

PRE-SUBDIVISION SITE GRADING ACKNOWLEDGEMENT
AND RIGHT OF ACCESS FORM

The undersigned (“Applicant”) owns and holds legal title to the real property to be known as Grandview Reserve Phase 2 (“Property”), which Property is legally described on Exhibit A attached hereto and incorporated herein by this reference.

Applicant seeks approval for Pre-Subdivision Site Grading under Section 6.2.6 of the El Paso County Land Development Code. As a condition of approval and issuance of Construction Permit No. _____, Applicant must complete and submit this Pre-Subdivision Site Grading Acknowledgement and Right of Access Form. In compliance therewith, by signing below, Applicant hereby acknowledges and agrees as follows:

1. The approval and issuance of the Construction Permit does not guarantee or create a right in, or a right of expectation in, Applicant that the El Paso County Planning Commission will recommend or the Board of County Commissioners of El Paso County will approve Applicant’s preliminary plan or final plat for the Property. Applicant proceeds with grading under the Construction Permit at Applicant’s sole risk.
2. The Construction Permit shall be personal to the Applicant and shall not run with the land. Any successors and/or assigns of the Applicant desiring to proceed or continue with the Pre-Subdivision Site Grading approval shall execute their own Pre-Subdivision Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit, and provide an updated Financial Assurance Estimate and replacement surety.
3. Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors the right of access to enter upon the Property at all reasonable hours for the following purposes in accordance with requirements of the El Paso County Engineering Criteria Manual (ECM), Section I.5:
 - a. To inspect and investigate for compliance with Construction Permit requirements, including, but not limited to, proper installation and maintenance of erosion and sediment control measures;
 - b. To inspect and investigate for completion of grading activities and soil stabilization requirements;
 - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance describing such deficiencies to be corrected by Applicant; and
 - d. In the event the Applicant does not correct deficiencies identified in a Letter of Noncompliance, to draw on surety provided and perform the

work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

4. Applicant shall indemnify, defend, and forever hold harmless the Board of County Commissioners of El Paso County, their officers, employees, agents, contractors, and subcontractors, from any and all claim, demand, action, cause of action, loss, damage, injury, property damage, personal injury, death, liability, duty, obligation, costs and expenses (including attorney fees) arising out of or related to such entry on the Property. Nothing in this section shall be deemed to waive or otherwise limit the defenses available to the Board of County Commissioners pursuant to the Colorado Governmental Immunity Act or as otherwise provided by law.
5. In accordance with ECM Sections 5.3.15 and I.4.1C, Applicant is obligated to provide surety sufficient to make reasonable provision for completion of the grading, erosion control and final stabilization measures, in the amount set forth on Exhibit B attached hereto. Surety shall be in the form of cash, Certified or Cashier's Check, or letter of credit.
6. Applicant is responsible for providing any renewals of surety to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement surety at least fifteen (15) days prior to the expiration of the surety then in effect. Failure to procure renewal/extension/replacement within this time limit shall allow the County to execute on the surety.
7. All of the grading, erosion control and final stabilization measures to be completed as identified on Exhibit B shall be constructed in compliance with the following:
 - a. All laws, resolutions and regulations of the United States, State of Colorado, El Paso County and its various agencies, affected special districts and/or servicing authorities.
 - b. Such other designs, drawings, maps, specifications, sketches and other matter submitted to and approved by any of the above-stated governmental entities.
8. All grading, erosion control, and final stabilization measures shall be completed by the Applicant within 12 (twelve) months from the date of notice to proceed in the Construction Permit. If Applicant determines that the completion date needs to be extended, Applicant shall submit a written request for a change in the completion date to the ECM Administrator at least 90 days in advance of the required completion date. The request shall include the reasons for the requested change in completion date, the proposed new completion date, and prove surety is in place to cover the extension time requested. The completion date for the Construction Permit may be extended at the discretion of the ECM Administrator. Failure to meet the original or extended completion date, as applicable, shall allow the County to execute on the surety.

As stated, Exhibit B will be a copy of the FAE and GEC plans, once finalized.

HRG RESPONSE: Noted, will add once finalized

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Subdivision Site Grading Acknowledgement and Right of Access Form this _____ day of _____, 20__.

APPLICANT:

 (Melody Homes, Inc.)
 (Title—if applicable)

STATE OF COLORADO)
)ss.
 COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____.

