

BoCC

Chuck Broerman

El Paso County, CO

04/25/2018 03:35:46 PM

Doc \$0.00

13

Rec \$0.00

Pages



218046670

RESOLUTION NO. 18- 172

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

**APPROVE FRONT RANGE MIDWAY SOLAR ARRAY WIND AND/OR SOLAR
ENERGY GENERATION PLAN OVERLAY DISTRICT REZONE (WSEO-17-001)**

WHEREAS, Front Range Midway Solar Project, LLC did file a petition with the Planning and Community Development Department of El Paso County to rezone the herein described property in El Paso County from the RR-5 and RR-2.5 (Residential Rural) and I-3 (Heavy Industrial) Zone Districts to the WSEO Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 3, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the subject Zone change petition with; and

WHEREAS, a public hearing was held by this Board on April 24, 2018; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

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 of El Paso County.

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 parties were heard at those hearings.

The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

The proposed land use will be compatible with existing and permitted land uses in the area.

The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.

For the above-stated and other reasons, the proposed Zoning 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 that the petition of Front Range Midway Solar Array – Wind and/or Solar Energy Generation Plan Overlay District Rezone for a zone change from the RR-5 and RR-2.5 (Residential Rural) and I-3 (Heavy Industrial) Zone Districts to the WSEO Zone District for the following described unincorporated area of El Paso County be approved as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions/notation shall be placed upon this approval:

CONDITIONS OF APPROVAL

1. Prior to excavation or construction, approval of a site development plan by El Paso County for the solar array facility is required. Site development plan applications shall include, but are not limited to the following information:
 - a. Site development plan drawings;
 - b. Final drainage report;
 - c. Stormwater Management Plan and Report (SWMPR)
 - d. Erosion and Stormwater Quality Control Permit (ESQCP);
 - e. Any permits required by the Colorado Department of Public Health and Environment, if needed
 - f. Detailed reseeding plan;
 - g. Lighting plans and detailed specifications, including plans and specifications for temporary lighting, as applicable;
 - h. Sign plans, if signage is proposed;
 - i. Elevations of any above ground structures;
 - j. Emergency response plan, to be prepared in coordination with and acceptable to the El Paso County Office of Emergency Management;
 - k. Noxious weed management plan, to be prepared in coordination with and acceptable to El Paso County Environmental Services; and
 - l. Colorado Department of Health and Environment (CDPHE)-accepted surface and groundwater quality monitoring plans, if required;
2. The applicant shall provide copies of all required State and County air quality permits prior to approval of a site development plan application.
3. The applicant shall comply with all applicable local, State, and Federal laws and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous materials on and off site.

4. A County Erosion and Stormwater Quality Control Permit (ESQCP) shall be obtained prior to construction. All disturbed areas shall be promptly stabilized and re-vegetated in accordance with Best Management Practices (BMPs) as outlined in the Drainage Criteria Manual, Volume II.
5. The Board of County Commissioners, at a public hearing, shall have the authority to require the shutdown, removal, and/or relocation of any glare-causing component or components if the Board finds that any such component or components is/are creating a health and/or safety risk. Such shutdown, removal, and/or relocation requirement by the Board shall be based upon documented inspection of the facility by a County official.
6. The hours of operation during the construction and long term maintenance of the project shall be limited to seasonal day time hours unless otherwise authorized by the Planning and Community Development Department Director prior to the proposed construction and/or maintenance. Requests to conduct nighttime construction activities shall be submitted to the Planning and Community Development Department Director at least two business days prior to the time of the proposed construction. Any failure to respond to the requests by the Planning and Community Development Department Director within two business days shall be interpreted as an approval of the request.
7. Site lighting, including temporary lighting, will be limited to that characterized in the Project Lighting Memo and Lighting Plan. The Detailed specifications shall be provided at the site development plan stage. All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and roadways, unless otherwise specifically authorized under the regulations of the Occupational Safety and Health Administration (OSHA) of the United States Environmental Protection Agency.
8. The Board of County Commissioners may elect at an open and public hearing, following full published notice, to approve a rezoning of the properties included within the WSE-O boundary for the purpose of removing the overlay zoning if the applicant has not begun construction within two (2) years of the date of Board of County Commissioners approval.
9. Any approval of the WSE-O rezoning request is only valid with the additional approval of the concurrently reviewed 1041 permit. Failure

to receive approval of the 1041 permit shall render approval of the WSE-O rezoning null and void.

