

FALCON AREA WATER AND WASTEWATER AUTHORITY

c/o Spencer Fane LLP
1700 Lincoln Street, Suite 2000
Denver, Colorado 80203

July 1, 2022

Mr. Kenneth H. Jaynes
524 Onate Pl., Unit C
Santa Fe, NM 87501-3601

John R. Jaynes
8455 Poco Road
Colorado Springs, CO 80908-4723

Falcon Area Water and Wastewater Authority (the “Authority”), subject to the conditions below, under and pursuant to the Amended and Restated Intergovernmental Agreement for the Establishment of the Falcon Area Water and Wastewater Authority dated December 17, 2021 and Section 29-1-204.2, C.R.S., and any applicable Authority rules and regulations, is able and commits to furnish water and sanitary sewer services to the property located in the County of El Paso, State of Colorado, further described as follows (the “Property”):

See Attached Exhibit A

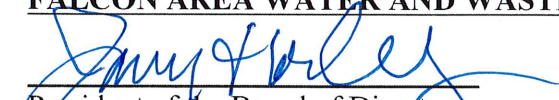
This commitment to provide water and sanitary sewer services to the Property is subject to and contingent upon (1) sufficient water and sewer capacity being available at the date of request of service; (2) the Authority having adequate water and sanitary sewer infrastructure to support the Property; (3) the Authority having adequate access to the Property to provide for water services and sanitary sewer treatment and transmission; (4) compliance with all applicable Rules and Regulations of the Authority and any entities with whom the Authority contracts for water services or sanitary sewer transmission and treatment; (5) payment of all appropriate fees, rates, tolls, and charges of the Authority pursuant to the fee schedule adopted by the Authority and in effect at the time service is provided; and (6) compliance with any and all federal, state, and local laws, rules, and procedures as are applicable to providing services set forth herein to the Property.

By counter-signature below, Property owners acknowledge the consideration of the Authority commitment to serve and the above conditions to service from the Authority and hereby agree to connect all water and sanitary sewer service taps within the Property to the Authority systems if, and when the Property is developed. The only exception to such requirement shall be that if the Authority is unable to provide water and sanitary sewer service to the Property, as evidenced by written notice duly issued by the Board of its inability to provide water or sewer service to the Property, Property owner may seek service from another provider of the service that the Authority has noticed that it cannot provide. If the Authority can provide one of either water or sewer service to the Property, the Property owner shall be required to receive such service by the Authority.

This service commitment shall run with the land and shall be binding against successor owners of the Property and shall be recorded against the Property in the records of the El Paso County, Colorado Clerk and Recorder. By signature below, Property owner represents and warrants that it

This service commitment shall run with the land and shall be binding against successor owners of the Property and shall be recorded against the Property in the records of the El Paso County, Colorado Clerk and Recorder. By signature below, Property owner represents and warrants that it is duly authorized to execute this commitment and has taken all necessary action to authorize the execution hereof.

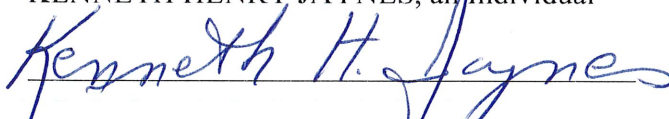
FALCON AREA WATER AND WASTEWATER AUTHORITY



President of the Board of Directors

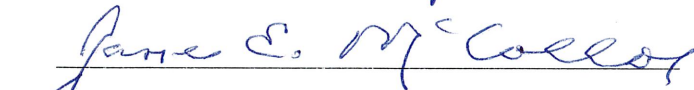
PROPERTY OWNERS

KENNETH HENRY JAYNES, an Individual



JANE E. McCollor, an Individual

JANE E. McCollor, an Individual

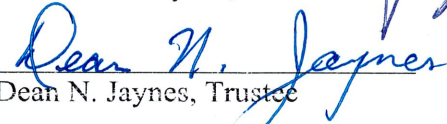


JOHN R. JAYNES, an Individual

AIMEE R. JAYNES LIVING TRUST u/d/t February 17, 1989

By: 

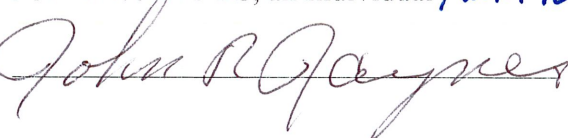
Kenneth H. Jaynes, Trustee

By: 

Dean N. Jaynes, Trustee

THE CITY OF MANITOU SPRINGS, a
Home Rule municipality

By: _____
Name: _____
Its: _____

JOHN R. JAYNES, an Individual, *with respect to his interest in the Parcel A and Parcel B properties described on the attached Exhibit A*


is duly authorized to execute this commitment and has taken all necessary action to authorize the execution hereof.