Witness my hand and official seal.
 My commission expires: _____

 Notary Public

 Megan Herington, Executive Director
 Planning and Community Development Department
 _____ Date

Approved as to Content and Form:

 Assistant County Attorney



EXHIBIT A

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PORTION SECTION 21, AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE SOUTHERLY END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED ACCORDINGLY, "PLS 30087," AND BEING MONUMENTED AT THE NORTHERLY END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED ACCORDINGLY, "PLS 30087," BEING ASSUMED TO BEAR N00°52'26"W, A DISTANCE OF 5,290.17 FEET.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO; THENCE N00°52'26"W ON THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 2,645.09 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 21; THENCE N89°50'58"W, ON SAID NORTH LINE, A DISTANCE OF 2,471.06 FEET TO THE POINT OF BEGINNING; THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S24°25'09"W, HAVING A DELTA OF 21°22'37", A RADIUS OF 1,061.00 FEET, A DISTANCE OF 395.86 FEET TO A POINT OF TANGENT; THENCE S44°12'14"E A DISTANCE OF 446.79 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 31°01'27", A RADIUS OF 1,261.00 FEET, A DISTANCE OF 682.80 FEET TO A POINT OF TANGENT; THENCE S13°10'46"E A DISTANCE OF 235.68 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 57°06'29", A RADIUS OF 839.00 FEET, A DISTANCE OF 836.25 FEET TO A POINT ON CURVE; THENCE S19°42'45"W A DISTANCE OF 111.00 FEET; THENCE S23°10'57"W A DISTANCE OF 204.59 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 29°56'47", A RADIUS OF 142.50 FEET A DISTANCE OF 74.48 FEET TO A POINT OF TANGENT; THENCE S06°45'50"E A DISTANCE OF 66.21 FEET; THENCE S54°32'52"E A DISTANCE OF 5.87 FEET; THENCE S14°14'45"E A DISTANCE OF 65.01 FEET; THENCE S28°43'11"W A DISTANCE OF 325.08 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S03°47'46"W, HAVING A DELTA OF 76°32'04", A RADIUS OF 60.00 FEET A DISTANCE OF 80.15 FEET TO A POINT ON CURVE; THENCE N72°44'18"W A DISTANCE OF 15.00 FEET; THENCE S65°27'05"W A DISTANCE OF 122.04 FEET; THENCE N31°44'28"W A DISTANCE OF 23.97 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S58°25'43"W, HAVING A DELTA OF 12°10'43", A RADIUS OF 1,363.49 FEET A DISTANCE OF 289.82 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S49°18'50"W, HAVING A DELTA OF 26°23'43", A RADIUS OF 1,668.20 FEET A DISTANCE OF 768.52 FEET TO A POINT ON CURVE; THENCE N60°22'39"W A DISTANCE OF 211.52 FEET; THENCE N53°13'21"W A DISTANCE OF 159.27 FEET TO A POINT OF CURVE SAID POINT BEING ON THE EASTERLY BOUNDARY LINE OF THE TRACT OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 223014483, RECORDS OF EL PASO COUNTY, COLORADO; THENCE ON SAID EASTERLY BOUNDARY LINE THE FOLLOWING NINE (9) COURSES:

1. N49°18'05"W A DISTANCE OF 309.26 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 55°09'30", A RADIUS OF 550.00 FEET, A DISTANCE OF 529.48 FEET TO A POINT OF TANGENT;
3. N05°51'25"E A DISTANCE OF 481.83 FEET TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT HAVING DELTA OF 11°17'04", A RADIUS OF 1,140.00 FEET, A DISTANCE OF 224.52 FEET TO A POINT OF TANGENT;
5. N05°25'39"W A DISTANCE OF 185.30 FEET TO A POINT OF CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 32°15'55", A RADIUS OF 250.00 FEET, A DISTANCE OF 140.78 FEET TO A POINT OF TANGENT;



7. N26°50'16"E A DISTANCE OF 203.39 FEET;
8. N78°54'36"W A DISTANCE OF 120.75 FEET;
9. N11°05'24"E A DISTANCE OF 36.85 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 21;

THENCE CONTINUING N11°05'24"E A DISTANCE OF 93.15 FEET; THENCE S78°54'36"E A DISTANCE OF 146.34 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 11°57'41", A RADIUS OF 1,050.00 A DISTANCE OF 219.21 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 21; THENCE S89°50'58"E ON SAID NORTH LINE A DISTANCE OF 27.49 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 2,993,622 SQUARE FEET OR 68.724 ACRES, MORE OR LESS.

LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.



It looks like legal description may have been duplicated. Please delete second description if it's the same.

EXHIBIT A

HRG RESPONSE:
Removed

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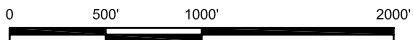


JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

EXHIBIT B

Include this as part of exhibit A.
Exhibit B will be GEC Plans and
FAE as noted in agreement.

