

Road Vacation Staff Report

DATE: APRIL 25, 2024
TO: DOUGLAS COUNTY PLANNING COMMISSION
FROM: MIKE PESICKA, PRINCIPAL PLANNER
JEANETTE BARE, AICP, PLANNING MANAGER
STEVEN E. KOSTER, AICP, ASSISTANT DIRECTOR OF PLANNING SERVICES *SK*
SUBJECT: VACATION OF CERTAIN ROADS IN MERIBEL VILLAGE FILING 1
PROJECT FILE: SB2023-043

OWNER:
DOUGLAS COUNTY
BOARD OF COUNTY COMMISSIONERS
100 THIRD STREET
CASTLE ROCK, CO 80104

APPLICANT:
GARRY LAWRENZ
2080 SKY VIEW LANE
LARKSPUR, CO 80118

KAMIL B. TAZI
6250 STATTER CIRCLE, UNIT A
LARKSPUR, CO 80118

PLANNING COMMISSION HEARING:

MAY 6, 2024 @ 6:00 P.M.

BOARD OF COUNTY COMMISSIONERS HEARING:

JUNE 11, 2024 @ 2:30 P.M.

I. EXECUTIVE SUMMARY

The request is for approval of a road vacation to vacate certain unused rights-of-way (ROW) in Meribel Village Filing 1. These roads were established by plat in 1971 but were never improved and have not been used as public roads. A private access easement will be recorded as part of the vacation resolution to allow for continued access to Lot 1 of Block 18, Meribel Village Filing 1, which is owned by the Cadiz family. Ownership of the vacated portions of Sinclair Blvd and Gaillardia Road will be given to the applicants, Kamil Tazi and Garry Lawrenz, respectively, along with the other roads as depicted on Exhibit A of the vacation resolution. The applicants own numerous single-family detached residential lots which abut the ROW to be vacated.

The applicants have submitted a concurrent administrative lot line vacation to combine the multiple Suburban Residential (SR) zoned lots into 3 larger lots. A zone map change to rezone these lots from SR to Agricultural One (A-1) will also be requested.

II. REQUEST

A. Request

The request is for approval of a road vacation of approximately 18.14 acres of ROW, with a private access easement to be provided to the owners of Lot 1, Block 18, Meribel Village Filing 1.

B. Process

A road vacation application is processed pursuant to Article 7B of the *Douglas County Subdivision Resolution (DCSR)*. Article 7B states that the intent of the process is “to provide a review process for a road vacation either when no replatting or realignment is proposed, or when a replat or realignment is proposed.”

Per Section 709B.04 of the *DCSR*, “The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with conditions, table for further study, or deny the vacation request. The Planning Commission’s decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.”

C. Location

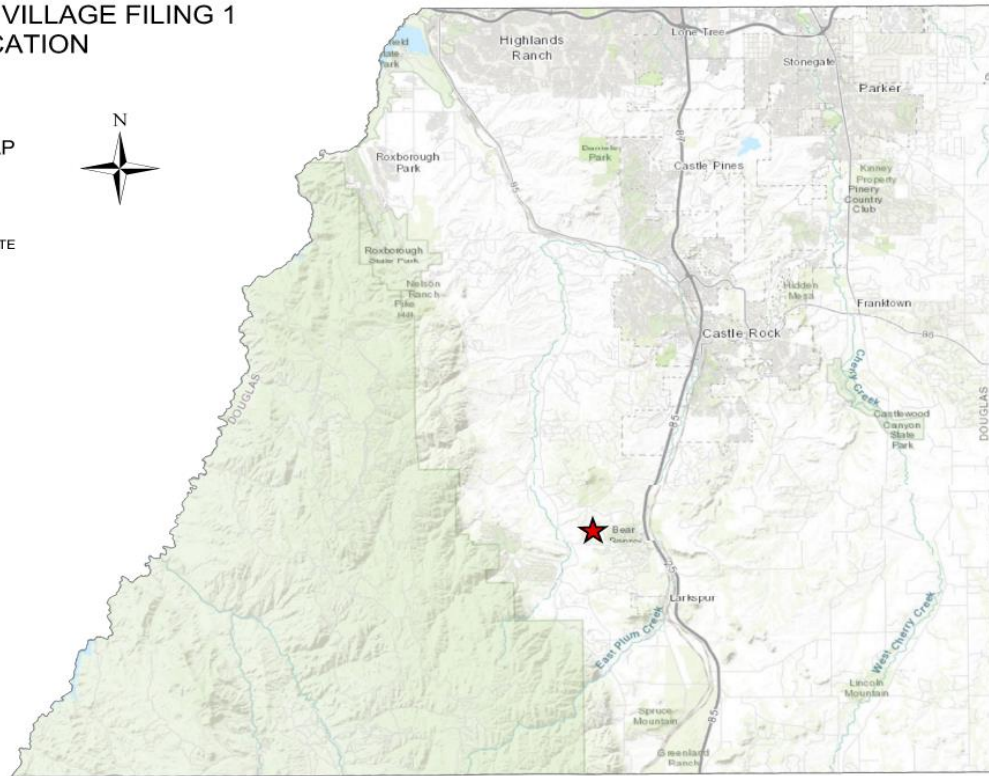
The ROWs under consideration are located approximately ½ mile east of S. Perry Park Road, west of Sable Road, south of Sinclair Blvd, and north of Ivesia Drive within Meribel Village Filing 1. The vicinity, zoning and aerial maps on the following pages shows the location of the proposal within the Meribel Village Filing 1 subdivision.

MERIBEL VILLAGE FILING 1 ROW VACATION

SB2023-043
VICINITY MAP

LEGEND

★ PROJECT SITE



DOUGLAS COUNTY
COLORADO

Document Path: O:\Planning\GIS\Map Template - VICINITY.mxd
Date Saved: 4/14/2023 10:05:44 AM

