

**GENERAL APPLICATION FORM**

Edited 9/25/18

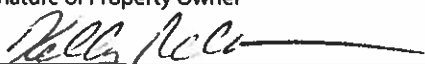
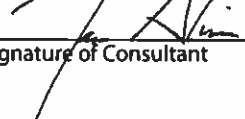
Project Name:	Sundance at Rock Creek	Existing Zone:	PBC	Acreage:	14.63
Site Address:	Vacant, Unplatted	Direction from Nearest Street Intersection:	Southwest corner of HWY 115 and Pine Oaks Rd.		
Tax Schedule Number(s):	6500000135				

**TYPE OF PLAN(S)** - Check all that apply. Note: MJ=Major Amendment; MN=Minor Amendment; MM=Minor Modification

<input type="checkbox"/> 2020 Land Use Map Amendment	<input type="checkbox"/> Property Boundary Adjustment
<input type="checkbox"/> Administrative Relief	<input type="checkbox"/> PUD Concept Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM
<input type="checkbox"/> Amendment to Plat Restriction	<input type="checkbox"/> PUD Development Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM
<input type="checkbox"/> Annexation	<input type="checkbox"/> PUD Zone Change
<input type="checkbox"/> Building Permit to Unplatted Land	<input type="checkbox"/> Street Name Change
<input type="checkbox"/> Building Permit Prior to Platting	<input checked="" type="checkbox"/> Subdivision Plat <input type="radio"/> Prelim <input type="radio"/> Prelim & Final <input type="radio"/> Final
<input type="checkbox"/> CMRS No. <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<input type="checkbox"/> Subdivision Waiver <input type="radio"/> Design <input type="radio"/> Process
<input type="checkbox"/> Concept Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM	<input type="checkbox"/> Use Variance <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM
<input checked="" type="checkbox"/> Conditional Use <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM	<input type="checkbox"/> Vacation of Plat
<input type="checkbox"/> Coordinated Sign Plan (CSP)	<input type="checkbox"/> Waiver of Replat
<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Zone Change; Proposed Zone: _____
<input checked="" type="checkbox"/> Development Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM	<input type="checkbox"/> FBZ Development Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM
<input type="checkbox"/> Historic Preservation <input type="radio"/> Re-roof <input type="radio"/> Hearing Request	<input type="checkbox"/> FBZ Conditional Use <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM
<input checked="" type="checkbox"/> Landscape Plan <input type="radio"/> Preliminary <input type="radio"/> Final <input type="radio"/> Irrigation	<input type="checkbox"/> FBZ Interim Use Plan
<input type="checkbox"/> Master Plan <input type="radio"/> New <input type="radio"/> MJ <input type="radio"/> MN <input type="radio"/> MM	<input type="checkbox"/> FBZ Minor Improvement Plan
<input type="checkbox"/> Nonuse Variance	<input type="checkbox"/> FBZ Warrant
<input type="checkbox"/> Preservation Easement Adjustment	

**PROPERTY OWNER AND/OR APPLICANT/CONSULTANT ACKNOWLEDGEMENT OF RESPONSIBILITIES:**

The signature(s) hereby certify that the statements made by myself and constituting part of this application are true and correct. I am fully aware that any misrepresentation of any information on this application may be grounds for denial of this application. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. The applicant/owner by his or her signature understands and agrees that he or she is responsible for the completion of all on-site and off-site improvements as shown and approved on the final plan (including landscaping, paving, lighting, etc.) prior to receiving a Certificate of Occupancy.

Signature of Property Owner	Date	Signature of Consultant	Date
	2-19-20		2/11/2020
Signature of Developer	Date		

**APPLICANT CONTACT INFORMATION (please print or type)**

Property Owner:	Sun Dance at Rock Creek LLC	Contact Name:	Kelly Nelson
E-Mail:	kelly@theequitygroup.net	Phone:	(719) 400-7320
Developer:	Sun Dance at Rock Creek LLC	Contact Name:	Kelly Nelson
E-Mail:	kelly@theequitygroup.net	Phone:	7194007320
Consultant/Main Contact name:	Matrix Design Group Attn: Jason Alwine	Phone:	(719) 575-0100
Address:	2435 Research Parkway, Suite 300	City:	Colorado Springs
State:	CO	Zip Code:	80920
E-Mail:	jason.alwine@matrixdesigngroup.com		

**PLANNER AUTHORIZATION: (CITY USE ONLY)**

☒ Checklists ☒ Distribution Form ☒ Project Blurb ☒ E-mail to Admin. Initial Review Level: ☒ AR ☐ CPC ☐ DRB ☐ HP

Payment \$	Assigned to: Lonna Thelen	Date:
Receipt No.:	City File No: AR FP 20-00200	



# Final Plat Application Requirements

**REVIEW CRITERIA:** It is the purpose and intent of this article:

- A. To promote the health, safety, convenience and general welfare of the citizens of the City.
- B. To set forth appropriate standards for subdivision design which will:
  - 1. Encourage the development of sound, economical, stable neighborhoods and create a healthy living environment for the residents of the City, in conformance with the goals and policies of the Comprehensive Plan.
  - 2. Provide for lots of adequate size, configuration and appropriate design for the purpose for which they are to be used and to accommodate the physical features of the site.
  - 3. Promote design flexibility.
  - 4. Provide for streets of adequate capacity and with which appropriate improvements will handle anticipated traffic flow.
  - 5. Preserve the significant natural features and environmental quality of the City.
- C. To set forth appropriate standards for utilities and services which will:
  - 1. Provide an efficient, adequate and economical supply of utilities and services to land proposed for development, in order to assure that governmental costs are minimized to the greatest extent possible.
  - 2. Ensure at the time of subdivision that adequate storm drainage, sewage disposal and other utilities, services and improvements needed as a consequence of subdivision of land are provided.
  - 3. Provide for the undergrounding of all public utilities lines up to thirty thousand (30,000) volts except as otherwise provided in section 7.7.805 of this article.
- D. To assure the provision of adequate and safe circulation which will:
  - 1. Minimize traffic hazards through means of appropriate street design, and provide for safe and convenient vehicular and pedestrian traffic circulation.
  - 2. Provide for adequate vehicular access to abutting properties and the subdivider's remaining holdings.
  - 3. Assure that street rights of way are provided for in accord with the major thoroughfare plan and the City Engineer design manual.
  - 4. Provide for safe and convenient pedestrian access throughout the community.
- E. To assure adequate public facilities are provided which will:
  - 1. Enhance the coordination of subdivision development with the provision of public facilities such as parks, recreation areas, schools and other types of community facilities.
  - 2. Ensure that public facilities are provided in accord with the City's Comprehensive Plan.
  - 3. Provide for adequate law enforcement and fire protection facilities.
- F. To ensure the appropriate development of the community through the implementation of the goals and policies of the Comprehensive Plan. (Ord. 96-44; Ord. 01-42)

