

**CHERRY HILLS VILLAGE
COLORADO**

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Cherry Hills Village, CO 80113
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Planning and Zoning Commission Agenda

Tuesday, January 13, 2026

City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado, 80113

This meeting will be held in-person at City Hall with no electronic participation. To attend in person: There is no need to sign up to attend in person. If you would like to speak during audience participation, there will be a signup sheet in Council Chambers.

5:00 PM

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Audience Participation Period (limit 5 minutes per speaker)
5. Consent Agenda
 - a. December 9, 2025, Meeting Minutes
6. Items Removed from Consent Agenda
7. New Business
 - a. Public hearing – a minor subdivision at 1 Cherry Hills Park Drive to create two lots from one lot– Paul Workman, Community Development Director
8. Reports
 - a. Members of the Planning and Zoning Commission
 - b. City Staff
 - c. City Attorney
9. Adjournment

Notice: Agenda is subject to change.

If you will need special assistance in order to attend any of the City's public meetings, please notify the City of Cherry Hills Village at 303-789-2541, 72 hours in advance.

Minutes of the Planning and Zoning Commission of Cherry Hills Village, Colorado
held on Tuesday, December 9, 2025 9, 2025, at 5:00 PM
at City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113

CALL TO ORDER

Chair Lucas called the meeting to order at 5:03 PM.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners:
Wyman, Leigh, Lay, Chair Lucas, and Kelsall

Absent from the meeting were the following Planning and Zoning Commissioners:
Vice Chair Miles, Lahabi

Present at the meeting were the following staff members:
Kathie Guckenberger, City Attorney
Paul Workman, Community Development Director
Jan Peciak, Planning and Building Permit Technician

PLEDGE OF ALLEGIANCE

The Commission conducted the Pledge of Allegiance.

CONSENT AGENDA

Commissioner Wyman moved to approve the meeting minutes from September 9, 2025.
Commissioner Lay seconded the motion. The motion passed unanimously.

NEW BUSINESS

Public Hearing – Cherry Hills Country Club Site Plan Amendment for alterations to their chipping and putting area – Paul Workman, Community Development Director

Director Workman began by presenting the staff report to the Commission. He noted that the applicant had submitted all required affidavits verifying that the legal notification requirements for the application had been met. He stated that the property was currently zoned O-1 and was acquired by the club in the late 1980s, having been used as a practice area for many years. He then displayed photos of the site taken that day, explaining that both images were taken from the north, looking south on Cherry Hills Drive. The top picture showed the northeast corner looking southwards, while the bottom picture showed the northwest corner looking towards the south along the northwest portion of the property.

Rather than reading the applicant's request verbatim, Community Development Director Workman highlighted the primary goals of the request. The first goal was to demolish and reconstruct part of their short game practice facility. The second goal was to demolish unnecessary roadways and impervious surfaces on their property. The third was to widen the existing emergency access and main maintenance facility access. The fourth goal was to relocate the existing access gate. The fifth was to introduce signage for additional clarity for wayward travelers who get confused between Cherry Hills Drive and the private access onto the Country Club's property.

Community Development Director Workman presented a color rendering of the site plan, noting that commissioners had received a copy in their packets but thought color might be helpful. He explained that the red polygons represented improvements that would be removed or demolished, the green polygons were new improvements (primarily bunkers and putting and chipping areas), and the blue area was existing features to remain unchanged as part of the project. He highlighted the gate relocation, which was somewhat difficult to see on the plan. The gate was currently located where a red line was shown and would be moved further to the northeast to help with wayward traffic that stumbles onto private club property. He also noted that an additional wayfinding sign was proposed off University Boulevard. He mentioned that the applicant had been coordinating with CDOT, who had no issues with the proposed signage.

Community Development Director Workman then showed elevations of two proposed vertical improvements, noting that this application was different from what the commission typically saw. He explained that most changes in this area were horizontal or grading changes, while these were the two vertical changes to the site: a 2.5-foot retaining wall along the northwest side of the property and a visual of what the new gate would look like.

Moving to the approval criteria, Community Development Director Workman reminded the commission that there were six approval criteria in the code. These criteria were what staff used to make their recommendation, what the commission would use to make their recommendation to City Council, and ultimately what City Council would use to approve, approve with conditions, or deny the request.

For the first criterion regarding consistency with the master plan, Community Development Director Workman explained that the subject property was identified for private recreation uses on the future land use map. He quoted the master plan's description of this category as lands owned by public or other private organizations used for private recreational purposes. He noted that the Country Club property had been used as a private club for many decades, and this area had been used in support of club operations for a while. The proposal to renovate the area would maintain and enhance the character of the site in this area of the city. He further explained that the site had historically been used in support of the private club, so the requested improvements to the existing practice area were consistent with the master plan's vision statement, which reflects the desire of Cherry Hills Village citizens to maintain and enhance the community's established character. The proposal would maintain and

enhance the character of the site. Finally, he stated that the request was consistent with land use goal 1b, which expressed a desire to maintain existing land uses on properties owned by private clubs, public and private schools, and institutions within the city. Since the site had historically functioned as a private club, this request maintained the existing land use on the property. He concluded that this criterion had been met.

For the second approval criterion related to applicable city ordinances and consistency with other policies and plans, Community Development Director Workman noted that, unlike many site plans the commission reviews, there were no new structures proposed that would need to meet setback or parking requirements. There was no modification to the existing parking proposed. The request for gate relocation and the proposed retaining wall met municipal code requirements, and there were no known inconsistencies with any city policy or plan. This requirement had been met.

Regarding the third approval criterion about the scale of proposed buildings or structures being consistent with the site context, Community Development Director Workman stated that the two vertical improvements (the proposed gate and wall) were consistent with the municipal code and the context of the site as a private club. This criterion had been met.

The fourth approval criterion concerned drainage systems designed to utilize natural materials and low-maintenance best practices. Community Development Director Workman explained that the applicant had provided a grading, erosion, and sediment control plan (GESC plan) and a drainage plan. Both had been reviewed and recommended for approval by ICON Engineering, the city's engineering consultant. He noted that the project would result in a 32 percent decrease in impervious area, thereby increasing natural landscape features.

For the fifth approval criterion regarding traffic congestion and safety, Community Development Director Workman stated that the scope of work did not include increased club membership or staff required at the club. There was no apparent increase in traffic congestion as part of this application. Since the access location would remain as it has historically, traffic patterns were expected to remain relatively unchanged. He noted that the additional wayfinding signage and gate relocation might help improve wayward traffic along Cherry Hills Country Club's entrance. This criterion had been met.

The sixth and final approval criterion addressed construction timing to minimize impacts on adjacent residential properties. Community Development Director Workman explained that construction was anticipated to begin in spring 2026. The applicant had provided a construction staging plan that complied with Chapter 18 of the municipal code, and the applicant was aware of the city's construction hours and would abide by them. This criterion had been met.

Regarding public comment, Community Development Director Workman noted that the applicant had done legwork with immediately adjacent neighbors, including meeting with them specifically. Staff had also had several conversations with neighbors, most

frequently with those at 5 and 14 Cherry Hills Drive. Early in the review process last spring, neighbors were particularly concerned about a request that was part of the original submittal to relocate the access from its current location further north along the northern/northwest boundary of the property. During the course of the application, the applicant had withdrawn that request, so it was not part of the current request.

Community Development Director Workman explained that should the applicant want to pursue that access relocation in the future, the code would require a brand new site plan amendment application that would go through the exact same process: administrative staff review, Planning and Zoning Commission through a public hearing process for a recommendation, and then to City Council for their ultimate decision.

With that, Community Development Director Workman stated that staff was recommending that the Planning and Zoning Commission recommend that the City Council approve Cherry Hills Country Club's request for a site plan amendment for renovations to their putting and chipping area. He also noted that an alternative motion was in the packet, reflecting the desires of surrounding residents. The alternative motion would include a condition that, should they wish to pursue future access or drive along the north/northwest side of the property, they would have to come back through a site plan amendment process.

Community Development Director Workman explained that staff was not recommending the alternative motion as their primary motion because it would be redundant since the code already required it. However, should the Planning and Zoning Commission wish to make that recommendation as a belt-and-suspenders approach, that was certainly their prerogative. He concluded his presentation and made himself available for questions, noting that representatives from the club were also present should there be questions for them.

Before opening for questions, Community Development Director Workman apologized and noted for the record that staff had received letters of support between when the packet was released and the proceedings that evening. He stated these had been placed on the commissioners' dais and would be included in the future council packet.

Chair Lucas opened the floor for questions for the applicant or Community Development Director Workman. Chair Lucas began by asking about the 32 percent reduction in impervious surface affecting existing runoff, seeking clarification on whether that meant less than what was there currently and how that worked. Community Development Director Workman explained by referencing the blue portion and red polygon at the bottom of the image on screen. He stated that area was all hardscape today. He clarified that there was a certain square footage of impervious surface today, and assuming approval and completion of the project, that impervious surface would be reduced by 32 percent as a result of this work. Chair Lucas thanked him for the clarification.

Commissioner Doug Kelsall then disclosed that he was reviewing this proposal, but wanted people to be aware that he was a member of Cherry Hills Country Club. He stated he did not feel that it in any way impacted his ability to be impartial on this decision. Chair Lucas thanked him for adding that to the record and apologized for not asking. Commissioner Lee then made a similar disclosure that she and her family were members of Cherry Hills Country Club, and this would not impact her decision. Community Development Director Workman thanked them for adding that to the record.

Chair Lucas asked if there were any other questions, then asked about the relocation of the new sign, inquiring if it would be right at University Blvd. Community Development Director Workman clarified it would be near University Blvd but not right at the property line, so that folks who make that turn would see it after making the turn. Chair Lucas confirmed this understanding and asked if that was why CDOT was brought in. Community Development Director Workman confirmed it was to make sure they didn't have an issue with how close it was to the University right-of-way or anything like that.

Commissioner Kelsall then had two questions. His first question concerned the elevation of the property, noting that, knowing where this facility was located, it was pretty hilly. He expressed difficulty determining from the elevations whether there were any plans to regrade to increase the elevation further and make it flatter, or whether the current slopes would remain after grading. Community Development Director Workman deferred to the applicant for details but provided a short answer that the area north and northwest of the proposed retaining wall (shown as a green line on the plan) between the property line and the wall would remain relatively ungraded as it is today. On the other side of that wall, there would be some grading, primarily to flatten it out, but also to create additional interest for a better chipping and putting experience for members.

Commissioner Kelsall's second question concerned tree removal, noting it looked like they were removing quite a few trees in the plan. He asked about his understanding that when trees are removed under a particular proposal with the village, there's a requirement to replace those trees in some fashion. He inquired whether trees would be replanted here or if these were just removals. Community Development Director Workman noted there might be plans for additional trees and would let the applicant speak to that. He explained that the city does have a tree mitigation ordinance, which is required essentially in three circumstances: first, with the construction of a new home; second, with a major addition to a home (50 percent or more of existing square footage); or third, if either of those things are done within 12 months of submitting a building permit. He clarified that tree mitigation is not required as part of a site plan process.

Community Development Director Workman then asked if the applicant wished to make any remarks, inviting them to come to the podium and provide their address and name for the record.

Christopher Clevinger introduced himself, providing his address at 5900 East Princeton Circle in Cherry Hills Village as a representative. He introduced Josh Hester, the

Director of Grounds for Cherry Hills Country Club, and Jared, their engineer with HKS. He thanked everyone for their time, thanked Community Development Director Workman for assistance in the application process, and thanked their five neighbors who provided support for the application. Responding to the specific question about trees, Mr. Clevinger stated that in this particular project, there was no plan for additional trees. However, he noted that on average, they had planted between 25 and 50 trees each of the last four years, and there were plans for as many as 20 trees this spring on other parts of the property.

Commissioner Wyman asked about the motive behind the whole remodel. Mr. Clevinger explained that during their clubhouse restoration project a few years ago, they had temporary facilities on the red concrete surface that was being demolished. When they put those temporary facilities there, it caused their short game facility to be unusable. They decided that when those temporary facilities were to be demolished, they would improve this area to be more user-friendly. He explained that the lower short game area was not very level today, being very hilly, and the goal was to grade it such that it drains better and is more user-friendly. Additionally, they wanted to remove the concrete surfaces and impervious surfaces that were put there because of the temporary facilities.

Community Development Director Workman interjected as a matter of order, noting for the record that there might be folks in the audience who wished to give testimony, and they would need to do public testimony. The Chair asked if anyone would like to come forward. When no one came forward, the discussion continued.

Commissioner Kelsall asked for more background around the motion and discussion about why it seemed unusual to have a motion or an alternative motion presented to the committee. Community Development Director Workman explained that it happens on occasion. He stated as frankly as possible that the alternative motion was understanding that surrounding neighbors might appreciate a belt-and-suspenders approach. While the code currently requires it, the recognition was that should Cherry Hills Country Club choose to reconfigure the access in the future, not only would it be required by code, but also as a condition of approval. He clarified it was an alternative for the Planning and Zoning Commission, but not a recommended motion from staff because the code already requires it, making it a redundant condition. He explained that generally they don't like to recommend conditions for things already required by code, otherwise why have the code. That was why there were two motions that evening - the recommended motion and the alternative motion.

Commissioner Kelsall expressed his opinion that with the disturbance this causes neighbors and with some of the discussions neighbors have had on this particular proposal, he believed the alternative motion made sense as a belt-and-suspenders approach. He clarified he was talking about not just any other access along the northwest, but any change from the current configuration.

Community Development Director Workman agreed and suggested looking to the applicant to see their comfort level with agreeing to that type of condition. He reiterated it wasn't a recommended motion from staff, but if that was the Planning and Zoning Commission's desired recommendation, they certainly could do that. He advised discussing it with the applicant and potentially getting their concurrence with such a condition.

Mr. Clevinger responded that from the beginning of the process, once they made a determination they were not intending to move the primary access to their maintenance facility, it had been very clear from Community Development Director Workman and from the code that any future modification to their access requires a site plan amendment. He stated he had said that repeatedly and believed it. He emphasized the club had no intention of putting permanent access in the northwest portion of this property to his knowledge and didn't intend to.

Because of that, Mr. Clevinger agreed with Community Development Director Workman's point that it would be unusual in these processes to see something redundant to existing code. He noted that the way the alternative recommendation was written was fine and he didn't think the club had a problem with that. However, he pointed out that the area was used by Josh's staff with small vehicles on a daily basis, so if they stopped using that, would that be a change of any type, since golf carts and things currently use that area. He felt the way Community Development Director Workman wrote the alternative recommendation was fine but wasn't sure having it even more restrictive made a lot of sense personally.

Community Development Director Workman offered another component, noting that oftentimes during major special events that they had all heard from the club, they have requested certain access from this area as well, which could create confusion with any future major special event permits.

Commissioner Wyman clarified that his only concern was whether they wanted to change the actual road. Community Development Director Workman confirmed that was what the intent of the alternative motion was trying to address, understanding there are operational needs on an occasional if not frequent basis.

Mr. Clevinger added clarification about how code is triggered in construction and where you touch the code. He explained why this was before the site plan process - because it's a recreational facility they are modifying. In the future, if they were modifying access to the site, that would also trigger a requirement for a site plan amendment, which to him made it fairly clear that if the club wanted to change their primary access to this portion of the property, they would have to come before the commission and council again for a new site plan amendment.

Commissioner Leigh asked if the alternative motion language was proposed by one of the adjacent residents. Community Development Director Workman clarified it was not. Commissioner Leigh then asked about the history behind having two motions.

Community Development Director Workman explained that the application started out with relocation of the access, which was problematic for some adjacent residents. This alternative was a recognition of their early concerns, although the code already addresses it - it was a way to recognize earlier concerns. Mr. Clevinger made a point that they did recognize the neighbors' concerns by leaving the access where it is currently today.

After no further questions arose, Chair Lucas made the motion to recommend that City Council approve Cherry Hills Country Club's request for a site plan amendment for renovations to their putting and chipping area. Commissioner Leigh seconded the motion.

The following votes were recorded:

Commissioner Wyman	Aye
Commissioner Leigh	Aye
Commissioner Lay	Aye
Chair Lucas	Aye
Commissioner Kelsall	Aye

The motion passed unanimously.

REPORTS

Members of the Planning and Zoning Commission

Commissioner Wyman had a question about a topic that will be discussed during the next City Council meeting. Community Development Director Workman explained that City Council would be entertaining an emergency moratorium the following night on subdivision applications that would require payment for a fee in lieu of land dedication. He explained there was recent litigation activity out of California where a case went through the California Supreme Court all the way to the U.S. Supreme Court, which had changed some of the thought process for communities related to fee in lieu of land dedication. The moratorium would be in place for nine months to allow staff to hire a consultant and evaluate whether their current standard meets legal requirements as a result of this 2024 case out of California.

Commissioner Kelsall then asked if the City Council has taken action on the fence ordinance that the P&Z Commission discussed last meeting. Community Development Director Workman noted that Council had not taken action yet but it was on their agenda for January 20th. He stated Council was very interested in putting that issue to bed and had been trying to find the right council schedule for it.

