

PRE-DEVELOPMENT SITE GRADING ACKNOWLEDGEMENT  
AND RIGHT OF ACCESS FORM

The undersigned (“Applicant”) owns and holds legal title to the real property to be known as Carriage Meadows North Filing No. 1 (“Property”), which Property is legally described on Exhibit A attached hereto and incorporated herein by this reference.

Applicant seeks approval for Pre-Development 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-Development 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 final plat for the Property. Applicant may proceed 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-Development Site Grading approval shall execute their own Pre-Development Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit and provide replacement financial guarantees.
3. Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors free 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; and
  - b. To inspect and investigate for completion of grading activities and soil stabilization requirements; and
  - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance which includes 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 collateral provided and perform the work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

4. To the extent allowed by law, 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.4.1.A.3, Applicant is obligated to provide security or collateral 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.
6. Applicant is responsible for providing any renewals of collateral to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement collateral at least fifteen (15) days prior to the expiration of the original or renewal/extension/replacement collateral then in effect. Failure to procure renewal/extension/replacement collateral within this time limit shall allow the County to execute on the collateral.
7. All of those certain 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 collateral 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 collateral.

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Development Site Grading Acknowledgement and Right of Access Form this 9<sup>th</sup> day of March, 2018.

APPLICANT: Lorson, LLC and Cradlan, LLC

Jeff Mark  
Jeff Mark

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

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March, 2018 by Jeff Mark.

Witness my hand and official seal.

My commission expires: 3.22.21

SUSAN L GONZALES  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20044004607  
MY COMMISSION EXPIRES MARCH 22, 2021

Juanita  
Notary Public

\_\_\_\_\_  
Craig Dossey, Executive Director  
Planning and Community Development Department

\_\_\_\_\_  
Date

Approved as to Content and Form:

\_\_\_\_\_  
Assistant County Attorney

Exhibit A: Legal Description

**CARRIAGE MEADOWS NORTH PLAT**

BASIS OF BEARING: THE EAST-WEST CENTERLINE OF SECTION 14, T15S, R65W, OF THE 6TH P.M. EL PASO COUNTY, COLORADO AS MONUMENTED. THE QUARTER CORNER COMMON TO SECTION 14 AND SECTION 15 IS A 3.25 INCH ALUMINUM CAP STAMPED "J.R. DEVELOPERS, T15S R65W, E1/4 S15 W1/4 S14, 1986, PLS 10377" FROM WHICH THE CENTER OF SECTION 14 BEARS N89°42'02"E, 2646.02 FEET AND IS MONUMENTED BY A 3.25 IN ALUMINUM CAP STAMPED "KM, T15S R65W, S14, C1/4, 2004, LS 16109".

