EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: **El Paso County Board of County Commissioners**
Mark Waller, Chair

FROM: **Len Kendall, Planner I**
Beck Grimm, EI Engineer I
Craig Dossey, Executive Director

RE: **Project File #: VR-18-013**
Project Name: Appaloosa Vacation and Replat
Parcel No.: 54073-17-012

OWNER:	REPRESENTATIVE:
Platte Valley LLC, c/o Ron Waldthausen 1378 Promontory Bluff View Colorado Springs, CO 80921	Associated Design Professionals, Inc. 3520 Austin Bluffs Parkway, Suite 102 Colorado Spring, CO 80918

Commissioner District: 2

Planning Commission Hearing Date:	2/19/2019 and 3/5/2019
Board of County Commissioners Hearing Date	3/12/2019

EXECUTIVE SUMMARY

A request by Platte Valley, LLC, for approval of a vacation and replat of one (1) industrial lot to create three (3) industrial lots; with Lot 1 being 1.00 acres, Lot 2 being 1.01 acres, and Lot 3 being 2.66 acres. The 4.67-acre site is zoned I-2 (Limited Industrial), CAD-O (Commercial Airport Overlay), and is located on the east side of Amelia Street in the southeast quadrant of the intersection of Terminal Avenue and Amelia Street. The property is not within the boundaries of a comprehensive planning area.

A. REQUEST/WAIVERS/DEVIAIONS/AUTHORIZATION

Request: A request by Platte Valley, LLC, for approval of a vacation and replat of one (1) industrial lot to create three (3) industrial lots.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this vacation and replat.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard: To be heard at the March 5, 2019 hearing as a Consent Item
Recommendation: TBD
Waiver Recommendation: N/A
Vote: TBD
Vote Rationale: N/A
Summary of Hearing: Draft Minutes available upon request.
Legal Notice: N/A

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat." The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and

- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

D. LOCATION

North: I-2 (Limited Industrial)	Commercial
South: CC (Commercial Community), CS (Commercial Service)	Industrial/Vacant
East: CC (Commercial Community), I-2 (Limited Industrial)	Commercial
West: I-2 (Limited Industrial)	Commercial/Vacant

E. BACKGROUND

The subject property was originally platted as Block 5 of the G & H Industrial Subdivision which was recorded by the Clerk and Recorder on July 17, 1970. Block 5 of the G & H Industrial Subdivision was subsequently replatted into four lots known as the Kay Tee Subdivision No. 3. The Kay Tee Subdivision No. 3 replat was recorded on February 6, 1974. A vacation of the interior lot line (V-82-005) between Lots 1 and 2 of the Kay Tee Subdivision No. 3 was approved by the Board of County Commissioners on April 15, 1982. The property became known as Lot 2, Kay Tee Subdivision No. 3. Subsequently Lot 2, created by the interior lot line vacation, was replatted (VR-00-019) into a two-lot subdivision known as the Appaloosa Highway 24 Subdivision, approved by the Board of County Commissioners on October 26, 2000. The property was rezoned from C-2 (Roadside Service) to Planned Industrial District (PID-70-002Z) in 1970. In 1989, the property was rezoned from the PID zoning district to the Commercial Community zoning district (PBP-89-002). The property was part of a 10.9-acre rezoning from the CC (Commercial Community) zoning district to the I-2 (Limited Industrial) zoning district on March 27, 2008. The property is also included within the CAD-O (Commercial Airport Overlay) overlay.

An Early Assistance Meeting was held on June 9, 2016, to discuss subdividing Lot 2 of Appaloosa Highway 24 Subdivision into three (3) separate parcels by vacation and replat. During the meeting the applicant was advised that, based upon the literal reading of the drainage fee guidance in the Engineering Criteria Manual (ECM), and because drainage and bridge fees have not been previously paid, the drainage and bridge fees due at the time of recording of the proposed vacation and replat would be calculated for all three (3) proposed lots. Later in 2016, the property owner requested a formal Administrative Determination (ADM-16-016) regarding whether drainage and bridge fees would be applicable for all proposed lots should the property known as Lot 2 Appaloosa Highway 24 Subdivision be vacated and replatted into three (3) lots.

The determination stated:

> The proposed action to vacate one lot and replat into three (3) lots is a subdivision action governed by the requirements of the current versions of the El Paso County Land Development Code (2018) and Engineering Criteria Manual (2015). Drainage and Bridge Fees are applicable to the entirety of the project based upon the current wording of the applicable regulations. A request to modify or waive the applicable fees requires Board of County Commissioners approval, which may occur through a waiver associated with the proposed replat action, a standalone waiver acted upon by the Board, or through an appeal of this decision.