City Staff

Regarding the January meeting outlook, Community Development Director Workman confirmed there would definitely be a meeting in January with a subdivision application. There might or might not be another topic, depending on how things progress over the next couple weeks with an active application. He noted that the first quarter of 2026 was looking relatively busy, with two or three other land use applications stacked up that he anticipated would come before the commission at some point in Q1 of 2026. He confirmed there would be a meeting in January, likely February, and would provide an additional update in January about March since it was too far out to have a good sense.

Before ending, Community Development Director Workman wished everyone happy holidays, noting this was the last time he would see them before the break. He encouraged them to enjoy their holidays, do something fun with family and friends, and come back ready for 2026 with their lasting enthusiasm. The commissioners reciprocated the holiday wishes.

City Attorney

None

ADJOURNMENT

Chair Lucas adjourned the meeting at 5:36 pm.

William Lucas, Chair

Jan Peciak, Planning and Building Permit Technician

Item: 7a

MEMORANDUM

TO: CHAIR LUCAS AND MEMBERS OF THE PLANNING AND ZONING COMMISSION

FROM: PAUL WORKMAN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING – A MINOR SUBDIVISION AT 1 CHERRY HILLS PARK DRIVE TO CREATE TWO LOTS FROM ONE LOT.

DATE: JANUARY 13, 2026

ISSUE:

Should the Planning and Zoning Commission vote to recommend that the City Council approve a Minor Subdivision request to create two lots from one lot?

APPLICANT:

Christopher and Tammy Marsico

APPLICANT'S REPRESENTATIVE:

Spierer/Woodward/Corbalis/Goldberg (SWCG)

ADMINISTRATIVE REVIEW:

Original Application Date: June 4, 2025

Number of Review Cycles: 3

REVIEW AUTHORITY CODE SECTION(S):

Section 17-2-50. – Definitions.¹

Minor Subdivision means any division of land that:

- (1) Divides a parcel of land held in single or common ownership into two (2) lots or parcels; and
- (2) Does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, building height, setback, private road or private drive standards, parking, drainage, requirements or access or public amenities, including public roads, easements, rights-of-way, parks, open space or trails.

¹ The full Section is not provided for clarity and brevity.

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Section 17-3-350. – Minor Subdivisions and minor amendment approval procedure.²

(a) Commission Hearing.

- (1) The Commission shall hold a public hearing to consider the subdivision's conformance with the requirements of this Code and this Article. The Commission shall notice such hearing in accordance with the public notice requirements in Table 16-7-255D.
- (2) The Commission shall recommend approval or approval with conditions or shall reject the minor subdivision or minor amendment.

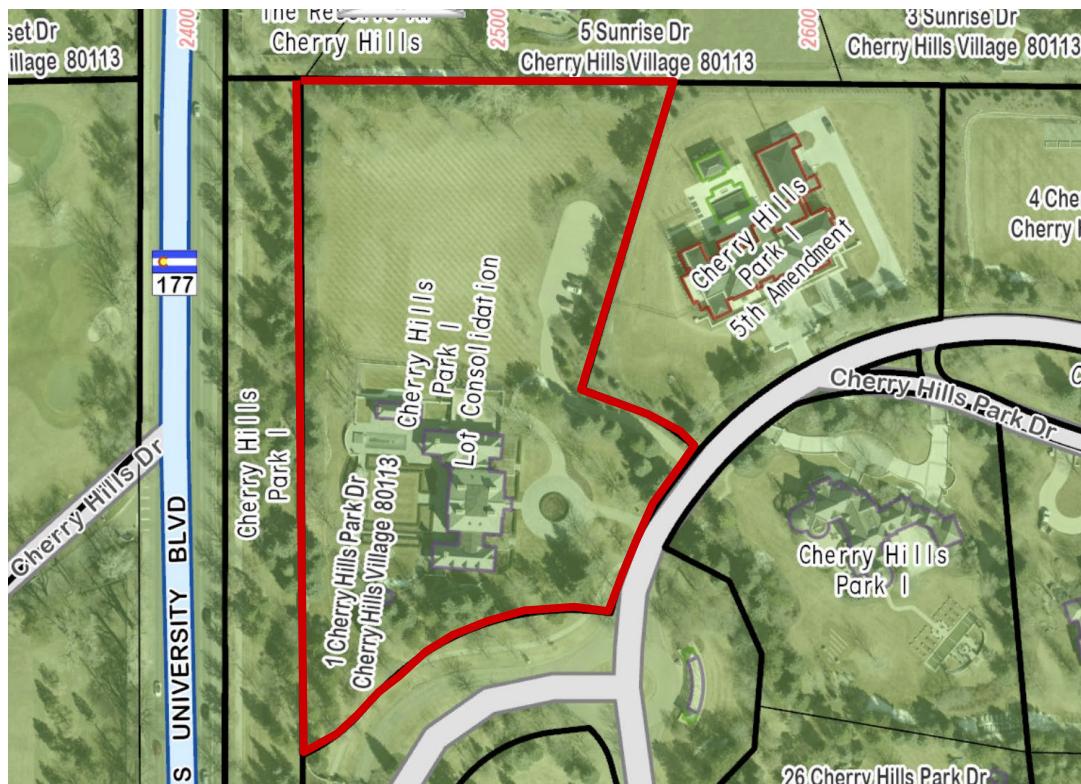
SURROUNDING ZONING & LAND USE:

The subject property is currently zoned R-1; 2.5 – Acre Residential District.

Surrounding Zoning and Uses:

North	R-1; Single-family detached homes
East	R-1; Single-family detached homes
South	R-1; Single-family detached homes
West	S. University Blvd with O-1 beyond

VICINITY MAP:



² The full Section is not provided for clarity and brevity.

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REQUEST:

From the Applicant's Narrative (**Exhibit A**):

*"The Applicant desires to re-subdivide the Subject Property into two lots of approximately equal size, which subdivision will revert the Subject Property to the configuration as it existed prior to the consolidation evidenced by that certain Cherry Hills Park No. 1 – Lot Consolidation plat recorded September 12, 2006. For the reasons described in this Project Narrative, we believe that the requested minor subdivision complies with all relevant requirements of the Cherry Hills Code (the "**Code**"), and the City of Cherry Hills (the "**City**") has the authority to approve the Project Application."*

Supporting Document – Plat (**Exhibit B**):

In support of the request, the applicant has submitted a Plat that meets the requirements of the underlying zone district.

Lot Size.

The minimum lot size in the R-1 zone district is 2.5 acres. Proposed Lot 1 is 2.503 acres in gross area and proposed Lot 2 is 2.503 acres in gross area.

16-9-40. – Lot Area.

(b) Addition to Lot Area. Areas outside of the lot lines of a lot may be counted towards lot area in certain zoning districts, as follows:

(1) **R-1 (emphasis added), R-2, R-3, R-4, O-1, and C-1 Zoning Districts.** In the **R-1 (emphasis added)**, R-2, R-3, R-4, O-1, and C-1 zoning districts, lot area may also include adjoining public street rights-of-way to the centerlines of the streets, or the area extending 30 feet into the right-of-way from the street lot lines, whichever results in less additional area.

Easements.

All previously recorded easements are shown on the Plat, and no new easements were requested by utility providers.

Drainage.

During this subdivision's original approval, a master drainage plan was approved. As individual lots have been approved for development, each lot has provided a letter of conformance with the master drainage plan or provided a plan for compliance with the assumptions that were made in the original drainage plan. Any future development of Lot 2 will be required to meet these same drainage requirements.

Existing Structure.

As a part of the review of this application, the applicant was required to demonstrate that the existing home on Lot 1 would not be made nonconforming by this subdivision. To document this, the applicant provided a letter (**Exhibit C**) from a licensed and registered surveyor in the State of Colorado, noting that the existing home will continue to meet the setback requirements for the R-1 zone district (75' in the front and 50' in the sides and rear) from the proposed property lines if the subject Plat is approved.

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Land Dedication or Fee-in-Lieu of Land Dedication.

The land dedication or fee-in-lieu of land dedication requirement was satisfied as a part of the original subdivision approval by the City in 1997, with the dedication of open space and trail connections. No new dedication or fee-in-lieu of land dedication is required at this time.

The original approval for the Cherry Hills Park I subdivision occurred in 1997, and the plat for Cherry Hills Park I was recorded on August 28, 1997 (**Exhibit D**). The original approval shows a Lot 1 and a Lot 2 that are in substantially the same configuration as proposed in the current application. On September 21, 1998, the Cherry Hills Park I 1st Amendment was recorded, which consolidated Lot 2 and Lot 3 of the Cherry Hills Park I subdivision (**Exhibit E**). On May 1, 2006, the Cherry Hills Park I 5th Amendment (**Exhibit F**) was recorded, which subdivided the consolidated lots in the Cherry Hills Park I 1st Amendment back into two separate lots (Author's note: the staff report (**Exhibit G**) for this application notes that the land dedication requirement was met with the original subdivision, and no new dedication was required). On September 12, 2006, the Cherry Hills Park No. 1 Lot Consolidation was recorded (**Exhibit H**), which consolidated Lot 1 and Lot 2 of the Cherry Hills Park I subdivision. The subject property has remained in this configuration since 2006.

APPROVAL CRITERIA ANALYSIS:

Section 17-3-360 – Applicant's responses are provided in Exhibit A:

Approval Standards. The recommendation of approval of any minor subdivision by the Commission shall require a finding that the applicant established each of the following by competent and sufficient evidence:

- (1).The proposed subdivision meets the definition of a minor subdivision or minor amendment contained in this Division.

Applicant Analysis:

“Section 17-2-50 of the Code defines a minor subdivision as any division of land that (1) divides a parcel of land held in single common ownership into two (2) lots or parcels, and (2) does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, building height, setback, private road or private drive standards, parking, drainage requirements or access or public amenities, including public roads, easements, rights-of-way, parks, open space or trails.

This minor subdivision will divide a single parcel of land owned by the Applicant into two lots. Furthermore, as shown in the Minor Subdivision Plat and as described herein and the Setback Letter submitted herewith, the creation of the two lots will not create a parcel that violates or fails to conform to any applicable zoning standards. The new lots will be restored to substantially the same configuration as existed prior to the most recent consolidation, and the lots as they existed previously were approved and accepted as sufficient by the City.”

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Staff Analysis:

The proposed application divides a parcel of land that is held in common ownership into two lots, and neither of the proposed lots will violate or fail to conform to any applicable zoning or other standard of the City's code.

This criterion has been met.

(2). The proposed subdivision fully conforms to all applicable requirements for the zone district in which the property is located, including but not limited to requirements for setbacks and minimum lot sizes.

Applicant Analysis:

"Pursuant to that certain Cherry Hills Village Official Zoning Map dated March 3, 2019, the Subject Property is currently zoned R-1, 2 ½-Acre Residential, which has the following purpose per Table 16-2-10: 'Provide for residential and agricultural uses on lots 2 ½ acres or more in area.' As shown in the Minor Subdivision Plat, the new Lot 1 will be 2.503 gross acres, and the new Lot 2 will be 2.503 gross acres, thus satisfying the minimum lot size requirements for the R-1 zoning designation. Furthermore, each of the reinstated lots will be used solely for residential and/or agricultural uses."

As related to the building setback requirements of the Code, the residential home constructed on what will be new Lot 1 was built prior to the consolidation that created the Subject Property, and thus remains in compliance with the building setback requirements of the R-1 zoning designation. There are no improvements currently constructed on what will be new Lot 2, so building setback requirements are not applicable to that lot."

Staff Analysis:

Staff confirms that the proposed use and size of the proposed new lots meet the requirements of the underlying zoning district (R-1, 2 ½-Acre Residential District), and the existing structure on what will be new Lot 1 will meet setback requirements from the new lot lines.

This criterion has been met.

(3). The proposed subdivision meets or satisfies all other applicable requirements of this Code.

Applicant Analysis:

"This Project Narrative addresses all applicable requirements of the Code and, for the reasons detailed herein, the proposed minor subdivision complies with all such applicable requirements."

Staff Analysis:

Staff confirms that all applicable requirements of the Code have been satisfied, as demonstrated throughout this Staff Report.

This criterion has been met.

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(4).The streets, whether public or private, and all public improvements necessary to serve the subdivision meet or exceed the requirements of the City.

Applicant Analysis:

“With regard to proposed Lot 1, Cherry Hills Park Drive runs immediately adjacent to the lot’s eastern boundary line. Additionally, a paved driveway currently runs directly from the residence on Lot 1 to that adjacent public roadway. It is the opinion of the Applicant that this driveway provides the rights and means of access necessary to serve Lot 1 in accordance with the requirements of the City.”

*With regard to proposed Lot 2, the area of that lot will include a thin rectangular portion of land located between the northeast border of Lot 1 and the southwest border of Lot 3, as highlighted and labeled in Exhibit A (the “**Access Portion**”).” The Access Portion connects the otherwise landlocked Lot 2 to Cherry Hills Park Drive, which is the adjacent public roadway. Additionally, a paved driveway currently runs through the Access Portion and up along the existing lot line separating Lot 2 from Lot 3 (the “**Existing Driveway**”). It is the opinion of the Applicant that the Access Portion and the Existing Driveway provide the rights and means of access necessary to serve Lot 2 in accordance with the requirements of the City.”*

Staff Analysis:

All dedication requirements for streets were satisfied with the original application in 1997. Lot 1 of this subdivision is developed and served by the necessary utilities. At such time that Lot 2 is developed, no public improvements will be required. Only private utility improvements will be required, for which the utilities have not expressed concern.

The proposed lot lines for the new Lot 2 provide access to Cherry Hills Park Drive, and therefore, the new Lot 2 will have legal access to and from a right-of-way.

This criterion has been met.

(5).Adequate utility easements are established within the affected property to provide service to the lots created by or illustrated upon the minor plat.

Applicant Analysis:

*“With respect to sanitary sewer utility, there exists a 30’ non-exclusive sanitary sewer easement (recorded in the Arapahoe County real property records under reception number A8038614) that runs between what will be designated Lot 1 and Lot 2 (the “**Sewer Easement**). The Sewer Easement was granted by the Original Development Company to the City of Cherry Hills Village Sanitation District in connection with the original creation of the subdivision of which the Subject Property is a part. The Applicant attests that the Sewer Easement currently does provide, and will continue to provide adequate sanitary sewer service to Lots 1 and 2.*

With regard to electricity and gas utility, there exists an 8’ non-exclusive utility easement (recorded in the Arapahoe County real property records under reception number A8038440)

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*that runs along the northerly 8 feet and the easterly 8 feet of Lot 1 and also along the easterly 8 feet of Lot 2 contiguous with Cherry Hills Park Drive (the “**Utility Easement**”). The Utility Easement was granted by the Original Development Company to the Public Service Company of Colorado in connection with the original creation of the subdivision of which the Subject Property is a part. Electricity and gas utilities lines are both properly stubbed to both Lot 1 and Lot 2. For this reason, the Utility Easement currently does provide, and will continue to provide, adequate electric and gas service to Lots 1 and 2.*

*With regard to domestic water service, there exists a water easement (recorded in the Arapahoe County real property records under reception number A7124610) that runs beneath Cherry Hills Park Drive adjacent to the Subject Property (the “**Water Easement**”). The Water Easement was granted by the Original Development Company to the City and County of Denver, acting by and through its Board of Water Commissioners, in connection with the original creation of the subdivision of which the Subject Property is a part. For Lot 1, domestic water utilities are properly stubbed and provide water service to the residence and irrigation to the land. Lot 2 also has domestic water utilities properly stubbed and are separately metered from Lot 1 with all tap fees paid. The utility on Lot 2 is currently being used for irrigation only, but it is the belief of the Applicant that this service will provide adequate domestic water service to Lot 2 after subdivision from Lot 1. For these reasons, the Water Easement currently does provide, and will continue to provide, adequate domestic water service to Lots 1 and 2.”*

Staff Analysis:

There are no changes to existing easements, and any new easements that may be necessary to serve the new Lot 1 and new Lot 2 and requested by the utility providers have been included in the application.

This criterion has been met.

(6) Existing public trails located within the lots illustrated upon the minor plat are preserved or new trails are dedicated by the plat that will provide, in the opinion of the City, a substantially similar or improved trail system in terms of route, grade, access, surface quality, ease of maintenance and safety.

Applicant Analysis:

“As shown in the Minor Subdivision Plat, there are no existing public trails located within the Subject Property. For this reason, the minor subdivision will result in a substantially similar trail system as exists in the Subject Property’s current configuration.”

Staff Analysis:

As noted above, there is no requirement for land dedication or a fee-in-lieu of land dedication, as the original Cherry Hills Park I subdivision was determined to satisfy this requirement in 1997. This application does not alter or affect any existing public trails.

This criterion has been met.

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(7).The proposed configuration, shape, arrangement and layout of the lots, conditions placed on the lots and any street do not, in the opinion of the City, create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, or do not substantially and adversely affect adjacent properties.