10. At least six (6) months prior to the initiation of decommissioning activities, Developer shall prepare a Project Decommissioning and Site Restoration Plan (PDSRP) prepared in sufficient detail to identify, evaluate, and resolve all major deconstruction, environmental, hauling, and public health and safety issues reasonably anticipated by the developer on the date thereof and submit the same to the County for review and approval. The PDSRP shall describe the process that will be used to evaluate the options and select the measures that will be taken to restore, reclaim, or preserve the project site and to otherwise ensure the protection of the public against risks or dangers resulting from the project decommissioning. The PDSRP shall address provision for funding or bonding arrangements to meet the project site restoration or management costs and it shall include an estimate of market value of the equipment and salvage value of all other equipment and materials that do not have value at resale.
11. Developer shall provide notice to the Planning and Community Development Department of the date of initial delivery of power to the existing utility distribution system within 30 days following such date.
12. Developer, its successors or assigns, as the case may be, shall provide financial assurances sufficient for decommissioning costs in the form of a performance bond, guaranty or letter of credit, or cash to ensure the availability of funds for such costs to El Paso County no later than the beginning of year twenty (20) following the date of initial delivery of power. An updated engineering estimate of the amount of the decommissioning costs shall be provided by the developer to the County at least sixty (60) days and no sooner than ninety days prior to providing financial assurances to the County. If decommissioning should occur prior to year 20, an updated engineering estimate of the amount of the decommissioning costs shall be provided by the developer to the County at least 60 days and no sooner than 90 days prior to the start of decommissioning activities.
13. Any expansion, enlargement, or modification of the WSE-O Plan shall be subject to the provisions of Sections 4.3.5.E and F, as amended, of the El Paso County Land Development Code.
14. In recognition of past and current public use of El Hembra View, a private road easement, the applicant has voluntarily committed to the surrounding community to allow El Hembra View to remain open to the public during and after site construction. Rancho Colorado Boulevard and La Questa Road may be utilized during construction, as depicted

in the haul route map. The applicants shall restore both roads to a drivable condition, as determined by the PCD Director in consultation with the County Engineer, at completion of site construction.

15. The approval is limited to the WSE-O plan as depicted. An amendment to the WSE-O Plan shall be required prior to development of any additional phases.
16. Development of the project shall be conducted in accordance with the regulations of El Paso County, conditions of approval and notations of the Board of County Commissioners and the accompanying documents/reports in the Planning and Community Development Department file for the rezoning application (WSEO-17-001).

NOTATIONS

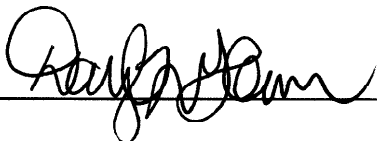
1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

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

DONE THIS 24th day of April 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:  _____
President

