



# TOWN OF ELIZABETH

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**TOWN OF ELIZABETH  
Planning Commission Regular Meeting  
Tuesday, March 19, 2024 at 6:30 PM  
Town Hall, 151 S. Banner Street**

**CALL TO ORDER**

**ROLL CALL**

**UNSCHEDULED PUBLIC COMMENT**

**AGENDA CHANGES**

**CONSENT AGENDA**

- [1.](#) Minutes of the Regular Meeting of November 9, 2024

**NEW BUSINESS**

- [2.](#) Discussion and possible action on Planning Commission Resolution 24-01, a resolution establishing a designated public place for the posting of meeting notices pursuant to C.R.S. § 24-6-402(2)(c)
3. Election of 2024 Chair
4. Election of 2024 Vice Chair

**PUBLIC HEARING**

- [5.](#) Legacy Village Filing 1 Plat Amendment 1

**NEW BUSINESS**

6. Discussion and possible action on recommendation of approval to the Board of Trustees regarding Legacy Village Filing 1 Plat Amendment 1

**PUBLIC HEARING**

- [7.](#) Legacy Village Filing 1 Plat Amendment 2

**NEW BUSINESS**

8. Discussion and possible action on recommendation of approval to the Board of Trustees regarding Legacy Village Filing 1 Plat Amendment 2

**PUBLIC HEARING**

- [9.](#) Ordinance 24-02

**NEW BUSINESS**

**ACTION MAY BE TAKEN ON ANY AND ALL ITEMS LISTED ON THE AGENDA  
ACCOMMODATIONS FOR DISABILITIES MAY BE MADE UPON REQUEST.**

10. Discussion and possible action on recommendation of approval to the Board of Trustees regarding Ordinance 24-02, an Ordinance amending Chapter 16 Article I, Article II, Article III, Article IX, Table 16-1, Table 16-3, and Table 16-5 of the Elizabeth Municipal Code
- [11.](#) Discussion regarding Daycare as Use by Special Review

**STAFF REPORT**

- [12.](#) Staff Report

**COMMISSIONER REPORTS**

**ADJOURNMENT**





# TOWN OF ELIZABETH

PLANNING COMMISSION

## PLANNING COMMISSION – RECORD OF PROCEEDINGS NOVEMBER 9, 2023

### CALL TO ORDER

The Regular Meeting of the Elizabeth Planning Commission was called to order on Thursday, November 9, 2023, at 6:33 PM by Vice Chair Amy Schmidt.

### ROLL CALL

Present were Vice Chair Amy Schmidt, and Commissioners Julie Uhernik, Greg Lindbloom, George Fick, Shawn Sommer, and Ed Beard. Commissioner Rob Porter was not present. There was a quorum to conduct business.

Also present were Community Development Director Zach Higgins, Planner/Project Manager Alexandra Cramer, and Deputy Town Clerk Harmony Malakowski.

### UNSCHEDULED PUBLIC COMMENT

Steve Tapp – Town Resident

### AGENDA CHANGES

No agenda changes from staff.

No agenda changes by the Commissioners.

Agenda set.

### CONSENT AGENDA

1. Minutes of the Regular Meeting of June 20, 2023

Motion by Commissioner Fick, seconded by Commissioner Uhernik, to approve the Consent Agenda as presented.

The vote of those Commissioners present was unanimously in favor. Motion carried.

### NEW BUSINESS

2. Election of 2023 Chair and possible election of 2023 Vice Chair

**TOWN OF ELIZABETH**

PLANNING COMMISSION

Motion by Vice Chair Schmidt, seconded by Commissioner Uhernik, to appoint Commissioner Fick as Chair for the remainder of 2023.

The vote of those Commissioners present was unanimously in favor. Motion carried.

The newly appointed Chair Fick took over the meeting at 6:39 PM.

Chair Fick closed the Regular Meeting and opened the Public Hearing at 6:41 PM.

**PUBLIC HEARING**

3. SE corner of Walnut Street and S Elbert Street – Walnut Grove Sketch and Preliminary Plans  
Ms. Cramer provided a staff report.

Comments were provided by the following:

Steve Tapp – Town Resident

Paul Schwarzkopf – Town Resident

Chair Fick closed the Public Hearing and opened the Regular Meeting at 7:12 PM.

**NEW BUSINESS**

4. Discussion and possible action on recommendation for approval regarding SE corner of E Walnut St and S Elbert St – Walnut Grove Sketch Plan and Preliminary Plans

Motion by Vice Chair Schmidt, seconded by Commissioner Lindbloom, to recommend for approval to the Board of Trustees the Walnut Grove Sketch Plan and Preliminary Plans.

The vote of the Commissioners present was 4 in favor and 1 opposed. Commissioner Sommer opposed. Motion carried.

**STAFF REPORT**

- Director Higgins provided updates regarding:
  - Training
  - Old Town Traffic Study
  - The Board of Trustees approved the cross sections of the Streetscape project.
  - Monument sign at Main Street and Highway 86
  - The Historic Advisory Board is continuing to work on creating a Historic District.

**COMMISSIONER REPORTS**

- Vice Chair Schmidt had a question about attending the Main Street Board of Directors' meeting.



## TOWN OF ELIZABETH

PLANNING COMMISSION

- Director Higgins reminded the Commissioners about the Open House on Monday evening to be hosted by the DOLA Main Street program.

### ADJOURNMENT

Motion by Vice Chair Schmidt, seconded by Commissioner Lindbloom, to adjourn the meeting at 7:46 PM. The vote of those Commissioners present was unanimously in favor. Motion carried.

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Chair George Fick

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Deputy Town Clerk Harmony Malakowski



## TOWN OF ELIZABETH

HARMONY MALAKOWSKI/DEPUTY TOWN CLERK

**TO:** Chair, Vice Chair and Members  
**FROM:** Harmony Malakowski, Deputy Town Clerk  
**DATE:** March 19, 2024  
**SUBJECT:** Planning Commission Resolution 24-01 – a Resolution Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law

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It is required by the Colorado Open Meeting Law that at the first Board meeting of the year a Resolution is passed to designate a public posting place for meeting notices.

The Town’s posting place is located on the outside of Town Hall in the information board and on the Town’s website.

Staff asks that the Planning Commission pass Resolution 23-01 designating the required posting place for meeting notices.

Attachment  
PC Resolution 24-01

**PLANNING COMMISSION  
RESOLUTION 24-01**

**A RESOLUTION ESTABLISHING A DESIGNATED PUBLIC PLACE FOR  
THE POSTING OF MEETING NOTICES PURSUANT TO C.R.S. § 24-6-  
402(2)(c)**

**WHEREAS**, C.R.S. § 24-6-402(2)(c) requires the Planning Commission to annually designate the public place for posting notices to comply with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* (the "Open Meetings Law");

**WHEREAS**, consistent with House Bill 19-1087, the Planning Commission hereby desires to post notice of the Planning Commission's public meetings not only in physical locations, but also on the Town's website as the Planning Commission's official online presence to the greatest extent practicable; and

**WHEREAS**, the notice must have specific agenda information, posted no less than twenty-four (24) hours prior to the meeting, must be accessible at no charge to the public, must be searchable by type of meeting, date of meeting, time of meeting and agenda contents, shall link to any social media accounts of the local public body, shall provide the address of the website to the Department of Local Affairs, and shall designate a public place within the boundaries of the local public body at which it may post a notice no less than twenty-hours (24) hours prior to a meeting if it is unable to post a notice online in exigent or emergency circumstances such as a power outage or interruption in internet service that prevents the public from accessing the notice online.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

**Section 1.** Designation. The Planning Commission of the Town of Elizabeth, in compliance with C.R.S. § 24-6-402(2)(c) of the Open Meetings Law, hereby designates the Town website at [www.townofelizabeth.org](http://www.townofelizabeth.org) as the official place for posting notices. The Planning Commission may additionally post notices at Town Hall, located at 151 South Banner Street, and any Town social media accounts. If there is a known power outage, known interruption of internet service, or an emergency meeting, the Planning Commission may post a physical notice at the public entrance of the Town Hall located at 151 South Banner Street.

PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023, by the Planning Commission of the Town of Elizabeth, Colorado, on first and final reading, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

\_\_\_\_\_  
George Fick, Chair

ATTEST

\_\_\_\_\_  
Harmony Malakowski, Deputy Town Clerk



# TOWN OF ELIZABETH

## STAFF REPORT Replat (Subdivision) Application Legacy Village, Filing 1 Amendment 1 (F1A1)

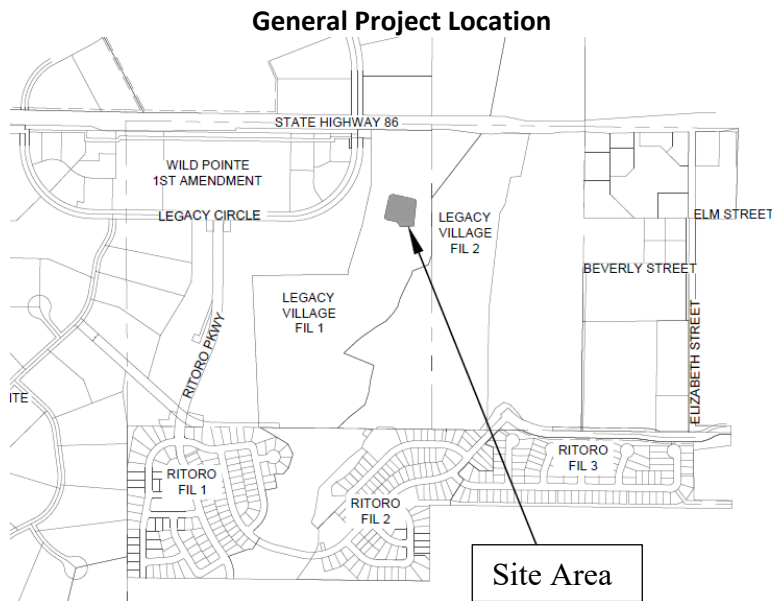
**Applicant:** Lennar Colorado / Applicant Representative: Scott Lockhart and Joseph Huey  
**Location:** Southwest corner of Corkscrew St and Hinds St, Block 2, Lots 1 to 9  
**Zoning:** Planned Unit Development (PUD) – Elizabeth 86

**Exhibits:**  
**Exhibit A:** Applicant’s submittal documents and proposed plans  
**Exhibit B:** Referral agency compiled comment letters and redlines  
**Exhibit C:** Public Notice

### APPLICANT REQUEST

The Applicant, Lennar Colorado, represented by Scott Lockhart and Joseph Huey, request the Planning Commission provide a recommendation of approval to the Board of Trustees for a replat of Block 2, Lots 1 through 9 in the Legacy Village Filing 1 subdivision, which is located at the southwest corner of Corkscrew St and Hinds St in the Town of Elizabeth, CO. (**Exhibit A**).

In accordance with the Elizabeth Municipal Code (EMC), [Sec. 16-3-80 \(c\)\(2\)](#), a replat for an adjustment or vacation of a lot line or easement shall be processed in accordance with the final plat process in [Sec. 16-3-60](#) and shall undergo a formal public hearing. From the final plat process, the Planning Commission shall make a recommendation to the Board of Trustees to approve, approve with conditions, continue to obtain additional information, or deny and application for a final plat.



PO Box 159, 151 S. Banner Street, Elizabeth, Colorado 80107  
Phone: (303) 646-4166 | Fax: (303) 646-9434 | [www.townofelizabeth.org](http://www.townofelizabeth.org)

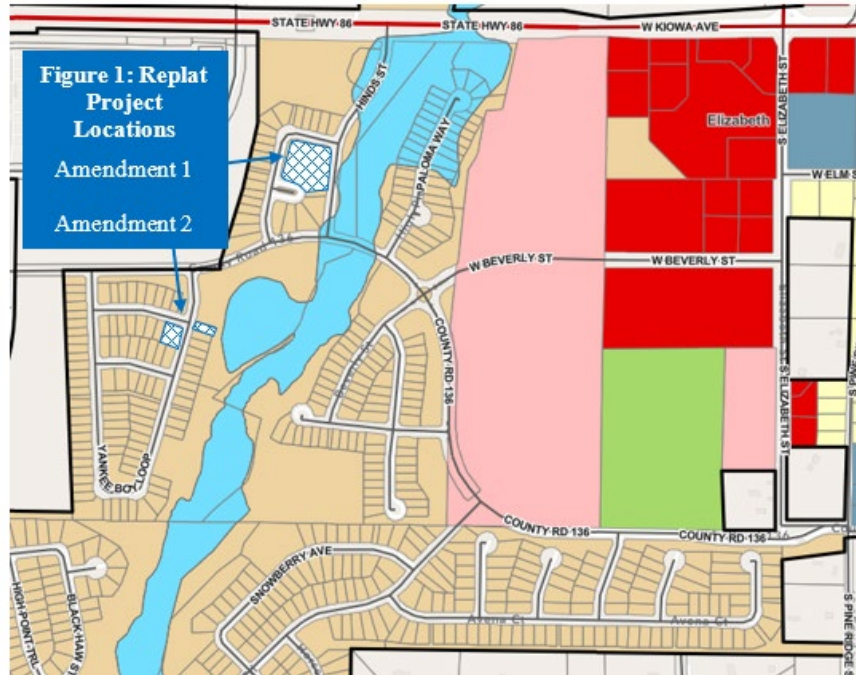


# TOWN OF ELIZABETH

BOARD OF TRUSTEES

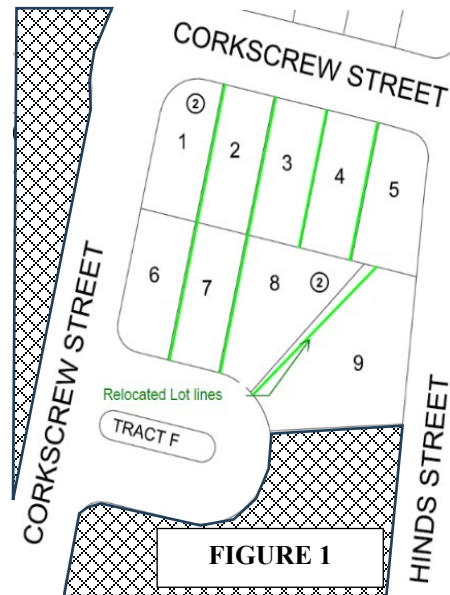
### Proposal/Background:

The Legacy Village Filing 1 subdivision is located on the western edge of the Town’s limits and encompasses 51.285 acres that is composed of 126 single family residential lots and 17 tracts. The site is currently zoned as Planned Unit Development (PUD) district and all development is guided by the Elizabeth 86 PUD Guide. Please note that the applicant has submitted concurrent applications for a replat being processed as Amendment 1 and Amendment 2 – for contextual reference, the location of the replats is shown on **Figure 1**.



As part of the **Amendment 1** replat, the applicant is proposing to replat 1.286 acres (56,021 SF) of Block 2, Lots 1 through 9. The replat is being proposed by the developer to create a minimum lot width of 44’. The proposed changes include shifting and vacating existing lot lines and associated utility easements by approximately 1.5’ as shown in **Figure 1**.

Please note that due to these proposed changes, there is no overall decrease in the total site area - rather the site area is being redistributed amongst the replatted lots as shown in **Table 1**. Further, there are no additional changes proposed to the site area via this application and the site will continue to remain compliant with the approved Elizabeth 86 (Legacy Village) PUD Guide for minimum lot area, setbacks, and other applicable development standards and regulations.





# TOWN OF ELIZABETH

BOARD OF TRUSTEES

Table 1: Comparison of Lot Area		
Lot # (Block 2)	Lot Area (SF) – Original Approval	Lot Area (SF) – Proposed (A1)
1	5,098	5,266
2	4,950	4,950
3	5,243	4,950
4	4,982	4,950
5	5,561	5,717
6	5,246	5,414
7	4,950	4,950
8	7,846	8,518
9	12,147	11,306
<b>Total</b>	<b>56,023</b>	<b>*56,021</b>
<i>Please note that the lot area difference is due to rounding error.</i>		

The replatted site is fully encompassed within the underdevelopment Legacy Village Filing 1 subdivision and all surrounding land uses residential and an open space tract to the east that abuts Gold Creek. These surrounding land uses are shown in **Table 2**. Due to the minor changes proposed via this application, no negative impacts are anticipated to surrounding neighborhood.

Table 2 - Surrounding Land Uses:	
North:	Residential (Legacy Village Filing 1)
South:	Residential (Legacy Village Filing 1)
East:	Open Space
West:	Residential (Legacy Village Filing 1)

**Approval Criteria:**

The Land Use and Development code, Article III and Sec. 16-3-80, does not stipulate criteria for approval of a replat application; therefore, staff has established a set of criteria for the Planning Commission to consider when providing a recommendation to the Board of Trustees. The list of recommendations includes a review against all applicable standards as found in the EMC, Land Use and Development code, Elizabeth Comprehensive Plan, and Elizabeth 86 PUD Guide.

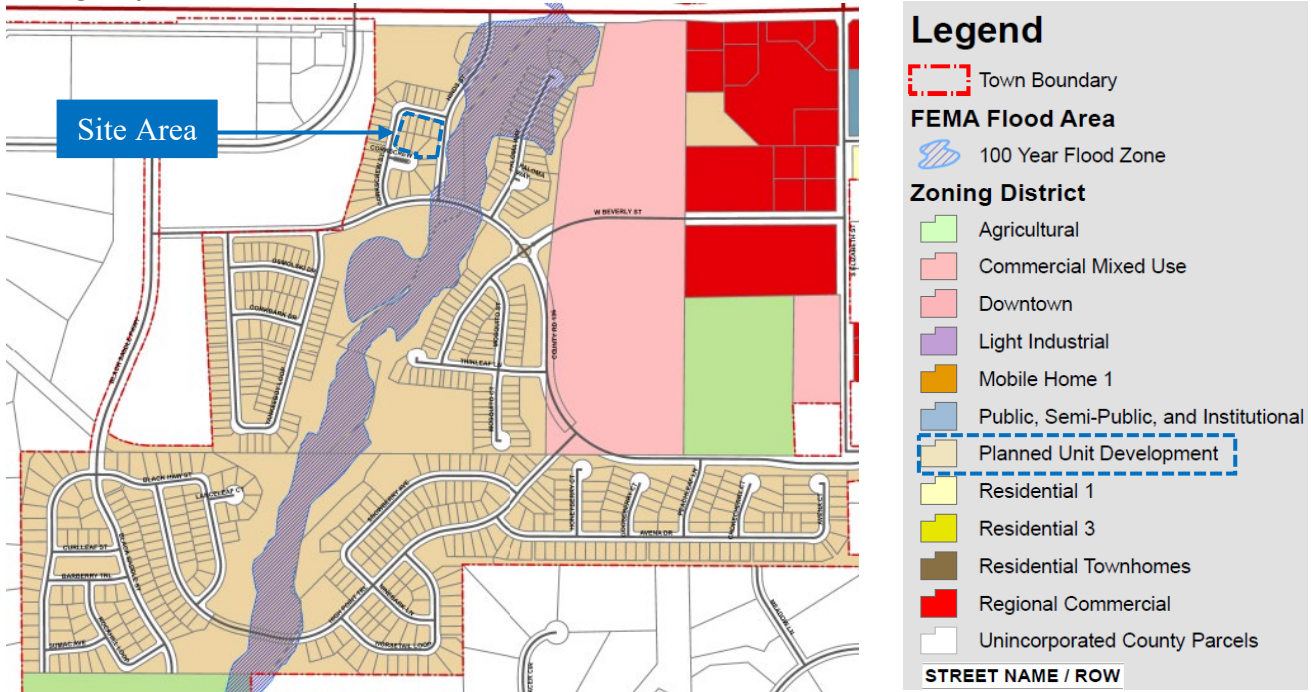




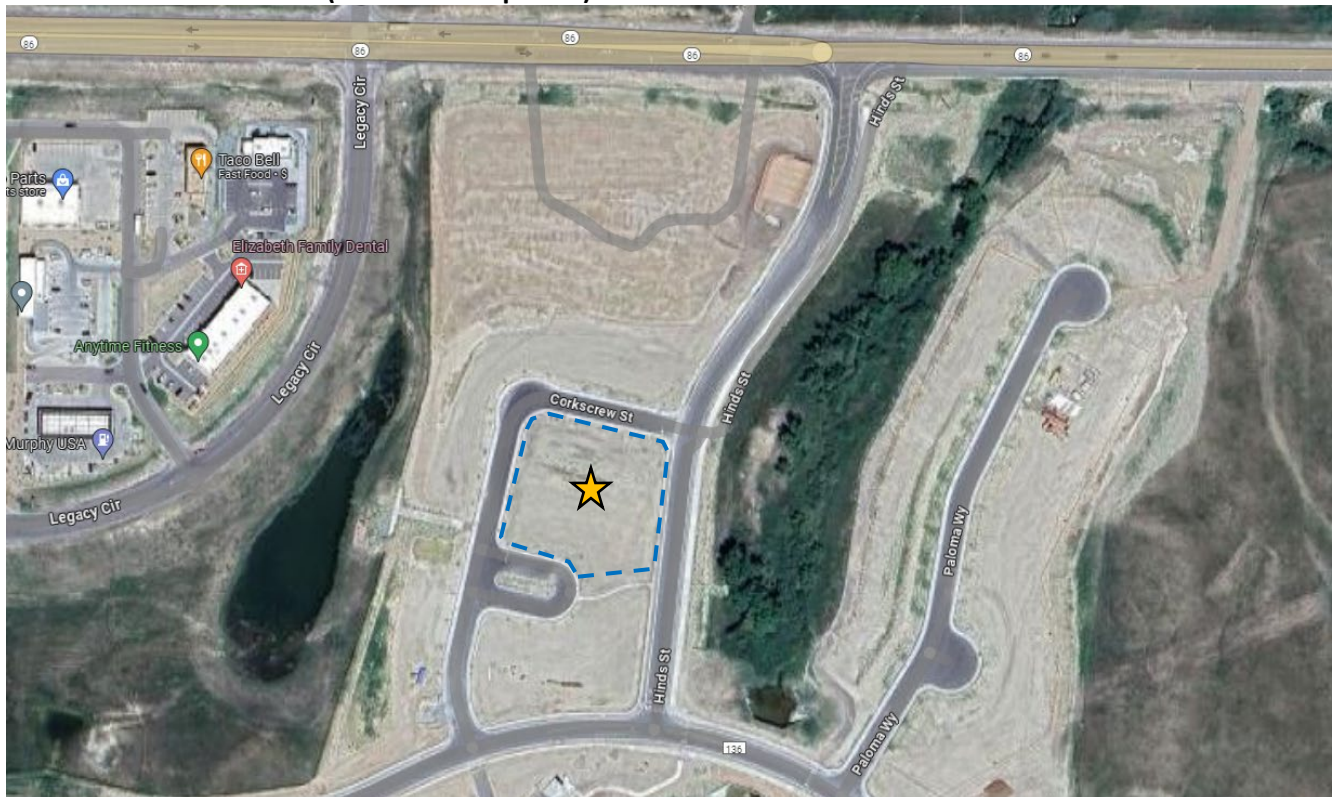
# TOWN OF ELIZABETH

BOARD OF TRUSTEES

## Zoning Map (2023):



## Current Site – Aerial View (Under Development)



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# TOWN OF ELIZABETH

BOARD OF TRUSTEES

## CASE ANALYSIS

### Elizabeth Municipal Code (EMC):

The proposed replat of Block 2, Lots 1 through 9, Amendment 1, of the Legacy Village Filing 1 subdivision was reviewed against all appropriate standards and regulations of the EMC. For your considerations, the following topics outline the specific analysis applied to the proposal:

- **Impact to Surrounding Neighborhood:**

- The site is located within the Legacy Village Filing 1 subdivision that is currently under development. As such, the proposal is not anticipated to negatively impact the surrounding neighborhood.

- **Bulk Standards:**

- The site defers to the Elizabeth 86 PUD Guide development standards discussed below.

- **Drainage:**

- There are no significant changes to the drainage of the site caused by the shifting and vacating of the existing lot lines and easements by approximately 1.5'.

- **Floodplain**

- As the shifting of the lot lines and easements is not expanding the site or reconfiguring the subdivision, there is no anticipated change to the previous approval granted for this.

- **Right-of-Way (ROW)**

- No revisions to the proposed ROW are submitted with this replat application.

- **Landscaping**

- No revisions to the proposed landscaping are submitted with this replat application.

### Elizabeth 86 Development PUD Guide:

The proposal was reviewed in the context of the Elizabeth 86 PUD Guide, for compliance with the development standards stipulated in 3:a (4). From this review, it was determined that the proposal is in compliance with the PUD Guide.

### Elizabeth Comprehensive Plan:

The Legacy Village Filing 1 subdivision was approved in compliance with Town's [Comprehensive Plan \(2019\)](#). The proposed changes of Amendment 1 will uphold the site's compliance with the comprehensive plan and no changes to the site are proposed except the shifting and vacating of the existing lot lines and easements.



# TOWN OF ELIZABETH

BOARD OF TRUSTEES

## Referrals

Staff contacted the following agencies for review and comment during the referral period. To date, all disciplines have reached a status of approval or had no comment on the proposal (see Exhibit B).

Referral Agency / Consultant	Discipline
SAFEbuilt	Community Development
CORE Engineering	Town Engineer
CORE Electric / IREA	Utility
Elizabeth Public Works	Public Works
Elizabeth Fire Protection District	Fire
Elizabeth School District	School District
Black Hills Energy	Utility Company
Elbert County Public Health	Environmental Review
Elbert County Assessor's Office	GIS
CenturyLink and Comcast	Utility

## Findings and Staff Recommendation

A favorable recommendation is provided for the replat application for Amendment 1 upon review by the development review team and staff in accordance with [Sec. 16-3-80](#) and reference to EMC. Staff provides the following findings.

### Findings:

1. The replat is a simple shift and vacation of lot lines and easements that were previously approved for development (see "background" section). There are no proposed changes to land use that accompany the application and the replat does not create any new impacts on the site.
2. The proposal is found to substantially comply with the standards for development as found in the Chapter 16 of the Elizabeth Municipal Code and Elizabeth 86 PUD Guide.
3. The proposal is found to comply with various housing elements of the Town's current Comprehensive Plan.

### Staff Recommendation:

Based on the analysis above, Staff believes that the application is in substantial compliance with the previous approved subdivision, the original zoning for the property (PUD), and Article 3 of Chapter 16 of the EMC. Staff recommends the Commission offer a recommendation for approval to the Board of Trustees with no further conditions.



# Exhibit A

## TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

### LAND USE APPLICATION

DATE: 4-26-2023

NAME OF PROJECT: LEGACY VILLAGE FILING NO. 1

NAME OF APPLICANT: LENNAR COLORADO

ADDRESS AND LEGAL DESCRIPTION OF PROJECT: Northwest Quarter of Section 13, Township 6 South, Range 65 West of the 6th P.M, Town OF Elizabeth, County of Elbert, State of Colorado. More specifically, east of Legacy Circle adjacent to Highway 86

Please check the appropriate item(s):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> REZONE                         | <input type="checkbox"/> PLAT                         | <input type="checkbox"/> USE BY SPECIAL REVIEW |
| <input type="checkbox"/> PUD (planned unit development) | <input checked="" type="checkbox"/> MINOR PLAT/REPLAT | <input type="checkbox"/> ANNEXATION            |
| <input type="checkbox"/> VARIANCE                       | <input type="checkbox"/> SUBDIVISION                  | <input type="checkbox"/> MINOR SUBDIVISION     |
| <input type="checkbox"/> SITE PLAN                      | <input type="checkbox"/> OTHER _____                  |  |

PRESENT ZONING: PUD

AREA IN ACRES: 0.479

PROPOSED ZONING: No Change

PRESENT USE: \_\_\_\_\_

PROPOSED # OF LOTS (if applicable): 4

PROPOSED GROSS FLOOR AREA (if applicable): na

#### \*PROPERTY OWNER

NAME: Lennar Colorado

ADDRESS: 9193 S Jamaica St, Englewood, CO 80112

TELEPHONE #: 303-754-0600

EMAIL: \_\_\_\_\_

Kent Ped  
SIGNATURE OF OWNER

SIGNATURE OF OWNER

#### APPLICANT REPRESENTATIVE

NAME: Joe Huey

ADDRESS: 9193 S Jamaica St, Englewood, CO 80112

TELEPHONE #: 303-754-0600

EMAIL: joseph.huey@lennat.com

Joseph Huey  
SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

<b>Jennifer S. Thornbloom</b>
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20144027146
MY COMMISSION EXPIRES 7/10/2026

#### \*(OWNERS SIGNATURE NEEDS TO BE NOTARIZED)

Subscribed and sworn to be before me this 27<sup>th</sup> day of April, 20 23.  
My commission expires

7-10-26

Jennifer S. Thornbloom  
Notary



# Exhibit A

Item 5.

## TOWN OF ELIZABETH LAND USE FEE AND DEPOSIT SCHEDULE

	FEE	DEPOSIT
<b>ANNEXATION PETITION</b>	\$500	\$4,000
<b>FINAL PLAT</b>	\$500	\$3,000
<b>MINOR SUBDIVISION</b>	\$300	\$1,000
<b>PLANNED UNIT DEVELOPMENT – UP TO 5 ACRES</b>	\$500 + \$30/ ADDITIONAL ACRE OR PORTION OF ACRE	\$3,000
<b>PLANNED UNIT DEVELOPMENT – OVER 5 ACRES</b>	\$1,000 + \$30/ ADDITIONAL ACRE OR PORTION OF ACRE	\$4,500
<b>PRELIMINARY PLAN</b>	\$1,000	\$5,000
<b>REPLAT, VACATION, OR PLAT AMENDMENT</b>	\$300	\$500
<b>REZONING – TRADITIONAL ZONES</b>	\$400 + \$30/ ADDITIONAL ACRE OR PORTION OF ACRE	\$1,500
<b>SIGN PERMIT</b>	\$75	\$0
<b>SITE PLAN – UP TO 2 ACRES</b>	\$400	\$3,000
<b>SITE PLAN – OVER 2 ACRES</b>	\$500 + \$50/ ADDITIONAL ACRE OR PORTION OF ACRE	\$4,500
<b>SITE PLAN AMENDMENT</b>	\$300	\$2,000
<b>SKETCH PLAN</b>	\$250	\$3,000
<b>TEMPORARY STRUCTURE AND USES PERMIT</b>	\$20	
<b>USE BY SPECIAL REVIEW</b>	\$500	\$2,000
<b>VARIANCE REQUEST</b>	\$300	\$1,000

December 12, 2023

Community Development  
**Town of Elizabeth**  
151 S Banner St  
Elizabeth, CO 80107

**Re: Legacy Village Filing 1 RePlat #1**

Dear Development Review,

On behalf of the applicant, Lennar, we are pleased to submit this Project Narrative and Application for the Legacy Village Filing 1 RePlat Documents.

The following list comprises of the development team for this project:

**Applicant**

Lennar, LLC  
Contact: Joe Huey  
9193 S Jamaica St Suite 4  
Englewood, CO 80112  
303-210-9822  
[joseph.huey@lennar.com](mailto:joseph.huey@lennar.com)

**Civil Engineer**

Westwood Professional Services  
Contact: Scott Lockhart  
10333 E. Dry Creek Rd., Ste. 240  
Englewood, CO 80112  
720.249-3583  
[scott.lockhart@westwoodps.com](mailto:scott.lockhart@westwoodps.com)

**Site Location and Zoning**

Legacy Village Filing 1 is approximately 51-acres site located south of Highway 86, just east of The Town of Elizabeth, Elbert County Colorado.

The site is zoned as Planned Development, with the modifications being single family home sites.

**Project Description**

Filing 1 includes 126 lots for single family detached homes, open space tracts, and an open space park. The residential portion of this community will be the conventional family community.

**RePlat**

This proposed re-plat is intended to obtain a 44' (min) lot width and/or 34' (min) build-able home footprint. Proposed lot modifications include moving existing lot lines, and associated utility easements approximately 1.5' to obtain this width (Block 2 Lots 1-9) **Lot Exhibit 1**. Exhibit B shows where existing services have been installed.

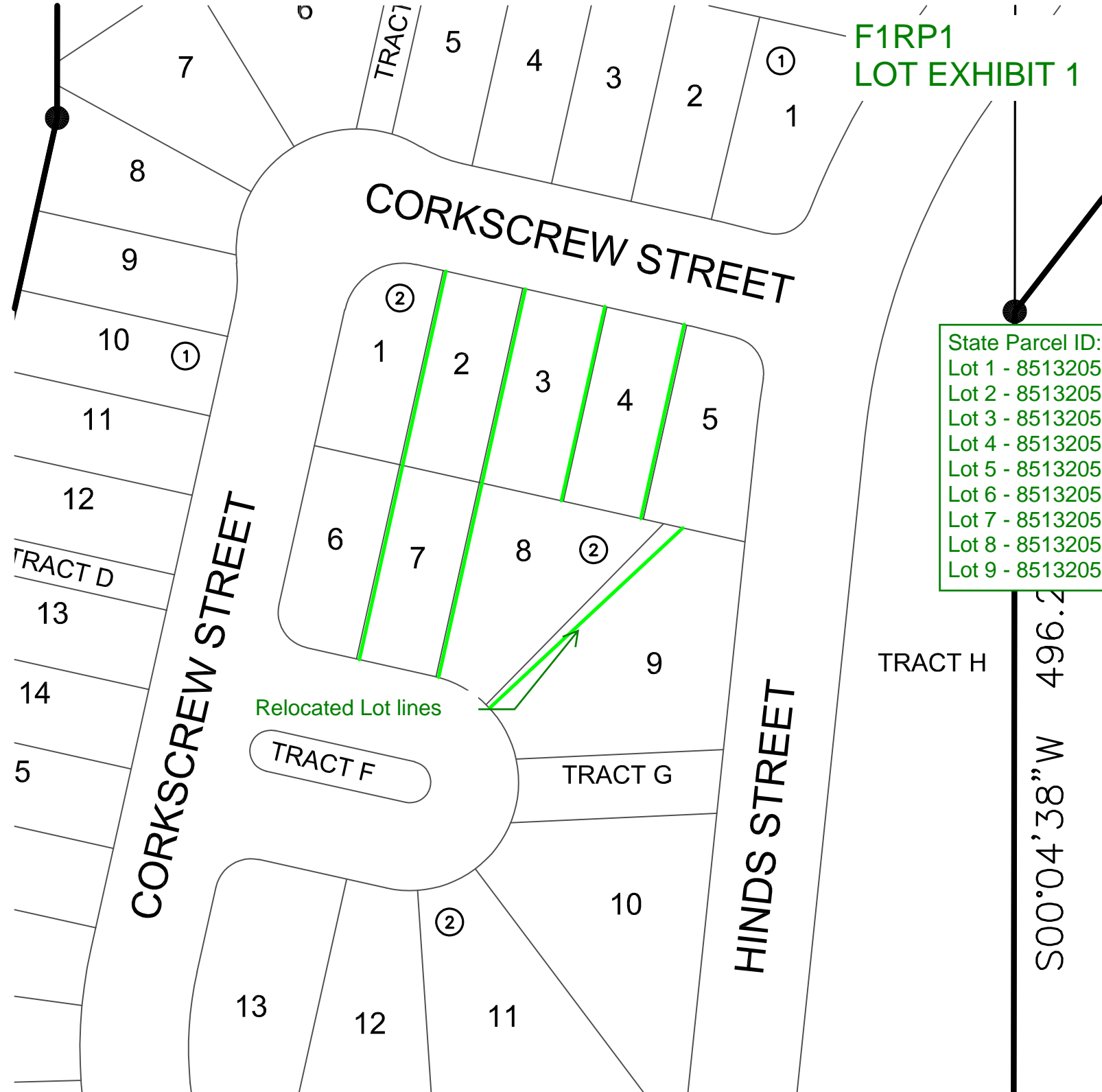
**Variiances:**

No variances are being requested as part of this application. Lot sizes remain above the minimums outlined within the PUD.

**Technical Compliance**

The Legacy Village Filing 1 replat complies with all applicable standards and guidelines as required by the Town of Elizabeth and existing, approved PUD documents.

# F1RP1 LOT EXHIBIT 1



- State Parcel ID:
- Lot 1 - 8513205037
  - Lot 2 - 8513205038
  - Lot 3 - 8513205039
  - Lot 4 - 8513205040
  - Lot 5 - 8513205041
  - Lot 6 - 8513205042
  - Lot 7 - 8513205043
  - Lot 8 - 8513205044
  - Lot 9 - 8513205045



# FIRST AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M., TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 1 OF 2  
1.286 ACRES - 9 SINGLE FAMILY RESIDENTIAL LOTS

**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING A REPLAT OF LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 56,023 SQUARE FEET OR 1.286 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

**OWNERSHIP AND DEDICATION STATEMENT:**

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF FIRST AMENDMENT TO LEGACY VILLAGE FILING NO. 1. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE 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. ALL STREETS AND RIGHTS OF WAY, SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE TOWN OF ELIZABETH, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES.

\_\_\_\_\_  
SIGNATURE

LENNAR COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

**OWNERSHIP AND DEDICATION STATEMENT (CONTINUED):**

\_\_\_\_\_  
SIGNATURE

AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_

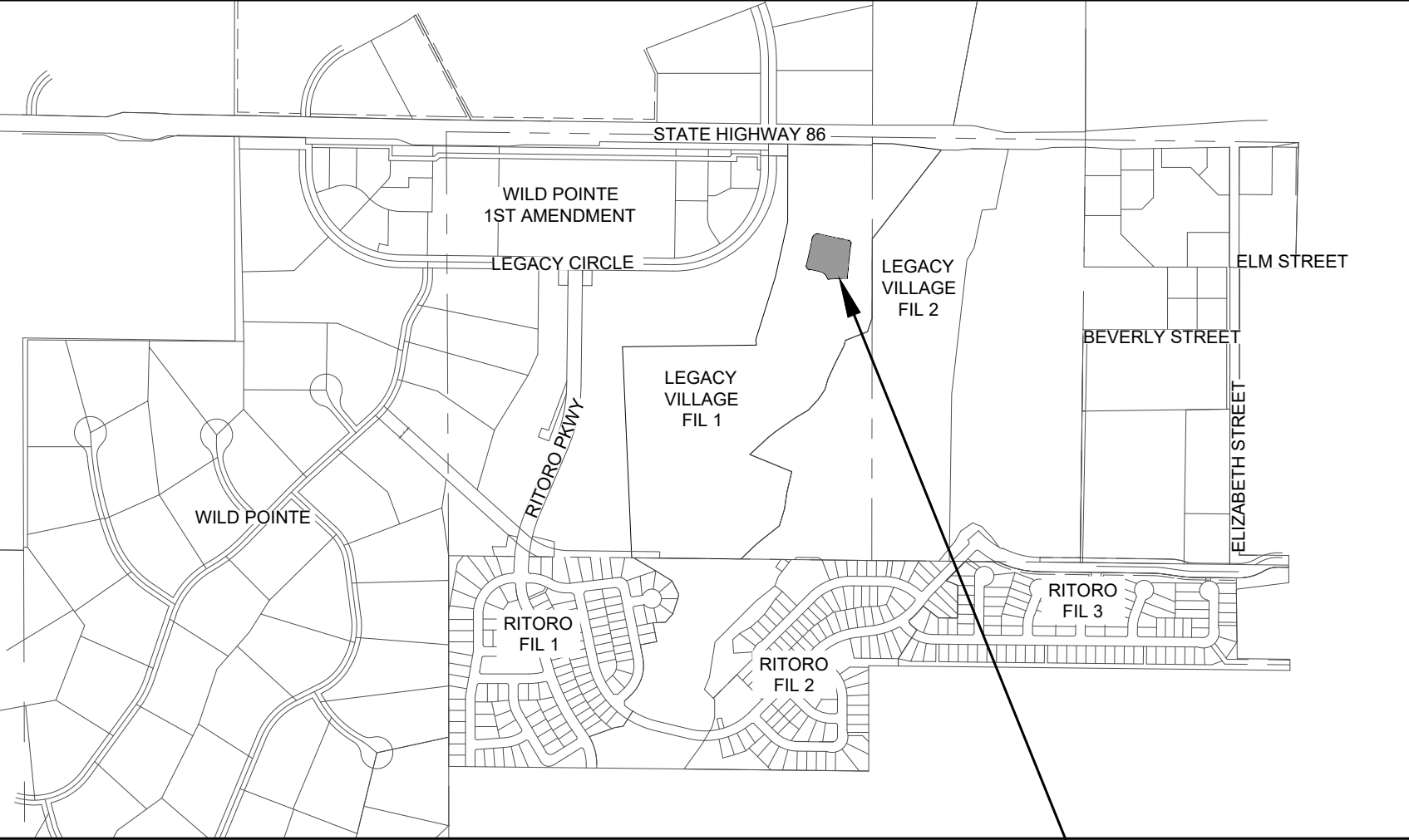
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



VICINITY MAP  
SCALE: 1" = 1000'  
PROPERTY LOCATION

**BOARD OF TRUSTEES:**

LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1, IS HEREWITH AMENDED BY THIS PLAT WHICH IS HEREBY APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO, FOR FILING IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, RECEPTION # 613908.

\_\_\_\_\_  
MAYOR, TOWN OF ELIZABETH

ATTEST: \_\_\_\_\_  
TOWN CLERK

**LENDER**

\_\_\_\_\_  
SIGNATURE

BY: LES SOWITCH  
TITLE: REDSTONE BANK MARKET PRESIDENT

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

**PLANNING COMMISSION:**

THE PRELIMINARY PLAN FOR THIS PLAT WAS REVIEWED BY THE PLANNING COMMISSION ON JANUARY 5, 2021.

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

**TITLE VERIFICATION:**

WE, LAND TITLE GUARANTEE COMPANY, A QUALIFIED TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

**CLERK AND RECORDER'S CERTIFICATION:**

STATE OF COLORADO )  
COUNTY OF ELBERT ) SS.

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_,

A.D., AT \_\_\_\_\_ A.M./P.M.

AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK AND RECORDER

**SURVEYOR'S CERTIFICATION:**

I, JEAN P. HALPIN, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON APRIL 12, 2023, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR  
JEAN P. HALPIN, PLS NO. 38474  
FOR AND ON BEHALF OF WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, SUITE 400  
ENGLEWOOD, CO 80112  
(720)-249-3584

APPLICANT/DEVELOPER:  
E86 J.V., LLC  
JIM MARSHALL  
7108 SOUTH ALTON WAY  
ENGLEWOOD, CO 80112

ENGINEER/SURVEYOR:  
WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, STE 400  
ENGLEWOOD, CO 80112



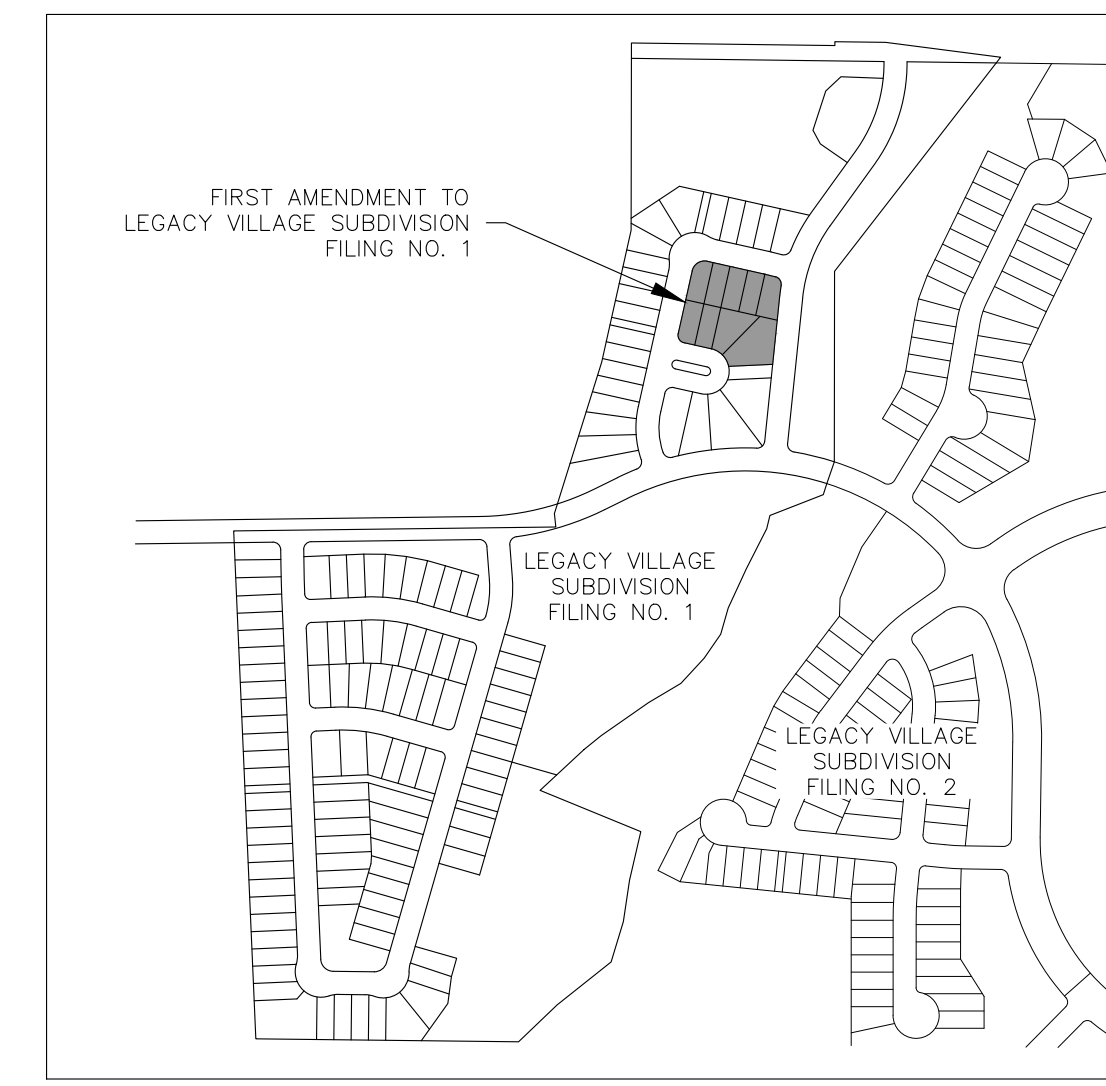
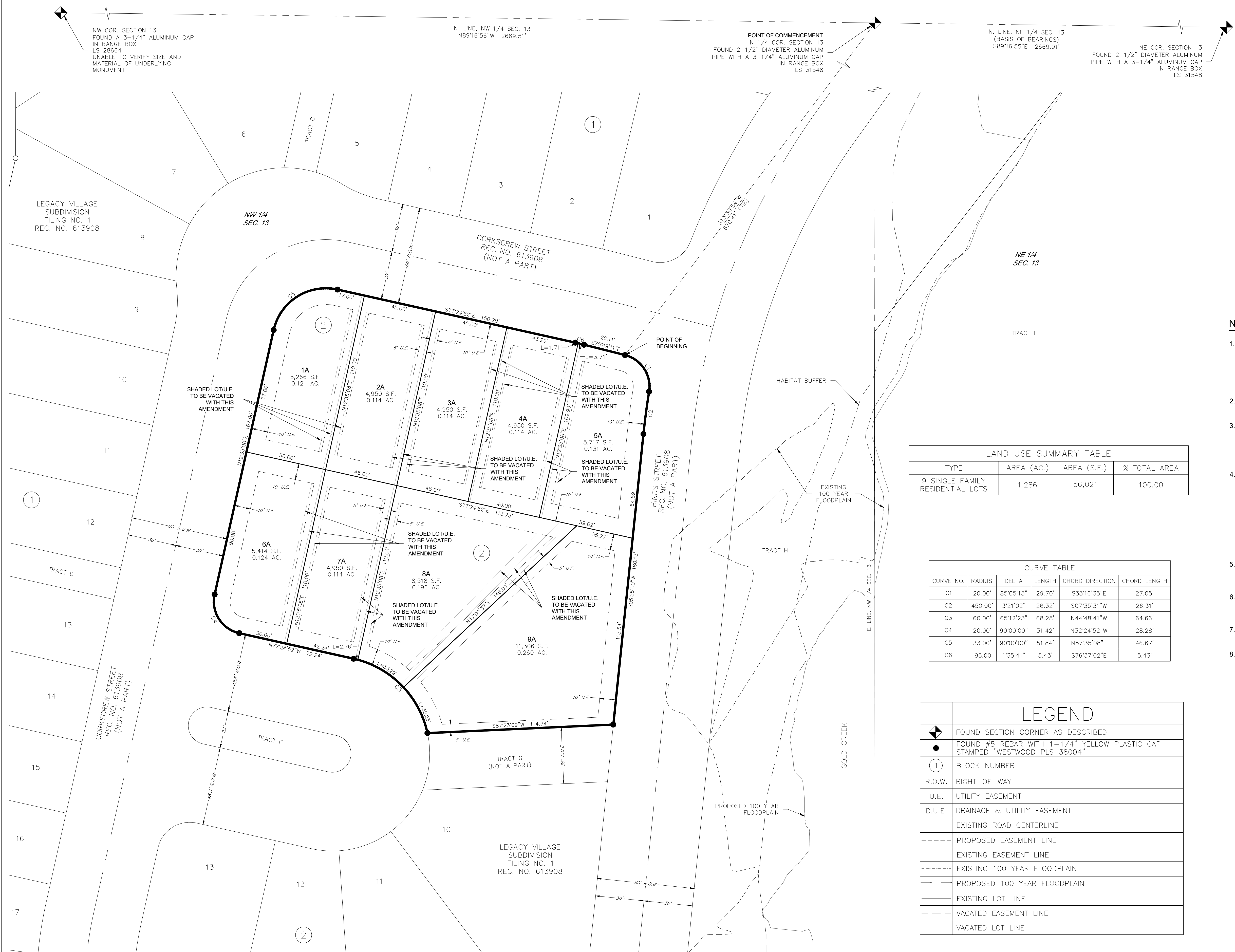
Westwoodps.com  
Westwood Professional Services, Inc.

