



PRE-SUBDIVISION SITE GRADING ACKNOWLEDGEMENT
AND RIGHT OF ACCESS FORM

The undersigned ("Applicant") owns and holds legal title to the real property to be known as Saddlehorn Ranch Filing No. 3 ("Property"), which Property is legally described on Exhibit A attached hereto and incorporated herein by this reference.

Applicant seeks approval for Pre-Subdivision Site Grading under Section 6.2.6 of the El Paso County Land Development Code. As a condition of approval and issuance of Construction Permit No. EGP-22-004, Applicant must complete and submit this Pre-Subdivision Site Grading Acknowledgement and Right of Access Form. In compliance therewith, by signing below, Applicant hereby acknowledges and agrees as follows:

1. The approval and issuance of the Construction Permit does not guarantee or create a right in, or a right of expectation in, Applicant that the El Paso County Planning Commission will recommend or the Board of County Commissioners of El Paso County will approve Applicant's preliminary plan or final plat for the Property. Applicant proceeds with grading under the Construction Permit at Applicant's sole risk.
2. The Construction Permit shall be personal to the Applicant and shall not run with the land. Any successors and/or assigns of the Applicant desiring to proceed or continue with the Pre-Subdivision Site Grading approval shall execute their own Pre-Subdivision Site Grading Acknowledgement and Right of Access Form, obtain their own Construction Permit, and provide an updated Financial Assurance Estimate and replacement surety.
3. Applicant hereby grants to El Paso County, its employees, agents, contractors, and/or subcontractors the right of access to enter upon the Property at all reasonable hours for the following purposes in accordance with requirements of the El Paso County Engineering Criteria Manual (ECM), Section I.5:
 - a. To inspect and investigate for compliance with Construction Permit requirements, including, but not limited to, proper installation and maintenance of erosion and sediment control measures;
 - b. To inspect and investigate for completion of grading activities and soil stabilization requirements;
 - c. In the event of noncompliance with either of the above, to identify deficiencies, which may result in issuance of a Letter of Noncompliance describing such deficiencies to be corrected by Applicant; and
 - d. In the event the Applicant does not correct deficiencies identified in a Letter of Noncompliance, to draw on surety provided and perform the

work in order to correct said deficiencies pursuant to ECM Section I.6.1.H.

4. Applicant shall indemnify, defend, and forever hold harmless the Board of County Commissioners of El Paso County, their officers, employees, agents, contractors, and subcontractors, from any and all claim, demand, action, cause of action, loss, damage, injury, property damage, personal injury, death, liability, duty, obligation, costs and expenses (including attorney fees) arising out of or related to such entry on the Property. Nothing in this section shall be deemed to waive or otherwise limit the defenses available to the Board of County Commissioners pursuant to the Colorado Governmental Immunity Act or as otherwise provided by law.
5. In accordance with ECM Sections 5.3.15 and I.4.1C, Applicant is obligated to provide surety sufficient to make reasonable provision for completion of the grading, erosion control and final stabilization measures, in the amount set forth on Exhibit B attached hereto. Surety shall be in the form of cash, Certified or Cashier's Check, or letter of credit.
6. Applicant is responsible for providing any renewals of surety to ensure that there is never a lapse in security coverage. Applicant shall procure renewal/extension/replacement surety at least fifteen (15) days prior to the expiration of the surety then in effect. Failure to procure renewal/extension/replacement surety within this time limit shall allow the County to execute on the surety.
7. All of the grading, erosion control and final stabilization measures to be completed as identified on Exhibit B shall be constructed in compliance with the following:
 - a. All laws, resolutions and regulations of the United States, State of Colorado, El Paso County and its various agencies, affected special districts and/or servicing authorities.
 - b. Such other designs, drawings, maps, specifications, sketches and other matter submitted to and approved by any of the above-stated governmental entities.
8. All grading, erosion control, and final stabilization measures shall be completed by the Applicant within 12 (twelve) months from the date of notice to proceed in the Construction Permit. If Applicant determines that the completion date needs to be extended, Applicant shall submit a written request for a change in the completion date to the ECM Administrator at least 90 days in advance of the required completion date. The request shall include the reasons for the requested change in completion date, the proposed new completion date, and prove surety is in place to cover the extension time requested. The completion date for the Construction Permit may be extended at the discretion of the ECM Administrator. Failure to meet the original or extended completion date, as applicable, shall allow the County to execute on the surety.