The determination was appealed by the property owner to the Board of County Commissioners (APP-16-004). On September 27, 2016, the Board of County Commissioners denied the appeal of the administrative determination, but waived the drainage and bridge fees for the largest lot (Lot 3). They also determined that drainage and bridge fees would be due for Lots 1 and 2 at the time of recording the anticipated replat.

F. ANALYSIS

1. Land Development Code Compliance

The application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

2. Zoning Compliance

The proposed replat will create three (3) industrial lots. The I-2 (Limited Industrial) zoning district density and dimensional standards are as follows:

- Minimum Zoning District Area: 20 acres
- Minimum Lot Size: 1 acre
- Minimum Setbacks:
  - Front: 50 feet
  - Rear: 50 feet
  - Side: 30 feet
- Maximum Lot Coverage: 35 percent
- Maximum Height: 45 feet

The proposed uses and structures of the property will conform to the dimensional standards of the zoning district, unless modified by processes allowed by the El Paso County Land Development Code (2018). There are no residential zoning districts within 125 feet of this property.

3. **Policy Plan Analysis**

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Goal 5.1- Maintain a land use environment which encourages quality economic development that is compatible with surrounding land uses.

Policy 5.1.12- Discourage or prevent land uses which threaten the long-term operating viability of critical infrastructure, such as the airport and industrial areas which must grow to accommodate new primary jobs for the County's growing population.

The proposed subdivision will create three (3) industrial lots in the I-2 (Limited Industrial) zoning district. The surrounding land uses are compatible with the zoning district's allowances in the I-2 zoning district. The additional parcels created will support Policy 5.1.12 by increasing the number of industrial parcels in the County.

4. **Small Area Plan Analysis**

This area is not within the boundaries of a small area master plan.

5. **Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. **Hazards**

Part of the parcel is encumbered by a concrete lined drainage channel along the easterly property boundary, which will need to be repaired as a part of this vacation and replat. A subdivision improvement agreement has been submitted as part of this application.

2. **Wildlife**
   The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. **Floodplain**
   A majority of the property is located outside of the 100-year floodplain. A small portion of the eastern side of the proposed Lot 3 lies within the 100-year floodplain (Zone AE) as indicated in the FEMA flood insurance rate map number 08041C0754G, which has an effective date of December 7, 2018.

4. **Drainage and Erosion**
   The property is located in the Sand Creek (FOFO4000) drainage basin, which was studied in 1996. The subdivision is subject to the El Paso County Drainage Basin Fee Program which requires fees to be paid at the time of final plat recordation. Based on Resolution No. 16-336, drainage and bridge fees will only be assessed on the two smaller lots (Lots 1 and 2).

   The site generally slopes southwest towards an existing roadside ditch and culvert which flows south underneath Highway 24. Runoff for all three lots will be conveyed by private swales and storm sewer system into a full spectrum detention pond proposed on Lot 3 which provides both water quality and flood control storage. The full spectrum detention pond is a private facility and will be maintained by the owner of Lot 3.

   There is an existing private concrete drainage channel located along the eastern property line of Lot 3. An approximately 120 foot section of the concrete lined drainage channel shall be reconstructed by the developer.

   A grading and erosion control (GEC) plan was approved with this vacation and replat request. The GEC plan identifies best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

5. **Transportation**
   The subdivision will access off of Amelia Street and Terminal Avenue. No direct lot access to Highway 24 is allowed. A traffic memorandum dated January 17, 2019, was completed by LSC Transportation Consultants, Inc. The memorandum concluded that no public roadway improvements are required.

H. SERVICES

1. Water

Sufficiency:
Quality:
Quantity:
Dependability:
Attorney's summary: The State Engineer has stated that there is sufficient water allocated to the additional three (3) lots created as part of this vacation and replat. The County Attorney's Office has yet to complete a determination of water sufficiency. Any determination made by the County Attorney's Office prior to the hearing will be provided by staff at the hearing.

2. Sanitation

Cherokee Metropolitan District has provided a commitment letter to provide wastewater service to the three (3) proposed lots.

3. Emergency Services

The property is within the Cimarron Hills Fire Protection District.

4. Utilities

Colorado Springs Utilities will provide natural gas and electrical service to the proposed vacation and replat.

5. Metropolitan Districts

The property is located within Cherokee Metropolitan District.

6. Parks/Trails

Park fees are not applicable for industrial subdivisions.

7. Schools

School fees are not applicable for industrial subdivisions.

I. APPLICABLE RESOLUTIONS

See Attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2018) staff recommends the following conditions and notations:

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 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 El Paso County Planning and Community Development Department, shall be filed at the time of recording the plat.