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526



# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1,  
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 2 OF 2



KEYMAP  
SCALE: 1" = 500'

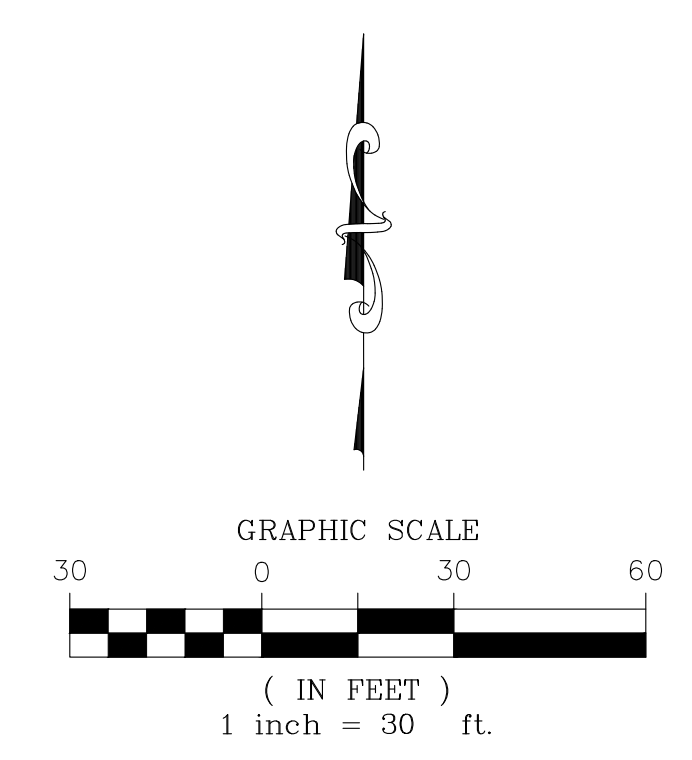
### NOTES:

1. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13 BEING MONUMENTED AT THE NORTH QUARTER CORNER OF SECTION 13 BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "PLS 31548" WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEING MONUMENTED BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "LS 31548" IS ASSUMED TO BEAR SOUTH 89°16'55" EAST, A DISTANCE OF 2669.91 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.
2. THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WESTWOOD PROFESSIONAL SERVICES, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WESTWOOD PROFESSIONAL SERVICES, INC. RELIED UPON LAND TITLE GUARANTEE COMPANY PROPERTY INFORMATION BINDER ORDER NO. RND70823106, HAVING AN EFFECTIVE DATE OF NOVEMBER 7, 2023 AT 5:00 P.M.
4. NON-EXCLUSIVE - 5-FOOT AND 10-FOOT UTILITY EASEMENTS LOCATED AS SHOWN ARE HEREBY GRANTED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES, INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND TELEPHONE LINES, AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF SUCH LINES. SIDE LOT LINE EASEMENTS ARE ALLOWED ENCROACHMENTS FOR ROOF OVERHANGS, CANTILEVER BAY OR BOX WINDOWS, FIREPLACES, WITH A MAXIMUM TWO FOOT (2') ENCROACHMENT, LANDSCAPING WITH PLANT SHRUBS, WOODY PLANTS AND NURSERY STOCK OR OTHER CROPS MAY BE LOCATED WITHIN THESE EASEMENTS PROVIDED THEY DO NOT INTERFERE WITH THE USE OF, OBSTRUCT THE OPERATION OF, MAINTENANCE OF, OR ACCESS TO SAID SIDE LOT EASEMENT.
5. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL 08039C0480C, EFFECTIVE MARCH 17, 2011, THE SURVEYED LAND IS WITHIN FLOOD ZONE X, AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
6. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
7. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
8. 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.

TYPE	AREA (AC.)	AREA (S.F.)	% TOTAL AREA
9 SINGLE FAMILY RESIDENTIAL LOTS	1.286	56,021	100.00

CURVE NO.	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	20.00'	85°06'13"	29.70'	S33°16'35"E	27.05'
C2	450.00'	3°21'02"	26.32'	S07°35'31"W	26.31'
C3	60.00'	65°12'23"	68.28'	N44°48'41"W	64.66'
C4	20.00'	90°00'00"	31.42'	N32°24'52"W	28.28'
C5	33.00'	90°00'00"	51.84'	N57°35'08"E	46.67'
C6	195.00'	1°35'41"	5.43'	S76°37'02"E	5.43'

	FOUND SECTION CORNER AS DESCRIBED
	FOUND #5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP STAMPED "WESTWOOD PLS 38004"
	BLOCK NUMBER
	R.O.W. RIGHT-OF-WAY
	U.E. UTILITY EASEMENT
	D.U.E. DRAINAGE & UTILITY EASEMENT
	EXISTING ROAD CENTERLINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	EXISTING 100 YEAR FLOODPLAIN
	PROPOSED 100 YEAR FLOODPLAIN
	EXISTING LOT LINE
	VACATED EASEMENT LINE
	VACATED LOT LINE



## Westwood

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526

**WHEN RECORDED, RETURN TO:**

Shane Orr, Esq.  
Lennar Colorado, LLC  
9193 Jamaica Street, 4th Floor  
Englewood, Colorado 80112

**SPECIAL WARRANTY DEED**

For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the undersigned, ELIZABETH 86 INVESTMENTS II, LLC, a Colorado limited liability company (the "**Grantor**"), hereby grants, sells, and conveys to LENNAR COLORADO, LLC, a Colorado limited liability company (the "**Grantee**"), whose address is 9193 Jamaica Street, 4th Floor, Englewood, Colorado 80112, that certain real property described on Exhibit A attached hereto and incorporated herein by this reference (the "**Property**"), together with (a) all buildings, structures, and improvements located thereon; (b) all development rights and credits and air rights relating thereto; (c) all right, title, and interest of Grantor in and to all strips and gores, streets, alleys, easements, rights-of-way, public ways, or other rights appurtenant, adjacent, or connected thereto; and (d) any other rights, privileges, appurtenances, hereditaments, easements, reversions, and remainders pertaining thereto or used in connection therewith;

GRANTOR for itself, its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor, SUBJECT ONLY TO those matters set forth on **Exhibit B** attached hereto and incorporated herein by this reference (the "**Permitted Exceptions**").

IN WITNESS WHEREOF, the undersigned has executed this Special Warranty Deed as of this November 11, 2021.

**GRANTOR:**

ELIZABETH 86 INVESTMENTS II, LLC,  
a Colorado limited liability company

By Tery R. Larrew  
Tery R. Larrew, Manager

STATE OF COLORADO )  
County of Doegler ) ss.

The foregoing instrument was acknowledged before me this November 11, 2021, by Tery R. Larrew as Manager of ELIZABETH 86 INVESTMENTS II, LLC, a Colorado limited liability company.

[Signature]  
Notary Public

My commission expires: 10-17-22

**RICHELLE E. PETERSON**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20024033533  
My Commission Expires October 17, 2022

**EXHIBIT A**  
(Legal Description)

Lots 1-19  
Block 1, and  
Lots 1-13  
Block 2  
and  
Tracts B, C, D, E, G and I  
Legacy Village Subdivision Filing No. 1  
Town of Elizabeth  
County of Elbert  
State of Colorado.

**EXHIBIT B**

(Permitted Exceptions)

1. Reservation of right of proprietor of any penetrating vein or lode to extract his ore, in U.S. Patent recorded November 14, 1874 in Book 1 at Page 285.
2. Reservations of (1) right of proprietor of any penetrating vein or lode to extract his ore; and (2) right of way for any ditches or canals constructed by authority of the United States, in U.S. Patent recorded January 17, 1903 in Book 23 Page 456.
3. Terms, agreements, provisions, conditions and obligations as contained in Resolution Approving SP10-0023 Elizabeth 86 Residential Metropolitan District recorded September 22, 2010 at Reception No. 512389. Note: At closing this Exception will be modified to add the following: No liens outstanding and no assessments now due and payable."
4. Terms, agreements, provisions, conditions and obligations as contained in Resolution Approving SP10-0024 Elizabeth 86 Commercial Metropolitan District recorded September 22, 2010 at Reception No. 512390.
5. Terms, agreements, provisions, conditions and obligations as contained in Easement Agreement (Sanitary Sewer) recorded December 6, 2016 at Reception No. 564388. Ratification thereof recorded May 4, 2017 at Reception No. 569113.(affects Tracts F, Q and S only)
6. Terms, conditions, provisions and obligations contained in the Resolution 18R39 recorded August 22, 2018 at Reception No. 580001.
7. Terms, conditions, provisions and obligations contained in the Resolution 18R44 recorded August 30, 2018 at Reception No. 580218.
8. Terms, conditions, provisions and obligations contained in the Ordinance 18-09 recorded August 30, 2018 at Reception No. 580221.
9. Notes, easements and restrictions as shown on the Rezone Map recorded September 4, 2018 at Reception No. 201350.
10. Notes, easements and restrictions as shown on the Annexation Map recorded September 26, 2018 at Reception No. 580815.
11. Terms, conditions, provisions and obligations contained in the Resolution 18R51 recorded September 26, 2018 at Reception No. 580816.
12. Notes, easements and restrictions as shown on the Rezoning Map recorded April 3, 2019 at Reception No. 201360.
13. Terms, conditions, provisions and obligations contained in the Special Warranty Deed recorded June 5, 2019 at Reception No. 586144.

14. Terms, conditions, provisions and obligations contained in the Special Warranty Deed recorded January 7, 2020 at Reception No. 591779.

15. Terms, conditions, provisions and obligations contained in the Special Warranty Deed recorded January 7, 2020 at Reception No. 591780.

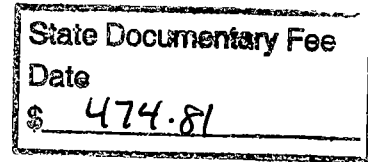
16. Terms, conditions, provisions and obligations contained in the Special Warranty Deed recorded January 7, 2020 at Reception No. 591781.

17. Terms, conditions, provisions and obligations contained in Resolution recorded February 1, 2021 at Reception No. 604138.

18. Terms, conditions, provisions and obligations contained in Easement recorded July 29, 2021 at Reception No. 610518 and at Reception No. 610520.

19. Easements, notes, terms, conditions, provisions, agreements and obligations as shown on the plat of Legacy Village Subdivision Filing No. 1 and Legacy Village Subdivision Filing No. 2 recorded at Reception No. 613911 and at Reception No. 613912.

WHEN RECORDED, RETURN TO:  
Biskind, Hunt & Semro, PLC  
8901 E. Pima Center Parkway, Suite 225  
Scottsdale, AZ 85258  
Attn: Neil D. Biskind, Esq.



**SPECIAL WARRANTY DEED**

*(Legacy Village, Colorado)*

For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the undersigned LENNAR COLORADO, LLC, a Colorado limited liability company (the “Grantor”), whose address is 9193 S. Jamaica Street, 4<sup>th</sup> Floor, Englewood, Colorado 80112, hereby grants to AG ESSENTIAL HOUSING MULTI STATE 2, LLC, a Delaware limited liability company (“Grantee”), whose address is c/o AGWIP Asset Management, LLC, 8585 E. Hartford, Suite 118, Scottsdale, AZ 85255, that certain real property situated in Elbert County, Colorado, described as follows (the “Property”):

SEE EXHIBIT “A” ATTACHED HERETO AND  
BY THIS REFERENCE MADE A PART HEREOF

also known by street and number as: vacant land;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, and Grantee’s heirs, successors, and assigns forever.

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of Grantors, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances;

SUBJECT TO: the matters described on Exhibit B attached hereto and made a part hereof.

Grantor does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee’s successors, and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under Grantor, subject to the matters set forth above.

*[Balance of Page Intentionally Left Blank; Signature Page Follows]*

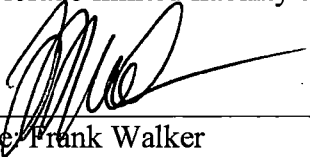


Item 5.

EXECUTED this 24<sup>th</sup> day of November, 2021.

**Grantor:**

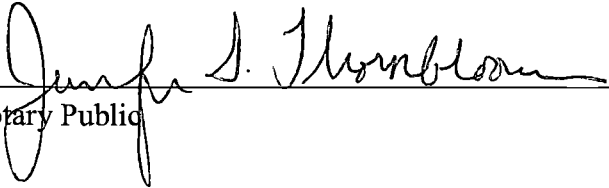
LENNAR COLORADO, LLC,  
a Colorado limited liability company

By:   
Name: Frank Walker  
Title: Vice President

STATE OF COLORADO                    )  
  )ss.  
COUNTY OF Douglas                )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of November, 2021,  
by Frank Walker, Vice President of LENNAR COLORADO, LLC, a Colorado limited liability  
company, for and on behalf thereof

**JENNIFER S THORNBLOOM**  
NOTARY PUBLIC - STATE OF COLORADO  
Notary ID #20144027146  
My Commission Expires 7/10/2022

  
Notary Public

(Seal)



EXHIBIT A  
Legal Description

**PARCEL A:**

LOTS 1 THROUGH 19, BLOCK 1;

LOTS 2 THROUGH 13, BLOCK 2;

LOTS 1 THROUGH 9, BLOCK 3;

LOTS 1 THROUGH 46, BLOCK 4;

LOTS 1 THROUGH 17, BLOCK 5;

LOTS 1 THROUGH 22, BLOCK 6;

LEGACY VILLAGE FILING NO. 1, COUNTY OF ELBERT, STATE OF COLORADO.

**PARCEL B:**

LOTS 1 THROUGH 36, BLOCK 1;

LOTS 1 THROUGH 12, BLOCK 2;

LOTS 1 THROUGH 14, BLOCK 3;

LOTS 1 THROUGH 10, BLOCK 4;

LOTS 1 THROUGH 19, BLOCK 5;

LOTS 1 THROUGH 9, BLOCK 6;

LEGACY VILLAGE FILING NO. 2, COUNTY OF ELBERT, STATE OF COLORADO.

EXHIBIT B

Permitted Exceptions

1. TAXES AND ASSESSMENTS FOR CALENDAR YEAR 2021, A LIEN NOT YET DUE AND PAYABLE.
2. RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED NOVEMBER 14, 1874 IN BOOK 1 AT PAGE 285.
3. RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED JANUARY 17, 1903 IN BOOK 23 AT PAGE 456.
4. RIGHT OF WAY AND EASEMENT AS GRANTED IN INSTRUMENT RECORDED OCTOBER 14, 1963 IN BOOK 251 AT PAGE 193. CONVEYANCE RECORDED MARCH 25, 1970 IN BOOK 271 AT PAGE 451.
5. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN DEED OF CONSERVATION EASEMENT RECORDED DECEMBER 28, 2006 UNDER RECEPTION NO. 480883. CORRECTION DEED RECORDED FEBRUARY 6, 2007 UNDER RECEPTION NO. 481925. CORRECTION DEED RECORDD JUNE 13, 2007 UNDER RECEPTION NO. 486053.
6. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT RECORDED DECEMBER 06, 2016 UNDER RECEPTION NO. 564389. RATIFICATION OF EASEMENT AGREEMENT RECORDED MAY 24, 2017 UNDER RECEPTION NO. 569112.
7. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT RECORDED DECEMBER 06, 2016 UNDER RECEPTION NO. 564388. RATIFICATION OF EASEMENT AGREEMENT RECORDED MAY 24, 2017 UNDER RECEPTION NO. 569113.
8. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT (DRAINAGE) RECORDED DECEMBER 02, 2016 UNDER RECEPTION NO. 564390.  
  
RATIFICATION OF EASEMENT AGREEMENT RECORDED MAY 24, 2017 UNDER RECEPTION NO. 569114.
9. SPECIAL WARRANTY WATER RIGHT DEEDS RECORDED DECEMBER 28, 2006 UNDER RECEPTION NOS. 480878, 480879 AND 480880.  
  
SPECIAL WARRANTY DEED CONVEYING GROUNDWATER RECORDED JUNE 5, 2019 UNDER RECEPTION NO. 586144 AND RECORDED JANUARY 7, 2020 UNDER RECEPTION NOS. 591780 AND 591781.

10. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE ELIZABETH 86 RESIDENTIAL METROPOLITAN DISTRICT , AS EVIDENCED BY INSTRUMENT RECORDED SEPTEMBER 22, 2010, UNDER RECEPTION NO. 512390.

11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RECIPROCAL EASEMENT AGREEMENT RECORDED JANUARY 14, 2016 UNDER RECEPTION NO. 556467. 20. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION RECORDED SEPTEMBER 26, 2018 UNDER RECEPTION NO. 580816.

12. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION RECORDED FEBRUARY 01, 2021 UNDER RECEPTION NO. 604138.

13. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY OVERHEAD AND UNDERGROUND EASEMENT RECORDED JULY 29, 2021 UNDER RECEPTION NO. 610520.

14. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF LEGACY VILLAGE FILING NO. 1 RECORDED NOVEMBER 10, 2021 UNDER RECEPTION NO. 613908.

15. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF LEGACY VILLAGE FILING NO. 2 RECORDED NOVEMBER 10, 2021 UNDER RECEPTION NO. 613909.

16. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SUBDIVISION AGREEMENT (LEGACY VILLAGE FILING NO. 1) RECORDED NOVEMBER 10, 2021 UNDER RECEPTION NO. 613911.

17. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SUBDIVISION AGREEMENT (LEGACY VILLAGE FILING NO. 2) RECORDED NOVEMBER 10, 2021 UNDER RECEPTION NO. 613912.



## Customer Distribution



**Prevent fraud** - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **RND70823106**

Date: **11/14/2023**

Property Address: **242, 232, 222, 212, 202, 312, 322, 332 AND 342 CORKSCREW STREET, Elizabeth, CO 80107**

### For Closing Assistance

### For Title Assistance

Scott Cieslewicz  
5975 GREENWOOD PLAZA  
BLVD  
GREENWOOD VILLAGE, CO  
80111  
(303) 850-4189 (Work)  
[scielewicz@ltgc.com](mailto:scielewicz@ltgc.com)

### Builder

LENNAR COLORADO LLC  
Attention: JOSEPH HUEY  
9193 S JAMAICA ST 4TH FLOOR  
ENGLEWOOD, CO 80112  
(720) 369-3835 (Work)  
[joseph.huey@lennar.com](mailto:joseph.huey@lennar.com)  
Delivered via: Electronic Mail



## Estimate of Title Fees

**Order Number:** RND70823106

**Date:** 11/14/2023

**Property Address:** 242, 232, 222, 212, 202, 312, 322, 332 AND 342 CORKSCREW STREET, Elizabeth, CO 80107

**Seller(s):** LENNAR COLORADO,LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO LOT 1; AND AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS TO LOTS 2-9

**Buyer(s):** A BUYER TO BE DETERMINED

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit [ltgc.com](http://ltgc.com) to learn more about Land Title.

Estimate of Title Insurance Fees	
"ALTA" Owner's Policy 07-30-21 Reissue Rate	\$436.00
<b>TOTAL</b>	<b>\$436.00</b>

**Note:** The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

**Chain of Title Documents:**

[Elbert county recorded 11/17/2021 under reception no. 614204](#)

[Elbert county recorded 12/13/2021 under reception no. 614993](#)

**Plat Map(s):**

[Elbert county recorded 11/10/2021 under reception no. 613908](#)

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

Order Number: RND70823106

**Property Address:**

242, 232, 222, 212, 202, 312, 322, 332 AND 342 CORKSCREW STREET, Elizabeth, CO 80107

**1. Commitment Date:**

11/07/2023 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 07-30-21 Reissue Rate \$5,000.00  
Proposed Insured:  
A BUYER TO BE DETERMINED

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

FEE SIMPLE

**4. The Title is, at the Commitment Date, vested in:**

LENNAR COLORADO,LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO LOT 1; AND AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS TO LOTS 2-9

**5. The Land is described as follows:**

LOTS 1 THROUGH 9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1, COUNTY OF ELBERT, STATE OF COLORADO.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.



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**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part I**  
**(Requirements)**

**Order Number:** RND70823106

**All of the following Requirements must be met:**

**This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.**

**Pay the agreed amount for the estate or interest to be insured.**

**Pay the premiums, fees, and charges for the Policy to the Company.**

**Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.**

1. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR AG ESSENTIAL HOUSING MULTISTATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

2. WRITTEN CONFIRMATION THAT THE INFORMATION CONTAINED IN UNANIMOUS CONSENT OF THE SOLE MEMBER OF AG ESSENTIAL HOUSING MULTI STATE 2, LLC RECORDED OCTOBER 18, 2022 UNDER RECEPTION NO. [623126](#) IS CURRENT.

NOTE: SAID INSTRUMENT DISCLOSES EITHER STEVE S. BENSON AS MANAGER OT WENDY STOECKEL AS AUTHORIZED REPRESENTIV OF AGWIP ASSET MANAGEMENT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY AS AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NOT ACCURATE, A CURRENT STATEMENT OF AUTHORITY MUST BE RECORDED.

3. WARRANTY DEED FROM LENNAR COLORADO,LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO LOT 1; AND AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS TO LOTS 2-9 TO A BUYER TO BE DETERMINED CONVEYING SUBJECT PROPERTY.

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

Order Number: RND70823106

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED NOVEMBER 14, 1874 IN BOOK 1 AT PAGE [285](#).
10. RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED JANUARY 17, 1903 IN BOOK 23 AT PAGE [456](#).
11. RIGHT OF WAY AND EASEMENT AS GRANTED IN INSTRUMENT RECORDED OCTOBER 14, 1963 IN BOOK 251 AT PAGE [193](#).  
  
CONVEYANCE RECORDED MARCH 25, 1970 IN BOOK 271 AT PAGE [451](#).
12. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT RECORDED DECEMBER 06, 2016 UNDER RECEPTION NO. [564389](#).  
  
RATIFICATION OF EASEMENT AGREEMENT RECORDED MAY 24, 2017 UNDER RECEPTION NO. [569112](#).
13. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT RECORDED DECEMBER 06, 2016 UNDER RECEPTION NO. [564388](#).  
  
RATIFICATION OF EASEMENT AGREEMENT RECORDED MAY 24, 2017 UNDER RECEPTION NO. [569113](#).



**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** RND70823106

14. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT (DRAINAGE) RECORDED DECEMBER 02, 2016 UNDER RECEPTION NO. [564390](#).  
  
RATIFICATION OF EASEMENT AGREEMENT RECORDED MAY 24, 2017 UNDER RECEPTION NO. [569114](#).
15. SPECIAL WARRANTY WATER RIGHT DEEDS RECORDED DECEMBER 28, 2006 UNDER RECEPTION NOS. [480878](#), [480879](#) AND [480880](#).  
  
SPECIAL WARRANTY DEED CONVEYING GROUNDWATER RECORDED JUNE 5, 2019 UNDER RECEPTION NO. [586144](#) AND RECORDED JANUARY 7, 2020 UNDER RECEPTION NOS. [591780](#) AND [591781](#).
16. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE ELIZABETH 86 RESIDENTIAL METROPOLITAN DISTRICT , AS EVIDENCED BY INSTRUMENT RECORDED SEPTEMBER 22, 2010, UNDER RECEPTION NO. [512390](#).
17. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RECIPROCAL EASEMENT AGREEMENT RECORDED JANUARY 14, 2016 UNDER RECEPTION NO. [556467](#).
18. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF LEGACY VILLAGE FILING NO. 1 RECORDED NOVEMBER 10, 2021 UNDER RECEPTION NO. [613908](#).
19. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SUBDIVISION AGREEMENT (LEGACY VILLAGE FILING NO. 1) RECORDED NOVEMBER 10, 2021 UNDER RECEPTION NO. [613911](#).
20. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF OPTION AGREEMENT RECORDED DECEMBER 13, 2021 UNDER RECEPTION NO. [614994](#).
21. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LEGACY VILLAGE RECORDED MAY 08, 2023, UNDER RECEPTION NO. [626613](#).
22. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN DECLARATION OF DESIGN CASTLE ROCK FOR LEGACY VILLAGE RECORDED MAY 08, 2023, UNDER RECEPTION NO. [626614](#).



## ALTA Commitment For Title Insurance

### issued by Old Republic National Title Insurance Company

#### NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

#### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of insurance and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

#### COMMITMENT CONDITIONS

##### 1. DEFINITIONS

- (a) "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- (b) "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- (c) "Land": The land described in item 5 of Schedule A and affixed improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (d) "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- (e) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (f) "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- (g) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (h) "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- (i) "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- (j) "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

##### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

##### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company is not liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5(a) or the Proposed Amount of Insurance.
- (e) The Company is not liable for the content of the Transaction Identification Data, if any.
- (f) The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.

(g)The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT. CHOICE OF LAW AND CHOICE OF FORUM**

- (a)Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b)Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction
- (c)This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d)The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e)Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f)When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. CLAIMS PROCEDURES**

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

**10. CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

**11. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:  
Land Title Guarantee Company  
3033 East First Avenue Suite 600  
Denver, Colorado 80206  
303-321-1880



**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
A Stock Company  
400 Second Avenue South, Minneapolis, Minnesota 55401  
(612) 371-1111

*CBRants*

Craig B. Rants, Senior Vice President

By *C Monroe* President  
Attest *David Wold* Secretary

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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## Land Title Guarantee Company

### Disclosure Statements

**Note: Pursuant to CRS 10-11-122, notice is hereby given that:**

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note:** Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

**Note:** Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note:** Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Note:** Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

**Note:** Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**Joint Notice of Privacy Policy of  
Land Title Guarantee Company  
Land Title Guarantee Company of Summit  
County  
Land Title Insurance Corporation and  
Old Republic National Title Insurance Company**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
  - your transactions with, or from the services being performed by us, our affiliates, or others;
  - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

TO: Zach Higgins, Community Development Director  
FROM: Josue Loma, Planner, SAFEbuilt Studio through  
Travis Reynolds, AICP, Planning Manager, SAFEbuilt Studio  
DATE: January 19, 2024  
SUBJECT: Review 3 – Replat for Legacy Village Filing 1, Amendment 1 and Amendment 2

SAFEbuilt Studio staff provides the combined second review comments for the Legacy Village Filing 1, Amendment 1 (F1A1, 1.286 acres) and Legacy Village Filing 1, Amendment 2 (F1A2, 0.353 acres) replat. Legacy Village F1A1 is generally located on the southeast corner of Corkscrew St and Hinds St and Legacy Village F1A2 is generally located on the southeast corner of Osmulski Dr and Yankee Boy LP in the Town of Elizabeth. Staff conducted the review in the context of Chapter 16 – Land Use and Development of the Town of Elizabeth Municipal Code and the Town’s Master Plan.

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**Legacy Village Filing 1, Amendment 1: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

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**Planning and Zoning Review:**

- Approved.

**External Agency Comments:**

- CORE Engineering - Town Engineer:
  - Approval is granted upon the condition that the line type for the “existing lot line” be updated to a solid line as shown on the provided redlines.
- CORE Electric / IREA – Utility:
  - No comment received at this time.
- Elizabeth Fire Protection District - Fire:
  - No comment received at this time.
- Elizabeth School District:
  - No comment received at this time.
- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor’s Office – GIS:
  - Approves with no additional comments.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

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**Legacy Village Filing 1, Amendment 2: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

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**Planning and Zoning Review:**

- Approved.

**External Review Agency Comments**

- CORE Engineering - Town Engineer:
  - As shown on the provided Title Commitment, dated 11/07/2023, Lennar Colorado, LLC is the owner of these lots. Further, the provided Special warranty deed indicates AG deeded these lots in May and June 2023 to Lennar Colorado LLC. Please update this label accordingly.
  - Please add Lot 46, Block 4, Legacy Village Filing no. 1 to this section.
  - Please line up the shown arrows with the corresponding easement and lot lines.
  - Please update the line type for the “existing lot line” to a solid line as shown on the redlines.
- CORE Electric / IREA – Utility:
  - No comment received at this time.
- Elizabeth Fire Protection District - Fire:
  - No comment received at this time.
- Elizabeth School District:
  - No comment received at this time.
- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor’s Office – GIS:
  - Approves with no additional comments.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

Referral Agency / Consultant	Discipline	Contact Information
SAFEbuilt	Community Development	Zach Higgins; <a href="mailto:zhiggins@townofelizabeth.org">zhiggins@townofelizabeth.org</a> Travis Reynolds; <a href="mailto:treynolds@safebuilt.com">treynolds@safebuilt.com</a> Josue Loma; <a href="mailto:jloma@safebuilt.com">jloma@safebuilt.com</a>
CORE Engineering	Town Engineer	Scott Pease, P.E.; <a href="mailto:pease@corecivil.com">pease@corecivil.com</a> Manny Nunos, <a href="mailto:mnuno@liveyourcore.com">mnuno@liveyourcore.com</a>
CORE Electric / IREA	Utility	Brooks Kaufman; <a href="mailto:BKaufman@core.coop">BKaufman@core.coop</a>
Elizabeth Fire Protection District (EFD)	Fire	T.J. Steck; <a href="mailto:tjs@elizabethfire.org">tjs@elizabethfire.org</a>

Elizabeth School District	Elizabeth C-1 School District	<b>Ron Patera;</b> <a href="mailto:rpatera@esdk12.org">rpatera@esdk12.org</a>
Black Hills Energy	Utility Company	<b>Jason McKune;</b> <a href="mailto:Jason.McKune@blackhillscorp.com">Jason.McKune@blackhillscorp.com</a>
Elbert County Assessor's Office	GIS	<b>Greg Toles;</b> <a href="mailto:Greg.toles@elbertcounty-co.gov">Greg.toles@elbertcounty-co.gov</a>
Comcast		<a href="mailto:Butch_Buster@comcast.com">Butch_Buster@comcast.com</a>
Century Link		<a href="mailto:Nre.Easement@centurylink.com">Nre.Easement@centurylink.com</a>

**From:** [Tyler Vodopich](#)  
**To:** [Josue Loma](#)  
**Cc:** [Travis Reynolds](#); [Byron Glenn](#)  
**Subject:** RE: Referral 3: Replat for Legacy Village F1A1 and F1A2  
**Date:** Thursday, January 18, 2024 3:35:23 PM  
**Attachments:** [linkedin\\_32x32\\_d2e50468-8830-4af8-9748-e951ed8090ea.png](#)  
[facebook\\_32x32\\_7c73df8c-cb09-41bf-8440-c0570ac5d533.png](#)  
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[twitter\\_32x32\\_4f21b498-cbc5-48d1-a12f-0f21b806eabc.png](#)  
[tiktok-icon-logo-1cb398a1bd-seekeo.com\\_f63d2e80-9c95-492e-b5ee-0e098782845f.png](#)  
[Plat\\_Legacy Village F1A1\\_rev3\\_20240117.pdf](#)  
[Plat\\_Legacy Village F1A2\\_Rev3.pdf](#)

Good afternoon Josue,

I have attached the plats with comments.

Filing 1 Amendment 1 has only 1 minor comment but can be considered approved.

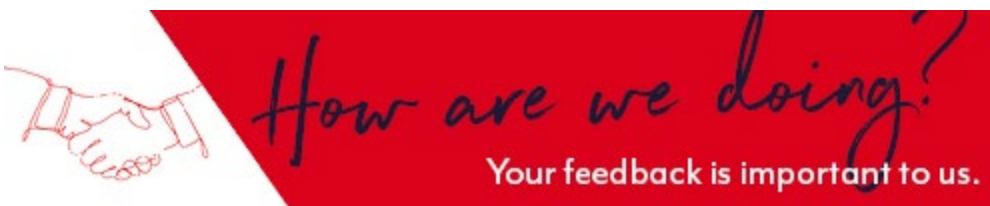
Filing 1 Amendment 2 had a few comments. The comments are minor, but should be addressed.

Please let me know if you have any questions on these items.



**TYLER VODOPICH, PE**  
 Project Engineer

3473 S. Broadway, Englewood, CO 80113  
 Phone 303-730-5964  
 TVodopich@liveyourcore.com \ [liveyourcore.com](http://liveyourcore.com)



Would you please take 60 seconds to share your thoughts [here](#)?

LAND DEVELOPMENT \ ENERGY \ PUBLIC INFRASTRUCTURE [in](#) [f](#) [@](#) [t](#) [d](#)

**From:** Josue Loma <jloma@safebuilt.com>  
**Sent:** Wednesday, January 17, 2024 2:41 PM  
**To:** Tyler Vodopich <TVodopich@liveyourcore.com>; Andrew Kidder <dkidder@liveyourcore.com>  
**Cc:** Travis Reynolds <treynolds@safebuilt.com>  
**Subject:** RE: Referral 3: Replat for Legacy Village F1A1 and F1A2

Hello Tyler and team,

I hope this email finds you well. As we approach the deadline for the 3<sup>rd</sup> Review of Legacy Village F1A1 and F1A2, I wanted to check in and ensure that everything is progressing smoothly.

# FIRST AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

Plat Review #3 Comments  
1/17/2024 - Jeff Anton PLS

A REPLAT OF LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1,  
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 1 OF 2  
1.286 ACRES - 9 SINGLE FAMILY RESIDENTIAL LOTS

### LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A REPLAT OF LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 56,023 SQUARE FEET OR 1.286 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

### OWNERSHIP AND DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF FIRST AMENDMENT TO LEGACY VILLAGE FILING NO. 1. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE 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. ALL STREETS AND RIGHTS OF WAY, SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE TOWN OF ELIZABETH, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES.

\_\_\_\_\_  
SIGNATURE

LENNAR COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

\_\_\_\_\_  
WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### OWNERSHIP AND DEDICATION STATEMENT (CONTINUED):

\_\_\_\_\_  
SIGNATURE

AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_

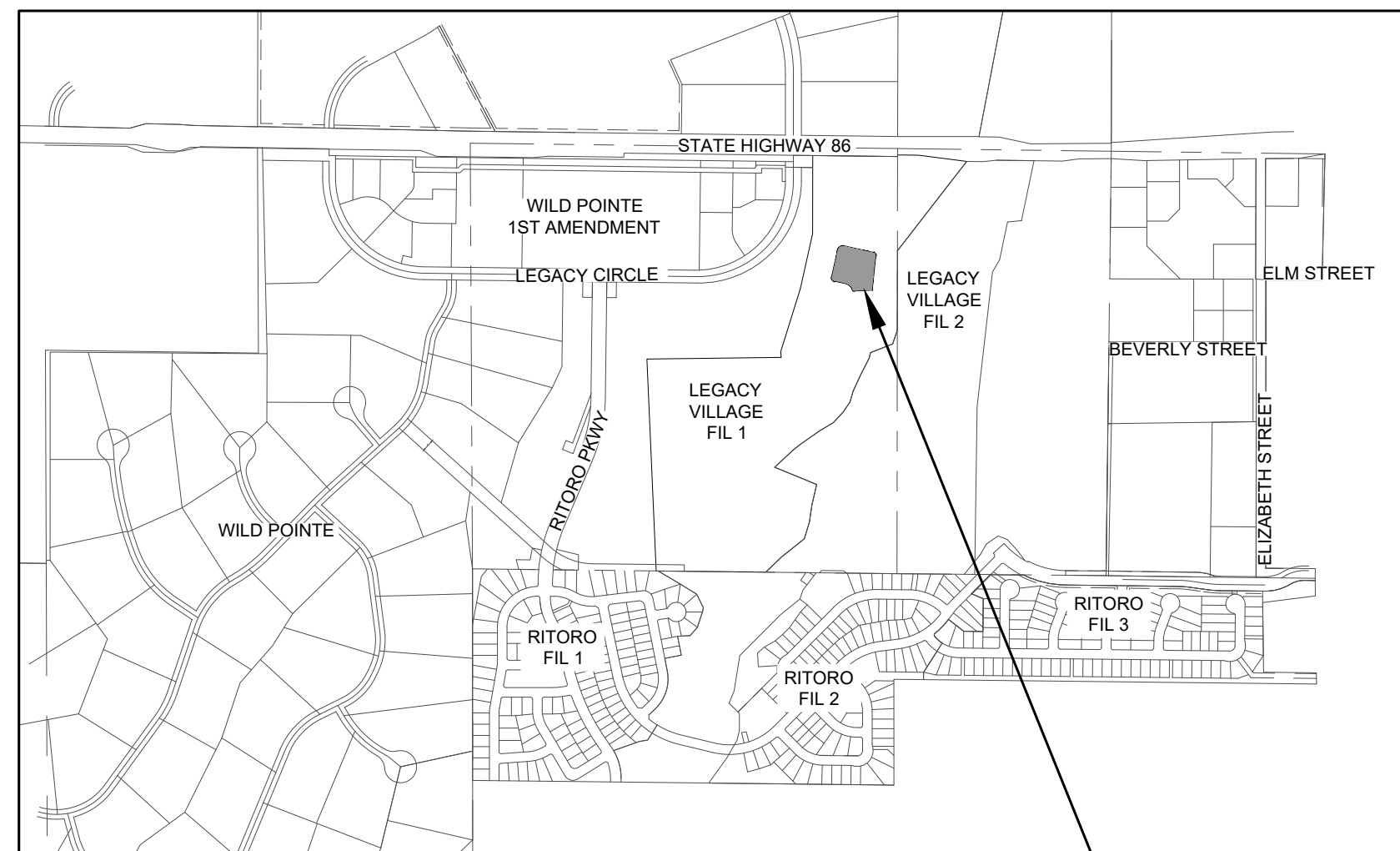
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

\_\_\_\_\_  
WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



VICINITY MAP  
SCALE: 1" = 1000'  
PROPERTY LOCATION

### BOARD OF TRUSTEES:

LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1, IS HEREWITH AMENDED BY THIS PLAT WHICH IS HEREBY APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO, FOR FILING IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, RECEPTION # 613908.

\_\_\_\_\_  
MAYOR, TOWN OF ELIZABETH

ATTEST: \_\_\_\_\_  
TOWN CLERK

### LENDER

\_\_\_\_\_  
SIGNATURE

BY: LES SOWITCH

TITLE: REDSTONE BANK MARKET PRESIDENT

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

\_\_\_\_\_  
WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### PLANNING COMMISSION:

THE PRELIMINARY PLAN FOR THIS PLAT WAS REVIEWED BY THE PLANNING COMMISSION ON \_\_\_\_\_ JANUARY 5, 2021 \_\_\_\_\_.

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

### TITLE VERIFICATION:

WE, LAND TITLE GUARANTEE COMPANY, A QUALIFIED TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

\_\_\_\_\_  
WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### CLERK AND RECORDER'S CERTIFICATION:

STATE OF COLORADO )  
COUNTY OF ELBERT ) SS.

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_,

A.D., AT \_\_\_\_\_ A.M./P.M.

AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

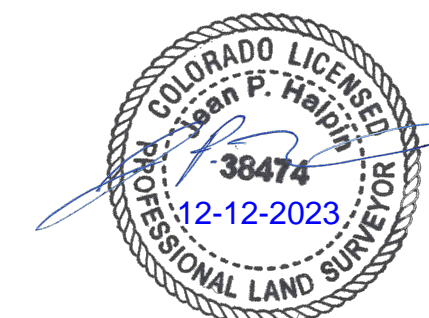
\_\_\_\_\_  
COUNTY CLERK AND RECORDER

### SURVEYOR'S CERTIFICATION:

I, JEAN P. HALPIN, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON DEC. 1, 2023, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS \_\_\_\_ 12 \_\_\_\_ DAY OF DECEMBER \_\_\_\_\_, 20 \_\_\_\_ 23 \_\_\_\_.

\_\_\_\_\_  
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR  
JEAN P. HALPIN, PLS NO. 38474  
FOR AND ON BEHALF OF WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, SUITE 400  
ENGLEWOOD, CO 80112  
(720)-249-3584



### APPLICANT/DEVELOPER:

E86 J.V., LLC  
JIM MARSHALL  
7108 SOUTH ALTON WAY  
ENGLEWOOD, CO 80112

### ENGINEER/SURVEYOR:

WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, STE 400  
ENGLEWOOD, CO 80112



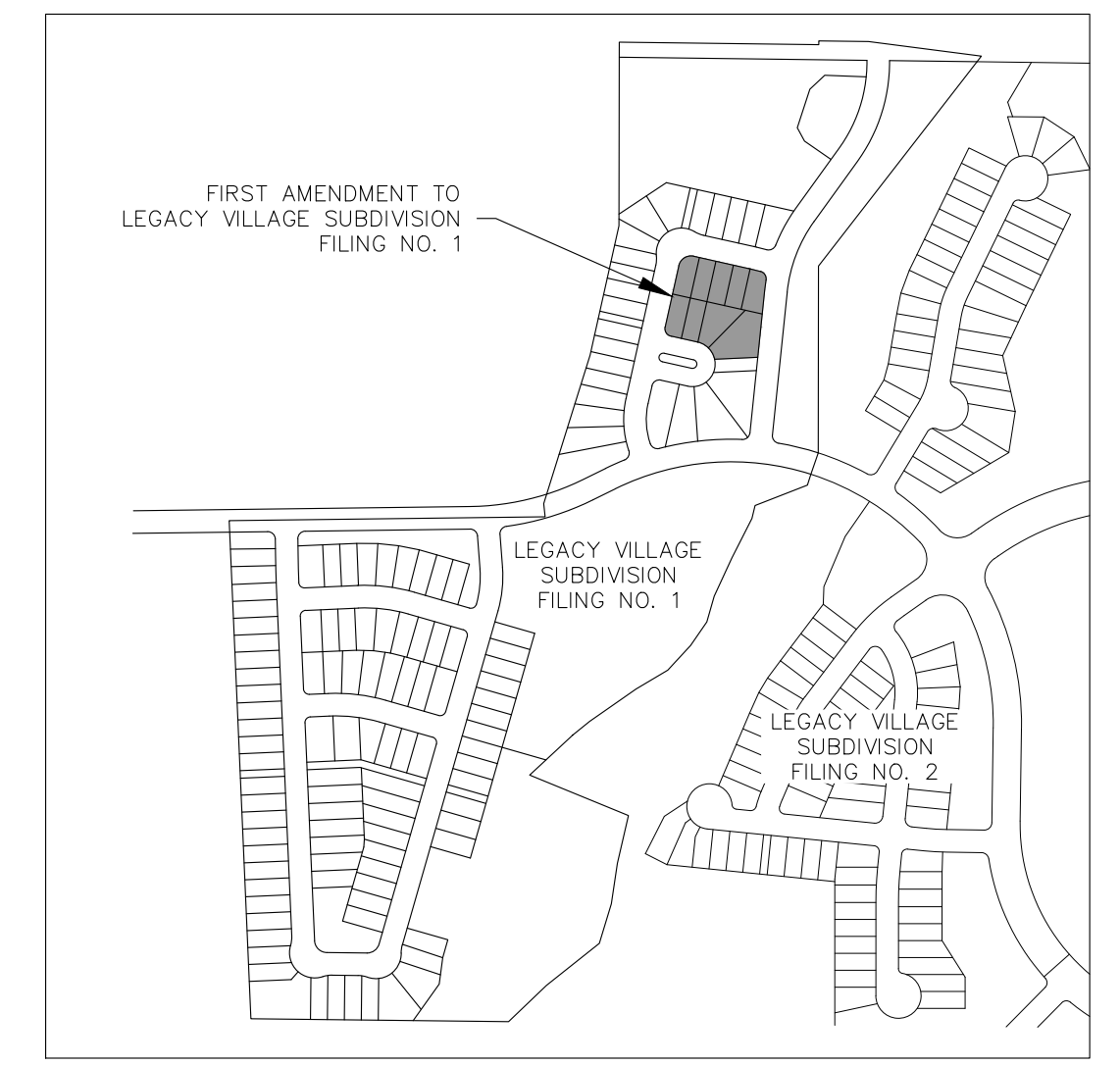
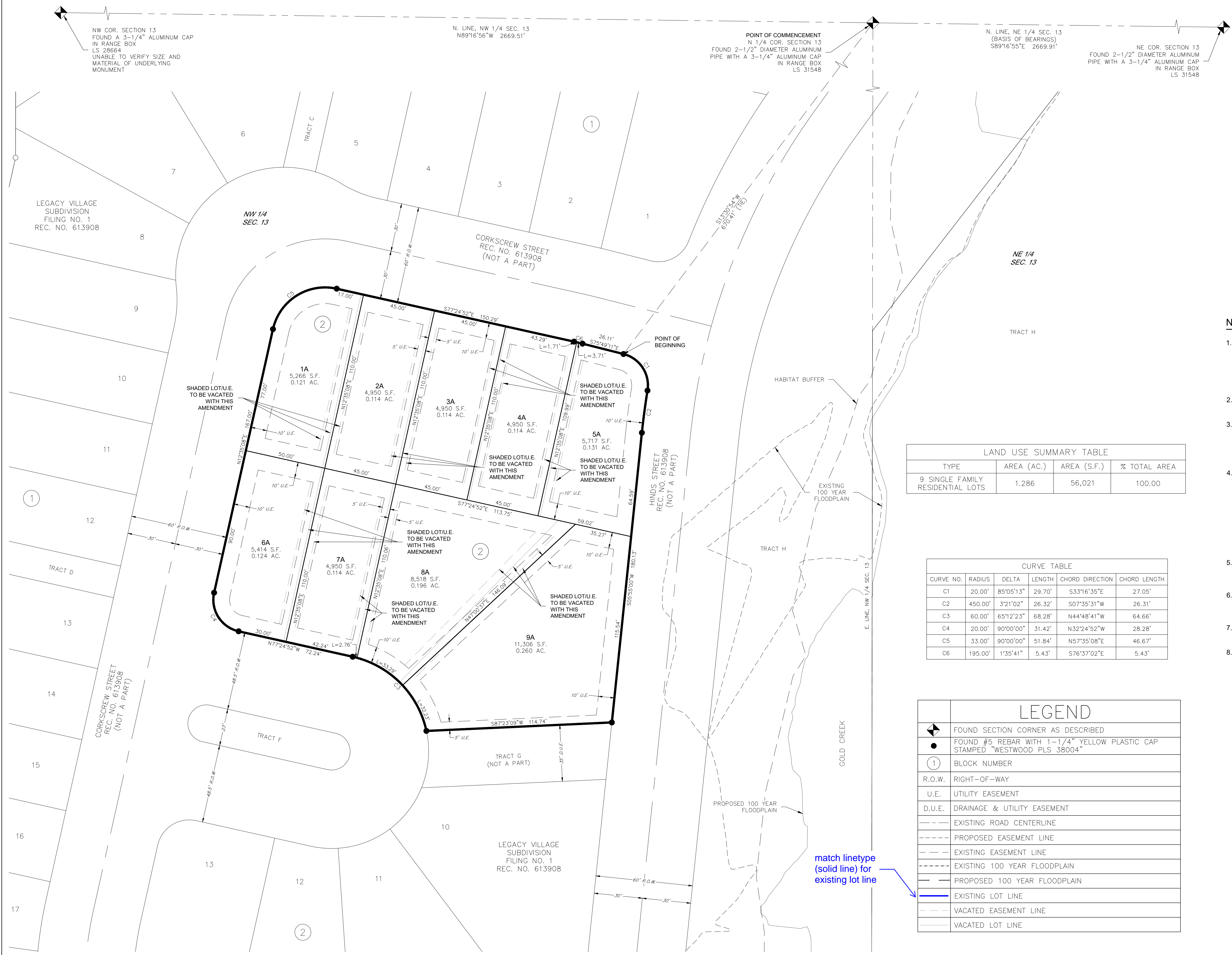
Westwoodps.com  
Westwood Professional Services, Inc.

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526



# FIRST AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1,  
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 2 OF 2



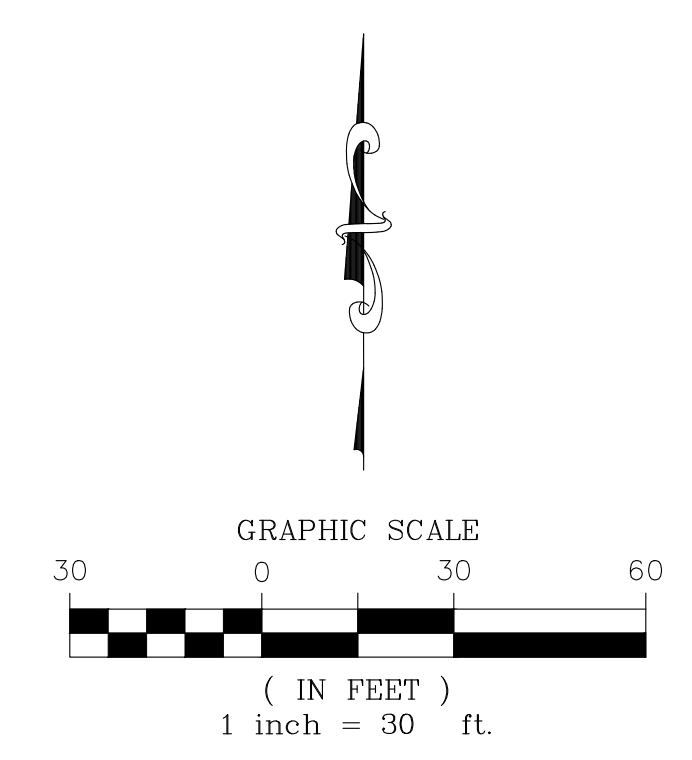
### NOTES:

- BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13 BEING MONUMENTED AT THE NORTH QUARTER CORNER OF SECTION 13 BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "PLS 31548" WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEING MONUMENTED BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "LS 31548" IS ASSUMED TO BEAR SOUTH 89°16'55" EAST, A DISTANCE OF 2669.91 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.
- THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WESTWOOD PROFESSIONAL SERVICES, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WESTWOOD PROFESSIONAL SERVICES, INC. RELIED UPON LAND TITLE GUARANTEE COMPANY PROPERTY INFORMATION BINDER ORDER NO. RND70823106, HAVING AN EFFECTIVE DATE OF NOVEMBER 7, 2023 AT 5:00 P.M.
- NON-EXCLUSIVE - 5-FOOT AND 10-FOOT UTILITY EASEMENTS LOCATED AS SHOWN ARE HEREBY GRANTED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES, INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND TELEPHONE LINES, AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF SUCH LINES. SIDE LOT LINE EASEMENTS ARE ALLOWED ENCROACHMENTS FOR ROOF OVERHANGS, CANTILEVER BAY OR BOX WINDOWS, FIREPLACES, WITH A MAXIMUM TWO FOOT (2') ENCROACHMENT, LANDSCAPING WITH PLANT SHRUBS, WOODY PLANTS AND NURSERY STOCK OR OTHER CROPS MAY BE LOCATED WITHIN THESE EASEMENTS PROVIDED THEY DO NOT INTERFERE WITH THE USE OF, OBSTRUCT THE OPERATION OF, MAINTENANCE OF, OR ACCESS TO SAID SIDE LOT EASEMENT.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL 08039C0480C, EFFECTIVE MARCH 17, 2011, THE SURVEYED LAND IS WITHIN FLOOD ZONE X, AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- 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.