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15 AND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, T15S, R65W OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF PARCEL NO. 21 AS DESCRIBED IN WARRANTY DEED UNDER RECEPTION NO. 214104176 IN THE RECORDS OF EL PASO COUNTY, COLORADO SAID POINT BEING THE QUARTER CORNER COMMON TO SECTION 14 AND SECTION 15, T15S, R65W OF THE 6TH P.M., EL PASO COUNTY COLORADO;  
THENCE N89°42'02"E ALONG SAID SOUTHERLY LINE, 192.66 FEET;  
THENCE CONTINUING N89°42'02"E ALONG SAID SOUTHERLY LINE, 337.26 FEET TO THE NORTHWEST CORNER OF "BUFFALO CROSSING FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 212132273 IN THE EL PASO COUNTY, COLORADO RECORDS;  
THENCE ALONG THE WESTERLY LINES THEREOF THE FOLLOWING FOUR (4) COURSES;  
(1) THENCE S17°54'37"W, 372.11 FEET TO A POINT OF CURVE;  
(2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 915.00 FEET, A CENTRAL ANGLE OF 18°11'05", (THE CHORD OF WHICH BEARS S08°49'05"W A DISTANCE OF 289.19 FEET), AN ARC DISTANCE OF 290.41 FEET TO A POINT OF TANGENT;  
(3) THENCE S00°16'28"E A DISTANCE OF 615.98 FEET;  
(4) THENCE N89°56'30"E A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF "THE MEADOWS AT LORSON RANCH FILING NO. 2" AS RECORDED UNDER RECEPTION NO. 211713116 IN THE EL PASO COUNTY, COLORADO RECORDS;  
THENCE ALONG THE WESTERLY LINES THEREOF THE FOLLOWING FIVE COURSES;  
(1) THENCE S00°16'28"E A DISTANCE OF 228.49 FEET TO A POINT OF CURVE;  
(2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 590.01 FEET, A CENTRAL ANGLE OF 30°42'13", (THE CHORD OF WHICH BEARS S15°37'34"E A DISTANCE OF 312.40 FEET), AN ARC DISTANCE OF 316.74 FEET TO A POINT OF TANGENT;  
(3) THENCE S30°58'40"E ALONG SAID TANGENT 128.74 FEET TO A POINT OF CURVE;  
(4) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 920.00 FEET, A CENTRAL ANGLE OF 34°19'12", (THE CHORD OF WHICH BEARS S13°48'14"E A DISTANCE OF 542.87 FEET), AN ARC DISTANCE OF 551.08 FEET TO A POINT OF TANGENT;  
(5) THENCE S03°20'53"W A DISTANCE OF 175.07 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF FONTAINE BOULEVARD AS RECORDED UNDER RECEPTION NO. 207107321 IN THE EL PASO COUNTY, COLORADO RECORDS;  
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING NINE (9) COURSES:  
(1) THENCE S89°26'47"W A DISTANCE OF 308.38 FEET;  
(2) THENCE N74°27'51"W A DISTANCE OF 32.48 FEET;  
(3) THENCE S89°26'47"W A DISTANCE OF 183.56 FEET;  
(4) THENCE N87°29'04"W A DISTANCE OF 87.83 FEET;  
(5) THENCE N47°38'58"W A DISTANCE OF 61.43 FEET;  
(6) THENCE N83°58'53"W A DISTANCE OF 90.63 FEET;  
(7) THENCE S43°43'07"W A DISTANCE OF 49.76 FEET;  
(8) THENCE N84°44'52"W A DISTANCE OF 81.43 FEET;  
(9) THENCE S89°26'47"W A DISTANCE OF 678.79 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD AS RECORDED UNDER RECEPTION NO. 216022299 IN THE EL PASO COUNTY,

COLORADO RECORDS;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES;

(1) THENCE N35°13'35"W A DISTANCE OF 114.30 FEET;

(2) THENCE N14°49'54"E A DISTANCE OF 298.16 FEET;

(3) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 12070.00 FEET, A CENTRAL ANGLE OF 01°57'34", (THE CHORD OF WHICH BEARS N13°51'07"E A DISTANCE OF 412.74 FEET), AN ARC DISTANCE OF 412.76 FEET;

(4) THENCE N14°51'00"E A DISTANCE OF 109.41 FEET;

(5) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 5809.75 FEET, A CENTRAL ANGLE OF 00°58'38", (THE CHORD OF WHICH BEARS N14°21'44"E A DISTANCE OF 99.09 FEET), AN ARC DISTANCE OF 99.09 FEET;

(6) THENCE N76°07'58"W A DISTANCE OF 8.19 FEET;

(7) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 12070.00 FEET, A CENTRAL ANGLE OF 05°31'33", (THE CHORD OF WHICH BEARS N09°06'53"E A DISTANCE OF 1163.65 FEET), AN ARC DISTANCE OF 1164.10 FEET;

THENCE N06°13'25"E A DISTANCE OF 57.38 FEET;

THENCE CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD THE FOLLOWING TWO (2) COURSES;

(1) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 12070.00 FEET, A CENTRAL ANGLE OF 01°47'06", (THE CHORD OF WHICH BEARS N05°11'13"E A DISTANCE OF 376.01 FEET), AN ARC DISTANCE OF 376.02 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 15;

(2) THENCE N89°28'36"E ALONG SAID NORTH LINE 6.30 FEET TO THE SOUTHWEST CORNER OF AFORESAID PARCEL NO. 21 AS DESCRIBED IN WARRANTY DEED UNDER RECEPTION NO. 214104176; THENCE N89°28'36"E ALONG THE SOUTHERLY LINE THEREOF 496.10 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 2,991,075 SQUARE FEET (68.666 ACRES), MORE OR LESS.

PREPARED BY:

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VERNON P. TAYLOR, COLORADO P.L.S. NO. 25966    DATE  
FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS, INC  
20 BOULDER CRESCENT, SUITE 110  
COLORADO SPRINGS, CO 80903