Applicant Analysis:

“While this criteria item is in the purview of the City to decide, the intent of this minor subdivision is to revert the Subject Property into two lots as they existed previously. The two proposed lots, since previously approved by the City as to configuration, shape, arrangement and layout, as well as conditions places on the lots and any streets, should not create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, and for these same reasons should not substantially or adversely affect adjacent properties.”

Staff Analysis:

The configuration of the lots created by this application are substantially the same as they were established in 1997. Both lots meet the size requirement, provide access to Cherry Hills Park Drive, and accommodate any utility easement that has been requested. There is no adverse affect to any adjacent property.

This criterion has been met.

(8).The proposed subdivision substantially conforms to the goals and policies of the City's Master Plan to the extent that such goals and policies establish requirements that are sufficiently specific to permit the Commission or Council to decide that the application and subdivision plat meets or fails to meet such goal or policy.

Applicant Analysis:

“As more specifically detailed throughout this Project Narrative, it is the opinion of the Applicant that the minor subdivision contemplated in this Project Application complies with all of the directly applicable goals and policies of the City’s Master Plan, including specifically as it relates to the Master Plan’s Community Vision. For the reasons outlined below, the Commission and City Council should both properly find that the application and minor subdivision plat meet the goals and policies of the Master Plan.

(a) Community Character. This component is described in the Master Plan as ‘the preservation, enhancement, and improvement of public and private areas of the City, including streets, streetscapes, trails, and open spaces, should emphasize a pastoral, safe, serene, and open character.’ The scope of work for this project is limited solely to the addition of a lot line to subdivide the property into two lots. Due to this limited scope of work, the community character described in the Master Plan will not be affected or modified, and the minor subdivision therefore complies with this component.

(b) Land Use. The Master Plan states that ‘The community very strongly supports maintaining the existing land use pattern in the City.’ The Master Plan’s Land Use Map designates the Subject Property as being ‘Rural-Density Residential.’ The Applicant does not immediately intend to change the land use of either lot, reinstated by this minor subdivision, and so the lots will continue to be used as Rural-Density Residential in compliance with the Master Plan. Furthermore, as detailed in this Project Narrative, the

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lots reinstated by this minor subdivision will be at least 2.5 acres each, as required by the Land Use Map and the Master Plan, and the Applicant does not intend to expand beyond the 2.5-acre density.

- (c) Parks, Trails & Open Space. *The relevant goals of this component of the Master Plan are stated to be to ‘maintain and improve the current system of City-owned parks, trails, and open space’ and ‘preserve and enhance the system of trails and sidewalks, including conducting and maintaining an inventory of trails and enhancing connectivity.’ The minor subdivision contemplated in this Project Application will make no changes to City-owned parks, trails or open space, which will therefore preserve the City’s system of trails and sidewalks as they currently exist. For those reasons, the minor subdivision complies with this component of the Master Plan.*
- (d) Transportation. *The goals of this component focus primarily on safety and efficiency of the City and its transportation. ”*

Staff Analysis:

The application is consistent with and furthers or implements the goals and strategies of the Master Plan, including preservation of the semi-rural character of the city, as outlined below.

- A. Consistency with the Vision Statement. “*...It is the desire of the citizens of Cherry Hills Village to maintain and enhance the established character of the community...*”. The character of the Cherry Hills Park I subdivision is one of large lot single-family homes. The approval of this application will not change the character of this subdivision. In fact, it will return it to the originally approved and anticipated number of lots.
- B. Consistency with the Future Land Use Map (“FLUM”). The site is identified for “Rural-Density Residential” uses. Page 23 of the Master Plan defines the uses anticipated for properties designated as “Rural-Density Residential”. Specifically, “*This category is defined by single family residential land uses on parcels of 2.5 acres or larger in size. These properties are typically zoned as R-1.*” The request is to create two lots that are at least 2.5 acres in size and will maintain the R-1 zoning designation.

This criterion has been met.

PUBLIC NOTICE AND COMMENT:

Public Notice:

Notice requirements for public hearings are outlined in Section 16-7-255. A minimum of 15 days prior to the hearing date, a mailed notice of the hearing was sent to all property owners within 1,500 feet by first-class U.S. mail, one public notice sign was posted on the property facing Cherry Hills Park Drive, and notice of the hearing was published in the December 18, 2025, edition of *The Villager*. Notice was also posted on the City’s noticeboard and City website. The notice requirements have been met.

Public Comment(s):

As of the writing of this staff report, staff has not received any public comment related to this application.

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RECOMMENDED MOTION:

“I move to recommend that the City Council approve the minor subdivision request at 1 Cherry Hills Park Drive to create two lots from one lot.”

ATTACHMENTS:

Exhibit A: Applicant’s Narrative and Approval Criteria Analysis
Exhibit B: Plat Application
Exhibit C: Surveyor’s Letter
Exhibit D: Cherry Hills Park I
Exhibit E: Cherry Hills Park I 1st Amendment
Exhibit F: Cherry Hills Park I 5th Amendment
Exhibit G: Cherry Hills Park I 5th Amendment Staff Report
Exhibit H: Cherry Hills Park No. 1 Lot Consolidation, Lots 1 and 2

Project Narrative for the Minor Subdivision of 1 Cherry Hills Park Drive

This Project Narrative for the Minor Subdivision of 1 Cherry Hills Park Drive (this “**Project Narrative**”) is given by Christopher Marsico (the “**Applicant**”) as part of that certain Project Application (the “**Project Application**”) for the proposed minor subdivision of the property commonly known as 1 Cherry Hills Park Drive, Englewood, CO 80113, as depicted in that certain minor subdivision plat submitted as a part of this Project Narrative and attached hereto as Exhibit A (the “**Minor Subdivision Plat**”) (such property defined herein as the “**Subject Property**”). The Applicant desires to re-subdivide the Subject Property into two lots of approximately equal size, which subdivision will revert the Subject Property to the configuration as it existed prior to the consolidation evidenced by that certain Cherry Hills Park No. 1 – Lot Consolidation plat recorded September 12, 2006. For the reasons described in this Project Narrative, we believe that the requested minor subdivision complies with all relevant requirements of the Cherry Hills Code (the “**Code**”), and the City of Cherry Hills (the “**City**”) has the authority to approve the Project Application.

Background

The Subject Property is situated in the subdivision known as Cherry Hills Park I. The Subject Property has gone through several reconfigurations since its initial development by Cherry Hills Park Development Company (the “**Original Development Company**”) in 1997. The following represent the historical configuration and reconfigurations of the three lots relevant to the Subject Property and this Project Application (lots 1, 2 and 3 of the Cherry Hills Park I subdivision):

(1) As shown in that certain Cherry Hills Park I plat recorded May 20, 1997, attached hereto as Exhibit B, Lots 1, 2 and 3 were originally configured and developed as separate lots. The Subject Property comprised lots 1 and 2 thereon.

(2) As shown in that certain Cherry Hills Park I 1st Amendment plat recorded September 21, 1998, attached hereto as Exhibit C, Lot 2 and Lot 3 were consolidated into one large lot designated “2 Cherry Hills Park Drive Lot 1.”

(3) As shown in that certain Cherry Hills Park I – 5th Amendment plat recorded May 1, 2006, attached hereto as Exhibit D, the new 2 Cherry Hills Park Drive Lot 1 was then re-subdivided into substantially the same configuration as existed previously, which resulted in two lots which were again designated “Lot 2” and “Lot 3.”

(4) As shown in that certain Cherry Hills Park No. 1 – Lot Consolidation plat recorded September 12, 2006, attached hereto as Exhibit E, Lot 1 and the newly designated Lot 2 were then consolidated into one large lot designated “Lot 1A.”

The Applicant now desires to re-subdivide the Subject Property (currently designated as Lot 1A) with the purpose of restoring the lot lines to substantially the same configuration as existed pursuant to that certain Cherry Hills Park I – 5th Amendment plat recorded May 1, 2006.

Scope of Work

The scope of work anticipated for this Project Application consists solely of the subdivision of the Subject Property in accordance with the City’s “minor subdivision” process and requirements. This work

is anticipated to culminate in approval of a final plat and recordation of same, with two resulting lots in a configuration substantially similar to the configuration that existed prior to the consolidation of Lot 1A. There is no physical construction work contemplated in this Project Application.

Land Dedication Requirements

Per separate comment from the City, the Applicant understands that a land dedication or fee-in-lieu of land dedication will not be required in connection with this Project Application.

Approval Criteria Analysis

Section 17-3-360 of the Code dictates the approval criteria for minor subdivisions. The Code requires that any minor subdivision satisfy all eight of the approval criteria by competent and sufficient evidence. For the reasons described below, we believe this minor subdivision satisfies all eight approval criteria. Therefore, we suggest and request that the City Planning and Zoning Commission (the “**Commission**”) may properly recommend approval of the requested minor subdivision and that the City Council of the City of Cherry Hills Village (the “**City Council**”) may properly accept the subdivision plat for filing.

(1) The proposed subdivision meets the definition of a minor subdivision or minor amendment contained in this Division.

Section 17-2-50 of the Code defines a minor subdivision as any division of land that (1) divides a parcel of land held in single or common ownership into two (2) lots or parcels, and (2) does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, building height, setback, private road or private drive standards, parking, drainage requirements or access or public amenities, including public roads, easements, rights-of-way, parks, open spaces or trails.

This minor subdivision will divide a single parcel of land owned by the Applicant into two lots. Furthermore, as shown in the Minor Subdivision Plat and as described herein and the Setback Letter submitted herewith, the creation of the two lots will not create a parcel that violates or fails to conform to any applicable zoning or other standards. The new lots will be restored to substantially the same configuration as existed prior to the most recent consolidation, and the lots as they existed previously were approved and accepted as sufficient by the City.

(2) The proposed subdivision fully conforms to all applicable requirements for the zone district in which the property is located, including but not limited to requirements for setbacks and minimum lot sizes.

Pursuant to that certain Cherry Hills Village Official Zoning Map dated March 3, 2019, the Subject Property is currently zoned R-1, 2 1/2-Acre Residential, which has the following purpose per Table 16-2-10: “Provide for residential and agricultural uses on lots of 2 1/2 acres or more in area.” As shown in the Minor Subdivision Plat, the new Lot 1 will be 2.503 gross acres, and the new Lot 2 will be 2.503 gross acres, thus satisfying the minimum lot size requirements for the R-1 zoning designation. Furthermore, each of the reinstated lots will be used solely for residential and/or agricultural uses.

As related to the building setback requirements of the Code, the residential home constructed on what will be the new Lot 1 was built prior to the consolidation that created the Subject Property, and thus remains in compliance with the building setback requirements of the R-1 zoning designation. There are no improvements currently constructed on what will be the new Lot 2, so building setback requirements are not applicable to that lot.

(3) The proposed subdivision meets or satisfies all other applicable requirements of this Code.

This Project Narrative addresses all applicable requirements of the Code and, for the reasons detailed herein, the proposed minor subdivision complies with all such applicable requirements.

(4) The streets, whether public or private, and all public improvements necessary to serve the subdivision meet or exceed the requirements of the City.

With regard to proposed Lot 1, Cherry Hills Park Drive runs immediately adjacent to the lot's eastern boundary line. Additionally, a paved driveway currently runs directly from the residence on Lot 1 to that adjacent public roadway. It is the opinion of the Applicant that this driveway provides the rights and means of access necessary to serve Lot 1 in accordance with the requirements of the City.

With regard to proposed Lot 2, the area of that lot will include a thin rectangular portion of land located between the northeast border of Lot 1 and the southwest border of Lot 3, as highlighted and labeled in Exhibit A (the "Access Portion"). The Access Portion connects the otherwise landlocked Lot 2 to Cherry Hills Park Drive, which is the adjacent public roadway. Additionally, a paved driveway currently runs through the Access Portion and up along the existing lot line separating Lot 2 from Lot 3 (the "Existing Driveway"). It is the opinion of the Applicant that the Access Portion and the Existing Driveway provide the rights and means of access necessary to serve Lot 2 in accordance with the requirements of the City.

(5) Adequate utility easements are established within the affected property to provide service to the lots created by or illustrated upon the minor plat.

With regard to sanitary sewer utility, there exists a 30' non-exclusive sanitary sewer easement (recorded in the Arapahoe County real property records under reception number A8038614) that runs between what will be designated Lot 1 and Lot 2 (the "Sewer Easement"). The Sewer Easement was granted by the Original Development Company to the City of Cherry Hills Village Sanitation District in connection with the original creation of the subdivision of which the Subject Property is a part. The Applicant attests that that the Sewer Easement currently does provide, and will continue to provide, adequate sanitary sewer service to Lots 1 and 2.

With regard to electricity and gas utility, there exists an 8' non-exclusive utility easement (recorded in the Arapahoe County real property records under reception number A8038440) that runs along the northerly 8 feet and the easterly 8 feet of Lot 1 and also along the easterly 8 feet of Lot 2 contiguous with Cherry Hills Park Drive (the "Utility Easement"). The Utility Easement was granted by the Original Development Company to the Public Service Company of Colorado in connection with the original creation of the subdivision of which the Subject Property is a part. Electricity and gas utilities lines are both properly stubbed to both Lot 1 and Lot 2. For this reason, the Utility Easement currently does provide, and will continue to provide, adequate electric and gas service to Lots 1 and 2.

With regard to domestic water service, there exists a water easement (recorded in the Arapahoe County real property records under reception number A7124610) that runs beneath Cherry Hills Park Drive adjacent to the Subject Property (the “**Water Easement**”). The Water Easement was granted by the Original Development Company to the City and County of Denver, acting by and through its Board of Water Commissioners, in connection with the original creation of the subdivision of which the Subject Property is a part. For Lot 1, domestic water utilities are properly stubbed and provide water service to the residence and irrigation to the land. Lot 2 also has domestic water utilities properly stubbed and are separately metered from Lot 1 with all tap fees paid. The utility on Lot 2 is currently being used for irrigation only, but it is the belief of the Applicant that this service will provide adequate domestic water service to Lot 2 after subdivision from Lot 1. For these reasons, the Water Easement currently does provide, and will continue to provide, adequate domestic water service to Lots 1 and 2.

(6) Existing public trails located within the lots illustrated upon the minor plat are preserved or new trails are dedicated by the plat that will provide, in the opinion of the City, a substantially similar or improved trail system in terms of route, grade, access, surface quality, ease of maintenance and safety.

As shown in the Minor Subdivision Plat, there are no existing public trails located within the Subject Property. For this reason, the minor subdivision will result in a substantially similar City trail system as exists in the Subject Property’s current configuration.

(7) The proposed configuration, shape, arrangement and layout of the lots, conditions placed on the lots and any streets do not, in the opinion of the City, create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, or do not substantially and adversely affect adjacent properties.

While this criteria item is in the purview of the City to decide, the intent of this minor subdivision is to revert the Subject Property into two lots as they existed previously. The two proposed lots, since previously approved by the City as to configuration, shape, arrangement and layout, as well as conditions placed on the lots and any streets, should not create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, and for these same reasons should not substantially or adversely affect adjacent properties.

(8) The proposed subdivision substantially conforms to the goals and policies of the City's Master Plan to the extent that such goals and policies establish requirements that are sufficiently specific to permit the Commission or Council to decide that the application and subdivision plat meets or fails to meet such goal or policy.

As more specifically detailed throughout this Project Application, it is the opinion of the Applicant that the minor subdivision contemplated in this Project Application complies with all of the directly applicable goals and policies of the City’s Master Plan, including specifically as it relates to the Master Plan’s Community Vision. For the reasons outlined below, the Commission and City Council should both properly find that the application and minor subdivision plat meet the goals and policies of the Master Plan.

(a) Community Character. This component is described in the Master Plan as “the preservation, enhancement, and improvement of public and private areas of the City, including streets, streetscapes, trails, and open spaces, should emphasize a pastoral, safe, serene, and open character.” The

scope of work for this project is limited solely to the addition of a lot line to subdivide the property into two lots. Due to this limited scope of work, the community character described in the Master Plan will not be affected or modified, and the minor subdivision therefore complies with this component.

(b) Land Use. The Master Plan states that “The community very strongly supports maintaining the existing land use pattern in the City.” The Master Plan’s Land Use Map designates the Subject Property as being “Rural-Density Residential.” The Applicant does not immediately intend to change the land use of either lot reinstated by this minor subdivision, and so the lots will continue to be used as Rural-Density Residential in compliance with the Master Plan. Furthermore, as detailed in this Project Narrative, the lots reinstated by the minor subdivision will be at least 2.5 acres each, as required by the Land Use Map and the Master Plan, and the Applicant does not intend to expand beyond that 2.5 acre density.

(c) Parks, Trails & Open Space. The relevant goals of this component of the Master Plan are stated to be to “maintain and improve the current system of City-owned parks, trails, and open space” and “preserve and enhance the system of trails and sidewalks, including conducting and maintaining an inventory of trails and enhancing connectivity.” The minor subdivision contemplated in this Project Application will make no changes to City-owned parks, trails or open space, which will therefore preserve the City’s system of trails and sidewalks as they currently exist. For these reasons, the minor subdivision complies with this component of the Master Plan.