TYPE	AREA (AC.)	AREA (S.F.)	% TOTAL AREA
9 SINGLE FAMILY RESIDENTIAL LOTS	1.286	56,021	100.00

CURVE NO.	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	20.00'	85°05'13"	29.70'	S33°16'35"E	27.05'
C2	450.00'	3°21'02"	26.32'	S07°35'31"W	26.31'
C3	60.00'	65°12'23"	68.28'	N44°48'41"W	64.66'
C4	20.00'	90°00'00"	31.42'	N32°24'52"W	28.28'
C5	33.00'	90°00'00"	51.84'	N57°35'08"E	46.67'
C6	195.00'	1°35'41"	5.43'	S76°37'02"E	5.43'

	FOUND SECTION CORNER AS DESCRIBED
	FOUND #5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP STAMPED "WESTWOOD PLS 38004"
	BLOCK NUMBER
	R.O.W. RIGHT-OF-WAY
	U.E. UTILITY EASEMENT
	D.U.E. DRAINAGE & UTILITY EASEMENT
	EXISTING ROAD CENTERLINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	EXISTING 100 YEAR FLOODPLAIN
	PROPOSED 100 YEAR FLOODPLAIN
	EXISTING LOT LINE
	VACATED EASEMENT LINE
	VACATED LOT LINE



10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526

TO: Zach Higgins, Community Development Director  
FROM: Josue Loma, Planner, SAFEbuilt Studio through  
Travis Reynolds, AICP, Planning Manager, SAFEbuilt Studio  
DATE: October 20, 2023  
SUBJECT: Review 2 – Replat for Legacy Village Filing 1, Amendment 1 and Amendment 2

SAFEbuilt Studio staff provides the combined second review comments for the Legacy Village Filing 1, Amendment 1 (F1A1, 1.286 acres) and Legacy Village Filing 1, Amendment 2 (F1A2, .478 acres) replat. Legacy Village F1A1 is generally located on the southeast corner of Corkscrew St and Hinds St and Legacy Village F1A2 is generally located on the southeast corner of Osmulski Dr and Yankee Boy LP in the Town of Elizabeth. Staff conducted the review in the context of Chapter 16 – Land Use and Development of the Town of Elizabeth Municipal Code and the Town’s Master Plan.

**Legacy Village Filing 1, Amendment 1: Replat (Sec. 16-3-80) and Final Plat (Sec. 16-3-60)**

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**Planning and Zoning Review:**

- As the review of this project is near the end, please provide a complete submittal to include the below documents. Without a complete resubmittal, we are unable to schedule the public hearing.
  - Please provide a copy of the signed final plat for Legacy Village Filing 1
  - General warranty deed and title commitment that is current within 30 days
- Please update the project narrative to move language regarding changes to Block 4, Lot 46 from the narrative of Amendment 1 to Amendment 2.
- Please note that deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines that are graphically different from existing vs. proposed vs. deleted with a legend provided.
- Please note that an email has been sent to Elbert County Assessors Office to clarify the details of their comment – see their comment below.

**External Agency Comments:**

- CORE Engineering - Town Engineer:
  - Please ensure that all new or existing labels are placed to not obscure lot dimensions.
  - Please show vacated and existing lot line types in the legend.
  - Please include the label, “Not Included in the Plat,” for all abutting lots, tracts or rights-of-way.
  - Please move boundary tags and annotation to the outside of the boundary line.
  - Please describe the size and make of the monument that the 3-1/4” aluminum cap is attached to or state the following: “unable to verify the size and material of underlying monument.”
  - Please verify and update the total lot area from the plat as it should measure 56,021 S.F.
  - Please provide updated copy of title commitment with next submittal that is current within 30 days.
  - Please update the legend type for “proposed road centerline” to “existing road centerline” since this is a replat.

- CORE Electric / IREA – Utility:
  - No comment received at this time.
- Elizabeth Fire Protection District - Fire:
  - No comment received at this time.
- Elizabeth School District:
  - No comment received at this time.
- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor’s Office – GIS:
  - No comment received at this time.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

**Legacy Village Filing 1, Amendment 2: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

---

**Planning and Zoning Review:**

- As the review of this project is near the end, please provide a complete submittal to include the below documents. Without a complete resubmittal, we are unable to schedule the public hearing.
  - Final plat for Legacy Village Filing 1
  - General warranty deed and title commitment
- Please note that deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines that are graphically different from existing vs. proposed vs. deleted with a legend provided.
- Please ensure that all new or existing labels are placed to not obscure lot dimensions.
- To be included in the project record, please update the provided project narrative for both Amendment 1 and Amendment 2 to show that block 4, lot 46A is included in Amendment 2 and not Amendment 1.

**External Review Agency Comments**

- CORE Engineering - Town Engineer:
  - Please ensure that the total acreage of the replat is correct and update if necessary, from .478 acres to .592 acres.
  - Please update the project description on the title page from four to five single family residential lots.
  - Please describe the size and make of the monument that the 3-1/4” aluminum cap is attached to or state the following: “unable to verify the size and material of underlying monument.”
  - Please provide an updated copy of title commitment that is current within 30 days.
  - Please show vacated and existing lot line types in the legend.
  - Please include the label, “Not Included in the Plat,” for all abutting lots, tracts or rights-of-way



- The legend states that the boundary corner for both parcels were set and not found – please revise.
- Please update the legend type for “proposed road centerline” to “existing road centerline” since this is a replat.
- CORE Electric / IREA – Utility:
  - No comment received at this time.
- Elizabeth Fire Protection District - Fire:
  - No comment received at this time.
- Elizabeth School District:
  - No comment received at this time.
- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor’s Office – GIS:
  - Approves with no additional comments.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

Referral Agency / Consultant	Discipline	Contact Information
SAFEbuilt	Community Development	<b>Zach Higgins;</b> <a href="mailto:zhiggins@townofelizabeth.org">zhiggins@townofelizabeth.org</a> <b>Travis Reynolds;</b> <a href="mailto:treynolds@safebuilt.com">treynolds@safebuilt.com</a> <b>Josue Loma;</b> <a href="mailto:jloma@safebuilt.com">jloma@safebuilt.com</a>
CORE Engineering	Town Engineer	<b>Scott Pease, P.E.;</b> <a href="mailto:pease@corecivil.com">pease@corecivil.com</a> <b>Manny Nunos,</b> <a href="mailto:mnuno@liveyourcore.com">mnuno@liveyourcore.com</a>
CORE Electric / IREA	Utility	<b>Brooks Kaufman;</b> <a href="mailto:BKaufman@core.coop">BKaufman@core.coop</a>
Elizabeth Fire Protection District (EFD)	Fire	<b>T.J. Steck;</b> <a href="mailto:tjs@elizabethfire.org">tjs@elizabethfire.org</a>
Elizabeth School District	Elizabeth C-1 School District	<b>Ron Patera;</b> <a href="mailto:rpatera@esdk12.org">rpatera@esdk12.org</a>
Black Hills Energy	Utility Company	<b>Jason McKune;</b> <a href="mailto:Jason.McKune@blackhillscorp.com">Jason.McKune@blackhillscorp.com</a>
Elbert County Assessor’s Office	GIS	<b>Greg Toles;</b> <a href="mailto:Greg.toles@elbertcounty-co.gov">Greg.toles@elbertcounty-co.gov</a>
Comcast		<a href="mailto:Butch_Buster@comcast.com">Butch_Buster@comcast.com</a>
Century Link		<a href="mailto:Nre.Easement@centurylink.com">Nre.Easement@centurylink.com</a>



June 20, 2022

Community Development  
**Town of Elizabeth**  
151 S Banner St  
Elizabeth, CO 80107

**Re: Legacy Village Filing 1 RePlat**

Dear Development Review,

On behalf of the applicant, Lennar, we are pleased to submit this Project Narrative and Application for the Legacy Village Filing 1 RePlat Documents.

The following list comprises of the development team for this project:

**Applicant**

Lennar, LLC  
Contact: Joe Huey  
9193 S Jamaica St Suite 4  
Englewood, CO 80112  
303-210-9822  
[joseph.huey@lennar.com](mailto:joseph.huey@lennar.com)

**Civil Engineer**

Westwood Professional Services  
Contact: Scott Lockhart  
10333 E. Dry Creek Rd., Ste. 240  
Englewood, CO 80112  
720.249-3583  
[scott.lockhart@westwoodps.com](mailto:scott.lockhart@westwoodps.com)

**Site Location and Zoning**

Legacy Village Filing 1 is approximately 51-acres site located south of Highway 86, just east of The Town of Elizabeth, Elbert County Colorado.

The site is zoned as Planned Development, with the modifications being single family home sites.

**Project Description**

Filing 1 includes 126 lots for single family detached homes, open space tracts, and an open space park. The residential portion of this community will be the conventional family community.

**RePlat**

This proposed re-plat is intended to obtain a 44' (min) lot width and/or 34' (min) build-able home footprint. Proposed lot modifications include moving existing lot lines, and associated utility easements approximately 1.5' to obtain this width (Block 2 Lots 1-9) **Lot Exhibit 1**. There is one additional lot to be modified (Block 4 Lot 46) where the interior side easement shall be reduced to 5', and the exterior easement increased to 10' **Lot Exhibit 2**.

**Variiances:**

No variiances are being requested as part of this application. Lot sizes remain above the minimums outlined within the PUD.

# FIRST AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

Plat Review #2 Comments  
9/28/2023 - Jeff Anton PLS

A REPLAT OF LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1,  
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 1 OF 2  
1.286 ACRES - 9 SINGLE FAMILY RESIDENTIAL LOTS

### LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A REPLAT OF LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 56,023 SQUARE FEET OR 1.286 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

### OWNERSHIP AND DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF FIRST AMENDMENT TO LEGACY VILLAGE FILING NO. 1. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE 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. ALL STREETS AND RIGHTS OF WAY, SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE TOWN OF ELIZABETH, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES.

\_\_\_\_\_  
SIGNATURE

LENNAR COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### OWNERSHIP AND DEDICATION STATEMENT (CONTINUED):

\_\_\_\_\_  
SIGNATURE

AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_

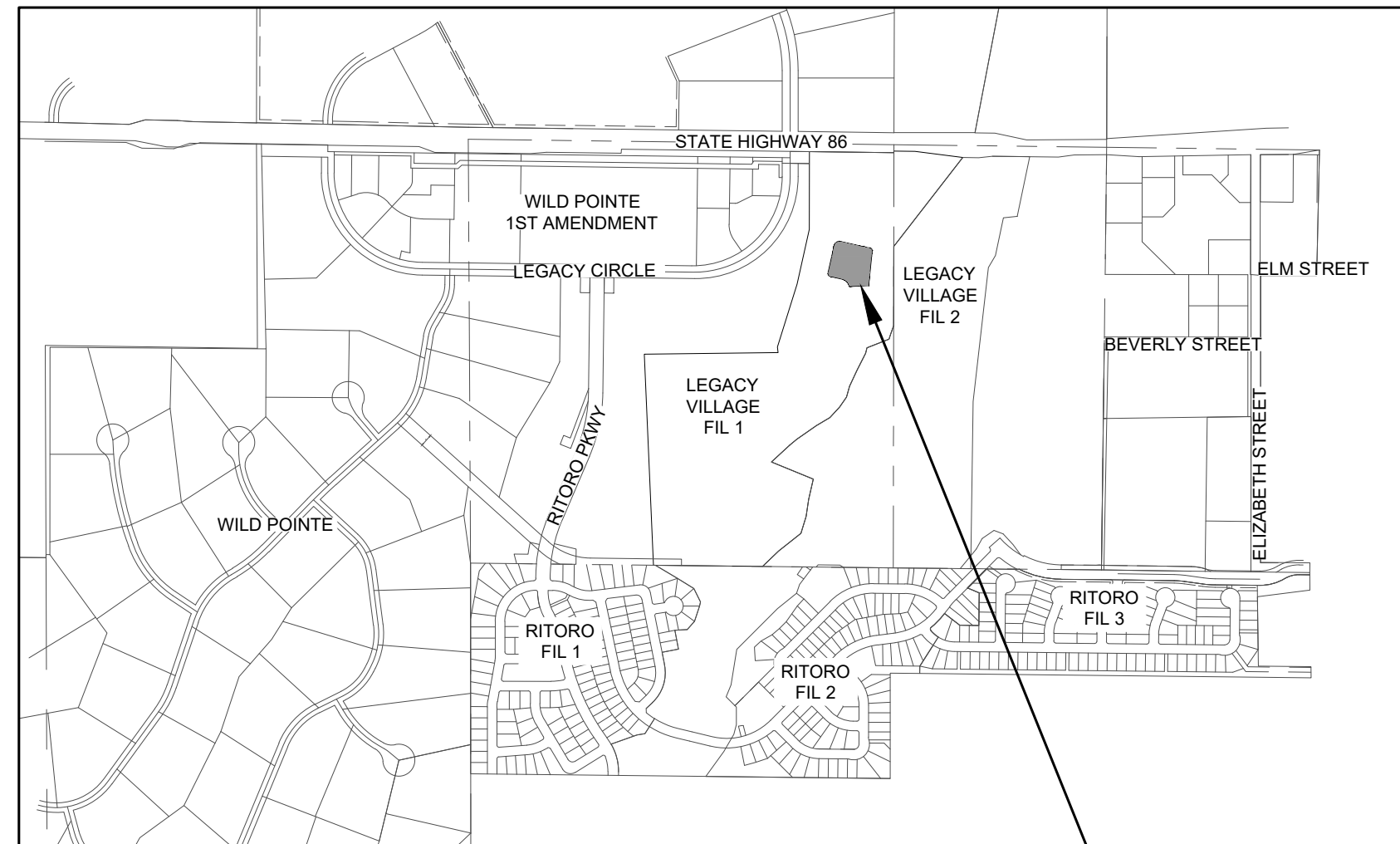
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



VICINITY MAP  
SCALE: 1" = 1000'  
PROPERTY LOCATION

### BOARD OF TRUSTEES:

LOTS 1-9, BLOCK 2, LEGACY VILLAGE SUBDIVISION FILING NO. 1, IS HEREBY AMENDED BY THIS PLAT WHICH IS HEREBY APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO, FOR FILING IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, RECEPTION # 613908.

\_\_\_\_\_  
MAYOR, TOWN OF ELIZABETH

ATTEST: \_\_\_\_\_  
TOWN CLERK

### LENDER

\_\_\_\_\_  
SIGNATURE

BY: LES SOWITCH

TITLE: REDSTONE BANK MARKET PRESIDENT

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### PLANNING COMMISSION:

THE PRELIMINARY PLAN FOR THIS PLAT WAS REVIEWED BY THE PLANNING COMMISSION ON \_\_\_\_\_ JANUARY 5, 2021 \_\_\_\_\_.

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

### TITLE VERIFICATION:

WE, LAND TITLE GUARANTEE COMPANY, A QUALIFIED TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### CLERK AND RECORDER'S CERTIFICATION:

STATE OF COLORADO )  
COUNTY OF ELBERT ) SS.

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

A.D., AT \_\_\_\_\_ A.M./P.M.

AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK AND RECORDER

### SURVEYOR'S CERTIFICATION:

I, JEAN P. HALPIN, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON APRIL 12, 2023, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR  
JEAN P. HALPIN, PLS NO. 38474  
FOR AND ON BEHALF OF WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, SUITE 400  
ENGLEWOOD, CO 80112  
(720)-249-3584

### APPLICANT/DEVELOPER:

E86 J.V., LLC  
JIM MARSHALL  
7108 SOUTH ALTON WAY  
ENGLEWOOD, CO 80112

### ENGINEER/SURVEYOR:

WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, STE 400  
ENGLEWOOD, CO 80112

**Westwood**

Westwoodps.com  
Westwood Professional Services, Inc.

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526

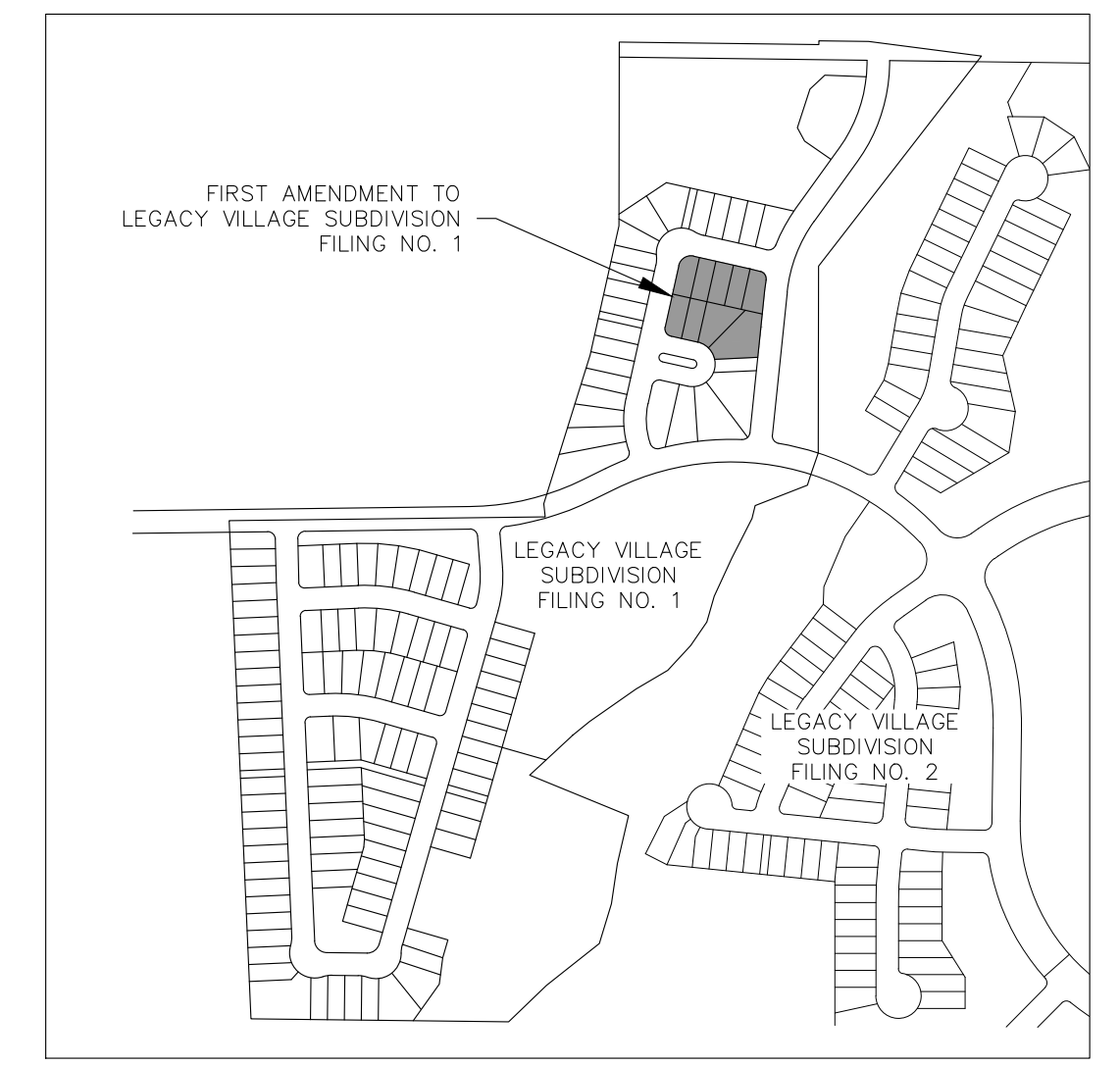


# FIRST AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

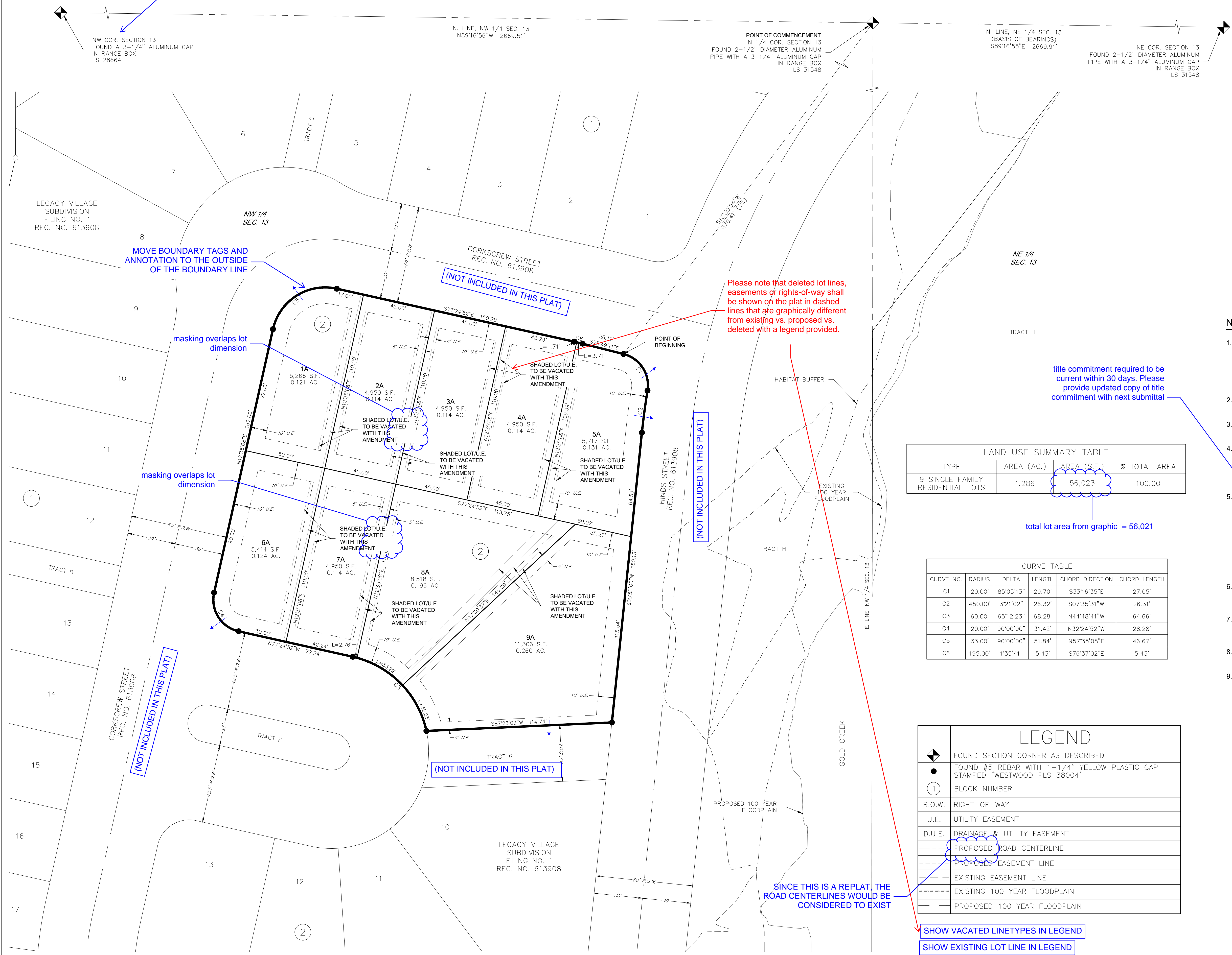
Plat Review #2 Comments  
9/28/2023 - Jeff Anton PLS

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SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 2 OF 2

describe the size and make of the monument this 3-1/4" aluminum cap is attached to, or state "unable to verify size and material of underlying monument"



KEYMAP  
SCALE: 1" = 500'



Please note that deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines that are graphically different from existing vs. proposed vs. deleted with a legend provided.

title commitment required to be current within 30 days. Please provide updated copy of title commitment with next submittal

TYPE	AREA (AC.)	AREA (S.F.)	% TOTAL AREA
9 SINGLE FAMILY RESIDENTIAL LOTS	1.286	56,023	100.00

total lot area from graphic = 56,021

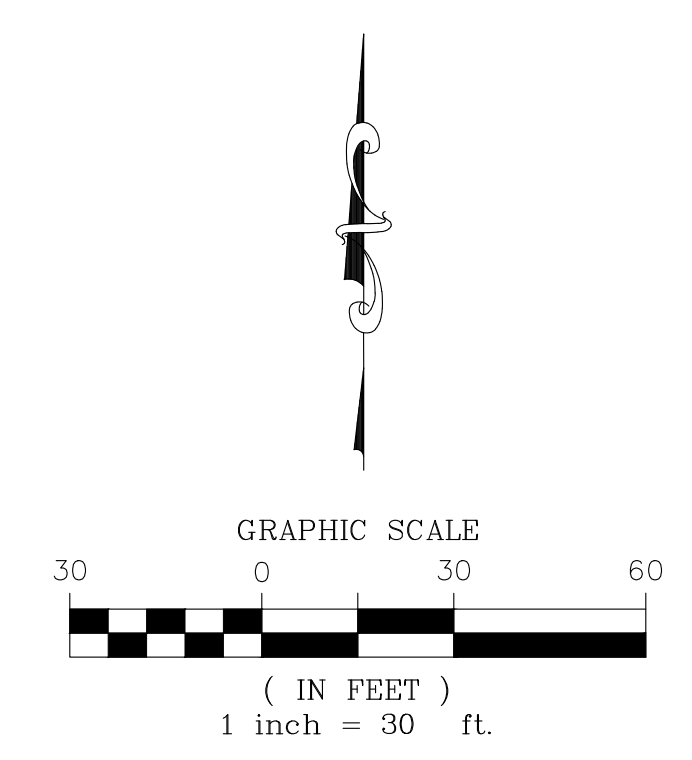
CURVE NO.	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	20.00'	85°05'13"	29.70'	S33°16'35"E	27.05'
C2	450.00'	3°21'02"	26.32'	S07°35'31"W	26.31'
C3	60.00'	65°12'23"	68.28'	N44°48'41"W	64.66'
C4	20.00'	90°00'00"	31.42'	N32°24'52"W	28.28'
C5	33.00'	90°00'00"	51.84'	N57°35'08"E	46.67'
C6	195.00'	1°35'41"	5.43'	S76°37'02"E	5.43'

	FOUND SECTION CORNER AS DESCRIBED
	FOUND #5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP STAMPED "WESTWOOD PLS 38004"
	BLOCK NUMBER
	R.O.W. RIGHT-OF-WAY
	U.E. UTILITY EASEMENT
	D.U.E. DRAINAGE & UTILITY EASEMENT
	PROPOSED ROAD CENTERLINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	EXISTING 100 YEAR FLOODPLAIN
	PROPOSED 100 YEAR FLOODPLAIN

SHOW VACATED LINETYPES IN LEGEND  
SHOW EXISTING LOT LINE IN LEGEND

### NOTES:

- BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13 BEING MONUMENTED AT THE NORTH QUARTER CORNER OF SECTION 13 BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "PLS 31548" WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEING MONUMENTED BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "LS 31548" IS ASSUMED TO BEAR SOUTH 89°16'55" EAST, A DISTANCE OF 2669.91 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.
- THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE.
- THIS SURVEY IS BASED ON EXISTING MONUMENTS FOUND IN PLACE, AS SHOWN, DOCUMENTS OF RECORD AND THE TITLE COMMITMENT PROVIDED BY THE CLIENT.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WESTWOOD PROFESSIONAL SERVICES, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WESTWOOD PROFESSIONAL SERVICES, INC. RELIED UPON LAND EFFECTIVE DATE OF MAY 30, 2023 AT 5:00 P.M. **TITLE GUARANTEE COMPANY PROPERTY INFORMATION BINDER ORDER NO. RND70799287, HAVING AN**
- NON-EXCLUSIVE - 5-FOOT AND 10-FOOT UTILITY EASEMENTS LOCATED AS SHOWN ARE HEREBY GRANTED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES, INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND TELEPHONE LINES, AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF SUCH LINES. SIDE LOT LINE EASEMENTS ARE ALLOWED ENCROACHMENTS FOR ROOF OVERHANGS, CANTILEVER BAY OR BOX WINDOWS, FIREPLACES, WITH A MAXIMUM TWO FOOT (2) ENCROACHMENT, LANDSCAPING WITH PLANT SHRUBS, WOODY PLANTS AND NURSERY STOCK OR OTHER CROPS MAY BE LOCATED WITHIN THESE EASEMENTS PROVIDED THEY DO NOT INTERFERE WITH THE USE OF, OBSTRUCT THE OPERATION OF, MAINTENANCE OF, OR ACCESS TO SAID SIDE LOT EASEMENT.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL 08039C0480C, EFFECTIVE MARCH 17, 2011, THE SURVEYED LAND IS WITHIN FLOOD ZONE X, AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- 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.



## Westwood

10333 E DRY CREEK RD. SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526

TO: Zach Higgins, Community Development Director  
FROM: Josue Loma, Planner, SAFEbuilt Studio through  
Travis Reynolds, AICP, Planning Manager, SAFEbuilt Studio  
DATE: June 27, 2023  
SUBJECT: Review – Replat for Legacy Village Filing 1, Amendment 1 and Amendment 2

SAFEbuilt Studio staff provides the combined review comments for the Legacy Village Filing 1, Amendment 1 (F1A1, 1.286 acres) and Legacy Village Filing 1, Amendment 2 (F1A2, .478 acres) replat. Legacy Village F1A1 is generally located on the southeast corner of Corkscrew St and Hinds St and Legacy Village F1A2 is generally located on the southeast corner of Osmulski Dr and Yankee Boy LP in the Town of Elizabeth. Staff conducted the review in the context of Chapter 16 – Land Use and Development of the Town of Elizabeth Municipal Code and the Town’s Master Plan.

**Legacy Village Filing 1, Amendment 1: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

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**Planning and Zoning Review:**

- A complete submittal was not received, please provided the below documents as part of the resubmittal:
  - Final plat for Legacy Village Filing 1
  - General warranty deed and title commitment
- Please update the project narrative to either remove language regarding changes to Block 4, Lot 46 or submit an updated final plat that shows the proposed changes. To simplify the process, it may be easier to make any changes to Block 4, Lot 46 via Amendment 2.
- As stated in Sec. 16-3-60 (e)(10), “deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted with a legend provided.)”

**External Agency Comments:**

- CORE Engineering - Town Engineer:
  - In the second submittal, please address changes to block 4, lot 46 and address comments made from Pre-App meeting 6/29/22 by CORE Engineering. Please see the provided comment response letter for additional information.
- CORE Electric / IREA – Utility:
  - CORE Electric Cooperative approves the replat; but the applicant may not encroach into the 5-foot side lot utility easement. Please see the provided comment response letter for additional information.
- Elizabeth Fire Protection District - Fire:
  - The referral agency has no issues with the proposed amendments - please see provided comment response letter for additional information.
- Elizabeth School District:
  - No comment received at this time.



- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor's Office – GIS:
  - The comments provided are in reference to the original final plat submitted on 2/22/23 and so the subsequent resubmittal received on 6/13/23 have remedied those issues. Please see the provided comment response letter for additional information.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

**Legacy Village Filing 1, Amendment 2: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

---

**Planning and Zoning Review:**

- A complete submittal was not received, please provided the below documents as part of the resubmittal:
  - Final plat for Legacy Village Filing 1
  - General warranty deed and title commitment
- Please update the numbering of the lots to read 1A, 2A, etc.
- Please update the block number on page two as it currently reads as Block 1 but should be referencing Block 5.
- As stated in Sec. 16-3-60 (e)(10), “deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted with a legend provided.)”

**External Review Agency Comments**

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  - CORE Electric Cooperative approves the replat; but the applicant may not encroach into the 5-foot side lot utility easement. Please see the provided comment response letter for additional information.
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  - The referral agency has no issues with the proposed amendments - please see provided comment response letter for additional information.
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- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

Referral Agency / Consultant	Discipline	Contact Information
SAFEbuilt	Community Development	<b>Zach Higgins;</b> <a href="mailto:zhiggins@townofelizabeth.org">zhiggins@townofelizabeth.org</a> <b>Travis Reynolds;</b> <a href="mailto:treynolds@safebuilt.com">treynolds@safebuilt.com</a> <b>Josue Loma;</b> <a href="mailto:jloma@safebuilt.com">jloma@safebuilt.com</a>
CORE Engineering	Town Engineer	<b>Scott Pease, P.E.;</b> <a href="mailto:pease@corecivil.com">pease@corecivil.com</a> <b>Manny Nunos,</b> <a href="mailto:mnuno@liveyourcore.com">mnuno@liveyourcore.com</a>
CORE Electric / IREA	Utility	<b>Brooks Kaufman;</b> <a href="mailto:BKaufman@core.coop">BKaufman@core.coop</a>
Elizabeth Fire Protection District (EFD)	Fire	<b>T.J. Steck;</b> <a href="mailto:tjs@elizabethfire.org">tjs@elizabethfire.org</a>
Elizabeth School District	Elizabeth C-1 School District	<b>Ron Patera;</b> <a href="mailto:rpatera@esdk12.org">rpatera@esdk12.org</a>
Black Hills Energy	Utility Company	<b>Jason McKune;</b> <a href="mailto:Jason.McKune@blackhillscorp.com">Jason.McKune@blackhillscorp.com</a>
Elbert County Assessor’s Office	GIS	<b>Greg Toles;</b> <a href="mailto:Greg.toles@elbertcounty-co.gov">Greg.toles@elbertcounty-co.gov</a>
Comcast		<a href="mailto:Butch_Buster@comcast.com">Butch_Buster@comcast.com</a>
Century Link		<a href="mailto:Nre.Easement@centurylink.com">Nre.Easement@centurylink.com</a>



June 23, 2023

Ms. Dianna Hiatt  
Community Development Administrative Assistant  
Town of Elizabeth  
151 S Banner Street  
Elizabeth, CO 80107

**RE: Legacy Village Filing 1 Plat Amendment 1 & 2**

Dear Ms. Hiatt

We have completed our review of the 1<sup>st</sup> and 2<sup>nd</sup> Amendment to the Legacy Village Filing 1 Final Plat. Our comments are identified below and unless noted otherwise, are relative to both Amendments 1 & 2.

1. The proposed Easement revision to Block 4 Lot 46, needs to be included on one of these amendments or presented in some other form.
2. Please reference our comments from the Pre-App meeting of 6/29/22, in which we had requested the following, which are not included in this current submittal:
  - The old lot lines and Easement lines need to be shown in the background of the new line work, and should be identified as "herby vacated" or "revised" or similar.
  - A separate exhibit which identifies the as built locations of the water and san services relative to the new lot lines.

Should you have any questions, please feel free to contact me at (303) 730-5985 or by email at [mnuno@liveyourcore.com](mailto:mnuno@liveyourcore.com)

Sincerely,  
**CORE Consultants, Inc.**

A handwritten signature in blue ink, appearing to read "MN".

Manny Nuno, PE, CFM, LEED AP, CPESC  
Project Manager



3473 South Broadway  
Englewood, Colorado 80113  
303.703.4444  
[LIVEYOURCORE.COM](http://LIVEYOURCORE.COM)

**Josue Loma**

---

**From:** Brooks Kaufman <BKaufman@core.coop>  
**Sent:** Tuesday, June 13, 2023 7:53 AM  
**To:** Josue Loma  
**Cc:** Travis Reynolds; Zach Higgins; acramer@townofelizabeth.org  
**Subject:** RE: Referral - Town of Elizabeth - Legacy Village Filing 1, Amendment 2

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Loma;

CORE Electric Cooperative approves the replat; but the applicant may not encroach into the 5-foot side lot utility easement.

No improvements that conflict with or interfere with construction, maintenance or access to utilities shall be placed within the utility easements. Prohibited improvements include, but are not limited to, permanent structures, buildings, counter-forts, decks, stairs, window wells, air conditioning units, retaining walls/components and other objects that may interfere with the utility facilities or access, use and maintenance thereof. Prohibited improvements may be removed by the entities responsible for providing the utility services. The owners of the property subject to or adjacent to the utility easements shown herein are responsible for the maintenance and operation of such areas, which does not include utility lines and related facilities. When the owner(s) or adjacent owners fail to adequately maintain such utility easements, including the removal of prohibited improvements, the maintenance, operation, reconstruction and removal shall be at the cost of the owner(s).

The utility easements as shown hereon are hereby dedicated for public utilities, cable communication systems fiber and other purposes as shown hereon. The entities responsible for providing the utility 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.

Respectfully

**Brooks Kaufman**  
 Lands and Rights of Way Manager

800.332.9540 MAIN  
 720.733.5493 DIRECT  
 303.912.0765 MOBILE

[www.core.coop](http://www.core.coop)



**The Energy to Thrive™**





**Josue Loma**

---

**From:** Taylor Clark <t.clark@elizabethfire.org>  
**Sent:** Friday, June 16, 2023 1:28 PM  
**To:** Josue Loma  
**Subject:** Legacy Village Subdivision Filing 1 Amendment 1 & Amendment 2

Hi Josue,

We have received the Legacy Village Subdivision Filing 1 Amendment 1 and Amendment 2. Fire has no issues with either of those amendments.

Please let me know if you have any questions.

Thank you,

**Taylor Clark**

Human Resources Generalist – Executive Assistant  
Elizabeth Fire Protection District  
[t.clark@elizabethfire.org](mailto:t.clark@elizabethfire.org)  
Direct: 303-800-1884  
Main: 303-646-3800



**From:** [Greg Toles](#)  
**To:** [Travis Reynolds](#); [Josue Loma](#)  
**Cc:** [Zach Higgins](#); [Alexandra Cramer](#)  
**Subject:** RE: [External] Referral 2 - Town of Elizabeth - Legacy Village Filing 1, Amendment 1  
**Date:** Wednesday, October 18, 2023 3:11:13 PM  
**Attachments:** [image001.png](#)

---

Travis,

Thanks for pointing this out. You are correct. The lot numbering for lots 1 to 5 go from left to right (i.e. west to east)). I have corrected this in our system.

Thanks again,

**Greg Toles**

GIS Analyst

Assessor's Office

303-621-3111

[greg.toles@elbertcounty-co.gov](mailto:greg.toles@elbertcounty-co.gov)

---

**From:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>  
**Sent:** Wednesday, October 18, 2023 2:34 PM  
**To:** Greg Toles <[Greg.Toles@elbertcounty-co.gov](mailto:Greg.Toles@elbertcounty-co.gov)>; Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>  
**Cc:** Zach Higgins <[zhiggins@townofelizabeth.org](mailto:zhiggins@townofelizabeth.org)>; Alexandra Cramer <[acramer@townofelizabeth.org](mailto:acramer@townofelizabeth.org)>  
**Subject:** RE: [External] Referral 2 - Town of Elizabeth - Legacy Village Filing 1, Amendment 1

Greg –

Thanks for the feedback. Quick clarification for the applicant and our understanding.

Regarding the comment below, we see the plat layout as depicted in the screen cap below. However, this screen cap is from a late iteration of the review documents and not the final, signed copy – so we could have it wrong. Do you have a copy that says something different.

Can you clarify ?

Thanks,  
Travis



Travis Reynolds, AICP – Colorado Planning Manager | [SAFEbuilt Studio](http://SAFEbuilt Studio) | 303.912.7153 (please note our number change)

**From:** Greg Toles <[Greg.Toles@elbertcounty-co.gov](mailto:Greg.Toles@elbertcounty-co.gov)>  
**Sent:** Monday, September 25, 2023 8:55 AM  
**To:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>  
**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>; Zach Higgins <[zhiggins@townofelizabeth.org](mailto:zhiggins@townofelizabeth.org)>;  
 Alexandra Cramer <[acramer@townofelizabeth.org](mailto:acramer@townofelizabeth.org)>  
**Subject:** RE: [External] Referral 2 - Town of Elizabeth - Legacy Village Filing 1, Amendment 1

All,  
 On the plat, the lot numbers 1A to 5A need to be reversed (i.e. 5A to 1A). Lot 1A should be the northeast corner. Lot 6A to 9A are good.

**Greg Toles**  
 GIS Analyst  
 Assessor’s Office

## Josue Loma

---

**From:** Greg Toles <Greg.Toles@elbertcounty-co.gov>  
**Sent:** Monday, June 5, 2023 8:16 AM  
**To:** Josue Loma  
**Cc:** Travis Reynolds; Zach Higgins; acramer@townofelizabeth.org  
**Subject:** RE: Referral - Town of Elizabeth - Legacy Village Filing 1, Amendment 1

All,

The block number on the final plat of the amendment shows it as being block 1. This needs to change to **block 2**. The lot numbers need to change from 1–9 to **1a–9a**.

### Greg Toles

GIS Analyst

Assessor's Office

303-621-3111

[greg.toles@elbertcounty-co.gov](mailto:greg.toles@elbertcounty-co.gov)

---

**From:** Josue Loma <jloma@safebuilt.com>  
**Sent:** Friday, June 2, 2023 2:53 PM  
**Cc:** Travis Reynolds <treynolds@safebuilt.com>; Zach Higgins <zhiggins@townofelizabeth.org>; acramer@townofelizabeth.org  
**Subject:** [External] Referral - Town of Elizabeth - Legacy Village Filing 1, Amendment 1

**SUBJECT: Town of Elizabeth** – Legacy Village Subdivision Filing 1, Amendment 1 – LDC [Sec. 16-3-80 for a Replat, vacation, or plat amendment](#)

**PROJECT NAME:** Legacy Village Subdivision Filing 1, Amendment 1

**LEGAL DESCRIPTION:** Northwest Quarter of Section 13, Township 6 South, Range 65 West of the 6<sup>th</sup> P.M., Town of Elizabeth | Legacy Village Filing 1, as recorded in Elbert County, CO

**PROJECT LOCATION:** SE Corner of Corkscrew St and Hinds St, Elizabeth, Colorado | [Google Maps](#)

**APPLICATION TYPE:** Replat, vacation, or plat amendment – See LDC [Sec. 16-3-80](#)

**APPLICANT:** Lennar Colorado represented by Joe Huey, (303) 754-0600 | [joseph.huey@lennar.com](mailto:joseph.huey@lennar.com)

**CASE MANAGER:** [Josue Loma](#) (he/him), on behalf of the Town of Elizabeth and Zach Higgins

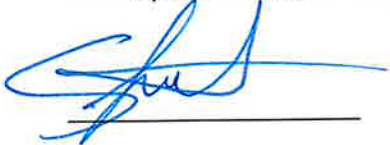
**COMMENTS DUE:** Friday, June 23, 2023

The Town of Elizabeth has received an application to replat nine lots within the Legacy Village Filing 1 Subdivision. The replat will be processed as Legacy Village Filing 1, Amendment 1 and will impact Block 2, Lots 1 – 9 to shift the interior side lot lines by 1.5'. As stated in the zoning code, a request for a replat shall be reviewed in accordance with the Final Plat process, [Sec. 16-3-60](#).

SIGN POSTING AFFIDAVIT

(Attach Photo Here)

3-3-24, The above sign was posted on (date) pursuant to the Town of Elizabeth Land Development Code, by (Applicant or Representative).



Signature

STATE OF COLORADO )

) ss.

COUNTY OF Elbert )

Subscribed and sworn to before me this 4 day of March, 2024, by Ashley Tucker.

My commission expires: 10/17/2027.



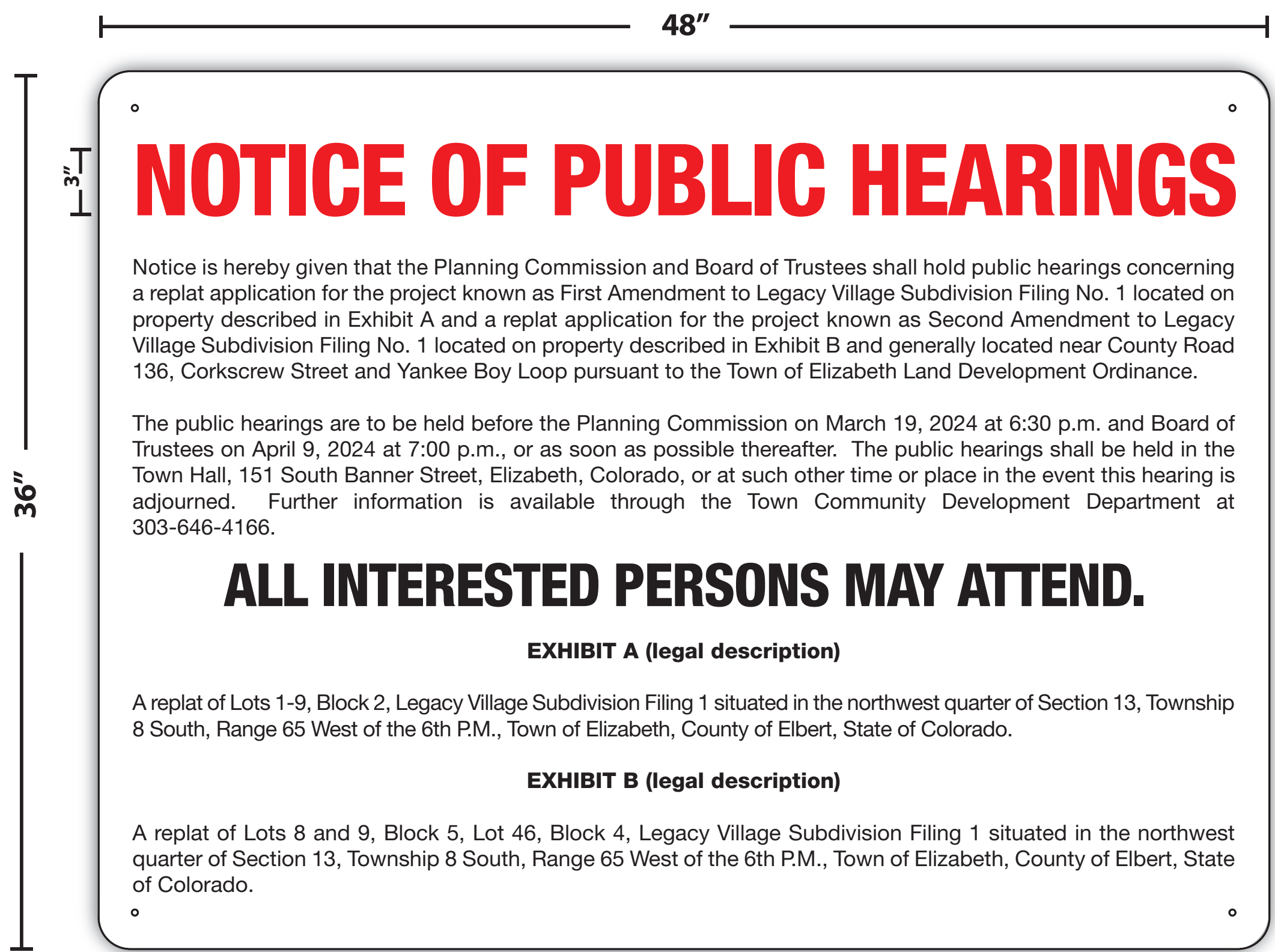
(SEAL)



Notary Public







# NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the Planning Commission and Board of Trustees shall hold public hearings concerning a replat application for the project known as First Amendment to Legacy Village Subdivision Filing No. 1 located on property described in Exhibit A and a replat application for the project known as Second Amendment to Legacy Village Subdivision Filing No. 1 located on property described in Exhibit B and generally located near County Road 136, Corkscrew Street and Yankee Boy Loop pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the Planning Commission on March 19, 2024 at 6:30 p.m. and Board of Trustees on April 9, 2024 at 7:00 p.m., or as soon as possible thereafter. The public hearings shall be held in the Town Hall, 151 South Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at 303-646-4166.

## ALL INTERESTED PERSONS MAY ATTEND.

### EXHIBIT A (legal description)

A replat of Lots 1-9, Block 2, Legacy Village Subdivision Filing 1 situated in the northwest quarter of Section 13, Township 8 South, Range 65 West of the 6th P.M., Town of Elizabeth, County of Elbert, State of Colorado.

### EXHIBIT B (legal description)

A replat of Lots 8 and 9, Block 5, Lot 46, Block 4, Legacy Village Subdivision Filing 1 situated in the northwest quarter of Section 13, Township 8 South, Range 65 West of the 6th P.M., Town of Elizabeth, County of Elbert, State of Colorado.



**PROOF VERSION - 1**

Client: Westwood PS

Job No.: 6674DM

Project: Notice Sign

Date: 02/27/2024

Install and Production Facility  
565 E. 70th Ave., Unit 1E, Denver, CO 80229

**303.295.SIGN**

A VISUAL MEDIA RESOURCE COMPANY

This artwork is the property of Mile High Signs, Inc. dba Big Iron Graphics and may not be reproduced, copied, exhibited or manufactured by any other company or persons without written permission from Big Iron Graphics. Violation of the above will constitute a compensatory fee to Big Iron Graphics.









<u>LOT</u>	<u>Owner Name</u>	<u>RePlat#1</u>	<u>Address</u>
203	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
213	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
223	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
233	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
243	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
253	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
263	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
283	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
293	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
303	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
313	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
333	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
353	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
263	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
383	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
393	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
403	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
423	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
443	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
1016	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
1006	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
996	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
986	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
987	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
997	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
1007	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
1017	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
242	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112	
232	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
221	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
451	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
431	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
401	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
391	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
381	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
361	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
341	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
331	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
321	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
301	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
291	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
281	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255	
Commercial	ELIZABETH 86 WATER LLC	7931 S BROADWAY #312, Littleton CO 80122	
Open Space	ELBERT AND HWY 86 COMMERCIAL DISTRICT	8390 E CRESCENT PARKWAY SUITE 300, GREENWOOD VILLAGE CO 80111	



# TOWN OF ELIZABETH

## STAFF REPORT

### Replat (Subdivision) Application

### Legacy Village, Filing 1 Amendment 2 (F1A2)

**Applicant:** Lennar Colorado / Applicant Representative: Scott Lockhart and Joseph Huey  
**Location:** Southwest corner of Osmulski Dr and Yankee Boy LP, Block 5, Lots 8-9, and Block 4, Lot 46  
**Zoning:** Planned Unit Development (PUD) – Elizabeth 86

**Exhibits:**

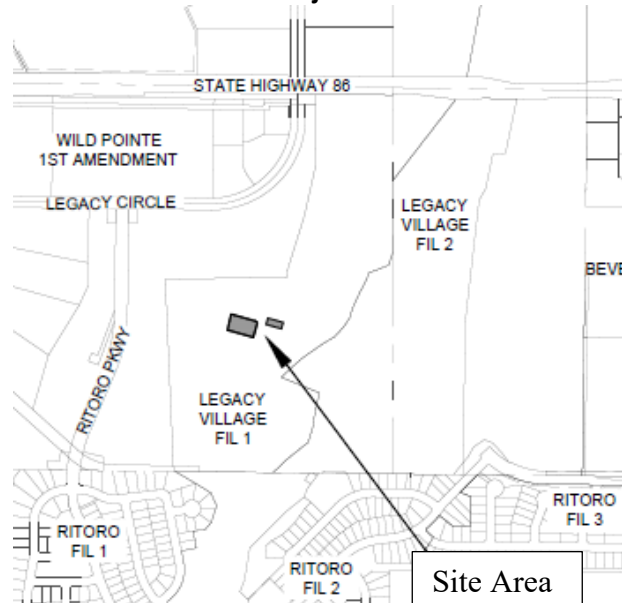
**Exhibit A:** Applicant's submittal documents and proposed plans  
**Exhibit B:** Referral agency compiled comment letters and redlines  
**Exhibit C:** Public Notice

## APPLICANT REQUEST

The Applicant, Lennar Colorado, represented by Scott Lockhart and Joseph Huey, request the Planning Commission provide a recommendation of approval to the Board of Trustees for a replat of Block 5, Lots 8 and 9, as well as Block 4, Lot 46 in the Legacy Village Filing 1 subdivision, which is located at the southwest corner of Osmulski Dr. and Yankee Boy LP in the Town of Elizabeth, CO. (**Exhibit A**).