DOUGLAS COUNTY
COLORADO

MERIBEL VILLAGE ROW VACATIONS

SB2023-043
ZONING MAP

LEGEND

▬ PROJECT SITE

▬ MAJOR ROADS

▬ OTHER ROADS

ZONE DISTRICT

A1 - AGRICULTURAL ONE

LRR - LARGE RURAL RESIDENTIAL

RR - RURAL RESIDENTIAL

ER - ESTATE RESIDENTIAL

SR - SUBURBAN RESIDENTIAL

MF - MULTIFAMILY

LSB - LIMITED SERVICE BUSINESS

B - BUSINESS

C - COMMERCIAL

LI - LIGHT INDUSTRIAL

GI - GENERAL INDUSTRIAL

CMTY - SEDALIA COMMUNITY

D - SEDALIA DOWNTOWN

HC - SEDALIA HIGHWAY COMMERCIAL

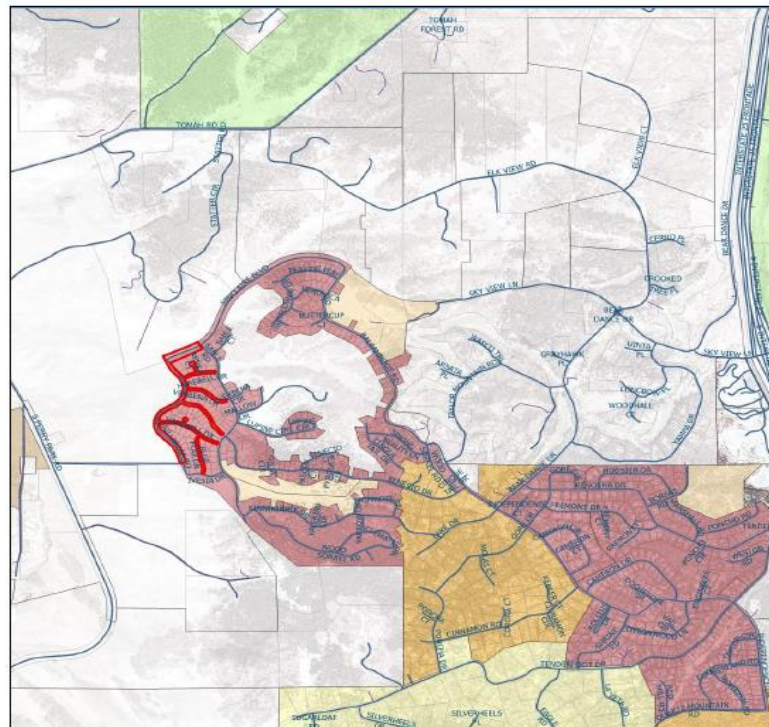
MI - SEDALIA MIXED INDUSTRIAL

PD - PLANNED DEVELOPMENT

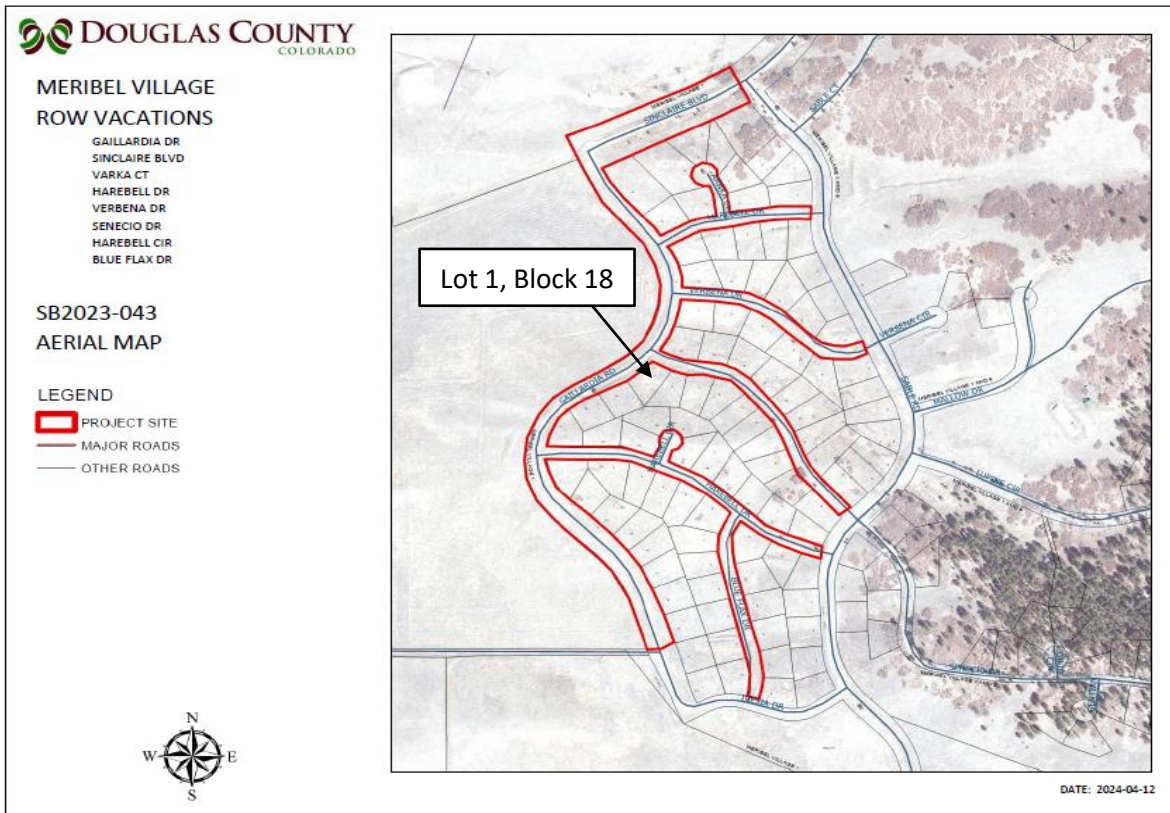
OS - OPEN SPACE CONSERVATION

NF - NATIONAL FOREST

INCORPORATED AREAS



DATE: 2024-04-12



D. Project Description

The applicant is proposing a vacation of certain roads within the south-central area of Douglas County. The roads to be vacated are all within the Meribel Village Filing 1 subdivision. The roads requested to be vacated are Arnka Court, Blue Fax Drive, Harebell Circle, Harebell Drive, Senecio Drive, Verbena Drive, and portions of Gaillardia Road and Sinclair Blvd. Portions of Sinclair Blvd and Gaillardia Road, as described in the vacation resolution, will be given to Garry Lawrenz and Kamil Tazi, the applicants, and adjacent property owners.

The ROW to be vacated totals approximately 18.14 acres and is located within the Suburban Residential (SR) zone district. The vacation resolution provides that ownership of the vacated ROW will be distributed to Kamil Tazi and Garry Lawrenz, both of whom are also the applicants for the vacation request. If the ROW vacation is approved, then the applicants are proposing the creation of three new lots that will absorb the vacated ROW via an administrative replat that is being processed concurrently with the ROW application. In addition, the applicants will provide a private access easement for the owners of Lot 1, Block 18, Meribel Village Filing 1 to maintain the owners' ability to access the property.

III. CONTEXT

A. Background

- B. In 1971, the Board approved the Meribel Village Filing 1 subdivision, which created 502 residential lots zoned Suburban Residential (SR). All lots are 0.5-acre or greater in size. At the time the Meribel Village final plat was approved, the County did not require developers to enter into a Subdivision Improvement Agreement (SIA) to ensure that necessary public improvements (roads, water, sewer, and other improvements) were constructed. With no roads, water lines, or sewer lines in place, most lots in Meribel Village cannot be developed as currently platted and zoned. There have been multiple administrative replats approved in the Meribel Village subdivision to consolidate smaller lots into larger properties. In some cases, downzoning has also been approved allowing a limited number of homes to be constructed on larger lots utilizing private driveways and individual well and septic systems. The applicants are requesting that the unused and unbuilt ROW be vacated and merged into three new lots to be created via an associated administrative replat.

B. Adjacent Land Uses and Zoning

| | Zoning | Land Use |
|-------|---|---|
| North | Agricultural One | Agricultural and Residential uses |
| South | Agricultural One and Suburban Residential | Agricultural and Residential uses |
| East | Agricultural One and Suburban Residential | Agricultural and Residential uses, undeveloped platted Residential lots |
| West | Agricultural One | Agricultural and Residential uses |

IV. PHYSICAL SITE CHARACTERISTICS

A. Site Characteristics and Constraints

The ROWs are 60 feet wide and of varying length. Two cul-de-sacs will also be vacated (Arnka Court and Harebell Circle).

C. Access

Access to the property and adjoining parcels and lots will continue to be available via Sable Road, Ivesia Drive, and Sinclair Blvd, as well as a private easement that will be recorded to provide access to Lot 1, Block 18.

C. Soils and Geology

No known environmental hazards are located within the portion of ROW.

D. Drainage and Erosion

Engineering has reviewed the request and did not have any comments regarding the vacation request.

E. Floodplain

There is no FEMA-mapped 100-year floodplain identified on the site.

V. PROVISION OF SERVICES

A. Fire Protection

Larkspur Fire provides firefighting and emergency medical services to the project area. Larkspur Fire responded to the referral agency review request and requested that the applicant submit for permit to determine fire flow and access. This will occur at the time of building permit for a new residence.

B. Sheriff Services

The Douglas County Sheriff's Office (DCSO) provides police protection to the site and did not respond to the referral request.

C. Water

Properties within Meribel Village Filing 1 are not served by a water district. A few larger lots are served by individual wells. The proposed road vacation will not require additional water.

D. Sanitation

Properties within Meribel Village Filing 1 are not within a sanitation district with a few larger lots served by individual on-site wastewater treatment systems (OWTS). The proposed road vacation will not require sanitation and sewer improvements.

E. Utilities

Area utility service providers were provided a referral on this application. AT&T, Black Hills Energy, CenturyLink, Comcast, and Xcel Energy did not respond to the referral request. CORE had no comment on the request. Utility easements on Lot 1, Block 18 will remain.

F. Dedications

The portions of ROW were dedicated to the Board at the time of subdivision; therefore, if approved, it will be formally vacated through a resolution per Article 709B of the *DCSR*. Ownership of the vacated portion of right-of-way will be assigned to the owners of the abutting lots via the right-of-way vacation resolution.

VI. PUBLIC NOTICE AND INPUT

In accordance with Article 710B of the *DCSR*, notice of the hearing must be sent by certified mail to each abutting landowner, published in the newspaper, and posted on the property at least 14 days prior to the public hearing.

Courtesy Notices of an application in process were sent to adjacent property owners. The owners of Lot 1, Block 18 responded objecting to the vacation request and their response is included as an attachment to the staff report. No other adjacent property owners or members of the public have provided comments on the proposal. The applicant has provided a written response to referral and public comments.

VII. STAFF ANALYSIS

A road vacation may be approved upon the finding by the Board of County Commissioners that the following standards have been met:

705B.01 A platted or deeded road or portion thereof, or unplatted or undefined roads which have arisen by public usage, shall not be vacated so as to leave any land adjoining said road without an established public road or private access easement connecting said land with another established public road.

Staff Comment: Access to Lot 1, Block 18 will not be affected by vacation of the ROW as the applicant will be recording a private access easement for this lot. All adjoining properties will continue to obtain public access via the existing public rights of way or access easements.

705B.02 A vacation of a state highway must be approved by the Transportation Commission.

Staff Comment: The ROW is not a state highway. Therefore, this request does not require the approval of the Transportation Commission.

705B.03 The road vacation, or vacation and replat, is keeping with the spirit and intent of the *Douglas County Subdivision Resolution*, and the *Douglas County Comprehensive Master Plan and Transportation Plan*.

Staff Comment: This road vacation maintains the intent of the DCSR, the Douglas County Master Plan, and the Transportation Plan. Access to the existing lots will be maintained. The unused ROWs are not needed to provide access to other adjoining properties.

705B.04 The road vacation will not diminish the ability to provide adequate emergency services and will not increase the cost of services.

Staff Comment: All necessary emergency services are in place to serve the area.

705B.05 The approval will not adversely affect the public health, safety and welfare.

Staff Comment: There are no adverse impacts created with the road vacation.

VIII. STAFF ASSESSMENT

Staff has evaluated the road vacation request in accordance with Article 7B of the *DCSR*. In addition to the private access easement and administrative replat, the applicants have

indicated that they will follow this process with a zone map change to rezone the three large lots to A-1.

Should the Planning Commission find that the approval standards for the road vacation are met, the following proposed conditions should be considered for inclusion in its recommendation to the Board of County Commissioners:

1. Prior to recordation of the Road Vacation Resolution, all minor technical corrections shall be made to the satisfaction of Douglas County.
2. Concurrent with the recordation of the Road Vacation Resolution, the applicant shall record the private access easement for access to Lot 1, Block 18, of Meribel Village Filing 1.
3. Concurrent with the recordation of the Road Vacation Resolution, the applicants shall complete and record the concurrently submitted administrative replat application.

| ATTACHMENTS | PAGE |
|---|-------------|
| Douglas County Land Use Application | 9 |
| Applicants' Narrative | 11 |
| Vicinity Map | 11 |
| Zoning Map | 12 |
| Aerial Map..... | 13 |
| Referral Agency Response Report and Letters | 14 |
| Applicant's Response to Referral Comments | 16 |
| Public Comments and Applicant's Response..... | 19 |
| Private Access Easement | 26 |
| Vacation Resolution | 30 |
| ROW Dedication Exhibit..... | 32 |

LAND USE APPLICATION

Please fill in this application form completely. An incomplete application will not be processed.

Note: Neither the Planning Commission nor the Board of County Commissioners should be contacted regarding an open application.

OFFICE USE ONLY

PROJECT NAME: ROW Vacation Meribel Village Filing 1 Block 15,16,17,18,19. Includes the ROW's named; Harebell Drive, Harebell Cir., Gaillardia Rd., A Portion of Senecio Dr., Verbena Dr., Arnka Ct., Blue Flax Dr.

PROJECT TYPE: RIGHT OF WAY VACATION

MARKETING NAME: THREE PINE RIDGE

OWNER NAME: PHOENIX LARKSPUR LLC

Address: 2080 Sky View Lane Larkspur CO 80118

Phone: Principals: Garry Lawrenz, 303.619.1364 And Kamil Tazi

Email: Garry, Lawrenz@outlook.com, kbtazi@me.com

AUTHORIZED REPRESENTATIVE (requires notarized letter of authorization if other than owner)

Name:

Garry Lawrenz

Address

2080 Sky View Lane, Larkspur, CO 80118

Phone:

303-619-1364

Email:

garry.lawrenz@outlook.com

LEGAL DESCRIPTION:

Subdivision Name: MERIBEL VILLAGE FILING 1 Blk 15,16,17,18,19,20 (SEE ATTACHED DETAIL)

Lot #:

Block #:

Section #:

Township:

Range:

STATE PARCEL NUMBER(S):

Filing #:

ZONING:

Present Zoning: SR

Proposed Zoning: A1

Gross Acreage: 65 A M/L

Gross Site Density (DU per AC): _____ # of Lots or Units Proposed: _____

SERVICE PROVIDERS:

Fire District: Lafayette Fire Protection District Metro District: _____ Gas: Propane
 Water: _____ Sewer: septic Electric: CORE ELECTRIC 10-09
 Roads: ☐ Public ☒ Private (please explain): ALL PRIVATE DRIVE ACCESS

To the best of my knowledge, the information contained on this application is true and correct. *I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.*

Quay A. Hanning
 Applicant Signature

8-28-2023
 Date



Department of Community Development

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460

Revised 07.30.2018

www.douglas.co.us

ANY APPROVAL GIVEN BY DOUGLAS COUNTY DOES NOT OBVIATE THE NEED TO COMPLY WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND/OR REGULATIONS.