IN WITNESS WHEREOF, the Applicant hereby executes this Pre-Subdivision
Site Grading Acknowledgement and Right of Access Form this 28th day of
March 2023

Applicant:

Gorilla Capital CO Saddlehorn Ranch, LLC



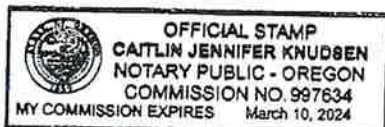
John V. Helmick, Manager and CEO

STATE OF OREGON)
)ss.
COUNTY OF LANE)

The foregoing instrument was acknowledged before me this 28th day of March,
2023 by John V. Helmick


Witness my hand and official seal.

My commission expires: March 10, 2024





Notary Public



Executive Director
Planning and Community Development Department

4/19/23

Date

Approved as to Content and Form:

Lori L. Seago

Assistant County Attorney



EXHIBIT A

SADDLEHORN RANCH FILING NO. 3

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF SECTION 3, T3S, R64W, 6TH P.M., MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 17496" IN A RANGE BOX AT THE NORTHWEST CORNER OF SECTION 3 AND A NO. 6 REBAR IN A RANGE BOX AT THE SOUTHWEST CORNER OF SECTION 3, BEARING N00°32'28"W AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE S57°37'42"E A DISTANCE OF 93.41 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF JUDGE ORR ROAD RECORDED UNDER RECEPTION NO. 215008985 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

1. S89°59'23"E A DISTANCE OF 822.24 FEET;
2. N00°00'39"E A DISTANCE OF 20.00 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF JUDGE ORR ROAD RECORDED UNDER RECEPTION NO. 215008986;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S89°59'23"E A DISTANCE OF 2,475.34 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES:

1. S00°42'27"E A DISTANCE OF 40.00 FEET;
2. N89°59'23"W A DISTANCE OF 600.05 FEET;
3. S00°42'27"E A DISTANCE OF 1366.43 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 710.00 FEET, A CENTRAL ANGLE OF 34°50'03" AND AN ARC LENGTH OF 431.66 FEET, TO A POINT OF NON-TANGENT;
5. S53°01'17"W A DISTANCE OF 50.63 FEET, TO A POINT OF CURVE;
6. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 320.00 FEET, A CENTRAL ANGLE OF 29°21'21" AND AN ARC LENGTH OF 163.95 FEET, TO A POINT OF TANGENT;
7. S23°39'56"W A DISTANCE OF 488.23 FEET, TO A POINT OF CURVE;
8. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 3,780.00 FEET, A CENTRAL ANGLE OF 02°54'45" AND AN ARC LENGTH OF 192.15 FEET, TO A POINT ON THE NORTHERLY LINE OF SADDLEHORN FILING NO.2 RECORDED UNDER RECEPTION NO. _____, SAID POINT BEING A POINT OF CURVE;

THENCE ON THE NORTHERLY LINES OF SAID SADDLEHORN RANCH FILING NO. 2, THE FOLLOWING

6. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2,780.00 FEET, A CENTRAL ANGLE OF 13°06'52" AND AN ARC LENGTH OF 636.31 FEET, TO A POINT OF TANGENT;
7. N71°14'24"W A DISTANCE OF 260.86 FEET, TO A POINT OF CURVE;
8. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 18°44'59" AND AN ARC LENGTH OF 255.25 FEET, TO A POINT OF TANGENT;
9. N89°59'23"W A DISTANCE OF 303.52 FEET;
10. N00°00'37"E A DISTANCE OF 35.00 FEET;
11. N89°59'23"W A DISTANCE OF 60.00 FEET;
12. S00°00'37"W A DISTANCE OF 35.00 FEET;
13. N89°59'23"W A DISTANCE OF 442.27 FEET, TO A POINT ON THE WEST LINE OF SAID SECTION 3, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF SAID SADDLEHORN RANCH FILING NO. 2;

THENCE ON SAID WEST LINE, N00°32'28"W A DISTANCE OF 836.74 FEET, TO A POINT ON THE SOUTHERLY LINE OF CURTIS ROAD RECORDED UNDER RECEPTION NO. 215008985;

THENCE ON THE SOUTHERLY AND EASTERLY RIGHT-OF-WAY LINES OF SAID CURTIS ROAD, THE FOLLOWING FIVE (5) COURSES:

1. N89°33'03"E A DISTANCE OF 30.00 FEET;
2. N00°32'28"W A DISTANCE OF 984.54 FEET;
3. N89°27'33"E A DISTANCE OF 20.00 FEET;
4. N00°32'28"W A DISTANCE OF 820.00 FEET;
5. N44°44'03"E A DISTANCE OF 40.00 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 7,665,666 SQUARE FEET OR 175.9795 ACRES.