**SUBMITTAL CHECKLIST:** The following items will need to be included in any Final Plat review submittal.

Applicant	Planner
<input type="checkbox"/> <b>General Development Application Form</b>	<input type="checkbox"/>
1 copy of a <b>Project Statement</b> identifying the following:	
<input type="checkbox"/> 1. A clear description of the proposed plat. If public easements dedicated by plat to the City are to be vacated as part of the request, indicate this within the project statement letter;	<input type="checkbox"/>
<input type="checkbox"/> 2. A justification based on the review criteria addressing why the proposed plat should be approved; and	<input type="checkbox"/>
<input type="checkbox"/> 3. An issue list stating how each of the pre-application issues, as communicated to the applicant/owner by the reviewing planner, has been addressed in the proposed subdivision plat.	<input type="checkbox"/>
<input type="checkbox"/> 1 copy of a <b>Final Plat</b> showing all "Plan Contents" below	<input type="checkbox"/>
<input type="checkbox"/> All plans, documents, and reports uploaded to <b>Dropbox folder</b> (Planner to send folder invite through email)	<input type="checkbox"/>
<input type="checkbox"/> A <b>legal description</b> of the proposed project	<input type="checkbox"/>
<input type="checkbox"/> 2 copies of a <b>Geologic Hazard Report or Waiver</b>	<input type="checkbox"/>
<input type="checkbox"/> 2 copies of a <b>Drainage Study</b>	<input type="checkbox"/>
<input type="checkbox"/> 2 copies of a <b>Traffic Impact Analysis</b>	<input type="checkbox"/>
<input type="checkbox"/> Submittal of the <b>Wastewater Facilities Master Report</b> to Colorado Springs Utilities (CSU)	<input type="checkbox"/>

Email completed form and map to [wwmasterplansubmit@csu.org](mailto:wwmasterplansubmit@csu.org) prior to application submittal.

**SUBMITTAL CHECKLIST:** *Continued from previous page.*

Applicant	Planner
<input type="checkbox"/> <b>Proof of Ownership</b> via title insurance, tax assessor's statement, or a deed.	<input type="checkbox"/>
<input type="checkbox"/> <b>Ad Valorem Taxes</b> - proof payment via paid tax receipt, an archive report, or a certificate for ad valorem property taxes.	<input type="checkbox"/>
<input type="checkbox"/> A copy of the <b>Pre-Application Meeting Summary</b> letter from the assigned City Planner.	<input type="checkbox"/>
<input type="checkbox"/> 1 copy of an approved <b>Preliminary Plat</b> or <b>Concept</b> , or <b>Development Plan</b> for the proposed project.	<input type="checkbox"/>
<input type="checkbox"/> <b>Utility Line Locates</b> provided if public easements dedicated by plat to the City are to be vacated, unless waived by Springs Utilities ( <i>refer to content requirements</i> ).	<input type="checkbox"/>
<input type="checkbox"/> <b>Mineral Estate Owner Notification Certification Affidavit</b> (Public Hearing Items ONLY).	<input type="checkbox"/>

**PLAN CONTENT REQUIREMENTS:** The content of the final plat must include the following information.

**General Information**

<input type="checkbox"/> Name of subdivision at the top of the sheet, followed by a subtitle identifying the Section, Township and Range along with City, County and State.	<input type="checkbox"/>
<input type="checkbox"/> Sheet Size shall be 24" x 36" including 1/2" border with 'landscape' orientation.	<input type="checkbox"/>
<input type="checkbox"/> Indication of standardized scale, both fractional and bar (i.e. 1" = 20')	<input type="checkbox"/>
<input type="checkbox"/> North arrow	<input type="checkbox"/>
<input type="checkbox"/> Vicinity Map (does not have to be to scale). A vicinity location necessary to locate the tract.	<input type="checkbox"/>
<input type="checkbox"/> Date of preparation of the plat	<input type="checkbox"/>
<input type="checkbox"/> Legal Description of the overall boundary of the subdivision with acreage. All courses on the legal shall be shown and labeled on the plat drawing.	<input type="checkbox"/>
<input type="checkbox"/> Easement statement of standard easements as required on all, side rear and front lots lines. as well as site triangle easements.	<input type="checkbox"/>
<input type="checkbox"/> Dedication Statements. Statements of land to be dedicated to the City for parks, playgrounds or other public uses, grants of easements and dedication of public streets and alleys to the City.	<input type="checkbox"/>

**All plats with public easements and/or tracts must have the dedication statement:**

<input type="checkbox"/> <i>"The undersigned does hereby dedicate, grant and convey to the City of Colorado Springs those Public Easements (and tracts) as shown on the plat; and further restricts the use of all Public Easement to the City of Colorado Springs and/or its assigns, provided however, that the sole right and authority to release or quitclaim all or any such Public Easements shall remain exclusively vested in the City of Colorado Springs."</i>	<input type="checkbox"/>
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**All plats with public streets shall have the following sentence in the dedication statement:**

<input type="checkbox"/> <i>"All public streets are hereby dedicated to the City of Colorado Springs for public use."</i>	<input type="checkbox"/>
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**All plats with other tracts being dedicated to the City shall have:**

<input type="checkbox"/> (1) A sentence in the dedication statement similar to <i>"Tract X is hereby dedicated to the City of Colorado Springs for public use."</i>	<input type="checkbox"/>
<input type="checkbox"/> (2) A special numbered plat note defining the purpose and perpetual maintenance responsibility for the tract such as <i>"Tract X is for public drainage, landscaping, trail and open space with maintenance of the surface being vested in the (Distract Name) Special Maintenance District."</i>	<input type="checkbox"/>

<input type="checkbox"/> All plats with private streets shall have the following sentence as a plat note: <i>"All private streets (insert names) are privately owned and maintained by (list owner name, Owner's Association, ect.)."</i>	<input type="checkbox"/>
<input type="checkbox"/> Statement of ownership and acknowledgement. The notarized signature of the owner is required.	<input type="checkbox"/>
<input type="checkbox"/> Statement of mortgagee and acknowledgement. The signature of the mortgagee, if any, consenting to the dedication is required	<input type="checkbox"/>

**The following statement that the area included in the plat is subject to this Code as such applies to the development of the land:**

<input type="checkbox"/> "No building permits shall be issued for building sites within this plat until all required fees have been paid and all required public and private improvements have been installed as specified by the City of Colorado Springs or alternatively until acceptable assurances including but not limited to letters of credit cash subdivision bonds or combinations thereof guaranteeing the completion of all required public improvements including, but not limited to, drainage, street and erosion control have been placed on file with the City of Colorado Springs."	<input type="checkbox"/>
<input type="checkbox"/> Notary Statement. Acknowledgement of the execution of the plat before a notary public.	<input type="checkbox"/>

**Access Provisions:**

- ☐ a. A Statement Restricting Access. A statement restricting access rights across the right-of-way lines of major highways, parkways, streets or freeways, where required as a provision of approval. ☐
- ☐ b. Provision of Adequate Access. Proof of adequate, suitable access must be provided and clearly indicated on the face of the plat. If access is not directly gained from public right-of-way, a separate signed and recorded easement must be provided and referenced on the face of the plat. ☐

☐ Fee block (drainage, bridge, school and park) ☐

Certificates for execution by each of the following or their duly appointed representative(s).