In accordance with the Elizabeth Municipal Code (EMC), [Sec. 16-3-80 \(c\)\(2\)](#), a replat for an adjustment or vacation of a lot line or easement shall be processed in accordance with the final plat process in [Sec. 16-3-60](#) and shall undergo a formal public hearing. From the final plat process, the Planning Commission shall make a recommendation to the Board of Trustees to approve, approve with conditions, continue to obtain additional information, or deny and application for a final plat.

### General Project Location



PO Box 159, 151 S. Banner Street, Elizabeth, Colorado 80107  
 Phone: (303) 646-4166 | Fax: (303) 646-9434 | [www.townofelizabeth.org](http://www.townofelizabeth.org)

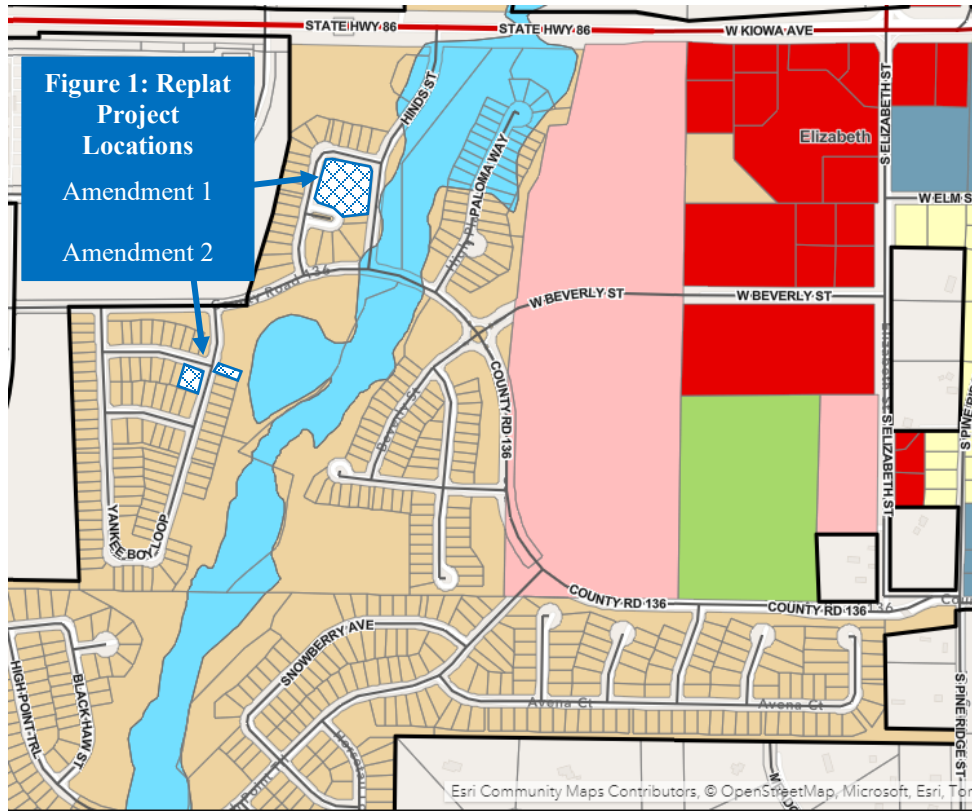


# TOWN OF ELIZABETH

BOARD OF TRUSTEES

### Proposal/Background:

The Legacy Village Filing 1 subdivision is located on the western edge of the Town’s city limits and encompasses 51.285 acres that will be developed into 126 single family residential lots and 17 tracts. The site is currently zoned as Planned Unit Development (PUD) district and all development must comply with the Elizabeth 86 PUD Guide. Please note that the applicant has submitted concurrent applications for a replat being processed as Amendment 1 and Amendment 2 – for contextual reference, the location of the replats is shown on **Figure 1**.

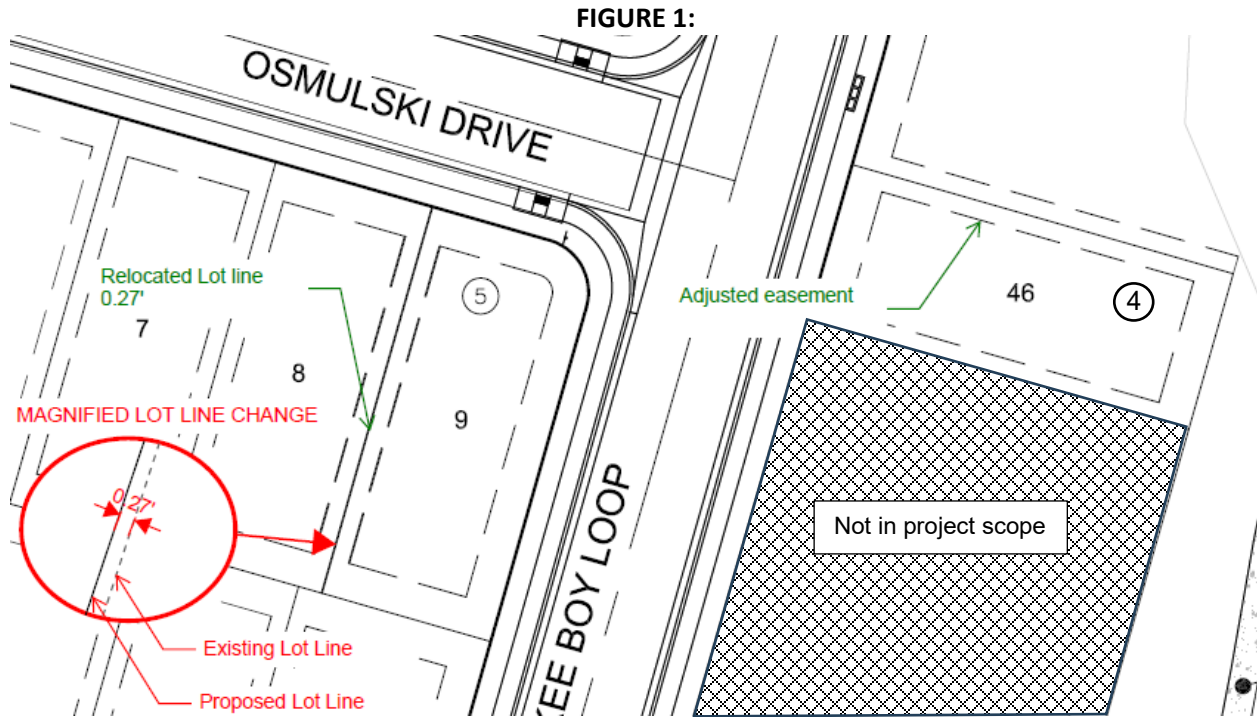


As part of the **Amendment 2** replat, the applicant is proposing to replat 0.353 acres (15,373 SF) of Block 5, Lots 8A and 9A, as well as Block 4, Lot 46. The replat is being proposed by the developer to create a minimum buildable home footprint of 33.5’. The proposed changes include shifting and vacating existing lot lines and associated utility easements by approximately 0.27’ for Block 5, Lots 8 and 9 as shown **Figure 1**. Then, for Block 4, Lot 46, the applicant is proposing to reduce the interior side easement to 5’.



# TOWN OF ELIZABETH

BOARD OF TRUSTEES



Please note that due to these proposed changes, there is no overall decrease in the total site area - rather the site area is being redistributed amongst the replatted lots as shown in **Table 1**. Further, there are no additional changes proposed to the site area via this application and the site will continue to remain compliant with the approved Elizabeth 86 (Legacy Village) PUD Guide for minimum lot area, setbacks, and other applicable development standards and regulations.

Table 1 - Comparison of Lot Area:		
Lot # (Block 5)	Lot Area (SF) Original Approval	Lot Area (SF) Proposed (A2)
8	5,017	5,048
9	5,406	5,375
<b>Total</b>	<b>10,423</b>	<b>10,423</b>
Lot # (Block 4)	Lot Area (SF) Original Approval	Lot Area (SF) Proposed (A2)
46	4,950	4,950
<b>Total</b>	<b>4,950</b>	<b>4,950</b>

The replatted site is encompassed within the underdevelopment Legacy Village Filing 1 subdivision and all surrounding land uses are residential and an open space tract to the east that abuts Gold Creek. These surrounding land uses are shown in **Table 2**. Due to the minor changes proposed via this application, no negative impacts are anticipated to the surrounding neighborhood.

Table 2 - Surrounding Land Uses:	
North:	Residential (Legacy Village Filing 1)
South:	Residential (Legacy Village Filing 1)
East:	Residential (Legacy Village Filing 1)/ Open Space
West:	Residential (Legacy Village Filing 1)

**Approval Criteria:**

The Land Use and Development code, Article III and [Sec. 16-3-80](#), do not stipulate approval criteria for a replat application; therefore, Staff has established a set of criteria for the Planning Commission to consider as part of



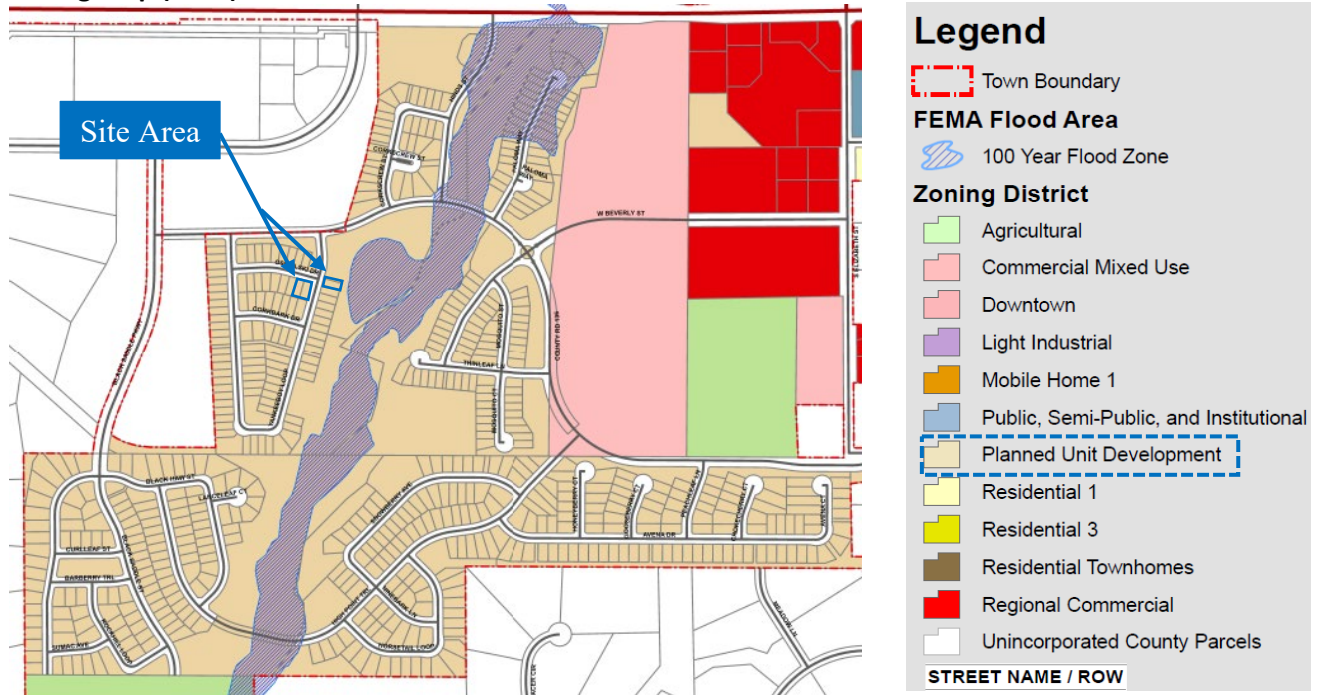


# TOWN OF ELIZABETH

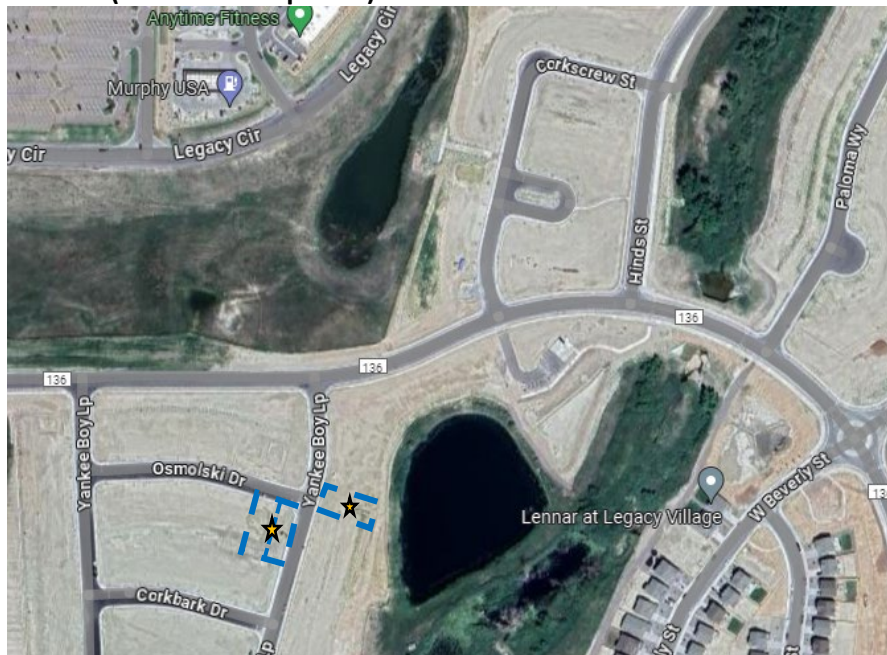
## BOARD OF TRUSTEES

their recommendation to the Board of Trustees. The set of criteria includes a review against all applicable standards as found in the Elizabeth Municipal Code (EMC), Elizabeth 86 PUD Guide, and the Elizabeth Comprehensive Plan.

### Zoning Map (2023):



### Current Site – Aerial View (Under Development)



PO Box 159, 151 S. Banner Street, Elizabeth, Colorado 80107  
Phone: (303) 646-4166 | Fax: (303) 646-9434 | [www.townofelizabeth.org](http://www.townofelizabeth.org)





# TOWN OF ELIZABETH

BOARD OF TRUSTEES

## CASE ANALYSIS

---

### Elizabeth Municipal Code (EMC):

The proposed replat of Block 5, Lots 8 and 9, as well as Block 4, Lot 46, Amendment 2, of the Legacy Village Filing 1 subdivision was reviewed against all appropriate standards and regulations of the EMC. For your considerations, the following topics outline the specific analysis applied to the proposal:

- **Impact to Surrounding Neighborhood:**
  - The site is located within the Legacy Village Filing 1 subdivision that is currently under development. As such, the proposal is not anticipated to negatively impact the surrounding neighborhood and will continue to blend seamlessly with the area.
- **Bulk Standards:**
  - The site defers to the Elizabeth 86 PUD Guide development standards discussed below.
- **Drainage:**
  - There are no significant changes to the drainage of the site caused by the shifting and vacating of the existing lot lines and easements.
- **Floodplain**
  - As the shifting of the lot lines and easements is not expanding the site or reconfiguring the subdivision, there is no anticipated change to the previous approval granted for this.
- **Right-of-Way (ROW)**
  - No revisions to the proposed ROW are submitted with this replat application.
- **Landscaping**
  - No revisions to the proposed landscaping are submitted with this replat application.

### Elizabeth 86 Development PUD Guide:

The proposal was reviewed in the context of the Elizabeth 86 PUD Guide, for compliance with the development standards stipulated in 3:a (4). From this review, it was determined that the proposal is in compliance with the PUD Guide.

### Elizabeth Comprehensive Plan:

The Legacy Village Filing 1 subdivision was approved in compliance with Town's [Comprehensive Plan \(2019\)](#). The proposed changes of Amendment 2 will uphold the site's compliance with the comprehensive plan and no changes to the site are proposed except the shifting and vacating of the existing lot lines and easements.



# TOWN OF ELIZABETH

BOARD OF TRUSTEES

## Referrals

Staff contacted the following agencies for review and comment during the referral period. To date, all disciplines have reached a status of approval or had no comment on the proposal (see Exhibit B).

Referral Agency / Consultant	Discipline
SAFEbuilt	Community Development
CORE Engineering	Town Engineer
CORE Electric / IREA	Utility
Elizabeth Public Works	Public Works
Elizabeth Fire Protection District	Fire
Elizabeth School District	School District
Black Hills Energy	Utility Company
Elbert County Public Health	Environmental Review
Elbert County Assessor's Office	GIS
CenturyLink and Comcast	Utility

## Findings and Staff Recommendation

A favorable recommendation is provided for the replat application for Amendment 2 upon review by the development review team and staff in accordance with [Sec. 16-3-80](#) and reference to EMC. Staff provides the following findings.

### Findings:

1. The replat is a simple shift and vacation of lot lines and easements that were previously approved for development (see "background" section). There are no proposed changes to land use that accompany the application and the replat does not create any new impacts on the site.
2. The proposal is found to substantially comply with the standards for development as found in Chapter 16 of the Elizabeth Municipal Code and Elizabeth 86 PUD Guide.
3. The proposal is found to comply with various housing elements of the Town's current Comprehensive Plan.

### Staff Recommendation:

Based on the analysis above, Staff believes that the application is in substantial compliance with the previously approved subdivision, the original zoning for the property (PUD), and Article 3 of Chapter 16 of the EMC. Staff recommends the Commission offer a recommendation for approval to the Board of Trustees with no further conditions.



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

LAND USE APPLICATION

DATE: 4-26-2023

NAME OF PROJECT: LEGACY VILLAGE FILING NO. 1

NAME OF APPLICANT: LENNAR COLORADO

ADDRESS AND LEGAL DESCRIPTION OF PROJECT: Northwest Quarter of Section 13, Township 6 South, Range 65 West of the 6th P.M, Town OF Elizabeth, County of Elbert, State of Colorado. More specifically, east of Legacy Circle adjacent to Highway 86

Please check the appropriate item(s):

- REZONE, PLAT, USE BY SPECIAL REVIEW, PUD (planned unit development), MINOR PLAT/REPLAT, ANNEXATION, VARIANCE, SUBDIVISION, MINOR SUBDIVISION, SITE PLAN, OTHER

PRESENT ZONING: PUD AREA IN ACRES: 0.479

PROPOSED ZONING: No Change PRESENT USE:

PROPOSED # OF LOTS (if applicable): 4

PROPOSED GROSS FLOOR AREA (if applicable): na

\*PROPERTY OWNER

NAME: Lennar Colorado ADDRESS: 9193 S Jamaica St, Englewood, CO 80112 TELEPHONE #: 303-754-0600 EMAIL:

Signature of owner: Kent Ped...

APPLICANT REPRESENTATIVE

NAME: Joe Huey ADDRESS: 9193 S Jamaica St, Englewood, CO 80112 TELEPHONE #: 303-754-0600 EMAIL: joseph.huey@lennat.com

Signature of applicant: [Handwritten Signature]

Notary Public box for Jennifer S. Thornbloom, State of Colorado, Notary ID# 20144027146, My Commission Expires 7/10/2026

\*(OWNERS SIGNATURE NEEDS TO BE NOTARIZED)

Subscribed and sworn to be before me this 27th day of April, 2023. My commission expires 7-10-26. Notary: Jennifer S. Thornbloom

# Exhibit A

Item 7.

## TOWN OF ELIZABETH LAND USE FEE AND DEPOSIT SCHEDULE

	FEE	DEPOSIT
<b>ANNEXATION PETITION</b>	\$500	\$4,000
<b>FINAL PLAT</b>	\$500	\$3,000
<b>MINOR SUBDIVISION</b>	\$300	\$1,000
<b>PLANNED UNIT DEVELOPMENT – UP TO 5 ACRES</b>	\$500 + \$30/ ADDITIONAL ACRE OR PORTION OF ACRE	\$3,000
<b>PLANNED UNIT DEVELOPMENT – OVER 5 ACRES</b>	\$1,000 + \$30/ ADDITIONAL ACRE OR PORTION OF ACRE	\$4,500
<b>PRELIMINARY PLAN</b>	\$1,000	\$5,000
<b>REPLAT, VACATION, OR PLAT AMENDMENT</b>	\$300	\$500
<b>REZONING – TRADITIONAL ZONES</b>	\$400 + \$30/ ADDITIONAL ACRE OR PORTION OF ACRE	\$1,500
<b>SIGN PERMIT</b>	\$75	\$0
<b>SITE PLAN – UP TO 2 ACRES</b>	\$400	\$3,000
<b>SITE PLAN – OVER 2 ACRES</b>	\$500 + \$50/ ADDITIONAL ACRE OR PORTION OF ACRE	\$4,500
<b>SITE PLAN AMENDMENT</b>	\$300	\$2,000
<b>SKETCH PLAN</b>	\$250	\$3,000
<b>TEMPORARY STRUCTURE AND USES PERMIT</b>	\$20	
<b>USE BY SPECIAL REVIEW</b>	\$500	\$2,000
<b>VARIANCE REQUEST</b>	\$300	\$1,000

December 12, 2023

Community Development  
**Town of Elizabeth**  
151 S Banner St  
Elizabeth, CO 80107

**Re: Legacy Village Filing 1 RePlat #2**

Dear Development Review,

On behalf of the applicant, Lennar, we are pleased to submit this Project Narrative and Application for the Legacy Village Filing 1 RePlat #2 Documents.

The following list comprises of the development team for this project:

**Applicant**

Lennar, LLC  
Contact: Joe Huey  
9193 S Jamaica St Suite 4  
Englewood, CO 80112  
303-210-9822  
[joseph.huey@lennar.com](mailto:joseph.huey@lennar.com)

**Civil Engineer**

Westwood Professional Services  
Contact: Scott Lockhart  
10333 E. Dry Creek Rd., Ste. 240  
Englewood, CO 80112  
720.249-3583  
[scott.lockhart@westwoodps.com](mailto:scott.lockhart@westwoodps.com)

**Site Location and Zoning**

Legacy Village Filing 1 is approximately 51-acres site located south of Highway 86, just east of The Town of Elizabeth, Elbert County Colorado.

The site is zoned as Planned Development, with the modifications being single family home sites.

**Project Description**

Filing 1 includes 126 lots for single family detached homes, open space tracts, and an open space park. The residential portion of this community will be the conventional family community.

**RePlat**

This proposed re-plat is intended to obtain a 33.5' (min) buildable lot width. Proposed lot modifications include moving one existing lot line, and associated utility easements approximately 0.27' to obtain this width (Block 5 Lots 8,9). There is one additional lot to be modified (Block 2 Lot 46) where the interior side easement shall be reduced to 5. **Lot Exhibit #2.**

**Variiances:**

No variances are being requested as part of this application. Lot sizes remain above the minimums outlined within the PUD.



**Technical Compliance**

The Legacy Village Filing 1 replat complies with all applicable standards and guidelines as required by the Town of Elizabeth and existing, approved PUD documents.

Sincerely,

**Scott Lockhart**

**Project Manager**

[scott.lockhart@westwoodps.com](mailto:scott.lockhart@westwoodps.com)

**direct** (720) 249-3583  
**main** (720)-482-9526

**Westwood**

10333 E. Dry Creek Road, Suite 400  
Englewood, CO 80112

**[westwoodps.com](http://westwoodps.com)**  
**(888) 937-5150**

# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 8 AND 9, BLOCK 5, LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M., TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 1 OF 2  
0.353 ACRE – 3 SINGLE FAMILY RESIDENTIAL LOTS

### LEGAL DESCRIPTION:

**PARCEL A:**  
A PARCEL OF LAND BEING A REPLAT OF LOTS 8 AND 9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 8 AND 9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 10,423 SQUARE FEET OR 0.239 ACRE, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

**PARCEL B:**  
A PARCEL OF LAND BEING A REPLAT OF LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 4,950 SQUARE FEET OR 0.114 ACRE, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

### OWNERSHIP AND DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF SECOND AMENDMENT TO LEGACY VILLAGE FILING NO. 1. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE 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. ALL STREETS AND RIGHTS OF WAY, SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE TOWN OF ELIZABETH, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES.

\_\_\_\_\_  
SIGNATURE

LENNAR COLORADO, LLC, A COLORADO LIMITED COLORADO COMPANY

BY: \_\_\_\_\_

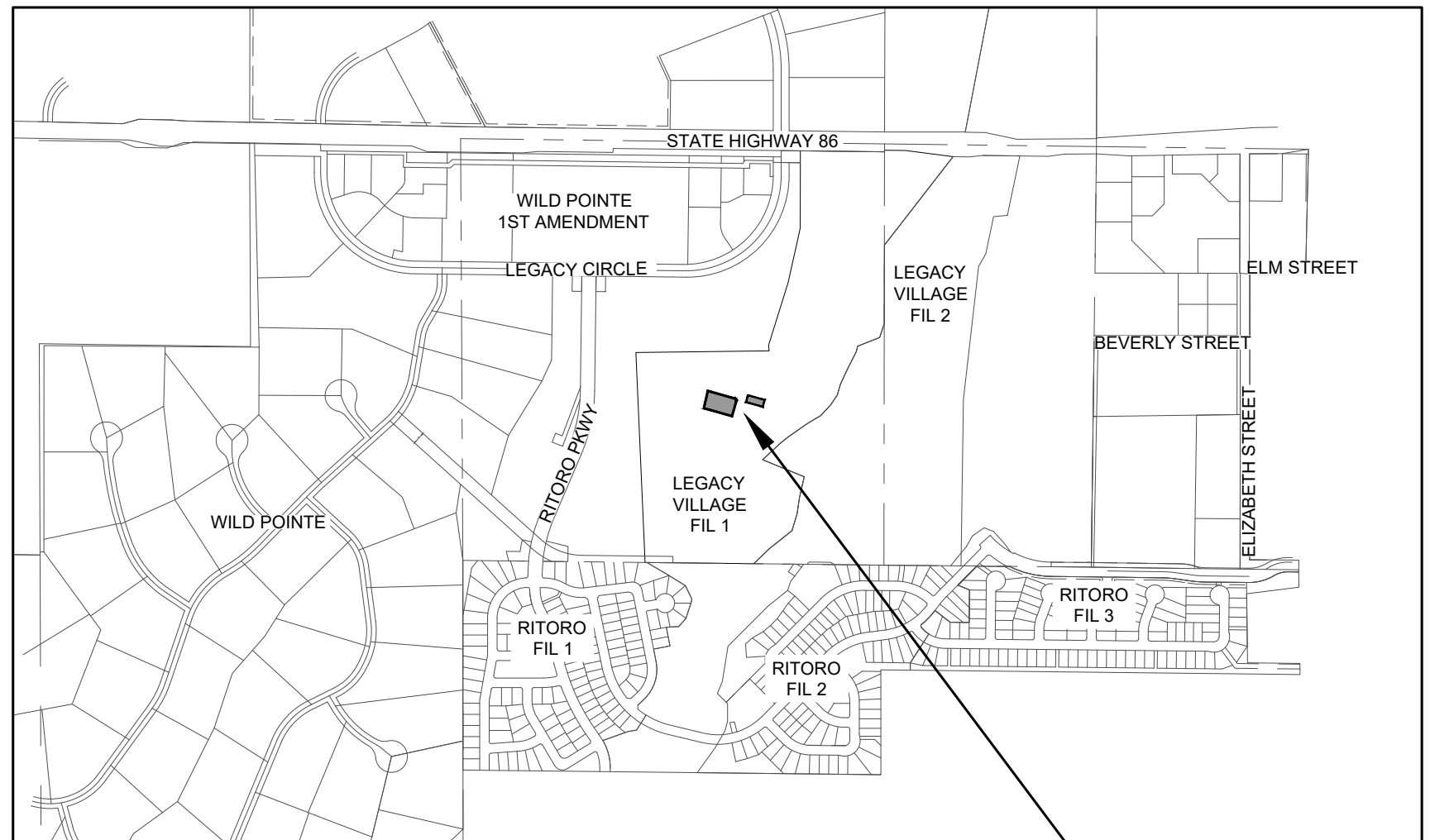
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

\_\_\_\_\_  
WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



VICINITY MAP  
SCALE: 1" = 1000'  
PROPERTY LOCATION

### BOARD OF TRUSTEES:

LOTS 8 AND 9, BLOCK 5, LOT 46, BLOCK 4 LEGACY VILLAGE SUBDIVISION FILING NO. 1, IS HEREWITH AMENDED BY THIS PLAT WHICH IS HEREBY APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO, FOR FILING IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, RECEPTION # 613908.

\_\_\_\_\_  
MAYOR, TOWN OF ELIZABETH

ATTEST: \_\_\_\_\_  
TOWN CLERK

### LENDER

\_\_\_\_\_  
SIGNATURE

BY: LES SOWITCH  
TITLE: REDSTONE BANK MARKET PRESIDENT

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

\_\_\_\_\_  
WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### PLANNING COMMISSION:

THE PRELIMINARY PLAN FOR THIS PLAT WAS REVIEWED BY THE PLANNING COMMISSION ON JANUARY 5, 2021.

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

### TITLE VERIFICATION:

WE, LAND TITLE GUARANTEE COMPANY, A QUALIFIED TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

\_\_\_\_\_  
WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### CLERK AND RECORDER'S CERTIFICATION:

STATE OF COLORADO )  
                                  ) SS.  
COUNTY OF ELBERT )

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

A.D., AT \_\_\_\_\_ A.M./P.M.

AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK AND RECORDER

### SURVEYOR'S CERTIFICATION:

I, JEAN P. HALPIN, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON APRIL 12, 2023, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR  
JEAN P. HALPIN, PLS NO. 38474  
FOR AND ON BEHALF OF WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, SUITE 400  
ENGLEWOOD, CO 80112  
(720)-249-3584

APPLICANT/DEVELOPER:  
E86 J.V., LLC  
JIM MARSHALL  
7108 SOUTH ALTON WAY  
ENGLEWOOD, CO 80112

ENGINEER/SURVEYOR:  
WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, STE 400  
ENGLEWOOD, CO 80112



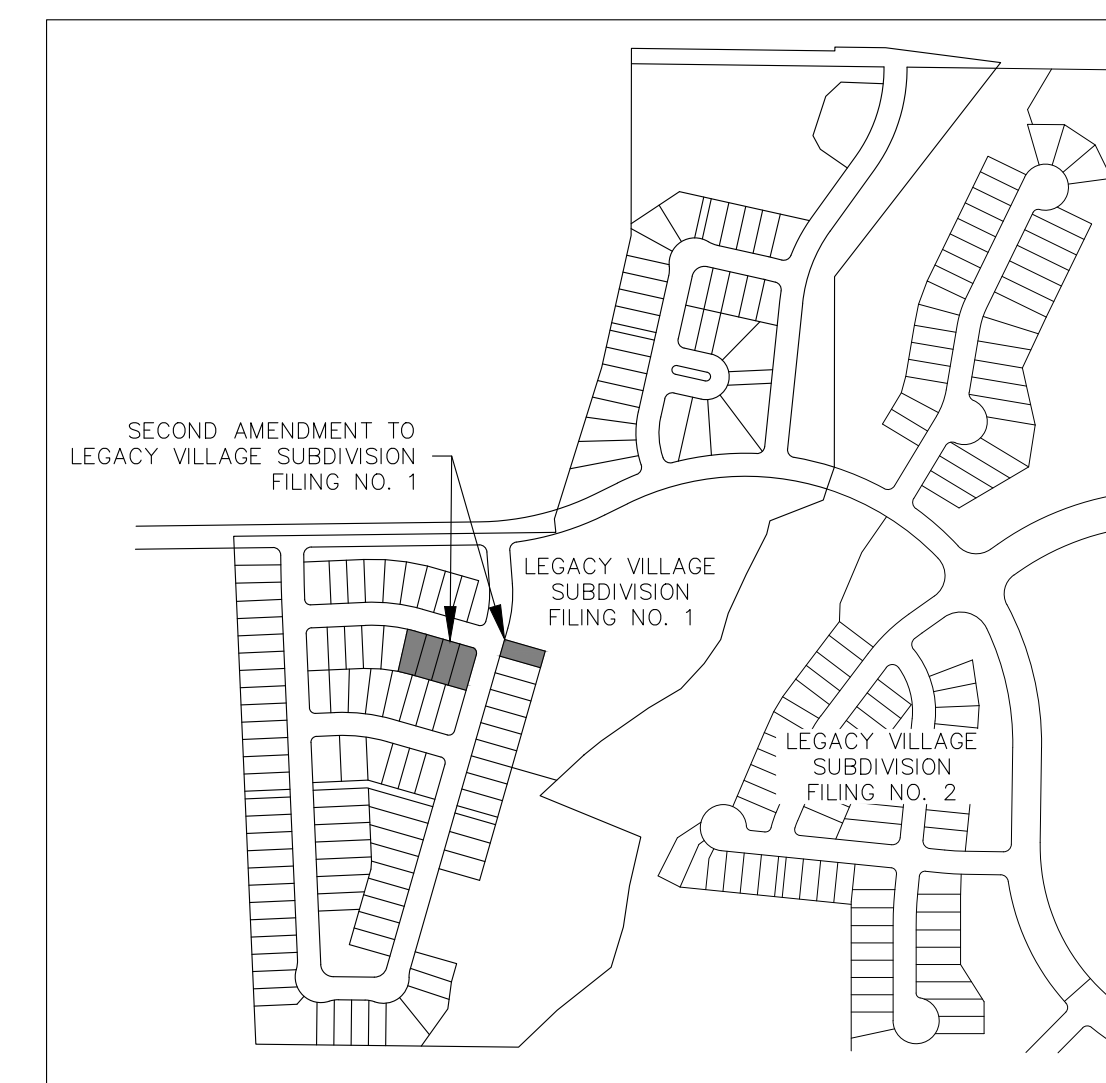
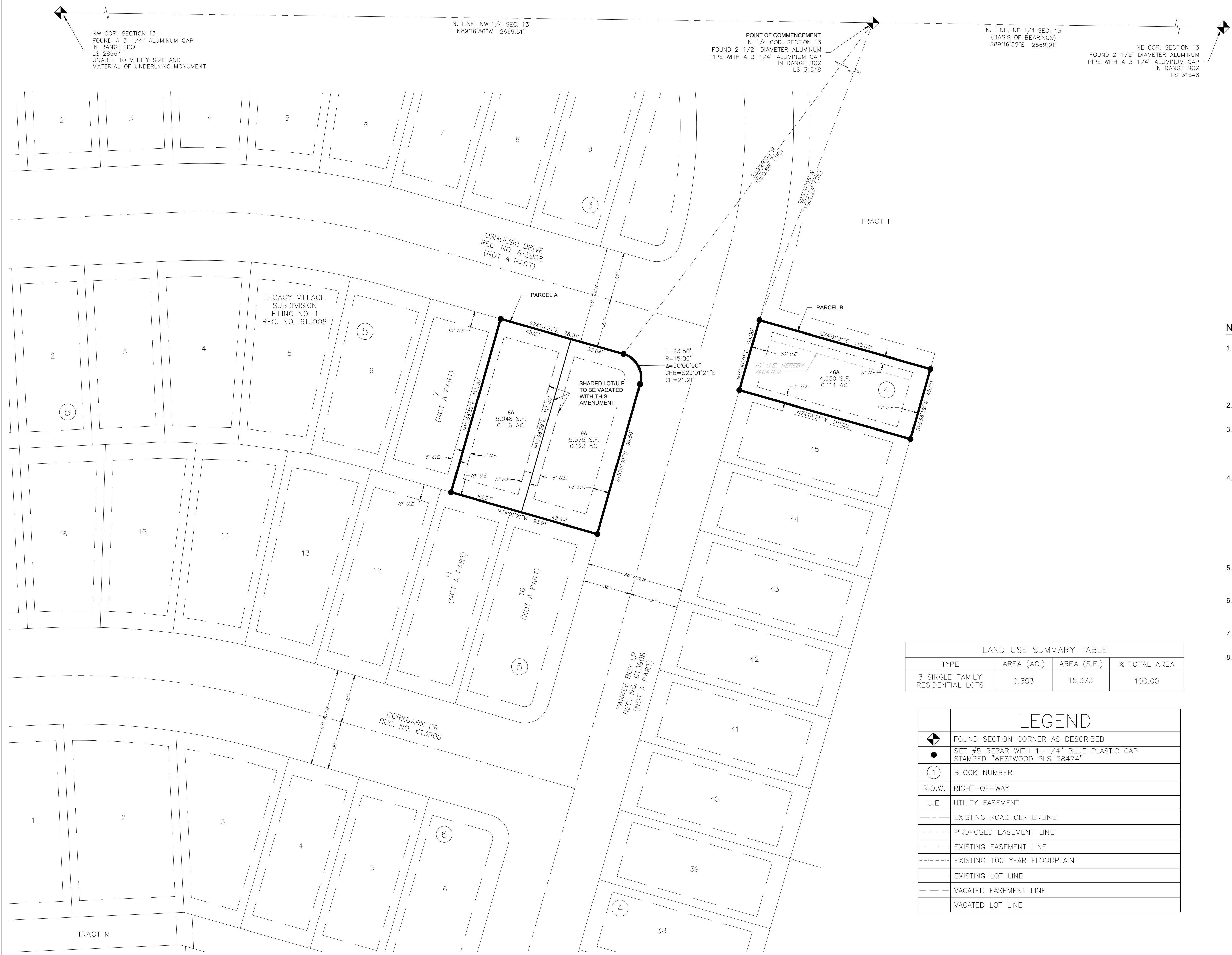
Westwoodps.com  
Westwood Professional Services, Inc.

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526



# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 8 AND 9, BLOCK 5, LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M., TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 2 OF 2

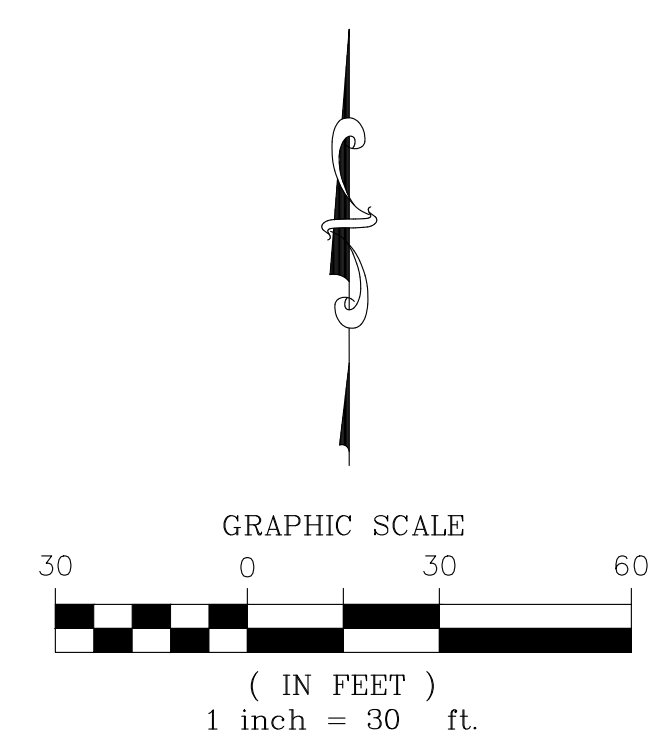


### NOTES:

- BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13 BEING MONUMENTED AT THE NORTH QUARTER CORNER OF SECTION 13 BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "PLS 31548" WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEING MONUMENTED BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "LS 31548" IS ASSUMED TO BEAR SOUTH 89°16'55" EAST, A DISTANCE OF 2669.91 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.
- THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WESTWOOD PROFESSIONAL SERVICES, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WESTWOOD PROFESSIONAL SERVICES, INC. RELIED UPON LAND TITLE GUARANTEE COMPANY PROPERTY INFORMATION BINDER ORDER NO. RND70823120, HAVING AN EFFECTIVE DATE OF NOVEMBER 7, 2023 AT 5:00 P.M.
- NON-EXCLUSIVE - 5-FOOT AND 10-FOOT UTILITY EASEMENTS LOCATED AS SHOWN ARE HEREBY GRANTED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES, INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND TELEPHONE LINES, AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF SUCH LINES. SIDE LOT LINE EASEMENTS ARE ALLOWED ENCROACHMENTS FOR ROOF OVERHANGS, CANTILEVER BAY OR BOX WINDOWS, FIREPLACES, WITH A MAXIMUM TWO FOOT (2) ENCROACHMENT, LANDSCAPING WITH PLANT SHRUBS, WOODY PLANTS AND NURSERY STOCK OR OTHER CROPS MAY BE LOCATED WITHIN THESE EASEMENTS PROVIDED THEY DO NOT INTERFERE WITH THE USE OF, OBSTRUCT THE OPERATION OF, MAINTENANCE OF, OR ACCESS TO SAID SIDE LOT EASEMENT.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL 08039C0480C, EFFECTIVE MARCH 17, 2011, THE SURVEYED LAND IS WITHIN FLOOD ZONE X, AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- 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.

TYPE	AREA (AC.)	AREA (S.F.)	% TOTAL AREA
3 SINGLE FAMILY RESIDENTIAL LOTS	0.353	15,373	100.00

	FOUND SECTION CORNER AS DESCRIBED
	SET #5 REBAR WITH 1-1/4" BLUE PLASTIC CAP STAMPED "WESTWOOD PLS 38474"
	BLOCK NUMBER
	R.O.W. RIGHT-OF-WAY
	U.E. UTILITY EASEMENT
	EXISTING ROAD CENTERLINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	EXISTING 100 YEAR FLOODPLAIN
	EXISTING LOT LINE
	VACATED EASEMENT LINE
	VACATED LOT LINE



**Westwood**

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526

WHEN RECORDED, RETURN TO:

Lennar Colorado, LLC  
9193 S. Jamaica Street, 4<sup>th</sup> Floor  
Englewood, Colorado 80112  
Attn: Division President

MAIL TAX STATEMENTS TO:

Lennar Colorado, LLC  
9193 S. Jamaica Street, 4<sup>th</sup> Floor  
Englewood, Colorado 80112  
Attn: Division President



---

**SPECIAL WARRANTY DEED**

*(Legacy Village, Colorado)*

For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the undersigned AG ESSENTIAL HOUSING MULTI STATE 2, LLC, a Delaware limited liability company (“Grantor”), whose address is c/o AGWIP Asset Management, LLC, 8585 E. Hartford Drive, Suite 118, Scottsdale, AZ 85255, hereby grants to LENNAR COLORADO, LLC, a Colorado limited liability company (“Grantee”), whose address is 9193 S. Jamaica Street, 4<sup>th</sup> Floor, Englewood, Colorado 80112, that certain real property situated in Elbert County, Colorado, described as follows:

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, have granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, convey, and confirm, unto Grantee, and Grantee’s heirs, successors, and assigns forever, all the real property, together with all improvements, if any, situate, lying and being in the County of Elbert, State of Colorado, described as follows (the “Lots”):

SEE EXHIBIT “A” ATTACHED HERETO AND BY THIS REFERENCE  
MADE A PART HEREOF

also known by street and number as: vacant land;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, and Grantee's heirs, successors, and assigns forever.

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of Grantors, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances;

SUBJECT TO: The statutory exceptions and, to the extent not already included as part of the statutory exceptions, all general and special real property taxes and other assessments (including, without limitation, all subsequent assessments for prior years whether due to changes in the use or ownership, or both or otherwise), reservations in patents, water rights, claims or titles to water, any matters relating to any threatened or pending condemnation or eminent domain proceedings, all documents establishing or relating to the master-planned community of which the Lots are a portion, any matter shown on or referenced in the plat of the Lots referenced above, any matter arising in connection with any action of Grantee or its employees, contractors, agents, or representatives, any other matter whether or not of record not caused by the act or authorization of Grantor in violation of the Option Agreement pursuant to which this instrument is delivered, any matter that would be disclosed by a current inspection or a current accurate ALTA/NSPS survey of the Lots, and all other easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities and other matters as may appear of record.

Grantor does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's heirs, successors, and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under Grantor, subject to the matters set forth above.

*Balance of Page Intentionally Left Blank; Signature Page Follows*



EXECUTED this 9<sup>th</sup> day of May, 2023

**GRANTOR:**

AG ESSENTIAL HOUSING MULTI STATE 2,  
LLC, a Delaware limited liability company

By: AGWIP Asset Management, LLC,  
an Arizona limited liability company,  
its Authorized Agent

By: Steven S. Benson  
Steven S. Benson, its Manager

STATE OF ARIZONA            )  
  )  
COUNTY OF MARICOPA     )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of May,  
2023, by Steven S. Benson, the manager of AGWIP Asset Management, LLC, an Arizona limited  
liability company, the Authorized Agent of AG ESSENTIAL HOUSING MULTI STATE 2, LLC,  
a Delaware limited liability company, for and on behalf thereof.

Angela Staten  
Notary Public

(SEAL)



EXHIBIT "A"

LEGAL DESCRIPTION OF THE LOTS

LOT 9, BLOCK 3,  
LOTS 1, 45 AND 46, BLOCK 4,  
LOT 9, BLOCK 5,  
LEGACY VILLAGE FILING NO. 1  
COUNTY OF ELBERT, STATE OF COLORADO

LOT 10, BLOCK 4,  
LOTS 12, BLOCK 5,  
LOT 2, BLOCK 6,  
LEGACY VILLAGE FILING NO. 2  
COUNTY OF ELBERT, STATE OF COLORADO

WHEN RECORDED, RETURN TO:

Lennar Colorado, LLC  
9193 S. Jamaica Street, 4<sup>th</sup> Floor  
Englewood, Colorado 80112  
Attn: Division President

MAIL TAX STATEMENTS TO:

Lennar Colorado, LLC  
9193 S. Jamaica Street, 4<sup>th</sup> Floor  
Englewood, Colorado 80112  
Attn: Division President

---

**LT**

**SPECIAL WARRANTY DEED**

*(Legacy Village, Colorado)*

For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the undersigned AG ESSENTIAL HOUSING MULTI STATE 2, LLC, a Delaware limited liability company (“Grantor”), whose address is c/o AGWIP Asset Management, LLC, 8585 E. Hartford Drive, Suite 118, Scottsdale, AZ 85255, hereby grants to LENNAR COLORADO, LLC, a Colorado limited liability company (“Grantee”), whose address is 9193 S. Jamaica Street, 4<sup>th</sup> Floor, Englewood, Colorado 80112, that certain real property situated in Elbert County, Colorado, described as follows:

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, have granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, convey, and confirm, unto Grantee, and Grantee’s heirs, successors, and assigns forever, all the real property, together with all improvements, if any, situate, lying and being in the County of Elbert, State of Colorado, described as follows (the “Lots”):

SEE EXHIBIT “A” ATTACHED HERETO AND BY THIS REFERENCE  
MADE A PART HEREOF

also known by street and number as: vacant land;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, and Grantee's heirs, successors, and assigns forever.

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of Grantors, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances;

SUBJECT TO: The statutory exceptions and, to the extent not already included as part of the statutory exceptions, all general and special real property taxes and other assessments (including, without limitation, all subsequent assessments for prior years whether due to changes in the use or ownership, or both or otherwise), reservations in patents, water rights, claims or titles to water, any matters relating to any threatened or pending condemnation or eminent domain proceedings, all documents establishing or relating to the master-planned community of which the Lots are a portion, any matter shown on or referenced in the plat of the Lots referenced above, any matter arising in connection with any action of Grantee or its employees, contractors, agents, or representatives, any other matter whether or not of record not caused by the act or authorization of Grantor in violation of the Option Agreement pursuant to which this instrument is delivered, any matter that would be disclosed by a current inspection or a current accurate ALTA/NSPS survey of the Lots, and all other easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities and other matters as may appear of record.

Grantor does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's heirs, successors, and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under Grantor, subject to the matters set forth above.

*Balance of Page Intentionally Left Blank; Signature Page Follows*

EXECUTED this 13<sup>th</sup> day of June, 2023.

**GRANTOR:**

AG ESSENTIAL HOUSING MULTI STATE 2, LLC, a Delaware limited liability company

By: AGWIP Asset Management, LLC,  
an Arizona limited liability company,  
its Authorized Agent

By: Steven S. Benson  
Steven S. Benson, its Manager

STATE OF ARIZONA            )  
  )  
COUNTY OF MARICOPA    )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of June, 2023, by Steven S. Benson, the manager of AGWIP Asset Management, LLC, an Arizona limited liability company, the Authorized Agent of AG ESSENTIAL HOUSING MULTI STATE 2, LLC, a Delaware limited liability company, for and on behalf thereof.

Angela Statten  
Notary Public

(SEAL)





EXHIBIT "A"

LEGAL DESCRIPTION OF THE LOTS

LOTS 7 AND 8, BLOCK 3,  
LOT 2, BLOCK 4,  
LOT 8, BLOCK 5,  
LEGACY VILLAGE FILING NO. 1  
COUNTY OF ELBERT, STATE OF COLORADO

LOTS 13 AND 14, BLOCK 5,  
LOTS 3 AND 4, BLOCK 6,  
LEGACY VILLAGE FILING NO. 2  
COUNTY OF ELBERT, STATE OF COLORADO



## Customer Distribution



**Prevent fraud** - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **RND70823120**

Date: **11/14/2023**

Property Address: **1124 AND 1114 OSMULSKI DRIVE AND 554 YANKEE BOY LOOP, ELIZABETH, CO 80107**

---

### For Closing Assistance

### For Title Assistance

Scott Cieslewicz  
5975 GREENWOOD PLAZA  
BLVD  
GREENWOOD VILLAGE, CO  
80111  
(303) 850-4189 (Work)  
[Scielewicz@ltgc.com](mailto:Scielewicz@ltgc.com)

---

### Builder

LENNAR COLORADO LLC  
Attention: JOSEPH HUEY  
9193 S JAMAICA ST 4TH FLOOR  
ENGLEWOOD, CO 80112  
(720) 369-3835 (Work)  
[joseph.huey@lennar.com](mailto:joseph.huey@lennar.com)  
Delivered via: Electronic Mail



## Estimate of Title Fees

**Order Number:** RND70823120

**Date:** 11/14/2023

**Property Address:** 1124 AND 1114 OSMULSKI DRIVE AND 554 YANKEE BOY LOOP, ELIZABETH, CO 80107

**Seller(s):** LENNAR COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY

**Buyer(s):** A BUYER TO BE DETERMINED

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit [ltgc.com](http://ltgc.com) to learn more about Land Title.