8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the 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. 18-471), 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.

10. Drainage and bridge fees in the amount of $26,174 and $7,930, respectively, for Lots 1 and 2 shall be paid at the time of plat recordation.

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on January 29, 2019, for the Board of County Commissioners hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter (to be provided at hearing or prior to)
Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name: VA-18-013

Zone Map No. --

PARCEL	NAME
5407317012	PLATTE VALLEY LLC

ADDRESS	CITY	STATE
1378 PROMONTORY BLUFF VW	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80921	3945

Date: January 29, 2019

Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600

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Letter of Intent
November 2018

Project:	**Appaloosa Hwy 24 Subdivision Fil. No. 2**
Owner:	**Platte Valley LLC** 1378 Promontory Bluff View Colorado Springs, CO 80921 719-491-0801
Applicant/Consultant:	**ADP Civil** 3520 Austin Bluffs Pkwy, Suite 102 Colorado Springs, CO 80918 719-266-5212

Site Location: The 4.67 acre site is located at the southeast corner of the Hwy 24 and Amelia Street intersection

Applications/Project Description: This application is for the replatting of Lot 2 of the Appaloosa Hwy 24 Subdivision into three (3) lots.

The site is currently zoned I-2, limited industrial zone. No zone change is required or requested for the proposed use of the property. Topographically, the site is relatively flat, and drains from the north to the south.

Phasing: None

Buffering/Screening: This parcel does not abut any residentially zoned or used property, therefore no screening or buffering is required.

Justification: The site is zoned I-2 (Limited Industrial). The proposed use is permitted by right in the existing zone. The access to the site is from Terminal Avenue and Amelia Street. No access from Hwy 24 is permitted.

The Final Plat meets the County Code requirements for approval.

This industrial site will be served by public central utility systems. Water and sanitary sewer services will be provided by the Cherokee Metropolitan District and Colorado Springs Utilities will serve natural gas and electric services. County policy dictates that new commercial services be provided with urban infrastructure, and this development proposal complies with that policy.

Early grading is being requested to construct the proposed Water Quality/ Detention Basin located in the southwest corner of the site.

Conformance with El Paso County Policy Plan: The following policies in the El Paso County Policy Plan support these applications:

- **Policy 6.1.1** Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

- **Policy 6.1.3** Encourage new development which is contiguous with previously developed areas in terms of factors such as density, land use and access.

- **Policy 6.1.6** Direct development toward areas where necessary urban-level supporting facilities and services are available or will be available concurrently.

- **Policy 6.1.7** Encourage infill development which compliments existing uses, is consistent with Small Area and other adopted plans.

- **Goal 6.3** Continue to support existing and carefully planned future urban density development in the unincorporated County, provided the requisite level of urban services is available or will available in a timely fashion.

Districts Serving the Property

- Colorado Springs Utilities (Gas and Electric)
- Cherokee Metropolitan District
- Cimarron Hills Fire Protection District

Wildlife Impact: There are no impacts to wildlife.

Natural Features: There are no significant natural features on this site. Site vegetation consists of native grasses.

Maintenance Statement: There will not be an owners association for this property. The property owner for proposed Lot 3 will provide maintenance for the Facilities

Subdivision Improvements Agreement: A Subdivision Improvements Agreement has been submitted with these applications.

Waiver Request: No Waivers are requested

FINAL PLAT
APPALOOSA HWY 24 SUBDIVISION FILING NO. 1A

A VACATE AND RE-PLAT OF LOT 2, APPALOOSA HWY 24 SUBDIVISION, BEING A PORTION OF THE SW1/4 OF SECTION 7, T14S, R65W OF THE 6TH P.M. CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

KNOW ALL MEN BY THESE PRESENTS:

That Platte Valley LLC, a Colorado Limited Liability Company, being the owner of the following described tract of land to wit:

Lot 2, Appaloosa Hwy 24 Subdivision County of El Paso, State of Colorado.

Containing a calculated area of 203,245 square feet (4.666 acres), more or less.

DEDICATION:

The above owner has caused said tract of land to be surveyed and platted into lots and easements as shown on the accompanying plat, which plat is drawn to a fixed scale as indicated thereon and accurately sets forth the boundaries and dimensions of said tract and the location of said easements. The tract of land as platted shall be known as APPALOOSA HY SUBDIVISION FILING NO. 1A, El Paso County, Colorado.

The undersigned does hereby dedicate, grant and convey to the County of El Paso those Public Easements as shown on the plat; and further restricts the use of all Public Easements to the County of El Paso and/or its assigns, provided however, that the sole right and authority to release or quitclaim all or any Public Easements shall remain exclusively vested in the County of El Paso.