- ☐ a. City Engineer ☐ c. City Clerk
- ☐ b. City Planning Director ☐ d. El Paso County Clerk and Recorder

☐ Layout. **The exact layout including:** ☐

**Boundary Lines**

The subdivision boundary will be clearly distinguishable from other maplines by use of a distinct line type and/or thickness. All lines will be labeled with bearing and distance, and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. All dimensions to be determined by accurate field survey which must balance and close within a limit of 1 in 5,000. Show adjacent and/or intersecting plat/deed lines and label appropriately to include recording information (Book and Page and/or Reception Number). ☐

**Streets**

All street right-of-ways defined by the plat will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance, and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. Widths shall be labeled from each right-of-way line normal to the corresponding street centerline. All street centerlines defined by the plat will be clearly distinguishable from other map lines by use of distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all non-tangent curves. The plat shall show the right-of-way lines, widths, locations and street names of all existing and proposed public or private streets: ☐

(1) Within the proposed subdivision, and

(2) Immediately abutting the proposed subdivision, and

(3) Any private street shall include the designation "(private)" immediately following street name; any other Private right of way that is not named shall include the designation "(private)" in a manner that clearly conveys such a status.

**Easements**

All easements as required by City Utilities, the City Engineer and other public and quasi-public agencies. Said easements shall be clearly labeled to include with, use and identification as public or private, if necessary. Tie to property lines and annotate with bearings and distances as necessary. Clearly show and label all existing easements, to include width and recording information, that cross, abut or are located within the subdivision boundary. ☐

**Lots and Blocks**

All lines of lots, blocks and other parcels of land defined by the plat will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance and all curves will be labeled with a radius and arc length. Lots must close to 1 in 5,000. ☐

**Identification System**

All lots and blocks in the subdivision shall be numbered, beginning with the numeral "1" and continuing consecutively throughout the tract, with no omissions or duplications. All tracts shall be likewise labeled beginning with the letter 'A'. Lots and tracts shall be labeled with the area of the lot or tract. ☐

☐ Whenever a plat drawing spans multiple sheets, clear and well-labeled match lines and a keymap shall be included on each sheet. Labels will be of the nature "See Sheet \_\_\_ of \_\_\_". Duplicate street names, widths, lot numbers, tract names, easement labeling or any such labeling when any feature is shown on multiple sheets. ☐

☐ Use leader lines whenever a dimension is not clearly and unmistakably associated with a given line, line segment or arc. ☐

☐ All line annotation and all other text will be easily and clearly readable. No text shall overwrite other text or be overwritten by map lines. ☐

☐ Provide a legend, which designates all, lines and symbols except where called out on plat drawing. ☐

**Inundation Mark:**

The plat shall clearly show the 100-year flood plain line. Reference the appropriate FEMA Panel by which the location of this line has been determined.

Option 1: Property located completely outside of the 100-year floodplain:

**"This property is located within Zone X (Areas determined to be outside of the 500-year floodplain) as established by FEMA per FIRM panel 08041C\_\_\_\_ F, effective date 3/17/1997."**

Option 2: Property located within the 100-year floodplain:

**"A portion of this property is located within Zone AE (area located within a 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C\_\_\_\_ F, effective date 3/17/1997."**

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Option 3: Property located within a 100-year floodplain where a LOMR has been processed:

**"A portion of this property is located within Zone AE (area located within the 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C\_\_\_\_ F, effective date 3/17/1997 and as modified by LOMR# 0\_-08-\_\_\_\_ P effective date DD/MM/YYYY."**

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Option 4: Property located within 100-year floodplain where a CLOMR has been processed and lot restrictions apply until a LOMR is approved by FEMA:

**"A portion of this property is located within Zone AE (area located within the 100-year floodplain, Base flood elevations determined) as established by FEMA per FIRM panel 08041C\_\_\_\_ F, effective date 3/17/1997. A CLOMR# 0\_-08-\_\_\_\_ R effective date DD/MM/YYYY is on record with the Regional Floodplain Administration. The following lots are will not be allowed building permits ("enter lot numbers") until a FEMA approved LOMR removing the properties from the 100-year floodplain is received by the Regional Floodplain Administration."**

\*All **bold** and "\_\_\_\_" require the Applicant to insert the appropriate data for their specific site.

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Book and Page and/or Reception Number for all existing and newly created easements.

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All other information required by Colorado State law.

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Sheet Size shall be 24" x 36" including 1/2" border with 'landscape' orientation.

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Scale Bar

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North arrow

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Adjacent Subdivision. Names of adjacent platted areas along with the Reception and/or PlatBook and Page Number shall be shown. If unplatted, so indicate. Existing street right-of-way that intersect the subdivision boundary or are adjacent to said boundary lines shall be clearly labeled with the street name, right-of-way width and appropriate deed or plat recording information where in said right-of-way is defined. Show and label all existing lots and blocks that are immediately adjacent to the subdivision boundary.

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Basis of Bearing. A clearly defined basis of bearings shall be provided, both verbally and graphically. All monumentation defining said line shall be shown and labeled on the plat drawing. When said line is not common with the subdivision boundary, it shall be accurately tied to the boundary with bearings and distances.

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Public Land and/or Land Reserved In Deeds. Location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision.

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Monuments. All monuments used to determine and/or describe a boundary (including Basis of Bearings, Point of Beginning and Point of Commencement) shall be shown and clearly labeled on the plat drawing. Monuments for corners defined by the plat, or otherwise found to be missing in the field, shall be placed and set in accord with the requirements of the State of Colorado.

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Not a Part of Subdivision. All areas enclosed within the subdivision boundary, which do not constitute a part of the subdivision shall be labeled 'Not a part of this subdivision.' All lines pertaining to such areas shall be dashed.

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The area in sq.ft. of all Lots and Tracts sought to be platted.

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The following statement in compliance with Section 7.7.303.D.7. "The area included in the plat described herein is subject to the Code of the City of Colorado Springs, 2001 As Amended."

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The final plat shall be clearly and legibly prepared by a registered land surveyor or engineer

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Show all common ingress-egress, parking and access easements required by the development plan.

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The proposed subdivision meet all of the requirements of Chapter 7, Section 2 through 9 of the City Code, the Public Works Design Manual and any other applicable City ordinance and resolutions.

