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RESOLUTION NO. 20-161

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

APPROVE FINAL PLAT FOR BENT GRASS RESIDENTIAL FILING NO. 2 (SF-19-014)

WHEREAS, Challenger Communities, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Bent Grass Residential Filing No. 2 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 7, 2020 and April 21, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

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

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

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

5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or

are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

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

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Bent Grass Residential Filing No. 2 Subdivision;

THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners disclaims any interest in the temporary turn around easement purported to be conveyed to El Paso County by quitclaim deed recorded at Reception No. 214078281, as such easement was never accepted by the County in accordance with legal requirements. To the extent that El Paso County may nonetheless have an interest in such easement, the Board of County Commissioners hereby consents to the vacation of such easement;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.

4. The applicant shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvement Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property. The subject property is within the Woodmen Road District.
10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$82,536 and urban parks (Area 3) in the amount of \$52,128.00 shall be paid at the time of plat recordation.
11. School fees in lieu of land dedication for Falcon School District No. 49 in the amount of \$42,720 shall be paid at the time of plat recordation.
12. Drainage and bridge fees for the Falcon basin, in the amounts of \$694,635.90 and \$95,418.05, respectively, shall be paid at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.

13. The construction drawings and the final drainage report (SF-19-014) shall be approved by the Planning and Community Development Department and collateral shall be provided by the applicant to guarantee all required public improvements prior to recordation of the Bent Grass Residential Filing No. 2 final plat.
14. The construction drawings and the Master Development Drainage Plan (MDDP) (CDR-19-004) for the intersection of Bent Grass Meadows Drive and Meridian Road shall be approved by the Planning and Community Development Department and collateral shall be provided by the applicant to guarantee all improvements associated with the intersection prior to recordation of the Bent Grass Residential Filing No. 2 final plat.
15. Protected/permissive signal phasing for eastbound left turns from Woodmen Road to Golden Sage is included in the short-term traffic modeling. If this improvement is needed in the short term, plans are required and coordination with EPC Department of Public Works and possibly the City of Colorado Springs will be necessary for implementation of the added signals and timing. These improvements shall be included in the Financial Assurance Estimate as determined by the County Engineer if needed with the development of this subdivision.
16. The developer, property owner and/or Bent Grass Metropolitan District shall be responsible for maintenance of the Falcon west tributary channel adjacent to and within the final plat until construction of the necessary channel improvements by the developer is complete and the channel improvements have been accepted by El Paso County. Construction of the interim channel improvements as shown in the approved construction drawings is the responsibility of the subdivider. Final channel design and construction drawings for the channel through and downstream of the site shall be provided with the next Bent Grass residential subdivision unless otherwise agreed to be deferred to a later date by the ECM Administrator and PCD Executive Director.
17. The subdivider shall install a combination of opaque fencing and landscape meeting the buffer requirements of the Land Development Code along the northern property line between the rural residential lots to the north and the lots within the subject plat. A 50-foot building setback is required from the northern property line.
18. The subdivider shall install a combination of opaque fencing and landscape meeting the buffer requirements of the Land Development Code along the south-east property line between the rural residential lots to the east and the lots within the subject plat. Lots 34, 35, 36, and 37 are limited to single-story homes and a maximum height of 25-feet.

19. The developer shall participate in a fair and equitable manner in the design and future construction of intersection improvements at the Woodmen Road and Golden Sage Road and Woodmen Frontage Road and Golden Sage Road intersections, as identified in the Bent Grass Residential Filing No. 2 Traffic Impact Study (TIS), Tables 5 and 6, items G-J. The fair share attributed to Bent Grass Residential Filing No. 2 shall be deposited as escrow as identified in the TIS, showing the proportionate impacts of the anticipated Bent Grass Residential Filing No. 2 traffic at these intersections. An escrow agreement, including a financial assurance estimate for the intersection improvements, as approved by the Planning and Community Development Department Director and the County Attorney's Office, shall be completed and escrow deposited prior to recording the final plat.
20. The construction drawings for this project shall be approved by the Planning and Community Development Department and collateral shall be provided from the applicant to guarantee said improvements prior to the recordation of the Bent Grass Residential Filing No. 2 final plat.

NOTATIONS

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. El Paso County Community Services Department, Environmental Division strongly recommends that the applicant obtain the necessary approvals from all federal, state and county agencies as a part of their planning process. Documentation of concurrence with this assertion from the U.S. Army Corps of Engineers (USCOE) should be provided to the Planning and Community Development Department prior to ground disturbance in the ponded area at the northern boundary of the plat. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act. Applicant is required to obtain a construction permit from the Planning and Community Development Department prior to project commencement.

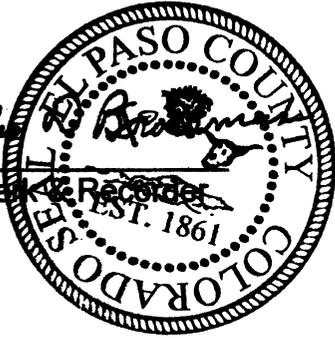
AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

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

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

ATTEST:

By: Charles W. Reardon
County Clerk & Recorder



By: [Signature]
Chair

EXHIBIT A

PARCELS OF LAND AS DESCRIBED IN WARRANTY DEEDS RECORDED AT RECEPTION NO. 219074560 AND 219074561 OF THE EL PASO COUNTY CLERK AND RECORDER OFFICE, BEING A PORTION OF THE WEST HALF OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST, OF THE 6TH/ PRINCIPAL MERIDIAN, LOCATED IN EL PASO COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE BEARING OF THE LINE BETWEEN THE SOUTHWEST CORNER OF SECTION 1, T13S, R65W AND THE WEST QUARTER CORNER OF SECTION 1, T13S, R65W IS $N00^{\circ}13'46''W$ AND MONUMENTED AS SHOWN:

COMMENCING AT THE SOUTHWEST QUARTER CORNER OF SAID SECTION 1; THENCE $N00^{\circ}13'46''W$ WITH THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1928.67 FEET TO THE SOUTHWEST CORNER OF A PARCEL DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NO. 21303554 OF THE EL PASO COUNTY CLERK AND RECORDER OFFICE; THENCE WITH THE SOUTH LINE OF SAID PARCEL, $N89^{\circ}47'22''E$ A DISTANCE OF 419.98 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AND BEING THE SOUTHWEST CORNER OF A STRIP OF LAND DESCRIBED IN QUIT CLAIM DEED AT RECEPTION NO. 209061972 AND ALSO BEING THE POINT OF BEGINNING:

THENCE $N00^{\circ}13'46''W$, A DISTANCE OF 206.47 FEET TO A POINT OF CURVATURE;
THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF $23^{\circ}58'12''$, A DISTANCE OF 253.10 FEET, A CHORD BEARING OF $N11^{\circ}45'20''E$ WITH A CHORD DISTANCE OF 251.26 FEET;
THENCE $N23^{\circ}44'26''E$, A DISTANCE OF 301.49 FEET TO A POINT OF CURVATURE;
THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF $65^{\circ}45'45''$, A DISTANCE OF 694.40 FEET, A CHORD BEARING OF $N56^{\circ}37'18''E$ WITH A CHORD DISTANCE OF 656.91 FEET;
THENCE $N89^{\circ}30'12''E$, A DISTANCE OF 62.90 FEET;
THENCE $N00^{\circ}14'14''W$, A DISTANCE OF 938.90 FEET TO A POINT ON THE SOUTH LINE OF THE MEADOWS FILING NO. 3, RECORDED AT RECEPTION NO. 200135677 AND ALSO BEING A POINT ON THE SOUTH LINE OF THE NORTH 1/16TH OF SAID SECTION 1;
THENCE WITH SAID SOUTH LINE, $N89^{\circ}36'34''E$, A DISTANCE OF 1431.39 FEET TO THE NORTH 1/16TH CORNER OF SAID SECTION 1;

THENCE N89°36'02"E, A DISTANCE OF 28.34 FEET;
THENCE S00°22'19"E, DISTANCE OF 619.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BENT GRASS MEADOWS DRIVE (AN 80' PUBLIC RIGHT OF WAY) AND BEING A POINT ON THE NORTH LINE OF BENT GRASS RESIDENTIAL FILING NO. 1, RECORDED AT RECEPTION NO. 215713636;

THENCE WITH SAID NORTH RIGHT OF WAY LINE AND THE NORTH LINE OF SAID BENT GRASS RESIDENTIAL FILING NO.1, S89°38'09"W, A DISTANCE OF 28.48 FEET TO THE NORTHWEST CORNER OF SAID BENT GRASS MEADOWS DRIVE RIGHT OF WAY AND BEING A POINT ON THE EAST 1/16 LINE OF SAID SECTION 1;

THENCE WITH SAID EAST 1/16 LINE, S00°21'34"E, A DISTANCE OF 699.51 FEET;

THENCE CONTINUING WITH SAID EAST 1/16 LINE, S00°21'50"E, A DISTANCE OF 693.63 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN DEED AT BOOK 3233, PAGE 824 OF THE EL PASO COUNTY CLERK & RECORDER;

THENCE WITH THE NORTH OF LINE OF SAID PARCEL, S89°47'22"W, A DISTANCE OF 952.75 FEET TO THE NORTHWEST CORNER OF SAID PARCEL DESCRIBED IN BOOK 3233 AT PAGE 824;

THENCE ALONG THE WEST LINE OF SAID PARCEL, S00°22'01"E, A DISTANCE OF 18.25 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN DEED AT RECEPTION NO. 208053974;

THENCE WITH THE NORTH LINE OF SAID PARCEL DESCRIBED AT RECEPTION NO. 208053974, S89°47'22"W, A DISTANCE OF 179.94 FEET;

THENCE N00°12'38"W, A DISTANCE OF 119.39 FEET TO A POINT OF CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 55°58'18", A DISTANCE OF 439.60 FEET, A CHORD BEARING OF N28°11'47"W WITH A CHORD DISTANCE OF 422.33 FEET;

THENCE N56°10'56"W, A DISTANCE OF 198.31 FEET TO A POINT OF CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 16°06'20", A DISTANCE OF 151.79 FEET, A CHORD BEARING OF N48°07'46"W WITH A CHORD DISTANCE OF 151.29 FEET;

THENCE N40°04'36"W, A DISTANCE OF 279.73 FEET TO A POINT OF NON-TANGENT CURVE;

THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 32°26'00", A DISTANCE OF 297.18 FEET, A CHORD BEARING OF S39°57'26"W WITH A CHORD DISTANCE OF 293.23 FEET;

THENCE S23°44'26"W, A DISTANCE OF 301.49 FEET TO A POINT OF CURVATURE;

THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 23°58'12", A DISTANCE OF 219.64 FEET, A CHORD BEARING OF S11°45'20"W WITH A CHORD DISTANCE OF 218.04 FEET;

THENCE S00°13'46"E, A DISTANCE OF 206.50 FEET TO THE SOUTHEAST CORNER OF SAID STRIP OF LAND DESCRIBED IN QUITCLAIM DEED AT RECEPTION NO. 209061972;

THENCE WITH SOUTH LINE OF SAID STRIP OF LAND, S89°47'22"W, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,985,862 SQUARE FEET OR 68.55 ACRES, MORE OR LESS.