HRG RESPONSE:
Exhibit B heading removed



SCALE: 1" = 1000'

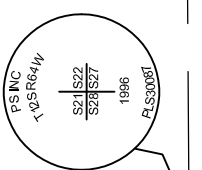
LEGEND:

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (R) RADIAL BEARING
- * NOT A PART OF THIS SURVEY

FOUND 3-1/4" ALUMINUM CAP

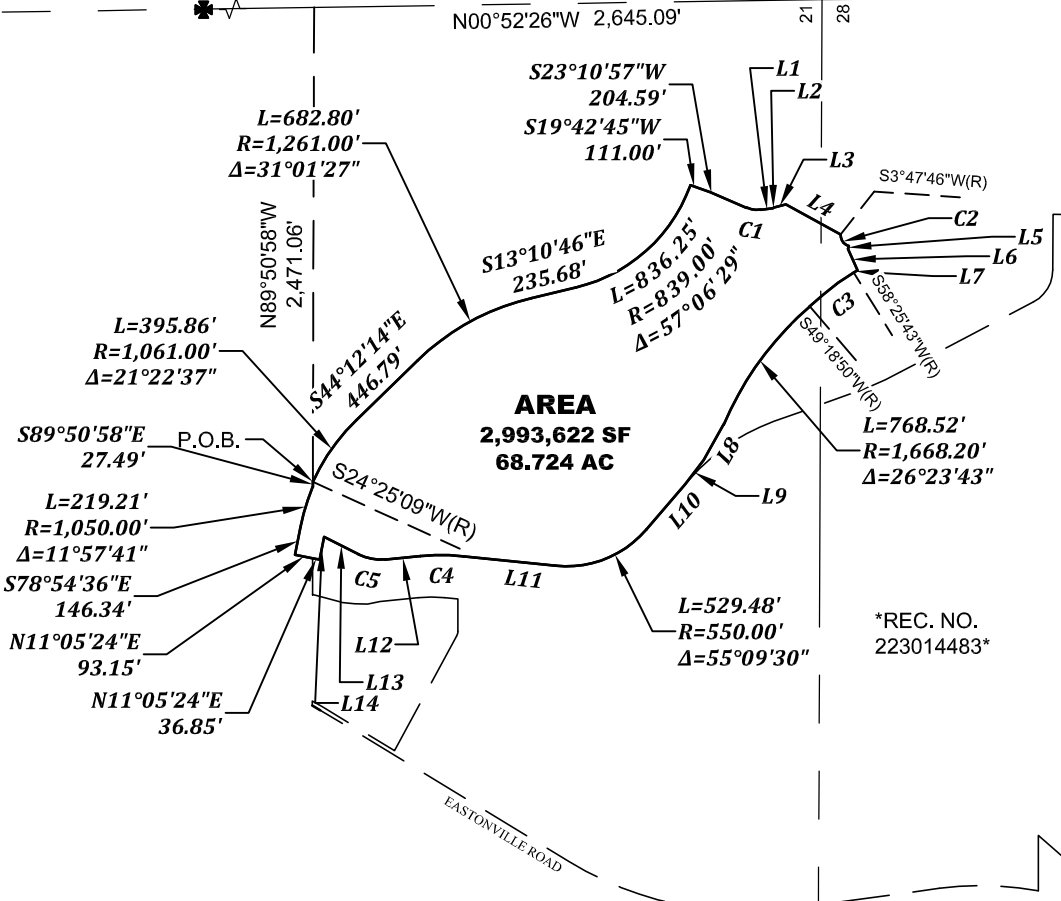


FOUND 3-1/4" ALUMINUM CAP



BASIS OF BEARINGS
N00°52'26"W 5290.17

P.O.C.



LINE TABLE		
NO.	LENGTH	BEARING
L1	66.21'	S06°45'50"E
L2	5.87'	S54°32'52"E
L3	65.01'	S14°14'45"E
L4	325.08'	S28°43'11"W
L5	15.00'	N72°44'18"W
L6	122.04'	S65°27'05"W
L7	23.97'	N31°44'28"W
L8	211.52'	N60°22'39"W
L9	159.27'	N53°13'21"W
L10	309.26'	N49°18'05"W
L11	481.83'	N05°51'25"E
L12	185.30'	N05°25'39"W
L13	203.39'	N26°50'16"E
L14	120.75'	N78°54'36"W

CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CH. LEN	CH. BEAR
C1	74.48'	142.50'	29°56'47"	73.63'	S08°12'33"W
C2	80.15'	60.00'	76°32'04"	74.32'	S55°31'44"W
C3	289.82'	1363.49'	12°10'43"	289.27'	N37°39'39"W
C4	224.52'	1140.00'	11°17'04"	224.16'	N00°12'53"E
C5	140.78'	250.00'	32°15'55"	138.93'	N10°42'19"E



THIS DRAWING DOES NOT REPRESENT A
MONUMENTED LAND SURVEY AND IS ONLY
INTENDED TO DEPICT THE LEGAL DESCRIPTION.



EDWARD-JAMES SURVEYING, INC.
 926 Elkton Dr. 4732 Eagleridge Circle
 Colorado Springs, CO 80907 Pueblo, CO 81008
 (719) 576-1216 (719) 545-6240
 12-8-2023 JOB NO. 2217-02
 SHEET 3 OF 3