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Applicant

Planner

**Surveyor's Statement**, which shall read:

"The undersigned Professional Land Surveyor licensed in the State of Colorado, hereby states and declares that the

☐ accompanying plat was surveyed and drawn under his/her responsible charge and accurately shows the described tract of land, and subdivision thereof, and that the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his/her knowledge and belief."

- ☐ Closure Sheets. One (1) copy of the computer closure sheets for the entire subdivision area. Such sheets shall not be required if not more than five (5) lots in the subdivision are irregular (not rectangular) in shape. ☐

Replat should include the following information:

- ☐ The replat shall be identified by its own separate title. The title block of the replat shall further identify the subdivision of record of that portion of the subdivision of record which is being replatted. ☐

- ☐ The replat shall contain the following notice: *'The approval of this replat vacates all prior plats for the area described by this replat.'* ☐

- ☐ The replat shall show graphically the "as platted" lot(s) separately on the plat drawing. The drawing shall indicate all existing easements. ☐

If any existing lot line is being removed, relocated or re-orientated, any associated Easements dedicated by plat still remain unless vacated separately or as part of this request. If this easement is to be vacated as part of this request, provide the following information With the replat:

- ☐ The project description letter needs to indicate that the associated lot line easement(s) or other platted easement(s) are to be vacated. Provide locates from the utility locaters, unless no water or wastewater mains exist adjacent to the area being replatted or unless CSU specifically waives the submission of locates. ☐

Geologic Hazard Study disclosure statement (not required if waiver has been approved): "This property is subject to the findings summary and conclusions of a Geologic Hazard Report prepared by \_\_\_\_\_ dated \_\_\_\_\_, which identified the following specific geologic hazard on the property: \_\_\_\_\_. A copy of said report has been placed within file # \_\_\_\_\_ or within the subdivision file \_\_\_\_\_ of the City of Colorado Springs Planning and Development Team. Contact the Planning and Development Team, 30 South Nevada Avenue, Suite 105, Colorado Springs, CO, if you would like to review said report."

- ☐ If within an airport overlay, the following note must be added: "The aviation easement dedicated herein for public aviation purposes, shall be considered a public easement subject to those terms and conditions as specified on the instrument recorded at reception no. 217069667 of the Records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect." ☐



**PROJECT STATEMENT**  
**SUNDANCE AT ROCK CREEK**  
**CONDITIONAL USE DEVELOPMENT PLAN & FINAL PLAT**

Sun Dance at Rock Creek LLC is proposing a multi-family development project within the Colorado Springs City limits at the southwest corner of State Highway 115 and Pine Oaks Road. The Sundance at Rock Creek project will consist of 240 multi-family apartment units with a variety of 1, 2 and 3-bedroom apartment units; a clubhouse; maintenance building; garage parking; and a lift station to be built as part of a separate project in coordination with Cheyenne Mountain State Park and Colorado Springs Utilities. The site is 14.63 acres and is zoned PBC (Planned Business Center). The site is bordered by State Highway 115 and Fort Carson to the east, Cheyenne Mountain State Park to the north and west, and vacant county zoned land to the south. The site is currently part of the JL Ranch Master Plan originally approved in 1987 and currently being reviewed by the City of Colorado Springs for a Major Amendment to permit the proposed multi-family use. The PBC zoning shall remain as it allows for multi-family residential development as a conditional use.

The applications being to the City of Colorado Springs for consideration include:

- Conditional Use Development Plan w/ Preliminary Landscape Plan
- Final Plat, to be platted and developed as a single phase

**Master Plan Major Amendment:**

The Sundance at Rock Creek parcel is part of the JL Ranch Master Plan and is currently under review for a master plan major amendment changing the land use from commercial to multi-family (CPC MPA 99-00208-A1MJ19).

**Development Plan**

The development plan proposes 240 multi-family residential units on 14.63-acres for a density of 16.40 DU/ Acre. The development has been planned to take advantage of natural topography as the site sits below State Highway 115 and the state park to the west and south. The development includes a clubhouse and pool deck area, garage parking, a maintenance facility, an enclosed dog park area in the southwest corner of the site, as well as multiple areas of usable open space. The proposed development will be accessed from Pine Oaks Road with no direct access to State Highway 115.

**Development Plan Review Criteria**

1. ***Will the project design be harmonious with the surrounding land uses and neighborhood?*** The project will be designed to harmoniously blend with the adjacent land uses and neighborhood through architectural stylization, color schemes and landscape material elements.

***Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?*** The proposed land use is compatible with the

surrounding uses as there are no existing uses found on adjacent lands. All neighboring parcels are vacant or open space. As part of the approved JL Ranch Master Plan the adjacent transportation roadways, utility infrastructure, drainage/ detention, and school capacity have all been planned to accommodate a much larger several hundred residential unit, commercial intense development. A lift station, water main, and forced sanitary sewer mains are being installed as part of a separate on-going project in coordination with Cheyenne Mountain State Park and Colorado Springs Utilities.

2. ***Will the structures be located to minimize the impact of their use and bulk on adjacent properties?*** There are no existing structures or developments in the vicinity of this proposed project as the site is surrounded by Fort Carson to the east and Cheyenne Mountain State Park to the west and south.
3. ***Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development?*** Landscaping will be provided per the City of Colorado Springs Landscape Code and Policy Manual. This includes screening and buffering with a mix of deciduous and evergreen plant material around the perimeter of the site as well as providing internal landscaping. Existing vegetation will be retained where feasible, particularly in the southern area of the site. A final landscape plan will be submitted in the future prior to building permit approval.
4. ***Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?***  
The project will be accessed from one location along Pine Oaks Drive. There is no direct access permitted to either State Hwy 115 or the state park. Internal circulation was designed to provide a looped driveway dispersing interior traffic. An existing traffic signal at Pine Oaks Rd and State Hwy 115 will help provide safe and efficient access into the site minimizing dangerous turning movements.
5. ***Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?*** Yes, internal circulation was designed to provide a looped driveway dispersing interior traffic.
6. ***Will streets and drives within the project area be connected to the streets outside the project area in such a way that discourages their use by through traffic?*** There is only one point of access entering and exiting the site eliminating any cut through traffic.
7. ***Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?*** Ample parking has been designed into the site layout to include limited garage parking and surface parking throughout the site.



8. ***Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?*** Handicap accessible sidewalks and walkways have been provided throughout the site to each of the buildings, the clubhouse, maintenance facility and the fenced dog park area. ADA ramps have been provided throughout the site at all intersections. ADA accessible units will be provided as required.
9. ***Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?*** The street system is designed to accommodate the anticipated traffic and provide ample parking for residents in the most efficient manner possible.
10. ***Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?*** The primary pedestrian system is in conformance with the City Subdivision design standards and ADA guidelines. In addition, interior sidewalk connections have been included providing access to the internal open space areas.
11. ***Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design?*** The design takes advantage of the existing topography while preserving steep slopes and mature stands of vegetation in the southern portions of the site. The existing drainage swale along the eastern boundary will also remain. There are no other natural features found on site.

