- preserve existing vegetation in the form of a private park to be built by the developer at the end of Lake Overlook Court
- Tract L, which is 0.18 acre, will be constructed as a totlot to be built by the developer for the residents of the new development
- A 5-foot-wide multi-use trail is proposed along the entire length of Mitchell Avenue and extending to Monument
- The applicant is regrading and paving the access road to Monument Lake
- The applicant is installing about 1,000 feet of water main along Mitchell Avenue, from Monument Lake Road to the access road to the lake
- A right-hand turn lane will be constructed from northbound Mitchell Avenue to eastbound Second Street
- A right-hand turn lane will be constructed from Mitchell southbound Avenue to Sandy Beach Drive at the south entrance to the development
- The potential builder is proposing to help the town in the design and funding of improvements to Monument Lake, including parking, new picnic shelters, and a restroom.
- The future builder is working with the town on plans to construct new picnic shelters, a

bathroom, and parking areas at Monument Lake, as an amenity for all residents, businesses, and visitors.

- Several tracts of land will be dedicated to the town for interior and Mitchell Avenue right-of-way (4.4 acres)
- All utilities will be located underground.

A waiver was granted from the requirement that cul-de-sac lengths cannot exceed 500 feet in length—Lake Side Drive is 700 linear feet and Lake Overlook Court is 634 linear feet. Tri-Lakes/Monument Fire Protection District was reported to have no issues with these two waivers.

Kassawara reported that the

town's water attorney, Bob Krassa of Krassa & Miller LLC, and the town's water engineer, Bruce Lytle of Lytle Water Associates LLC, had determined that there was an inadequate supply of water on the parcel to serve all of the proposed development's water demand of 78.0 acre-feet per year. He recommended that the board formally "credit" the Lake of the Rockies property with 1.0 acre-foot (325,851 gallons) of water per year from the "prior appropriation of a small portion of the Town of Monument's well No. 3 water right."

BK-LOR proposed a dedication of Tract E to the town as open space that would be available for low-impact recreational uses. This 14.2-acre tract lies within a 100-year oodplain and protected Preble's mouse habitat just below the Monument Lake dam, so it is not suitable for building homes. Kassawara reported that the U.S. Fish and Wildlife Service (USFWS) is requiring that deed restrictions be placed upon Tract E to limit future activity to public use of the existing trails and roads within the tract and their maintenance.

The town will be responsible for this USFWS compliance once the tract is dedicated to the town. The public will be allowed to use the roads and trails as walking paths. New development is not permitted in Tract E, including but not limited to buildings, structures, park facilities, and new trails and roads. The existing roads and trails may be used as is. The old bathroom facility within Tract E will be removed, and the property will have to be cleaned up by the landowner to the satisfaction of the Public Works Department. Spraying and mowing for noxious weeds is permitted by the deed restric-

Kassawara explained how the BK-LOR plat application conforms to the town's final plat criteria in the municipal zoning code as well as the town's subdivision regulations. He proposed the following conditions of approval for the proposed plat:

- 1. Prior to recordation of the preliminary/final plat, the applicant will submit to the Development Services Department the required special warranty deeds for conveyance of all of the property's water rights to the town.
- Prior to recordation of the preliminary/final plat with the county, the property owner will remove any debris and clean up Tract E to



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Donna M O'Bryant

Financial Advisor

13710 Struthers Road Suite 110 Colorado Springs, CO 80921 719-487-0407

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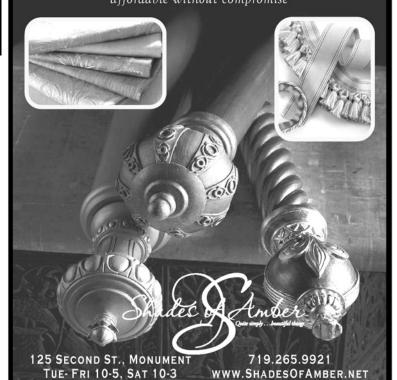
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