(d) Transportation. The goals of this component focus primarily on safety and efficiency of the City and its transportation. This minor subdivision will not change or modify the roads or sidewalks adjacent to the Subject Property and therefore will have no negative effect on either the safety or the efficiency of City transportation. For this reason, the minor subdivision complies with this component of the Master Plan.

(e) Infrastructure / Facilities. The goals of this component focus primarily on the importance of drainage and communications utilities in the City. As described above, both of the lots to be reinstated have easements (or abut a right of way with applicable easements) for utilities that were previously requested by the City and granted by the owners of the land at that time. These easements will remain in place following the minor subdivision, which will allow for the continued use of those easements by the City, advancing the goals of this component.

(f) Sustainability & Reliability. The goals of this component focus primarily on reducing the City’s environmental footprint, water conservation and reducing natural hazards. Given the limited scope of this minor subdivision, the footprint, water conservation efforts and natural hazard reduction efforts should not be impacted by the creation of the two lots. For these reasons, this minor subdivision complies with this component.

EXHIBIT A

TO PROJECT NARRATIVE

Minor Subdivision Plat

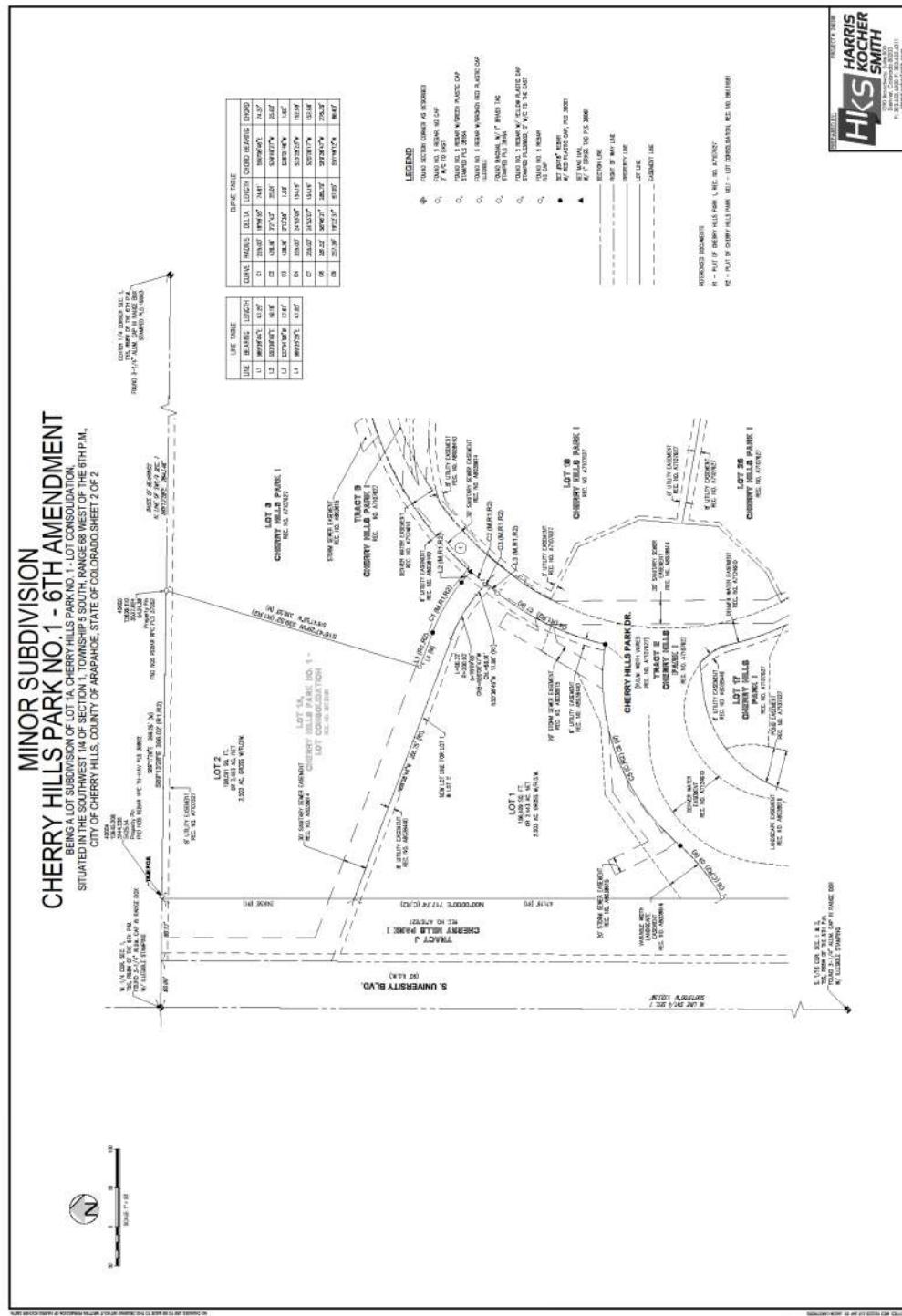


Exhibit A

EXHIBIT B
TO PROJECT NARRATIVE

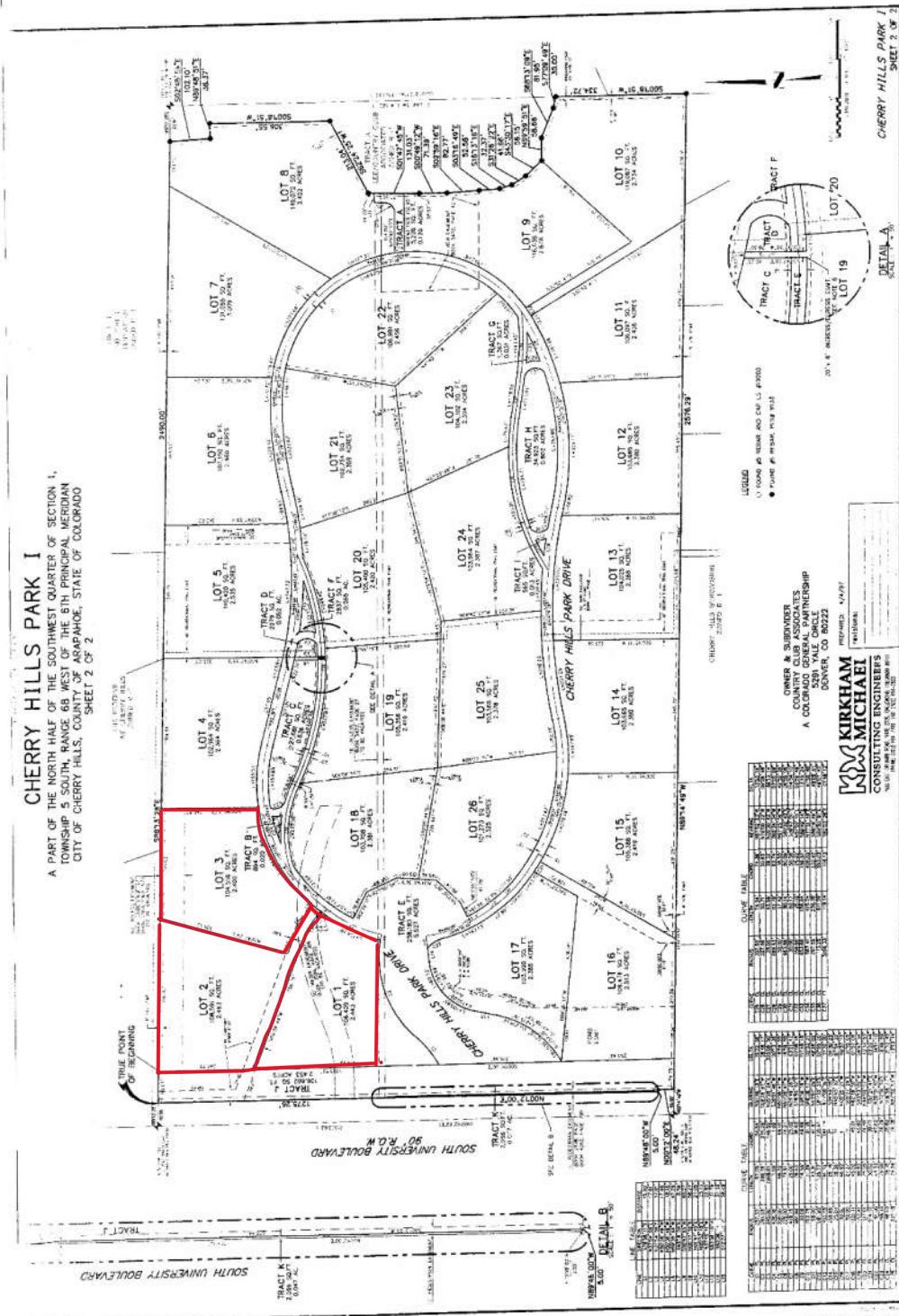


Exhibit B

EXHIBIT C
TO PROJECT NARRATIVE

Plat - Cherry Hills Park I 1st Amendment

EXHIBIT D
TO PROJECT NARRATIVE

Plat - Cherry Hills Park I – 5th Amendment

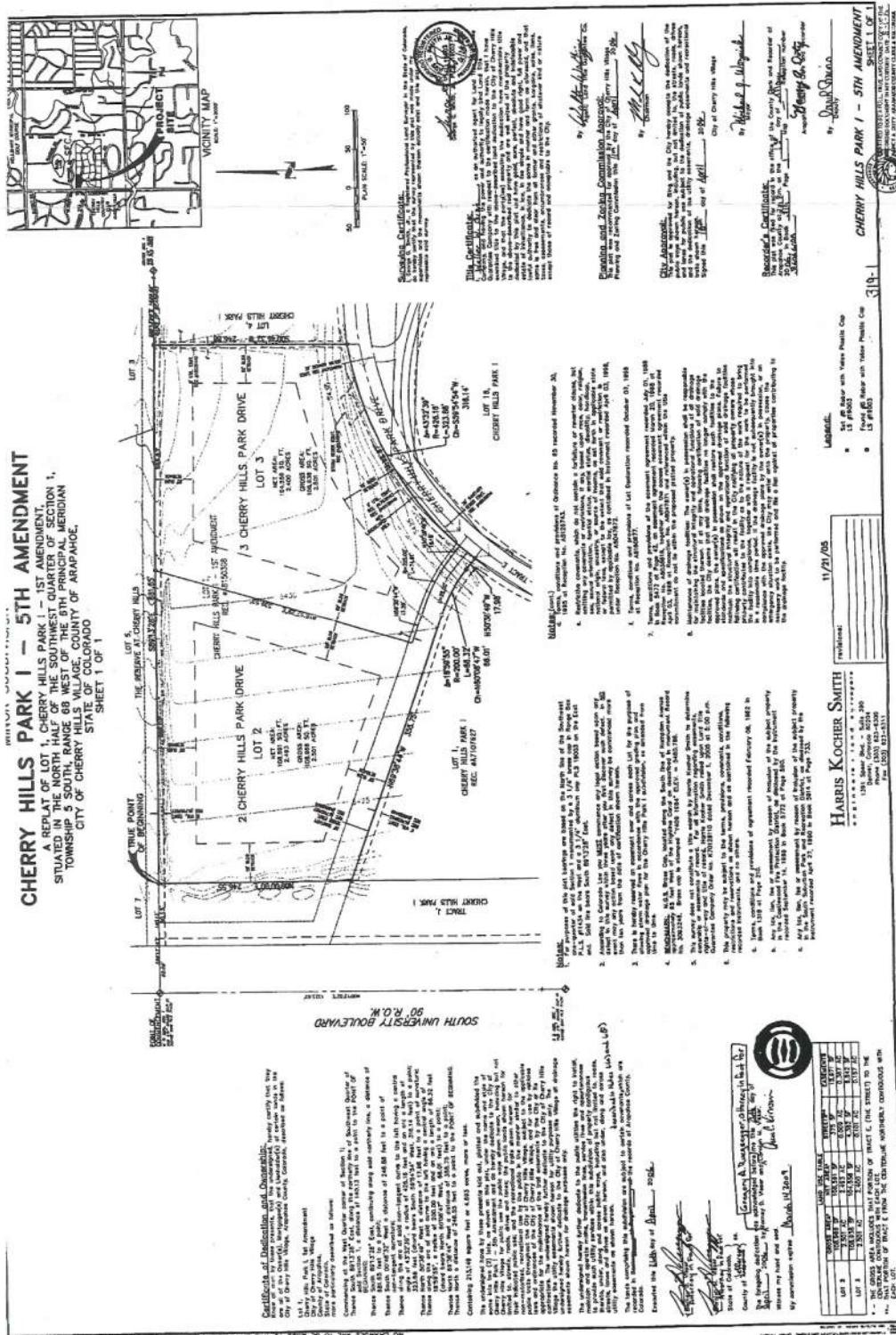


Exhibit D

EXHIBIT E
TO PROJECT NARRATIVE

Plat - Cherry Hills Park No. 1 – Lot Consolidation

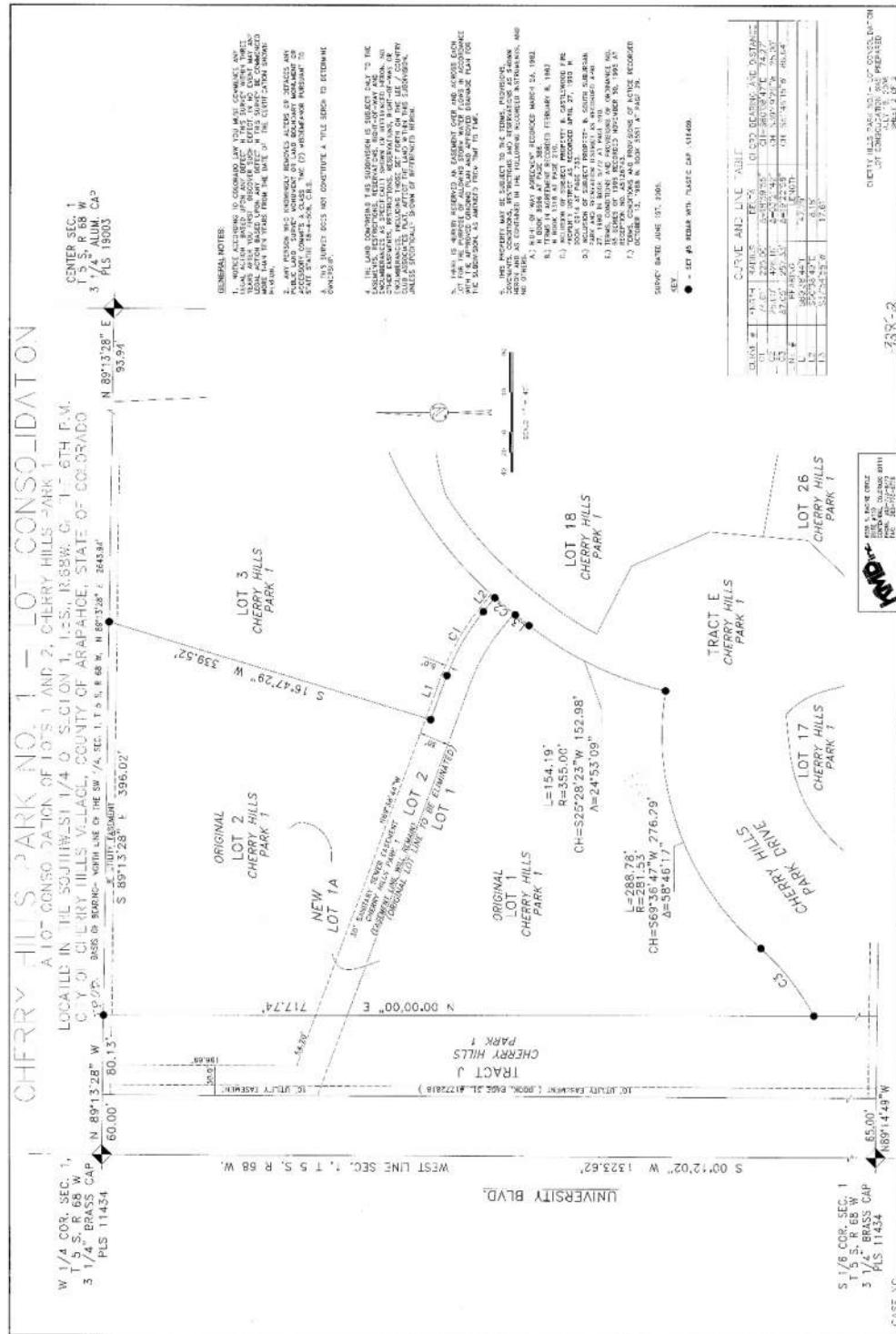


Exhibit F-2

MINOR SUBDIVISION CHERRY HILLS PARK NO.1 - 6TH AMENDMENT

BEING A LOT SUBDIVISION OF LOT 1A, CHERRY HILLS PARK NO. 1 - LOT CONSOLIDATION,
SITUATED IN THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY OF CHERRY HILLS, COUNTY OF ARAPAHOE, STATE OF COLORADO.

SHEET 1 OF 2

CERTIFICATE OF OWNERSHIP AND DEDICATION STATEMENT

KNOW ALL MEN BY THIS PRESENTS, THAT THE UNDERSIGNED, BEING ALL THE OWNERS OF THE LAND DESCRIBED IN THIS PLAT IN THE CITY OF CHERRY HILLS VILLAGE, ARAPAHOE COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

LOT 1A, CHERRY HILLS PARK NO. 1 - LOT CONSOLIDATION, COUNTY OF ARAPAHOE, STATE OF COLORADO

CONTAINING 215,000 SQ.FT OR 4.93 ACRES, MORE OR LESS.

HEREBY DEDICATES TO THE CITY OF CHERRY HILLS VILLAGE, COLORADO THE UTILITY, ACCESS, AND OTHER EASEMENTS AS SHOWN HEREON. THE ENTITIES ARE RESPONSIBLE FOR PROVIDING THE UTILITY SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED AND 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. THE OWNERS OF THE LANDS DESCRIBED HEREIN ARE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF DRAINAGE EASEMENTS SHOWN HEREON AND RELATED FACILITIES. THE UNDERSIGNED GRANTS THE CITY OF CHERRY HILLS VILLAGE A PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTY TO MAINTAIN, OPERATE, AND RECONSTRUCT THE DRAINAGE EASEMENTS AND RELATED FACILITIES AND TO MAINTAIN, OPERATE, AND RECONSTRUCT THE DRAINAGE EASEMENTS AND RELATED FACILITIES WHEN THE OWNER(S) FAIL TO ADEQUATELY MAINTAIN SUCH DRAINAGE EASEMENTS AND RELATED FACILITIES, WHICH MAINTENANCE, OPERATION, AND RECONSTRUCTION SHALL BE AT THE COST OF THE OWNER(S). ALL PUBLIC STREETS AND RIGHTS-OF-WAY SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE CITY OF CHERRY HILLS VILLAGE IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES. ALL TRAIL EASEMENTS SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE CITY OF CHERRY HILLS VILLAGE FOR PUBLIC USES AND PURPOSES.

EXECUTED THIS ____ DAY OF _____, 20____

OWNER(S):

CHRISTOPHER J. MARSICO

TAMMY C. MARSICO

STATE OF _____)
COUNTY OF _____)
SS.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____.

BY CHRISTOPHER J. MARSICO AND TAMMY C. MARSICO.

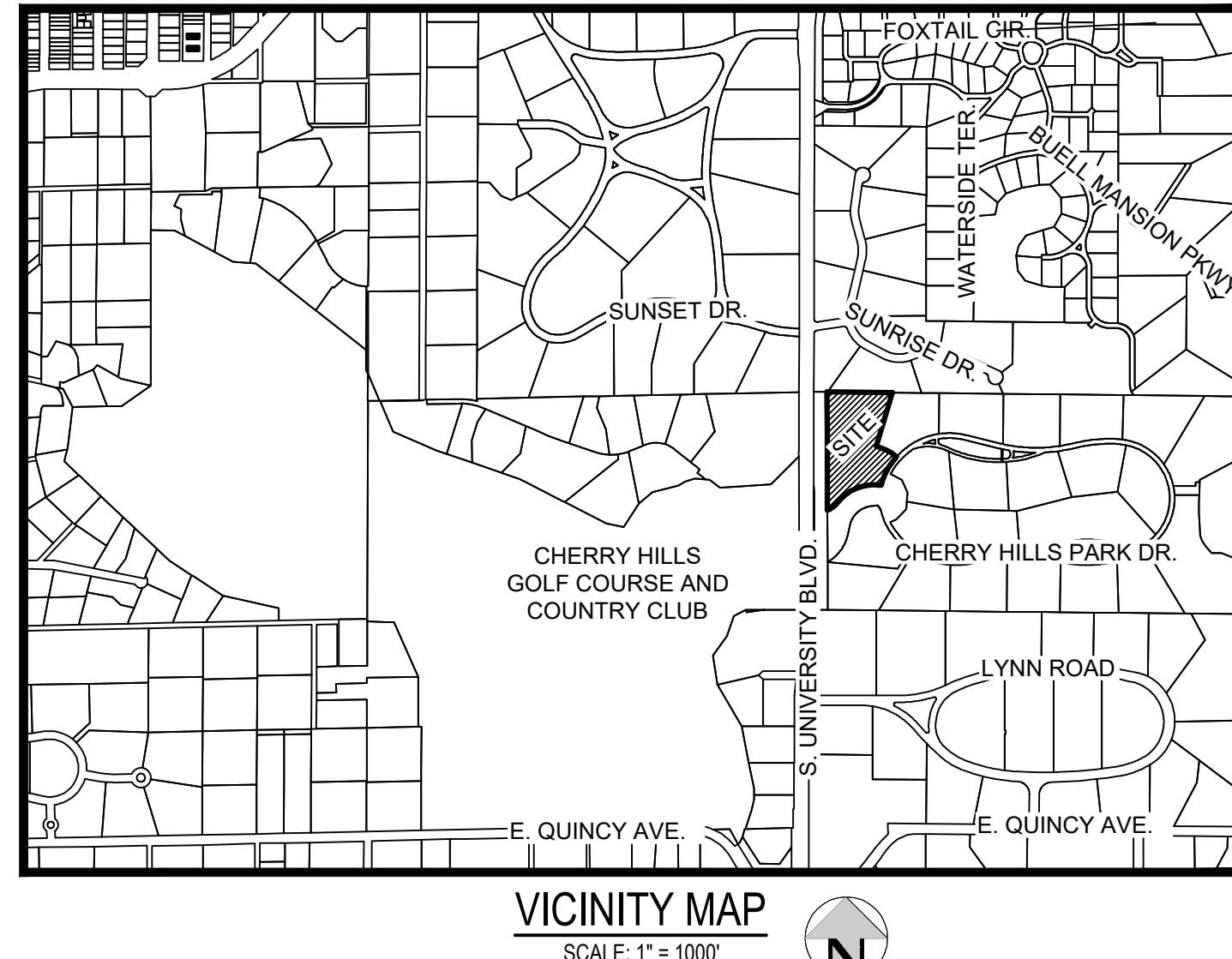
WITNESS MY HAND AND OFFICIAL SEAL. _____ NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

NOTE: THERE ARE NO LIENHOLDERS FOR THE SURVEYED PROPERTY.

PURPOSE OF THE SUBDIVISION:

THIS MINOR SUBDIVISION PLAT DIVIDES LOT 1A CHERRY HILLS PARK NO.1 - LOT CONSOLIDATION INTO TWO LOTS TO BE KNOWN AS LOT 1 AND LOT 2, CHERRY HILLS PARK NO.1 - 6TH AMENDMENT. NO OTHER AMENDMENT OR MODIFICATION OF THE UNDERLYING RECORDED SUBDIVISION PLAT(S) THAT INCLUDE THE SUBJECT LAND OF THIS PLAT IS INTENDED.



GENERAL NOTES:

1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY HARRIS KOCHER SMITH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD, HARRIS KOCHER SMITH RELIED UPON COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. RND70832286-4 ISSUED BY LAND TITLE GUARANTEE COMPANY AND HAVING AN EFFECTIVE DATE OF AUGUST 14, 2025 AT 5:00 P.M.
2. ALL DIMENSIONS AS SHOWN HEREON ARE RECORD AND MEASURED, UNLESS OTHERWISE STATED OR SHOWN.
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 FIELD WORK WAS COMPLETED APRIL 2, 2024.
5. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN AS SHOWN ON THE FINAL PLAT OF CHERRY HILLS PARK I RECORDED AT RECEPTION NO. A7107627 IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX W/ ILLEGIBLE STAMPING AND THE EAST END BY A FOUND FOUND 3-1/4" ALUM. CAP IN RANGE BOX STAMPED PLS 19003, HAVING AN ASSUMED BEARING OF SOUTH 89°13'28" EAST.
6. THE LINEAR UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.
7. ANY CONSTRUCTION ACROSS AN EXISTING SUBDIVISION PROPERTY LINE IS IN VIOLATION OF THE CITY'S MUNICIPAL CODE.
8. ANY DIVISION OF AN EXISTING LOT, OR CONVEYANCE OF PART OF AN EXISTING LOT, IS IN VIOLATION OF THE CITY'S MUNICIPAL CODE, UNLESS EXPRESSLY EXEMPTED.
9. MAINTENANCE OF DRAINAGE FACILITIES: THE OWNER(S) IN POSSESSION SHALL BE RESPONSIBLE FOR MAINTAINING THE STRUCTURAL INTEGRITY AND OPERATIONAL FUNCTIONS OF ALL DRAINAGE FACILITIES LOCATED THEREON, IF AT ANY TIME, FOLLOWING CERTIFICATION OF SAID DRAINAGE FACILITIES, THE CITY DEEMS THAT SAID DRAINAGE FACILITIES NO LONGER COMPLY WITH THE APPROVED PLANS, THE OWNER(S) IN POSSESSION SHALL RESTORE SUCH FACILITIES TO THE STANDARDS AND SPECIFICATIONS AS SHOWN ON THE APPROVED DRAINAGE PLANS. FAILURE TO MAINTAIN THE STRUCTURAL INTEGRITY AND OPERATIONAL FUNCTION OF SAID DRAINAGE FACILITIES FOLLOWING CERTIFICATION WILL RESULT IN THE CITY NOTIFYING ALL PROPERTY OWNERS WHOSE PROPERTY CONTRIBUTES TO THE FACILITY AS TO THE NATURE OF THE WORK REQUIRED TO BRING THE FACILITY INTO COMPLIANCE, TOGETHER WITH A REQUEST FOR THE WORK TO BE PERFORMED IN A REASONABLE TIME PERIOD. IF THE DRAINAGE FACILITY IS NOT SUBSEQUENTLY BROUGHT INTO COMPLIANCE WITH THE APPROVED DRAINAGE PLANS BY THE OWNER(S) IN POSSESSION, OR AN EMERGENCY SITUATION EXISTS, THE CITY MAY ENTER ONTO THE PROPERTY, CAUSE THE NECESSARY WORK TO BE PERFORMED AND FILE A LIEN AGAINST ALL PROPERTIES CONTRIBUTING TO THE DRAINAGE FACILITY.
10. THERE IS HEREBY RESERVED AN EASEMENT OVER AND ACROSS EACH LOT FOR THE PURPOSE OF ALLOWING STORMWATER FLOWS IN ACCORDANCE WITH THE APPROVED GRADING PLAN AND APPROVED DRAINAGE PLAN FOR THE SUBDIVISION, AS AMENDED FROM TIME TO TIME.
11. THE CITY DOES NOT CONSIDER, INTERPRET, OR APPLY DEED RESTRICTIONS OR COVENANTS UNLESS THE CITY IS A PART TO OR BENEFICIARY THEREOF, INCLUDING COVENANTS, CONDITIONS, AND RESTRICTIONS IN DECLARATIONS RECORDED AGAINST THE SUBJECT LAND PURSUANT TO THE COLORADO COMMON INTEREST OWNERSHIP ACT (PRIVATE COVENANTS). THE CITY'S APPROVAL OF THIS PLAT DOES NOT WARRANTY OR CONFIRM THAT ALL APPROVALS REQUIRED BY PRIVATE COVENANTS, IF ANY, WERE OBTAINED OR REVIEWED BY THE CITY, NOR DOES THE CITY'S APPROVAL OF THIS PLAT TERMINATE OR VACATE ANY PRIVATE COVENANTS.
12. THIS PROPERTY MAY BE SUBJECT TO THE TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, AND RESERVATIONS AS SHOWN HEREON AND AS CONTAINED IN THE FOLLOWING INSTRUMENTS:
 - A. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED FEBRUARY 08, 1962 IN BOOK 1318 AT PAGE 210.
 - B. ANY TAX LIEN, FEE OR ASSESSMENT BY REASON OF INCLUSION OF THE SUBJECT PROPERTY TO THE CASTLEWOOD FIRE PROTECTION DISTRICT, AS DISCLOSED BY THE INSTRUMENT RECORDED SEPTEMBER 14, 1989 IN BOOK 5772 AT PAGE 590.
 - C. ANY TAX LIEN, FEE OR ASSESSMENT BY REASON OF INCLUSION OF THE SUBJECT PROPERTY IN THE SOUTH SUBURBAN PARK AND RECREATION DISTRICT, AS DISCLOSED BY THE INSTRUMENT RECORDED APRIL 27, 1990 IN BOOK 5914 AT PAGE 733.
 - D. TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 65 SERIES OF 1995 RECORDED NOVEMBER 30, 1995 AT RECEPTION NO. A5126743.
 - E. RESTRICTIVE COVENANTS WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING AN COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARTIAL 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 INSTRUMENT RECORDED APRIL 03, 1998, UNDER RECEPTION NO. A8047872.
 - F. TERMS, CONDITIONS AND PROVISIONS OF LOT DECLARATION RECORDED OCTOBER 07, 1998 AT RECEPTION NUMBER A8160677.
 - G. TERMS, CONDITIONS AND PROVISIONS OF THE EASEMENT AGREEMENT RECORDED JULY 01, 1988 IN BOOK 5472, AT PAGE 42, AN EASEMENT AGREEMENT RECORDED MARCH 20, 1998 AT RECEPTION NO. A8038616, TOGETHER WITH THE ACCESS EASEMENT AGREEMENT RECORDED APRIL 03, 1998 AT RECEPTION NO. A8047871 AND REFERENCED WITHIN THE TITLE COMMITMENT DO NOT LIE WITHIN THE PROPOSED PLATTED PROPERTY.
 - H. RIGHT-OF-WAY AGREEMENT RECORDED MARCH 23, 1982 IN BOOK 3596 AT PAGE 386.
 - I. TERMS, CONDITIONS AND PROVISIONS OF NOTICE RECORDED OCTOBER 13, 1988 IN BOOK 5551 AT PAGE 29.

LAND USE TABLE

	GROSS AREA	NET AREA	STREETS	EASEMENTS
LOT 1	108,659 SQ FT	106,409 SQ FT	2,550 SQ FT	24,826 SQ FT
2.50 AC	2.44 AC	0.06 AC	0.57 AC	
LOT 2	108,666 SQ FT	108,591 SQ FT	375 SQ FT	130,898 SQ FT
2.50 AC	2.49 AC	0.01 AC	3.01 AC	

NOTE: AS ALLOWED BY THE MUNICIPAL CODE, THE AREA OF LOT 1 AND 2 HAVE A PORTION OF TRACT E ADDED TO THE AREA OF THE RESPECTIVE LOTS IN ORDER TO ACHIEVE A MINIMUM GROSS AREA OF 2.5 ACRES.

CITY OF CHERRY HILLS VILLAGE APPROVAL:

APPROVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE AND APPROVED FOR RECORDATION WITH THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE PURSUANT TO CHAPTER 17, ARTICLE VI OF THE CITY CODE FOR THE CITY OF CHERRY HILLS VILLAGE THIS ____ DAY OF _____, 20____ BY RESOLUTION NUMBER: _____

ALL DEDICATIONS, IF ANY, OF PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PARKS, OPEN SPACES, TRAILS, PUBLIC EASEMENTS, AND OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES AS SHOWN HEREON AND SUCH OTHER EASEMENTS SHOWN HEREON FOR THE PURPOSES SHOWN ARE HEREBY ACCEPTED. ALL CONDITIONS, TERMS, AND SPECIFICATIONS DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS, AND ASSIGNS. THE CITY DOES NOT ACCEPT ANY DUTY OF MAINTENANCE OF THE EASEMENTS OR OF IMPROVEMENTS IN THE EASEMENTS THAT ARE NOT OWNED BY THE CITY, AND FURTHER RESERVES ITS RIGHT TO REMOVE OR REQUIRE THE OWNER(S) TO REMOVE, AT THE SOLE EXPENSE OF THE OWNER(S), ANY OBJECTS IN THE EASEMENT THAT INTERFERE WITH THEIR USE AND ENJOYMENT FOR THEIR INTENDED PURPOSE.

SIGNATURE _____

TITLE _____

SURVEYOR'S CERTIFICATION:

I, SHAWN D. CLARKE, A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS SURVEY OF MINOR SUBDIVISION CHERRY HILLS PARK NO.1 - 6TH AMENDMENT WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION ON OR ABOUT THE ____ DAY OF _____, 20____, AND THAT THE SURVEY IS BASED UPON MY KNOWLEDGE, INFORMATION, AND BELIEF THAT ALL MONUMENTS EXIST AS SHOWN HEREON; IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, 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 CHERRY HILLS VILLAGE SUBDIVISION REGULATIONS. THIS SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESS OR IMPLIED, AND THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID SURVEY THEREOF.

SHAWN D. CLARKE, PLS 38061
SCLARKE@HKSENG.COM

FOR AND ON BEHALF OF
HARRIS KOCHER SMITH
1290 BROADWAY, STE 800
DENVER, CO 80203

DRAFT

CLERK & RECORDER'S CERTIFICATE:

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ARAPAHOE COUNTY AT ____ (A.M./P.M.) ON THE ____ DAY OF ____ A.D., 20____ IN BOOK ____ PAGE ____ MAP ____ RECEPTION NO. ____

CLERK AND RECORDER _____

BY _____
DEPUTY CLERK AND RECORDER



October 13, 2025

Jake Hedgpeth, Attorney
Spierer, Woodward, Corbalis, Goldberg
Attorneys at Law, A Professional Corporation

5050 South Syracuse Street, Suite 900
Denver, Colorado 80237
303.792.3456
jacob.hedgpeth@practicallawyer.com

Re: 1 Cherry Hills Park Drive

HKS Project No. 240358

Jake,

As part of the platting process for 1 Cherry Hills Park Drive, The City of Cherry Hills Village has requested the verification of the existing house in relation to the newly platted property lines for the proposed Lot 1 of Cherry Hills Park I – Lot Consolidation Minor Subdivision. To facilitate this, I was provided with Sheet 2 of an Improvement Location Certificate (ILC) prepared by KMD inc. dated 11/12/01.

I identified seven (7) locations from the ILC that showed a tie distance from the existing structure to the record property lines per Cherry Hills Park I, as recorded under Reception Number A7107627. These locations on the house were surveyed and the tie distances are denoted in red on the provided ILC. The red tie distances are from the existing structure to the property lines per the proposed Cherry Hills Park I – Lot Consolidation Minor Subdivision. I have attached this as Exhibit A showing the comparison of the tie distances.

Please contact me if you have any questions or require additional information at sclarke@hkseng.com or 303-623-6300.

Sincerely,
HARRIS KOCHER SMITH

A handwritten signature in blue ink that reads 'Shawn D. Clarke'.

Shawn D. Clarke, PLS
Survey Project Manager II

KMD Inc.

EXHIBIT A
FINAL I.L.C.

7200 EAST DRY CREEK ROAD
UNIT D 204
ENGLEWOOD, COLORADO 80112

SCALE: 1" = 60'

RECEIVED

SHEET 1 OF 2 RECEIVED

ADDRESS: CHERRY HILLS PARK DRIVE

SHEET 1 OF 2 RECEIVED

NOV 17 2001

BOND GENERAL CONTRACTORS

HIGHEST POINT OF FINISHED
ROOF AS DETERMINED BY A SURVEY
PERFORMED ON 8/7/01 IS
5456.33 U.S.G.S.

HIGHEST POINT OF CHIMNEY
AS DETERMINED BY A SURVEY
PERFORMED ON 8/7/01 IS
5460.90 U.S.G.S.

$$\begin{aligned}\Delta &= 18^\circ 59' 55'' \\ R &= 200.00' \\ L &= 66.32'\end{aligned}$$

550-3849
17.98,
5423.7

30' R.O.W. PARK DRIVE
5754 58

$$\begin{aligned}\Delta &= 24^\circ 53' 09'' \\ -R &= 355.00' \\ L &\equiv 154.19'\end{aligned}$$

507621 R = 281.53' L = 288.78' CHERRY HILLS PARK DRIVE NOTES R.O.W. VARIES 1. DATE 2. DIMEN

NOTES

1. DATE OF FIELDWORK: 08-22-25
2. DIMENSIONS CLOUDED IN RED ARE TIES DERIVED FROM FIELDWORK.
3. TIES ARE ONLY AT LOCATIONS SPECIFIED.
4. NO OTHER INFORMATION ON THIS DOCUMENT HAS BEEN ADDRESSED

I, SHAWN D. CLARKE, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HERBELY CERTIFY THAT THE TIES IN RED AS SHOWN HEREON WERE DETERMINED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS EXHIBIT WAS PREPARED TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SHAWN D. CLARKE, PLS
CO #38061
SCLARKE@HKSENG.COM

FOR AND BEHALF OF HARRIS KOCHER SMITH
1290 BROADWAY, SUITE 800
DENVER, CO 80203

DATE: NOVEMBER 12, 2001

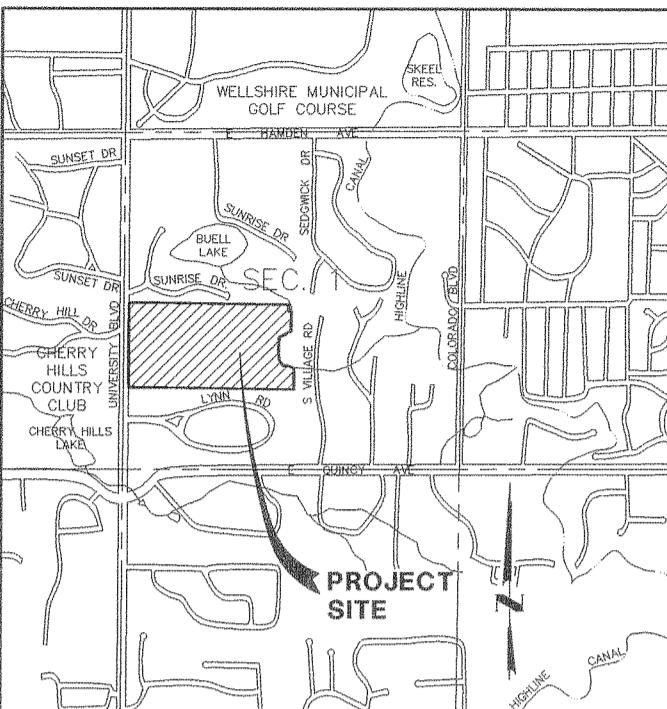
LEGAL

LEGAL
LOT 1, CHERRY HILLS PARK 1
COUNTY OF ARAPAHOE, STATE OF COLORADO

FILE NAME: 1CHP

FINAL PLAT CHERRY HILLS PARK I

A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 1,
TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF CHERRY HILLS, COUNTY OF ARAPAHOE, STATE OF COLORADO
SHEET 1 OF 2



VICINITY MAP

SCALE: 1"=2000'

Notes:

- For purposes of this plat bearings are based on the North line of the Southwest one-quarter of said Section 1 monumented by a 3 1/4" brass cap in Range Box P.L.S. #11434 on the West and a 3 1/4" aluminum cap PLS 19003 on the East end. Said line bears South 89°13'28" East.
- 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 certification shown hereon.
- The land comprising this subdivision is subject only to the easements, restrictions, reservations, rights-of-way and encumbrances as specifically shown or referenced hereon. No other easements, restrictions, reservations, rights-of-way or encumbrances, including, those set forth on the LEE / COUNTRY CLUB ASSOCIATES PLAT, affect the land within this subdivision, unless specifically shown or referenced hereon.
- Tract A of Cherry Hills Park I is to be conveyed by separate document to the owner of Tract A, Lee/Country Club Associates, for ingress/egress.
- Tracts B, C, D, E, F, G, H, I and J are for roadway, open space and utility purposes. They are to be owned and maintained by the Cherry Hills Park I homeowners association.
- A perpetual ingress/egress and utility easement is granted across the flag pole portion of Lot 19 contiguous and adjacent to Tract E, as shown in Detail A.
- Tract K is reserved for roadway purposes and will be conveyed to the Colorado Department of Transportation, by separate document.
- There is hereby reserved an easement for the maintenance of the detention pond to be constructed on Lots 16 & 17. The detention pond shall be maintained by the Cherry Hills Park I Homeowners Association.
- There is hereby reserved an easement over and across each Lot for the purpose of allowing storm water flows in accordance with the approved grading plan and approved drainage plan for the subdivision, as amended from time to time.
- This survey does not constitute a title search to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of record, Kirkham Michael relied upon Chicago Title Insurance Company Order No. ABC561918-2 dated April 02, 1997 at 5:00 p.m.
- This property may be subject to the terms, provisions, covenants, conditions, restrictions and reservations as shown hereon and as contained in the following recorded instruments, and no others.
 - Right-of-way agreement recorded March 23, 1982 in Book 3596 at Page 386.
 - Terms, conditions and obligations in agreement recorded February 8, 1962 in Book 1318 at Page 210.
 - Inclusion of subject property in Castlewood Fire Property District as recorded April 27, 1990 in Book 5914 at Page 733.
 - Inclusion of subject property in South Suburban Park and Recreation District, recorded April 27, 1990 in Book 5772 at Page 590.
 - Terms, conditions and provisions of Ordinance No. 65 Series of 1995 recorded November 30, 1995 at Reception No. A5126743.
 - Terms, conditions and provisions of notice recorded October 13, 1988 in Book 5551 at Page 29.
- There is hereby reserved to the owners thereof, as currently exist, if any, and without making any current grant, an easement for the maintenance of the irrigation ditch located along the easterly line of Lot 10, as more particularly shown hereon.
- Owner shall form a Homeowner's Association for the land comprising this subdivision to be known as the Cherry Hills Park I Homeowners Association, a Colorado nonprofit corporation and all land comprising this subdivision shall be subject to a Declaration of Covenants, Conditions and Restriction, which will be recorded in the Clerk and Recorders records of Arapahoe County, Colorado.

Sheet Index

- Cover Sheet
- Plan Sheet

Surveying Certificate:

I, George G. Smith, Jr., PLS #19003, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision and the monuments shown thereon actually exist and this plat accurately represents said survey.

Signed this 26th day of **JUNE**, 1997.

George G. Smith
George G. Smith, Jr., PLS #19003



Title Certificate:

I, *Steven G. Wright*, an attorney at law duly licensed to practice in the State of Colorado, state that in my opinion merchantable title to the above-described real property is in the above referred owner(s), and is free and clear of all liens and encumbrances save and except **Matters disclosed in my title insurance company commitment**.
Signed this 12th day of **JULY**, 1997, Order # **100-38178-3**.

Steven G. Wright
Attorney at Law

Planning and Zoning Commission Approval:

This plat approved by the City of Cherry Hills Village Planning and Zoning Commission this 13th day of **MAY**, 1997.

Chairman

City Approval:

This plat is approved for filing and the City hereby accepts the dedication of the utility easements and recreational trail easements shown hereon. Signed this 20th day of **MAY**, 1997.

City of Cherry Hills Village

Joan R. Dineen
Mayor

Recorder's Certificate:

This plat was filed for record in the office of the County Clerk and Recorder of Arapahoe County at 12:35 P.M. on the 28th day of **August**, 1997, in Book **140** Page **79-80**, Map **A707627**.

County Clerk and Recorder *Donna Davison*

By *Cheryl Heines*
Deputy

MINOR SUBDIVISION
CHERRY HILLS PARK I - 5TH AMENDMENT

A REPLAT OF LOT 1, CHERRY HILLS PARK I - 1ST AMENDMENT,
SITUATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 1,
TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF CHERRY HILLS VILLAGE, COUNTY OF ARAPAHOE,
STATE OF COLORADO
SHEET 1 OF 1

Certificate of Dedication and Ownership:
Know all men by these presents, that the undersigned, hereby certify that they are all of the Owner(s), Mortgagee(s) and Lienholder(s) of certain lands in the City of Cherry Hills Village, Arapahoe County, Colorado, described as follows:

Lot 1,
Cherry Hills Park I, 1st Amendment
City of Cherry Hills Village
County of Arapahoe,
State of Colorado,
more particularly described as follows:

Commencing at the West Quarter corner of Section 1;
Thence South 89°13'28" East, along the northerly line of Southwest Quarter of said Section 1, a distance of 140.13 feet to a point to the POINT OF BEGINNING;
Thence South 89°13'28" East, continuing along said northerly line, a distance of 681.65 feet to a point;
Thence South 00°46'32" West a distance of 246.88 feet to a point of non-tangent curvature;
Thence along the arc of said non-tangent curve to the left having a central angle of 43°32'39", a radius of 426.16 feet and an arc a length of 323.88 feet (chord bears South 59°54'54" West, 316.14 feet) to a point;
Thence North 50°38'49" West a distance of 17.98 feet to a point of curvature;
Thence along the arc of said curve to the left having a central angle of 18°59'55", a radius of 200.00 feet and an arc a length of 66.32 feet (chord bears North 60°08'47" West, 66.01 feet) to a point;
Thence North 69°38'44" West a distance of 355.75 feet to a point;
Thence North a distance of 246.55 feet to a point to the POINT OF BEGINNING.

Containing 213.149 square feet or 4.693 acres, more or less.

The undersigned have by these presents laid out, platted and subdivided the same into two (2) lots, as shown on this plat, under the name and style of Cherry Hills Park I - 5th Amendment and do hereby dedicate to the City of Cherry Hills Village for public use the public ways shown hereon, including but not limited to, streets, roads, drives and lanes; the public lands shown hereon for their indicated public use; and the recreational trails shown hereon for non-motorized, recreational use by the public in the manner similar to other public trails throughout the City of Cherry Hills Village, subject to the applicable laws and ordinances of the City of Cherry Hills Village, and for use by vehicles appropriate for the maintenance of the trail easements by the City or its contractors. The undersigned hereby further dedicate to the City of Cherry Hills Village the utility easements shown hereon for utility purposes only. The undersigned hereby further dedicate to the City of Cherry Hills Village all drainage easements shown hereon for drainage purposes only.

The undersigned hereby further dedicate to the public utilities the right to install, maintain and operate mains, transmission lines, service lines and appurtenances to provide such utility services within this subdivision of property contiguous thereto, under, along and across public ways, including but not limited to, roads, streets, lanes and drives as shown hereon, and also under, along and across utility easements as shown hereon.

described in Notes 6(e) and 6(f)
The lands comprising this subdivision are subject to certain covenants which are recorded in Book _____ at Page _____ of the records of Arapahoe County, Colorado.

Executed this 26th day of April, 2006.

Barney D. Visser
Attorney in Fact for

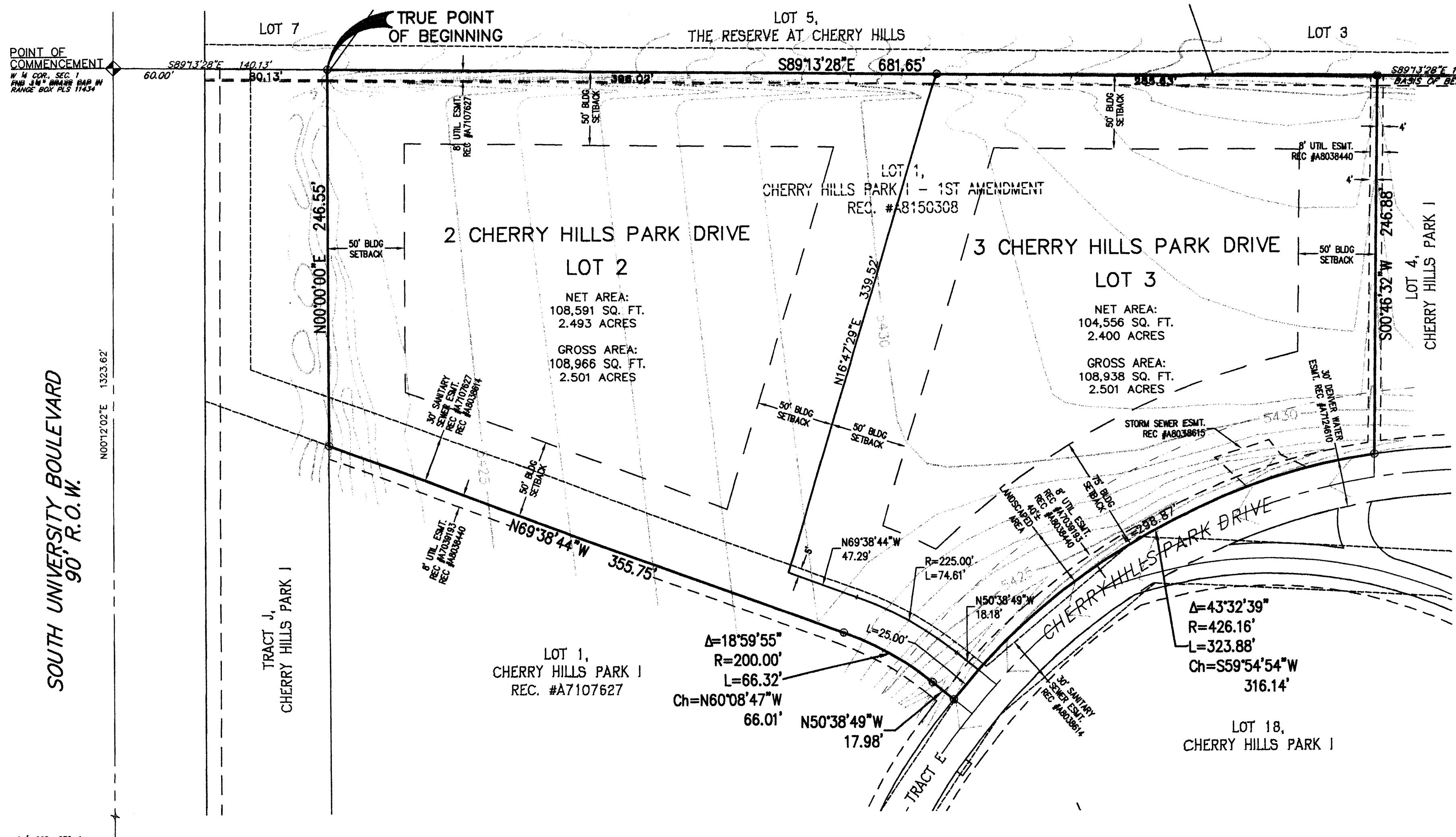
Carolyn M. Visser
Attorney in Fact for
State of Colorado,)
Jefferson)
County of Arapahoe)
ss.

Gregory A. Ruegsegger, attorney in fact for
The foregoing dedication was acknowledged before me this 26th day of April, 2006, by Barney D. Visser and Carolyn M. Visser.

Witness my hand and seal.
My commission expires March 14, 2009.

LAND USE TABLE			
	GROSS AREA*	NET AREA*	STREETS**
LOT 2	108,966 SF 2.501 AC	108,591 SF 2.493 AC	375 SF 0.009 AC
LOT 3	108,938 SF 2.501 AC	104,556 SF 2.400 AC	4,382 SF 0.101 AC
			15,971 SF 0.367 AC 6,842 SF 0.157 AC

* - THE GROSS AREA INCLUDES THAT PORTION OF TRACT E, (THE STREET) TO THE CENTERLINE CONTIGUOUS WITH EACH LOT.
** - THAT PORTION OF TRACT E FROM THE CENTERLINE NORTHERLY CONTIGUOUS WITH EACH LOT.



Notes:

- For purposes of this plat bearings are based on the North line of the Southwest one-quarter of said Section 1 monumented by a 3 1/4" brass cap in Range Box P.L.S. #11434 on the West and a 3 1/4" aluminum cap PLS 19003 on the East end. Said line bears South 89°13'28" East.
- 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 certification shown hereon.
- There is hereby reserved an easement over and across each Lot for the purpose of allowing storm water flows in accordance with the approved grading plan and approved drainage plan for the Cherry Hills Park I subdivision, as amended from time to time.
- BENCHMARK:** N.G.S. Brass Cap, located along the South line of Hampden Avenue approximately 85 feet West of the Highline Canal as described in monument Record No. 3093246. Brass cap is stamped "Y409 1984" ELEV. = 5480.786.
- This survey does not constitute a title search by Harris Kocher Smith to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of record, Harris Kocher Smith relied upon Land Title Guarantee Company Order No. K70129110 dated December 1, 2005 at 5:00 p.m.
- This property may be subject to the terms, provisions, covenants, conditions, restrictions and reservations as shown hereon and as contained in the following recorded instruments, and no others.
 - Terms, conditions and provisions of agreement recorded February 08, 1962 in Book 1318 at Page 210.
 - Any tax, lien, fee or assessment by reason of inclusion of the subject property in the Castlewood Fire Protection District, as disclosed by the instrument recorded September 14, 1989 in Book 5772 at Page 590.
 - Any tax, lien, fee or assessment by reason of inclusion of the subject property in the South Suburban Park and Recreation District, as disclosed by the instrument recorded April 27, 1990 in Book 5914 at Page 733.
- Maintenance of drainage facilities: The owner(s) in possession shall be responsible for maintaining the structural integrity and operational functions of all drainage facilities located thereon. If at any time, following certification of said drainage facilities, the City deems that said drainage facilities no longer comply with the approved plans, the owner(s) in possession shall restore such facilities to the standards and specifications as shown on the approved drainage plans. Failure to maintain the structural integrity and operational function of said drainage facilities following certification will result in the City notifying all property owners whose property contributes to the facility as to the nature of the work required to bring the facility into compliance, together with a request for the work to be performed in a reasonable time period. If the drainage facility is not subsequently brought into compliance with the approved drainage plans by the owner(s) in possession, or an emergency situation exists, the City may enter onto the property, cause the necessary work to be performed and file a lien against all properties contributing to the drainage facility.

HARRIS KOCHER SMITH
engineers • land surveyors

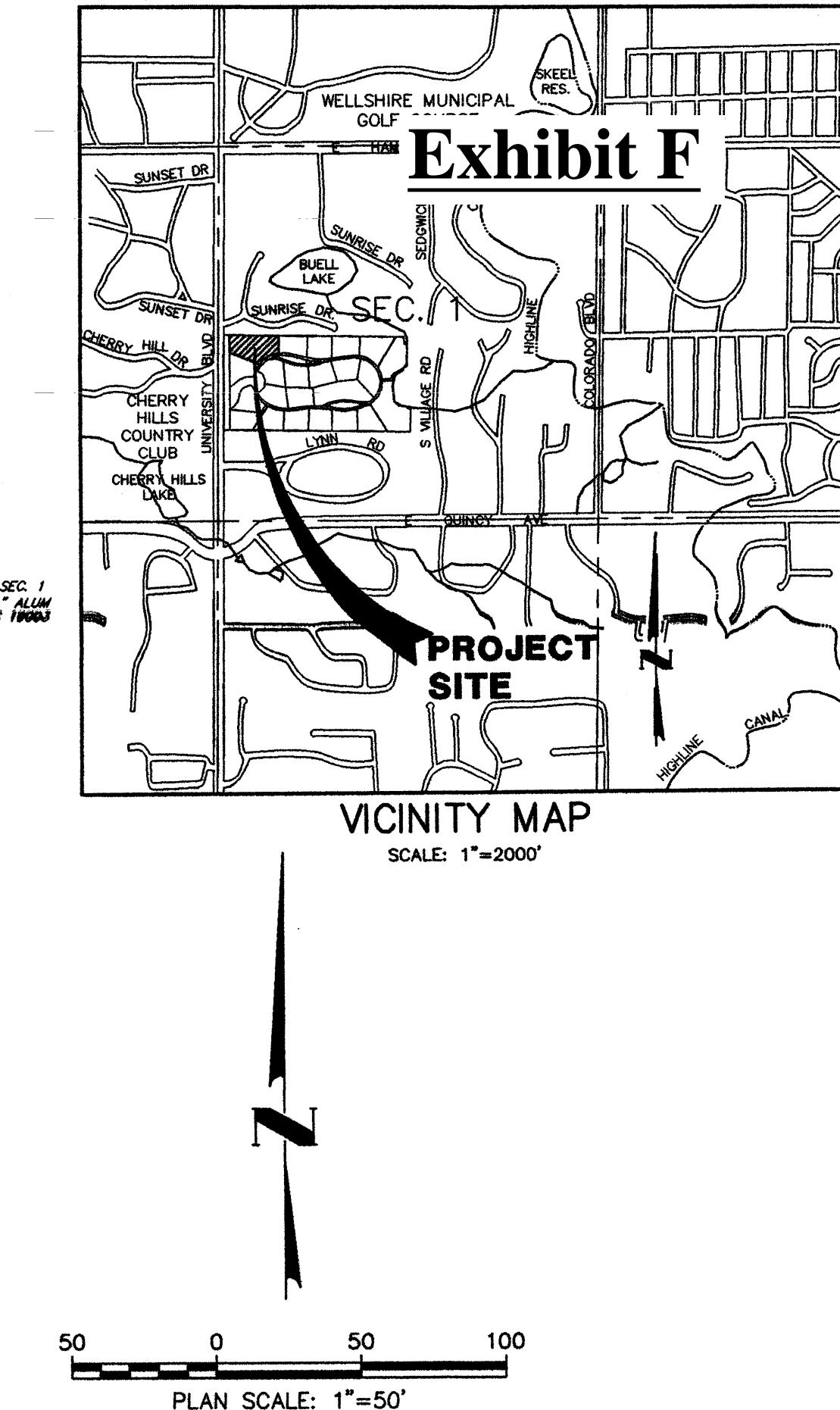
1391 Speer Blvd. - Suite 390
Denver, Colorado 80204
Phone (303) 623-6300
Fax (303) 623-6311

11/21/05

revisions:

Legend:

- Set #5 Rebar with Yellow Plastic Cap LS #19003
- Found #5 Rebar with Yellow Plastic Cap LS #19003



Surveying Certificate:

I, George G. Smith, Jr., a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plot was made under my supervision and the monuments shown thereon actually exist and this plot represents said survey.

George G. Smith, Jr. PLS #19003
REGISTERED
PROFESSIONAL
LAND SURVEYOR
4/24/2003

Title Certificate:

I, Walter W. Guz, as an authorized agent for Land Title Guarantee Company, and having the power and authority to legally bind Land Title Guarantee Company with respect to the certification made herein, that I have examined title to the above-described land dedication to the City of Cherry Hills Village, and that the party(ies) executing the dedication have merchantable title to the above-described real property and are well seized of the property dedicated by this plat and have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple and have good right, full power and lawful authority to dedicate the same in manner and form as aforesaid, and that same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature except those of record and acceptable to the City.

By Walter W. Guz
Agent: Land Title Guarantee Co.

Planning and Zoning Commission Approval:

This plat was recommended for approval by the City of Cherry Hills Village Planning and Zoning Commission this 11th day of April, 2006.

By Michael K. Rely
Chairman

City Approval:

This plat is approved for filing and the City hereby accepts the dedication of the public ways shown hereon, including, but not limited to, the streets, roads, drives, and lanes for public use subject to the dedication of public lands shown hereon, and the dedication of the utility easements, drainage easements and recreational trails shown hereon. Signed this 18th day of April, 2006.

City of Cherry Hills Village

By Michael J. Wozniak
Mayor

Recorder's Certificate:

This plat was filed for record in the office of the County Clerk and Recorder of Arapahoe County at 2:00 P.M. on the 1st day of May, 2006, in Book 319, Page 1, Map 1, Reception number 36066105.

Nancy A. Doty
Arapahoe County Clerk and Recorder

By David Brans
Deputy

CHERRY HILLS PARK I - 5TH AMENDMENT
SHEET 1 OF 1

CERTIFIED TO BE A FULL, TRUE, AND CORRECT COPY OF THE
RECORDED DOCUMENT IN MY CUSTODY. DATE 5-12-06
NANCY A. DOTY, ARAPAHOE COUNTY CLERK & RECORDER
BY [Signature]

CITY OF CHERRY HILLS VILLAGE

2450 E. Quincy Avenue
Cherry Hills Village, Colorado 80113
Telephone: 303-789-2541
FAX: 303-761-9386

ITEM: 6a

MEMORANDUM

TO: HONORABLE MAYOR WOZNIAK AND MEMBERS OF THE CITY COUNCIL

FROM: ERIC J. ENSEY, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST BY BARNEY AND CAROLYN VISSER FOR APPROVAL OF THE PROPOSED CHERRY HILLS PARK I – 5TH AMENDMENT (MINOR SUBDIVISION)

DATE: APRIL 18, 2006

CC: STAFF

APPLICANT: Barney and Carolyn Visser

LOCATION: 2 Cherry Hills Park Drive. Located within Cherry Hills Park I Subdivision, east of S. University Boulevard between E. Hampden Avenue and E. Quincy Avenue.

REQUEST: The applicant is seeking approval of minor subdivision to allow the subdivision of one 5-acre lot into two 2 ½-acre lots.

CODE REQUIREMENTS: Section 17-3-310 through 17-3-370 of the Cherry Hills Village Municipal Code outlines the regulations pertaining to Minor Subdivisions in the Village.

Section 17-3-320 defines a minor subdivision as any division of land that:

(1) Divides a parcel of land held in single or common ownership into two (2) parcels; and

(2) Does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, building height, setback, public or private road or private drive standards, parking, drainage requirements or access.

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Additionally, Section 17-3-360 outlines the criteria that the Council must use in reviewing a minor subdivision application. The “Staff Analysis” section of this memo provides staff’s analysis of the proposed minor subdivision as it relates to the review criteria outlined in the code.

Section 17-3-370 states that the Council may impose reasonable conditions upon any approval of a minor subdivision that are necessary to ensure continued conformance with these standards of approval, the Code or other conditions deemed necessary based on the evidence presented to protect the health, safety and welfare of the City and its residents.

ZONING & LAND USE:

The lot is zoned R-1, 2 ½-Acre Residential. The subject lot is surrounded by existing single family residential homes, all of which are also zoned R-1.

HISTORY:

The original Cherry Hills Park I Subdivision plat was approved by the City in May of 1997. The subject lot was approved in this plat originally as two separate 2-½-acre lots. In May of 1998, the City approved a plat amendment to consolidate the two lots into one 5-acre lot. The applicant is now requesting that the City approve this minor subdivision application to subdivide the lot back to its originally approved configuration, as approved in May of 1997.

STAFF ANALYSIS:

Section 17-3-340 of the City Code outlines the submittal requirements for a minor plat application. The application includes all information required in subsections (1) through (4), but does not include the information required by subsections (5) through (9) because such requirements have either been met or are not applicable in this case. The following is a list of the requirements of subsections (5) through (9), with a description of why the requirement has been met or is not applicable to this application:

- Subsection (5) requires construction details for any public improvements. However, because all public improvements were constructed at the time the original subdivision was developed (including streets and main water and sewer lines), staff finds that this submittal requirement is not necessary.
- Subsection (6) requires a development agreement outlining all public improvements. Again, because these improvements have already been constructed, staff finds that this submittal requirement is not necessary.
- Subsection (7) requires documentary evidence of water supply, sewage disposal, electricity, gas, and telephone. In this case, the various utility providers agreed to serve the same two lots as part of the original Cherry Hills Park I Subdivision, and therefore staff finds that this submittal requirement has been met. Additionally, this application has been referred out to the various utility providers for comment, and the only response received was from Xcel Energy. Section 17-3-120(b) of the City’s Code indicates that the failure of a reviewing agency to forward its comments to the City within twenty (20) calendar days after receiving a plat may be interpreted to indicate there are no objections to the plat. At this point those referral agencies have had the plat information for well over twenty (20) calendar days.

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- Subsection (8) requires submittal of a floodplain development plan if such property is in a floodplain. Because this property is not located within a designated 100-year floodplain, staff finds that this submittal requirement is not necessary.
- Subsection (9) requires a letter addressing land dedication. Again, because land dedication was included for both of these lots in the original Cherry Hills Park I Subdivision, staff finds that this submittal requirement has been met.

Section 17-3-360 of the Cherry Hills Village Municipal Code outlines the criteria for approval of a minor subdivision plat. The following table provides an analysis of the proposed minor subdivision plat as it relates to the applicable regulations outlined in said code section. Specifically, this section states that, “The recommendation of approval or conditional approval of any minor plat by the Commission and any approval or conditional approval by the Council shall require a finding that the applicant established each of the following by competent and sufficient evidence.”

Section 17-3-360 of the City Code	Staff Finding
(1) The proposed subdivision meets the definition of a <i>minor subdivision</i> contained in this Article.	The proposed subdivision meets the definition of a minor subdivision because 1) the proposed plat is subdividing one lot held in single ownership into two lots; 2) the proposed subdivision does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard.
(2) The proposed subdivision fully conforms to all applicable requirements for the zone district in which the property is located including, but not limited to, requirements for setbacks and minimum lot sizes.	The proposed subdivision does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable requirements zoning code. The lot sizes of the two lots comply with the requirements of the R-1 zone district and the configuration of the lots provide a reasonable building envelope based on the setback requirements for the R-1 zone district.

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Table continued.

Section 17-3-360 of the City Code	Staff Finding
(3) The proposed subdivision meets or satisfies all other applicable requirements of this Code.	Based on staff's review of the application, the proposed subdivision does not violate any other provisions outlined in the Code. The applicant has submitted a letter from Billy A. Harris, a licensed engineer of Harris Kocher Smith, (see Exhibit C) analyzing the proposed subdivision and the existing drainage basin. Mr. Harris has reviewed the original hydrology plan for the site. He asserts that the original development and drainage report for the subdivision was based on the development of this property as two lots, and inasmuch as the land uses and site grading is not altered, then the subdivision and development of these two lots will not affect the site drainage or the drainage of adjacent properties. Staff concurs with this finding.
(4) The streets, whether public or private, and all public improvements necessary to serve the subdivision meet or exceed the requirements of the City.	The necessary public improvements were installed with the original development of the Cherry Hills Park I Subdivision in 1997. The applicant will need to provide plans for the necessary water and sanitary sewer taps and connections, which will be reviewed in full at the time of building permit application.
(5) Adequate utility easements are established within the affected property to provide service to the lots created by or illustrated upon the minor plat.	The easements proposed with this minor subdivision are the same as what was approved as part of the original subdivision of this lot in 1997. Staff finds that the utility easements on this lot are adequate to provide the necessary utility services to both lots.
(6) Existing public trails located within the lots illustrated upon the minor plat are preserved or new trails are dedicated by the plat that will provide, in the opinion of the City, a substantially similar or improved trail system in terms of route, grade, access, surface quality, ease of maintenance and safety.	No trail easements exist on this property. Additionally, staff does not recommend any additional trail easements associated with the subdivision. Land dedication requirements were accepted for this property, along with the rest of the Cherry Hills Park I Subdivision, when the original subdivision was approved in 1997.

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Table continued.