**Request for Alternative Compliance:**

The following items are being requested for alternative compliance:

*Code Section:* Chapter 7, Article 4, Section 323(G)(H) Landscape Buffer and Screen

*Code Requirement:* 6' opaque structure required along buffer edge

*Request:* Eliminate 6' opaque structure along the west and southern buffer edges

*Justification:* The site borders the state park to the west and vacant county land to the south, both of which are natural settings with rolling topography and existing stands of vegetation offering incredible views from the proposed development. There are no proposed resident buildings along the boundaries and the single level garages will act as an opaque screen from the state park. To the south, the land is vacant and rises sharply above the proposed site negating any affects the screen fence may provide. The landscape planting requirements are being met along the western border and existing stands of mature vegetation will remain to the south.

### Sundance Legal Description

THAT PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, LYING WEST OF THE WEST LINE OF STATE HIGHWAY NO. 115 AS NOW LOCATED AND AS DESCRIBED IN EXHIBIT "B", PARCEL NO. 4, OF THAT RULE AND ORDER OF CIVIL ACTION NO. 40147 RECORDED JANUARY 16, 1963 IN BOOK 1941 AT PAGE 797 OF THE RECORDS OF EL PASO COUNTY CLERK AND RECORDERS OFFICE, AND LYING EAST OF THE CENTER LINE OF THE FORMER RIGHT-OF-WAY OF CANON CITY HIGHWAY AS DESCRIBED IN RIGHT-OF-WAY DEED RECORDED JULY 25, 1910 IN BOOK 473 AT PAGE 64, RECORDS OF SAID EL PASO COUNTY;

EXCEPTING THEREFROM THAT PARCEL DESCRIBED AS PARCEL NO. E-4 IN EXHIBIT "A" OF SAID BOOK 1941 AT PAGE 797 AND EXCEPTING THEREFROM THAT PARCEL TAKEN BY THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO AS SET FORTH AND DESCRIBED IN RULE AND ORDER RECORDED MARCH 21, 2011 UNDER RECEPTION NO. 211028364, COUNTY OF EL PASO, STATE OF COLORADO.

## El Paso County, Colorado

### Property Tax Details

#### Property Taxes for 2019 Due 2020

[Display Tax Statement](#)

This information reflects current year status of tax liability, assessments due, fees, interest, and current payments received. This information is not to be used in place of a certificate of taxes due.

#### Parcel Information

Schedule Number: 6500000135

#### Owner Information

Name: SUN DANCE AT ROCK CREEK LLC  
Mailing Address: 90 S CASCADE AVE STE 1500  
COLORADO SPRINGS CO 80903-1639

#### Property Valuation

Total Assessed Land: \$22,360  
Total Assessed Improvements: \$0  
Total Assessed: \$22,360

[Assessment questions? Click here](#)

#### Property Information

Property Address: PINE OAKS RD  
Property Type: Real

#### Legal Description

THAT PART OF W2NE4 SEC 30-15-66 LY BETWEEN OLD  
AND NEW CANON CITY RDS

#### Value

Total Market Value: \$77,100

#### Taxes Billed

Base Tax Amount: \$1,135.71  
Special Assessment Amount: \$0.00  
Improvement District Amount: \$0.00  
Total Current Year Taxes: \$1,135.71

Total Current Year Taxes do not reflect outstanding  
tax liens and delinquencies, if any.  
[See Alerts.](#)

#### Alerts

N/A

#### Current Year Payments Due as of 3/2/2020

##### Option 1:

Payment Type	Due Date	Taxes & Fees Due	Interest Due	Total Amount		
First Half:	March 02	\$567.86	\$0.00	\$567.86	True	<a href="#">Pay</a>
Second Half:	June 15	\$567.85	\$0.00	\$567.85	False	<a href="#">Pay</a>

Current Tax Liability: \$1,135.71

#### OR

##### Option 2:

Payment Type	Due Date	Taxes & Fees Due	Interest Due	Total Amount		
Full Amount:	April 30	\$1,135.71	\$0.00	\$1,135.71	True	<a href="#">Pay</a>

Current Tax Liability: \$1,135.71

#### Current Year Payments Received

N/A

#### Prior Year(s) Transaction History

Date	Amount
08/01/2019	\$1,091.89
05/01/2018	\$849.54
05/01/2017	\$851.92
10/26/2016	\$923.47

Note: Prior years transaction history data is for a maximum of 4 years.

[Print This Page](#)

**Please Note:** This web page is best viewed in Compatibility View.

**Disclaimer:** We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Treasurer's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please contact the Treasurer's office.

For any questions, please contact the Treasurer's Office at: (719) 520-7900 or email to: [trsweb@elpasoco.com](mailto:trsweb@elpasoco.com)



**PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.**

Customer Distribution

**Our Order Number:** RND55058917-3

**Date:** 10-01-2019

**Property Address:** VACANT LAND COLORADO SPRINGS

---

**For Title Assistance**

BEN LOWE  
5975 GREENWOOD PLAZA BLVD  
GREENWOOD VILLAGE, CO 80111  
719-381-0240 (phone)  
303-393-4842 (fax)  
blowe@ltgc.com

---

**PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS**

THE EQUITY GROUP  
Attention: DANNY MIENTKA  
90 S CASCADE AVE #1500  
COLORADO SPRINGS, CO 80903  
719-475-7621 (work)  
719-475-7627 (work fax)  
danny@theequitygroup.net  
Delivered via: Electronic Mail

MATRIX DESIGN GROUP  
Attention: ERIC SMITH  
ericsmith@matrixdesigngroup.com  
Delivered via: Electronic Mail

THE EQUITY GROUP  
Attention: MICKY SALSGIVER  
90 S CASCADE AVE #1500  
COLORADO SPRINGS, CO 80903  
719-475-7621 (work)  
719-475-7627 (work fax)  
michaele@theequitygroup.net  
Delivered via: Electronic Mail



## Land Title Guarantee Company

Estimate of Title Fees

Order Number: RND55058917-3

Date: 10-01-2019

Property Address: VACANT LAND COLORADO SPRINGS

Buyer/Borrower: A PURCHASER TO BE DETERMINED

Seller: SUN DANCE ROCK CREEK, LLC A COLORADO LIMITED LIABILITY COMPANY

Visit Land Title's website at [www.ltgc.com](http://www.ltgc.com) for directions to any of our offices.

