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RESOLUTION NO. 22- 371

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

APPROVE VACATION AND REPLAT OF PEYTON RANCHES FILING NO. 1B

WHEREAS, Maddie Investments, LLC did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of one (1) residential lot as three (3) residential lots within the RR-5 (Residential Rural) zoning district 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 October 20, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on November 1, 2022; 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 of El Paso County.
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. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. 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 Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed vacation and replat 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 vacation and replat of PEYTON RANCHES FILING NO. 1B;

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. 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 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.**
- 8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$1,380.00 shall be paid at time of plat recordation.**

9. Fees in lieu of school land dedication in the amount of \$370.00 shall be paid to El Paso County for the benefit of Peyton School District 23 at time of plat recording.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.

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

DONE THIS 1st day of November, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: 
County Clerk & Recorder

By: 
Stan VanderWerf, Chair

EXHIBIT A

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 1196.29' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 12°57'19" W ALONG THE WESTERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 95.38'; THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 62 PEYTON RANCHES ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 24°11'22", RADIUS OF 670.00' FEET, ARC LENGTH OF 282.86' AND CHORD BEARING OF N 00°51'38" W; THENCE N 11°14'03" E A DISTANCE OF 205.38' FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 12°05'41", RADIUS OF 730.00' FEET, ARC LENGTH OF 64.10' FEET AND A CHORD BEARING OF N 08°43'16" E; THENCE N 88°30'35" E ALONG THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 381.98' FEET; THENCE S 01°00'22" E A DISTANCE OF 641.17' FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 417.30' FEET TO THE POINT OF BEGINNING. CONTAINING 6.2791 ACRES, MORE OR LESS.

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 778.98' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 01°00'22" W A DISTANCE OF 641.17' FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE N 88°30'35" E ALONG THE NORTH LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 632.57' FEET; THENCE S 28°53'41" E, A DISTANCE OF 285.27' FEET; THENCE S 84°03'18" W A DISTANCE OF 86.43' FEET; THENCE S 12°57'10" E A DISTANCE OF 393.17' FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 491.27' FEET TO THE POINT OF BEGINNING. CONTAINING 6.5282 ACRES, MORE OR LESS.

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 287.71' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 12°57'10" W A DISTANCE OF 393.17' FEET; THENCE N 84°03'18"E A DISTANCE OF 86.43' FEET; THENCE N 28°53'41" W A DISTANCE OF 285.27' FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE N 88°30'35" E ALONG THE NORTH LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 417.59' FEET; THENCE S 01°27'57" E ALONG THE EAST LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 42.90' FEET; THENCE S 00°51'55" E CONTINUING ALONG THE EAST LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 604.87' FEET TO THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 287.71' FEET TO THE POINT OF BEGINNING. CONTAINING 5.0084 ACRES, MORE OR LESS.