IN WITNESS WHEREOF:

The aforementioned, Platte Valley LLC, a Colorado Limited Liability Company, has executed this instrument this _____ day of _____, 2018.

Platte Valley LLC, a Colorado Limited Liability Company

By: _____

Name: Ronald Waldhausen

Title: Manager

NOTARIAL:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which the certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____ }
COUNTY OF _____ } SS

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2018,

by Ronald Waldhausen, as Manager of Platte Valley LLC, a Colorado Limited Liability Company, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

_____
SIGNATURE

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for APPALOOSA HY SUBDIVISION FILING NO. 1A was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 20__, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public, easements, are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Previous plat name in entirety is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception # _____.

_____ _____
Chair, Board of County Commissioners Date

OWNERS CERTIFICATE:

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots and easements as shown hereon under the name and subdivision of APPALOOSA HY SUBDIVISION FILING NO. 1A. All public improvements as platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements as dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

_____
[Owners/Mortgagee: (Signature)

By: _____
Title: _____

ATTEST: (if corporation)

Secretary/Treasurer

STATE OF COLORADO }
COUNTY OF _____ } SS

Acknowledged before me this _____ day of _____, 20__, by _____ as _____.

My commission expires _____

Witness my hand and official seal _____
Notary Public

Signatures of officers signing for a corporation shall be acknowledged as follows:
(print name) as President/Vice President and print name as Secretary/Treasurer, name of corporation, a state corporation.

Signatures of managers/members for a LLC shall be acknowledged as follows:
(print name) as Manager/Member, of company, a state limited liability company.
(Note: Required when separate ratification statements for deed of trust holders, mortgagees are not utilized)

NOTICE IS HEREBY GIVEN:

That the area included in the plat described herein is subject to the code of the El Paso County 2001, as amended.

No building permits shall be issued for building sites within this Plat until all required fees have been paid and all required public and private improvements have been installed as specified by El Paso County, or, alternatively, until acceptable assurances, including but not limited to letters of credit, cash, subdivision bonds, or combination thereof guaranteeing the completion of all required public improvements including but not limited to drainage, street and erosion control have been placed on file with El Paso County.

VICINITY MAP

EASEMENTS:

All easements that are dedicated hereon for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Reception Number 212113348 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.

There are 5' Public Utility and Drainage Easements along all side lot lines, as shown hereon.

There are 7' Public Utility and Drainage Easements along all rear lot lines, as shown hereon.

COUNTY APPROVALS:

On behalf of the County of El Paso, the undersigned hereby approve for filing the accompanying plat of APPALOOSA HY SUBDIVISION FILING NO. 1A.

_____ _____
County Engineer Date County Planning Director Date

_____
County Clerk Date

COUNTY REQUIRED NOTES:

The following reports have been submitted in association with the Preliminary Plan or Final Plat for this subdivision and are on file at the County Planning and Community Development Department: Transportation Impact Study; Drainage Report; Water Resources Report; Wastewater Disposal Report; Geology and Soils Report; Fire Protection Report; Wildfire Hazard Report; Natural Features Report.

Individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts from _____ Road per Land Development Code Section 6.3.3.C.2 and 6.3.3.C.3. Due to their length, some of the driveways will need to be specifically approved by the (name of Fire District).
Where a Section Line Road encumbers the property, which could be eliminated as part of the subdivision plat. The 60 foot wide public highway contained within this plat as ordered by the Board of County Commissioners for El Paso County on (_____) and recorded in Book Book _____ and Page _____ of the records of El Paso County, is hereby vacated upon recordation of this plat.

The individual lot purchaser(s) shall be responsible for final design, construction, and maintenance of private detention pond/water quality BMP(s) as described in the approved Preliminary/Final Drainage Report for this subdivision. Final design, construction drawings and drainage report upgrades for the detention pond/water quality BMP(s) serving each lot shall be provided with Site Development Plan submittals. The detention pond/water quality BMP(s) shall be constructed and completed prior to the issuance of any building permits for the subject lots. The subdivision developer is responsible for providing financial assurances as indicated in the Subdivision Improvements Agreement and Estimate of Guaranteed Funds for all detention ponds/water quality BMPs. All detention ponds/water quality BMPs shall be constructed prior to the release of said financial assurances.
Individual lot purchasers shall enter into a Private Detention Basin / Stormwater Quality BMP Maintenance Agreement and Easement ("Agreement") prior to the issuance of any building permits for the subject lots. In the case that the developer constructs the detention pond(s), the developer shall enter into an Agreement for each pond constructed.