Estimate of Title Insurance Fees	
"ALTA" Owner's Policy 07-30-21 Reissue Rate	\$436.00
<b>TOTAL</b>	<b>\$436.00</b>

**Note:** The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

**Chain of Title Documents:**

[Elbert county recorded 05/15/2023 at book 835 page 148](#)

[Elbert county recorded 06/20/2023 at book 836 page 574](#)

**Plat Map(s):**

[Elbert county recorded 11/10/2021 under reception no. 613908](#)

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

Order Number: RND70823120

**Property Address:**

1124 AND 1114 OSMULSKI DRIVE AND 554 YANKEE BOY LOOP, ELIZABETH, CO 80107

**1. Commitment Date:**

11/07/2023 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 07-30-21 Reissue Rate  
Proposed Insured:  
A BUYER TO BE DETERMINED

\$5,000.00

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

FEE SIMPLE

**4. The Title is, at the Commitment Date, vested in:**

LENNAR COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY

**5. The Land is described as follows:**

LOTS 8 AND 9, BLOCK 5; AND LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1,  
COUNTY OF ELBERT, STATE OF COLORADO.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.



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**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part I**  
**(Requirements)**

**Order Number:** RND70823120

**All of the following Requirements must be met:**

**This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.**

**Pay the agreed amount for the estate or interest to be insured.**

**Pay the premiums, fees, and charges for the Policy to the Company.**

**Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.**

1. WARRANTY DEED FROM LENNAR COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY TO A BUYER TO BE DETERMINED CONVEYING SUBJECT PROPERTY.

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.



**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

Order Number: RND70823120

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED NOVEMBER 14, 1874 IN BOOK 1 AT PAGE [285](#).
10. RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED JANUARY 17, 1903 IN BOOK 23 AT PAGE [456](#).
11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT RECORDED DECEMBER 06, 2016 UNDER RECEPTION NO. [564388](#).  
RATIFICATION OF EASEMENT AGREEMENT RECORDED MAY 24, 2017 UNDER RECEPTION NO. [569113](#).
12. SPECIAL WARRANTY WATER RIGHT DEEDS RECORDED DECEMBER 28, 2006 UNDER RECEPTION NOS. [480878](#), [480879](#) AND [480880](#).  
SPECIAL WARRANTY DEED CONVEYING GROUNDWATER RECORDED JUNE 5, 2019 UNDER RECEPTION NO. [586144](#) AND RECORDED JANUARY 7, 2020 UNDER RECEPTION NOS. [591780](#) AND [591781](#).
13. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE ELIZABETH 86 RESIDENTIAL METROPOLITAN DISTRICT , AS EVIDENCED BY INSTRUMENT RECORDED SEPTEMBER 22, 2010, UNDER RECEPTION NO. [512390](#).

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** RND70823120

14. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RECIPROCAL EASEMENT AGREEMENT RECORDED JANUARY 14, 2016 UNDER RECEPTION NO. [556467](#).
15. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION RECORDED SEPTEMBER 26, 2018 UNDER RECEPTION NO. [580816](#).
16. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF LEGACY VILLAGE FILING NO. 1 RECORDED NOVEMBER 10, 2021 UNDER RECEPTION NO. [613908](#).
17. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SUBDIVISION AGREEMENT (LEGACY VILLAGE FILING NO. 1) RECORDED NOVEMBER 10, 2021 UNDER RECEPTION NO. [613911](#).
18. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED MAY 08, 2023 UNDER RECEPTION NO. [626613](#).
19. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DECLARATION OF DESIGN COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED MAY 08, 2023 UNDER RECEPTION NO. [626614](#).



## ALTA Commitment For Title Insurance issued by Old Republic National Title Insurance Company

### NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of insurance and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

### COMMITMENT CONDITIONS

#### 1. DEFINITIONS

- (a) "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- (b) "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- (c) "Land": The land described in item 5 of Schedule A and affixed improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (d) "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- (e) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (f) "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- (g) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (h) "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- (i) "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- (j) "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

#### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

#### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company is not liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5(a) or the Proposed Amount of Insurance.
- (e) The Company is not liable for the content of the Transaction Identification Data, if any.
- (f) The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.

(g)The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT. CHOICE OF LAW AND CHOICE OF FORUM**

- (a)Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b)Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction
- (c)This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d)The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e)Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f)When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. CLAIMS PROCEDURES**

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

**10. CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

**11. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:  
Land Title Guarantee Company  
3033 East First Avenue Suite 600  
Denver, Colorado 80206  
303-321-1880



**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
A Stock Company  
400 Second Avenue South, Minneapolis, Minnesota 55401  
(612) 371-1111

*CBRants*

Craig B. Rants, Senior Vice President

By *C Monroe* President  
Attest *David Wold* Secretary

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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## Land Title Guarantee Company Disclosure Statements

**Note: Pursuant to CRS 10-11-122, notice is hereby given that:**

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note:** Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

**Note:** Pursuant to CRS 10-11-123, notice is hereby given:



This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note:** Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Note:** Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

**Note:** Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**Joint Notice of Privacy Policy of  
Land Title Guarantee Company  
Land Title Guarantee Company of Summit  
County  
Land Title Insurance Corporation and  
Old Republic National Title Insurance Company**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
  - your transactions with, or from the services being performed by us, our affiliates, or others;
  - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

TO: Zach Higgins, Community Development Director  
FROM: Josue Loma, Planner, SAFEbuilt Studio through  
Travis Reynolds, AICP, Planning Manager, SAFEbuilt Studio  
DATE: January 19, 2024  
SUBJECT: Review 3 – Replat for Legacy Village Filing 1, Amendment 1 and Amendment 2

SAFEbuilt Studio staff provides the combined second review comments for the Legacy Village Filing 1, Amendment 1 (F1A1, 1.286 acres) and Legacy Village Filing 1, Amendment 2 (F1A2, 0.353 acres) replat. Legacy Village F1A1 is generally located on the southeast corner of Corkscrew St and Hinds St and Legacy Village F1A2 is generally located on the southeast corner of Osmulski Dr and Yankee Boy LP in the Town of Elizabeth. Staff conducted the review in the context of Chapter 16 – Land Use and Development of the Town of Elizabeth Municipal Code and the Town’s Master Plan.

**Legacy Village Filing 1, Amendment 1: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

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**Planning and Zoning Review:**

- Approved.

**External Agency Comments:**

- CORE Engineering - Town Engineer:
  - Approval is granted upon the condition that the line type for the “existing lot line” be updated to a solid line as shown on the provided redlines.
- CORE Electric / IREA – Utility:
  - No comment received at this time.
- Elizabeth Fire Protection District - Fire:
  - No comment received at this time.
- Elizabeth School District:
  - No comment received at this time.
- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor’s Office – GIS:
  - Approves with no additional comments.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

**Legacy Village Filing 1, Amendment 2: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

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**Planning and Zoning Review:**

- Approved.

**External Review Agency Comments**

- CORE Engineering - Town Engineer:
  - As shown on the provided Title Commitment, dated 11/07/2023, Lennar Colorado, LLC is the owner of these lots. Further, the provided Special warranty deed indicates AG deeded these lots in May and June 2023 to Lennar Colorado LLC. Please update this label accordingly.
  - Please add Lot 46, Block 4, Legacy Village Filing no. 1 to this section.
  - Please line up the shown arrows with the corresponding easement and lot lines.
  - Please update the line type for the “existing lot line” to a solid line as shown on the redlines.
- CORE Electric / IREA – Utility:
  - No comment received at this time.
- Elizabeth Fire Protection District - Fire:
  - No comment received at this time.
- Elizabeth School District:
  - No comment received at this time.
- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor’s Office – GIS:
  - Approves with no additional comments.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

Referral Agency / Consultant	Discipline	Contact Information
SAFEbuilt	Community Development	Zach Higgins; <a href="mailto:zhiggins@townofelizabeth.org">zhiggins@townofelizabeth.org</a> Travis Reynolds; <a href="mailto:treynolds@safebuilt.com">treynolds@safebuilt.com</a> Josue Loma; <a href="mailto:jloma@safebuilt.com">jloma@safebuilt.com</a>
CORE Engineering	Town Engineer	Scott Pease, P.E.; <a href="mailto:pease@corecivil.com">pease@corecivil.com</a> Manny Nunos, <a href="mailto:mnuno@liveyourcore.com">mnuno@liveyourcore.com</a>
CORE Electric / IREA	Utility	Brooks Kaufman; <a href="mailto:BKaufman@core.coop">BKaufman@core.coop</a>
Elizabeth Fire Protection District (EFD)	Fire	T.J. Steck; <a href="mailto:tjs@elizabethfire.org">tjs@elizabethfire.org</a>

Elizabeth School District	Elizabeth C-1 School District	<b>Ron Patera;</b> <a href="mailto:rpatera@esdk12.org">rpatera@esdk12.org</a>
Black Hills Energy	Utility Company	<b>Jason McKune;</b> <a href="mailto:Jason.McKune@blackhillscorp.com">Jason.McKune@blackhillscorp.com</a>
Elbert County Assessor's Office	GIS	<b>Greg Toles;</b> <a href="mailto:Greg.toles@elbertcounty-co.gov">Greg.toles@elbertcounty-co.gov</a>
Comcast		<a href="mailto:Butch_Buster@comcast.com">Butch_Buster@comcast.com</a>
Century Link		<a href="mailto:Nre.Easement@centurylink.com">Nre.Easement@centurylink.com</a>



**From:** [Tyler Vodopich](#)  
**To:** [Josue Loma](#)  
**Cc:** [Travis Reynolds](#); [Byron Glenn](#)  
**Subject:** RE: Referral 3: Replat for Legacy Village F1A1 and F1A2  
**Date:** Monday, February 12, 2024 4:18:15 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[2nd Amendment to Legacy Village Filing No.1 02-05-2024\\_rev4\\_20240212.pdf](#)  
[1st Amendment to Legacy Village Filing No.1 02-05-24\\_rev4\\_20240212.pdf](#)

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Good afternoon Josue,

Our surveyor has reviewed these plat amendments and has no further comments.

**TYLER VODOPICH, PE**

Project Engineer

CORE Consultants, Inc.

[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)

---

**From:** Tyler Vodopich <[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)>

**Sent:** Thursday, February 8, 2024 12:39 PM

**To:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>

**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>; Byron Glenn <[Bglenn@liveyourcore.com](mailto:Bglenn@liveyourcore.com)>

**Subject:** RE: Referral 3: Replat for Legacy Village F1A1 and F1A2

Thanks Josue! I will get our surveyor to look at this and get back to you.

**TYLER VODOPICH, PE**

Project Engineer

CORE Consultants, Inc.

[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)

---

**From:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>

**Sent:** Thursday, February 8, 2024 11:23 AM

**To:** Tyler Vodopich <[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)>

**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>; Byron Glenn <[Bglenn@liveyourcore.com](mailto:Bglenn@liveyourcore.com)>

**Subject:** RE: Referral 3: Replat for Legacy Village F1A1 and F1A2

Good morning Tyler,

I received updated replats from Scott Lockhart that address the comments made on F1A1 and F1A2.

I am sharing this outside of a 4th referral as the comments were minor in nature; however, I would still like to receive your endorsement (specifically for F1A2).

I have attached the combined comment letter for Rev 3 and the updated replats for your reference.

Scott (applicant) has noted that if these changes are acceptable they will get them stamped.

I am flexible on the review dates, but if I can get your comments and endorsement by next week that would be helpful in getting this project closed out and scheduled for public hearing.

Thank you,

Josue

Josue Loma – Colorado Planner | SAFEbuilt Studio | Denver, CO | 📞 720.346.2145

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**From:** Tyler Vodopich <[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)>

**Sent:** Thursday, January 18, 2024 3:34 PM

**To:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>

**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>; Byron Glenn <[Bglenn@liveyourcore.com](mailto:Bglenn@liveyourcore.com)>

**Subject:** RE: Referral 3: Replat for Legacy Village F1A1 and F1A2

Good afternoon Josue,

I have attached the plats with comments.

Filing 1 Amendment 1 has only 1 minor comment but can be considered approved.

Filing 1 Amendment 2 had a few comments. The comments are minor, but should be addressed.

Please let me know if you have any questions on these items.



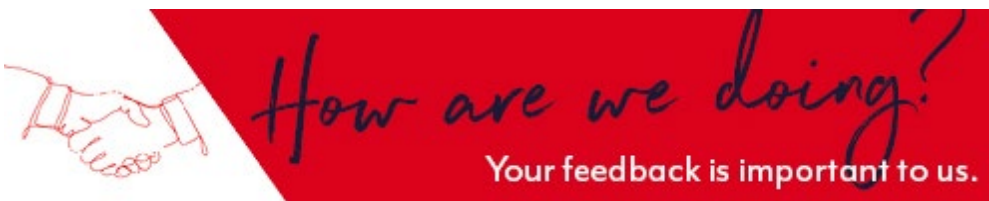
**TYLER VODOPICH, PE**

Project Engineer

3473 S. Broadway, Englewood, CO 80113

Phone 303-730-5964

[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com) \ [liveyourcore.com](http://liveyourcore.com)



**Would you please take 60 seconds to share your thoughts [here](#)?**

LAND DEVELOPMENT \ ENERGY \ PUBLIC INFRASTRUCTURE [in](#) [f](#) [@](#) [t](#) [d](#)

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**From:** Josue Loma <[jloma@safebuilt.com](mailto:jloma@safebuilt.com)>

**Sent:** Wednesday, January 17, 2024 2:41 PM

**To:** Tyler Vodopich <[TVodopich@liveyourcore.com](mailto:TVodopich@liveyourcore.com)>; Andrew Kidder <[dkidder@liveyourcore.com](mailto:dkidder@liveyourcore.com)>  
**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>  
**Subject:** RE: Referral 3: Replat for Legacy Village F1A1 and F1A2

Hello Tyler and team,

I hope this email finds you well. As we approach the deadline for the 3<sup>rd</sup> Review of Legacy Village F1A1 and F1A2, I wanted to check in and ensure that everything is progressing smoothly.

Please let me know if you have any questions and I look forward to receiving your feedback this Friday.

Thank you,

Josue

Josue Loma – Colorado Planner | SAFEbuilt Studio | Denver, CO | 📞 720.346.2145

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**From:** Josue Loma  
**Sent:** Friday, January 5, 2024 1:25 PM  
**To:** Tyler Vodopich <[tvodopich@liveyourcore.com](mailto:tvodopich@liveyourcore.com)>; [dkidder@liveyourcore.com](mailto:dkidder@liveyourcore.com)  
**Cc:** Travis Reynolds <[treynolds@safebuilt.com](mailto:treynolds@safebuilt.com)>; Alexandra Cramer <[acramer@townofelizabeth.org](mailto:acramer@townofelizabeth.org)>; Zach Higgins <[zhiggins@townofelizabeth.org](mailto:zhiggins@townofelizabeth.org)>  
**Subject:** Referral 3: Replat for Legacy Village F1A1 and F1A2

Hello Tyler and Andrew,

I am emailing to share the combined **3<sup>rd</sup> submittal** for Legacy Village F1A1 and F1A2, which is accessible via [Dropbox](#). Please see below for additional details regarding this project and let me know if you have any difficulty accessing the files.

**SUBJECT: Town of Elizabeth – Legacy Village Filing 1 Replat – Combined Referral – LDC [Sec. 16-3-80 for a Replat, vacation, or plat amendment](#)**

**PROJECT NAME:** Legacy Village Filing 1, Amendment 1 and Filing 1, Amendment 2

**LEGAL DESCRIPTION:** Northwest Quarter of Section 13, Township 6 South, Range 65 West of the 6<sup>th</sup> P.M., Town of Elizabeth | Legacy Village Filing 1, as recorded in Elbert County, CO

**PROJECT LOCATION:** F1A1 - SE Corner of Corkscrew St and Hinds St, Elizabeth, Colorado | [Google Maps](#); F1A2 - SE Corner of Osmulski Dr and Yankee Boy LP, Elizabeth, Colorado | [Google Maps](#)

**APPLICATION TYPE:** Replat, vacation, or plat amendment – See LDC [Sec. 16-3-80](#)

**APPLICANT:** Lennar Colorado represented by Scott Lockhart, (720) 482-9526 | [scott.lockhart@westwoodps.com](mailto:scott.lockhart@westwoodps.com)

**CASE MANAGER:** [Josue Loma](#) (he/him), on behalf of the Town of Elizabeth and Zach Higgins

**COMMENTS DUE:** Friday, January 19, 2024

The Town of Elizabeth has received a 3<sup>rd</sup> submittal for two replats to Legacy Village Filing 1 that will be processed as [Legacy Village Filing 1, Amendment 1](#) and [Legacy Village Filing 1, Amendment 2](#). As stated in the zoning code, a request for a replat shall be reviewed in accordance with the Final Plat process, [Sec. 16-3-60](#). Please see below for a summary of each application:

- **Filing 1, Amendment 1:**

- This proposed re-plat is intended to obtain a 44' (min) lot width and/or 34' (min) buildable home footprint. Proposed lot modifications include moving existing lot lines, and associated utility easements approximately 1.5' to obtain this width (Block 2, Lots 1-9)

- **Filing 1, Amendment 2:**

- This proposed re-plat is intended to obtain a 33.5' (min) buildable lot width. Proposed lot modifications include moving one existing lot line, and associated utility easements approximately 0.27' to obtain this width (Block 5, Lots 8-9). There is one additional lot to be modified (Block 2, Lot 46) where the interior side easement shall be reduced to 5.
- Please note that the lot line shift for Block 5, Lots 8-9 has been reduced to 0.27' from the initial proposal of 1.1'.

Click [HERE](#) to access submittal documents via DropBox.

Please review and provide comments by replying to this email by the due date above; if you need an extension, please let me know at your earliest convenience.

Thank you for your continued collaboration on this project.

Best regards,

Josue

Josue Loma – Colorado Planner | SAFEbuilt Studio | Denver, CO | [720.346.2145](tel:720.346.2145)

# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

Plat Review #3 Comments  
1/18/2024 - Jeff Anton PLS

A REPLAT OF LOTS 8 AND 9, BLOCK 5, LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1,  
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 1 OF 2  
0.353 ACRE – 3 SINGLE FAMILY RESIDENTIAL LOTS

### LEGAL DESCRIPTION:

**PARCEL A:**  
A PARCEL OF LAND BEING A REPLAT OF LOTS 8 AND 9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 8 AND 9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 10,423 SQUARE FEET OR 0.239 ACRE, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

**PARCEL B:**  
A PARCEL OF LAND BEING A REPLAT OF LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 4,950 SQUARE FEET OR 0.114 ACRE, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

### OWNERSHIP AND DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF SECOND AMENDMENT TO LEGACY VILLAGE FILING NO. 1. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE 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. ALL STREETS AND RIGHTS OF WAY, SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE TOWN OF ELIZABETH, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES.

\_\_\_\_\_  
SIGNATURE

AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

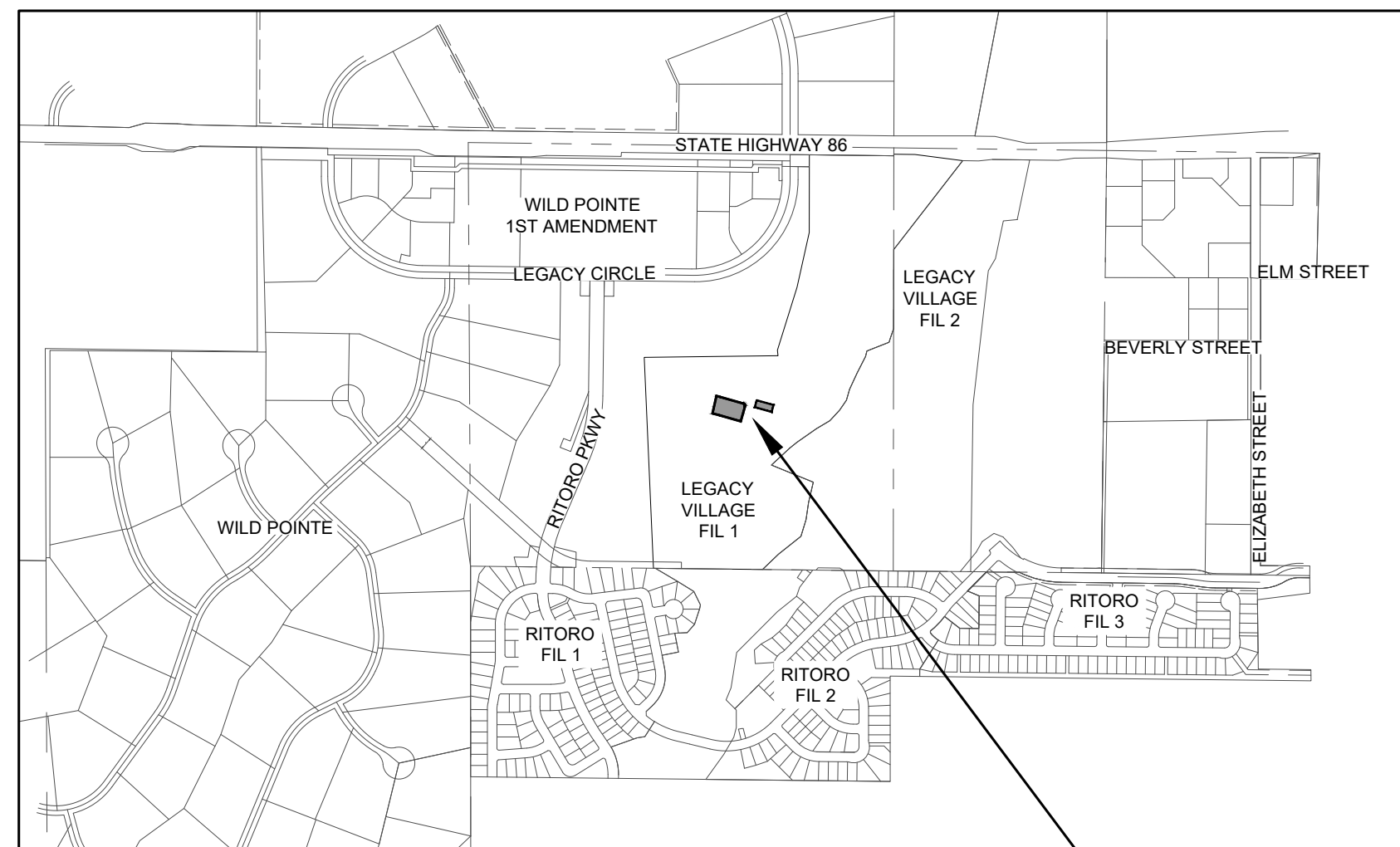
ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

Provided Title Commitment dated 11/07/2023 has Lennar Colorado, LLC as the owner of these lots. The provided Special warranty deed indicates AG... deeded these lots in May and June 2023 to Lennar Colorado LLC



VICINITY MAP  
SCALE: 1" = 1000'  
PROPERTY LOCATION

add Lot 46, Block 4,  
legacy village filing no. 1

### BOARD OF TRUSTEES:

LOTS 8 AND 9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1, IS HEREWITH AMENDED BY THIS PLAT WHICH IS HEREBY APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO, FOR FILING IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, RECEPTION # 613908.

\_\_\_\_\_  
MAYOR, TOWN OF ELIZABETH

ATTEST: \_\_\_\_\_  
TOWN CLERK

### LENDER

\_\_\_\_\_  
SIGNATURE

BY: LES SOWITCH

TITLE: REDSTONE BANK MARKET PRESIDENT

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### PLANNING COMMISSION:

THE PRELIMINARY PLAN FOR THIS PLAT WAS REVIEWED BY THE PLANNING COMMISSION ON JANUARY 5, 2021.

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

### TITLE VERIFICATION:

WE, LAND TITLE GUARANTEE COMPANY, A QUALIFIED TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### CLERK AND RECORDER'S CERTIFICATION:

STATE OF COLORADO )  
COUNTY OF ELBERT ) SS.

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

A.D., AT \_\_\_\_\_ A.M./P.M.

AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

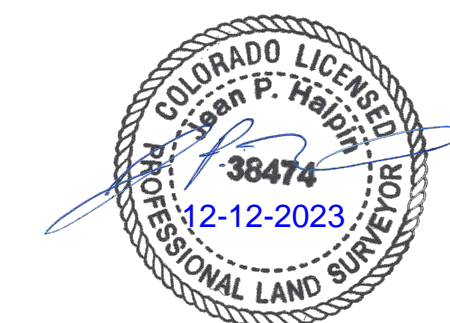
\_\_\_\_\_  
COUNTY CLERK AND RECORDER

### SURVEYOR'S CERTIFICATION:

I, JEAN P. HALPIN, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON DEC. 5, 2023, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS 12 DAY OF DECEMBER, 20 23

\_\_\_\_\_  
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR  
JEAN P. HALPIN, PLS NO. 38474  
FOR AND ON BEHALF OF WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, SUITE 400  
ENGLEWOOD, CO 80112  
(720)-249-3584



### APPLICANT/DEVELOPER:

E86 J.V., LLC  
JIM MARSHALL  
7108 SOUTH ALTON WAY  
ENGLEWOOD, CO 80112

### ENGINEER/SURVEYOR:

WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, STE 400  
ENGLEWOOD, CO 80112



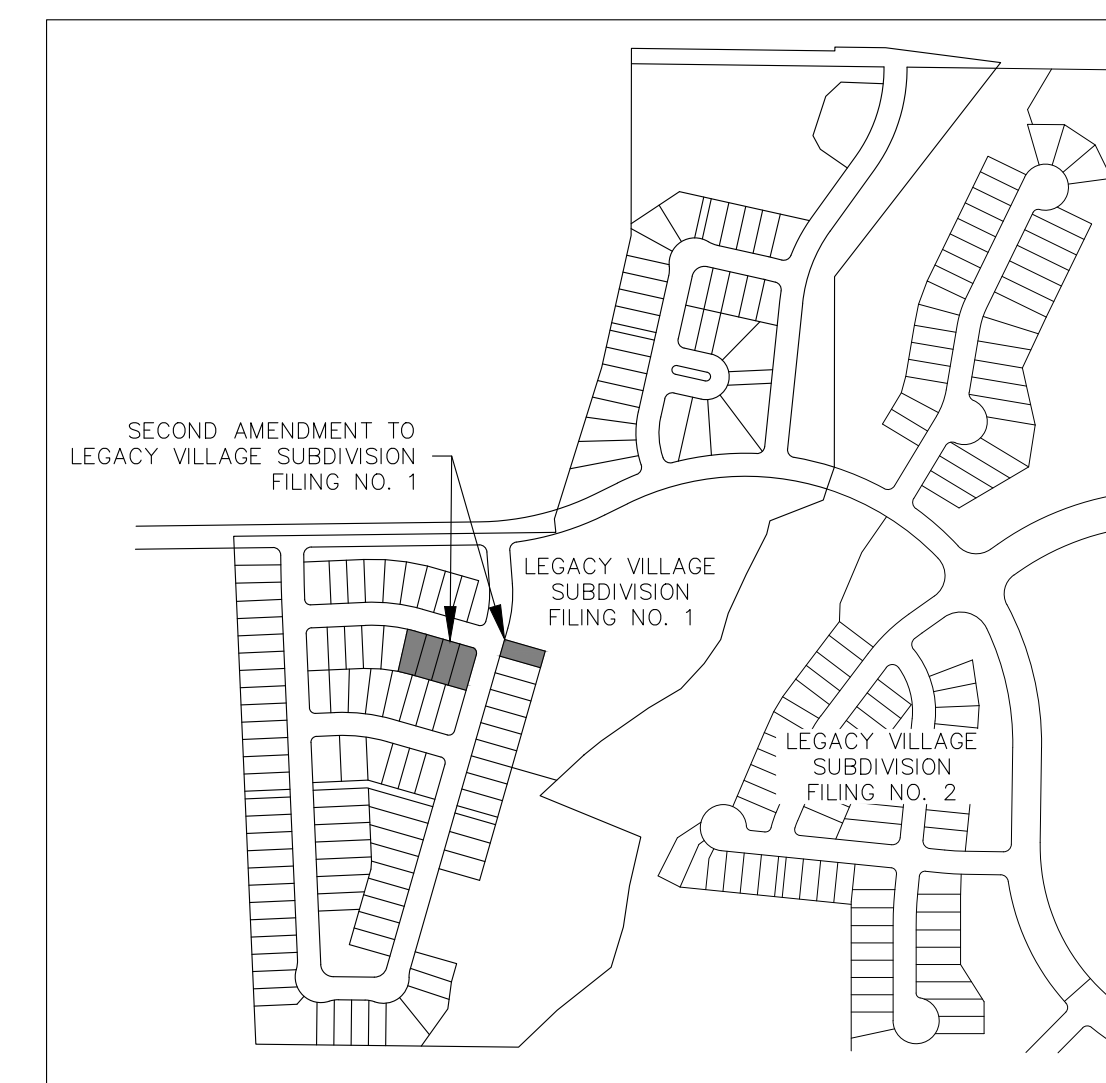
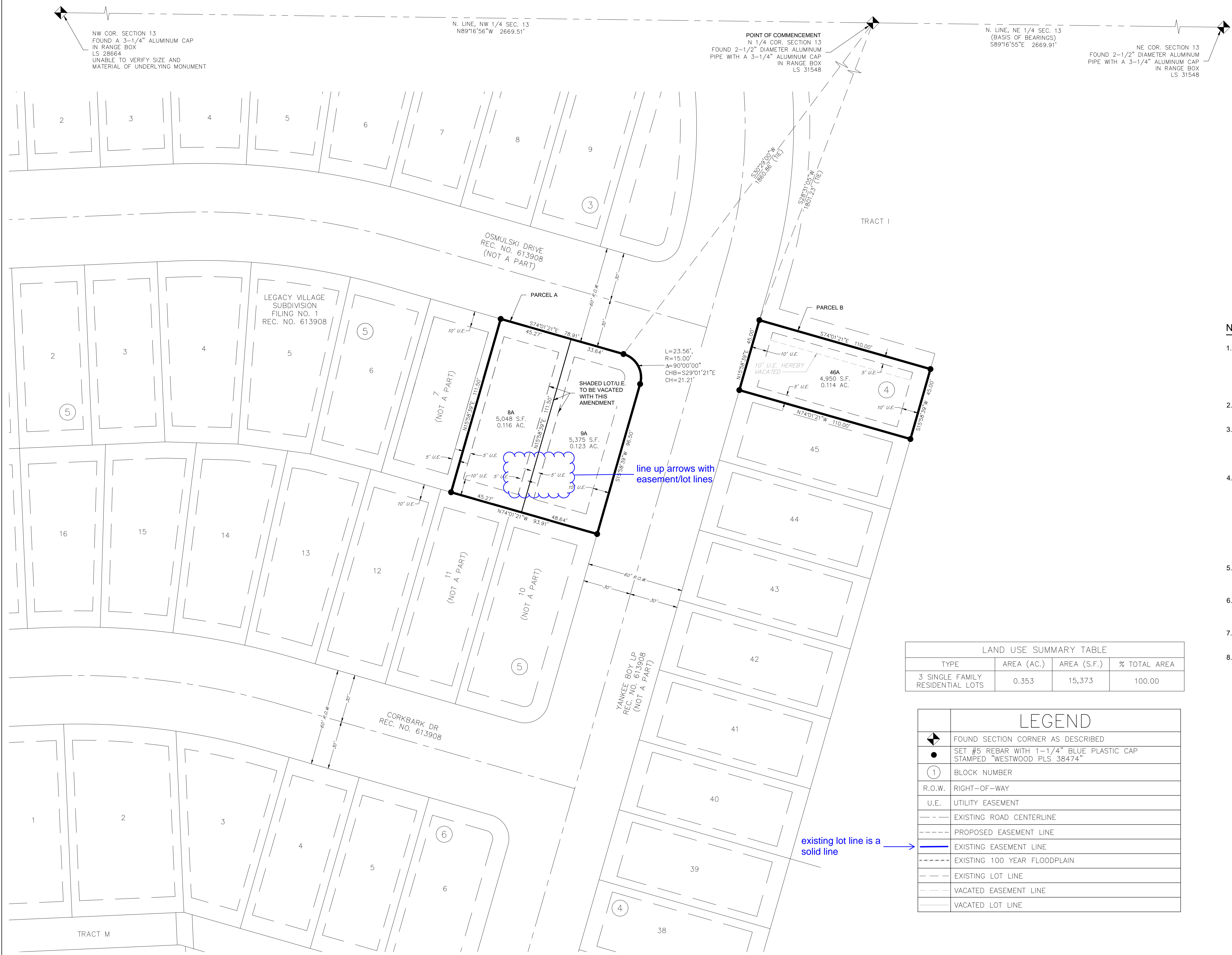
Westwoodps.com  
Westwood Professional Services, Inc.

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526



# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 8 AND 9, BLOCK 5, LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M., TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 2 OF 2

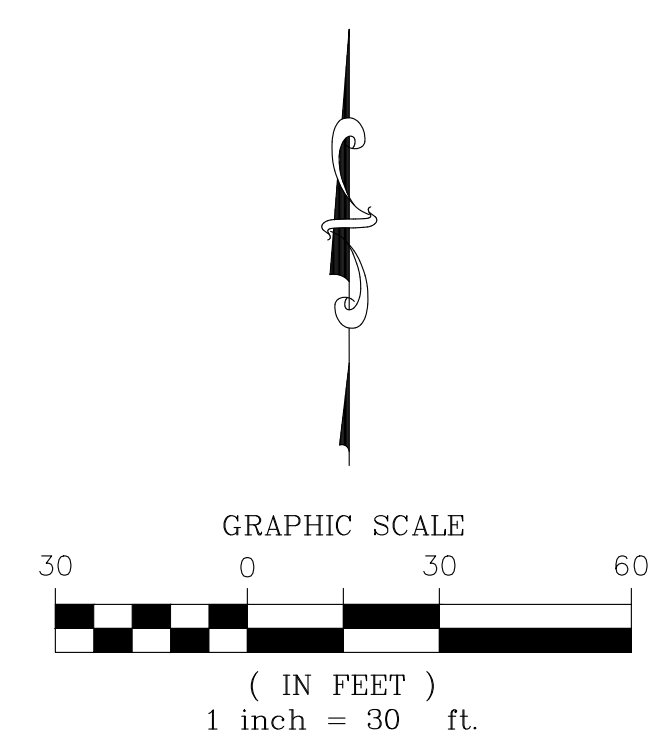


### NOTES:

1. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13 BEING MONUMENTED AT THE NORTH QUARTER CORNER OF SECTION 13 BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "PLS 31548" WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEING MONUMENTED BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "LS 31548" IS ASSUMED TO BEAR SOUTH 89°16'55" EAST, A DISTANCE OF 2669.91 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.
2. THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WESTWOOD PROFESSIONAL SERVICES, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WESTWOOD PROFESSIONAL SERVICES, INC. RELIED UPON LAND TITLE GUARANTEE COMPANY PROPERTY INFORMATION BINDER ORDER NO. RND70823120, HAVING AN EFFECTIVE DATE OF NOVEMBER 7, 2023 AT 5:00 P.M.
4. NON-EXCLUSIVE - 5-FOOT AND 10-FOOT UTILITY EASEMENTS LOCATED AS SHOWN ARE HEREBY GRANTED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES, INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND TELEPHONE LINES, AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF SUCH LINES. SIDE LOT LINE EASEMENTS ARE ALLOWED ENCROACHMENTS FOR ROOF OVERHANGS, CANTILEVER BAY OR BOX WINDOWS, FIREPLACES, WITH A MAXIMUM TWO FOOT (2) ENCROACHMENT, LANDSCAPING WITH PLANT SHRUBS, WOODY PLANTS AND NURSERY STOCK OR OTHER CROPS MAY BE LOCATED WITHIN THESE EASEMENTS PROVIDED THEY DO NOT INTERFERE WITH THE USE OF, OBSTRUCT THE OPERATION OF, MAINTENANCE OF, OR ACCESS TO SAID SIDE LOT EASEMENT.
5. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL 08039C0480C, EFFECTIVE MARCH 17, 2011, THE SURVEYED LAND IS WITHIN FLOOD ZONE X, AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
6. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
7. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
8. 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.

TYPE	AREA (AC.)	AREA (S.F.)	% TOTAL AREA
3 SINGLE FAMILY RESIDENTIAL LOTS	0.353	15,373	100.00

	FOUND SECTION CORNER AS DESCRIBED
	SET #5 REBAR WITH 1-1/4" BLUE PLASTIC CAP STAMPED "WESTWOOD PLS 38474"
	BLOCK NUMBER
	R.O.W. RIGHT-OF-WAY
	U.E. UTILITY EASEMENT
	EXISTING ROAD CENTERLINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	EXISTING 100 YEAR FLOODPLAIN
	EXISTING LOT LINE
	VACATED EASEMENT LINE
	VACATED LOT LINE



**Westwood**

10333 E DRY CREEK RD. SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526



TO: Zach Higgins, Community Development Director  
FROM: Josue Loma, Planner, SAFEbuilt Studio through  
Travis Reynolds, AICP, Planning Manager, SAFEbuilt Studio  
DATE: October 20, 2023  
SUBJECT: Review 2 – Replat for Legacy Village Filing 1, Amendment 1 and Amendment 2

SAFEbuilt Studio staff provides the combined second review comments for the Legacy Village Filing 1, Amendment 1 (F1A1, 1.286 acres) and Legacy Village Filing 1, Amendment 2 (F1A2, .478 acres) replat. Legacy Village F1A1 is generally located on the southeast corner of Corkscrew St and Hinds St and Legacy Village F1A2 is generally located on the southeast corner of Osmulski Dr and Yankee Boy LP in the Town of Elizabeth. Staff conducted the review in the context of Chapter 16 – Land Use and Development of the Town of Elizabeth Municipal Code and the Town’s Master Plan.

**Legacy Village Filing 1, Amendment 1: Replat (Sec. 16-3-80) and Final Plat (Sec. 16-3-60)**

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**Planning and Zoning Review:**

- As the review of this project is near the end, please provide a complete submittal to include the below documents. Without a complete resubmittal, we are unable to schedule the public hearing.
  - Please provide a copy of the signed final plat for Legacy Village Filing 1
  - General warranty deed and title commitment that is current within 30 days
- Please update the project narrative to move language regarding changes to Block 4, Lot 46 from the narrative of Amendment 1 to Amendment 2.
- Please note that deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines that are graphically different from existing vs. proposed vs. deleted with a legend provided.
- Please note that an email has been sent to Elbert County Assessors Office to clarify the details of their comment – see their comment below.

**External Agency Comments:**

- CORE Engineering - Town Engineer:
  - Please ensure that all new or existing labels are placed to not obscure lot dimensions.
  - Please show vacated and existing lot line types in the legend.
  - Please include the label, “Not Included in the Plat,” for all abutting lots, tracts or rights-of-way.
  - Please move boundary tags and annotation to the outside of the boundary line.
  - Please describe the size and make of the monument that the 3-1/4” aluminum cap is attached to or state the following: “unable to verify the size and material of underlying monument.”
  - Please verify and update the total lot area from the plat as it should measure 56,021 S.F.
  - Please provide updated copy of title commitment with next submittal that is current within 30 days.
  - Please update the legend type for “proposed road centerline” to “existing road centerline” since this is a replat.

- CORE Electric / IREA – Utility:
  - No comment received at this time.
- Elizabeth Fire Protection District - Fire:
  - No comment received at this time.
- Elizabeth School District:
  - No comment received at this time.
- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor’s Office – GIS:
  - No comment received at this time.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

**Legacy Village Filing 1, Amendment 2: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

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**Planning and Zoning Review:**

- As the review of this project is near the end, please provide a complete submittal to include the below documents. Without a complete resubmittal, we are unable to schedule the public hearing.
  - Final plat for Legacy Village Filing 1
  - General warranty deed and title commitment
- Please note that deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines that are graphically different from existing vs. proposed vs. deleted with a legend provided.
- Please ensure that all new or existing labels are placed to not obscure lot dimensions.
- To be included in the project record, please update the provided project narrative for both Amendment 1 and Amendment 2 to show that block 4, lot 46A is included in Amendment 2 and not Amendment 1.

**External Review Agency Comments**

- CORE Engineering - Town Engineer:
  - Please ensure that the total acreage of the replat is correct and update if necessary, from .478 acres to .592 acres.
  - Please update the project description on the title page from four to five single family residential lots.
  - Please describe the size and make of the monument that the 3-1/4” aluminum cap is attached to or state the following: “unable to verify the size and material of underlying monument.”
  - Please provide an updated copy of title commitment that is current within 30 days.
  - Please show vacated and existing lot line types in the legend.
  - Please include the label, “Not Included in the Plat,” for all abutting lots, tracts or rights-of-w

- The legend states that the boundary corner for both parcels were set and not found – please revise.
- Please update the legend type for “proposed road centerline” to “existing road centerline” since this is a replat.
- CORE Electric / IREA – Utility:
  - No comment received at this time.
- Elizabeth Fire Protection District - Fire:
  - No comment received at this time.
- Elizabeth School District:
  - No comment received at this time.
- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor’s Office – GIS:
  - Approves with no additional comments.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

Referral Agency / Consultant	Discipline	Contact Information
SAFEbuilt	Community Development	<b>Zach Higgins;</b> <a href="mailto:zhiggins@townofelizabeth.org">zhiggins@townofelizabeth.org</a> <b>Travis Reynolds;</b> <a href="mailto:treynolds@safebuilt.com">treynolds@safebuilt.com</a> <b>Josue Loma;</b> <a href="mailto:jloma@safebuilt.com">jloma@safebuilt.com</a>
CORE Engineering	Town Engineer	<b>Scott Pease, P.E.;</b> <a href="mailto:pease@corecivil.com">pease@corecivil.com</a> <b>Manny Nunos,</b> <a href="mailto:muno@liveyourcore.com">muno@liveyourcore.com</a>
CORE Electric / IREA	Utility	<b>Brooks Kaufman;</b> <a href="mailto:BKaufman@core.coop">BKaufman@core.coop</a>
Elizabeth Fire Protection District (EFD)	Fire	<b>T.J. Steck;</b> <a href="mailto:tjs@elizabethfire.org">tjs@elizabethfire.org</a>
Elizabeth School District	Elizabeth C-1 School District	<b>Ron Patera;</b> <a href="mailto:rpatera@esdk12.org">rpatera@esdk12.org</a>
Black Hills Energy	Utility Company	<b>Jason McKune;</b> <a href="mailto:Jason.McKune@blackhillscorp.com">Jason.McKune@blackhillscorp.com</a>
Elbert County Assessor’s Office	GIS	<b>Greg Toles;</b> <a href="mailto:Greg.toles@elbertcounty-co.gov">Greg.toles@elbertcounty-co.gov</a>
Comcast		<a href="mailto:Butch_Buster@comcast.com">Butch_Buster@comcast.com</a>
Century Link		<a href="mailto:Nre.Easement@centurylink.com">Nre.Easement@centurylink.com</a>

June 20, 2022

Community Development  
**Town of Elizabeth**  
151 S Banner St  
Elizabeth, CO 80107

**Re: Legacy Village Filing 1 RePlat**

Dear Development Review,

On behalf of the applicant, Lennar, we are pleased to submit this Project Narrative and Application for the Legacy Village Filing 1 RePlat Documents.

The following list comprises of the development team for this project:

**Applicant**

Lennar, LLC  
Contact: Joe Huey  
9193 S Jamaica St Suite 4  
Englewood, CO 80112  
303-210-9822  
[joseph.huey@lennar.com](mailto:joseph.huey@lennar.com)

**Civil Engineer**

Westwood Professional Services  
Contact: Scott Lockhart  
10333 E. Dry Creek Rd., Ste. 240  
Englewood, CO 80112  
720.249-3583  
[scott.lockhart@westwoodps.com](mailto:scott.lockhart@westwoodps.com)

**Site Location and Zoning**

Legacy Village Filing 1 is approximately 51-acres site located south of Highway 86, just east of The Town of Elizabeth, Elbert County Colorado.

The site is zoned as Planned Development, with the modifications being single family home sites.

**Project Description**

Filing 1 includes 126 lots for single family detached homes, open space tracts, and an open space park. The residential portion of this community will be the conventional family community.

**RePlat**

This proposed re-plat is intended to obtain a 44' (min) lot width and/or 34' (min) build-able home footprint. Proposed lot modifications include moving existing lot lines, and associated utility easements approximately 1.5' to obtain this width (Block 2 Lots 1-9) **Lot Exhibit 1**. There is one additional lot to be modified (Block 4 Lot 46) where the interior side easement shall be reduced to 5', and the exterior easement increased to 10' **Lot Exhibit 2**.

**Variiances:**

No variances are being requested as part of this application. Lot sizes remain above the minimums outlined within the PUD.

**Technical Compliance**

The Legacy Village Filing 1 replat complies with all applicable standards and guidelines as required by the Town of Elizabeth and existing, approved PUD documents.

# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

Plat Review #2 Comments  
10/04/2023 - Jeff Anton PLS

A REPLAT OF LOTS 6-9, BLOCK 5, LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1,  
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO

SHEET 1 OF 2

0.478 ACRE - 4 SINGLE FAMILY RESIDENTIAL LOTS  
0.592 ACRE  
5

### LEGAL DESCRIPTION:

**PARCEL A:**  
A PARCEL OF LAND BEING A REPLAT OF LOTS 6-9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 6 THROUGH 9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 20,842 SQUARE FEET OR 0.478 ACRE, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

**PARCEL B:**  
A PARCEL OF LAND BEING A REPLAT OF LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 4,950 SQUARE FEET OR 0.114 ACRE, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

### OWNERSHIP AND DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF SECOND AMENDMENT TO LEGACY VILLAGE FILING NO. 1. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE 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. ALL STREETS AND RIGHTS OF WAY, SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE TOWN OF ELIZABETH, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES.

SIGNATURE

AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

BY: \_\_\_\_\_

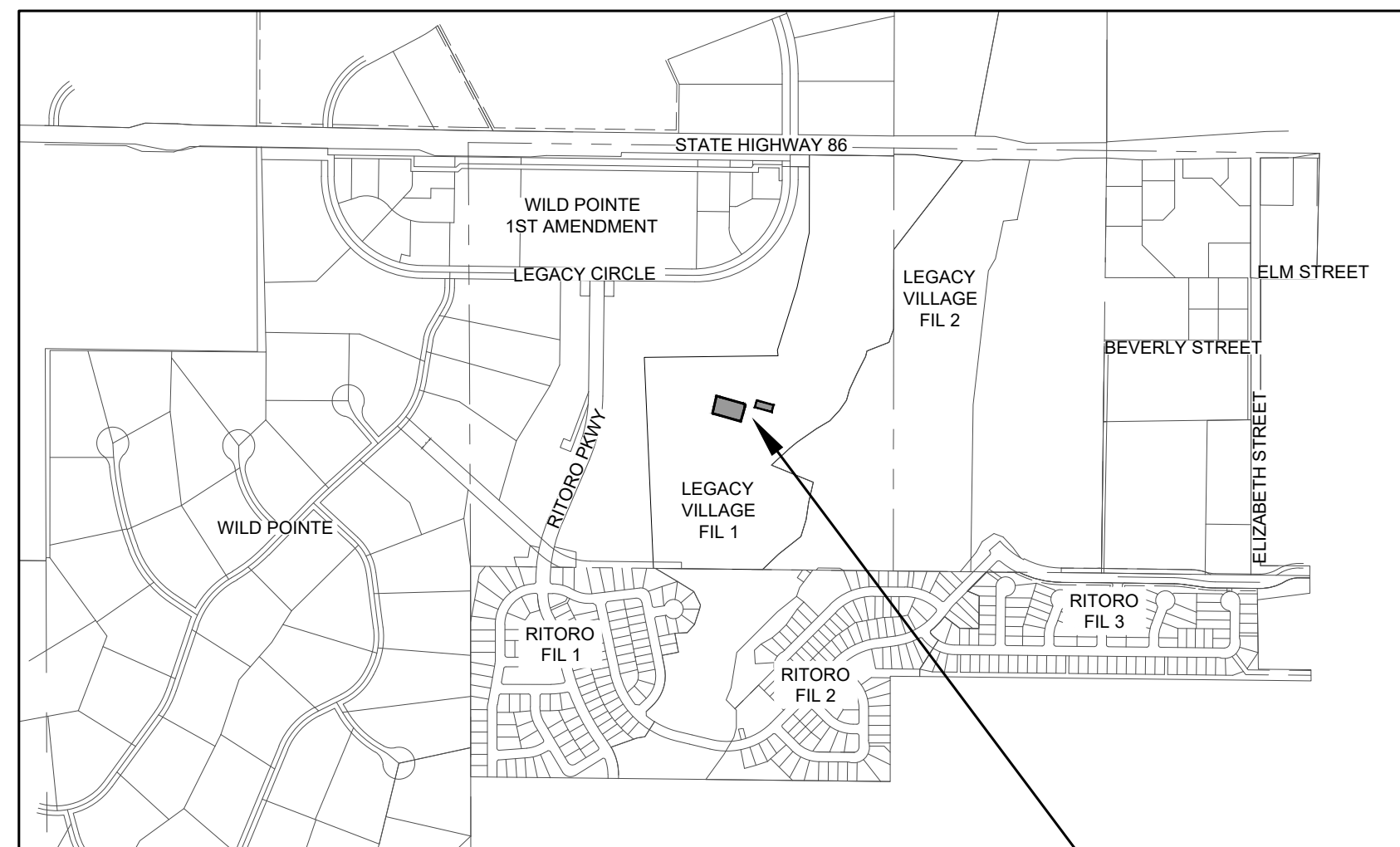
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



VICINITY MAP  
SCALE: 1" = 1000'

PROPERTY LOCATION

### BOARD OF TRUSTEES:

LOTS 6-9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1, IS HEREWITH AMENDED BY THIS PLAT WHICH IS HEREBY APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO, FOR FILING IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, RECEPTION # 613908.

\_\_\_\_\_  
MAYOR, TOWN OF ELIZABETH

ATTEST: \_\_\_\_\_  
TOWN CLERK

### LENDER

\_\_\_\_\_  
SIGNATURE

BY: LES SOWITCH

TITLE: REDSTONE BANK MARKET PRESIDENT

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### PLANNING COMMISSION:

THE PRELIMINARY PLAN FOR THIS PLAT WAS REVIEWED BY THE PLANNING COMMISSION ON JANUARY 5, 2021.

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

### TITLE VERIFICATION:

WE, LAND TITLE GUARANTEE COMPANY, A QUALIFIED TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### CLERK AND RECORDER'S CERTIFICATION:

STATE OF COLORADO )  
                                  ) SS.  
COUNTY OF ELBERT )

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

A.D., AT \_\_\_\_\_ A.M./P.M.

AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK AND RECORDER

### SURVEYOR'S CERTIFICATION:

I, JEAN P. HALPIN, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON APRIL 12, 2023, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR  
JEAN P. HALPIN, PLS NO. 38474  
FOR AND ON BEHALF OF WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, SUITE 400  
ENGLEWOOD, CO 80112  
(720)-249-3584

### APPLICANT/DEVELOPER:

E86 J.V., LLC  
JIM MARSHALL  
7108 SOUTH ALTON WAY  
ENGLEWOOD, CO 80112

### ENGINEER/SURVEYOR:

WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, STE 400  
ENGLEWOOD, CO 80112

**Westwood**

Westwoodps.com  
Westwood Professional Services, Inc.

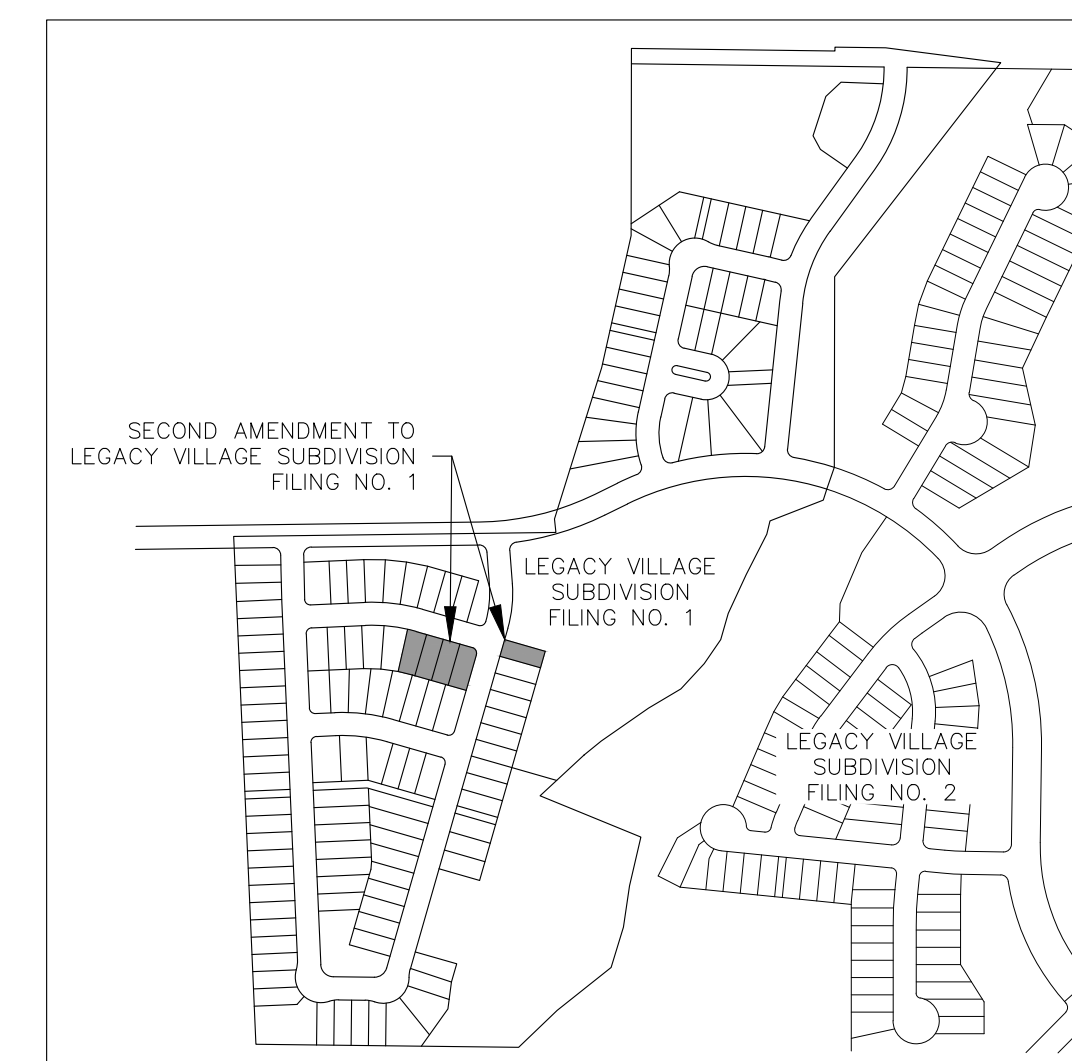
10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526



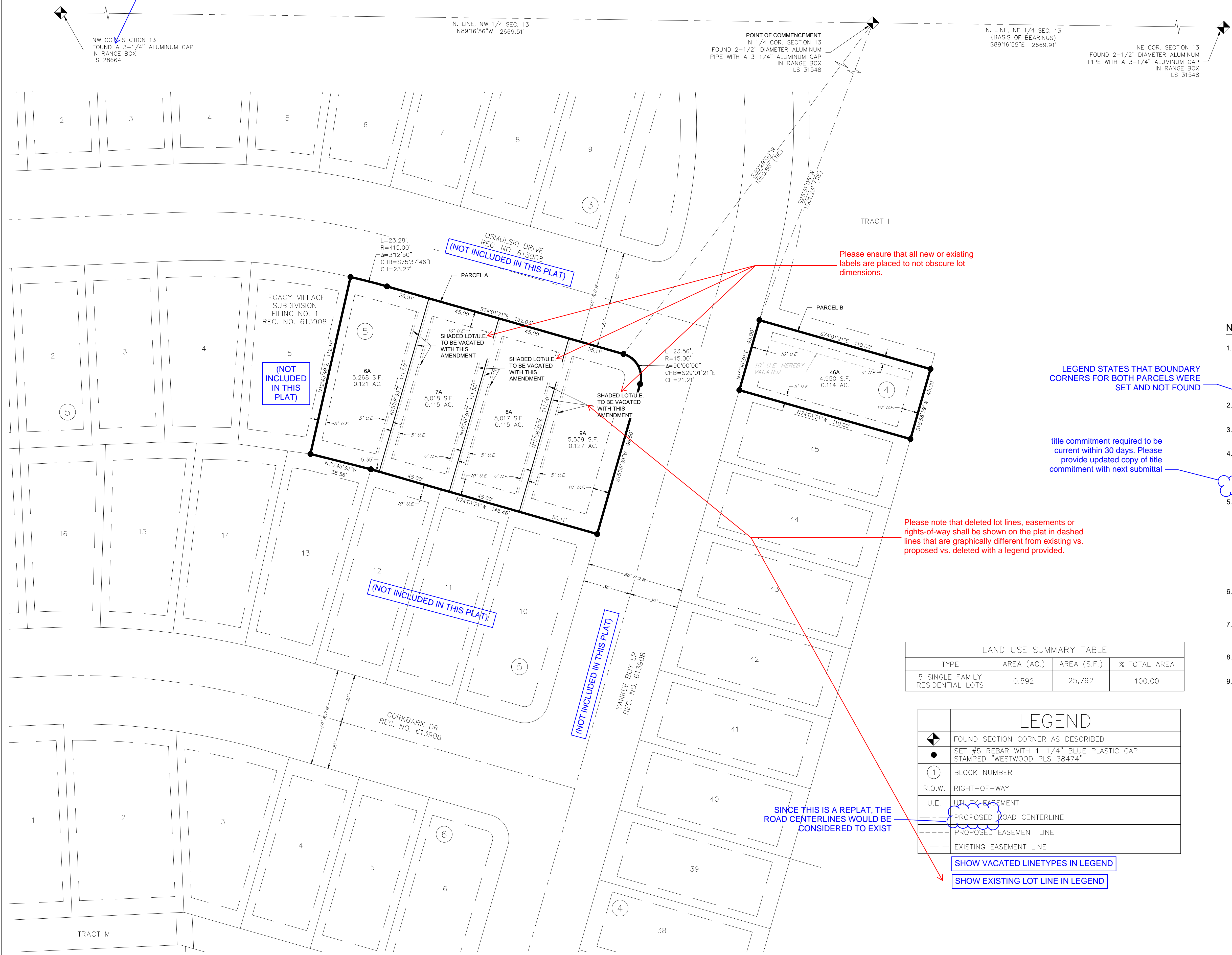
# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 6-9, BLOCK 5, LOT 46, BLOCK 4, LEGACY VILLAGE SUBDIVISION FILING NO. 1, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M., TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 2 OF 2

describe the size and make of the monument this 3-1/4" aluminum cap is attached to, or state "unable to verify size and material of underlying monument"



KEYMAP  
SCALE: 1" = 500'



POINT OF COMMENCEMENT  
N 1/4 COR. SECTION 13  
FOUND 2-1/2" DIAMETER ALUMINUM PIPE WITH A 3-1/4" ALUMINUM CAP IN RANGE BOX LS 31548

N. LINE, NE 1/4 SEC. 13  
(BASIS OF BEARINGS)  
S89°16'55"E 2669.91'

NE COR. SECTION 13  
FOUND 2-1/2" DIAMETER ALUMINUM PIPE WITH A 3-1/4" ALUMINUM CAP IN RANGE BOX LS 31548

N. LINE, NW 1/4 SEC. 13  
N89°16'56"W 2669.51'

NW COR. SECTION 13  
FOUND A 3-1/4" ALUMINUM CAP IN RANGE BOX LS 28664

OSMULSKI DRIVE  
REC. NO. 613908  
(NOT INCLUDED IN THIS PLAT)

(NOT INCLUDED IN THIS PLAT)

(NOT INCLUDED IN THIS PLAT)

(NOT INCLUDED IN THIS PLAT)

Please ensure that all new or existing labels are placed to not obscure lot dimensions.

LEGEND STATES THAT BOUNDARY CORNERS FOR BOTH PARCELS WERE SET AND NOT FOUND

title commitment required to be current within 30 days. Please provide updated copy of title commitment with next submittal

Please note that deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines that are graphically different from existing vs. proposed vs. deleted with a legend provided.

SINCE THIS IS A REPLAT, THE ROAD CENTERLINES WOULD BE CONSIDERED TO EXIST

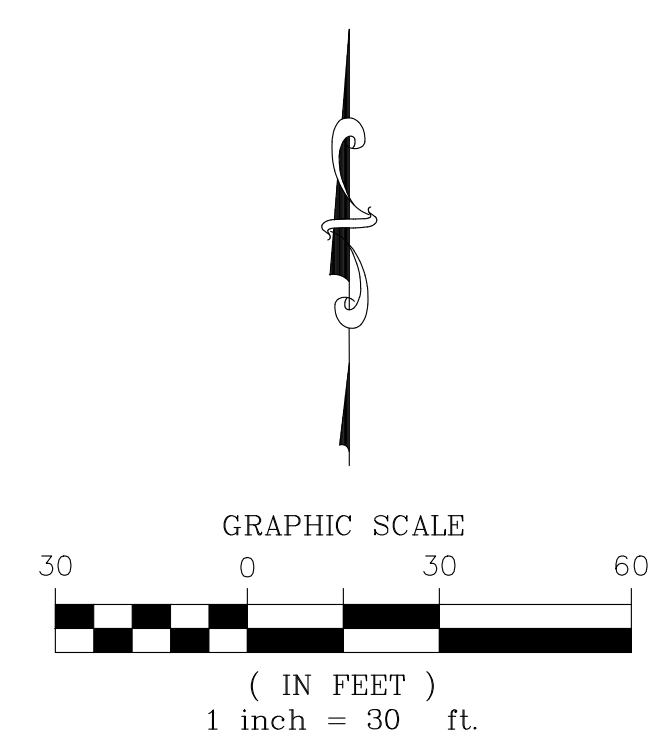
### NOTES:

1. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13 BEING MONUMENTED AT THE NORTH QUARTER CORNER OF SECTION 13 BY A FOUND 2-1/2" INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4" INCH ALUMINUM CAP STAMPED "PLS 31548" WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEING MONUMENTED BY A FOUND 2-1/2" INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4" INCH ALUMINUM CAP STAMPED "LS 31548" IS ASSUMED TO BEAR SOUTH 89°16'55" EAST, A DISTANCE OF 2669.91 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.
2. THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE.
3. THIS SURVEY IS BASED ON EXISTING MONUMENTS FOUND IN PLACE, AS SHOWN, DOCUMENTS OF RECORD AND THE TITLE COMMITMENT PROVIDED BY THE CLIENT.
4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WESTWOOD PROFESSIONAL SERVICES, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WESTWOOD PROFESSIONAL SERVICES, INC. RELIED UPON LAND TITLE GUARANTEE COMPANY PROPERTY INFORMATION ORDER NO. ABC70750615.1, HAVING AN EFFECTIVE DATE OF APRIL 27, 2023 AT 5:00 P.M.
5. NON-EXCLUSIVE - 5-FOOT AND 10-FOOT UTILITY EASEMENTS LOCATED AS SHOWN ARE HEREBY GRANTED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES, INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND TELEPHONE LINES, AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF SUCH LINES. SIDE LOT LINE EASEMENTS ARE ALLOWED ENCROACHMENTS FOR ROOF OVERHANGS, CANTILEVER BAY OR BOX WINDOWS, FIREPLACES, WITH A MAXIMUM TWO FOOT (2') ENCROACHMENT, LANDSCAPING WITH PLANT SHRUBS, WOODY PLANTS AND NURSERY STOCK OR OTHER CROPS MAY BE LOCATED WITHIN THESE EASEMENTS PROVIDED THEY DO NOT INTERFERE WITH THE USE OF, OBSTRUCT THE OPERATION OF, MAINTENANCE OF, OR ACCESS TO SAID SIDE LOT EASEMENT.
6. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL 08039C0480C, EFFECTIVE MARCH 17, 2011, THE SURVEYED LAND IS WITHIN FLOOD ZONE X, AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
7. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
8. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
9. 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.

TYPE	AREA (AC.)	AREA (S.F.)	% TOTAL AREA
5 SINGLE FAMILY RESIDENTIAL LOTS	0.592	25,792	100.00

	FOUND SECTION CORNER AS DESCRIBED
	SET #5 REBAR WITH 1-1/4" BLUE PLASTIC CAP STAMPED "WESTWOOD PLS 38474"
	BLOCK NUMBER
	R.O.W. RIGHT-OF-WAY
	U.E. UTILITY EASEMENT
	PROPOSED ROAD CENTERLINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE

SHOW VACATED LINETYPES IN LEGEND  
SHOW EXISTING LOT LINE IN LEGEND



## Westwood

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526

TO: Zach Higgins, Community Development Director  
FROM: Josue Loma, Planner, SAFEbuilt Studio through  
Travis Reynolds, AICP, Planning Manager, SAFEbuilt Studio  
DATE: June 27, 2023  
SUBJECT: Review – Replat for Legacy Village Filing 1, Amendment 1 and Amendment 2

SAFEbuilt Studio staff provides the combined review comments for the Legacy Village Filing 1, Amendment 1 (F1A1, 1.286 acres) and Legacy Village Filing 1, Amendment 2 (F1A2, .478 acres) replat. Legacy Village F1A1 is generally located on the southeast corner of Corkscrew St and Hinds St and Legacy Village F1A2 is generally located on the southeast corner of Osmulski Dr and Yankee Boy LP in the Town of Elizabeth. Staff conducted the review in the context of Chapter 16 – Land Use and Development of the Town of Elizabeth Municipal Code and the Town’s Master Plan.

**Legacy Village Filing 1, Amendment 1: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

---

**Planning and Zoning Review:**

- A complete submittal was not received, please provided the below documents as part of the resubmittal:
  - Final plat for Legacy Village Filing 1
  - General warranty deed and title commitment
- Please update the project narrative to either remove language regarding changes to Block 4, Lot 46 or submit an updated final plat that shows the proposed changes. To simplify the process, it may be easier to make any changes to Block 4, Lot 46 via Amendment 2.
- As stated in Sec. 16-3-60 (e)(10), “deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted with a legend provided.)”

**External Agency Comments:**

- CORE Engineering - Town Engineer:
  - In the second submittal, please address changes to block 4, lot 46 and address comments made from Pre-App meeting 6/29/22 by CORE Engineering. Please see the provided comment response letter for additional information.
- CORE Electric / IREA – Utility:
  - CORE Electric Cooperative approves the replat; but the applicant may not encroach into the 5-foot side lot utility easement. Please see the provided comment response letter for additional information.
- Elizabeth Fire Protection District - Fire:
  - The referral agency has no issues with the proposed amendments - please see provided comment response letter for additional information.
- Elizabeth School District:
  - No comment received at this time.

- Black Hills Energy - Utility Company:
  - No comment received at this time.
- Elbert County Assessor's Office – GIS:
  - The comments provided are in reference to the original final plat submitted on 2/22/23 and so the subsequent resubmittal received on 6/13/23 have remedied those issues. Please see the provided comment response letter for additional information.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

**Legacy Village Filing 1, Amendment 2: Replat ([Sec. 16-3-80](#)) and Final Plat ([Sec. 16-3-60](#))**

---

**Planning and Zoning Review:**

- A complete submittal was not received, please provided the below documents as part of the resubmittal:
  - Final plat for Legacy Village Filing 1
  - General warranty deed and title commitment
- Please update the numbering of the lots to read 1A, 2A, etc.
- Please update the block number on page two as it currently reads as Block 1 but should be referencing Block 5.
- As stated in Sec. 16-3-60 (e)(10), “deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted with a legend provided.)”

**External Review Agency Comments**

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- Elizabeth School District:
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  - The comments provided are in reference to the original final plat submitted on 2/22/23 and so the subsequent resubmittal received on 6/13/23 have remedied those issues. Please see the provided comment response letter for additional information.
- Comcast:
  - No comment received at this time.
- Century Link:
  - No comment received at this time.

Referral Agency / Consultant	Discipline	Contact Information
SAFEbuilt	Community Development	<b>Zach Higgins;</b> <a href="mailto:zhiggins@townofelizabeth.org">zhiggins@townofelizabeth.org</a> <b>Travis Reynolds;</b> <a href="mailto:treynolds@safebuilt.com">treynolds@safebuilt.com</a> <b>Josue Loma;</b> <a href="mailto:jloma@safebuilt.com">jloma@safebuilt.com</a>
CORE Engineering	Town Engineer	<b>Scott Pease, P.E.;</b> <a href="mailto:pease@corecivil.com">pease@corecivil.com</a> <b>Manny Nunos,</b> <a href="mailto:mnuno@liveyourcore.com">mnuno@liveyourcore.com</a>
CORE Electric / IREA	Utility	<b>Brooks Kaufman;</b> <a href="mailto:BKaufman@core.coop">BKaufman@core.coop</a>
Elizabeth Fire Protection District (EFD)	Fire	<b>T.J. Steck;</b> <a href="mailto:tjs@elizabethfire.org">tjs@elizabethfire.org</a>
Elizabeth School District	Elizabeth C-1 School District	<b>Ron Patera;</b> <a href="mailto:rpatera@esdk12.org">rpatera@esdk12.org</a>
Black Hills Energy	Utility Company	<b>Jason McKune;</b> <a href="mailto:Jason.McKune@blackhillscorp.com">Jason.McKune@blackhillscorp.com</a>
Elbert County Assessor’s Office	GIS	<b>Greg Toles;</b> <a href="mailto:Greg.toles@elbertcounty-co.gov">Greg.toles@elbertcounty-co.gov</a>
Comcast		<a href="mailto:Butch_Buster@comcast.com">Butch_Buster@comcast.com</a>
Century Link		<a href="mailto:Nre.Easement@centurylink.com">Nre.Easement@centurylink.com</a>

# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 6-9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1,  
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 1 OF 2  
0.478 ACRE - 4 SINGLE FAMILY RESIDENTIAL LOTS

Update language to include details regarding block 4, lot 46, if applicable.

Update language to include details regarding block 4, lot 46, if applicable.

### LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A REPLAT OF LOTS 6-9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF THE ELBERT COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 613908, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ELIZABETH, ELBERT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 6 THROUGH 9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1.

SAID PARCEL CONTAINING A CALCULATED AREA OF 20,842 SQUARE FEET OR 0.478 ACRE, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND OR RIGHTS OF WAY OF WHATSOEVER NATURE.

### OWNERSHIP AND DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF SECOND AMENDMENT TO LEGACY VILLAGE FILING NO. 1. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE 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. ALL STREETS AND RIGHTS OF WAY SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE TOWN OF ELIZABETH, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES.

SIGNATURE

AG ESSENTIAL HOUSING MULTI STATE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

BY: \_\_\_\_\_

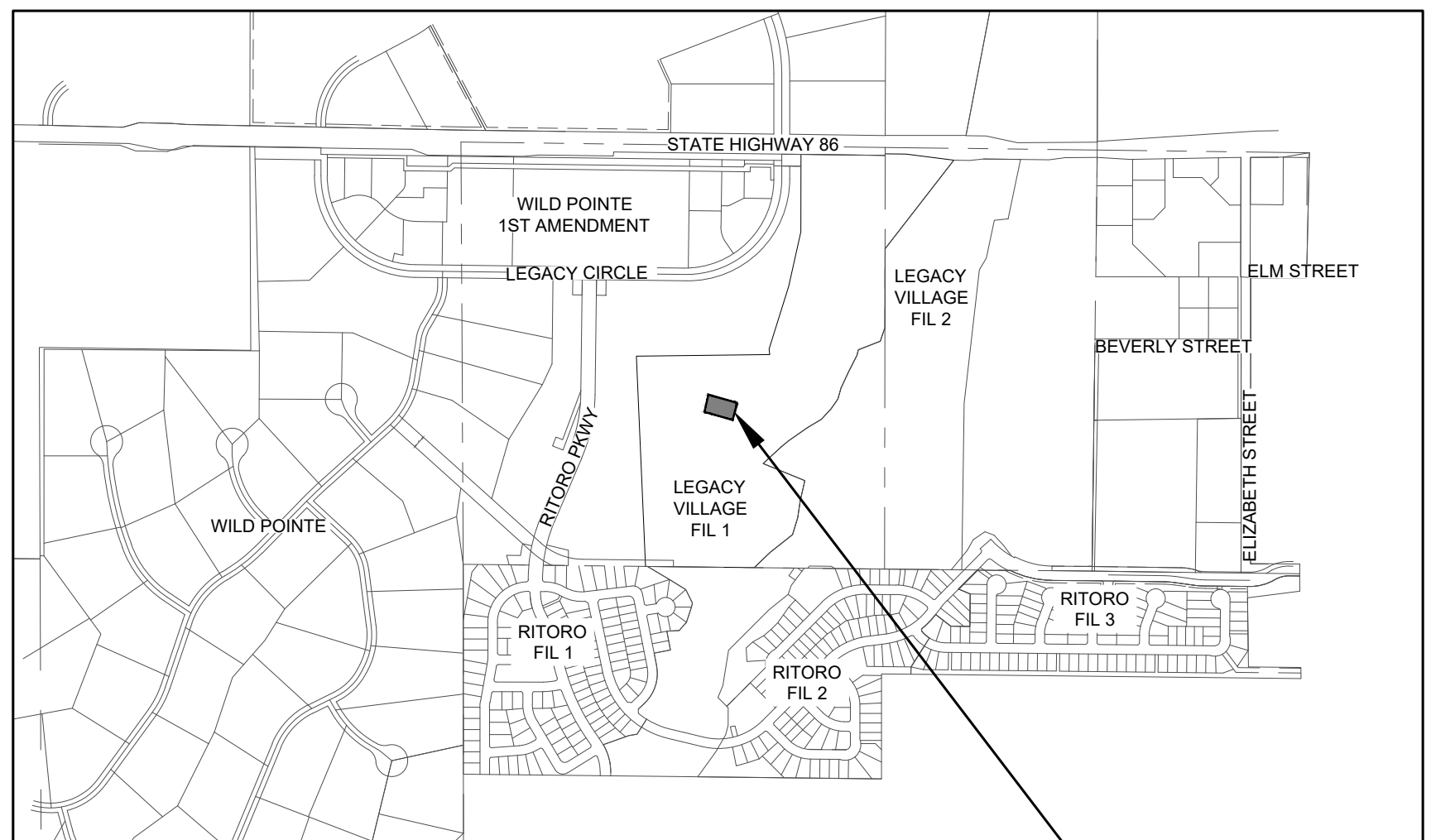
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



VICINITY MAP  
SCALE: 1" = 1000'  
PROPERTY LOCATION



### PLANNING COMMISSION:

THE PRELIMINARY PLAN FOR THIS PLAT WAS REVIEWED BY THE PLANNING COMMISSION ON JANUARY 5, 2021.

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

### TITLE VERIFICATION:

WE, LAND TITLE GUARANTEE COMPANY, A QUALIFIED TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### BOARD OF TRUSTEES:

LOTS 6-9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1, IS HEREWITH AMENDED BY THIS PLAT WHICH IS HEREBY APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO, FOR FILING IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER, RECEPTION # 613908.

\_\_\_\_\_  
MAYOR, TOWN OF ELIZABETH

ATTEST: \_\_\_\_\_  
TOWN CLERK

### LENDER

\_\_\_\_\_  
SIGNATURE

BY: LES SOWITCH

TITLE: REDSTONE BANK MARKET PRESIDENT

ATTEST: \_\_\_\_\_  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY

WITNESS MY HAND AN OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### CLERK AND RECORDER'S CERTIFICATION:

STATE OF COLORADO )  
  ) SS.  
COUNTY OF ELBERT )

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

A.D., AT \_\_\_\_\_ A.M./P.M.

AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK AND RECORDER

### SURVEYOR'S CERTIFICATION:

I, JEAN P. HALPIN, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON APRIL 12, 2023, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR  
JEAN P. HALPIN, PLS NO. 38474  
FOR AND ON BEHALF OF WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, SUITE 400  
ENGLEWOOD, CO 80112  
(720)-249-3584

### APPLICANT/DEVELOPER:

E86 J.V., LLC  
JIM MARSHALL  
7108 SOUTH ALTON WAY  
ENGLEWOOD, CO 80112

### ENGINEER/SURVEYOR:

WESTWOOD PROFESSIONAL SERVICES, INC.  
10333 E. DRY CREEK ROAD, STE 400  
ENGLEWOOD, CO 80112



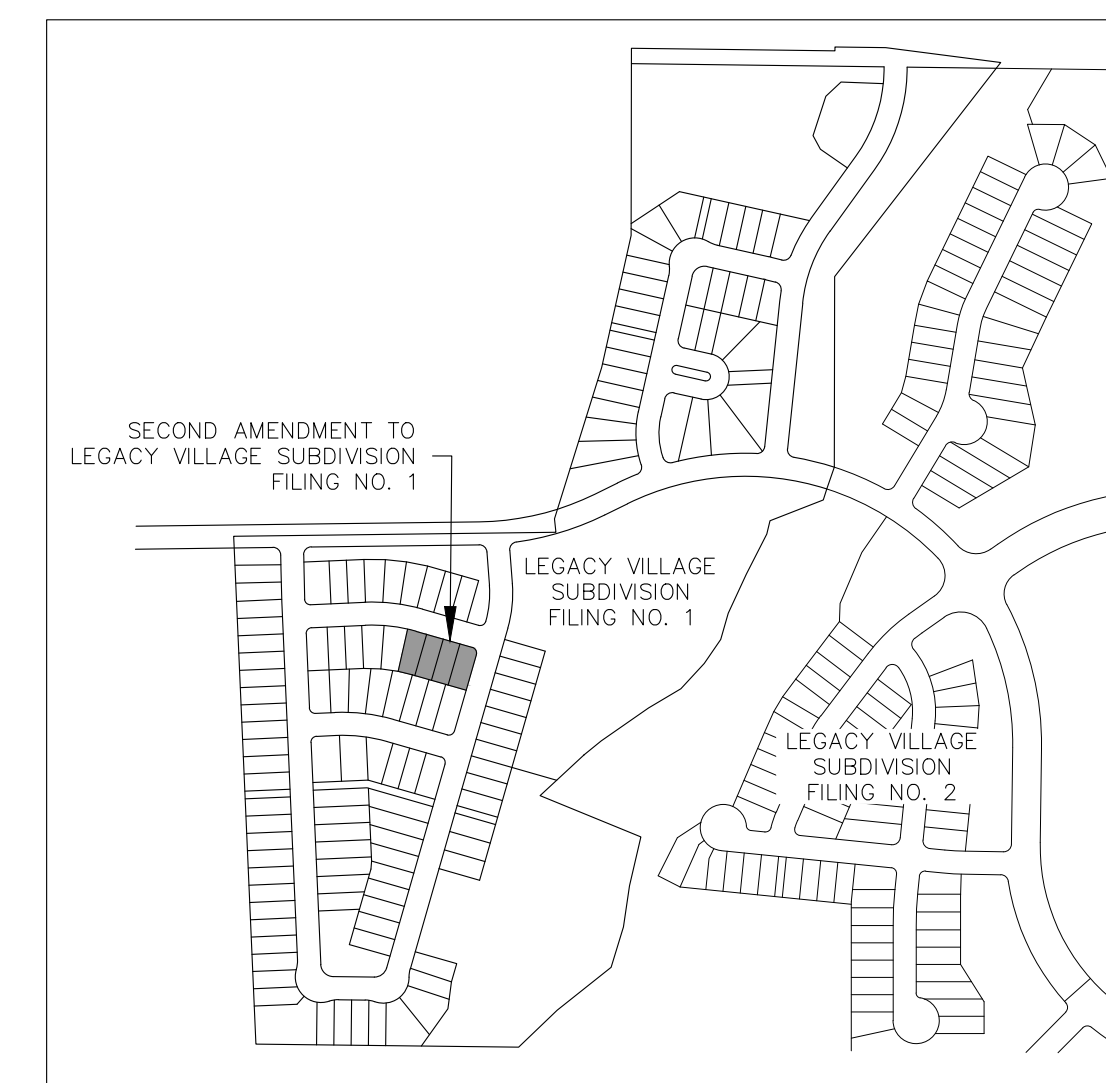
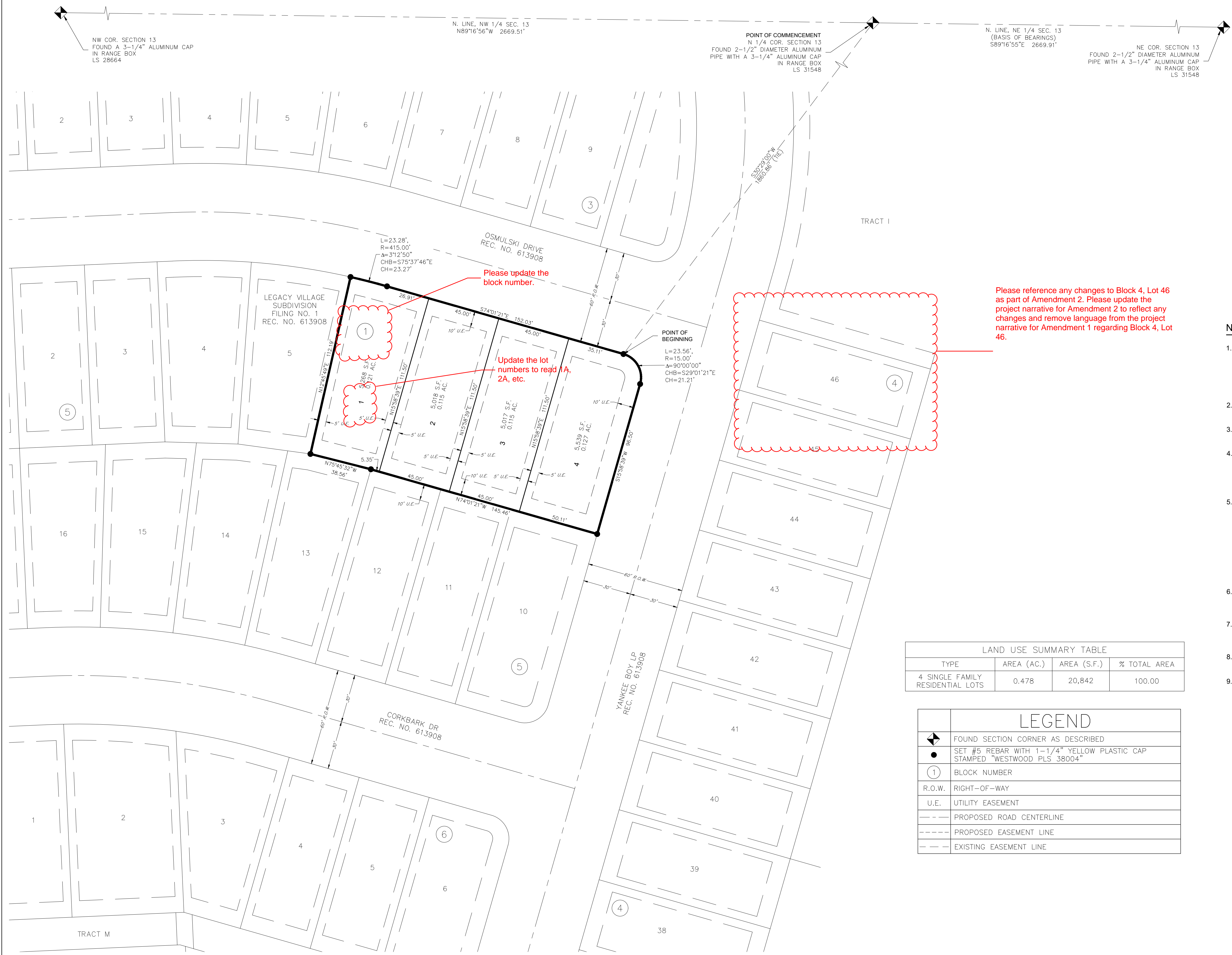
Westwoodps.com  
Westwood Professional Services, Inc.

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526



# SECOND AMENDMENT TO LEGACY VILLAGE SUBDIVISION FILING NO. 1

A REPLAT OF LOTS 6-9, BLOCK 5, LEGACY VILLAGE SUBDIVISION FILING NO. 1, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M., TOWN OF ELIZABETH, COUNTY OF ELBERT, STATE OF COLORADO  
SHEET 2 OF 2



KEYMAP  
SCALE: 1" = 500'

Please update the block number.

Update the lot numbers to read 1A, 2A, etc.

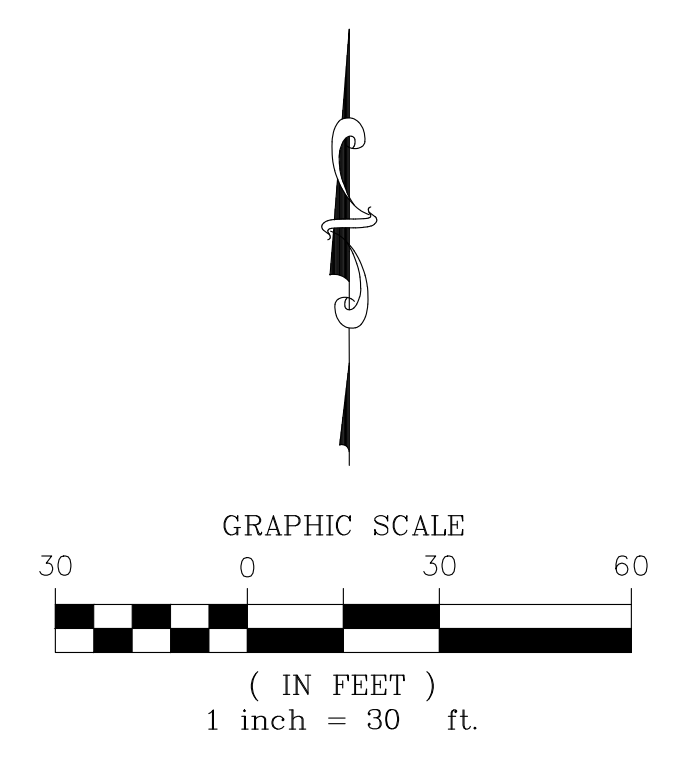
Please reference any changes to Block 4, Lot 46 as part of Amendment 2. Please update the project narrative for Amendment 2 to reflect any changes and remove language from the project narrative for Amendment 1 regarding Block 4, Lot 46.

### NOTES:

1. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13 BEING MONUMENTED AT THE NORTH QUARTER CORNER OF SECTION 13 BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "PLS 31548" WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEING MONUMENTED BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "LS 31548" IS ASSUMED TO BEAR SOUTH 89°16'55" EAST, A DISTANCE OF 2669.91 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.
2. THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE.
3. THIS SURVEY IS BASED ON EXISTING MONUMENTS FOUND IN PLACE, AS SHOWN, DOCUMENTS OF RECORD AND THE TITLE COMMITMENT PROVIDED BY THE CLIENT.
4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WESTWOOD PROFESSIONAL SERVICES, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WESTWOOD PROFESSIONAL SERVICES, INC. RELIED UPON LAND TITLE GUARANTEE COMPANY PROPERTY INFORMATION ORDER NO. ABC70750615.1, HAVING AN EFFECTIVE DATE OF APRIL 27, 2023 AT 5:00 P.M.
5. NON-EXCLUSIVE - 5-FOOT AND 10-FOOT UTILITY EASEMENTS LOCATED AS SHOWN ARE HEREBY GRANTED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES, INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND TELEPHONE LINES, AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF SUCH LINES. SIDE LOT LINE EASEMENTS ARE ALLOWED ENCROACHMENTS FOR ROOF OVERHANGS, CANTILEVER BAY OR BOX WINDOWS, FIREPLACES, WITH A MAXIMUM TWO FOOT (2) ENCROACHMENT. LANDSCAPING WITH PLANT SHRUBS, WOODY PLANTS AND NURSERY STOCK OR OTHER CROPS MAY BE LOCATED WITHIN THESE EASEMENTS PROVIDED THEY DO NOT INTERFERE WITH THE USE OF, OBSTRUCT THE OPERATION OF, MAINTENANCE OF, OR ACCESS TO SAID SIDE LOT EASEMENT.
6. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL 08039C0480C, EFFECTIVE MARCH 17, 2011, THE SURVEYED LAND IS WITHIN FLOOD ZONE X, AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
7. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
8. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
9. 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.

TYPE	AREA (AC.)	AREA (S.F.)	% TOTAL AREA
4 SINGLE FAMILY RESIDENTIAL LOTS	0.478	20,842	100.00

	FOUND SECTION CORNER AS DESCRIBED
	SET #5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP STAMPED "WESTWOOD PLS 38004"
	BLOCK NUMBER
	R.O.W. RIGHT-OF-WAY
	U.E. UTILITY EASEMENT
	PROPOSED ROAD CENTERLINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE



## Westwood

10333 E DRY CREEK RD.  
SUITE 400  
ENGLEWOOD, CO 80112  
TEL: 720.482.9526





June 23, 2023

Ms. Dianna Hiatt  
Community Development Administrative Assistant  
Town of Elizabeth  
151 S Banner Street  
Elizabeth, CO 80107

**RE: Legacy Village Filing 1 Plat Amendment 1 & 2**

Dear Ms. Hiatt

We have completed our review of the 1<sup>st</sup> and 2<sup>nd</sup> Amendment to the Legacy Village Filing 1 Final Plat. Our comments are identified below and unless noted otherwise, are relative to both Amendments 1 & 2.

1. The proposed Easement revision to Block 4 Lot 46, needs to be included on one of these amendments or presented in some other form.
2. Please reference our comments from the Pre-App meeting of 6/29/22, in which we had requested the following, which are not included in this current submittal:
  - The old lot lines and Easement lines need to be shown in the background of the new line work, and should be identified as "herby vacated" or "revised" or similar.
  - A separate exhibit which identifies the as built locations of the water and san services relative to the new lot lines.

Should you have any questions, please feel free to contact me at (303) 730-5985 or by email at [mnuno@liveyourcore.com](mailto:mnuno@liveyourcore.com)

Sincerely,  
**CORE Consultants, Inc.**

A handwritten signature in blue ink, appearing to read "MN".

Manny Nuno, PE, CFM, LEED AP, CPESC  
Project Manager



3473 South Broadway  
Englewood, Colorado 80113  
303.703.4444  
**LIVEYOURCORE.CO**

**Josue Loma**

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**From:** Brooks Kaufman <BKaufman@core.coop>  
**Sent:** Tuesday, June 13, 2023 7:53 AM  
**To:** Josue Loma  
**Cc:** Travis Reynolds; Zach Higgins; acramer@townofelizabeth.org  
**Subject:** RE: Referral - Town of Elizabeth - Legacy Village Filing 1, Amendment 2

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Loma;

CORE Electric Cooperative approves the replat; but the applicant may not encroach into the 5-foot side lot utility easement.

No improvements that conflict with or interfere with construction, maintenance or access to utilities shall be placed within the utility easements. Prohibited improvements include, but are not limited to, permanent structures, buildings, counter-forts, decks, stairs, window wells, air conditioning units, retaining walls/components and other objects that may interfere with the utility facilities or access, use and maintenance thereof. Prohibited improvements may be removed by the entities responsible for providing the utility services. The owners of the property subject to or adjacent to the utility easements shown herein are responsible for the maintenance and operation of such areas, which does not include utility lines and related facilities. When the owner(s) or adjacent owners fail to adequately maintain such utility easements, including the removal of prohibited improvements, the maintenance, operation, reconstruction and removal shall be at the cost of the owner(s).

The utility easements as shown hereon are hereby dedicated for public utilities, cable communication systems fiber and other purposes as shown hereon. The entities responsible for providing the utility 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.

Respectfully

**Brooks Kaufman**  
 Lands and Rights of Way Manager

800.332.9540 MAIN  
 720.733.5493 DIRECT  
 303.912.0765 MOBILE

[www.core.coop](http://www.core.coop).



**The Energy to Thrive™**



**From:** Josue Loma <jloma@safebuilt.com>

**Sent:** Friday, June 2, 2023 2:53 PM

**Cc:** Travis Reynolds <treynolds@safebuilt.com>; Zach Higgins <zhiggins@townofelizabeth.org>; acramer@townofelizabeth.org

**Subject:** Referral - Town of Elizabeth - Legacy Village Filing 1, Amendment 2

**CAUTION:**

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**SUBJECT:** Town of Elizabeth – Legacy Village Subdivision Filing 1, Amendment 2 – LDC [Sec. 16-3-80 for a Replat, vacation, or plat amendment](#)

**PROJECT NAME:** Legacy Village Subdivision Filing 1, Amendment 2

**LEGAL DESCRIPTION:** Northwest Quarter of Section 13, Township 6 South, Range 65 West of the 6<sup>th</sup> P.m., Town of Elizabeth | Legacy Village Filing 1, as recorded in Elbert County, CO

**PROJECT LOCATION:** SE Corner of Osmulski Dr and Yankee Boy LP, Elizabeth, Colorado | [Google Maps](#)

**APPLICATION TYPE:** Replat, vacation, or plat amendment – See LDC [Sec. 16-3-80](#)

**APPLICANT:** Lennar Colorado represented by Joe Huey, (303) 754-0600 | [joseph.huey@lennar.com](mailto:joseph.huey@lennar.com)

**CASE MANAGER:** [Josue Loma](#) (he/him), on behalf of the Town of Elizabeth and Zach Higgins

**COMMENTS DUE:** [Friday, June 23, 2023](#)

The Town of Elizabeth has received a second application to replat four lots within the Legacy Village Filing 1 Subdivision. The replat will be processed as Legacy Village Filing 1, Amendment 2 and will impact Block 5, Lots 6 – 9 to shift the interior side lot line by 1.1' to the east. As stated in the zoning code, a request for a replat shall be reviewed in accordance with the Final Plat process, [Sec. 16-3-60](#).

Click [HERE](#) to access submittal documents via DropBox.

Please review and provide comments by replying to this email by the due date above so that we may give full consideration to your comments. Don't hesitate to let me know if you need to request an extension, so we may also communicate it to the applicant. If you have any questions about this application, please contact me.

Thank you,

Josue

Josue Loma – Colorado Planner | SAFEbuilt Studio | Denver, CO | [720.346.2145](tel:720.346.2145)

**Josue Loma**

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**From:** Taylor Clark <t.clark@elizabethfire.org>  
**Sent:** Friday, June 16, 2023 1:28 PM  
**To:** Josue Loma  
**Subject:** Legacy Village Subdivision Filing 1 Amendment 1 & Amendment 2

Hi Josue,

We have received the Legacy Village Subdivision Filing 1 Amendment 1 and Amendment 2. Fire has no issues with either of those amendments.

Please let me know if you have any questions.

Thank you,

**Taylor Clark**

Human Resources Generalist – Executive Assistant  
Elizabeth Fire Protection District  
[t.clark@elizabethfire.org](mailto:t.clark@elizabethfire.org)  
Direct: 303-800-1884  
Main: 303-646-3800



**From:** [Greg Toles](#)  
**To:** [Josue Loma](#)  
**Subject:** RE: [External] Referral 2 - Town of Elizabeth - Legacy Village Filing 1, Amendment 2  
**Date:** Monday, September 25, 2023 8:57:03 AM

---

Amendment 2 looks good.

**Greg Toles**

GIS Analyst

Assessor's Office

303-621-3111

[greg.toles@elbertcounty-co.gov](mailto:greg.toles@elbertcounty-co.gov)

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**From:** Josue Loma <jloma@safebuilt.com>  
**Sent:** Friday, September 22, 2023 1:21 PM  
**Cc:** Travis Reynolds <treynolds@safebuilt.com>; Zach Higgins <zhiggins@townofelizabeth.org>;  
 Alexandra Cramer <acramer@townofelizabeth.org>  
**Subject:** [External] Referral 2 - Town of Elizabeth - Legacy Village Filing 1, Amendment 2

**SUBJECT: Town of Elizabeth –** Legacy Village Subdivision Filing 1, Amendment 2 – LDC [Sec. 16-3-80 for a Replat, vacation, or plat amendment](#)

**PROJECT NAME:** Legacy Village Subdivision Filing 1, Amendment 2

**LEGAL DESCRIPTION:** Northwest Quarter of Section 13, Township 6 South, Range 65 West of the 6<sup>th</sup> P.m., Town of Elizabeth | Legacy Village Filing 1, as recorded in Elbert County, CO

**PROJECT LOCATION:** SE Corner of Osmulski Dr and Yankee Boy LP, Elizabeth, Colorado | [Google Maps](#)

**APPLICATION TYPE:** Replat, vacation, or plat amendment – See LDC [Sec. 16-3-80](#)

**APPLICANT:** Lennar Colorado represented by Scott Lockhart, (720) 249-3583 | [scott.lockhart@westwoodps.com](mailto:scott.lockhart@westwoodps.com)

**CASE MANAGER:** [Josue Loma](#) (he/him), on behalf of the Town of Elizabeth and Zach Higgins

**COMMENTS DUE:** Friday, October 6, 2023

The Town of Elizabeth has received **2<sup>nd</sup> submittal** (attached) for Legacy Village Filing 1, Amendment 2 to replat four lots within the Legacy Village Filing 1 Subdivision. The replat will be processed as Legacy Village Filing 1, Amendment 2 and will impact Block 5, Lots 6 – 9 to shift the interior side lot line by 1.1' to the east. As stated in the zoning code, a request for a replat shall be reviewed in accordance with the Final Plat process, [Sec. 16-3-60](#).

Please provide comments by replying to this email by the due date above so that we may consider your comments. If you need an extension or have any questions about this application, please do not hesitate to contact me.

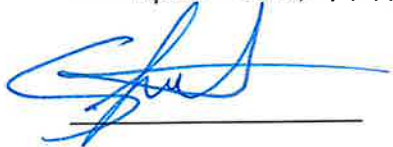
Thank you,



SIGN POSTING AFFIDAVIT

(Attach Photo Here)

3-3-24, The above sign was posted on (date) pursuant to the Town of Elizabeth Land Development Code, by (Applicant or Representative).



Signature

STATE OF COLORADO )

) ss.

COUNTY OF Elbert )

Subscribed and sworn to before me this 4 day of March, 2024, by Ashley Tucker.

My commission expires: 10/17/2027.

ASHLEY TUCKER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20234039459  
MY COMMISSION EXPIRES 10/17/2027

(SEAL)



Notary Public



48"

36"  
3"

# NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the Planning Commission and Board of Trustees shall hold public hearings concerning a replat application for the project known as First Amendment to Legacy Village Subdivision Filing No. 1 located on property described in Exhibit A and a replat application for the project known as Second Amendment to Legacy Village Subdivision Filing No. 1 located on property described in Exhibit B and generally located near County Road 136, Corkscrew Street and Yankee Boy Loop pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the Planning Commission on March 19, 2024 at 6:30 p.m. and Board of Trustees on April 9, 2024 at 7:00 p.m., or as soon as possible thereafter. The public hearings shall be held in the Town Hall, 151 South Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at 303-646-4166.

## ALL INTERESTED PERSONS MAY ATTEND.

### EXHIBIT A (legal description)

A replat of Lots 1-9, Block 2, Legacy Village Subdivision Filing 1 situated in the northwest quarter of Section 13, Township 8 South, Range 65 West of the 6th P.M., Town of Elizabeth, County of Elbert, State of Colorado.

### EXHIBIT B (legal description)

A replat of Lots 8 and 9, Block 5, Lot 46, Block 4, Legacy Village Subdivision Filing 1 situated in the northwest quarter of Section 13, Township 8 South, Range 65 West of the 6th P.M., Town of Elizabeth, County of Elbert, State of Colorado.