PREBLE'S MEADOW JUMPING MOUSE

What is the Prebles' meadow jumping mouse?

The Preble's meadow jumping mouse is a rare mouse designated by the United States Fish and Wildlife Service as a "threatened species" under the Endangered Species Act. The federal threatened species designation prohibits the unlawful "take" of the Preble's meadow jumping mouse or its habitat.

Planning Services

Where does the mouse live?

The Preble's meadow jumping mouse lives primarily in heavily vegetated riparian habitats. In Douglas County, the mouse has been located in or near many drainages, including tributaries and the main stream reaches, of East and West Plum Creek. However, **any** stream reach or potential habitat within Douglas County may be subject to the requirements of the Endangered Species Act.

The mouse has also been found in Boulder, Elbert, El Paso, Jefferson and Larimer counties and in parts of Wyoming.

What activities may be considered a violation of the Endangered Species Act?

In its listing decision, the United States Fish and Wildlife Service identified activities that may result in violation of the Endangered Species Act to include:

1. Unauthorized or unpermitted collection, handling, harassing, or taking of the species; Vacation of Certain Roads in Meribel Village Filing 1 Project File# SB2023-043
 Planning Commission Staff Report - Page 10 of 38

2. Activities that directly or indirectly result in the actual death or injury death of the mouse, or that modify the known habitat of the species, thereby significantly modifying essential behavioral patterns (e.g., plowing, mowing, or cutting; conversion of wet meadow or riparian habitats to residential, commercial, industrial, recreational areas, or cropland; overgrazing; road and trail construction; water development or impoundment; mineral extraction or processing; off-highway vehicle use; and, hazardous material cleanup or bioremediation); and;
3. The application or discharge of agrichemicals, or other pollutants, and pesticides, onto plants, soil, ground water, or

Phoenix Larkspur LLC
2080 Sky View Lane
Larkspur CO 80118

August 7, 2023

Douglas County Planning Department
100 3rd St
Castle Rock Colorado 80104

LAND USE APPLICATION NARRATIVE: ROW Vacation

Garry Lawrenz and Kamil Tazi as principals of Phoenix Larkspur LLC are requesting a ROW Vacation Article 7B (DCSR), comprised of their current property holdings within Meribel Village Filing 1. The property currently has 7 roads that were created with the recorded Plat in 1971, reception #1971144862. The roads and the associated lots are not improved and the owners seek to fold the unused public roads into their holdings. Access by private drive, is provided by Sinclair Blvd, currently owned by Phoenix Larkspur LLC. An easement will be created and included with this application for access by adjacent property owners.

- The ROW Vacation will conform with Article 7B, Road Vacation of the Douglas County Subdivision Resolution (DCSR)
- The roads referenced in the attached exhibit were platted in 1971 and have not been improved to Douglas County Access standards. These public roads have laid fallow and overgrown during the 50 years since creation.
- No soil or topographical changes will be made with this ROW Vacation.
- No zoning changes are requested with this application
- Adequate roads and access exist for the zoning and nature of the property via a private road (Sinclair Blvd)
- This Vacation will not disturb any natural or cultural resources
- The property has available access for all necessary services, fire, police, recreation, utilities, for the current zoning and nature of the property
- No drainage easements as dedicated via Meribel Village 1 will be vacated at this time.
- The current 10' wide utility easements as dedicated via the Meribel Village Filing 1 Plat will not be vacated.
- The current ingress and egress across private property remains unchanged with this replat request.
- No new or additional development or residential structures are planned with this request

- Arnka Court, Harebell Drive, Verbena Drive, a portion of Senecio Dr, Harebell Cir, Blue Flax Drive, Gaillardia Road, all Douglas County public ROW, will be vacated with this request.
- This ROW vacation request will be submitted to the Douglas County Planning Commission
- Posted, published and public notice will be executed for this application and ROW Vacation
- All property acquired via this ROW Vacation should be allocated/added to the lots and property under the ownership of Phoenix Larkspur LLC. No allocation should be made under this application to any other property owner.
- This application is consistent with the Comprehensive Master Plan
- The road vacation will not diminish the ability to provide adequate emergency services and will not increase the cost of services
- The approval will not adversely affect the public health, safety, and welfare

Respectfully submitted

Garry Lawrenz, Principal, Phoenix Larkspur LLC

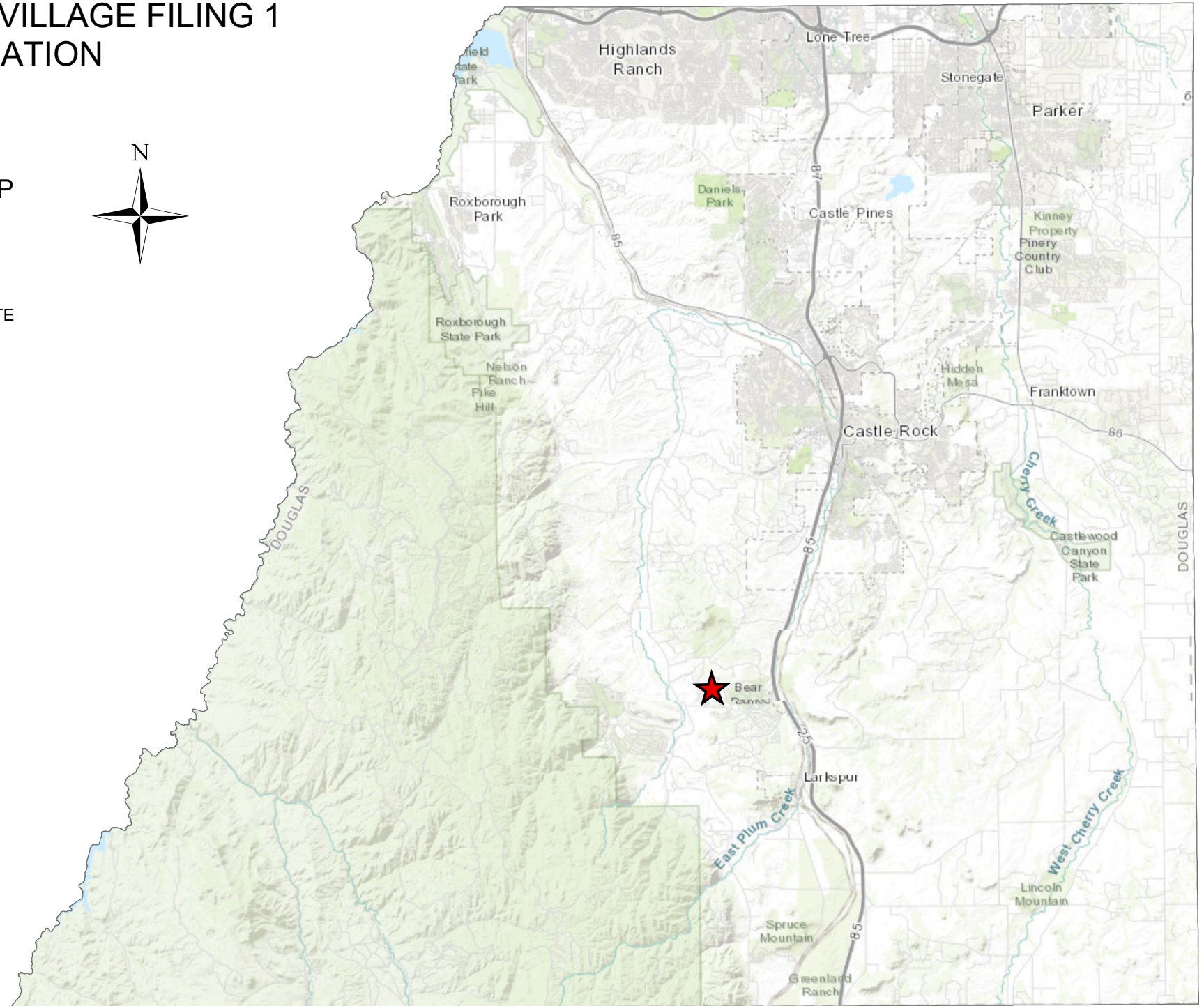
Kamil Tazi, Principal, Phoenix Larkspur LLC