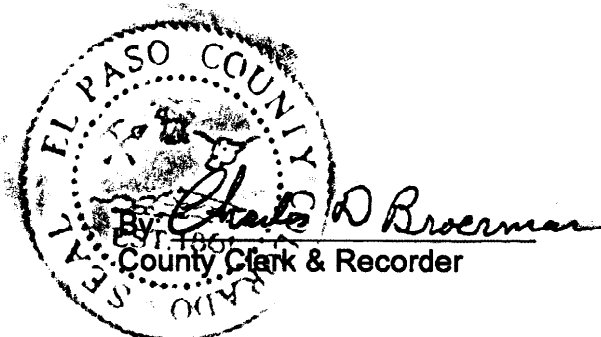


EXHIBIT A

Legal Description: WSEO Project Boundary

A PARCEL OF LAND LYING WITHIN PORTIONS OF SECTIONS 17, 20 & 21, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING LOTS 122-141, 152, 153 & 155 AND PORTIONS OF LOTS 142-147, 149 & 150, MIDWAY RANCHES FILING NO. 7, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 203250422, IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER'S OFFICE, ALSO BEING LOT 27 & TRACT A, EL DORADO VILLAGE FILING NO. 1, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 209712918, SAID EL PASO COUNTY RECORDS, TOGETHER WITH PORTIONS OF THE NORTH HALF OF SECTION 20, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS FOR THIS DESCRIPTION ARE BASED UPON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6TH P.M., BEARING S 89°26'12" E, FROM THE NORTHWEST CORNER OF SAID SECTION 21, BEING MONUMENTED BY A PIPE WITH A 2-1/2" ALUMINUM CAP STAMPED "PLS 11624" TO THE NORTH QUARTER CORNER OF SAID SECTION 21, BEING MONUMENTED BY A PIPE WITH A 2-1/2" ALUMINUM CAP STAMPED "PLS 11624", AS SHOWN ON THE PLAT OF MIDWAY RANCHES FILING NO. 7, RECEPTION NO. 203250422, SAID EL PASO COUNTY RECORDS, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE ALONG THE BOUNDARY OF SAID MIDWAY RANCHES FILING NO. 7 THE FOLLOWING TWENTY-TWO (22) COURSES:

1. S 89°26'12" E, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 2616.48 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 21;
2. S 89°26'08" E, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 2616.61 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21;
3. S 00°21'12" W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 566.26 FEET TO A POINT OF NON-TANGENT CURVATURE;
4. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1450.21 FEET, A CENTRAL ANGLE OF 70°22'51" AND AN ARC LENGTH OF 1781.40 FEET, THE CHORD OF WHICH BEARS S 34°54'42" E, A DISTANCE OF 1671.50 FEET;
5. S 70°02'30" E, A DISTANCE OF 888.50 FEET TO A POINT OF NON-TANGENT CURVATURE;
6. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1728.06, A CENTRAL ANGLE OF 68°01'09" AND

- AN ARC LENGTH OF 2051.48 FEET, THE CHORD OF WHICH BEARS S 36°02'18" E, A DISTANCE OF 1933.12 FEET TO A POINT OF NON-TANGENT COMPOUND CURVATURE;
7. ALONG THE ARC OF A NON-TANGENT COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 1728.06, A CENTRAL ANGLE OF 11°28'20" AND AN ARC LENGTH OF 345.99 FEET, THE CHORD OF WHICH BEARS S 03°29'19" W, A DISTANCE OF 345.43 FEET;
 8. N 80°36'21" W, A DISTANCE OF 975.42 FEET TO A POINT OF NON-TANGENT CURVATURE;
 9. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1966.00 FEET, A CENTRAL ANGLE OF 10°28'47" AND AN ARC LENGTH OF 359.59 FEET, THE CHORD OF WHICH BEARS N 85°51'53" W, A DISTANCE OF 359.09 FEET;
 10. S 89°02'02" W, A DISTANCE OF 488.25 FEET TO A POINT OF NON-TANGENT CURVATURE;
 11. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1966.00 FEET, A CENTRAL ANGLE OF 06°08'25" AND AN ARC LENGTH OF 210.69 FEET, THE CHORD OF WHICH BEARS S 85°55'40" W, A DISTANCE OF 210.59 FEET;
 12. S 82°50'49" W, A DISTANCE OF 1168.23 FEET TO A POINT OF NON-TANGENT CURVATURE;
 13. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1634.00 FEET, A CENTRAL ANGLE OF 05°49'35" AND AN ARC LENGTH OF 166.16 FEET, THE CHORD OF WHICH BEARS S 85°43'37" W, A DISTANCE OF 166.09 FEET;
 14. S 88°41'31" W, A DISTANCE OF 2899.15 FEET TO A POINT OF NON-TANGENT CURVATURE;
 15. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1966.00 FEET, A CENTRAL ANGLE OF 00°58'25" AND AN ARC LENGTH OF 33.41 FEET, THE CHORD OF WHICH BEARS S 88°14'49" W, A DISTANCE OF 33.41 FEET;
 16. S 87°41'54" W, A DISTANCE OF 353.45 FEET TO A POINT OF NON-TANGENT CURVATURE;
 17. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1634.00 FEET, A CENTRAL ANGLE OF 16°55'32" AND AN ARC LENGTH OF 482.69 FEET, THE CHORD OF WHICH BEARS N 83°49'38" W, A DISTANCE OF 480.94 FEET;
 18. N 75°21'09" W, A DISTANCE OF 296.82 FEET TO A POINT OF NON-TANGENT CURVATURE;
 19. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1966.00 FEET, A CENTRAL ANGLE OF 17°11'16" AND AN ARC LENGTH OF 589.77 FEET, THE CHORD OF WHICH BEARS N 83°58'38" W, A DISTANCE OF 587.56 FEET;
 20. S 87°25'23" W, A DISTANCE OF 2118.35 FEET TO A POINT ON THE NORTH LINE OF THE RANCHO COLORADO BOULEVARD RIGHT-OF-