**PROOF VERSION - 1**    Client: Westwood PS    Job No.: 6674DM    Project: Notice Sign    Date: 02/27/2024

Install and Production Facility  
565 E. 70th Ave., Unit 1E, Denver, CO 80229

**303.295.SIGN**

A VISUAL MEDIA RESOURCE COMPANY  
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## RePlat#2

<u>LOT</u>	<u>Owner Name</u>	<u>Address</u>
1115	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1125	CORDOVA FORREST CHRISTY DIANE	1125 OSMULSKI DRIVE, ELIZABETH CO 80107
1135	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1145	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1155	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1165	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1175	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1185	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1195	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1114	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1124	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1134	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1144	PHILIP GATES	1144 OSMULSKI DRIVE, ELIZABETH CO 80107
1154	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1164	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1174	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1184	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1194	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1193	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1183	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1173	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1163	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
1153	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
1143	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
1133	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
1123	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
1122	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
1132	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
1142	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
1162	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1182	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
1192	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
888	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
884	PHILIP ZACHARY YOST	884 YANKEE BOY LOOP, ELIZABETH CO 80107
868	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
864	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
848	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
844	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
838	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
834	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
828	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
824	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
808	LENNAR COLORADO LLC	9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112
804	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
798	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255
794	AG ESSENTIAL HOUSING MULTI STATE TWO LLC	8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255



778 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 774 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 768 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 795 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 779 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 775 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 769 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 765 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 645 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 639 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 635 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 629 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 625 AG ESSENTIAL HOUSING MULTI STATE TWO LLC  
 634 LENNAR COLORADO LLC  
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 608 LENNAR COLORADO LLC  
 604 LENNAR COLORADO LLC  
 598 LENNAR COLORADO LLC  
 594 LENNAR COLORADO LLC  
 578 LENNAR COLORADO LLC  
 574 SCHRADER KURT PAUL ERICH  
 568 LENNAR COLORADO LLC  
 564 SCHRADER AMIEE DYAN  
 558 LENNAR COLORADO LLC  
 554 LENNAR COLORADO LLC

8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255  
 8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255  
 8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255  
 8585 E HARTFORD STE 118, SCOTTSDALE AZ 85255  
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 9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112  
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 9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112  
 9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112  
 9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112  
 574 YANKEE BOY LOOP, ELIZABETH CO 80107  
 9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112  
 564 YANKEE BOY LOOP, ELIZABETH CO 80107  
 9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112  
 9193 S JAMAICA ST STE 400, ENGLEWOOD CO 80112



## TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Planning Commission  
**FROM:** Zach Higgins, AICP Community Development Director  
Alexandra Cramer, Planner/Project Manager  
**DATE:** March 19<sup>th</sup>, 2024  
**SUBJECT:** Ordinance 24-02

### SUMMARY

Approval of Ordinance 24-02 would amend various provisions in Chapter 16 of the Town of Elizabeth Municipal Code. Section I of Ordinance 24-02 pertains to Chapter 16 Article II, the site plan submittal requirements. Section II of Ordinance 24-02 pertains to Chapter 16 Article II, the site plan review procedures and requirements for approval. Section III of Ordinance 24-02 contains revisions to Chapter 16 Article I regarding definitions pertaining to Beverage Processing and Short Term Rentals. Section IV of Ordinance 24-02 amends Tables 16-1, 16-3, and 16-5 to include STRS and Beverage Processing. Section V of Ordinance 24-02 pertains to Chapter 16 Article III of the EMC amending the plat process to include administrative approvals of specific requests. Section VI of Ordinance 24-02 pertains to Chapter 16 Article IX amending language regarding accessory dwelling units (ADU).

#### Site Plan Requirements and Review Procedures

Approval of Ordinance 24-02 would amend Article II of the Elizabeth Municipal Code regarding the submittal requirements and review procedures for site plans. The proposed amendment seeks to update Section 16-2-30 to require applicants to submit all application materials in digital format rather than physical copies. This change aims to streamline processes, reduce paper waste, and enhance accessibility to planning documents for staff and the public. The proposed amendment also includes revisions to Section 16-2-30 and 16-2-40 regarding civil engineering requirements for site plan submittals. These revisions aim to clarify and update the standards for engineering submissions, ensuring consistency and compliance with current industry practices.

#### Beverage Processing

Ordinance 24-02 also seeks to amend Article I of the Elizabeth Municipal Code regarding Beverage Processing land use. The proposed amendment would include an addition of Beverage Processing land

use to be included in Table 16-5 and include a definition for the land use in Section 16-1-20 as summarized below.

*Beverage Processing* means any commercial or industrial use that includes the manufacturing, brewing, or distilling of alcoholic or non-alcoholic beverages.

Beverage Processing would be a *use by special review* in the following districts:

- CMU, Commercial Mixed-Use District
- DT, Downtown District
- RC, Regional Commercial District

The proposed amendment is driven by the need to align the zoning code with current land use practices observed in the Town. Currently, there are two planned unit developments (PUD) that allow for beverage processing, including the Elizabeth Brewing Company and a vacant lot in the Crossroads Business Park. By revising the zoning code to explicitly include beverage processing as a regulated land use in the Town's commercial districts, generally the need for PUD zoning for this specific activity will be eliminated, providing more clarity and consistency in land use regulations.

#### Short Term Rentals (STRs)

Another component to Ordinance 24-02 is an amendment to Chapter 16 Article I of the Elizabeth Municipal Code pertaining to Short Term Rentals (STRs). The proposed amendment would include an addition of Short Term Rentals (STRs) land use to be included in Tables 16-1, 16-3, and 16-5 and include a definition for the land use in Section 16-1-20 as summarized below.

*Short Term Rentals (STRs)* are dwelling units, or a portion thereof, which are rented to guests nightly, weekly, or for a duration of less than 30 consecutive days.

Over the past few years, it has become a popular practice nationwide for individuals to rent out rooms, condos, or entire houses for short durations to visitors and vacationers. STRs are common in areas where hotels are expensive or other quality lodging options do not exist. In response to this increasing popularity of home-sharing, many municipalities throughout the Front Range have created STR ordinances as a way to better regulate the time, place, and manner of such uses. The availability and popularity of STRs in the Town of Elizabeth have been on the rise in recent years, especially with the creation and use of home-sharing websites such as AirBnB, VRBO, HomeAway, and several others. Due to the increasing popularity of STRs, the use and operation of residential dwelling units as lodging for temporary stays (especially within neighborhoods zoned for low-intensity residential uses) can potentially create impacts not anticipated by the City's current zoning regulations. While the current municipal code regulates visitor accommodation uses such as bed and breakfast establishments, hotels and motels, and boarding and rooming houses, there are no regulations which apply to STRs. Short term rentals are not currently allowed in the Town, however, at any given time of year there are a number of Elizabeth properties listed on short term rental websites.

If this Ordinance is adopted, staff recommends current STR operators be given a grace period in which to become compliant with the new Ordinance. No existing STR operation would be exempted from complying with these regulations. All STRs lawfully established within the Town of Elizabeth would be required to become compliant with these regulations through the established process. The Ordinance would also grant the Town authority to revoke STR permits when properties are not in compliance with the approved and adopted regulations.

STRs would be *permitted by right* in the following districts:

- R-1, Single-Family Residence District
- RE, Residential Estate District
- R-2, Single-Family and Duplex Residence District
- R-TH, Townhouse District
- R-3, Multi-Family Residence District
- MH-1, Mobile Home Subdivision
- CMU, Commercial Mixed Use District
- DT, Downtown District

STR Permit Requirements:

- Application and License Fee
- Life/Safety Inspection
- Proof of Ownership (or signed affidavit from owner)

If an STR permit is approved, it would be valid for three (3) years and subject to renewal on a tri-annual basis.

Financial Implications:

If approved the STR process would establish a permitting/registration system which Town staff recommends being set at \$30 per registration every three (3) years. Additionally, the operation of an STR would require the applicant to obtain a Life/Safety Inspection that will be paid for at their own expense.

#### Platting Procedures

Ordinance 24-02 Section V amends EMC Section 16-3-80, subsections (a) and (c) to define the adjustment of lot lines that does not create additional lots or change orientation and subsequently allows for administrative approval for that specific adjustment.

would require the applicant to obtain a Life/Safety Inspection that will be paid for at their own expense.

#### Accessory Dwelling Units (ADU)

Ordinance 24-02 Section VI amends EMC Section 16-9-20, subsection (b) with the deletion of subsection (b)(18). This would REMOVE the subsection that reads: *ADUs may be approved for a period not to exceed two (2) years. The applicant or owner must reapply biennially for review no later than thirty (30) days past the original approval date.*

### **STAFF RECOMMENDATION**

Staff recommends approval of Ordinance 24-02, an Ordinance amending Chapter 16 Article I, Article II, Article III, Article IX, Table 16-1, Table 16-3, and Table 16-5 of the Elizabeth Municipal Code.

### **ATTACHMENT(S)**

Ordinance 24-02

Section 16-2-30 (Current Code Language)

Section 16-2-40 (Current Code Language)

Section 16-1-20 (Current Code Language)

Table 16-1 (Current Code Language)

Table 16-3 (Current Code Language)

Table 16-5 (Current Code Language)

Section 16-3-80 (Current Code Language)

Section 16-9-20 (Current Code Language)



**ORDINANCE 24-02**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 16 OF THE TOWN OF ELIZABETH MUNICIPAL CODE, UPDATING THE TOWN'S LAND USE AND DEVELOPMENT CODE**

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Section 16-2-30 of the Elizabeth Municipal Code is amended to read as follows:

**Sec. 16-2-30. Application submittal requirements.**

(a) Each request for a site plan approval shall be accompanied by an executed land use application, a written narrative, ~~twelve (12) copies of the proposed site plan~~ DIGITAL COPY OF THE PROPOSED SITE PLAN with all related information and the appropriate application fee. This submittal information shall be accompanied by a signed transmittal letter from the applicant describing the contents of the submittal. Applicants who submit revisions or amendments to an approved site plan shall be required to submit properly prepared site plan drawings, color and materials boards, elevations and/or landscape and grading plans that clearly depict the proposed modifications.

(b) Submittal requirements. The applicant shall submit the information listed below to the authorized Town official:

(1) Completed land use application form and appropriate fees.

~~(2) Twelve (12) full-sized copies of the site plan (folded to 9" x 12") prepared in accordance with the site plan exhibit standards listed below.~~ DIGITAL COPY OF THE SITE PLAN PREPARED IN ACCORDANCE WITH THE SITE PLAN EXHIBIT STANDARDS BELOW.

(3) A written narrative outlining the proposal.

(4) A copy of the warranty deed and title commitment current within thirty (30) days of submittal.

(5) A disclosure letter and/or letter of consent from the property owner.

~~(6) Three (3) DIGITAL copies of the FOLLOWING: drainage plan with GESC/DESC BMPs, as applicable (folded to 9" x 12"), if not already approved as part of a subdivision.~~

a. GRADING AND DRAINAGE PLAN;

b. FINAL DRAINAGE REPORT;

- c. GESC/DESC PLAN (MAY BE COMBINED WITH GRADING AND DRAINAGE PLAN ABOVE); AND
- d. UTILITY PLAN WHICH INCLUDES WATER MAINS AND SERVICE LINES AND METER LOCATIONS, SANITARY SEWER MAINS AND SERVICE LINE, AND STORM DRAINAGE LINES AND RELATED INLET, AND DETENTION FACILITIES.

THE ABOVE ITEMS TYPICALLY REQUIRE SUBSTANTIAL ENGINEERING DETAIL AND MAY REQUIRE NUMEROUS PLANS SHEETS TO PROVIDE THAT LEVEL OF DETAIL. FOR THE PURPOSE OF THE SITE PLAN SUBMITTAL, THIS LEVEL OF DETAIL MAY BE MINIMIZED, AS LONG AS A SEPARATE SET OF ENGINEERING CONSTRUCTION DOCUMENTS ARE SIMULTANEOUSLY PROVIDED WITH THE REQUIRED LEVEL OF DETAIL, WHICH WILL BE PROCESSED CONCURRENTLY WITH THE SITE PLAN.

- (7) ~~Twelve~~(12) DIGITAL copies of the landscape plan (folded to 9" x 12").
- (8) ~~Twelve~~(12) DIGITAL copies of the building elevations (folded to 9" x 12"), to include rooftop mechanical structures.
- (9) Colored building elevations of all sides.
- (10) Two (2) color and materials boards (one [1] of 9" x 12" maximum size and one [1] of suitable size for presentation to the Planning Commission) containing materials, colors, specifications, manufacturers' names and product numbers.
- (11) A diagram or schematic showing screening of rooftop mechanical structures.
- (12) A PHOTOMETRIC PLAN WHICH IDENTIFIES PROPOSED LIGHTING INTENSITIES ACROSS THE SUBJECT PROPERTY IN THE FORM OF FT-CANDLES, AND INCLUDES DETAILED "CUT SHEETS" OR SIMILAR OF PROPOSED EXTERIOR LIGHTING FACILITIES INCLUDING PARKING LOT FACILITIES, ATTACHED BUILDING FACILITIES, WALKWAYS AND SIMILAR FACILITIES.
- (13) AN ENGINEER'S ESTIMATE OF COSTS IDENTIFIED AS "PUBLIC IMPROVEMENTS" OF CIVIL RELATED ITEMS AND A SEPARATE ESTIMATE OF "PUBLIC IMPROVEMENT" LANDSCAPE RELATED ITEMS, BASED ON CURRENT ITEMIZED COSTS AND EACH ESTIMATE TO INCLUDE A 15% CONTINGENCY. THE ITEMS THAT CONSTITUTE "PUBLIC IMPROVEMENTS" ARE, AT MINIMUM, THOSE ITEMS LOCATED WITHIN ANY ADJACENT PUBLIC RIGHT OF WAY.

(14) THE PREFERRED METHOD OF PLAN SUBMITTAL IS BY USE OF ELECTRONIC FILE TRANSFERS SUCH AS PDF'S, WHICH NEGATES THE NEED FOR MULTIPLE PLAN COPIES DESCRIBED ABOVE, WITH THE EXCEPTION OF ITEM (10) ABOVE.

Failure to submit all required documentation shall result in a delayed application. Additional information may be requested after the formal application is received.

(c) Submittal standards.

(1) Site plan exhibit. The proposed site plan shall be prepared by a qualified professional (architect, landscape architect, land planner or engineer) and drawn on one (1) or more sheets of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Scales drawn at 1" = 40', 1" = 30', 1" = 20' and 1" = 10' may be acceptable. Each site plan shall be signed by the applicant and shall contain the following information:

- a. Date of preparation.
- b. North arrow with written and graphic scale.
- c. Vicinity map showing the relationship of the site to the surrounding area within a one-half-mile radius with zoning districts designed thereon.
- d. Listings of the site zoning, gross lot and net acreage of each proposed use, as well as the number of dwelling units and/or the number of buildings and gross floor area.
- e. The existing grading and drainage information on the site drawn at five-foot intervals and related to United States Geological Survey (USGS) datum, as well as finished grades and contours proposed by the applicant.
- f. The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
- g. The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on site.
- h. Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii.
- i. The location and dimensions of bike/pedestrian paths and walkways.
- j. The location, dimensions and number of bicycle storage spaces or facilities.

k. Listings of the number of all parking stalls, as well as indications of the number of compact cars and accessible spaces.

l. The proposed layout of the parking lot, including locations and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indications of direction of travel.

m. Location of all exterior lighting, signage and fencing used to divide properties and to screen mechanical equipment and trash receptacles. All trash receptacles shall be screened by a solid opaque fence surrounding at least three (3) sides of the container.

n. Existing specific physical features on the site, including drainage ways, lakes, buildings and structures, with indications as to which are to be retained.

o. Adjacent properties and their physical features within fifty (50) feet of the property line with zoning and land uses, including setback dimensions of adjacent structures.

p. The location and dimensions of landscaped areas, locations and names of all plant material and ground cover and the locations of other pertinent landscape features.

q. Location of all existing and proposed recreational amenities, such as open play areas, swimming pools, tennis courts, tot lots and similar facilities.

r. THE MAXIMUM HEIGHT AND TYPE OF MATERIAL AND COLOR OF ANY PROPOSED RETAINING WALLS

s. THE FOLLOWING CERTIFICATIONS ON A SINGLE SHEET: SURVEYOR, BOARD OF TRUSTEES, COUNTY CLERK AND RECORDER, TITLE VERIFICATION, DEDICATION STATEMENT AND PLANNING COMMISSION.

(2) Other information which shall be required, but need not be designated on the site plan, includes:

a. A plat or metes-and-bounds description of the property verified and signed by a registered land surveyor in the State. If the site is on a portion of land that has an existing recorded plat, a legal description referencing lot, block and subdivision name will be sufficient.

b. A copy of the executed covenants (when applicable).

c. A copy of the approved development guide and plan required by the Planned Development PD District (when applicable).

d. Additionally, the applicant shall provide any reasonable information not covered above to aid in the review of the request by the authorized Town official, including but not limited to plat notes, easements and design guidelines. Such items may include traffic studies, soil and geo-tech surveys and other engineering information that may be required, depending on the circumstances of the particular application.

(3) Site plan narrative. The applicant shall submit a narrative which includes the following information:

a. Applicant's name.

b. Detailed description of the general proposal.

c. Present zoning.

d. General development schedule and phasing plan if the project is not to be constructed at one (1) time.

(4) Deed. The applicant shall submit a copy of the most recent deed recorded with the County Clerk and Recorder.

(5) GRADING AND Drainage plan, FINAL DRAINAGE REPORT, GESC/DESC plan, AND UTILITY PLAN. Each request for site plan approval shall be accompanied BY THESE FOUR (4) ITEMS. ~~plan if a final drainage plan as part of a subdivision was not approved. Three (3) DIGITAL copies of the proposed GRADING AND drainage plan, FINAL DRAINAGE REPORT, GESC/DESC PLAN AND UTILITY PLAN indicated on the plans,~~ prepared by a professional engineer or architect shall be submitted to the authorized Town official with the site plan submittal and then forwarded to the office of the Civil Engineer. ~~Review of the drainage plan will be simultaneous with that of the site plan.~~ THE PLANS DESCRIBED IN THIS ITEM (5) SHALL BE SUBMITTED IN ACCORDANCE WITH SECTION 16-2-30(B)(6). ANY SEPARATE DETAILED ENGINEERING CONSTRUCTION PLANS, WHICH MAY BE SUBMITTED, WILL PROCESS CONCURRENTLY WITH THE SITE PLAN.

(6) Each request for a site plan approval shall be accompanied by a landscape plan prepared by a qualified professional and drawn on one (1) sheet of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Larger scales are encouraged to effectively portray the landscape plan. The landscape plan shall contain the following information:



- a. Date of preparation.
- b. Scale and north arrow.
- c. Building footprint.
- d. Parking lots.
- e. Location, quantity and size of landscape materials. The location of all landscape materials shall be shown on the plan, accompanied by a chart or legend showing the quantity planted, mature size and years to maturity, common names of the plant materials and planting notes.
- f. A calculation of the percentage of the site that is to be landscaped in accordance with Town regulations.

(7) Building elevations. Each request for site plan approval shall be accompanied by a set of elevations of the proposed buildings or structures. ~~Five (5)~~ DIGITAL 24" x 36" ~~paper~~ copies of the illustration or rendering will be submitted to the authorized Town official. These drawings shall include front, rear and side elevations accurately depicting the finished building or structure on the site. Perspective renderings showing the building in one (1) or more oblique angles, color chips, material boards, scale models, photographs, on-site mockups or other similar techniques may also be submitted. In addition to this submittal, the following information shall be supplied:

- a. All exterior surfacing materials and colors shall be specified on the plans.
- b. Outdoor lighting, furnishings and architectural accents shall be specified on the plans.
- c. Any proposed signage for the site and its placement in relationship to the building or structure shall be indicated on the plans.

Section 2. Section 16-2-40 of the Elizabeth Municipal Code is amended to read as follows:

**Sec. 16-2-40. Review procedures and requirements for approval.**

(a) The site plan submittal, narrative, application form and fee and accompanying information shall be submitted to the authorized Town official. The applicant will be issued a receipt acknowledging the date of the submittal package. THIS SUBMITTAL SHOULD INCLUDE ANY SEPARATE DETAILED ENGINEERING PLANS RELATED TO GRADING AND DRAINAGE, GESC/DESC, AND UTILITIES, WHICH WILL PROCESS CONCURRENTLY WITH THE SITE PLAN.

(b) The authorized Town official will review the submittal package and indicate

any deficiency found in the application. Once the application is found to be complete, the review procedure shall begin.

~~(e) Drainage and GESC/DESC plans will be forwarded by the authorized Town official to the Civil Engineer. The Civil Engineer shall be in receipt of these plans within the first twenty (20) working days of the review procedure.~~

(c) Revisions or amendments to an approved site plan shall be processed administratively by the authorized Town official. In the event the proposed modifications exceed the scope or intent of the revision or amendment administrative procedures, the authorized Town official may determine that additional review processes are required to ensure compliance with Town standards and codes. The application shall then be processed as a new site plan application subject to the full Planning Commission and Board of Trustees review and approval processes.

(d) The authorized Town official shall schedule a meeting before the Planning Commission to consider a new site plan application during a regularly scheduled meeting. The public meeting shall be the next available date on the Planning Commission's agenda. The applicant must post the land on which the site plan is proposed. Posting shall be in accordance with Subsections 16-4-30(b) through (d) of this Chapter.

(e) The Planning Commission shall, at the public meeting, carefully consider the attributes of the proposal as presented by the applicant, input by the members of the Planning Commission and any public opinion expressed during the meeting.

(f) The Planning Commission shall then consider the application and make a recommendation to the Board of Trustees to approve, approve with conditions, continue to obtain additional information or deny the site plan. The Planning Commission's recommendation shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.

(g) Following the recommendation from the Planning Commission, the authorized Town official will schedule the site plan with the Board of Trustees and notify the applicant of the hearing date and time. The applicant shall be responsible for providing public notice prior to the Board of Trustees' hearing in compliance with the public notice requirements contained in Subsections 16-4-30(b) through (d) of this Chapter. At the public hearing, the Board of Trustees shall evaluate the site plan, referral agency comments, the Planning Commission recommendation and public testimony, and shall either approve, conditionally approve, continue to obtain additional information or deny the site plan. The Board of Trustees' decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines, and its decision shall be final.

(h) If and when the application is approved or conditions for approval have been met, a building permit may be issued upon the request of the applicant.

(i) The certificate of occupancy will be issued, provided that:

(1) Landscaping requirements have been met by the applicant.

- (2) A final drainage plan with GESC/DESC BMPs has been approved by the Civil Engineer.
- (3) Parking lots and drainage facilities are in and are useable.
- (4) Sufficient fire flows or protection is present and accepted by the Fire Protection District.
- (5) Any other requirements made by the Building Official, utilities or other agencies are satisfied.

(j) Additional referrals. In the event the Board of Trustees or the Planning Commission determines that any land use application submitted under this Article has been materially changed following its initial referral to referral agencies and prior to the Planning Commission making a final advisory recommendation or the Board of Trustees making a final decision on the application, the Planning Commission or the Board of Trustees may require that said land use application as materially amended, be re-sent to referral agencies for additional referral comments prior to any final advisory decision by the Planning Commission or any final decision being made by the Board of Trustees.

Section 3. Section 16-1-20 of the Elizabeth Municipal Code is amended by the addition thereto of the following definitions of “Beverage Processing” and “Short Term Rentals” to read as follows:

*BEVERAGE PROCESSING* MEANS ANY COMMERCIAL OR INDUSTRIAL USE THAT INCLUDES THE MANUFACTURING, BREWING, OR DISTILLING OF ALCOHOLIC OR NON-ALCOHOLIC BEVERAGES

*SHORT TERM RENTALS (STRS)* ARE DWELLING UNITS, OR A PORTION THEREOF, WHICH ARE RENTED TO GUESTS NIGHTLY, WEEKLY, OR FOR A DURATION OF LESS THAN 30 CONSECUTIVE DAYS, AND EXCLUDING (1) A PERMITTED COMMERCIAL ACCOMMODATION, (2) ONGOING MONTH-TO-MONTH TENANCY GRANTED TO THE SAME RENTER FOR THE SAME DWELLING, OR (3) A HOUSE EXCHANGE FOR WHICH THERE IS NO PAYMENT.

Section 4. Tables 16-1, 16-3, and 16-5 of the Elizabeth Municipal Code are amended to read as follows:

<b>Land Use/Activity</b> <i>(1)(8)(9)(13)(15)</i>	<b>Residential Zoning District</b>									
	<b>R-1</b>	<b>R-1-12</b>	<b>R-1-20</b>	<b>RE-1</b>	<b>RE-2</b>	<b>R-2</b>	<b>R-TH</b>	<b>R-3</b>	<b>A-1</b>	<b>LR-1</b>
Single-family detached dwellings <sup>(11)(14)</sup>	A	A	A	A	A	A		A	A	A
Single-family attached dwellings <sup>(11)(14)</sup>						A	A	A		
Duplex structures <sup>(11)(14)</sup>						A	A	A		
Accessory dwelling units (ADUs)	S	S	S	S	S	S		S	S	S
Townhouses <sup>(12)(14)</sup>							A			
Multi-family dwellings <sup>(12)(14)</sup>								A		
Accessory buildings <sup>(2)</sup>	A	A	A	A	A	A		A	A	A
Accessory uses: home occupations <sup>(3)</sup>	A	A	A	A	A	A	A	A	A	
Assisted living services	S	S	S	S	S	S		S	S <sup>(10)</sup>	S <sup>(10)</sup>
Bed and breakfast inns					S	S		A	S	S
Boarding and rooming houses								A		
Cemeteries or mausoleums	A	A	A	A	A	A			A	A
Commercial animal establishments				S	S				S	S
Dormitories								A		
Fences, hedges, walls and trees <sup>(4)</sup>	A	A	A	A	A	A	A	A	A	A
Forestry farming, including raising of trees for any purpose					A				A	A

<b>Land Use/Activity</b> <i>(1)(8)(9)(13)(15)</i>	<b>Residential Zoning District</b>									
	<b>R-1</b>	<b>R-1-12</b>	<b>R-1-20</b>	<b>RE-1</b>	<b>RE-2</b>	<b>R-2</b>	<b>R-TH</b>	<b>R-3</b>	<b>A-1</b>	<b>LR-1</b>
Fraternity and sorority houses								A		
General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses <sup>(5)</sup>				S	A				A	A
Golf courses	A	A	A	A	A	A		A		
Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises				A	A				A	A
Group homes or group quarters	S	S	S	S	S	S		S	S	
Horses/livestock <sup>(5)</sup>			A	A	A				A	A
Hospitals and emergency facilities	A	A	A	A	A	A		A		
Kennels and other canine-related facilities - commercial <sup>(6)</sup>	S	S	S	S	S	S			S	S
Kennels and other canine-related facilities - private <sup>(6)</sup>	A	A	A	A	A	A			A	A
Nursery schools and day care centers	S	S	S	S	S	S	S	S	S <sup>(10)</sup>	S <sup>(10)</sup>
Parks	A	A	A	A	A	A	A	A	A	A
Playgrounds	A	A	A	A	A	A	A	A	A	A
Public schools	A	A	A	A	A	A		A		
Public utilities	A	A	A	A	A	A	A	A	A	A



<b>Land Use/Activity</b> <i>(1)(8)(9)(13)(15)</i>	<b>Residential Zoning District</b>									
	<b>R-1</b>	<b>R-1-12</b>	<b>R-1-20</b>	<b>RE-1</b>	<b>RE-2</b>	<b>R-2</b>	<b>R-TH</b>	<b>R-3</b>	<b>A-1</b>	<b>LR-1</b>
Recreation centers - nonprofit neighborhood	S	S	S	S	S	S	S	S		
Religious assembly, place of	A	A	A	A	A	A		A		
Retirement/group housing services	S	S	S	S	S	S		S	S <sup>(10)</sup>	S <sup>(10)</sup>
Riding stables/academies - commercial					S				S	S
Short Term Rentals (STRs)	A			A	A	A	A	A		
Signs <sup>(7)</sup>	A	A	A	A	A	A	A	A	A	A
Stables and other equine-related facilities - private				A	A				A	A
Structures for general farming					A				A	A
Universities	A	A	A	A	A	A		A		

<b>Land Use/Activity</b> <i>(1)(2)(3)(4)(5)(6)(7)(14)</i>	<b>Mobile Home Zoning District</b>	
	<b>MH-1<sup>(8)(9)</sup></b>	<b>MH-2<sup>(10)</sup></b>
Single-family detached dwellings	A	
Accessory buildings	A	A
Home occupations	A	A
Accessory uses	A	A
Athletic fields	A	
Cemeteries or mausoleums	A	
Fences, hedges, walls and trees <sup>(4)</sup>	A	A
Golf courses	A	
Hospitals and emergency facilities	S	
Kennels and other canine-related facilities - commercial <sup>(11)</sup>		
Kennels and other canine-related facilities - private <sup>(11)</sup>	A	
Mobile home parks		A
Mobile home subdivisions	A	
Nursery schools and day care centers	S	S
Parking lots and parking garages		
Parks	A	A
Playgrounds	A	A

<i>Land Use/Activity</i> <i>(1)(2)(3)(4)(5)(6)(7)(14)</i>	<i>Mobile Home Zoning District</i>	
	<i>MH-1<sup>(8)(9)</sup></i>	<i>MH-2<sup>(10)</sup></i>
Private campgrounds		S
Public buildings and lands	A	
Public safety-related facilities	A	A
Public transportation terminals other than truck terminals		
Public utilities	A	A
Recreation centers - nonprofit neighborhood	S	S
Recreation facilities - private	S	S
Recreation facilities - public	A	A
Religious assembly, places of	A	
Schools - private	A	A
Schools - public	A	A
<b>Short Term Rentals (STRs)</b>	<b>A</b>	
Signs	A	A
Universities	A	

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Single-family detached dwellings		S	S		
Single-family attached dwellings			S		A
Duplex structures			S		
Accessory dwelling units (ADUs)		S	S		S
Townhouses					S
Multi-family dwellings			S		S
Accessory buildings	A	A	A	A	A
Home occupations			A		A
Accessory uses			A		A
Amphitheater			A		A
Amusement and recreation establishments and areas		A	A	S	S
Assisted living services			S		
Athletic fields	A				
Auto repair garages		A		A	
Automotive wrecking and graveyards, salvage yards and junkyards				S	
Bakeries		A	A		A
Bed and breakfast inns		A	A		A
Beer, wine and liquor stores (off-		A	S		S

<b>Land Use/Activity</b> (1)(2)(3)(4)(5)(9)(10)(11)	<b>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</b>				
	<b>P-I</b>	<b>RC</b>	<b>CMU</b>	<b>L-I<sup>(6)</sup></b>	<b>DT</b>
premises of alcohol consumption)					
Beverage Processing		S	S		S
Boarding and rooming houses			A		A
Business schools, studios and vocational schools, not involving processes of a heavy industrial nature		A		A	
Business service establishments		A	A	A	A
Car lots - new and used		A			
Car service and sales establishments		A		A	
Car washes		A			
Car/vehicle rental or leasing		A		A	
Cemeteries or mausoleums	A			A	
Clubs and lodges		A	A		A
Commercial animal establishments		A	S		
Commercial food preparation kitchens		A	A		A
Computer design-generated CAD-CAM operations not involving		A	A	A	A



<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
heavy industry					
Computer-generated CAD and similar nonoffensive "light" industrial uses				A	
Construction-related businesses		S		A	
Convenience stores or centers		A	A		A
Distribution centers				A	
Dormitories			S		
Drive-in restaurants		A			
Eating and drinking establishments		A	A		A
Exhibition and art galleries		A	A		A
Facilities for assembly, manufacturing, compounding, processing or treatment of products				A	
Farmers markets or other open markets		A	A		A
Fences, hedges, walls and trees <sup>(4)</sup>	A	A	A	A	A
Financial institutions		A	A		A
Fitness, recreational sports, gym or athletic club		A	S	A	S

<b>Land Use/Activity</b> (1)(2)(3)(4)(5)(9)(10)(11)	<b>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</b>				
	<b>P-I</b>	<b>RC</b>	<b>CMU</b>	<b>L-I<sup>(6)</sup></b>	<b>DT</b>
Food and beverage processing				A	
Fraternity and sorority houses			S		
Garden/flower shops		A	A		A
Golf courses					
Hospitals and emergency facilities	A	A			
Hospitals for animals		A	A		
Hotels and motels		A			
Kennels and other canine-related facilities - commercial <sup>(7)</sup>		S	S	S	
Kennels and other canine-related facilities - private <sup>(7)</sup>			S		
Laboratories or specialized industrial facilities				A	
Mill-type factories				A	
Miniature golf establishments			A	A	S
Mobile home parks					
Mobile home subdivisions					
Mortuaries/funeral homes		A	S	A	

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Movie theaters		A	A		S
Museums, exhibitions or similar facilities	S	A	A		A
Nursery schools and day care centers		S	S		
Parking lots and parking garages	A	A	A	A	A
Parks	A	A	A	A	A
Pawn shops <sup>(8)</sup>		A		A	
Performance theaters			A		A
Personal service establishments		A	A		A
Plant or tree nurseries		A		A	
Playgrounds	A				
Private campgrounds					
Professional, commercial or business offices		A	A	A	A
Public buildings and lands	A	A	A	A	A
Public safety-related facilities	A	A	A	A	A
Public transportation terminals other than truck terminals	A	A	A	A	A

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Public utilities	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S		S		
Recreation facilities - private		A	A	A	
Recreational facilities - public	A	A	A	A	A
Religious assembly, place of	A	A	A	A	A
Research and development services				A	
Restaurants and lounges		A	A		A
Retail stores, sales and display rooms and shops		A	A		A
Retirement/group housing services			S		
Schools - private		A	A	A	
Schools - public	A	A	A	A	
Service stations		A		A	
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning)				A	
Sexually oriented businesses <sup>(9)</sup>		A			

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Short Term Rentals (STRs)			A		A
Signs	A	A	A	A	A
Storage facilities, RVs, campers, trailers, large vehicles				S	
Tattoo parlors		A			
Trailer sales and service		A			
Universities, colleges, technical institutions - satellite locations			A		S
Warehouse and storage facilities				A	
Warehouse discount stores/superstores		A			
Wholesaling, exclusive of manufacturing		A			

Section 5. Section 16-3-80, subsections (a) and (c) of the Elizabeth Municipal Code is amended to read as follows:

**Sec. 16-3-80. - Replat, vacation, or plat amendment.**

(a) Intent. The intent of this Section is to provide a process of review for a change to a recorded plat or a replat of a superblock that ensures that the change is consistent with the zoning district requirements, including, but not limited to, the following:



(1) Replat of a lot or tract, adjustment or vacation of a lot line, vacation of a plat without rights-of-way or easements;

(2) Vacation of right-of-way, easement or portion thereof; OR.

(3) ADJUSTMENT OF LOT LINES THAT DOES NOT CREATE ADDITIONAL LOTS AND DOES NOT CHANGE THE ORIENTATION OF THE LOTS RELATIVE TO ACCESS TO PUBLIC INFRASTRUCTURE.

\* \* \*

(c) Submittal process and requirements.

(1) A change to a recorded plat due to an error or omission shall be processed in accordance with this Chapter.

(2) A replat of a lot or tract, an adjustment or vacation of a lot line, a vacation of a plat (without rights-of-way or easements) or a minor reconfiguration of an easement shall be processed in accordance with the final plat process, EXCEPT THAT ADJUSTMENT OF LOT LINES THAT DOES NOT CREATE ADDITIONAL LOTS AND DOES NOT CHANGE THE ORIENTATION OF THE LOTS RELATIVE TO ACCESS TO PUBLIC INFRASTRUCTURE MAY BE APPROED ADMINISTRATIVELY

(3) A vacation of a platted easement or right-of-way shall be processed in accordance with the final plat process. In addition:

a. For a vacation of a public right-of-way, a public hearing is required by the Planning Commission and Board of Trustees. Public notice shall be required for both the Planning Commission and the Board of Trustees hearing in accordance with Subsections 16-4-30 (b) through (d) of this Chapter. (NOTE: An access easement, i.e., trail, shall be considered a right-of-way.)

b. For a vacation of an easement, public notice shall be required for the Board of Trustees hearing in accordance with Subsections 16-4-30(b) through (d) of this Chapter. In addition, the applicant shall send a notice of hearing to known easement holders notifying them of the proposed vacation by certified mail, return receipt requested.

(4) A vacation of an unplatted easement or right-of-way shall be processed as follows:

a. An ordinance shall be prepared that includes the legal description of the right-of-way or easement to be vacated and the book and page numbers as recorded by the County Clerk and Recorder.

b. The vacation request shall be heard by the Planning Commission and Board of Trustees at a public hearing. Public notice shall be required only for the Board of Trustees hearing in accordance with Subsections 16-4-30 (b) through (d) of this Chapter. The ordinance shall be recorded in the office of the County Clerk and Recorder upon obtaining the signature of the Mayor.

(5) An amendment to a plat which includes a redesign of streets, blocks, lots and easements shall be processed according to the sketch, preliminary plan and final plat process of this Chapter.

\* \* \*

Section 6. Section 16-9-20, subsection (b) is amended by the deletion of subsection (b)(18).

Section 7. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 8. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Passed by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against and ordered published.

\_\_\_\_\_  
Tammy Payne, Mayor

ATTEST

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk

(a) Each request for a site plan approval shall be accompanied by an executed land use application, a written narrative, twelve (12) copies of the proposed site plan with all related information and the appropriate application fee. This submittal information shall be accompanied by a signed transmittal letter from the applicant describing the contents of the submittal. Applicants who submit revisions or amendments to an approved site plan shall be required to submit properly prepared site plan drawings, color and materials boards, elevations and/or landscape and grading plans that clearly depict the proposed modifications.

(b) Submittal requirements. The applicant shall submit the information listed below to the authorized Town official:

(1) Completed land use application form and appropriate fees.

(2) Twelve (12) full-sized copies of the site plan (folded to 9" x 12") prepared in accordance with the site plan exhibit standards listed below.

(3) A written narrative outlining the proposal.

(4) A copy of the warranty deed and title commitment current within thirty (30) days of submittal.

(5) A disclosure letter and/or letter of consent from the property owner.

(6) Three (3) copies of the drainage plan with GESC/DESC BMPs, as applicable (folded to 9" x 12"), if not already approved as part of a subdivision.

(7) Twelve (12) copies of the landscape plan (folded to 9" x 12").

(8) Twelve (12) copies of the building elevations (folded to 9" x 12"), to include rooftop mechanical structures.

(9) Colored building elevations of all sides.

(10) Two (2) color and materials boards (one [1] of 9" x 12" maximum size and one [1] of suitable size for presentation to the Planning Commission) containing materials, colors, specifications, manufacturers' names and product numbers.

(11) A diagram or schematic showing screening of rooftop mechanical structures.

Failure to submit all required documentation shall result in a delayed application. Additional information may be requested after the formal application is received.

(c) Submittal standards.

(1) Site plan exhibit. The proposed site plan shall be prepared by a qualified professional (architect, landscape architect, land planner or engineer) and drawn on one (1) or more sheets of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Scales drawn at 1" = 40', 1" = 30', 1" = 20' and 1" = 10' may be acceptable. Each site plan shall be signed by the applicant and shall contain the following information:

- a. Date of preparation.
  - b. North arrow with written and graphic scale.
  - c. Vicinity map showing the relationship of the site to the surrounding area within a one-half-mile radius with zoning districts designed thereon.
  - d. Listings of the site zoning, gross lot and net acreage of each proposed use, as well as the number of dwelling units and/or the number of buildings and gross floor area.
  - e. The existing grading and drainage information on the site drawn at five-foot intervals and related to United States Geological Survey (USGS) datum, as well as finished grades and contours proposed by the applicant.
  - f. The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
  - g. The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on site.
  - h. Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii.
  - i. The location and dimensions of bike/pedestrian paths and walkways.
  - j. The location, dimensions and number of bicycle storage spaces or facilities.
  - k. Listings of the number of all parking stalls, as well as indications of the number of compact cars and accessible spaces.
  - l. The proposed layout of the parking lot, including locations and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indications of direction of travel.
  - m. Location of all exterior lighting, signage and fencing used to divide properties and to screen mechanical equipment and trash receptacles. All trash receptacles shall be screened by a solid opaque fence surrounding at least three (3) sides of the container.
  - n. Existing specific physical features on the site, including drainage ways, lakes, buildings and structures, with indications as to which are to be retained.
  - o. Adjacent properties and their physical features within fifty (50) feet of the property line with zoning and land uses, including setback dimensions of adjacent structures.
  - p. The location and dimensions of landscaped areas, locations and names of all plant material and ground cover and the locations of other pertinent landscape features.
  - q. Location of all existing and proposed recreational amenities, such as open play areas, swimming pools, tennis courts, tot lots and similar facilities.
- (2) Other information which shall be required, but need not be designated on the site plan, includes:

- a. A plat or metes-and-bounds description of the property verified and signed by a registered land surveyor in the State. If the site is on a portion of land that has an existing recorded plat, a legal description referencing lot, block and subdivision name will be sufficient.
  - b. A copy of the executed covenants (when applicable).
  - c. A copy of the approved development guide and plan required by the Planned Development PD District (when applicable).
  - d. Additionally, the applicant shall provide any reasonable information not covered above to aid in the review of the request by the authorized Town official, including but not limited to plat notes, easements and design guidelines. Such items may include traffic studies, soil and geo-tech surveys and other engineering information that may be required, depending on the circumstances of the particular application.
- (3) Site plan narrative. The applicant shall submit a narrative which includes the following information:
- a. Applicant's name.
  - b. Detailed description of the general proposal.
  - c. Present zoning.
  - d. General development schedule and phasing plan if the project is not to be constructed at one (1) time.
- (4) Deed. The applicant shall submit a copy of the most recent deed recorded with the County Clerk and Recorder.
- (5) Drainage plan and GESC/DESC plan. Each request for site plan approval shall be accompanied by a drainage plan if a final drainage plan as part of a subdivision was not approved. Three (3) copies of the proposed drainage plan, with GESC/DESC BMPs indicated on the plans, prepared by a professional engineer or architect shall be submitted to the authorized Town official with the site plan submittal and then forwarded to the office of the Civil Engineer. Review of the drainage plan will be simultaneous with that of the site plan.
- (6) Each request for a site plan approval shall be accompanied by a landscape plan prepared by a qualified professional and drawn on one (1) sheet of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Larger scales are encouraged to effectively portray the landscape plan. The landscape plan shall contain the following information:
- a. Date of preparation.
  - b. Scale and north arrow.
  - c. Building footprint.
  - d. Parking lots.



- e. Location, quantity and size of landscape materials. The location of all landscape materials shall be shown on the plan, accompanied by a chart or legend showing the quantity planted, mature size and years to maturity, common names of the plant materials and planting notes.
- f. A calculation of the percentage of the site that is to be landscaped in accordance with Town regulations.

(7) Building elevations. Each request for site plan approval shall be accompanied by a set of elevations of the proposed buildings or structures. Five (5) 24" x 36" paper copies of the illustration or rendering will be submitted to the authorized Town official. These drawings shall include front, rear and side elevations accurately depicting the finished building or structure on the site. Perspective renderings showing the building in one (1) or more oblique angles, color chips, material boards, scale models, photographs, on-site mockups or other similar techniques may also be submitted. In addition to this submittal, the following information shall be supplied:

- a. All exterior surfacing materials and colors shall be specified on the plans.
- b. Outdoor lighting, furnishings and architectural accents shall be specified on the plans.
- c. Any proposed signage for the site and its placement in relationship to the building or structure shall be indicated on the plans.

(Ord. 13-09 §1)

Sec. 16-2-40. - Review procedures and requirements for approval.

- (a) The site plan submittal, narrative, application form and fee and accompanying information shall be submitted to the authorized Town official. The applicant will be issued a receipt acknowledging the date of the submittal package.
- (b) The authorized Town official will review the submittal package and indicate any deficiency found in the application. Once the application is found to be complete, the review procedure shall begin.
- (c) Drainage and GESC/DESC plans will be forwarded by the authorized Town official to the Civil Engineer. The Civil Engineer shall be in receipt of these plans within the first twenty (20) working days of the review procedure.
- (d) Revisions or amendments to an approved site plan shall be processed administratively by the authorized Town official. In the event the proposed modifications exceed the scope or intent of the revision or amendment administrative procedures, the authorized Town official may determine that additional review processes are required to ensure compliance with Town standards and codes. The application shall then be processed as a new site plan application subject to the full Planning Commission and Board of Trustees review and approval processes.

(e)

The authorized Town official shall schedule a meeting before the Planning Commission to consider a site plan application during a regularly scheduled meeting. The public meeting shall be the next available date on the Planning Commission's agenda. The applicant must post the land on which the site plan is proposed. Posting shall be in accordance with Subsections 16-4-30(b) through (d) of this Chapter.

- (f) The Planning Commission shall, at the public meeting, carefully consider the attributes of the proposal as presented by the applicant, input by the members of the Planning Commission and any public opinion expressed during the meeting.
- (g) The Planning Commission shall then consider the application and make a recommendation to the Board of Trustees to approve, approve with conditions, continue to obtain additional information or deny the site plan. The Planning Commission's recommendation shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.
- (h) Following the recommendation from the Planning Commission, the authorized Town official will schedule the site plan with the Board of Trustees and notify the applicant of the hearing date and time. The applicant shall be responsible for providing public notice prior to the Board of Trustees' hearing in compliance with the public notice requirements contained in Subsections 16-4-30(b) through (d) of this Chapter. At the public hearing, the Board of Trustees shall evaluate the site plan, referral agency comments, the Planning Commission recommendation and public testimony, and shall either approve, conditionally approve, continue to obtain additional information or deny the site plan. The Board of Trustees' decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines, and its decision shall be final.
- (i) If and when the application is approved or conditions for approval have been met, a building permit may be issued upon the request of the applicant.
- (j) The certificate of occupancy will be issued, provided that:
  - (1) Landscaping requirements have been met by the applicant.
  - (2) A final drainage plan with GESC/DESC BMPs has been approved by the Civil Engineer.
  - (3) Parking lots and drainage facilities are in and are useable.
  - (4) Sufficient fire flows or protection is present and accepted by the Fire Protection District.
  - (5) Any other requirements made by the Building Official, utilities or other agencies are satisfied.
- (k) Additional referrals. In the event the Board of Trustees or the Planning Commission determines that any land use application submitted under this Article has been materially changed following its initial referral to referral agencies and prior to the Planning Commission making a final advisory recommendation or the Board of Trustees making a final decision on the application, the Planning Commission or the Board of Trustees may require that said land use application as

materially amended, be re-sent to referral agencies for additional referral comments prior to any final Item 9.  
advisory decision by the Planning Commission or any final decision being made by the Board of Trustees.

(Ord. 13-09 §1)

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this Chapter shall have the meaning indicated when used in this Chapter. Words, phrases and terms not defined in this Chapter but defined elsewhere in this Code shall be construed as defined elsewhere in this Code. Words, phrases and terms neither defined herein nor elsewhere in this Chapter shall be given usual and customary meanings, except where the context clearly indicates a different meaning. The words *shall* and *will* are mandatory and not permissive; the words *may* and *should* are permissive and not mandatory.

*Accepted, open space. Accepted,* when used in regard to open space, shall mean written acceptance upon a recorded plat or other recorded document giving an indication of conveyance of land to be used by the public, or for some other use deemed appropriate by the Board of Trustees.

*Accepted, roads and streets. Accepted,* when used in regard to roads and streets, shall mean written acceptance of the road or street for public use by the Board of Trustees and shall construe the responsibility for maintenance.

*Accessory building* means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.

*Accessory dwelling unit (ADU)* means a dwelling unit used as living quarters that may include a sleeping place, kitchen and bathroom, or any combination thereof, for one (1) or more individuals, associated with the principal dwelling that can be integrated in the overall design of the principal structure, and it may be a separate structure located on the same lot, secondary to the principal structure.

*Accessory use* means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

*Adjacent* means all properties with a common point or line to the subject property and the property which would have a common point or line with the subject property if a public right-of-way separating the properties were not there.

*Adult arcade* means an establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors or similar machines, or other image-producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

*Adult bookstore, adult novelty store or adult video store* means:

- Item 9.
- a. A commercial establishment which: (1) devotes a significant or substantial portion of stock-in-trade or interior floor space to; (2) receives a significant or substantial portion of its revenues from; or (3) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  - b. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of Subparagraph a. above are otherwise met.

*Adult cabaret* means a nightclub, bar, restaurant or other commercial establishment which regularly features: (a) persons who appear nude or in a state of nudity; or (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

*Adult motel* means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.

*Adult motion picture theater* means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

*Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

*Alley* means a public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designed as an alley on a final plat.

*Animal* means any mammal, bird, fish, reptile, amphibian or insect.

*Applicant* means any owner of a right or title in real property in Town or an authorized representative of such owner who formally requests action on a land use proposal submitted in accordance with this Chapter.

*Assistance animal* means an animal, having received certification through an accredited program with specific characteristics, becoming a fundamental part of a person's treatment designed to improve the physical, social, emotional and/or cognitive function of the patient/owner, and may include a service animal. An assistance animal that is not otherwise defined as a horse or livestock shall be exempt from any numerical limitations on animals set forth herein.

*Authorized representative* means any individual, partnership or corporation given written authorization by an applicant to process a proposal through the Town.

*Block* means an area of land within a subdivision which is entirely bounded by streets, highways, natural boundaries or the exterior boundary or boundaries of the subdivision.

*Boarding and rooming house* means a building or portion thereof which is used to accommodate, for compensation, five (5) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services or other things of value.

*Buffer* means a strip of land established to separate and protect one (1) type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space, often in conjunction with a floodplain.

*Building* means any structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and not including advertising sign boards or fences.

*Building height* means the vertical distance from the average finished grade to the highest point of the roof surface. A weighted average on the perimeter of the building may be utilized.

*Building line* means imaginary lines on a lot delineating the closest points from lot lines, public streets, planning areas or project area boundaries or other applicable perimeter lines, where any main building may be constructed.

*Club* means an association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized primarily to render a service carried on as a business.

*Commercial animal establishment* means any pet shop, grooming shop, dog training facility, boarding or breeding kennel, or other establishment which handles live animals, excluding veterinary facilities and hospital for animals.



*Dedicated land* means land area transferred to the Town by deed or other legal method approved by the Town Attorney. Land so transferred and accepted by the Town shall be utilized for public or community purposes, as approved by the Board of Trustees.

*Dependent mobile home* means a mobile home not containing complete bathroom facilities.

*Developer* means any person, corporation, joint venture, partnership or other entity which applies to the Town for any of the following services: annexation, zoning, subdivision, site plan, variance or other administrative, quasi-judicial or legislative function of the Town.

*Development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

*Disposition* means a contract of sale resulting in the transfer of legal and equitable title to an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land.

*Dog breeder* means any person who is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away or otherwise transferring the same.

*Domesticated animals* means animals accustomed to living in or about the habitation of persons, but of a nature more suited to be outdoors, including but not limited to cats, dogs, birds, such as parrots, cockatiels, parakeets and the like; excluding: swine or pigs of any species, fowl, including but not limited to peacocks, ducks, turkeys, and chickens unless subject to Section 16-1-215 of this Code.

*Dwelling* means any building or portion thereof which is used as the private residence or sleeping place of one (1) or more human beings, but not including hotels, motels, tourist courts, clubs, hospitals, mobile homes or similar uses.

*Dwelling, multiple-family* means a building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other.

*Dwelling, one-family* means a detached building designed exclusively for occupancy by one (1) family.

*Dwelling, two-family* means a detached building designed exclusively for occupancy by two (2) families living independently of each other.

*Dwelling unit* means one (1) or more rooms in a dwelling, apartment house or apartment hotel designed for occupancy by one (1) family for living or sleeping purposes and having not more than one (1) kitchen.

*Easement* means an acquired right of use, interest or privilege in land owned by another, which interest is recorded in the real estate records of the County.

*Evidence* means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition.

*Excavating* means the mechanical removal of earth material.