Cherokee Plat Note Re: Basin Transfer/Insufficiency:
Water and wastewater services for this subdivision are provided by the Cherokee Metropolitan District (Cherokee) subject to the District's rules, regulations and specifications. The Office of the State Engineer has issued an opinion of water sufficiency based on its analysis and interpretation of a stipulated agreement concerning the availability of certain water rights for use outside of the Upper Black Squirrel Creek Designated Basin, and thus found insufficiency of water resources for this subdivision based on that agreement. This interpretation differs from certain opinions issued by the Office in the past. Based on its own review of the stipulated agreement and its history (and not the amount of water actually available) the Board of County Commissioners in an open and public hearing did not accept the interpretation of the State Engineer's Office. The Board of County Commissioners found that Cherokee has committed to provide water service to the subdivision and asserted that its long term water service capabilities are sufficient. The Board of County Commissioners made this determination in reliance upon the testimony and expertise provided by Cherokee at the public hearing thereon. At the hearing, Cherokee asserted that its plans and continued financial investment in infrastructure are designed to allow Cherokee to continue to provide this subdivision and its existing customers with water and wastewater services for 300 years or more.

NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACT ASSOCIATED WITH AIRPORT:

1. All property within this subdivision is subject to an Avigation Easement as recorded at Reception No. 200156011, of the records of the El Paso County Clerk and Recorder. (Use only when the property is subject to an existing avigation easement as reflected in the title policy)

FEES:

DRAINAGE FEE: _____ BRIDGE FEE: _____

SCHOOL FEE: _____ PARK FEE: _____

NOTES:

1. This survey does not constitute a title search by Clark Land Surveying, Inc. to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Clark Land Surveying, Inc. relied upon a Commitment for Title Insurance, prepared by Old Republic National Title Insurance Company, Commitment No. RNCB50725886-2, with an effective date of November 3, 2018 at 5:00 P.M.
2. Basis of bearings is the south line of Lot 3, Appaloosa Hwy 24 Subdivision filing no. 2, recorded at Rec. No. 01440975 in the offices of the El Paso County Clerk and Recorder, monumented at its west end by a aluminum 3.5" cap stamped "PLS 91303" and at its east end by a 3.5" aluminum witness cap marking 25' online and assumed to bear N89°27'26"W with a measured distance of 407.28 feet, as shown hereon.
3. FEDERAL EMERGENCY MANAGEMENT AGENCY, Flood Insurance Rate Map, Map Number 08041C0373F effective date of March 17, 1997, with revised LOMR 05-08-B368P, effective date of May 23, 2007, indicates this parcel of land is located in Zone X (area determined to be out of the 500 year flood plain) and Zone AE (special flood hazard area inundated by a 100-year flood-Base flood elevation determined – contained to engineered channel).
4. Easements and other record documents shown or noted on this survey were examined as to location and purpose and were not examined as to restrictions, exclusions, conditions, obligations, terms, or as to right to grant the same.
5. The lineal units used in this drawing are U.S. Survey Feet.
6. The Avigation easement dedicated herein for public avigation purposes, shall be considered a public easement, subject to those terms and conditions as specified on the instrument recorded at Rec. No 217069667 of the records of El Paso County, Colorado. All other easements or interests of recording affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.
7. Notice: This property may be impacted by noise caused by aircraft operating into and out of the Colorado Springs Municipal Airport. The buyer should familiarize himself/herself with this potentiality and the ramifications thereof.
8. Approval of this replat vacates all prior plats for the area described by this replat.
9. The El Paso County Department of Transportation shall be contacted prior to the establishment of any driveway. Access to lots may be via common access easements.
10. All structural foundations shall be located and designed by a professional engineer, currently registered in the state of Colorado.
11. Access on Amelia Street will be limited to no closer than 135 feet from the intersection of Amelia Street and Highway 24.
12. Lot 1 is encumbered by a Twenty Five (25') foot Sight Visibility triangle at the intersection of Amelia Street and Terminal Avenue, per Reception No. 200148102.
13. No obstructions greater than 18 inches (18") in height shall be permitted in the sight triangles.
14. The property is subject to the Terms, Conditions, Provisions, Burdens, Obligations and Easements as set forth and granted in Avigation easements recorded April 18, 1973 in book 2578 at page 604, September 16, 1981 in Book 5890 at Page 209 and August 28, 2000 under Reception No. 200130149 and rerecorded September 5, 2000 under Reception No. 200126011.
15. The property is subject to the effect of inclusion of subject property in the Cimarron Sanitation District (now known as the Cherokee Metropolitan District), as evidenced by instrument recorded March 29, 1977, in Book 2909 at Page 551.
16. The property is subject to the effect of inclusion of subject property in the Cherokee Water District (now known as the Cherokee Metropolitan District), as evidenced by instrument recorded March 29, 1977, in Book 2909 at Page 552.
17. The property is subject to the effect of Resolution No. 82-9, land use-5 regarding approval of special use, recorded February 11, 1982 in Book 3531 at Page 313.
18. The property is subject to the effect of Resolution No. 91-116, land use-18 regarding approval of special use, recorded may 23, 1991 in Book 5840 at Page 1355.
19. The property is subject to the Easements, Conditions, Covenants, Restrictions, Reservations and Notes on the plat of Appaloosa Hwy 24 Subdivision recorded December 20, 2000 under Reception No. 200146102, as amended by quitclaim deed recorded July 27, 2007 under Reception No. 207089218, Resolution No. 05-433 regarding plat approval in conjunction therewith recorded February 24, 2006, under Reception No. 206028173.
20. The property is subject the effect of Resolution No. 00-432 regarding use subject to special review, recorded March 09, 2001, under Reception No. 201029146.
21. The property is subject to the effect of Resolution No. 08-137 regarding zoning, recorded May 12, 2008, under Reception No. 208054704.
22. No driveway shall be established unless an access permit has been granted by El Paso County.
23. All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
24. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
25. Property is subject to the Subdivision Improvements agreement recorded _____ under reception No. _____.
26. The property is subject to limitations on access to and from State Highway No. 24 (Platte Avenue) as contained in Deeds recorded October 15, 1959 in Book 1770 at Page 639, August 11, 2000 at Reception No. 200095157 and October 19, 2000 at Reception No. 200127397.