Section 17-3-360 of the City Code	Staff Finding
(7) The proposed configuration, shape, arrangement and layout of the lots and any streets do not, in the opinion of the City, create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, or do not substantially and adversely affect adjacent properties.	The proposed minor subdivision does not create any lots that are inconsistent with other lots in the vicinity and does not adversely affect adjacent properties. The proposed subdivision will create two 2-1/2-acre lots in the identical configuration that was approved with the original subdivision in 1997.
(8) The proposed subdivision substantially conforms to the goals and policies of the City's Master Plan to the extent that such goals and policies establish requirements that are sufficiently specific to permit the Commission or Council to decide that the application and subdivision plat meets or fails to meet such goal or policy.	The proposed subdivision is consistent with the goals and policies established in the City's Master Plan. Although the proposed subdivision will create two lots from one, the proposal is consistent with the densities permitted in the underlying zone district; thereby maintaining the densities approved by the City's current zoning.

PUBLIC NOTICE:

The public notice requirements are outlined in Section 16-2-40(c) of the City Code for this request. All notice requirements have been performed in accordance with the provisions of this section, including legal publication in *The Villager*, mailed notice to all adjacent property owners, and posting of a public hearing sign on the property.

RECOMMENDATIONS:

Planning and Zoning Commission:

The Planning and Zoning Commission reviewed this application at a public hearing held on April 11, 2006 (the minutes have been included in your packets as an informational item). The Commission voted unanimously (5 yes/0 no) to recommend approval of the requested Cherry Hills Park I – 5th Amendment Minor Subdivision application submitted by Barney and Carolyn Visser to allow for the subdivision of one 5-acre lot into two 2-1/2-acre lots. They found that the proposed minor subdivision is in compliance with the requirements outlined in Chapter 17 of the City Code for subdivision of property in the Village, as well as all applicable requirements in Chapter 16 of the City Code, concerning zoning.

Staff:

Staff concurs with the Planning and Zoning Commission's recommendation, and recommends that the City Council approve the proposed minor subdivision.

RECOMMENDED MOTION: "I move to approve the request by Barney and Carolyn Visser for approval of the Cherry Hills Park I – 5th Amendment Minor Subdivision plat to allow for the subdivision of one 5-acre lot into two 2-1/2-acre lots. The application meets the requirements outlined for approval of minor subdivision applications in Chapter 17 of the City Code, all applicable

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zoning requirements outlined in Chapter 16 of the City Code, and the Village's Master Plan, as demonstrated in the staff memorandum dated April 18, 2006 and the testimony provided by the applicant at the April 18, 2006 City Council meeting. The approval of this application is found to be based on competent and sufficient evidence and incorporates the staff findings contained in the April 18, 2006 staff memorandum (*and include any additional conditions...).*"

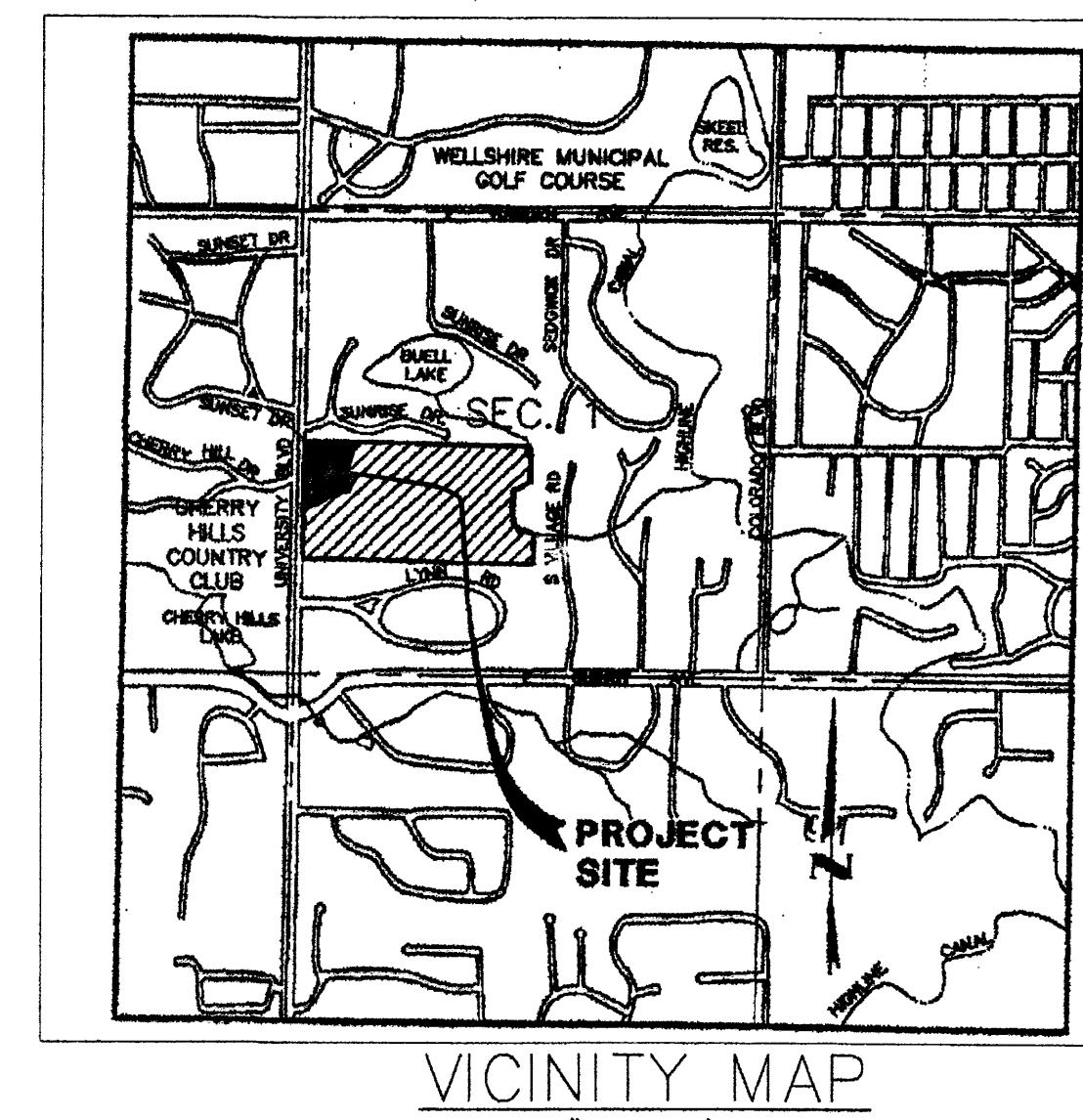
ATTACHMENTS:

- Exhibit A – Address Vicinity Map
- Exhibit B – Proposed Cherry Hills Park I – 5th Amendment Minor Subdivision
- Exhibit C – Application and Supplemental Information
- Exhibit D – Referral Correspondence

CHERRY HILLS PARK NO. 1 – LOT CONSOLIDATION

A LOT CONSOLIDATION OF LOTS 1 AND 2, CHERRY HILLS PARK 1
 LOCATED IN THE SOUTHWEST 1/4 OF SECTION 1, T.5S., R.68W. OF THE 6TH P.M.
 CITY OF CHERRY HILLS VILLAGE, COUNTY OF ARAPAHOE, STATE OF COLORADO

Exhibit H



CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, HEREBY CERTIFY THAT THEY ARE ALL OF THE OWNER(S), MORTGAGEE(S) AND LIENHOLDER(S) OF CERTAIN LANDS IN THE CITY OF CHERRY HILLS VILLAGE, ARAPAHOE COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

A LOT CONSOLIDATION OF LOTS 1 AND 2, CHERRY HILLS PARK 1, CITY OF CHERRY HILLS VILLAGE, COUNTY OF ARAPAHOE, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE S 89°13'28"E ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER A DISTANCE OF 140.13 FEET TO THE NORTHWEST CORNER OF LOT 2, CHERRY HILLS PARK 1, AS RECORDED IN THE ARAPAHOE COUNTY CLERKS AND RECORDER'S OFFICE. SAID POINT BEING THE TRUE POINT OF BEGINNING. THENCE CONTINUING ALONG SAID NORTH LINE S89°13'28"E, A DISTANCE OF 396.02 FEET; THENCE S16°47'29"W A DISTANCE OF 339.52 FEET; THENCE S69°38'44"E, A DISTANCE OF 47.29 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 225.00 FEET, AN ARC LENGTH OF 74.61 FEET AND AN INTERNAL ANGLE OF 18°59'55", WITH A CHORD BEARING S60°08'47"E, A DISTANCE OF 74.27 FEET; THENCE S50°38'49"E A DISTANCE OF 18.18 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 426.16 FEET, AN ARC LENGTH OF 25.00 FEET AND AN INTERNAL ANGLE OF 03°21'42", WITH A CHORD BEARING S39°49'26"W, A DISTANCE OF 25.00 FEET; THENCE S37°54'58"W, A DISTANCE OF 17.61 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 356.00 FEET, AN ARC LENGTH OF 154.19 FEET AND AN INTERNAL ANGLE OF 24°53'09", WITH A CHORD BEARING S25°28'37"W, A DISTANCE OF 152.98 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 281.54 FEET, AN ARC LENGTH OF 288.78 FEET AND AN INTERNAL ANGLE OF 58°46'17", WITH A CHORD BEARING S69°36'47"W, A DISTANCE OF 276.23 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 257.33 FEET, AN ARC LENGTH OF 87.08 FEET AND AN INTERNAL ANGLE OF 19°22'58", WITH A CHORD BEARING S51°46'57"W, A DISTANCE OF 86.64 FEET TO A POINT ON THE EAST LINE OF TRACT J, CHERRY HILLS PARK 1, AS RECORDED IN THE ARAPAHOE COUNTY CLERKS AND RECORDER'S OFFICE; THENCE ALONG SAID EAST LINE OF TRACT J N00°00'00"E, A DISTANCE OF 717.74 FEET TO THE POINT OF BEGINNING SAID PARCEL CONTAINING 215,000 sqft. 4.936 ACRES MORE OR LESS.

THE UNDERSIGNED HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS, BLOCKS AND TRACTS, AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF CHERRY HILLS PARK NO. 1 – LOT CONSOLIDATION AND DO HEREBY DEDICATE TO THE CITY OF CHERRY HILLS VILLAGE FOR PUBLIC USE THE PUBLICWAYS SHOWN HEREON, INCLUDING BUT NOT LIMITED TO, STREETS, ROADS, DRIVES AND LANES; THE PUBLIC LANDS SHOWN HEREON FOR THEIR INDICATED PUBLIC USE; AND THE RECREATIONAL TRAILS SHOWN HEREON FOR NON-MOTORIZED, RECREATIONAL USE BY THE PUBLIC IN THE MANNER SIMILAR TO OTHER PUBLIC TRAILS THROUGHOUT THE CITY OF CHERRY HILLS VILLAGE, SUBJECT TO THE APPLICABLE LAWS AND ORDINANCES OF THE CITY OF CHERRY HILLS VILLAGE, AND FOR USE BY VEHICLES APPROPRIATE FOR THE MAINTENANCE OF THE TRAIL EASEMENTS BY THE CITY OR ITS CONTRACTORS. THE UNDERSIGNED HEREBY FURTHER DEDICATE TO THE CITY OF CHERRY HILLS VILLAGE THE UTILITY EASEMENTS SHOWN HEREON FOR UTILITY PURPOSES ONLY. THE UNDERSIGNED HEREBY FURTHER DEDICATE TO THE CITY OF CHERRY HILLS VILLAGE ALL DRAINAGE EASEMENTS SHOWN HEREON FOR DRAINAGE PURPOSES ONLY. THE UNDERSIGNED HEREBY FURTHER DEDICATE TO THE PUBLIC UTILITIES THE RIGHT TO INSTALL, MAINTAIN AND OPERATE MAINS, TRANSMISSION LINES, SERVICE LINES AND APPURTENANCES TO PROVIDE SUCH UTILITY SERVICES WITHIN THIS SUBDIVISION OF PROPERTY CONJUGUOUS THERETO, UNDER, ALONG AND ACROSS PUBLICWAYS, INCLUDING BUT NOT LIMITED TO, ROADS, STREETS, LANES AND DRIVES AS SHOWN HEREON, AND ALSO UNDER, ALONG AND ACROSS UTILITY EASEMENTS AS SHOWN HEREON.

THE LANDS COMPRISING THIS SUBDIVISION ARE SUBJECT TO CERTAIN COVENANTS WHICH ARE RECORDED IN BOOK 140 AT PAGE 79, OF THE RECORDS OF ARAPAHOE COUNTY, COLORADO.

Christopher J. Marsico *Tammy Marsico*
 CHRISTOPHER MARSICO (OWNER) TAMMY MARSICO (OWNER)

STATE OF COLORADO,)
) SS.
 COUNTY OF ARAPAHOE)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 30 DAY OF August, 2006
 BY *Tammy L. Doty*

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES 1-30-2008

NOTES

LOT CONSOLIDATION NOTE

THIS LOT CONSOLIDATION IS FOR THE PURPOSE OF COMBINING FORMER LOTS 1 AND LOT 2, OF CHERRY HILLS PARK NO.1, INTO LOT 1A, TO BE KNOWN AS LOT 1A, CHERRY HILLS PARK NO.1, OTHER THAN THIS CONSOLIDATION AND THE CREATION OF NEW EASEMENTS, IF ANY, IDENTIFIED ON THIS PLAT, NO OTHER AMENDMENT OR MODIFICATION OF THE FINAL PLAT FOR CHERRY HILLS PARK NO.1, COUNTY OF ARAPAHOE, STATE OF COLORADO, IS INTENDED BY THIS LOT CONSOLIDATION.

BASIS OF BEARING:

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 1, T.5S., R.68W., SAID LINE BEARING S89°13'28"E THE ENDPOINTS OF THIS LINE ARE MONUMENTED WITH A 3-1/4" BRASS CAP IN BOX PLS #11434 ON THE WEST AND WITH A 3-1/4" ALUMINUM CAP IN BOX PLS #19003 ON THE EAST END.

SPECIFIC NOTES

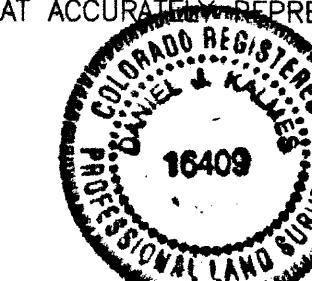
SURVEYOR NOTE

THE DIMENSIONS, LOCATIONS AND OTHER INFORMATION REGARDING RECORDED RIGHTS-OF-WAY AND EASEMENTS WERE DERIVED FROM COPIES OF THE ACTUAL RECORDED DOCUMENTS. THE UNDERSIGNED SURVEYOR DID NOT PERSONALLY SEARCH THE PUBLIC RECORDS TO DETERMINE THE RECORDED RIGHTS-OF-WAY AND EASEMENTS AFFECTING THE PROPERTY, BUT INSTEAD RESEARCH WAS OBTAINED FROM CHICAGO TITLE INSURANCE COMPANY. THE RESEARCH IS BELIEVED BY THE UNDERSIGNED TO BE RELIABLE, COMPLETE AND CORRECT, AND IS NOT CONTRADICTED BY ANY OTHER INFORMATION KNOWN TO THE SURVEYOR. THIS DISCLOSURE IS PROVIDED TO COMPLY WITH 38-51-106, C.R.S. AND FOR NO OTHER PURPOSE.

SURVEYING CERTIFICATE

I, DANIEL J. KALMES, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

Daniel J. Kalmes
 DANIEL J. KALMES LS #16409
 8-27-06



CERTIFICATE OF CITY APPROVAL

APPROVED BY THE CITY OF CHERRY HILLS VILLAGE AND APPROVED FOR RECORDATION WITH THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE PURSUANT TO CHAPTER 17, ARTICLE VI OF THE CITY CODE FOR THE CITY OF CHERRY HILLS VILLAGE THIS 31st DAY OF August, 2006.

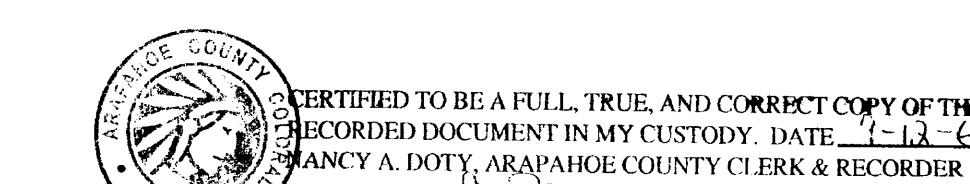
SIGNATURE: *Nancy L. Doty*
 TITLE: Community Dev. Director

RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ARAPAHOE COUNTY AT 1:27 (P.M.) ON THE 10th DAY OF September, 2006 A.D. 2006 IN BOOK 328, PAGE 124, MAP 1, RECEPTION NO. 18673681.

COUNTY CLERK AND RECORDER

Nancy L. Doty
 Nancy L. Doty, CLERK & RECORDER
 DEPUTY



CHERRY HILLS PARK NO.1 – LOT CONSOLIDATION
 LOT CONSOLIDATION WAS PREPARED
 JULY 18, 2006
 SHEET 1 OF 2

CASE NO.



328-1