Estimate of Title Insurance Fees	
TBD Commitment	\$264.00
TBD - TBD Income	-\$264.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
<b>Total</b>	<b>\$0.00</b>
<b>THANK YOU FOR YOUR ORDER!</b>	

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

**Order Number:** RND55058917-3

**Customer Ref-Loan No.:**

**Property Address:**

VACANT LAND COLORADO SPRINGS

**1. Effective Date:**

07-26-2016 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"TBD" Commitment \$5,000.00  
Proposed Insured:  
A PURCHASER TO BE DETERMINED

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

A FEE SIMPLE

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

SUN DANCE ROCK CREEK, LLC A COLORADO LIMITED LIABILITY COMPANY

**5. The Land referred to in this Commitment is described as follows:**

THAT PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, LYING WEST OF THE WEST LINE OF STATE HIGHWAY NO. 115 AS NOW LOCATED AND AS DESCRIBED IN EXHIBIT "B", PARCEL NO. 4, OF THAT RULE AND ORDER OF CIVIL ACTION NO. 40147 RECORDED JANUARY 16, 1963 IN BOOK 1941 AT PAGE [797](#) OF THE RECORDS OF EL PASO COUNTY CLERK AND RECORDERS OFFICE, AND LYING EAST OF THE CENTER LINE OF THE FORMER RIGHT-OF-WAY OF CANON CITY HIGHWAY AS DESCRIBED IN RIGHT-OF-WAY DEED RECORDED JULY 25, 1910 IN BOOK 473 AT PAGE [64](#), RECORDS OF SAID EL PASO COUNTY; EXCEPTING THEREFROM THAT PARCEL DESCRIBED AS PARCEL NO. E-4 IN EXHIBIT "A" OF SAID BOOK 1941 AT PAGE 797 AND EXCEPTING THEREFROM THAT PARCEL TAKEN BY THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO AS SET FORTH AND DESCRIBED IN RULE AND ORDER RECORDED MARCH 21, 2011 UNDER RECEPTION NO. [211028364](#), COUNTY OF EL PASO, STATE OF COLORADO.

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**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B-1**

**(Requirements)**

**Order Number:** RND55058917-3

**The following are the requirements to be complied with:**

**Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.**

**Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:**

1. WARRANTY DEED FROM SUN DANCE ROCK CREEK, LLC A COLORADO LIMITED LIABILITY COMPANY TO A PURCHASER TO BE DETERMINED CONVEYING SUBJECT PROPERTY.

NOTE: STATEMENT OF AUTHORITY FOR SUN DANCE ROCK CREEK, LLC A COLORADO LIMITED LIABILITY COMPANY RECORDED JANUARY 06, 2016 UNDER RECEPTION NO. [216001341](#) DISCLOSES DANNY MIENTKA, MANAGING MEMBER WHO MAY ACQUIRE, CONVEY, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.



**Old Republic National Title Insurance Company**  
**Schedule B-2**

**(Exceptions)**

Order Number: RND55058917-3

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. RESERVATION OF A RIGHT OF A PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE AND INTERSECT THE PREMISES AS CONTAINED IN PATENTS OF THE UNITED STATES RECORDED AUGUST 20, 1886 IN BOOK 56 AT PAGE [26](#) AND AS RECORDED JANUARY 28, 1889 IN BOOK 72 AT PAGE [255](#).
9. INTENTIONALLY DELETED
10. LIMITATIONS ON ACCESS RIGHTS TO HIGHWAY 115, AS SET FORTH IN EXHIBIT "B", PARCEL NO.4, IN RULE AND ORDER OF CIVIL ACTION NO. 40147 RECORDED JANUARY 16, 1963 IN BOOK 1941 AT PAGE [797](#).
11. AN UNRESTRICTED PUBLIC ROAD RIGHT-OF-WAY FOR INGRESS AND EGRESS PURPOSES, 20 FEET IN WIDTH, AS DESCRIBED IN THAT DECREE FOR DECLARATORY JUDGEMENT RECORDED APRIL 25, 1975 IN BOOK 2746 AT PAGE [704](#).
12. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED MAY 23, 1986 IN BOOK 5174 AT PAGE [922](#). ASSIGNMENT RECORDED NOVEMBER 30, 1987 IN BOOK 5449 AT PAGE [1142](#).
13. DEED OF TRUST DATED JULY 17, 2015, FROM SUN DANCE ROCK CREEK, LLC A COLORADO LIMITED LIABILITY COMPANY TO THE PUBLIC TRUSTEE OF EL PASO COUNTY FOR THE USE OF FWH, INC., A COLORADO CORPORATION TO SECURE THE SUM OF \$7000,000.00 RECORDED JULY 17, 2015, UNDER RECEPTION NO. [215076463](#).

DISBURSER'S NOTICE IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED JULY 17,

**Old Republic National Title Insurance Company**  
**Schedule B-2**

**(Exceptions)**

**Order Number:** RND55058917-3

**The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:**

2015, UNDER RECEPTION NO. [215076464](#).

14. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EASEMENT AND RIGHT OF WAY RECORDED JUNE 30, 1910 AT BOOK 473, PAGE [64](#).



**JOINT NOTICE OF PRIVACY POLICY OF  
LAND TITLE GUARANTEE COMPANY  
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY  
LAND TITLE INSURANCE CORPORATION AND  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company ,  
as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- ▶ applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- ▶ your transactions with, or from the services being performed by, us, our affiliates, or others;
- ▶ a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- ▶ the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- ▶ We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- ▶ We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- ▶ Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- ▶ We regularly access security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows. Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



## LAND TITLE GUARANTEE COMPANY

### DISCLOSURE STATEMENTS

**Note:** Pursuant to CRS 10-11-122, notice is hereby given that:

- A) The Subject real property may be located in a special taxing district.
- B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property)
- C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note:** Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B-2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- D) The Company must receive payment of the appropriate premium.
- E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

**Note:** Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note:** Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Note:** Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



## Commitment to Insure

### ALTA Commitment - 2006 Rev.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, (Company) for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the requirements; all subject to the provisions of Schedule A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company. All liability and obligation under this commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

#### CONDITIONS AND STIPULATIONS

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at [www.alta.org](http://www.alta.org).