MERIBEL VILLAGE FILING 1 ROW VACATION

SB2023-043
VICINITY MAP

LEGEND

 PROJECT SITE





MERIBEL VILLAGE ROW VACATIONS

SB2023-043
ZONING MAP

LEGEND

PROJECT SITE

MAJOR ROADS

OTHER ROADS

ZONE DISTRICT

A1 - AGRICULTURAL ONE

LRR - LARGE RURAL RESIDENTIAL

RR - RURAL RESIDENTIAL

ER - ESTATE RESIDENTIAL

SR - SUBURBAN RESIDENTIAL

MF - MULTIFAMILY

LSB - LIMITED SERVICE BUSINESS

B - BUSINESS

C - COMMERCIAL

LI - LIGHT INDUSTRIAL

GI - GENERAL INDUSTRIAL

CMY - SEDALIA COMMUNITY

D - SEDALIA DOWNTOWN

HC - SEDALIA HIGHWAY COMMERCIAL

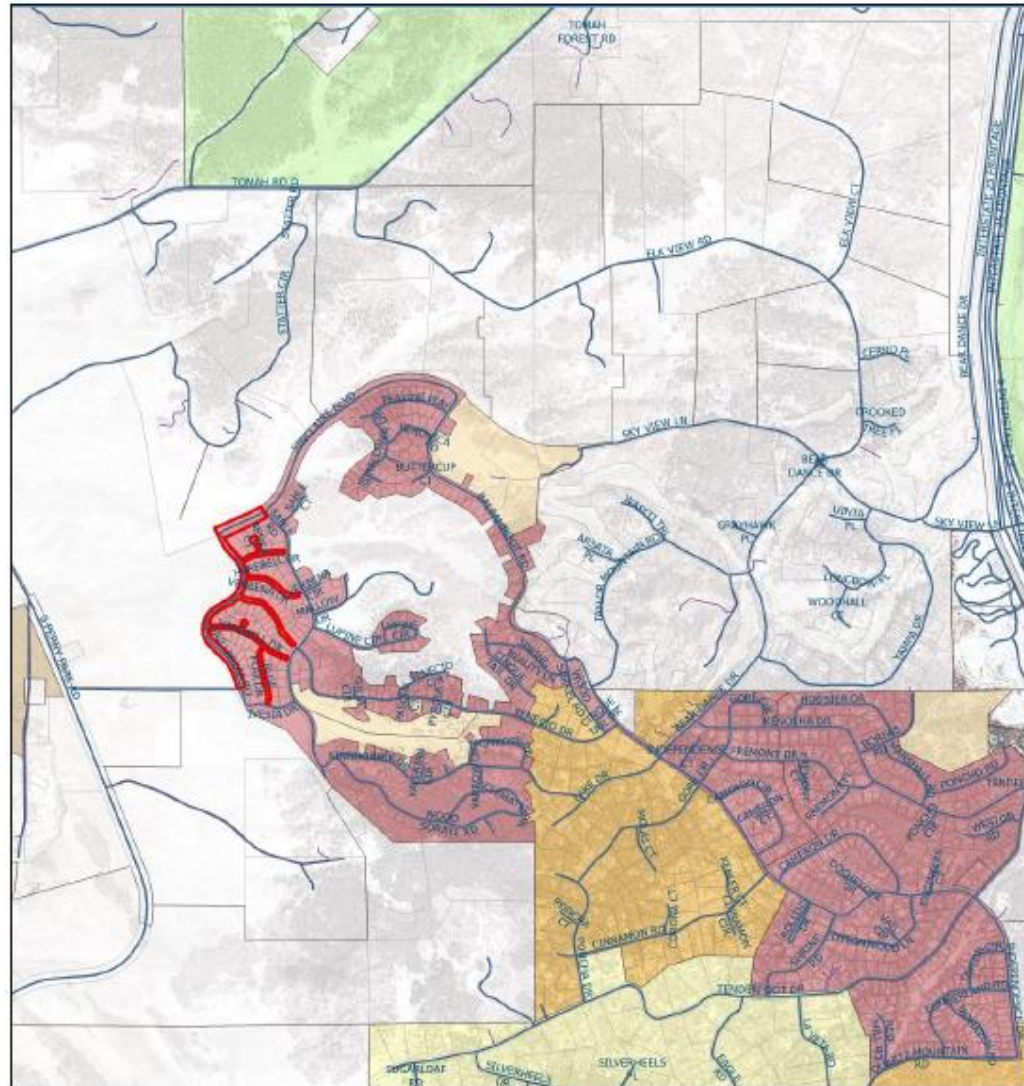
MI - SEDALIA MIXED INDUSTRIAL

PD - PLANNED DEVELOPMENT

OS - OPEN SPACE CONSERVATION

NF - NATIONAL FOREST

INCORPORATED AREAS



DATE: 2024-04-12



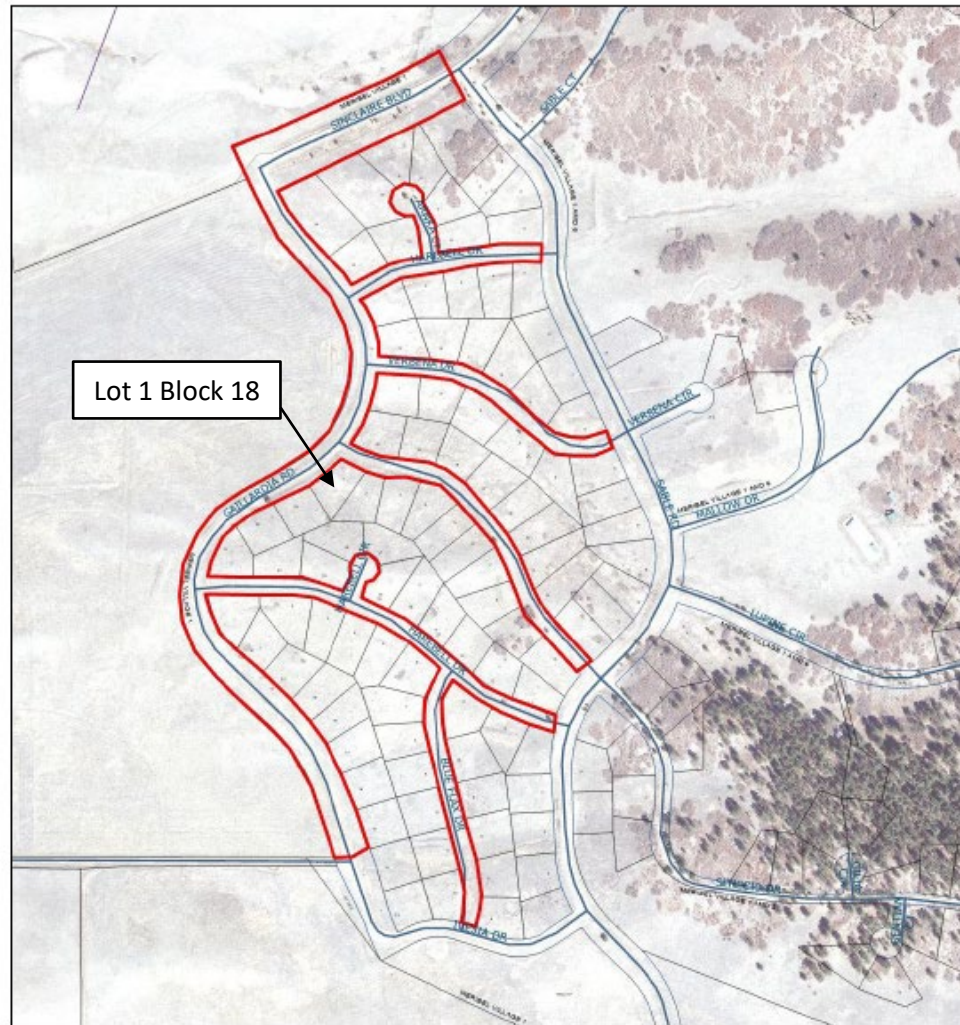
MERIBEL VILLAGE ROW VACATIONS

GAILLARDIA DR
SINCLAIRE BLVD
VARKA CT
HAREBELL DR
VERBENA DR
SENECIO DR
HAREBELL CIR
BLUE FLAX DR

SB2023-043 AERIAL MAP

LEGEND

-  PROJECT SITE
-  MAJOR ROADS
-  OTHER ROADS



DATE: 2024-04-12

| Agency | Date Received | Agency Response | Response Resolution |
|-------------------------------------|---------------|--|--|
| Addressing Analyst | 02/09/2024 | No Comment: | |
| Assessor | 02/21/2024 | <p>Received:</p> <p>Please be aware of the following comments and concerns:</p> <p>> The LEGAL DESCRIPTION and VACATION APPROVAL CERTIFICATE have "All of Varka Court" should this be Arnka Court? Arnka Court is not referenced in the legal description and Varka Court is not on the vacation plat.</p> <p>> Note 5 does not give ownership information for ROW vacation.</p> <p>> To avoid any ambiguity of ownership please consider putting identifiers on the vacated split portions of ROWs for Sinclair Blvd and Gaillardia Rd. Then reference C.R.S. 43-2-302 (1)(f) and specify ownership based off identifiers.</p> <p>-In an email dated April 3, 2024, the Assessor stated that all comments have been addressed.</p> | <p>Applicant's Response:</p> <p>Comments from the Assessor have been addressed.</p> |
| AT&T Long Distance - ROW | | No Response Received: | No Response Required. |
| Black Hills Energy | | No Response Received: | No Response Required. |
| Building Services | | No Response Received: | No Response Required. |
| CenturyLink | | No Response Received: | No Response Required. |
| Comcast | | No Response Received: | No Response Required. |
| CORE Electric Cooperative | 02/22/2024 | No Comment: | No Response Required. |
| Douglas County Parks and Trails | 02/06/2024 | <p>Received:</p> <p>No Concerns.</p> | No Response Required. |
| Douglas County School District RE 1 | | No Response Received: | No Response Required. |
| Engineering Services | 02/06/2024 | <p>Received:</p> <p>Engineering has no concerns regarding the proposed right-of-way vacations. Please provide us with a copy of the proposed private access easement for our review prior to recording the document.</p> | <p>Applicant's Response:</p> <p>Private access easement has been provided for review. Engineering and Attorney's Office have found the easements to be acceptable.</p> |

| Agency | Date Received | Agency Response | Response Resolution |
|------------------------------------|----------------------|---|--|
| Larkspur FD | 02/05/2024 | Received: This essentially is creating a new subdivision whereby they would be required to submit for a permit from us to do fire flow, fire department access, etc. Please have them contact the Larkspur Fire Marshal directly wdiershow@larkspurfire.org or 970-397-8284 | This in not creating a new subdivision. This is vacating roads and lots within an existing subdivision. Applicants will coordinate with Larkspur Fire should any homes be built in the future. |
| Office of Emergency Management | 02/01/2024 | Received: OEM has no concerns with this project. | No Response Required. |
| Open Space and Natural Resources | 02/06/2024 | No Comment: | No Response Required. |
| Perry Park ACC | | No Response Received: | No Response Required. |
| Perry Park East HOA | | No Response Received: | No Response Required. |
| Sage Port HOA | | No Response Received: | No Response Required. |
| Sheriff's Office | | No Response Received: | No Response Required. |
| Sheriff's Office E911 | | No Response Received: | No Response Required. |
| Town of Larkspur | | No Response Received: | No Response Required. |
| Xcel Energy-Right of Way & Permits | | No Response Received: | No Response Required. |

February 6, 2024

Garry Lawrenz
Principal
Phoenix Larkspur, LLC
2080 Sky View Lane
Larkspur, CO 80118

DV 2023-372

Subj: Meribel Village Filing #1 – Right-of-Way Vacation

Dear Garry,

Plan Review Summary:

| | | |
|--------------------------|---|--------|
| Submitted to Engineering | - | 2/1/24 |
| Comments Sent Out | - | 2/6/24 |

Engineering has no concerns regarding the proposed right-of-way vacations. Please provide us with a copy of the proposed private access easement for our review prior to recording the document.

If you have any questions, please give me a call.

Sincerely,



Chuck Smith
Development Review Engineer

cc: Matt Williams, P.E.; Assistant Director of Public Works Engineering
Mike Pesicka, Principal Planner

DV23372

LARKSPUR FIRE REFERRAL COMMENTS-SB2023-043

This essentially is creating a new subdivision whereby they would be required to submit for a permit from us to do fire flow, fire department access, etc.

Please have them contact the Larkspur Fire Marshal directly wdiershow@larkspurfire.org or 970-397-8284

From: [Mark Rankin](#)
To: [Michael Pesicka](#)
Subject: RE: Meribel Village ROW Vacation-SB2023-043
Date: Wednesday, April 3, 2024 12:22:41 PM

Howdy Mike,

All the comments from 2/22/2024 have been addressed and fixed.

