



RESOLUTION NO. 21-272

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

**RESOLUTION TO APPROVE A PARK LANDS AGREEMENT BETWEEN COLA, LLC.
AND EL PASO COUNTY**

WHEREAS, a Park Lands Agreement has been proposed between COLA, LLC., ("Property Owner") and El Paso County ("County"); and

WHEREAS, pursuant to the requirements of the El Paso County Land Development (the "Code"), the El Paso County Community Services Department calculated the 2020 Urban Park Fees for the Trails at Aspen Ridge Filing No. 4 to be \$35,712; and

WHEREAS, the Property Owner provided a plan outlining the development of the a neighborhood park, which includes sod, trees, shrubs, irrigation, sidewalk connections, fenced dog park, shade shelter, benches, and picnic tables, which will provide urban recreation opportunities for residents and public citizens living within and outside of the Trails at Aspen Ridge; and

WHEREAS, the County desires to grant the Property Owner \$35,712 in Urban Park Fee Credits, provided that the Property Owner installs urban park improvements of an equal or greater value to certain parcels identified as "Tracts B and C" in the Trails at Aspen Ridge Filing No. 2, located within 1/8th mile of Filing No. 4; and

WHEREAS, the El Paso County Park Advisory Board unanimously endorsed the Park Land Agreement at their meeting on June 9, 2021; and

WHEREAS, the Board of County Commissioners has reviewed and supports the proposed Park Lands Agreement.

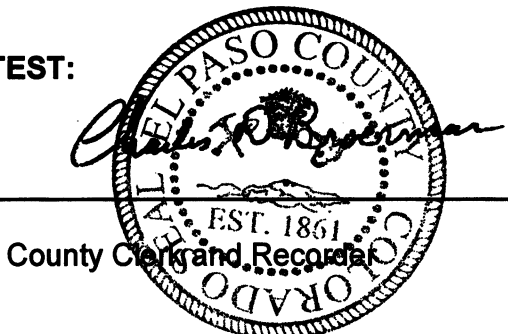
NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners of El Paso County, Colorado, hereby approves the attached Park Lands Agreement and authorizes the Chairperson to execute all required documents.

DONE THIS 20th DAY OF JULY, 2021 at Colorado Springs, Colorado.

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

ATTEST:

By: _____



County Clerk and Recorder

By: _____

Vice Chair

PARK LANDS AGREEMENT
TRAILS AT ASPEN RIDGE FILING NO. 4

THIS PARK LANDS AGREEMENT ("the Agreement") is made and entered into this 20th day of July, 2021, by and between COLA, LLC., ("Property Owner") and EL PASO COUNTY, BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS of EL PASO COUNTY COLORADO ("County").

RECITALS

A. Property Owner is the developer of a large parcel of property situated in an unincorporated portion of El Paso County, State of Colorado consisting of approximately 168 acres, previously known as Springs East at Waterview, and known and described currently as Trails at Aspen Ridge, whose PUD Development Plan and Preliminary Plan was approved for development by the Board of County Commissioners of El Paso County in December 2019.

B. Property Owner is the owner of and in the process of completing the improvements for a portion of the Trails at Aspen Ridge platted as Trails at Aspen Ridge Filing No. 4 (the "Property") for development of 124 single-family lots, whose application is anticipated to be considered by the Planning Commission and the Board of County Commissioners in 2022.

C. Pursuant to the requirements of the El Paso County Land Development Code (the "Code"), the El Paso County Community Services Department estimates the Urban Park Fees for the Trails at Aspen Ridge Filing No. 4 to be \$35,712.

D. The County desires to grant the Property Owner \$35,712 in Urban Park Fee Credits, provided that the Property Owner installs urban park improvements (the "Park Improvements") of an equal or greater value to those certain parcels identified as Tracts B and C in the Trails at Aspen Ridge Filing No. 2 Final Plat, and which urban Park Improvements will provide urban recreation opportunities for the residents and visitors of the Trails at Aspen Ridge Filing No. 4, as well as the public and residents living in and around the Trails at Aspen Ridge.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants hereinafter set forth, as well as the above Recitals, which are a material part hereof, the County and the Property Owner agree as follows:

1. **Park Development and Obligations.** Property Owner shall satisfy its urban park development requirements and obligations for the Property by installing or causing the installation of urban park amenities and landscaping within those parcels known as the Trails at Aspen Ridge Filing No. 2 Final Plat, Tracts B and C, located near Bird Ridge Drive and Big Johnson Drive. By execution and recordation of this Agreement, the Property is hereby burdened and encumbered by this Agreement.

- a. From and after the date of recordation of the subdivision plat for the Property, the Property Owner shall install or cause to be installed certain urban Park Improvements within the designated tracts.

- b. The value of the contribution of Property Owner towards the Park Improvements installed shall be equal to or greater than \$35,712. The value of the contribution provided under this Agreement shall be in addition to the contributions provided under the Park Lands Agreement for the Trails at Aspen Ridge Filing No. 2.
- c. The Property Owner will provide a site plan and a design and construction cost estimate for the Park Improvements to the County for review and approval prior the recording of the Final Plat for the Trails at Aspen Ridge Filing No. 2.
- d. The Park Improvements shall include but are not limited to the Trails at Aspen Ridge Filing No. 2 Park, including sod, trees, shrubs, irrigation, sidewalk connections, fenced dog park, shade shelter, benches, and picnic tables for use by the public and residents.
- e. The Park Improvements shall be fully completed within two years of the execution of this Agreement. If not completed within two years, the Urban Park Fees in the amount of \$35,712 will be immediately paid to the County by Property Owner. If the above-mentioned conditions are not satisfied within the two-year period, El Paso County Parks will not consider future applications within the Trails at Aspen Ridge until the improvements have been completed or fees have been paid.
- f. Upon completion of the Park Improvements, El Paso County Parks staff will conduct an inspection of the site(s) and send to the Property Owner a Letter of Fulfillment to finalize the conditions of this Park Lands Agreement.
- g. The Park Improvements will remain for public use in perpetuity, consistent with the zoning of the property identified in the approved Springs East at Waterview / Trails at Aspen Ridge PUD Development Plan and Preliminary Plan.

2. Maintenance. Unless otherwise mutually agreed by the Property Owner and the County, the Park Improvements will be maintained as shown on the approved site plan as described in Item 1.c. in perpetuity by the Property Owner for the benefit of the public.

3. Installation. The Property Owner, at no cost to the County, shall be responsible for the installation of all Park Improvements pursuant to this Agreement and pay or cause to be paid any necessary tap fees to properly irrigate the Park Improvements. Any and all Park Improvements are subject to review and acceptance by the County. All Park Improvements shall be installed in compliance with all applicable County regulations, resolutions, and standards.

4. Successors and Assigns. This Agreement is binding on and inures to the benefit of the heirs, successors, and assigns of the Parties hereto, including any successive owners or developers of the Property.

IN WITNESS of the foregoing provisions, the Parties have executed this Agreement as of the date first entered above.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

COLA, LLC.

By: _____
Vice Chair

By: 
Timothy Buschar, Director of Land
Acquisition and Site Development

ATTEST:

Clerk & Recorder

APPROVED AS TO FORM:


Steven Klaffky (Jun 10, 2021 15:13 MDT)

County Attorney's Office