RECORDING:

STATE OF COLORADO }
COUNTY OF EL PASO } SS

I hereby certify that this instrument was filed for record in my office at ____ o'clock ___M.,
this ____ day of _____, 20___, A.D., and is duly recorded under
Reception No. _____ of the records of El Paso County, Colorado

SURCHARGE: _____ Chuck Broerman, RECORDER

FEE: _____ BY: _____
Deputy

SURVEYOR'S CERTIFICATION:

The undersigned Colorado Registered Professional Land Surveyor does hereby certify that the accompanying plat was surveyed and drawn under his direct responsibility and supervision and to the normal standard of practice by surveyors in the State of Colorado and accurately shows the described tract of land thereon, and that the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his professional knowledge, belief and opinion.

This statement is neither a warranty nor guaranty, either expressed or implied.

Stewart L. Moore, Jr.
Colorado Professional Land Surveyor No. 38245
For and on behalf of Clark Land Surveying, Inc.

This survey plat is null and void without surveyor's original signature and seal.

VR-18-013

Clark-Land Surveying, Inc.
www.ClarkLandSurveying.com
117 S. Tiffany Cir. Unit 1 ● Pueblo West, CO 81007 ● 719.582.1270

No.	Description	By	Date
	Revisions		
3	Certificate Comment	SLM	1/29/2019
2	Comments from various entities	CME	11/8/2018
1	1st Review Comments	SLM	9/28/2018

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

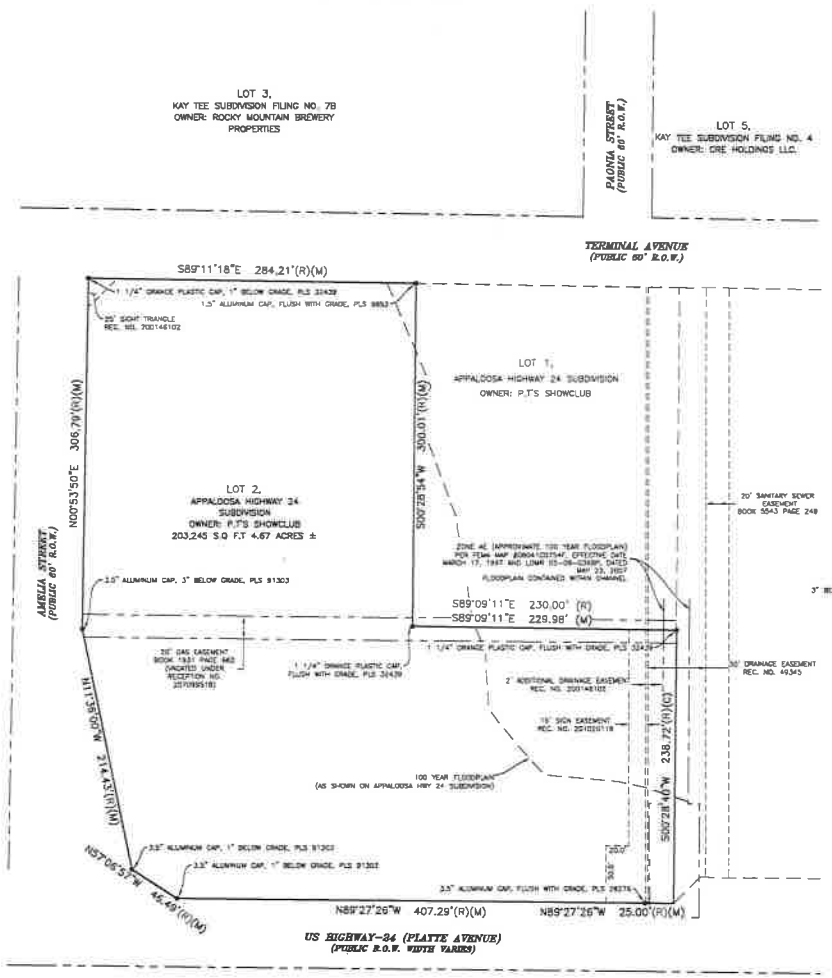
APPALOOSA HWY 24 SUBDIVISION FILING NO. 1A
A PORTION OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. COLORADO SPRINGS, EL PASO COUNTY, STATE OF COLORADO.