#### STANDARD EXCEPTIONS

In addition to the matters contained in the Conditions and Stipulations and Exclusions from Coverage above referred to, this Commitment is also subject to the following:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey or inspection of the Land would disclose and which are not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:  
Land Title Guarantee Company  
3033 East First Avenue  
Suite 600  
Denver, Colorado 80206  
303-321-1880

  
John E. Freyer, Jr.  
President



Old Republic National Title Insurance Company  
a Stock Company  
400 Second Avenue South  
Minneapolis, Minnesota 55401  
(612)371-1111

  
Mark Bilbrey  
President

AMERICAN  
LAND TITLE  
ASSOCIATION



  
Rande Yeager  
Secretary

**PLANNING & DEVELOPMENT DEPARTMENT**  
**Project Notification Information**

---

Date: March 13, 2020  
Planner: Lonna Thelen  
Planner email: lthelen@springsgov.com  
Planner phone number: (719) 385-5383  
Consultant Email: [jason\\_alwine@matrixdesigngroup.com](mailto:jason_alwine@matrixdesigngroup.com)  
Consultant Name: Jason Alwine  
TSN: 6500000135

**PROJECT:**

<input type="checkbox"/>	Pre-application Notice	<input checked="" type="checkbox"/>	Standard Notification
<input type="checkbox"/>	Pre-application Neighborhood Meeting Notice	<input type="checkbox"/>	Standard with Neighborhood Meeting Notice
<input type="checkbox"/>	No notice	<input type="checkbox"/>	Poster only

**PUBLIC NOTICE:**

☐ 150 feet   ☐ 500 feet   ☒ 1,000 feet   ☐ Modified (attach modified buffer)

**PROJECT BLURB(S)**

*Provide a project blurb for each application type, adjust language as needed. Note code sections where applicable for variances.*

**Conditional Use Development Plan**

Request by Sun Dance at Rock Creek LLC LLC, with representation by Matrix Design Group for approval of a conditional use development plan for a 240 unit multi-family apartment complex in a PBC zone district. The site is located at the southwest corner of Highway 115 and Pine Oaks Road, contains 14.6 acres and is zoned PBC.

**Final Plat**

Request by Sun Dance at Rock Creek LLC LLC, with representation by Matrix Design Group for approval of a final plat for Sundance at Rock Creek to create one platted lot for a 240 unit multi-family apartment complex in a PBC zone district. The site is located at the southwest corner of Highway 115 and Pine Oaks Road, contains 14.6 acres and is zoned PBC.

**POSTCARD**

*Include 3-5 highlighted points to best describe the project.*

- This project proposes a conditional use development plan and final plat for a 240 unit multi-family apartment complex.

**POSTER**

*Fill out applicable information below:*

**What type of project is proposed? (large bold letters on poster, approx. 35 characters):**

- This project proposes a conditional use development plan and final plat for a 240 unit multi-family apartment complex.
-

**Planning and Development Distribution Form**  
Preliminary Plat, **Final Plat**, Preliminary & Final Plat

**Directions:** Planners select at least one check box under each section to determine the application distribution.

Planner Intake Date: **3/12/20**

Admin Receive Date: **3/13/20**

**Project Name: Sundance at Rock Creek Filing No. 1**

**1. PUBLIC NOTICE:** (see Project Blurb to establish noticing parameters): **1000 Ft.**

**2. Date buckslip comments are due** (21 calendar days after submittal): **April 2, 2020**

**3. HOA:** (Note HOA number or write N/A) **NA**

**4. STANDARD DISTRIBUTION:**

☒ Include all standard distribution recipients (either check here or individually check boxes below)

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
85	<input type="checkbox"/> Utilities Development Services	<a href="mailto:Buckslips@csu.org">Buckslips@csu.org</a>
9	<input type="checkbox"/> Fire Prevention	<a href="mailto:Steven.Smith@coloradosprings.gov">Steven.Smith@coloradosprings.gov</a>
24	<input type="checkbox"/> DR&S	<a href="mailto:SAPLEGATE@coloradosprings.gov">SAPLEGATE@coloradosprings.gov</a>
17	<input type="checkbox"/> Cory Sharp, LUR MC 155	<a href="mailto:Cory.Sharp@coloradosprings.gov">Cory.Sharp@coloradosprings.gov</a>
66	<input type="checkbox"/> Real Estate Services	<a href="mailto:Barb.Reinardy@coloradosprings.gov">Barb.Reinardy@coloradosprings.gov</a>
14	<input type="checkbox"/> Lois Ruggera	<a href="mailto:Lois.Ruggera@coloradosprings.gov">Lois.Ruggera@coloradosprings.gov</a>
19	<input type="checkbox"/> Century Link	<a href="mailto:Patti.Moore@CenturyLink.com">Patti.Moore@CenturyLink.com</a> <a href="mailto:Bea.Romero@centurylink.com">Bea.Romero@centurylink.com</a>
77	<input type="checkbox"/> CSU Customer Contract Administration	<a href="mailto:Buckslips@csu.org">Buckslips@csu.org</a>
11	<input type="checkbox"/> CSPD	<a href="mailto:bjones2@springsgov.com">bjones2@springsgov.com</a>
13	<input type="checkbox"/> Parks & Recreation	<a href="mailto:bihaley@springsgov.com">bihaley@springsgov.com</a> <a href="mailto:Constance.Perry@coloradosprings.gov">Constance.Perry@coloradosprings.gov</a> <a href="mailto:Emily.Duncan@coloradospring.gov">Emily.Duncan@coloradospring.gov</a>
23	<input type="checkbox"/> Enumerations	<a href="mailto:addressing@pprbd.org">addressing@pprbd.org</a>
29	<input type="checkbox"/> Flood Plain	<a href="mailto:Keith@pprbd.org">Keith@pprbd.org</a>
98	<input type="checkbox"/> US Postal Service	<a href="mailto:Elaine.f.medina@usps.gov">Elaine.f.medina@usps.gov</a>
45	<input type="checkbox"/> Zaker Alazzeah, Traffic - School Safety	<a href="mailto:SAPLEGATE@coloradosprings.gov">SAPLEGATE@coloradosprings.gov</a>
65	<input type="checkbox"/> Zaker Alazzeah, Traffic Eng (MC 460)	<a href="mailto:SAPLEGATE@coloradosprings.gov">SAPLEGATE@coloradosprings.gov</a>
48	<input type="checkbox"/> Street Division	<a href="mailto:Corey.Rivera@coloradosprings.gov">Corey.Rivera@coloradosprings.gov</a> <a href="mailto:Cole.Platt@coloradosprings.gov">Cole.Platt@coloradosprings.gov</a>
60	<input type="checkbox"/> Transit	<a href="mailto:Roger.Austin@coloradosprings.gov">Roger.Austin@coloradosprings.gov</a>



25	<input type="checkbox"/> County Health Department	<a href="mailto:aarondoussett@elpasoco.com">aarondoussett@elpasoco.com</a>
30	<input type="checkbox"/> Comcast	<a href="mailto:Jason_Jacobsen@comcast.com">Jason_Jacobsen@comcast.com</a> <a href="mailto:DENNIS_LONGWELL@comcast.com">DENNIS_LONGWELL@comcast.com</a> <a href="mailto:WSTMWR_MDSubmissions@comcast.com">WSTMWR_MDSubmissions@comcast.com</a>
3	<input type="checkbox"/> CONO	<a href="mailto:rdavis@cscono.org">rdavis@cscono.org</a> <a href="mailto:mcupp@cscono.org">mcupp@cscono.org</a>
92	<input type="checkbox"/> Forestry	<a href="mailto:jcooper@springsgov.com">jcooper@springsgov.com</a>
56	<input type="checkbox"/> PlanCOS	<a href="mailto:PlanCOS@coloradosprings.gov">PlanCOS@coloradosprings.gov</a>