*Family* means a group of persons related by blood, marriage or adoption, living together normally, but not always consisting of one (1) or two (2) parents and their children, or persons living together in the relationship and for the purpose of guardian, ward or foster family who may not necessarily be related by blood or marriage to the head of the household, or a group of not more than four (4) unrelated persons living together in a dwelling unit.

*Final plat* means the map or plan of record of a subdivision and any accompanying material, as described in Article III of this Chapter.

*Grade (ground level)* is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured at the sidewalk.

*Grading* means the vertical location of the ground surface.

*Home occupation* means any use conducted principally within a dwelling and carried on by the inhabitants therein, without paid assistants, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The individual office of a professional man or woman or artist without assistants shall be considered a *home occupation*, but the conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a *home occupation*.

*Horse* means a large solid-hoofed herbivorous ungulate mammal domesticated since prehistoric times and used as a beast of burden, a draft animal or for riding. *Horse* includes pony, mule, burro, and miniature horse as defined below.

*Hospital* means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons and including sanitariums, but not including clinics, rest homes and convalescent homes.

*Hotel* means any building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provision is made for cooking in any individual room or suite.

*Kennel* means any premises, building or structure in or on which four (4) or more animals of more than four (4) months of age are harbored.

*Kennel, commercial* means any place where more than three (3) dogs over four (4) months of age owned, kept, boarded, bred and/or offered for sale; or eight (8) or more dogs, breeding or nonbreeding, are harbored, and upon which a person breeds more than two (2) litters in a calendar year.

*Kennel, private* means any premises, building or structure in or on which more than three (3) and less than eight (8) nonbreeding dogs of more than four (4) months of age are harbored.

*Livestock* means cattle, sheep, goats, llamas, alpacas and emus of all sizes.

*Lot* means a parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the records of the County or, when not so platted, in a recorded subdivision a parcel of real property abutting upon at least one (1) public street and held under separate ownership.

*Lot area* means the total horizontal area within the lot lines of a lot.

*Lot line, front* means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, or the house will be addressed to ensure that setbacks may be met.

*Lot line, rear* means the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

*Lot line, side* means any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

*Lot, reversed corner* means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

*Maintenance* means the replacing, repairing or repainting of a portion of a sign structure, periodic changing of bulletin board panels or renewing of copy that has been made unusable by ordinary wear and tear, weather or accident.

*Miniature horse* means a smaller version of the horse, determined by the height of the animal, which is usually less than thirty-four (34) to thirty-eight (38) inches, as measured at the wither, and retaining horse characteristics. In accordance with the Americans with Disabilities, miniature horses that have been individually trained to do work or perform tasks for people with disabilities shall be permitted where reasonable. Factors to consider for accommodation are whether: the animal is housebroken; under the owner's control; the facility can accommodate the animal's type, size, and weight; and the animal's presence will not compromise the legitimate safety requirements necessary for safe operation of the facility.

*Mobile or manufactured home* means a prefabricated home built all or mostly in factories, rather than on site; and can be assembled in modular sections. They are designed for year-round living in one (1) place. They must be manufactured after 1976 and certified pursuant to the National Manufactured

Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., as amended (commonly referred to as the "HUD" Code; effective in 1976) and all regulations enacted pursuant thereto, including any local modifications that are expressly allowed by federal law, or which have been certified by the State as being in compliance with the requirements of the Uniform Building Code as adopted by the State and enforced and administered by the Colorado Division of Housing.

*Nonconforming building* means a building, structure or portion thereof conflicting with the provisions of this Chapter applicable to the zone in which it is situated.

*Nonconforming use* means the use of a structure or premises conflicting with the provisions of this Chapter.

*Occupied* includes arranged, designed, built, altered, converted, rented or leased or intended to be occupied.

*Open space* means land areas within a subdivision, generally smaller in scale than open lands, which have been left free from structures, parking lots and roads. These types of areas generally benefit the residents or employees of the particular subdivision and usually remain in private ownership. For example, common areas within a condominium project are highly valued by the residents but have little value to the remainder of the Town.

*Owner* means a person as defined by this Chapter who, alone, jointly or severally with others or in a representative capacity (including, without limitation, an authorized agent, executor or trustee), has legal or equitable title to any property in question.

*Person* shall also include association, firm, co-partnership or corporation.

*Plat* means the maps and supporting materials of a proposed subdivision, prepared in accordance with the requirements of this Chapter and utilized as an instrument for recording real estate interests with the County Clerk and Recorder.

*Preliminary plan* means the map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with Article III of this Chapter to permit the evaluation of the proposal prior to final engineering and design.

*Professional breeder* means any person who breeds animals of any species for profit or who produces more than two (2) litters or such of a similar nature, in any one (1) calendar year.

*Professional office* means an office for professions such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, realtors, teachers, accountants and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

*Public facility* means a building or structure owned and operated by a governmental agency to provide a governmental service to the public.

*Public water and public sewer facilities* means those facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, which are constructed, operated and maintained to provide water or sewerage service and approved by the County Health Officer.

*Quasi-public facility* means a use or facility owned or operated by a nonprofit, religious or eleemosynary institution and providing educational, cultural, recreational, religious or similar types of programs.

*Recreational vehicle* means a structure designed for use as a temporary dwelling or sleeping accommodation for travel, recreation and vacation uses, including, but not by way of limitation, travel trailers, self-contained travel trailers, pickup campers, tent trailers and motorized homes.

*Religious assembly, place of* means a use category comprised of structures or places in which regular worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained and controlled under the direction of a religious group. Accessory uses include, but are not limited to, school facilities, parking, caretakers' housing, pastors' housing, day care and group living facilities, such as convents. Examples include churches, temples, synagogues and mosques.

*Room* means an unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches.

*Service animal* means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition. A service animal that is not otherwise defined as a horse or livestock shall be exempt from any numerical limitations on animals set forth herein.

*Sexual encounter establishment* means a business or commercial establishment that, as one (1) primary business purposes, offers, for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one (1) or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

*Sexually oriented business* means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or nude model studio. The definition of *sexually oriented businesses* shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

*Site area, gross* means total ground area purchased by the present owner, including any proposed portions to be dedicated or improved for public use.

*Site area, net* means the remaining ground area of the gross site after deleting all portions for public use or public improvement.

*Site plan* means the plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with Article II of this Chapter, to evaluate a project prior to issuance of a building permit for multi-family, business, commercial, industrial and planned development projects.

*Sketch plan* means a map of a proposed subdivision and specified supporting materials drawn and submitted in accordance with Article III of this Chapter to evaluate feasibility and design characteristics at a conceptual state in the planning.

*Specified sexual activities* includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
- b. Sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, sodomy, sadomasochism or bestiality.
- c. Masturbation, actual or simulated.
- d. Human genitals in a state of sexual stimulation, arousal or tumescence.
- e. Excretory functions as part of or in connection with any of the activities set forth in Subparagraphs a. through d. above.

*Street* means a public thoroughfare which affords the principal means of access to abutting property.



*Structure* means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities.

*Subdivision or subdivided land* means any parcel of land which is to be used for condominiums, apartments or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of any tract of land, lot or parcel into two (2) or more lots, parcels, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or transfer of ownership, or to offer for sale or development. Lots, tracts, blocks and other subdivisions shall be designated in accordance with this Chapter.

*Subdivision improvements agreement* means one (1) or more security arrangements which the Town shall accept to secure the actual cost of construction of such public improvements as are required by this Chapter.

*Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: (a) before the improvement or repair is started; or (b) before damages occurred if the structure is damaged.

*Therapy animal* means an animal provided by prescription or otherwise, that is used to provide comfort and affection to a person other than its handler and is not specifically trained to address a specific need of a disabled person. A therapy animal that is not otherwise defined as a horse or livestock shall be exempt from any numerical limitations on animals set forth herein.

*Townhouse* means one (1) of a row of houses joined by common sidewalls (party walls), but shall not include separate units stacked one (1) above the other. This includes duplexes.

*Use* means the purpose for which land or a building is designed, arranged or intended, or for which either is or may be occupied or maintained.

*Width of lot* means measured at feet twenty-five (25) feet back from the front property line.

*Yard* means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter.

*Yard, front* means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

*Yard, rear* means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

*Yard, side* means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto.

(Ord. 09-09 §1; Ord. 10-07 §1; Ord. 12-02 §1)

*Item 9.*

(Ord. No. 19-15, § 1, 6-25-2019)

<i>Land Use/Activity</i> <small>(1)(8)(9)(13)(15)</small>	<i>Residential Zoning District</i>									
	<i>R-1</i>	<i>R-1-12</i>	<i>R-1-20</i>	<i>RE-1</i>	<i>RE-2</i>	<i>R-2</i>	<i>R-TH</i>	<i>R-3</i>	<i>A-1</i>	<i>LR-1</i>
Single-family detached dwellings <sup>(11)(14)</sup>	A	A	A	A	A	A		A	A	A
Single-family attached dwellings <sup>(11)(14)</sup>						A	A	A		
Duplex structures <sup>(11)(14)</sup>						A	A	A		
Accessory dwelling units (ADUs)	S	S	S	S	S	S		S	S	S
Townhouses <sup>(12)(14)</sup>							A			
Multi-family dwellings <sup>(12)(14)</sup>								A		
Accessory buildings <sup>(2)</sup>	A	A	A	A	A	A		A	A	A
Accessory uses: home occupations <sup>(3)</sup>	A	A	A	A	A	A	A	A	A	
Assisted living services	S	S	S	S	S	S		S	S <sub>(10)</sub>	S <sub>(10)</sub>
Bed and breakfast inns					S	S		A	S	S
Boarding and rooming houses								A		
Cemeteries or mausoleums	A	A	A	A	A	A			A	A

<i>Land Use/Activity</i> (7)(8)(9)(13)(15)	<i>Residential Zoning District</i>									
	<i>R-1</i>	<i>R-1-12</i>	<i>R-1-20</i>	<i>RE-1</i>	<i>RE-2</i>	<i>R-2</i>	<i>R-TH</i>	<i>R-3</i>	<i>A-1</i>	<i>LR-1</i>
Commercial animal establishments				S	S				S	S
Dormitories								A		
Fences, hedges, walls and trees <sup>(4)</sup>	A	A	A	A	A	A	A	A	A	A
Forestry farming, including raising of trees for any purpose					A				A	A
Fraternity and sorority houses								A		
General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses <sup>(5)</sup>				S	A				A	A
Golf courses	A	A	A	A	A	A		A		
Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises				A	A				A	A

Land Use/Activity <i>(7)(8)(9)(13)(15)</i>	Residential Zoning District									
	R-1	R-1-12	R-1-20	RE-1	RE-2	R-2	R-TH	R-3	A-1	LR-1
Group homes or group quarters	S	S	S	S	S	S		S	S	
Horses/livestock <sup>(5)</sup>			A	A	A				A	A
Hospitals and emergency facilities	A	A	A	A	A	A		A		
Kennels and other canine-related facilities - commercial <sup>(6)</sup>	S	S	S	S	S	S			S	S
Kennels and other canine-related facilities - private <sup>(6)</sup>	A	A	A	A	A	A			A	A
Nursery schools and day care centers	S	S	S	S	S	S	S	S	S <sub>(10)</sub>	S <sub>(10)</sub>
Parks	A	A	A	A	A	A	A	A	A	A
Playgrounds	A	A	A	A	A	A	A	A	A	A
Public schools	A	A	A	A	A	A		A		
Public utilities	A	A	A	A	A	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S	S	S	S	S	S	S	S		
Religious assembly, place of	A	A	A	A	A	A		A		

Land Use/Activity <i>(7)(8)(9)(13)(15)</i>	Residential Zoning District									
	R-1	R-1-12	R-1-20	RE-1	RE-2	R-2	R-TH	R-3	A-1	LR-1
Retirement/group housing services	S	S	S	S	S	S		S	S <sub>(10)</sub>	S <sub>(10)</sub>
Riding stables/academies - commercial					S				S	S
Signs <sup>(7)</sup>	A	A	A	A	A	A	A	A	A	A
Stables and other equine-related facilities - private				A	A				A	A
Structures for general farming					A				A	A
Universities	A	A	A	A	A	A		A		



<i>Land Use/Activity</i> <small>(1)(2)(3)(4)(5)(6)(7)(14)</small>	<i>Mobile Home Zoning District</i>	
	<i>MH-1</i> <sup>(8)(9)</sup>	<i>MH-2</i> <sup>(10)</sup>
Single-family detached dwellings	A	
Accessory buildings	A	A
Home occupations	A	A
Accessory uses	A	A
Athletic fields	A	
Cemeteries or mausoleums	A	
Fences, hedges, walls and trees <sup>(4)</sup>	A	A
Golf courses	A	
Hospitals and emergency facilities	S	
Kennels and other canine-related facilities - commercial <sup>(11)</sup>		
Kennels and other canine-related facilities - private <sup>(11)</sup>	A	
Mobile home parks		A
Mobile home subdivisions	A	
Nursery schools and day care centers	S	S
Parking lots and parking garages		

<i>Land Use/Activity</i> <del>(1)(2)(3)(4)(5)(6)(7)(14)</del>	<i>Mobile Home Zoning District</i>	
	<i>MH-1<sup>(8)(9)</sup></i>	<i>MH-2<sup>(10)</sup></i>
Parks	A	A
Playgrounds	A	A
Private campgrounds		S
Public buildings and lands	A	
Public safety-related facilities	A	A
Public transportation terminals other than truck terminals		
Public utilities	A	A
Recreation centers - nonprofit neighborhood	S	S
Recreation facilities - private	S	S
Recreation facilities - public	A	A
Religious assembly, places of	A	
Schools - private	A	A
Schools - public	A	A

<i>Land Use/Activity</i> <del>(1)(2)(3)(4)(5)(6)(7)(14)</del>	<i>Mobile Home Zoning District</i>	
	<i>MH-1<sup>(8)(9)</sup></i>	<i>MH-2<sup>(10)</sup></i>
Signs	A	A
Universities	A	

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Single-family detached dwellings		S	S		
Single-family attached dwellings			S		A
Duplex structures			S		
Accessory dwelling units (ADUs)		S	S		S
Townhouses					S
Multi-family dwellings			S		S
Accessory buildings	A	A	A	A	A
Home occupations			A		A
Accessory uses			A		A
Amphitheater			A		A
Amusement and recreation establishments and areas		A	A	S	S
Assisted living services			S		
Athletic fields	A				
Auto repair garages		A		A	

<b>Land Use/Activity</b> (1)(2)(3)(4)(5)(9)(10)(11)	<b>Public-Institutional/Regional                      Commercial/Commercial                      Mixed Use/Industrial/Downtown Zoning                      Districts</b>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Automotive wrecking and graveyards, salvage yards and junkyards				S	
Bakeries		A	A		A
Bed and breakfast inns		A	A		A
Beer, wine and liquor stores (off-premises of alcohol consumption)		A	S		S
Boarding and rooming houses			A		A
Business schools, studios and vocational schools, not involving processes of a heavy industrial nature		A		A	
Business service establishments		A	A	A	A
Car lots - new and used		A			
Car service and sales establishments		A		A	
Car washes		A			
Car/vehicle rental or leasing		A		A	
Cemeteries or mausoleums	A			A	
Clubs and lodges		A	A		A

**Land Use/Activity**  
~~(1)(2)(3)(4)(5)(9)(10)(11)~~

**Public-Institutional/Regional  
 Commercial/Commercial  
 Mixed Use/Industrial/Downtown Zoning  
 Districts**

<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
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Commercial animal establishments		A	S	
Commercial food preparation kitchens		A	A	A
Computer design-generated CAD-CAM operations not involving heavy industry		A	A	A
Computer-generated CAD and similar nonoffensive "light" industrial uses			A	
Construction-related businesses		S	A	
Convenience stores or centers		A	A	A
Distribution centers			A	
Dormitories			S	
Drive-in restaurants		A		
Eating and drinking establishments		A	A	A
Exhibition and art galleries		A	A	A
Facilities for assembly, manufacturing, compounding, processing or treatment of products			A	
Farmers markets or other open markets		A	A	A



**Land Use/Activity**

(1)(2)(3)(4)(5)(9)(10)(11)

**Public-Institutional/Regional  
Commercial/Commercial  
Mixed Use/Industrial/Downtown Zoning  
Districts**

<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
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Fences, hedges, walls and trees <sup>(4)</sup>

A	A	A	A	A
---	---	---	---	---

Financial institutions

	A	A		A
--	---	---	--	---

Fitness, recreational sports, gym or athletic club

	A	S	A	S
--	---	---	---	---

Food and beverage processing

			A	
--	--	--	---	--

Fraternity and sorority houses

		S		
--	--	---	--	--

Garden/flower shops

	A	A		A
--	---	---	--	---

Golf courses

--	--	--	--	--

Hospitals and emergency facilities

A	A			
---	---	--	--	--

Hospitals for animals

	A	A		
--	---	---	--	--

Hotels and motels

	A			
--	---	--	--	--

Kennels and other canine-related facilities - commercial <sup>(7)</sup>

	S	S	S	
--	---	---	---	--

Kennels and other canine-related facilities - private <sup>(7)</sup>

		S		
--	--	---	--	--

Laboratories or specialized industrial facilities

			A	
--	--	--	---	--

Mill-type factories

			A	
--	--	--	---	--

<b>Land Use/Activity</b> (1)(2)(3)(4)(5)(9)(10)(11)	<b>Public-Institutional/Regional                      Commercial/Commercial                      Mixed Use/Industrial/Downtown Zoning                      Districts</b>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Miniature golf establishments			A	A	S
Mobile home parks					
Mobile home subdivisions					
Mortuaries/funeral homes		A	S	A	
Movie theaters		A	A		S
Museums, exhibitions or similar facilities	S	A	A		A
Nursery schools and day care centers		S	S		
Parking lots and parking garages	A	A	A	A	A
Parks	A	A	A	A	A
Pawn shops <sup>(8)</sup>		A		A	
Performance theaters			A		A
Personal service establishments		A	A		A
Plant or tree nurseries		A		A	
Playgrounds	A				
Private campgrounds					

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional                      Commercial/Commercial                      Mixed Use/Industrial/Downtown Zoning                      Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Professional, commercial or business offices		A	A	A	A
Public buildings and lands	A	A	A	A	A
Public safety-related facilities	A	A	A	A	A
Public transportation terminals other than truck terminals	A	A	A	A	A
Public utilities	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S		S		
Recreation facilities - private		A	A	A	
Recreational facilities - public	A	A	A	A	A
Religious assembly, place of	A	A	A	A	A
Research and development services				A	
Restaurants and lounges		A	A		A
Retail stores, sales and display rooms and shops		A	A		A
Retirement/group housing services			S		
Schools - private		A	A	A	
Schools - public	A	A	A	A	

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Service stations		A		A	
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning)				A	
Sexually oriented businesses <sup>(9)</sup>		A			
Signs	A	A	A	A	A
Storage facilities, RVs, campers, trailers, large vehicles				S	
Tattoo parlors		A			
Trailer sales and service		A			
Universities, colleges, technical institutions - satellite locations			A		S
Warehouse and storage facilities				A	
Warehouse discount stores/superstores		A			
Wholesaling, exclusive of manufacturing		A			

- (a) Intent. The intent of this Section is to provide a process of review for a change to a recorded plat or a replat of a superblock that ensures that the change is consistent with the zoning district requirements, including, but not limited to, the following:
  - (1) Replat of a lot or tract, adjustment or vacation of a lot line, vacation of a plat without rights-of-way or easements; or
  - (2) Vacation of right-of-way, easement or portion thereof.
- (b) Prerequisite. The submittal process shall vary according to the nature of the proposed amendment based on, but not limited to, the following: degree of change, design, size, impact to public facilities, services, roads and overall impacts.
- (c) Submittal process and requirements.
  - (1) A change to a recorded plat due to an error or omission shall be processed in accordance with this Chapter.
  - (2) A replat of a lot or tract, an adjustment or vacation of a lot line, a vacation of a plat (without rights-of-way or easements) or a minor reconfiguration of an easement shall be processed in accordance with the final plat process.
  - (3) A vacation of a platted easement or right-of-way shall be processed in accordance with the final plat process. In addition:
    - a. For a vacation of a public right-of-way, a public hearing is required by the Planning Commission and Board of Trustees. Public notice shall be required for both the Planning Commission and the Board of Trustees hearing in accordance with Subsections 16-4-30(b) through (d) of this Chapter. (NOTE: An access easement, i.e., trail, shall be considered a right-of-way.)

b.

For a vacation of an easement, public notice shall be required for the Board of Trustees hearing in accordance with Subsections 16-4-30(b) through (d) of this Chapter. In addition, the applicant shall send a notice of hearing to known easement holders notifying them of the proposed vacation by certified mail, return receipt requested.

- (4) A vacation of an unplatted easement or right-of-way shall be processed as follows:
  - a. An ordinance shall be prepared that includes the legal description of the right-of-way or easement to be vacated and the book and page numbers as recorded by the County Clerk and Recorder.
  - b. The vacation request shall be heard by the Planning Commission and Board of Trustees at a public hearing. Public notice shall be required only for the Board of Trustees hearing in accordance with Subsections 16-4-30(b) through (d) of this Chapter. The ordinance shall be recorded in the office of the County Clerk and Recorder upon obtaining the signature of the Mayor.
- (5) An amendment to a plat which includes a redesign of streets, blocks, lots and easements shall be processed according to the sketch, preliminary plan and final plat process of this Chapter.
- (d) Public notice requirements. All public notice requirements shall be done in accordance with Subsections 16-4-30(b) through (d) of this Chapter.
- (e) Plat title. The title shall be the same as the previously recorded plat followed by the amendment number along the first line at the top of the sheet (along the long dimension). The planning area, if applicable, and a brief description of all the changes shall be placed under the title.
- (f) Lot numbers. The lots shall be numbered consecutively starting with the number 1. Tracts shall be lettered alphabetically in consecutive order. Include the square footage within each lot.



( Ord. No. 20-08, § 1, 7-28-2020)

Item 9.

- (a) The Board of Trustees may approve a use by special review subject to reasonable conditions which include, but are not limited to, the requirements that the proposed use:
  - (1) Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
  - (2) Will not result in an over-intensive use of land;
  - (3) Will not have a material adverse effect on community capital improvement programs;
  - (4) Will not require a level of community facilities and services greater than is available;
  - (5) Will not result in undue traffic congestion or traffic hazards;
  - (6) Will not cause significant air, water or noise pollution;
  - (7) Will be adequately landscaped, buffered and screened;
  - (8) Will not otherwise be detrimental to the health, safety or welfare of present or future inhabitants of the Town.
  
- (b) In addition to the above requirements, an Accessory Dwelling Unit (ADU) that is subject to the use by special review requirements shall comply with the following standards:
  - (1) An ADU shall be limited to one (1) accessory dwelling unit (unit) per lot.
  - (2) The design and location of the unit shall be clearly subordinate to the principal structure.
  - (3) The unit can only be located on a lot or parcel of five thousand (5,000) square feet or more.
  - (4) The unit shall not be included in the zoning or land use density calculation.
  - (5)

The detached unit must meet all requirements of Chapter 18 of this Code.

Item 9.

- (6) One (1) off-street parking space per unit is recommended in addition to the spaces otherwise required; however, parking shall be addressed on a case-by-case basis.
- (7) The accessory dwelling unit shall be served by the same water tap and sewer tap as the main structure, and the taps shall be sized according to the total demand for both structures.
- (8) In a residential zoning district, the detached unit shall not be less than three hundred (300) square feet and not more than the lesser of seven hundred (700) square feet or fifty percent (50%) of the floor area of the primary residence.
- (9) In a business zoning district, the accessory dwelling shall not be more than fifty percent (50%) of the total square footage of the building.
- (10) The unit shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the building.
- (11) The outside appearance of the principal structure shall not be changed from that of its primary use.
- (12) Private entrances to attached accessory dwellings shall be located on the side or rear of the residence.
- (13) Accessory dwelling units that are freestanding shall in no case be located in front of the principal structure. The accessory unit shall be located on the rear half of the parcel or in or above the garage.
- (14) Accessory structure setbacks can be used for detached accessory dwelling units if single story. Multiple story structures used as accessory dwelling units must meet principal structure setbacks.
- (15) The design and construction material used in an accessory dwelling unit shall be architecturally compatible to the principal structure.

- (16) If attached to the main dwelling, it may have a separate entry and kitchen facility. If a separate entry is proposed, the design of the structure shall accommodate a fire wall between the main home and accessory dwelling unit.
  - (17) Separate addressing of the accessory structure and any related utility taps is not permitted.
  - (18) ADUs may be approved for a period not to exceed two (2) years. The applicant or owner must reapply biennially for review no later than thirty (30) days past the original approval date.
- (c) In addition to the requirements in Subsection (a) above, generally, all commercial animal establishments shall meet the following conditions:
- (1) Animal housing facilities shall be provided for the animals and shall be structurally sound, constructed of nontoxic materials, maintained in good repair and designed so as to protect the animals from injury. Each animal shall be provided with adequate floor space to allow it, according to species and breed, to breathe and turn about freely and to easily eat, eliminate wastes, stand, sit and lie in a comfortable normal position and sanitary environment.
  - (2) Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating, ventilation and lighting.
  - (3) Water shall be supplied at sufficient pressure and quantity to clean housing facilities and enclosures of debris and excreta.
  - (4) Adequate food and bedding shall be provided and stored in facilities which provide protection against rot, mildew and infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.
  - (5) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, or

and disease.

- (6) Washroom facilities, including sinks with hot and cold water and toilets, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.
- (7) Each animal shall be observed daily. Reasonable efforts shall be made to separate sick, diseased or injured animals from those appearing healthy and normal. Sick, diseased or injured animals shall be removed from display and sale and kept in isolation quarters. Ventilation of quarters for sick or diseased animals shall be arranged to avoid contamination of healthy animals.
- (8) During the hours any facility is open, there shall be an employee or keeper on duty at all times, whose responsibility shall be the care and supervision of the animals in that facility, whether held for sale or display.
- (9) An employee, keeper or owner shall make provision to feed, water and provide other necessary care for animals on days the store or establishment is closed.
- (10) No person shall knowingly misrepresent an animal to a consumer in any way. No person shall knowingly sell a sick or injured animal. Adequate care and feeding instructions shall be given, in writing, to each animal purchaser.
- (11) Animals which are caged, closely confined or restrained shall be permitted to exercise daily for an appropriate length of time as determined by their size, age and species, in an area suitable for that purpose.
- (12) Facilities shall be clean and sanitary at all times.
- (13) A commercial kennel shall also comply with the following standards:
  - a.

Purpose statement. A statement regarding the specific purpose or purposes of the proposed kennel facility, including the specific category or categories of animal facility designated by the rules and regulations of the Colorado Pet Animal Care Facilities Act (Section 35-80-101—35-80-117, et seq., C.R.S.), the Colorado Division of Wildlife and/or the U.S. Department of Agriculture.

- b. Type and number of animals. A statement regarding the type and number of animals for which the kennel permit is requested. The number of dogs allowed in a kennel will be determined on a case-by-case basis, based on location, size of property and number of dogs.
- c. Animal management plan. Kennels will not be allowed to become unsightly or a public nuisance or create health or environmental hazards for surrounding properties. The animal management plan shall clearly state how the applicant will address the following:
  1. Animal waste and wastewater disposal.
  2. Potential for groundwater contamination.
  3. Flies and insects.
  4. Emergency evacuation of animals.
  5. Isolation of sick, injured or aggressive animals or females in season (estrus).
  6. Noise mitigation.
  7. Odor mitigation.
  8. Escape prevention.
  9. On-site supervision.
  10. Veterinary services.
  11. Record-keeping, including but not limited to immunizations, births, sterilizations, etc.

(d)



In addition to the requirements in Subsection (a) above, to allow livestock on less than two (2) acres; or more than one (1) horse or two (2) miniature horses on less than two (2) acres but more than twenty thousand (20,000) square feet; or one (1) horse or two (2) miniature horses on less than twenty thousand (20,000) square feet, the following standards shall apply:

- (1) One-half ( $\frac{1}{2}$ ) acre is required per each additional animal on properties more than twenty thousand (20,000) square feet.
- (2) Plot plan of the property showing location of corral and shelter with appropriate setbacks.
- (3) Feeding of the animals is required with only limited periodic grazing, vegetation permitting; overgrazing is prohibited.
- (4) Regular removal or spreading of manure is required to prevent the property from becoming a nuisance.

(Ord. 09-09 §8; Ord. 10-07 §14)



## TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Planning Commission

**FROM:** Zach Higgins, AICP Community Development Director  
Alex Cramer, Planner/Project Manager

**DATE:** March 19, 2024

**SUBJECT:** Discussion Regarding Elizabeth Municipal Code – Daycare Use by Special Review

### SUMMARY

Staff has received inquiries from potential applicants and public entities regarding the process required to open a childcare facility in the Town of Elizabeth. Currently, nursery schools and day care centers, as they are referred to in the EMC, are use by special review for Regional Commercial and Commercial Mixed Use zoning. Nursery schools and day care centers are not allowed in any other commercial zone district. They are categorized as use by special review in all residential zone districts.

Use by special review requirements are generally placed on uses which have potential to result in higher intensities than what is typically allowed in the surrounding zone district. For example, this would allow the Town to safeguard against over-intensive use of land, greater requirement for facilities and services than what is available, undue traffic congestion or traffic hazards, air, water, or noise pollution. Kennels and other canine-related facilities – commercial is another example of a use which is only allowed by use by special review.

This additional step is viewed as burdensome in both time and monetarily to potential applicants for childcare facilities. If a use qualifies as Use by Special Review within a zone district, the process is generally considered less attractive and much less attainable to non-experienced applicants.

Llan Barkley, the Director/Council Coordinator of the Elbert County Early Childhood Council has provided materials attached to be considered during this discussion.

### STAFF RECOMMENDATION

Please provide feedback/comments regarding nursery school and day care centers as use by special review within the EMC and direction on if a specific update should be explored further.



## TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

### ATTACHMENT(S)

1. Elizabeth Municipal Code Section 16-9
2. HB 21-1222 Factsheet
3. CO Statewide Licensed Capacity
4. CO Statewide High Quality Providers
5. Elbert County High Quality Providers
6. Elbert County Licensed Capacity

Sec. 16-9-10. - Intent.

The uses within the zoning districts established by this Code or by a development guide as uses by special review may be permitted in the designated districts upon approval by the Board of Trustees following a public notice and hearing as described in this Article and subject to such conditions and safeguards as may be imposed by the Board of Trustees.

(Prior code 14-5.1)

Sec. 16-9-20. - Criteria for approval.

- (a) The Board of Trustees may approve a use by special review subject to reasonable conditions which include, but are not limited to, the requirements that the proposed use:
  - (1) Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
  - (2) Will not result in an over-intensive use of land;
  - (3) Will not have a material adverse effect on community capital improvement programs;
  - (4) Will not require a level of community facilities and services greater than is available;
  - (5) Will not result in undue traffic congestion or traffic hazards;
  - (6) Will not cause significant air, water or noise pollution;
  - (7) Will be adequately landscaped, buffered and screened;
  - (8) Will not otherwise be detrimental to the health, safety or welfare of present or future inhabitants of the Town.

- (b) In addition to the above requirements, an Accessory Dwelling Unit (ADU) that is subject to the use by special review requirements shall comply with the following standards:
- (1) An ADU shall be limited to one (1) accessory dwelling unit (unit) per lot.
  - (2) The design and location of the unit shall be clearly subordinate to the principal structure.
  - (3) The unit can only be located on a lot or parcel of five thousand (5,000) square feet or more.
  - (4) The unit shall not be included in the zoning or land use density calculation.
  - (5) The detached unit must meet all requirements of Chapter 18 of this Code.
  - (6) One (1) off-street parking space per unit is recommended in addition to the spaces otherwise required; however, parking shall be addressed on a case-by-case basis.
  - (7) The accessory dwelling unit shall be served by the same water tap and sewer tap as the main structure, and the taps shall be sized according to the total demand for both structures.
  - (8) In a residential zoning district, the detached unit shall not be less than three hundred (300) square feet and not more than the lesser of seven hundred (700) square feet or fifty percent (50%) of the floor area of the primary residence.
  - (9) In a business zoning district, the accessory dwelling shall not be more than fifty percent (50%) of the total square footage of the building.
  - (10) The unit shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the building.
  - (11)

The outside appearance of the principal structure shall not be changed from that of its primary use.

- (12) Private entrances to attached accessory dwellings shall be located on the side or rear of the residence.
  - (13) Accessory dwelling units that are freestanding shall in no case be located in front of the principal structure. The accessory unit shall be located on the rear half of the parcel or in or above the garage.
  - (14) Accessory structure setbacks can be used for detached accessory dwelling units if single story. Multiple story structures used as accessory dwelling units must meet principal structure setbacks.
  - (15) The design and construction material used in an accessory dwelling unit shall be architecturally compatible to the principal structure.
  - (16) If attached to the main dwelling, it may have a separate entry and kitchen facility. If a separate entry is proposed, the design of the structure shall accommodate a fire wall between the main home and accessory dwelling unit.
  - (17) Separate addressing of the accessory structure and any related utility taps is not permitted.
  - (18) ADUs may be approved for a period not to exceed two (2) years. The applicant or owner must reapply biennially for review no later than thirty (30) days past the original approval date.
- (c) In addition to the requirements in Subsection (a) above, generally, all commercial animal establishments shall meet the following conditions:
- (1) Animal housing facilities shall be provided for the animals and shall be structurally sound, constructed of nontoxic materials, maintained in good repair and designed so as to protect the animals from injury. Each animal shall be provided with adequate floor space to allow it,

according to species and breed, to breathe and turn about freely and to easily eat and eliminate wastes, stand, sit and lie in a comfortable normal position and sanitary environment.

- (2) Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating, ventilation and lighting.
- (3) Water shall be supplied at sufficient pressure and quantity to clean housing facilities and enclosures of debris and excreta.
- (4) Adequate food and bedding shall be provided and stored in facilities which provide protection against rot, mildew and infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.
- (5) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease.
- (6) Washroom facilities, including sinks with hot and cold water and toilets, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.
- (7) Each animal shall be observed daily. Reasonable efforts shall be made to separate sick, diseased or injured animals from those appearing healthy and normal. Sick, diseased or injured animals shall be removed from display and sale and kept in isolation quarters. Ventilation of quarters for sick or diseased animals shall be arranged to avoid contamination of healthy animals.
- (8) During the hours any facility is open, there shall be an employee or keeper on duty at all times, whose responsibility shall be the care and supervision of the animals in that facility, whether held for sale or display.
- (9)



An employee, keeper or owner shall make provision to feed, water and provide necessary care for animals on days the store or establishment is closed.

- (10) No person shall knowingly misrepresent an animal to a consumer in any way. No person shall knowingly sell a sick or injured animal. Adequate care and feeding instructions shall be given, in writing, to each animal purchaser.
- (11) Animals which are caged, closely confined or restrained shall be permitted to exercise daily for an appropriate length of time as determined by their size, age and species, in an area suitable for that purpose.
- (12) Facilities shall be clean and sanitary at all times.
- (13) A commercial kennel shall also comply with the following standards:
  - a. Purpose statement. A statement regarding the specific purpose or purposes of the proposed kennel facility, including the specific category or categories of animal facility designated by the rules and regulations of the Colorado Pet Animal Care Facilities Act (Section 35-80-101—35-80-117, et seq., C.R.S.), the Colorado Division of Wildlife and/or the U.S. Department of Agriculture.
  - b. Type and number of animals. A statement regarding the type and number of animals for which the kennel permit is requested. The number of dogs allowed in a kennel will be determined on a case-by-case basis, based on location, size of property and number of dogs.
  - c. Animal management plan. Kennels will not be allowed to become unsightly or a public nuisance or create health or environmental hazards for surrounding properties. The animal management plan shall clearly state how the applicant will address the following:
    1. Animal waste and wastewater disposal.

2. Potential for groundwater contamination.
3. Flies and insects.
4. Emergency evacuation of animals.
5. Isolation of sick, injured or aggressive animals or females in season (estrus).
6. Noise mitigation.
7. Odor mitigation.
8. Escape prevention.
9. On-site supervision.
10. Veterinary services.
- 11 Record-keeping, including but not limited to immunizations, births, sterilizations, etc.

- (d) In addition to the requirements in Subsection (a) above, to allow livestock on less than two (2) acres; or more than one (1) horse or two (2) miniature horses on less than two (2) acres but more than twenty thousand (20,000) square feet; or one (1) horse or two (2) miniature horses on less than twenty thousand (20,000) square feet, the following standards shall apply:
- (1) One-half ( $\frac{1}{2}$ ) acre is required per each additional animal on properties more than twenty thousand (20,000) square feet.
  - (2) Plot plan of the property showing location of corral and shelter with appropriate setbacks.
  - (3) Feeding of the animals is required with only limited periodic grazing, vegetation permitting; overgrazing is prohibited.
  - (4) Regular removal or spreading of manure is required to prevent the property from becoming a nuisance.

(Ord. 09-09 §8; Ord. 10-07 §14)

Uses by special review shall be permitted for a duration of time specified by the Board of Trustees, or until the land use changes, or is terminated, whichever occurs first. Each use is subject to yearly review by the Town, or as often as the Board of Trustees deems appropriate to ensure compliance with the criteria stated in Section 16-9-20, and any other conditions of approval.

(Prior code 14-5.3)

Sec. 16-9-40. - Procedure.

- (a) The applicant should meet with the staff of the Town informally to discuss the request to be submitted and determine the requirements for such application, dependent upon the size and nature of the proposal.
- (b) Once the applicant determines to proceed, the following information shall be submitted to the Town:
  - (1) A completed application for a use by special review;
  - (2) Ten (10) copies of the site plan (folded to 9" by 12");
  - (3) A narrative outlining the proposal;
  - (4) A copy of the recorded warranty deed and title commitment current within thirty (30) days;
  - (5) An alphabetical list of all property owners adjacent to the affected property;
  - (6) Any other information that the staff of the Town may require;
  - (7) The appropriate fee; and
  - (8) Proof of ownership.
- (c) The staff of the Town shall review the proposal within twenty (20) days and determine the completeness of the application.
- (d) The request shall be sent to the referral agencies for review and comment. Agencies shall have twenty-five (25) days to respond.

(e) Public hearings shall then be scheduled and noticed before the Planning Commission and the Board of Trustees in accordance with the notice procedures set forth in this Code for zoning applications.

Item 11.

(Prior code 14-5.4)



## Increasing Access to Licensed Family Child Care Homes: Implementation of HB 21-1222 for Local Officials

**On September 8, 2021, House Bill 1222 went into effect.** The bill **requires** local regulatory agencies throughout Colorado to treat all licensed family child care homes (FCCH) as residences for regulatory purposes such as zoning, land use, fire, life safety, and building codes. This means that for any provider seeking a new child care license or a change in their child care license, local regulatory agencies must provide an approval letter to the provider in support of their child care license application without mandating additional regulations that would not otherwise be applied to non-child care providing residences. Further, local regulating agencies are no longer able to limit the number of children in care below a provider's state-sanctioned licensed capacity.

### Ensuring Safety

Licensed FCCHs are safe and often more affordable and accessible child care options for families across Colorado. The Colorado Department of Human Services' Office of Early Childhood (OEC) regulates child care operations in all licensed facilities to ensure quality, health, and safety standards are met for all children in care. Even though OEC regulates health and safety standards, some localities and municipalities have previously categorized the use of a child care provider's home as a commercial "use," a categorization with increased requirements that severely limited the viability and operations of FCCHs. [State child care licensing regulations](#) already require FCCHs to meet a comprehensive list of health and safety standards – created in collaboration with fire/life safety, building code, and other local officials - to ensure the wellbeing of all children in care. Therefore, by eliminating additional regulations from local agencies, providers will maintain safe environments for young children while increasing the availability of quality child care within communities throughout Colorado.

### Implementation Guidance for Local Officials

- ✓ Current child care licensing regulations require that a provider receive a letter of approval from their local zoning authority to obtain a child care license. Therefore, new and existing providers will still notify or submit an application to your local zoning agency and request a letter of approval that they must submit to their licensing specialist.
- ✓ Providers must still comply with any local zoning, land use, building, or fire code that would also apply to any other residence in your community, regardless of child care operation status. ✓ If your locality requires a business license to operate a business out of a home, providers must still comply and pay any associated fees.
- ✓ Your locality may experience an increase in requests for new or updated zoning approval letters from new and existing FCCH providers, resulting in additional licensed child care capacity and supporting economic growth in your municipality and county.
- ✓ If your local application asks about citizenship or legal status, providers are now allowed to skip those questions. Per Senate Bills [077](#) and [199](#), professional licenses – including child care licenses – no longer require proof of citizenship or legal status. Amending local forms to remove any questions or proof of documentation related to immigration status is advised.
- ✓ For questions related to HB 1222, and licensing requirements for family child care homes, please contact the local child care licensing specialist serving your community or the Division of Early Learning Licensing and Administration (DELLA) at [cdhs\\_oec\\_communications@state.co.us](mailto:cdhs_oec_communications@state.co.us) or 303-866-5948.

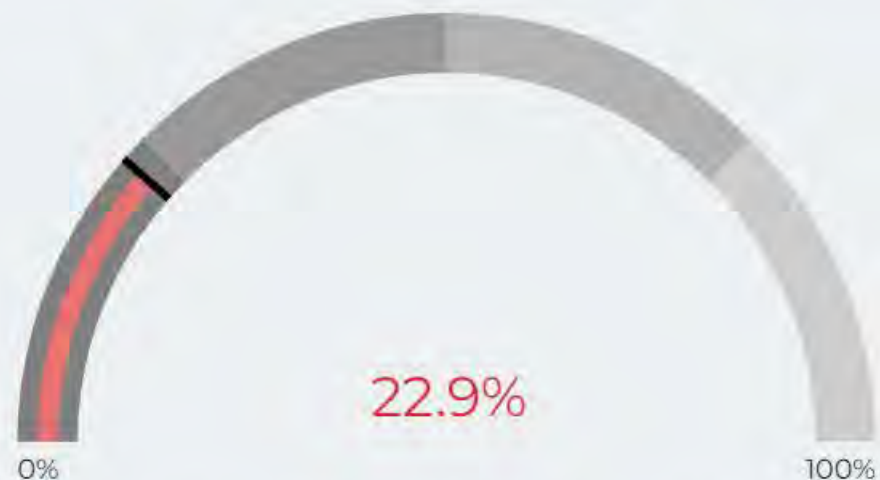


You are viewing data for:

**High Quality Capacity:** 71,903

**Estimated Birth to Five Population:** 314,230

**Percentage of the estimated Birth to Five population that could be served in high quality care:**



The statewide percentage of high quality capacity versus Birth to Five population is **22.9%** and is represented by the black bar on the gauge. The red bar and percentage associated with the gauge will change depending on the ECC selected and their specific data.



You are viewing data for:

ECC

### Infants (0-18 months)

Licensed Infant Capacity

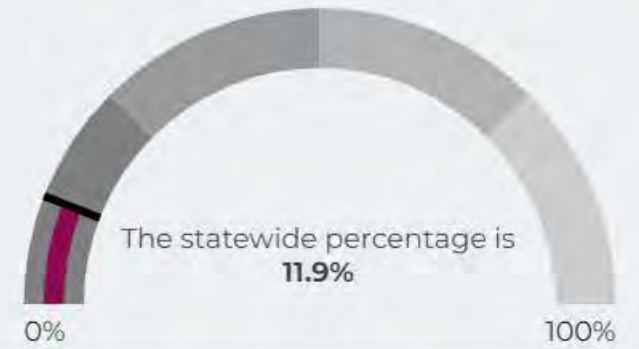
11,291

Estimated Infant Population

94,608

Percent of the estimated population with access to licensed care

11.9%



Unlike centers, home providers are not licensed for specific age group capacities. In an effort to include home capacities in our counts, we assume 2 infants are served at each home provider.

### Toddlers (18-36 months)

Licensed Toddler Capacity

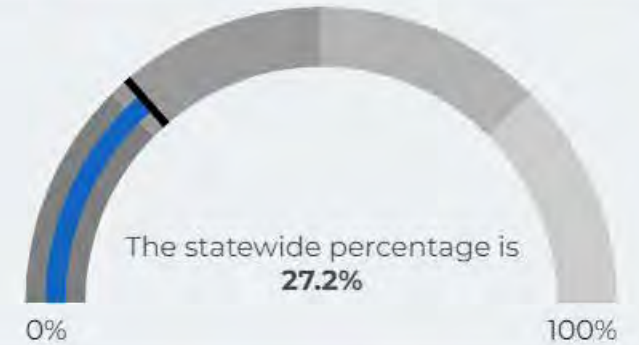
25,487

Estimated Toddler Population

93,671

Percent of the estimated population with access to licensed care

27.2%



Unlike centers, home providers are not licensed for specific age group capacities. In an effort to include home capacities in our counts, we assume between 2-5 toddlers are served at each home provider depending on their license type.

### Preschoolers (36 - 60 months)

Licensed Preschool Capacity

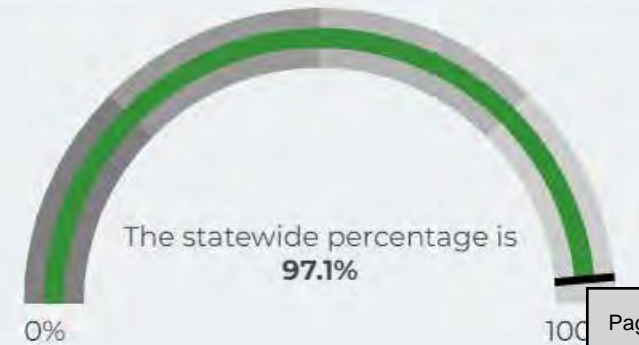
122,352

Estimated Preschool Population

125,952

Percent of the estimated population with access to licensed care

97.1%



**These preschool capacity figures should not be used to estimate UPK capacity.** There are some preschool capacities that permit centers to provide care to either preschool OR school-age children, resulting in a mix of ages served. Unlike centers, home providers are not licensed for specific age group capacities. In an effort to include home capacities in our counts, we assume between 0-5 preschoolers are served at each home provider depending on their license type.



You are viewing data for:

ECC: Elbert County Early Childho... (1) ▾

**High Quality Capacity:** 160

**Estimated Birth to Five Population:** 1,415

**Percentage of the estimated Birth to Five population that could be served in high quality care:**



The statewide percentage of high quality capacity versus Birth to Five population is **22.9%** and is represented by the black bar on the gauge. The red bar and percentage associated with the gauge will change depending on the ECC selected and their specific data.

You are viewing data for:

ECC: Elbert County Early Childho... (1) ▾

### Infants (0-18 months)

Licensed Infant Capacity

2

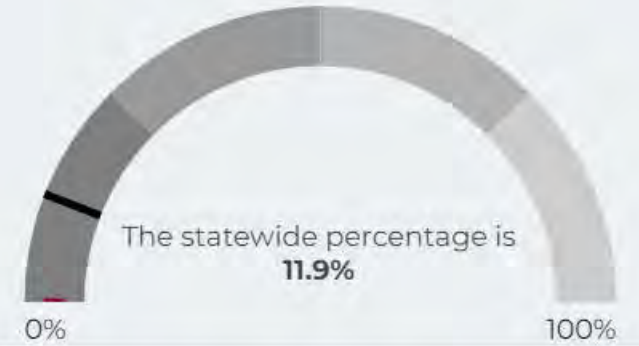
Estimated Infant Population

428

Percent of the estimated population with access to licensed care

0.5%

Unlike centers, home providers are not licensed for specific age group capacities. In an effort to include home capacities in our counts, we assume 2 infants are served at each home provider.



### Toddlers (18-36 months)

Licensed Toddler Capacity

13

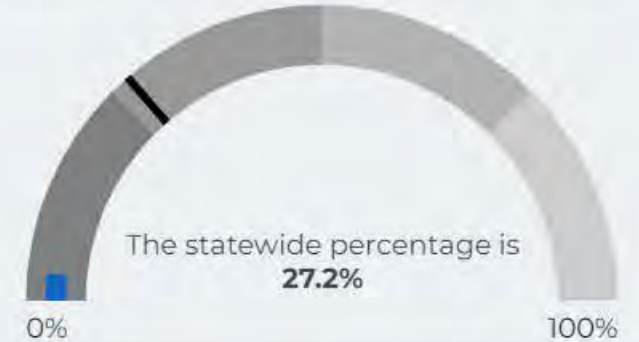
Estimated Toddler Population

414

Percent of the estimated population with access to licensed care

3.1%

Unlike centers, home providers are not licensed for specific age group capacities. In an effort to include home capacities in our counts, we assume between 2-5 toddlers are served at each home provider depending on their license type.



### Preschoolers (36 - 60 months)

Licensed Preschool Capacity

278

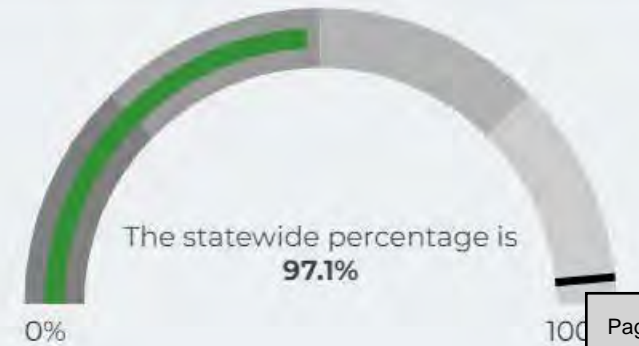
Estimated Preschool Population

574

Percent of the estimated population with access to licensed care

48.4%

These preschool capacity figures should not be used to estimate UPK capacity. There are some preschool capacities that permit centers to provide care to either preschool OR school-age children, resulting in a mix of ages served. Unlike centers, home providers are not licensed for specific age group capacities. In an effort to include home capacities in our counts, we assume between 0-5 preschoolers are served at each home provider depending on their license type.





## TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Planning Commission  
**FROM:** Zach Higgins, AICP Community Development Director  
**DATE:** March 19, 2024  
**SUBJECT:** Staff Report

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- The BOT have given general direction to proceed with updated designs for the Main Street Streetscape Project. New cross-sections are being developed now.
- The Elizabeth Streetscape project has been awarded \$250,000 from CDOT's Revitalizing Main Street Grant to be put towards construction of the southern half of Main Street.
- The MSBOD has received a 60% design drawing set for an archway sign at the intersection of SH-86 and Main Street.
- The MSBOD has purchased a website from Locable which house a community calendar and promote Elizabeth area events.
- The HAB is working on creating a Historic District within Town and updating the Design Guidelines to include additional language about historic properties.
- The HAB is in the process of collecting oral histories and creating an oral history website.
- The Town has submitted an application for a GOCO Planning and Capacity Grant jointly with Elizabeth Parks and Recreation District and Elizabeth School District for the Elizabeth Area Parks, Trails, and Open Space Master Plan.