Project No.	180231	Drawn By: BCP	Date: 3/20/2018
		Checked By: SLM	Sheet 1 of 2

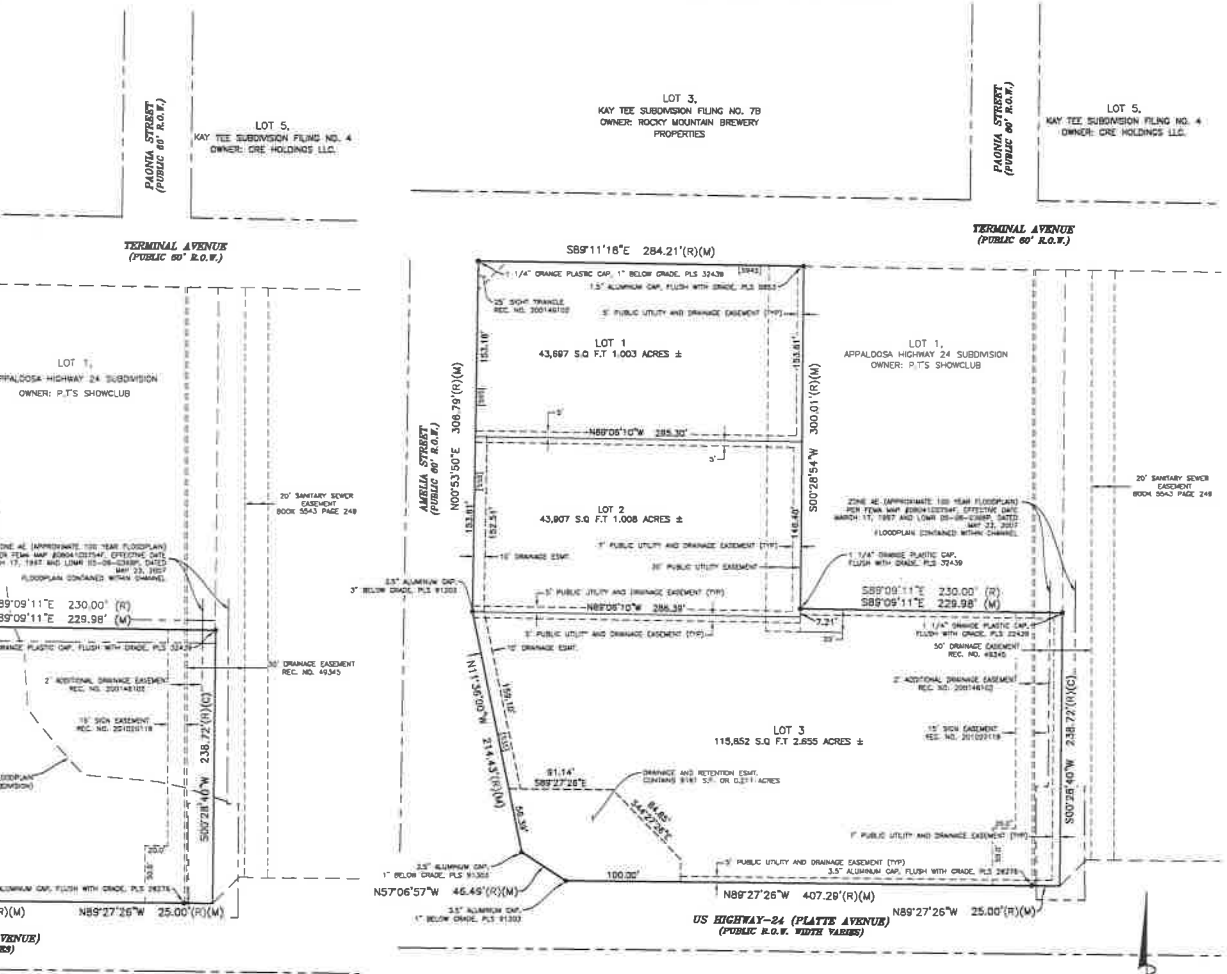
FINAL PLAT
APPALOOSA HWY 24 SUBDIVISION FILING NO. 1A

A VACATE AND RE-PLAT OF LOT 2, APPALOOSA HWY 24 SUBDIVISION,
BEING A PORTION OF THE SW1/4 OF SECTION 7, T14S, R65W OF THE 6TH P.M.
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

AS PLATTED



AS RE-PLATTED



●	FOUND MONUMENT (AS NOTED)
(R)	RECORDED
(M)	MEASURED
(C)	CALCULATED
(R.O.W)	RIGHT OF WAY
[REC. NO.]	RECEPTION NUMBER
[XXX]	STREET ADDRESS

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

Clark-DBG Land Surveying, Inc.
www.clarkdbg.com
117 S. Tiffany Dr. Unit 1 • Pueblo West, CO 81007 • 719.582.1270

Revisions			
No.	Description	By	Date
3	Certificate Comment	SLM	1/29/2019
2	Comments from various entities.	CME	11/9/2018
1	1st Review Comments	SLM	9/28/2018

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

APPALOOSA HWY 24 SUBDIVISION FILING NO. 1A
A PORTION OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COLORADO SPRINGS, EL PASO COUNTY, STATE OF COLORADO.

Project No.	180231	Drawn By: BGR	Date: 3/20/2019
		Checked By: SLM	Sheet 2 of 2

COLORADO
Division of Water Resources
Department of Natural Resources

Office of the State Engineer
1313 Sherman St, Suite 818
Denver, CO 80203

February 25, 2019

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Appaloosa Hwy 24 Subdivision Filing No. 2
Final Plat (Re-Plat of Lot 2, Appaloosa Hwy 24 Subdivision)
SW1/4 Sec. 7, Twp. 14S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24657

To Whom It May Concern:

We have received additional information for the above-referenced proposal to subdivide a 4.67 +/- acre tract of land into 3 commercial lots. This office previously provided comments regarding this subdivision on August 2, 2018; this letter shall supersede those prior comments. The first lot will be 1.003 +/-acres, the second lot will be 1.008 +/- acres, and the third lot will be 2.655 +/- acres. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 1.247 acre-feet/year for the commercial/industrial uses for all three lots combined. This calculation includes drinking and sanitary use, commercial & industrial uses and landscape irrigation.