Have a great day.

Cheers,

Mark Rankin
GIS Specialist II | Douglas County Assessor
301 Wilcox Street | Castle Rock, CO 80104
303-660-7450 ext. 4255 | 303-479-9751 Fax

From: Michael Pesicka <mpesicka@douglas.co.us>
Sent: Monday, April 1, 2024 11:08 AM
To: Mark Rankin <MRankin@douglas.co.us>
Subject: Meribel Village ROW Vacation-SB2023-043

Mark,

Attached are revised documents from the applicant for the proposed vacation of certain roads in Meribel Village Filing 1, Project No. SB2023-043. Please let me know if you have any comments or questions.

Thank you,

Mike Pesicka | Principal Planner
Douglas County Department of Community Development
Address | 100 Third St., Castle Rock, CO 80104
Direct | 303-814-4367 **Main** | 303-660-7460
Email | mpesicka@douglas.co.us

| Agency | Date Received | Agency Response | Response Resolution |
|-------------------------------------|---------------|--|---|
| Addressing Analyst | 02/09/2024 | No Comment: | Acknowledged |
| Assessor | 02/21/2024 | Received: Please be aware of the following comments and concerns: > The LEGAL DESCRIPTION and VACATION APPROVAL CERTIFICATE have "All of Varka Court" should this be Arnka Court? Arnka Court is not referenced in the legal description and Varka Court is not on the vacation plat. > Note 5 does not give ownership information for ROW vacation. > To avoid any ambiguity of ownership please consider putting identifiers on the vacated split portions of ROWs for Sinclair Blvd and Gaillardia Rd. Then reference C.R.S. 43-2-302 (1)(f) and specify ownership based off identifiers. | The ROW Vacation Exhibit has been corrected to Arnka Court (CT) An exhibit note has been added that defines the ownership of the ROW vacation. Per C.R.S. 43-2-302 (1)(f) Confirm that specific ownership has been based on identifiers on the exhibit; Kamil B. Tazi and Gloria L Tazi as Joint Tenants, who address is 6250 Statter Cir Unit A, Larkspur CO 80118. Phoenix Larkspur LLC whose address is 2080 Sky View Ln, Larkspur CO 80118 |
| AT&T Long Distance - ROW | | No Response Received: | N/A |
| Black Hills Energy | | No Response Received: | N/A |
| Building Services | | No Response Received: | N/A |
| CenturyLink | | No Response Received: | N/A |
| Comcast | | No Response Received: | N/A |
| CORE Electric Cooperative | 02/22/2024 | No Comment: | Acknowledged |
| Douglas County Parks and Trails | 02/06/2024 | Received: No Concerns | Acknowledged |
| Douglas County School District RE 1 | | No Response Received: | N/A |
| Engineering Services | 02/06/2024 | Received: Engineering has no concerns regarding the proposed right-of-way vacations. Please provide us with a copy of the proposed private access easement for our review prior to recording the document. | The proposed Access Easement has been provided to the Engineering Services Dept and has been approved and accepted in its current form. |

| Agency | Date Received | Agency Response | Response Resolution |
|--|---------------|---|---|
| Larkspur FD | 02/05/2024 | Received: This essentially is creating a new subdivision whereby they would be required to submit for a permit from us to do fire flow, fire department access, etc. Please have them contact the Larkspur Fire Marshal directly wdiershow@larkspurfire.org or 970-397-8284 | Representatives from Phoenix Larkspur, L.L.C. (Three Pine Ridge) met with Mr. Diershow (Larkspur Fire Marshall) on March 13, 2023 and agreed to the attached Permit Pending for the Phoenix Larkspur, L.L.C. development. |
| Office of Emergency Management | 02/01/2024 | Received: OEM has no concerns with this project. | Acknowledged |
| Open Space and Natural Resources | 02/06/2024 | No Comment: | Acknowledged |
| Perry Park ACC | | No Response Received: | N/A |
| Perry Park East HOA | | No Response Received: | N/A |
| Sage Port HOA | | No Response Received: | N/A |
| Sheriff's Office | | No Response Received: | N/A |
| Sheriff's Office E911 | | No Response Received: | N/A |
| Town of Larkspur | | No Response Received: | N/A |
| Xcel Energy-Right of Way & Permits | | No Response Received: | N/A |
| Benjamin Cadiz, owner Lot 1 Block 18 Meribel Village 1 | 2/21/2024 | No Right of Way to our Property | Lot 1 Block 18 Meribel Village 1 has been granted a perpetual 20 ft Easement. This Easement has been reviewed by the Engineering department and the County Attorney's Office for Douglas County and they find no objection. The Easement will be recorded with The Three Pine Ridge Plat. The Easement is part of the Ingress and Egress for the Three Pines Ridge development and will be improved access for all property owners adjacent. A Utility Easement has been designated on the Plat |

| Agency | Date Received | Agency Response | Response Resolution |
|--|---------------|--|--|
| Scott Cadiz, owner Lot 1 Block 18 Meribel Village 1 | 2/22/2024 | See Attached comments from email of Scott Cadiz (Attachment A) | Lot 1 Block 18 Meribel Village 1 has been granted a perpetual 20 ft Easement. This Easement has been reviewed by the Engineering department and the County Attorney's Office for Douglas County and they find no objection. The Easement will be recorded with The Three Pine Ridge Plat. The Easement is part of the Ingress and Egress for the Three Pines Ridge development and will be improved access for all property owners adjacent. A utility easement has been designated on the Plat. |
| | | | |

REFERRAL RESPONSE REQUEST

 Date sent: February 1, 2024

 Comments due by: February 22, 2024
Project Name: Meribel Village Filing 1 Right-of-Way (ROW) vacation

Project File #: SB2023-043

Project Summary:

Request to vacate Arnka Court, Blue Fax Drive, Harebell Circle, Harebell Drive, Senecio Drive, Verbena Drive, and portions of Gaillardia Drive and Sinclair Blvd all within Meribel Village Filing 1. There is an associated administrative replat application, Project No. SB2023-042, to combine several existing lots and the above-mentioned roads into three residential lots.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

| | |
|--|--|
| <input type="checkbox"/> No Comment | |
| <input checked="" type="checkbox"/> Please be advised of the following concerns: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> No right of way to our property </div> | |
| <input checked="" type="checkbox"/> See letter attached for detail. | |
| Agency: | Phone #: 720-209-2334 |
| Your Name: Benjamin Cadiz (please print) | Your Signature: <i>Benjamin Cadiz</i> |
| | Date: 2/21/24 |

Additional information and documents can be found at www.douglas.co.us/pro and performing a Project Search for the Project Number provided above. You can view project details within the project file. Agencies should be advised that written comments prior to the due date, or to obtain the applicant's written approval of an exemption, will result in written comments being accepted for informational purposes only.

Sincerely,

Mike Pesicka

Mike Pesicka, Principal Planner

RECEIVED
FEB 21 2024

Douglas County Planning

I would like to voice my concerns on project SB2023-043.

Allowing the request to vacate all the roads in and around Meribel Village would leave no access to our property besides a narrow (one car) easement. I believe there should be at least one right of way (ROW) left to our property out of the 7 ROW's that were initially planned. The developers also have asked for the vacated ROW land to be "absorbed" into their property. We also would like to "absorb" the vacated roads adjacent to our property. Our property may not be buildable at this time, but may be in the future. As of now we should still be able to access our property, without the developers trying to grab any and all pieces of land out there.

Senecio Drive and Gaillardia Road are adjacent to our property.

Please allow us to access our property by allowing at least ROW not an easement to our property.

Attached is the ROW vacation map from the developers with our lot highlighted.

Thank you,

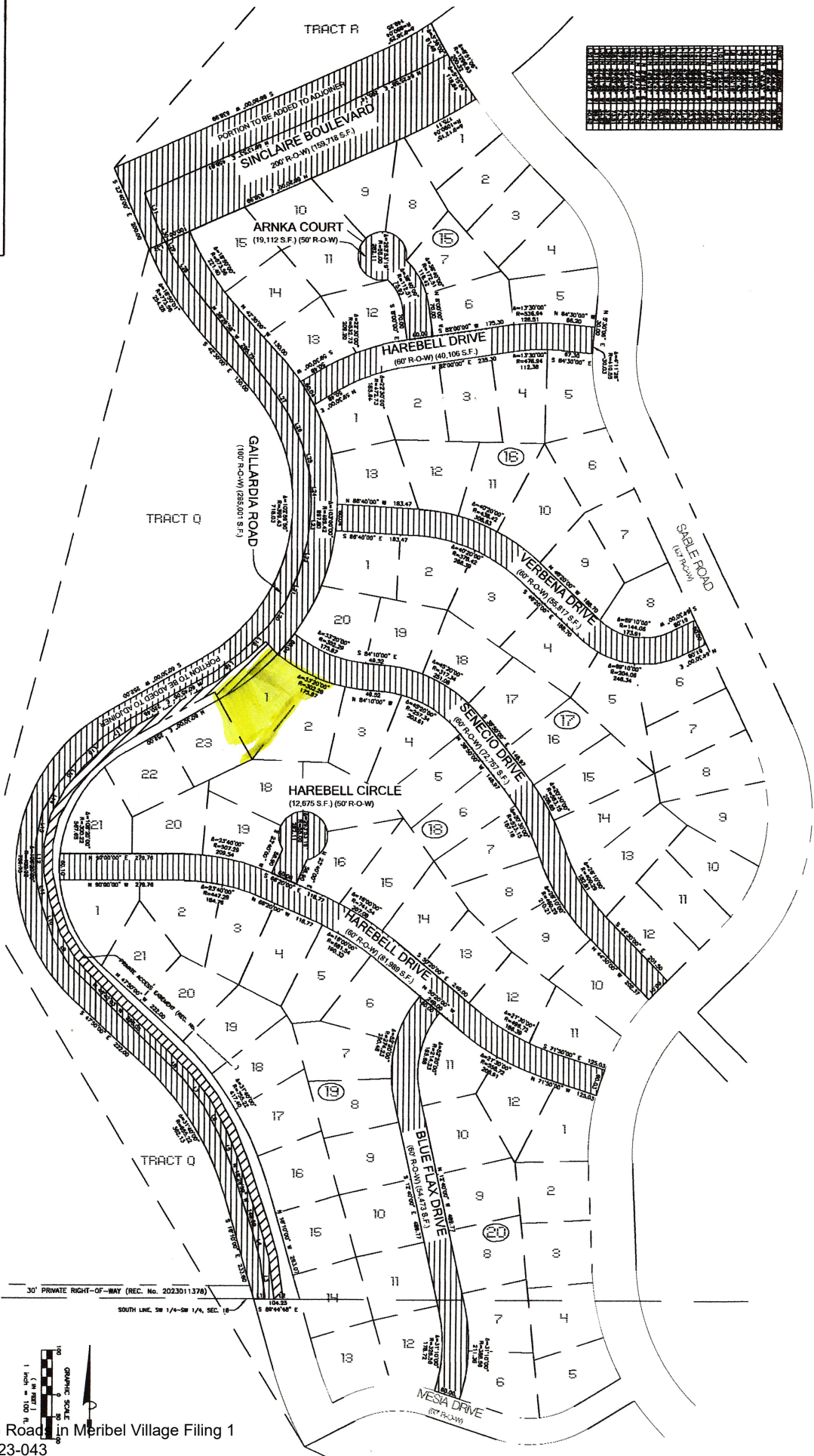
Benjamin Cadiz



RIGHT-OF-WAY VACATION OF
CERTAIN STREETS IN MERIBEL VILLAGE FILING No. 1
 LOCATED IN SECTIONS 18 AND 19, T9S, R67W OF THE 6TH P.M., DOUGLAS COUNTY, CO
 SB2023-042



COMPASS SURVEYING & MAPPING, LLC
 3253 WEST CARPENTER CIRCLE
 COLORED SPRINGS, CO 80917
 WWW.COMPASSMAPPING.COM



From: [Scott Cadiz](#)
To: [Michael Pesicka](#)
Subject: Projects SB2023-042(Three Pine Ridge) and SB2023-043 (Meribel Village Filing 1 Right-of-Way Vacation)
Date: Thursday, February 22, 2024 12:03:30 AM

Mr. Pesicka,

Sorry for the late notice on these matters and I know there may not have been time to return calls this afternoon regarding this matter as I was trying to get some clarification on a few points of the projects. However, I wanted to reach out as one of only a few affected property owners of these two proposed projects and have my comments included in opposition of the proposals. My family and I own approximately one half-acre lot in the 'project site' which, according to the applicants, is one of only three lots not owned by the property developers, Phoenix Larkspur, LLC - which now owns the remaining 100 lots.

With respect to the application for Right-of-Way (ROW) Vacation, we are objecting to all of the roads and *public* rights of way associated with the project site being vacated and its land being absorbed into the property developer's holding. The attached exhibit to the courtesy notification does not point out our specific property, parcel #2607-183-06-001 or commonly known as, "Lot 1 BLK 18 Meribel Village 1". Our lot is situated on the outside, western portion of the project site and on the corner of Gaillardia Road and Senecio Drive. If the County were to approve the application in this form, the two developers acquire ALL the property of the roadways to increase their land size, without paying for it, and fully enclose our property and the other properties they weren't able acquire for their project and affect us in the following manners:

- If approved, this would hinder our ability to access our property. Although they claim there will be an easement to allow property owners to access our property.... it appears to be through a road they control and there is no mention about the quality of the roadway, how access is granted if it is private (i.e. by gate with a lock, have a set up a reservation to access our property, etc.), and what type and how the property lines will be addressed with the roads being absorbed and our property sitting inside.
- We understand the developers have acquired an enormous amount of lots with their large amount of financial resources, but that shouldn't allow them to increase their holdings with the roadways to our detriment. Our family was not in a position to go to each landowner and offer a few thousand or tens of thousands of dollars to acquire 70 acres of land. Again, if approved, the County will be giving them additional property they will be using for their own use and financial benefit. Those roadways and land were laid out in the plans for the Meribel Lots and to the potential benefit to all of the landowners who bought property. If the County is inclined to vacate the roads sitting within Phoenix Larkspur's 100 lots, that is understandable. However, the roadways adjacent to our property, Gaillardia and Senecio, should be left to us and absorbed into our holdings. There is no need for Phoenix Larkspur to own the strips of land around our property in the shape of a circle, especially when our property sits on the outside of the project site. Any future development of our property would be seriously impacted by such a grant of land to the developers. If the County would like, we will be tendering a Land Use Application to absorb the roads adjacent to our property.

As it relates to the application for Administrative Replat, our concerns our similar. Meribel Village was initially designed as a community with multiple easements and understandings regarding the properties. Phoenix Larkspur is asking to vacate ALL the lot lines and utility

easements for the ENTIRE 103 lot project site, not just their 100 lots. As with the prior objection to the ROW Vacation, the developers are trying to affect our property to their benefit. If they proposed vacating the lot lines and utility easements for their 100 lots, there is no issue. They attempt to include the other 3 lots to diminish our property value and what we purchased. Any time a person owns a property, they own all the rights associated with it, including the easements they relied upon when they decided to make a purchase. By severing the utility easements between the properties, we believe this also amounts to a public and private taking of our property. Utility easements are attached to the land not just for the utility company's purposes, they are also attached so that development of land can be done easier. By severing our utility easements the developers will make it more difficult and costly for the other landowners who attempt to develop in the future. Our family does not have the same financial resources as the developers, but we acquired the lot with the intention and hope of building a home on it in the future. In the Courtesy notice from them, I don't see any listed reason the extinguish our easement rights between the properties and without further clarification we object as to how it appears to affect us.

We know Meribel Village has been a long forgotten issue in Larkspur and we also want to see the area be developed, and we want to be part of that which is why we purchased the property. However, we want to make sure that our property rights and easements are respected and protected. We don't believe that Phoenix Larkspur should be able to effectively block other landowners out who chose not to accept an offer from them and by allowing them absorb roadways and our access to our property is not what private citizens feel their government should be part of. We want to be able to have a road to access our property and not rely upon some unforeseen and unknown roadway access and object to roadways going to our property to be handed over to them. And also, we object to the easements we relied upon when purchasing our property to be extinguished by the County. We are happy to appear in person for any questions or you can contact me via email, scott.cadiz@gmail.com.

Thank you,

Scott Cadiz
303-332-6531

- We understand that the developers have a large amount of financial resources to acquire all the lots to develop and increase their value, but our f

Benjamin Cadiz Comments Response- February 21, 2024

Right of Way (ROW) access

- Phoenix Larkspur, LLC has provided the attached 20' private easement access in perpetuity to Mr. Cadiz's property along the partly vacated Gaillardia Road that will connect it to the remaining unimproved Meribel Village roads.
- Upon approval, this legal easement description and use agreement (both attached) will be recorded with the Three Pine Ridge replat.
- Phoenix Larkspur, LLC will provide this easement to parcel #2607-183-06-001 or commonly known as Lot 1 BLK 18 Meribel Village 1 (Mr. Cadiz's lot) in perpetuity.
- [Per Department of Public Works Engineering 's letter dated February 6, 2024; they indicated no concerns regarding ROW vacations so long as a copy of the private access easement was provided for their review prior to recording of the document (both attached). This is consistent with numerous discussions with Douglas County Planning and Engineering staff during pre-submittal meetings and our application.] At Mariane's discretion

Absorbing of vacated roads adjacent to the property.

- It is county practice to allow property acquired through the vacation of roads to go to the property owner. Since Phoenix Larkspur LLC is providing the replat and absorbing the cost of the vacation and will develop the 3 lots created and will develop the access they request the vacated portions.

Scott Cadiz Comments- February 22, 2024

Right of Way (ROW) access

- Phoenix Larkspur, LLC has provided the attached 20' private easement access in perpetuity to Mr. Cadiz's property along the partly vacated Gaillardia Road that will connect it to the remaining unimproved Meribel Village roads.
- Upon approval, this legal easement description and use agreement (both attached) will be recorded with the Three Pine Ridge replat.
- Phoenix Larkspur, LLC will provide this easement to parcel #2607-183-06-001 or commonly known as Lot 1 BLK 18 Meribel Village 1 (Mr. Cadiz's lot) in perpetuity.

Absorbing of vacated roads adjacent to the property.

- It is county practice to allow property acquired through the vacation of roads to go to the property owner. Since Phoenix Larkspur LLC is providing the replat and absorbing the cost of the vacation and will develop the 3 lots created and will develop the access they request the vacated portions.

- Scott Cadiz stated in his email; “If the county is inclined to vacate the roads sitting within Phoenix Larkspur’s 100 lots, that is understandable.” This is what was done.

Utility Easements

- As indicated on the attached private easement description, a utility easement is shown serving the Cadiz lot along the partly vacated Gaillardia Road. Note that the closest Core Electric Cooperative (formerly IREA) source of existing power is closest to this easement.
- Additionally, all utility easements that are adjacent the remaining Meribel Village unimproved roadways remain in place to serve the Cadiz Lot

PHOENIX LARKSPUR, LLC, a Colorado limited liability company (“Grantor”), for good and valuable consideration, the receipt and sufficiency of which are hereby confessed and acknowledged, does hereby sell, convey, and quitclaim unto **SCOTT CADIZ, ELIZABETH CADIZ, BEN CADIZ, DANIEL CADIZ** and **JEFF CADIZ** (collectively, the “Grantee”), as the owners of the real property legally described as: Lot 1, Block 18, Meribel Village Filing No. 1, County of Douglas, State of Colorado (“Grantee’s Property”) and Grantee’s successors and assigns in interest to Grantee’s Property, a perpetual, non-exclusive easement for utilities and for vehicular and pedestrian access purposes only (the “Easement”) over and across that portion of Grantor's real property in Douglas County, Colorado that is more particularly described and depicted on Exhibit A attached hereto and incorporated herein by this reference (the “Easement Area”).

The Easement shall run with the land so as to benefit Grantee's Property and burden the Easement Area. The Easement shall be an easement appurtenant to Grantee's Property, and shall inure to the benefit of Grantee's heirs, successors, assigns and personal representatives.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Easement Deed effective as of this _____ day of _____, 2024.

“GRANTOR”

PHOENIX LARKSPUR, LLC,
a Colorado limited liability company

By: _____
Name: _____
Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, as _____ of **Phoenix Larkspur, LLC**.

