



RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR Mayberry Filing No. 1A (VR-21-013)

WHEREAS, Mayberry 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 Mayberry Filing No. 1A 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, pursuant to § 30-28-133.5 (1.5), C.R.S., a Board of County Commissioners may delegate to one or more County administrative officials the authority to approve or deny final plats, amendments to final plats, and correction plats provided certain criteria have been met; and

WHEREAS, § 2.2.4 of the El Paso County Land Development Code ("Code"), amended by the Board of County Commissioners of El Paso County, Colorado ("Board") on August 27, 2019 pursuant to Resolution No. 19-329, delegates to the Planning and Community Development Department Director ("Director") the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on July 8, 2022, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

WHEREAS, based on the evidence, exhibits, consideration of the master plan for the unincorporated area of the County, 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, and comments by the general public, the Director finds as follows:

1. The application was properly submitted for consideration by the Planning and Community Development Department Executive Director.
2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Department Director.
3. The administrative review of the application by the Planning and Community Development Department Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen day (14) time period to submit comments.

4. All exhibits were received into evidence.
 5. The subdivision is in 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. At a public hearing on the preliminary plan held on May 3, 2022, the Board found that 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 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 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 Code and Engineering Criteria Manual ("ECM").
 12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.
 13. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
 14. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
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15. 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 Code.
16. 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 that the impacts of the subdivision will be adequately mitigated.
17. The subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
19. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

The El Paso County Planning and Community Development Department Director therefore APPROVES the final plat application for the Mayberry Filing No. 1A Subdivision.

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. 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 Division of 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 Improvements Agreement, including the Financial Assurance Estimate as approved by the ECM Administrator, shall be filed at the time of final plat recordation.
8. Collateral sufficient to ensure the public improvements as listed in the approved Financial Assurance Estimate shall be provided at the time of final plat recordation.
9. The subdivider(s) agrees on behalf of him/herself and any 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 disclose the fee obligation before sale of the property.
10. Urban park fees (Urban Area 5) in lieu of land dedication in the amount of \$684.00 and regional park fees (Region 4) in lieu of land dedication in the amount of \$1,140.00 shall be paid at the time of final plat recordation.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.
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DONE THIS 17th day of JULY, 2022, at Colorado Springs, Colorado.

KEVIN MASTIN, INTERIM EXECUTIVE DIRECTOR
EL PASO COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

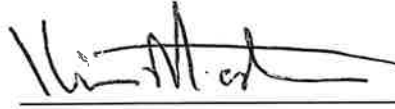


EXHIBIT A

Two Parcels of land being all of Lots 61 through 69, inclusive and all of Tracts C, D and E (Parcel 1 in the following description); AND all of Lots 80 through 98, inclusive, and all of Tracts F, G, H, I and J, and part of Tract M (Parcel 2 in the following description), all being part of MAYBERRY, COLORADO SPRINGS FILING NO. 1, a subdivision of land in the Northwest Quarter of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded December 23, 2020 as Reception Number 220714655 in the Office of the El Paso Clerk and Recorder, said Parcels more particularly described as follows:

(Note: The bearings in the following descriptions are based on the North Right-of-Way line of Mayberry Drive established by said plat having a bearing of North $89^{\circ} 28' 59''$ West as derived from said plat, said Right-of-Way line monumented at the Southeast corner of the following described Parcel 2, which is a point on the easterly extension of said North Right-of-Way line lying 62.00 feet East of the Southeast corner of said Lot 95 (as measured along said easterly extension) by a set 5/8 inch rebar with a yellow plastic cap marked "PLS 38567", and monumented at the Southwest corner of the following described Parcel 1, being the most southern Southwest corner of said Lot 64, by a set 5/8 inch rebar with a yellow plastic cap marked "PLS 38567".)

Parcel 1: BEGINNING at a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the most southern southwest corner of said Lot 64, said corner also lying on the North Right-of-Way line of said Mayberry Drive; Thence North $44^{\circ} 44' 29''$ West 31.25 feet on the Southwest line of said Lot 64 to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the most northerly Southwest corner of said Lot 64; Thence North $00^{\circ} 00' 00''$ East 206.01 feet on the West lines of said Lots 64, 63, 62 and 61, being coterminous with the East Right-of-Way line of Market Place Drive established by said plat, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the most southerly Northwest corner of said Lot 61; Thence North $45^{\circ} 15' 31''$ East 30.97 feet on the Northwest line of said Lot 61 to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the most northerly Northwest corner of said Lot 61; Thence South $89^{\circ} 28' 59''$ East 463.43 feet on the North lines of said Lots 61, 69, 70 and 79, and on the North lines of said Tracts C, D and E, said North lines being coterminous with the South Right-of-Way line of Village Main Street established by said plat, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set at a point on the North line of said Lot 79, said point being the beginning of a tangent curve concave southwesterly; Thence southerly on said curve on the northerly segments of said Lot 79 and said Tract F an arc length of 70.28 feet, said curve having a radius of 45.00 feet and an interior angle of $89^{\circ} 28' 59''$, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the point-of-tangent of said curve; Thence South $00^{\circ} 00' 00''$ East 183.41 feet on the East line of said Tract F, being coterminous with the West Right-of-Way line of Garden Park Avenue established by said plat, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the most northerly Southeast corner of said Tract F; Thence South $45^{\circ} 15' 31''$ West 30.97 feet on the Southeast line of said Tract F to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the South line of said Tract F; Thence North $89^{\circ} 28' 59''$ West 486.02 feet on the South lines of said Tracts F, E, D and C and on the South lines of said Lots 75, 74, 65 and 64, said South lines being coterminous with the North Right-of-Way line of said Mayberry Drive, to the POINT OF BEGINNING;

AND

Parcel 2: BEGINNING at 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the most southern Southwest corner of said Tract G, said corner also lying on the North Right-of-Way line of said Mayberry Drive; Thence North $44^{\circ} 44' 29''$ West 31.25 feet on the Southwest line of said Tract G to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the most northerly Southwest corner of said Tract G; Thence North $00^{\circ} 00' 00''$ East 182.60 feet on the West line of said Tract G, said West line being coterminous with the East Right-of-Way line of Garden Park Avenue, established by said plat, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set at the beginning of a tangent curve concave southeasterly; Thence northerly along said curve on the northwesterly segment of said Tract G an arc length of 71.09 feet, said curve having a radius of 45.00 feet and an interior angle of $90^{\circ} 31' 01''$, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set on the point-of-tangent of said curve; Thence South $89^{\circ} 28' 59''$ East 536.11 feet on the North lines of said Lots 80, 89, 90 and 98 and on the North lines of said Tracts H, I, J and M, said North lines being coterminous with the South Right-of-Way line of said Village Main Street, to a 5/8 inch rebar with a yellow plastic cap marked "PLS 38567" set at a point on the North line of said Tract M; Thence South $00^{\circ} 20' 22''$ West 250.00 feet parallel with and 2.97 feet West of (as measured perpendicular to) the most northern East line of said Tract M to the easterly extension of the North Right-of-Way line of said Mayberry Drive; Thence North $89^{\circ} 28' 59''$ West 558.04 feet on said easterly extension and on the South lines of said Lots 95, 94, 85 and 84 and on the South lines of said Tracts J, I, H and G, said South lines being coterminous with the North line of said Mayberry Drive, to the POINT OF BEGINNING;

Said two parcels containing a combined total of 275,863 square feet or 6.333 acres.

