northwest quarter (NW1/4NW1/4) of Section 6, Township 13 South, Range 65 West of the 6th P.M., from which a No. 6 rebar with 3-1/4" aluminum cap stamped by RLS No 10377 bears N00°28'36"W a distance of 1320.85 feet at the Northeast corner of the Southwest quarter of the Southwest quarter (SW1/4SW1/4) of Section 31, Township 12 South, Range 65 West of the 6th P.M, and is the basis of bearings used herein; thence S00°19'26"W on the East line of said Government Lot 4, a distance of 1303.18 feet to the Northeast corner of said SW1/4NW1/4. thence S88°42'56"W on the North line of said SW1/4NW1/4, a distance of 30.51 feet to a point thirty and one-half (30.50) feet West of the East line of said SW1/4NW1/4, as measured perpendicular thereto, and the POINT OF BEGINNING; thence S00°19'26"W parallel with said East line, a distance of 186.33 feet; thence N89°40'34"W a distance of 19.50 feet to a point fifty (50.00) feet West of said East line, as measured perpendicular thereto; thence S64°33'08"W a distance of 270.42 feet; thence S00°46'13"E a distance of 175.60 feet to the South line of said North 472 feet of the SW1/4NW1/4; thence S88°42'56"W on said South line, a distance of 171.44 feet; thence N00°11'25"E a distance of 472.16 feet to the North line of said SW1/4NW1/4; thence N88°42'56"E on said North line a distance of 432.32 feet to the POINT OF BEGINNING and containing 3.266 acres of land, more or less.

Together with a non-exclusive right of way for ingress, egress and related purposes over and across the South 30 feet of the East 50 feet of the Northwest quarter of the Northwest quarter of Section 6, Township 13 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado.