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RESOLUTION NO. 20- 158

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

APPROVE FINAL PLAT FOR TRAILS AT ASPEN RIDGE FILING NO. 1 (SF-19-002)

WHEREAS, COLA, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Trails at Aspen Ridge 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, a public hearing was held by the El Paso County Planning Commission on April 7, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on April 28, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and 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, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

- 1. The application was properly submitted for consideration by the Planning Commission.**
- 2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.**
- 3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.**
- 4. All exhibits were received into evidence.**

5. The subdivision is in general 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. 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 Land Development 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 Land Development 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 Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 Land Development Code.
15. 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 the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Trails at Aspen Ridge Filing No. 1 Subdivision;

BE IT FURTHER RESOLVED that 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 by the Board of County Commissioners 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. 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 Division of

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 El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.**
- 8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.**
- 9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder 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 find the fee obligation before sale of the property.**
- 10. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$82,536.00 and urban park (Area 4) fees in the amount of \$52,128.00 shall be paid at the time of plat recordation.**
- 11. Fees in lieu of school land dedication in the amount of \$37,467.00 shall be paid to El Paso County for the benefit of Widefield School District No. 3 at the time of plat recording.**
- 12. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.**
- 13. Drainage fees in the amount of \$24,590.17 and bridge fees in the amount of \$3,175.95 for Big Johnson drainage basin (FOFO2600) shall be paid to El Paso County at the time of plat recordation.**

14. Drainage fees in the amount of \$360,545.12 and bridge fees in the amount of \$106,665.57 for West Fork Jimmy Camp Creek (FOFO2000) shall be paid to El Paso County at the time of plat recordation.

15. The applicant shall complete an escrow agreement with El Paso County in the amount of \$23,781.39 to be applied towards the construction of a traffic signal at the Legacy Hill Drive and Bradley Road intersection prior to final plat recordation unless the signal improvement qualifies as an eligible reimbursable intersection improvement per the El Paso County Road Impact Fee Program.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation of initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 28th day of April, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____

County Clerk & Recorder



By: _____

Chair

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a long horizontal line extending to the right.

EXHIBIT A

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN A PORTION OF THE WEST 1/2 OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 9;

- 1) THENCE S89°33'35"W ON THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 9, A DISTANCE OF 2,495.44 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 21, AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;**
- 2) THENCE N00°29'10"W ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 222.83 FEET;**
- 3) THENCE N89°30'50"E A DISTANCE OF 224.98 FEET;**
- 4) THENCE S00°29'10"E A DISTANCE OF 20.98 FEET TO A POINT OF CURVE TO THE LEFT;**
- 5) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 27.00 FEET, A DELTA ANGLE OF 89°57'15", AN ARC LENGTH OF 42.39 FEET, WHOSE LONG CHORD BEARS S45°27'48"E A DISTANCE OF 38.17 FEET;**
- 6) THENCE N89°33'35"E A DISTANCE OF 358.00 FEET TO A POINT OF CURVE TO THE LEFT;**
- 7) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 90°00'00", AN ARC LENGTH OF 31.42 FEET, WHOSE LONG CHORD BEARS N44°33'35"E A DISTANCE OF 28.28 FEET;**
- 8) THENCE N00°26'25"W A DISTANCE OF 55.00 FEET;**
- 9) THENCE N89°33'35"E A DISTANCE OF 160.00 FEET;**
- 10) THENCE S00°26'25"E A DISTANCE OF 12.59 FEET;**
- 11) THENCE N89°33'35"E A DISTANCE OF 110.00 FEET;**
- 12) THENCE N00°00'00"E A DISTANCE OF 13.82 FEET;**
- 13) THENCE N90°00'00"E A DISTANCE OF 159.90 FEET;**
- 14) THENCE N00°26'25"W A DISTANCE OF 193.86 FEET;**
- 15) THENCE N14°55'16"E A DISTANCE OF 66.77 FEET;**
- 16) THENCE N32°43'04"E A DISTANCE OF 66.86 FEET;**
- 17) THENCE N36°30'56"E A DISTANCE OF 65.58 FEET;**
- 18) THENCE N36°30'56"E A DISTANCE OF 51.07 FEET;**
- 19) THENCE N35°26'44"E A DISTANCE OF 49.01 FEET;**
- 20) THENCE N29°42'04"E A DISTANCE OF 49.02 FEET;**
- 21) THENCE N27°14'20"E A DISTANCE OF 22.28 FEET;**
- 22) THENCE N25°12'20"E A DISTANCE OF 44.55 FEET;**
- 23) THENCE N22°29'47"E A DISTANCE OF 44.55 FEET;**
- 24) THENCE N19°47'14"E A DISTANCE OF 44.56 FEET;**

- 25) THENCE N17°04'35"E A DISTANCE OF 44.59 FEET;
- 26) THENCE N13°41'29"E A DISTANCE OF 44.57 FEET;
- 27) THENCE N10°58'49"E A DISTANCE OF 44.56 FEET;
- 28) THENCE N08°16'16"E A DISTANCE OF 44.55 FEET;
- 29) THENCE N05°32'45"E A DISTANCE OF 44.55 FEET;
- 30) THENCE N02°52'08"E A DISTANCE OF 44.56 FEET;
- 31) THENCE N00°08'37"E A DISTANCE OF 44.57 FEET;
- 32) THENCE N88°27'00"E A DISTANCE OF 160.00 FEET;
- 33) THENCE S01°25'17"E A DISTANCE OF 4.78 FEET;
- 34) THENCE N88°42'27"E A DISTANCE OF 110.10 FEET;
- 35) THENCE N00°00'00"E A DISTANCE OF 214.74 FEET TO A NON-TANGENT CURVE TO THE LEFT;
- 36) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 965.00 FEET, A DELTA ANGLE OF 06°15'56", AN ARC LENGTH OF 105.53 FEET, WHOSE LONG CHORD BEARS S70°51'04"E A DISTANCE OF 105.47 FEET;
- 37) THENCE N15°57'58"E A DISTANCE OF 50.00 FEET;
- 38) THENCE S74°09'06"E A DISTANCE OF 5.45 FEET TO A POINT OF CURVE TO THE LEFT;
- 39) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 92°53'07", AN ARC LENGTH OF 32.42 FEET, WHOSE LONG CHORD BEARS N59°14'06"E A DISTANCE OF 28.99 FEET;
- 40) THENCE N12°47'44"E A DISTANCE OF 80.40 FEET;
- 41) THENCE N30°26'45"W A DISTANCE OF 5.46 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
- 42) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 810.00 FEET, A DELTA ANGLE OF 59°31'04", AN ARC LENGTH OF 841.41 FEET, WHOSE LONG CHORD BEARS N45°24'44"W A DISTANCE OF 804.09 FEET;
- 43) THENCE N15°39'12"W A DISTANCE OF 679.59 FEET TO A POINT OF CURVE TO THE LEFT;
- 44) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 110.00 FEET, A DELTA ANGLE OF 79°43'24", AN ARC LENGTH OF 153.06 FEET, WHOSE LONG CHORD BEARS S89°23'18"W A DISTANCE OF 141.01 FEET TO A POINT OF A COMPOUND CURVE;
- 45) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 370.00 FEET, A DELTA ANGLE OF 27°29'45", AN ARC LENGTH OF 177.56 FEET, WHOSE LONG CHORD BEARS S35°46'43"W A DISTANCE OF 175.86 FEET;
- 46) THENCE N67°58'24"W A DISTANCE OF 80.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
- 47) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 450.00 FEET, A DELTA ANGLE OF 35°44'30", AN ARC LENGTH OF 280.72 FEET, WHOSE LONG CHORD BEARS N39°54'03"E A DISTANCE OF 276.19 FEET;

- 48) THENCE N57°46'18"E A DISTANCE OF 68.47 FEET TO A POINT OF CURVE TO THE LEFT;
- 49) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 75.00 FEET, A DELTA ANGLE OF 43°29'55", AN ARC LENGTH OF 56.94 FEET, WHOSE LONG CHORD BEARS N36°01'21"E A DISTANCE OF 55.58 FEET TO A NON-TANGENT LINE SEGMENT;
- 50) THENCE N15°39'12"W A DISTANCE OF 394.68 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;
- 51) THENCE N74°20'48"E ON SAID RIGHT-OF-WAY, A DISTANCE OF 120.00 FEET;
- 52) THENCE S15°39'12"E A DISTANCE OF 392.40 FEET TO A NON-TANGENT CURVE TO THE LEFT;
- 53) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 75.00 FEET, A DELTA ANGLE OF 60°04'25", AN ARC LENGTH OF 78.64 FEET, WHOSE LONG CHORD BEARS S75°37'00"E A DISTANCE OF 75.08 FEET;
- 54) THENCE N74°20'48"E A DISTANCE OF 199.80 FEET;
- 55) THENCE S15°39'12"E A DISTANCE OF 80.00 FEET;
- 56) THENCE S74°20'48"W A DISTANCE OF 149.80 FEET TO A POINT OF CURVE TO THE LEFT;
- 57) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 135.00 FEET, A DELTA ANGLE OF 58°24'49", AN ARC LENGTH OF 137.63 FEET, WHOSE LONG CHORD BEARS S45°08'23"W A DISTANCE OF 131.75 FEET TO A NON-TANGENT LINE SEGMENT;
- 58) THENCE S15°39'12"E A DISTANCE OF 686.07 FEET TO A NON-TANGENT LINE SEGMENT;
- 59) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 690.00 FEET, A DELTA ANGLE OF 74°20'48", AN ARC LENGTH OF 895.34 FEET, WHOSE LONG CHORD BEARS S52°49'36"E A DISTANCE OF 833.84 FEET;
- 60) THENCE N90°00'00"E A DISTANCE OF 511.94 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 9;
- 61) THENCE S00°19'32"E ON SAID LINE, A DISTANCE OF 1,600.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 2,431,522 SQUARE FEET OR 55.820 ACRES, MORE OR LESS.