WAY, AS SHOWN ON SAID MIDWAY RANCHES FILING NO. 7 PLAT, AND A POINT OF NON-TANGENT CURVATURE;

21. ALONG SAID NORTH LINE AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1905.00 FEET, A CENTRAL ANGLE OF 52°07'19" AND AN ARC LENGTH OF 1732.98 FEET, THE CHORD OF WHICH BEARS N 31°55'40" W, A DISTANCE OF 1673.84 FEET;
22. N 58°04'26" W, ALONG SAID NORTH LINE, A DISTANCE OF 254.42 FEET TO A POINT ON THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NO. 201006837, SAID EL PASO COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 201006837, AND ALONG THE NORTHEAST LINE OF THE RANCHO COLORADO BOULEVARD RIGHT-OF-WAY, THE FOLLOWING FIVE (5) COURSES:

1. N 58°04'26" W, A DISTANCE OF 644.07 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1495.00 FEET, A CENTRAL ANGLE OF 47°00'35" AND AN ARC LENGTH OF 1226.61 FEET, THE CHORD OF WHICH BEARS N 34°34'01" W, A DISTANCE OF 1192.49 FEET;
3. N 11°04'07" W, A DISTANCE OF 534.74 FEET;
4. N 30°18'16" W, A DISTANCE OF 105.97 FEET;
5. N 11°02'52" W, A DISTANCE OF 130.40 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID MIDWAY RANCHES FILING NO. 7 PLAT, ALSO BEING THE EAST LINE OF THE RANCHO COLORADO BOULEVARD RIGHT-OF-WAY, AS SHOWN ON SAID PLAT;

THENCE ALONG THE WEST BOUNDARY LINE OF SAID MIDWAY RANCHES FILING NO. 7 PLAT, AND ALONG THE EAST LINE OF SAID RANCHO COLORADO BOULEVARD RIGHT-OF-WAY THE FOLLOWING SEVEN (7) COURSES:

1. N 11°02'52" W, A DISTANCE OF 199.54 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF 11°59'55" AND AN ARC LENGTH OF 194.76 FEET, THE CHORD OF WHICH BEARS N 05°03'37" W, A DISTANCE OF 194.40 FEET;
3. N 00°57'19" E, A DISTANCE OF 1249.56 FEET TO A POINT OF NON-TANGENT CURVATURE;
4. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF 21°00'29" AND AN ARC LENGTH OF 340.99 FEET, THE CHORD OF WHICH BEARS N 11°27'04" E, A DISTANCE OF 339.09 FEET;

5. N 21°56'43" E, A DISTANCE OF 1412.07 FEET TO A POINT OF NON-TANGENT CURVATURE;
6. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF 23°59'45" AND AN ARC LENGTH OF 389.49 FEET, THE CHORD OF WHICH BEARS N 33°56'31" E, A DISTANCE OF 386.65 FEET;
7. N 45°56'15" E, A DISTANCE OF 1147.33 FEET TO A POINT ON THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NO. 207044492, SAID EL PASO COUNTY RECORDS;

THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES:

1. S 00°00'00" E, A DISTANCE OF 2328.09 FEET;
2. N 90°00'00" E, A DISTANCE OF 54.11 FEET;
3. S 00°00'00" E, A DISTANCE OF 701.22 FEET TO A POINT ON THE NORTH LINE OF LOT 27, SAID EL DORADO VILLAGE FILING NO. 1 PLAT;