It should be noted that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water* Administration, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The proposed source of water for the development is to be served by Cherokee and a letter of commitment from Cherokee dated June 13, 2018 was included with the submittal, along with an updated letter dated February 15, 2019. According to the letters, they have committed to supply 1.247 acre-feet/year to the proposed development. According to this office's records, it appears that Cherokee has adequate water resources to serve 1.247 acre-feet/year for the proposed development.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate. Should you have any questions, please feel free to contact me directly.

Sincerely,

Ivan Franco, P.E.
Water Resource Engineer

cc: Steve Witte, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner

RESOLUTION NO. 19-

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

APPROVE VACATION AND REPLAT OF APPALOOSA VACATION AND REPLAT (VR-18-013)

WHEREAS, Platte Valley, LLC, did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of Appaloosa Vacation and Replat 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 March 5, 2019, 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 March 12, 2019; 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 Appaloosa Vacation and Replat;

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 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 El Paso County Planning and Community Development Department, shall be filed at the time of recording the plat.

8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the 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. 18-471), 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.

10. Drainage and bridge fees in the amount of $26,174 and $7,930, respectively, for Lots 1 and 2 shall be paid at the time of plat recordation.

NOTATION

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 12th day of March, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Legal Description
The project involves a 4.67 acre previously platted site known as Lot 2 of the Appaloosa Hwy 24 Subdivision, El Paso County, Colorado. The replatted site will be Appaloosa Hwy 24 Subdivision Filing No. 2, Lots 1, 2 and 3.