FALCON AREA WATER AND WASTEWATER AUTHORITY

President of the Board of Directors

PROPERTY OWNERS

KENNETH HENRY JAYNES, an Individual

JANE E. McCollor, an Individual

~~_____
JOHN R. JAYNES, an Individual~~

AIMEE R. JAYNES LIVING TRUST u/d/t February 17, 1989

By: _____
Kenneth H. Jaynes, Trustee

By: _____
Dean N. Jaynes, Trustee

THE CITY OF MANITOU SPRINGS, a
Home Rule municipality

By: Denise C. Howell
Name: Denise C. Howell
Its: City Administrator

JOHN R. JAYNES, an Individual

Exhibit A

Property Legal Description

Parcel A

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That portion of the E 1/2 of the SW 1/4 and that portion of the W 1/2 of the SE 1/4 of Section 28 and that portion of the E 1/2 of the NW 1/4 of Section 33, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, laying Northwesterly of the existing county road (Vollmer Road), being more particularly described as follows:

BEGINNING at a point on the east-west centerline of said Section 28, said line also being the south line of Poco Road as described in Book 2274 at Page 314, said point also being the Center West 1/16 corner of said Section 28, from which the West Quarter corner of said Section 28 bears S 89°45'22"W (Bearings based on the line between the West Quarter corner of said Section 28, monumented with a 3 1/4 inch aluminum cap marked with PLS No. 4842 and the northwest corner of Jaynes Subdivision, monumented with a No. 4 rebar and plastic cap marked with PLS No. 4842, said line bears N 89°45'22"E), a distance of 1310.67 feet; thence N 89°45'22"E, along said east-west centerline, a distance of 717.48 feet, to the northwest corner of Lot 1, Jaynes Subdivision (as established on that plat of Jaynes Subdivision, filed on December 20, 1984 in the El Paso County Clerk and Recorders Office at Reception No 1194948 in Plat Book X-3 at Page 96); thence S 00°14'39"E, along the west line of Lot 1, a distance of 544.41, to the southwest corner of said Lot 1; thence N 89°46'02"E along the south line of said Lot 1, a distance of 400.10 feet; thence S 00°15'34"E, a distance of 598.01 feet; thence N 89°45'22"E, a distance of 1217.67 feet to a point on the apparent northwesterly right of line of existing Vollmer Road; thence along said northwesterly right of way line of Vollmer Road the following four (4) courses;

1. along the arc of a non-tangential curve to the right, whose center bears N 78°14'10"W, having a central angle of 27°06'29" and a radius of 603.83 feet, a distance of 285.69 feet;
2. thence S 38°51'49"W, a distance of 1375.53 feet;
3. thence S 39°37'46"W, a distance of 376.52 feet;
4. thence S 41°07'37"W, a distance of 1729.65 feet, to the intersection of said northwesterly right of way line and the west line of the said E 1/2 of the NW 1/4 of said Section 33;

thence N 00°25'04"E along said west line of the said E 1/2 of the NW 1/4 of said Section 33, a distance of 1440.99 feet; thence N 00°14'40"E along the west line of the E 1/2 of the SW 1/4 of said Section 28, a distance of 2611.39 feet, to the POINT OF BEGINNING.

Parcel contains 107.00 acres, more or less.

AND

[cont.]

Parcel B

[Refresh](#)

That portion of the South Half of Section 28, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado described as follows:

Bearings are relative to North and are referenced to a portion of the east and west centerline of said Section 28. The west end of said centerline is the West Quarter corner of said Section 28 and is monumented with a 3 1/4 inch aluminum cap marked with PLS No. 4842. The east end is the northeast corner of Jaynes Subdivision and is monumented with a No. 4 rebar with a plastic cap marked with PLS No. 4842. Said line bears N 89°45'22"E, 2428.08 feet.

Commencing at the West Quarter corner of said Section 28, said corner monumented with a 3 1/4 inch aluminum cap marked with PLS No. 4842; thence N 89°45'22"E, along the east and west centerline of said Section 28 a distance of 2428.08 feet to the northeast corner of said Jaynes Subdivision, said point being the point of beginning;

- 1) Thence S 89°45'22"E, continuing along said east and west centerline, 1457.61 feet to the west right-of-way line of said Vollmer Road as determined by an existing fence (the following two courses are along the said west right-of-way line);
- 2) thence S 10°11'12"W, 1114.56 feet to a set No. 5 rebar and plastic cap marked with PLS No. 32439;
- 3) thence S 11°45'20"W, 1052.84 feet to a set No. 5 rebar and plastic cap marked with PLS No. 32439;
- 4) thence S 89°45'22"W, 1217.67 feet to a set No. 5 rebar and plastic cap marked with PLS No. 32439 at the intersection of the southerly prolongation of the east line of Lot 1, Jaynes Subdivision as determined by found monumentation;
- 5) thence N 0°15'34"W, 598.01 feet to a No. 4 rebar and plastic cap marked with PLS No. 4842 at the southeast corner of said Lot 1;
- 6) thence N 0°15'34"W, continuing along said east line, 544.49 feet to the point of beginning;

Containing a calculated area of 35.122 acres, more or less.