THENCE ALONG THE NORTH AND EAST LINES OF SAID LOT 27 THE FOLLOWING THREE (3) COURSES:

1. N 90°00'00" E, A DISTANCE OF 422.90 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 65°34'33" AND AN ARC LENGTH OF 68.67 FEET, THE CHORD OF WHICH BEARS S 52°09'25" E, A DISTANCE OF 64.98 FEET;
3. S 06°27'37" E, A DISTANCE OF 775.96 FEET TO A POINT ON THE WEST LINE OF TRACT A, SAID EL DORADO VILLAGE FILING NO. 1 PLAT;

THENCE N 30°12'40" E, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 1225.34 FEET TO A POINT ON THE EAST LINE OF SAID TRACT A, ALSO BEING A POINT ON THE WEST LINE OF THE LA QUESTA DRIVE RIGHT-OF-WAY, AS SHOWN ON SAID EL DORADO VILLAGE FILING NO. 1 PLAT, AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE EAST LINE OF SAID TRACT A, AND ALONG THE WEST LINE OF SAID LA QUESTA DRIVE RIGHT-OF-WAY, THE FOLLOWING FIVE (5) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1050.00 FEET, A CENTRAL ANGLE OF 02°21'28" AND AN ARC LENGTH OF 43.21 FEET, THE CHORD OF WHICH BEARS S 03°38'51" E, A DISTANCE OF 43.20 FEET;
2. S 04°49'35" E, A DISTANCE OF 520.44 TO A POINT OF CURVATURE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 950.00 FEET, A CENTRAL ANGLE OF 04°49'35" AND AN ARC LENGTH OF 80.02 FEET;

4. S 00°00'00" E, A DISTANCE OF 142.64 FEET TO A POINT OF NON-TANGENT CURVATURE;
5. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 64°24'32" AND AN ARC LENGTH OF 562.08 FEET, THE CHORD OF WHICH BEARS S 32°02'29" E, A DISTANCE OF 532.94 FEET TO THE EAST CORNER OF SAID TRACT A;

THENCE CONTINUING ALONG THE SOUTH BOUNDARY LINE OF SAID EL DORADO VILLAGE FILING NO. 1 PLAT AND ALONG SAID LA QUESTA DRIVE RIGHT-OF-WAY, THE FOLLOWING FIFTEEN (15) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 25°56'41" AND AN ARC LENGTH OF 226.41 FEET, THE CHORD OF WHICH BEARS S 77°13'08" E, A DISTANCE OF 224.48 FEET;
2. N 89°59'25" E, A DISTANCE OF 666.48 FEET TO A POINT OF NON-TANGENT CURVATURE;
3. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 83°44'18" AND AN ARC LENGTH OF 730.75 FEET, THE CHORD OF WHICH BEARS S 48°08'26" E, A DISTANCE OF 667.43 FEET;
4. S 06°16'17" E, A DISTANCE OF 883.96 FEET;
5. N 76°50'37" E, A DISTANCE OF 192.64 FEET TO A POINT OF NON-TANGENT CURVATURE;
6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 610.00 FEET, A CENTRAL ANGLE OF 31°44'40" AND AN ARC LENGTH OF 337.97 FEET, THE CHORD OF WHICH BEARS N 22°08'37" W, A DISTANCE OF 333.66 FEET;
7. N 06°16'17" W, A DISTANCE OF 539.92 FEET TO A POINT OF CURVATURE;
8. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 83°44'18" AND AN ARC LENGTH OF 876.91 FEET;
9. S 89°59'25" W, A DISTANCE OF 666.64 FEET TO A POINT OF NON-TANGENT CURVATURE;
10. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 90°23'42" AND AN ARC LENGTH OF 631.08 FEET, THE CHORD OF WHICH BEARS N 45°00'55" W, A DISTANCE OF 567.63 FEET;
11. N 00°00'00" E, A DISTANCE OF 142.79 FEET TO A POINT OF CURVATURE;
12. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1050.00 FEET, A CENTRAL ANGLE OF 04°49'35" AND AN ARC LENGTH OF 88.45 FEET, THE CHORD OF WHICH BEARS N 02°24'47" W, A DISTANCE OF 88.42 FEET;