Witness my hand and official seal.
(SEAL)

Notary Public
My Commission Expires:

EXHIBIT A

Sheet 1 of 2

Legal Description – Private Access Easement

That portion of vacated Gaillardia Road, platted in Meribel Village Filing No. 1 and vacated by Reception Number _____, Douglas County, Colorado described as follows:

Commencing at the southwest corner of said vacated Gaillardia Road; thence along the south line of said vacated Gaillardia Road South 89 degrees 44 minutes 48 seconds East 46.78 feet to the point of beginning:

- 1) thence North 07 degrees 43 minutes 33 seconds West 94.33 feet;
- 2) thence North 16 degrees 03 minutes 24 seconds West 76.63 feet;
- 3) thence North 18 degrees 26 minutes 59 seconds West 149.67 feet;
- 4) thence North 22 degrees 14 minutes 31 seconds West 76.40 feet;
- 5) thence North 28 degrees 35 minutes 05 seconds West 77.43 feet;
- 6) thence North 38 degrees 01 minutes 43 seconds West 77.44 feet;
- 7) thence North 45 degrees 04 minutes 16 seconds West 75.80 feet;
- 8) thence North 47 degrees 00 minutes 25 seconds West 148.74 feet;
- 9) thence North 45 degrees 03 minutes 16 seconds West 106.45 feet;
- 10) thence North 42 degrees 35 minutes 27 seconds West 37.91 feet;
- 11) thence North 31 degrees 59 minutes 47 seconds West 67.83 feet;
- 12) thence North 19 degrees 24 minutes 44 seconds West 69.53 feet;
- 13) thence North 12 degrees 38 minutes 21 seconds West 69.04 feet;
- 14) thence North 00 degrees 10 minutes 18 seconds West 68.69 feet;
- 15) thence North 12 degrees 23 minutes 57 seconds East 66.84 feet;
- 16) thence North 29 degrees 29 minutes 48 seconds East 67.40 feet;
- 17) thence North 39 degrees 55 minutes 27 seconds East 70.57 feet;
- 18) thence North 47 degrees 54 minutes 45 seconds East 68.81 feet;
- 19) thence North 56 degrees 06 minutes 34 seconds East 70.15 feet;
- 20) thence North 60 degrees 45 minutes 06 seconds East 220.87 feet;
- 21) thence North 53 degrees 43 minutes 22 seconds East 76.94 feet;
- 22) thence North 47 degrees 06 minutes 22 seconds East 61.22 feet;
- 23) thence South 42 degrees 53 minutes 38 seconds East 39.63 feet to the northwesterly corner of Lot 1, Block 18, said Meribel Village Filing No. 1;
- 24) thence along the northwesterly line of said Lot 1, along a non-tangential curve concave to the northwest, said curve having a central angle of 18 degrees 58 minutes 08 seconds, a radius of 507.24 feet, for an arc length of 167.93 feet, (the center of said curve bears North 47 degrees 17 minutes 23 seconds West) to the southwesterly corner of said Lot 1;
- 25) thence North 29 degrees 29 minutes 59 seconds West 19.53 feet;
- 26) thence South 60 degrees 45 minutes 06 seconds West 199.88 feet;
- 27) thence South 56 degrees 06 minutes 34 seconds West 67.91 feet;
- 28) thence South 47 degrees 54 minutes 45 seconds West 65.98 feet;
- 29) thence South 39 degrees 55 minutes 27 seconds West 67.35 feet;
- 30) thence South 29 degrees 29 minutes 48 seconds West 62.57 feet;

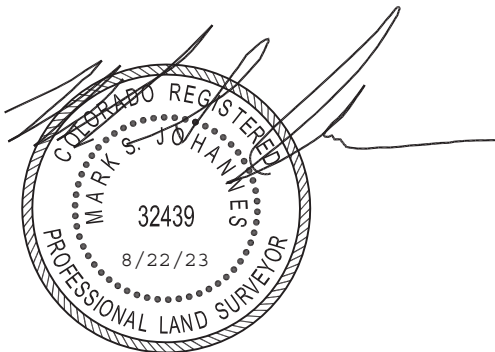
EXHIBIT A
Sheet 2 of 2

- 31) thence South 12 degrees 23 minutes 57 seconds West 61.63 feet;
- 32) thence South 00 degrees 10 minutes 18 seconds East 64.30 feet;
- 33) thence South 12 degrees 38 minutes 21 seconds East 65.67 feet;
- 34) thence South 19 degrees 24 minutes 44 seconds East 66.14 feet;
- 35) thence South 31 degrees 59 minutes 47 seconds East 63.77 feet;
- 36) thence South 42 degrees 35 minutes 27 seconds East 35.62 feet;
- 37) thence South 45 degrees 03 minutes 16 seconds East 105.68 feet;
- 38) thence South 47 degrees 00 minutes 25 seconds East 148.74 feet;
- 39) thence South 45 degrees 04 minutes 16 seconds East 77.37 feet;
- 40) thence South 38 degrees 01 minutes 43 seconds East 80.32 feet;
- 41) thence South 28 degrees 35 minutes 05 seconds East 80.19 feet;
- 42) thence South 22 degrees 14 minutes 31 seconds East 78.17 feet;
- 43) thence South 18 degrees 26 minutes 59 seconds East 150.75 feet;
- 44) thence South 16 degrees 03 minutes 24 seconds East 78.50 feet;
- 45) thence South 07 degrees 43 minutes 33 seconds East 98.59 feet to the south line of said vacated Gaillardia Road;
- 46) thence along said south line North 89 degrees 44 minutes 48 seconds West 20.20 feet to the point of beginning.

Containing a calculated area of 41,242 square feet (0.9468 acres), more or less.

This legal description and exhibit was prepared by me or under my direct supervision and checking and is true and correct to the best of my knowledge, information and belief.

The above statement is neither a warranty or guarantee, either expressed or implied.



Mark S. Johannes, PLS, CFedS
Colorado Professional Land Surveyor No. 32439
For and on behalf of Compass Surveying & Mapping, LLC

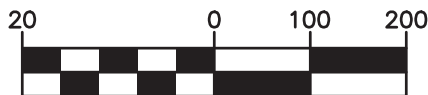
EXHIBIT B

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 89°44'48" E | 46.78 |
| L2 | N 7°43'33" W | 94.33 |
| L3 | N 16°03'24" W | 76.63 |
| L4 | N 18°26'59" W | 149.67 |
| L5 | N 22°14'31" W | 76.40 |
| L6 | N 28°35'05" W | 77.43 |
| L7 | N 38°01'43" W | 77.44 |
| L8 | N 45°04'16" W | 75.80 |
| L9 | N 47°00'25" W | 148.74 |
| L10 | N 45°03'16" W | 106.45 |
| L11 | N 42°35'27" W | 37.91 |
| L12 | N 31°59'47" W | 67.83 |
| L13 | N 19°24'44" W | 69.53 |
| L14 | N 12°38'21" W | 69.04 |
| L15 | N 0°10'18" W | 68.69 |
| L16 | N 12°23'57" E | 66.84 |
| L17 | N 29°29'48" E | 67.40 |
| L18 | N 39°55'27" E | 70.57 |
| L19 | N 47°54'45" E | 68.81 |
| L20 | N 56°06'34" E | 70.15 |
| L21 | N 53°43'22" E | 76.94 |
| L22 | N 47°06'22" E | 61.22 |
| L23 | S 42°53'38" E | 39.63 |
| L24 | N 29°29'59" W | 19.53 |
| L25 | S 60°45'06" W | 199.88 |
| L26 | S 56°06'34" W | 67.91 |
| L27 | S 47°54'45" W | 65.98 |
| L28 | S 39°55'27" W | 67.35 |
| L29 | S 29°29'48" W | 62.57 |
| L30 | S 12°23'57" W | 61.63 |
| L31 | S 0°10'18" E | 64.30 |
| L32 | S 12°38'21" E | 65.67 |
| L33 | S 19°24'44" E | 66.14 |
| L34 | S 31°59'47" E | 63.77 |
| L35 | S 42°35'27" E | 35.62 |
| L36 | S 45°03'16" E | 105.68 |
| L37 | S 47°00'25" E | 148.74 |
| L38 | S 45°04'16" E | 77.37 |
| L39 | S 38°01'43" E | 80.32 |
| L40 | S 28°35'05" E | 80.19 |
| L41 | S 22°14'31" E | 78.17 |
| L42 | S 18°26'59" E | 150.75 |
| L43 | S 16°03'24" E | 78.50 |
| L44 | S 7°43'33" E | 98.59 |
| L45 | N 89°44'48" W | 20.20 |

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE |
|-------|------------|--------|-------------|
| C1 | 167.93 | 507.24 | 18°58'08" |



GRAPHIC SCALE



(IN FEET)

1 inch = 200 ft.



30' PRIVATE RIGHT-OF-WAY
(REC. No. 2023011378)

P.O.C.

P.O.B.

NOTE:

This exhibit does not represent a monumented land survey and is only intended to depict the attached legal description.

COMPASS SURVEYING & MAPPING, LLC

3253 WEST CAREFREE CIRCLE
COLORADO SPRINGS, CO 80917
719-354-4120

WWW.COMPASSMAPPING.COM
Verification of Certain Records in Meribel Village Filing 1
Project File# SB2023-043

Planning Commission Staff Report - Page 34 of 38

PROJECT No.

23031

DATE:

AUGUST 22, 2023

DRAWN BY:

MSJ

CHECKED BY:

MSJ

SHEET:

1 OF 1

RESOLUTION NO. R-024- ____

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION VACATING CERTAIN ROADS IN MERIBEL VILLAGE FILING 1
LOCATED IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 67 WEST OF THE 6TH
P.M.
DOUGLAS COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners desires to vacate certain roads (Arnka Court, Blue Fax Drive, Harebell Circle, Harebell Drive, Senecio Drive, Verbena Drive, and portions of Gaillardia Road and Sinclair Boulevard) in Meribel Village Filing 1, located in Section 19, Township 9 South, Range 67 West of the 6th P.M., Douglas County, Colorado, and more specifically described on Exhibits A, B and C attached hereto and incorporated herein; and

WHEREAS, Section 43-2-303, C.R.S., authorizes the Board of County Commissioners to vacate roadways, easements, rights-of-way, and other public ways located within the unincorporated area of the County; and

WHEREAS, the Board of County Commissioners held a public hearing concerning the road vacation on , 2024; and

WHEREAS, written notice of said hearing was mailed by first-class postage to each abutting landowner on , 2024; and

WHEREAS, notice of said public hearing was published in the Douglas County News-Press on , 2024; and

WHEREAS, notice of said public hearing was posted on , 2024; and

WHEREAS, all required notices of said hearing were given as required by section 710B of the Douglas County Subdivision Resolution; and

WHEREAS, the vacated roads are located entirely within the unincorporated area of Douglas County; and

WHEREAS, the vacated roads do not constitute the boundary line between two counties; and

WHEREAS, the vacated roads do not constitute the boundary of a city or town; and

WHEREAS, the vacation of certain roads in Meribel Village Filing 1, as depicted on Exhibits A, B and C will not leave Lot 1, Block 18, Meribel Village Filing 1 without an established public road or private access easement connecting said land with another established public road; and

WHEREAS, the vacation of certain roads in Meribel Village Filing 1 are in keeping with the spirit and intent of the Douglas County Subdivision Resolution and the Douglas County Master Plan and Transportation Plan; and

WHEREAS, the vacation of a certain roads in Meribel Village Filing 1 will not adversely affect the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Douglas, Colorado, that:

- Certain roads in Meribel Village, located in Section 19, Township 9 South, Range 67 West of the 6th P.M., Douglas County, Colorado, more particularly shown and described on Exhibits A attached hereto and incorporated herein, are hereby vacated; and
- Pursuant to Section 43-2-302(1)(f), C.R.S., Kamil B and Gloria L Tazi shall take ownership of the portions of Sinclair Blvd and Gaillardia Road as shown on exhibits B and C; and
- A 30-foot wide private access easement for Lot 1, Block 18 Meribel Village Filing 1 has been executed and is reserved within the vacated portion of Gaillardia Road.

PASSED AND ADOPTED this day of , 2024, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

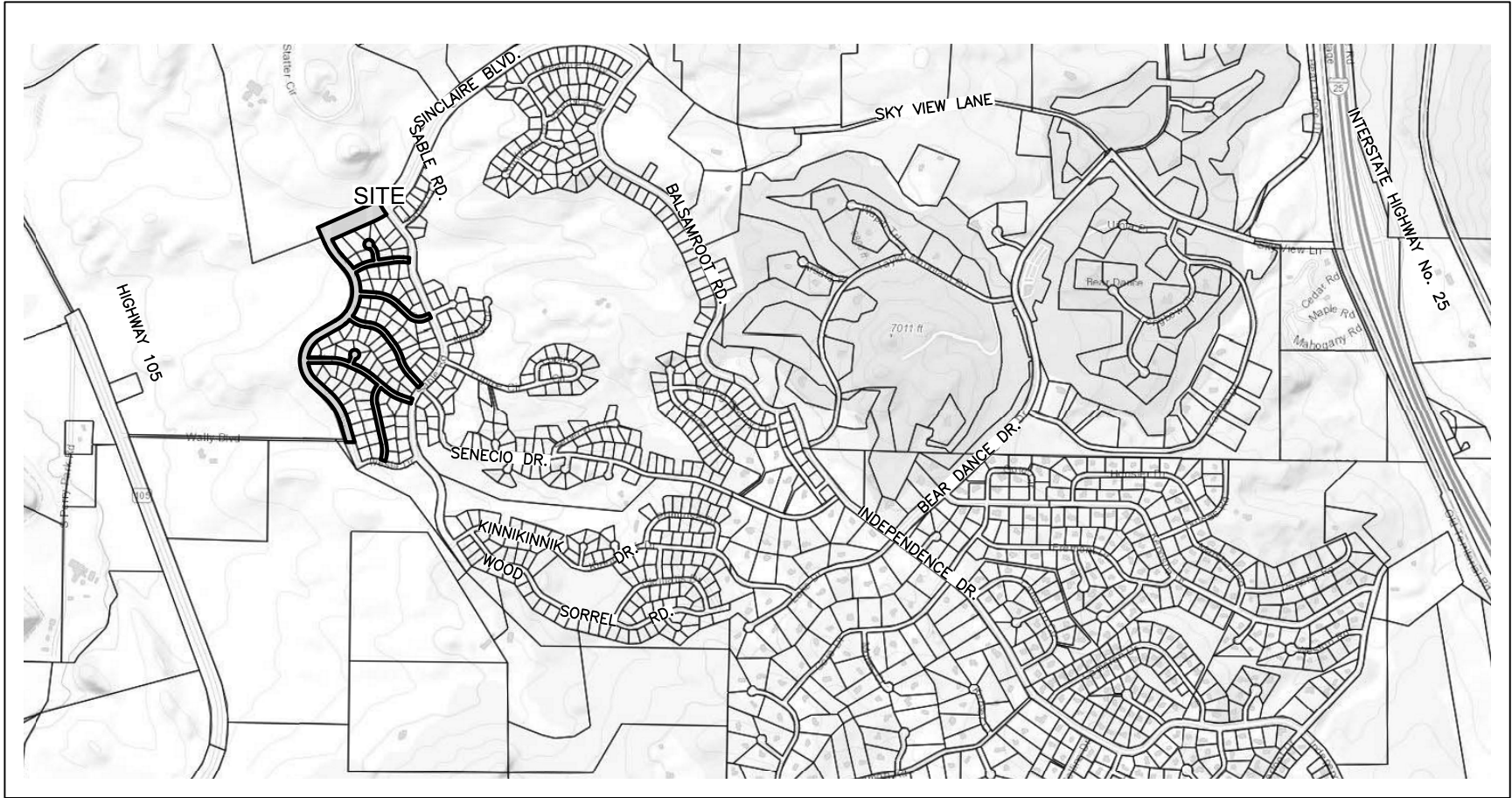
By: _____
Abe Laydon, Chair

ATTEST:

By: _____
Kristin Randlett, Deputy Clerk to the Board

RIGHT-OF-WAY VACATION OF
CERTAIN STREETS IN MERIBEL VILLAGE FILING No. 1
LOCATED IN SECTIONS 18 AND 19, T9S, R67W OF THE 6TH P.M., DOUGLAS COUNTY, CO
SB2023-043

VICINITY MAP
1' = 2000'



LEGAL DESCRIPTION:

That part of Gaillardia Drive lying north of the south line of the Southwest Quarter of Section 18, Township 9 South, Range 67 West of the 6th P.M.;
All of Sinclair Boulevard lying west of the west line of Sable Road;
All of Arnika Court;
All of Harebell Drive;
All of Verbena Drive lying west of the west line of Sable Road;
All of Senecio Drive lying west of the west line of Sable Road;
All of Harebell Circle;
All of Blue Flax Drive;
All in Meribel Village Filing No. 1;
Douglas County, Colorado.

Containing a calculated area of 18.143 acres, more or less.

NOTES:

- 1) This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Compass Surveying & Mapping, LLC relied upon a Title Report prepared by Commonwealth Land Title Insurance Company, Report No. 597-HS0815774-412 with an effective date of March 22, 2023 at 12:00 A.M.
- 2) Bearings are based on the plat of Meribel Village Filing No. 1.
- 3) Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- 4) The linear units used in this drawing are U.S. Survey Feet.
- 5) Per CRS 43-2-302 1F (ROW Vacation Statutes)

Row vacation A will be granted in its entirety for the use and benefit of Kamil B. Tazi and Gloria L. Tazi as Joint Tenants, who address is 6250 Statter Cir Unit A, Larkspur, CO 80118

ROW Vacation B will be granted in its entirety for the use and benefit of Phoenix Larkspur LLC whose address is 2080 Sky View Ln, Larkspur, CO 80118

SURVEYOR'S STATEMENT:

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

This statement is neither a guaranty or warranty, either expressed or implied.

Mark S. Johannes
Colorado Professional Land Surveyor No. 32439
For and on behalf of Compass Surveying and Mapping, LLC

VACATION APPROVAL CERTIFICATE:

This plat was approved for filing by the Board of County Commissioners of Douglas County, CO, on the _____ day of _____, 20____, subject to any conditions specified hereon. The following streets:

That part of Gaillardia Drive lying north of the south line of the Southwest Quarter of Section 18, Township 9 South, Range 67 West of the 6th P.M.;
All of Sinclair Boulevard lying west of the west line of Sable Road;
All of Arnika Court;
All of Harebell Drive;
All of Verbena Drive lying west of the west line of Sable Road;
All of Senecio Drive lying west of the west line of Sable Road;
All of Harebell Circle;
All of Blue Flax Drive;

shown on the plat of Meribel Village Filing No. 1, recorded in the Office of the Douglas County Clerk and Recorder, Reception # 144862 are hereby vacated this _____ day of _____, 20____.

By: _____
Chair, Board of Douglas County Commissioners

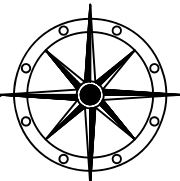
RECORDING:

STATE OF COLORADO } SS
COUNTY OF DOUGLAS }

I hereby certify that this plat was filed for record in my office this _____ day of _____, 20____, A.D., at _____ AM / PM and was recorded

at Reception No. _____.

BY: _____
Douglas County Clerk and Recorder



COMPASS SURVEYING & MAPPING, LLC
3253 WEST CAREFREE CIRCLE
COLORADO SPRINGS, CO 80917
719-354-4120
WWW.CSAMLLC.COM

| REVISIONS: | | PROJECT NO. | 23031 |
|------------|----------|------------------|-----------------|
| 1 | 12/05/23 | County comments. | |
| 2 | 3/28/24 | County comments. | |
| | | DATE: | AUGUST 22, 2023 |
| | | DRAWN BY: | MSJ |
| | | CHECKED BY: | MSJ |
| | | SHEET: | 1 OF 2 |

RIGHT-OF-WAY VACATION OF
CERTAIN STREETS IN MERIBEL VILLAGE FILING No. 1
LOCATED IN SECTIONS 18 AND 19, T9S, R67W OF THE 6TH P.M., DOUGLAS COUNTY, CO
SB2023-043

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 89°44'48" E | 76.58 |
| L2 | S 89°44'48" E | 77.67 |
| L3 | N 74°53'53" W | 30.07 |
| L4 | N 16°03'24" W | 74.76 |
| L5 | N 22°14'31" W | 74.63 |
| L6 | N 28°35'05" W | 74.67 |
| L7 | N 38°01'43" W | 74.56 |
| L8 | N 45°04'16" W | 74.24 |
| L9 | N 31°59'47" W | 71.89 |
| L10 | N 19°24'44" W | 72.92 |
| L11 | N 12°38'21" W | 72.41 |
| L12 | N 0°10'18" W | 73.08 |
| L13 | N 12°23'57" E | 72.05 |
| L14 | N 29°29'48" E | 72.23 |
| L15 | N 39°55'27" E | 73.79 |
| L16 | N 47°54'45" E | 71.64 |
| L17 | N 56°06'34" E | 72.40 |
| L18 | N 53°43'22" E | 74.56 |
| L19 | N 46°03'05" E | 89.66 |
| L20 | N 35°31'27" E | 60.97 |
| L21 | N 23°53'47" E | 75.63 |
| L22 | N 14°54'27" E | 74.71 |
| L23 | N 5°56'19" E | 74.24 |
| L24 | N 2°19'13" W | 74.78 |
| L25 | N 14°44'47" W | 74.33 |
| L26 | N 24°21'33" W | 74.11 |
| L27 | N 33°30'25" W | 74.34 |
| L28 | N 33°03'48" W | 73.51 |
| L29 | N 27°51'25" W | 37.28 |
| L30 | N 27°51'25" W | 34.62 |
| L31 | N 21°53'59" W | 86.21 |
| L32 | N 66°19'37" E | 40.42 |