### 5. SCHOOL DISTRICT:

ID#	Division Name	Email/Distribution Notes
	<input checked="" type="checkbox"/> None	Fort Carson – noticed per military installations
36	<input type="checkbox"/> School District # 2	<a href="mailto:mwilsey@hsd2.org">mwilsey@hsd2.org</a>
68	<input type="checkbox"/> School District # 3	<a href="mailto:neald@wsd3.k12.co.us">neald@wsd3.k12.co.us</a>
37	<input type="checkbox"/> School District # 11	<a href="mailto:johnstp@d11.org">johnstp@d11.org</a>
38	<input type="checkbox"/> School District # 12	<a href="mailto:cooper@cmsd12.org">cooper@cmsd12.org</a>
39	<input type="checkbox"/> School District # 20	<a href="mailto:tom.gregory@asd20.org">tom.gregory@asd20.org</a>
69	<input type="checkbox"/> School District # 22	<a href="mailto:terryebert@ellicottschools.org">terryebert@ellicottschools.org</a>
41	<input type="checkbox"/> School District # 49	<a href="mailto:mandrews@d49.org">mandrews@d49.org</a>

### 6. MILITARY INSTALLATION (if within 2 mile buffer):

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
84	<input checked="" type="checkbox"/> Fort Carson	<a href="mailto:john.j.sanders71.civ@mail.mil">john.j.sanders71.civ@mail.mil</a> <a href="mailto:Thomas.j.wiersma.civ@mail.mil">Thomas.j.wiersma.civ@mail.mil</a>
46	<input checked="" type="checkbox"/> NORAD	<a href="mailto:Michael.kozak.2@us.af.mil">Michael.kozak.2@us.af.mil</a> <a href="mailto:Michael.Shafer.4@us.af.mil">Michael.Shafer.4@us.af.mil</a> <a href="mailto:joseph.elms@us.af.mil">joseph.elms@us.af.mil</a> <a href="mailto:21CES.CENB.BaseDevelopment@us.af.mil">21CES.CENB.BaseDevelopment@us.af.mil</a>
26	<input type="checkbox"/> USAFA	<a href="mailto:corine.weiss@us.af.mil">corine.weiss@us.af.mil</a> <a href="mailto:craig.johnson.35.ctr@us.af.mil">craig.johnson.35.ctr@us.af.mil</a> <a href="mailto:steven.westbay.ctr@us.af.mil">steven.westbay.ctr@us.af.mil</a> <a href="mailto:elizabeth.dukes.3.ctr@us.af.mil">elizabeth.dukes.3.ctr@us.af.mil</a> <a href="mailto:10CES.CENP.USAFADREVIEWGRP@us.af.mil">10CES.CENP.USAFADREVIEWGRP@us.af.mil</a>
75	<input type="checkbox"/> Peterson	<a href="mailto:Michael.Shafer.4@us.af.mil">Michael.Shafer.4@us.af.mil</a> <a href="mailto:joseph.elms@us.af.mil">joseph.elms@us.af.mil</a> <a href="mailto:21CES.CENB.BaseDevelopment@us.af.mil">21CES.CENB.BaseDevelopment@us.af.mil</a>

**7. OPTIONAL DISTRIBUTION (Depending on Location of Site):**

ID#	Division Name	Email/Distribution Notes
	<input type="checkbox"/> None	
59	<input type="checkbox"/> StratusIQ – AKA Falcon Broadband	<a href="mailto:jlandis@stratusiq.com">jlandis@stratusiq.com</a> <a href="mailto:tking@stratusiq.com">tking@stratusiq.com</a> <a href="mailto:cotrin@stratusiq.com">cotrin@stratusiq.com</a> <b>BLR &amp; Flying Horse</b>
27	<input checked="" type="checkbox"/> CDOT (adjacent to CDOT ROW)	<a href="mailto:Valerie.sword@state.co.us">Valerie.sword@state.co.us</a>
34	<input checked="" type="checkbox"/> Colorado Geological Survey	<a href="mailto:cgs_lur@mines.edu">cgs_lur@mines.edu</a>
33	<input type="checkbox"/> SECWCD, Garrett Markus	<a href="mailto:garrett@secwcd.com">garrett@secwcd.com</a>
18	<input type="checkbox"/> Streamside Area Overlay	<a href="mailto:Tasha.Brackin@coloradosprings.gov">Tasha.Brackin@coloradosprings.gov</a>
15	<input type="checkbox"/> Hillside Overlay	<a href="mailto:Kerri.Schott@coloradosprings.gov">Kerri.Schott@coloradosprings.gov</a>
20	<input type="checkbox"/> Airport	<a href="mailto:kandrews@springsgov.com">kandrews@springsgov.com</a>
63	<input checked="" type="checkbox"/> El Paso County Dev. Services Division	<a href="mailto:Craigdossey@elpasoco.com">Craigdossey@elpasoco.com</a> Review of Plans within ½ mile of a County/City Border
43	<input type="checkbox"/> Wescott Fire District (adjacent only)	<a href="mailto:admin@wescottfire.org">admin@wescottfire.org</a>
71	<input type="checkbox"/> Falcon Fire Protection District	<a href="mailto:tharwig@falconfire.org">tharwig@falconfire.org</a>
72	<input type="checkbox"/> Black Forest Fire Protection District	<a href="mailto:chief@bffire.org">chief@bffire.org</a>
81	<input type="checkbox"/> Broadmoor Fire Protection District	<a href="mailto:chief@broadmoorfire.com">chief@broadmoorfire.com</a> <a href="mailto:noalsperran@gmail.com">noalsperran@gmail.com</a>
80	<input type="checkbox"/> CSURA – Urban Renewal	<a href="mailto:Jwalker@springsgov.com">Jwalker@springsgov.com</a> ;
5	<input type="checkbox"/> Metro District	Metro District email
65	<input type="checkbox"/> Kate Brady, Mike Planning, Traffic	<a href="mailto:kbrady@springsgov.com">kbrady@springsgov.com</a>
53	<input type="checkbox"/> UCCS Review – North Nevada Overlay zone	<a href="mailto:mwood@uccs.edu">mwood@uccs.edu</a>
49	<input type="checkbox"/> Chelsea Gaylord, Economic Development	<a href="mailto:Chelsea.Gaylord@coloradosprings.gov">Chelsea.Gaylord@coloradosprings.gov</a> <b>QOZ</b>

**8. LAND USE REVIEW:****Hard Copy Full sized plans**

<input checked="" type="checkbox"/> Planner	Traffic Report, Drainage Report, Geo-Hazard Report
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**Special notes or instructions:**