13. N 04°49'35" W, A DISTANCE OF 520.44 FEET TO A POINT OF CURVATURE;
14. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 950.00 FEET, A CENTRAL ANGLE OF 04°49'35" AND AN ARC LENGTH OF 80.02 FEET;
15. N 00°00'00" E, A DISTANCE OF 242.62 FEET TO A POINT ON THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN THAT WARRANTY DEED RECORDED AT RECEPTION NO. 217007895, SAID EL PASO COUNTY RECORDS, ALSO BEING THE EAST LINE OF SAID EL DORADO VILLAGE FILING NO. 1 PLAT;

THENCE ALONG THE WEST LINE OF SAID PARCEL OF LAND AND ALONG THE EAST LINE OF SAID EL DORADO VILLAGE FILING NO. 1, PLAT THE FOLLOWING TWO (2) COURSES:

1. N 30°45'33" E, A DISTANCE OF 2824.12 FEET;
2. N 62°54'57" E, A DISTANCE OF 158.68 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, AS SHOWN ON SAID MIDWAY RANCHES FILING NO. 7 PLAT;

THENCE ALONG THE BOUNDARY OF SAID MIDWAY RANCHES FILING NO. 7 PLAT, THE FOLLOWING TWO (2) COURSES:

1. S 00°49'37" W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 1200.25 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 17;
2. S 00°49'21" W, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 2643.60 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLWING TWO PARCELS OF LAND:

EXCEPTION PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS FOR THIS DESCRIPTION ARE BASED UPON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6TH P.M., BEARING S 88°37'14" E, FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, BEING MONUMENTED BY A REBAR WITH A 2-1/2" ALUMINUM CAP STAMPED "PLS 16128" TO THE NORTH QUARTER CORNER OF SAID SECTION 20, BEING MONUMENTED BY A REBAR WITH A 2-1/2" ALUMINUM CAP STAMPED "PLS 10738", AS SHOWN ON THE PLAT OF MIDWAY

RANCHES FILING NO. 7, RECEPTION NO. 203250422, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21, THENCE S 88°37'14" E, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 200.01 FEET TO A POINT BEING 200.00 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20;

THENCE S 00°51'42" W, ALONG A LINE BEING 200.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 200.01 FEET TO A POINT BEING 200.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20;

THENCE N 88°37'14" W, ALONG A LINE BEING 200.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 200.01 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20;

THENCE N 00°51'42" E, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 200.01 FEET TO THE POINT OF BEGINNING.

EXCEPTION PARCEL 1 CONTAINS AN AREA OF 40,002 SQUARE FEET OR 0.918 ACRES, MORE OR LESS.

EXCEPTION PARCEL 2:

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS FOR THIS DESCRIPTION ARE BASED UPON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6TH P.M., BEARING N 88°37'14" W, FROM THE NORTH QUARTER CORNER OF SAID SECTION 20, BEING MONUMENTED BY A REBAR WITH A 2-1/2" ALUMINUM CAP STAMPED "PLS 10738" TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, BEING MONUMENTED BY A REBAR WITH A 2-1/2" ALUMINUM CAP STAMPED "PLS 16128", AS SHOWN ON THE PLAT OF MIDWAY RANCHES FILING NO. 7, RECEPTION NO. 203250422, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, THENCE S 88°36'49" E, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 1317.92 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20;

THENCE S 00°52'50" W, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 829.92 FEET TO THE POINT OF BEGINNING;

THENCE S 88°44'03" E, A DISTANCE OF 466.67 FEET;

THENCE S 00°52'35" W, A DISTANCE OF 466.58 FEET;

THENCE N 88°43'19" W, A DISTANCE OF 466.66 FEET;

THENCE N 00°52'31" E, A DISTANCE OF 466.48 FEET TO THE POINT OF BEGINNING.

EXCEPTION PARCEL 2 CONTAINS AN AREA OF 217,708 SQUARE FEET OR 4.998 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED PARCEL OF LAND, LESS THE EXCEPTION PARCELS DESCRIBED HEREIN, CONTAINS A NET AREA OF 50,813,456 SQUARE FEET OR 1,166.516 ACRES, MORE OR LESS.