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Resolution No. 17- 323

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO APPROVE THE SERVICE PLAN FOR MEADOWBROOK
CROSSING METROPOLITAN DISTRICT (ID-17-001)**

WHEREAS, Meadowbrook Crossing, LLC., did file an application with the Planning and Community Development Department of El Paso County, pursuant to Section 32-1-204 (2), C.R.S., for the review of a draft service plan for Meadowbrook Crossing Metropolitan District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 3, 2017., upon which date the Planning Commission did by formal resolution recommend approval of the subject Service Plan with conditions and a notation(s); and

WHEREAS, on November 14, 2017, the Board ordered a public hearing to be held on the Service Plan; and

WHEREAS, notice of the hearing before the Board was duly published in *The El Paso County Advertiser and News* on October 25, 2017 as required by law; and

WHEREAS, notice of the hearing before the Board was duly mailed by first class mail, to interested persons, defined as: The owners of record of all property within the proposed Title 32 district as such owners of record are listed in the proposed service plan; and the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the proposed district's boundaries; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the Board held a public hearing on the Service Plan for the District on November 14, 2017; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, study of the proposed service plan for Click here to enter text. Metropolitan District, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, and comments from all interested persons, and comments by the El

Paso County Planning Commission during the hearing, this Board finds as follows:

1. That the application for the draft service plan for the Special District was properly submitted for consideration by the Planning Commission and Board of County Commissioners.
2. That proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. That the hearings before the Planning Commission and the Board of County Commissioners of El Paso County were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. There is sufficient existing and projected need for organized service in the area to be served by the proposed Special District.
6. Existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
7. The proposed Special District is capable of providing economical and sufficient service to the area within the proposed boundaries.
8. The area to be included in the proposed Special District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis.
9. Adequate service is not or will not be available to the area through the County, other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.
10. The facility and service standards of the proposed Special District are compatible with the facility and service standards of each county within which the proposed Special District is to be located and each municipality which is an interested party.
11. The proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. §30-28-106.

12. The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.

13. The creation of the proposed Special District will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners, Colorado, hereby determines that the requirements of Sections 32-1-207, C.R.S., relating to the modification of a service plan for the Meadowbrook Crossing Metropolitan District have been fulfilled in a timely manner;

BE IT FURTHER RESOLVED the Board hereby approves the Service Plan submitted for the Meadowbrook Crossing Metropolitan District, for property more particularly described in Exhibit A, which is attached hereto and incorporated by reference;

AND BE IT FURTHER RESOLVED that the following Conditions shall be placed upon this approval:

CONDITIONS OF APPROVAL

1. Any future annexation of territory by the District (any territory more than five (5) miles from the District boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
2. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. Such notice shall be recorded with this service plan. With each subsequent final plat associated with the Ellicott Town Center development prepared by the developer, the developer shall provide written notation on the plat of this annually filed public notice and include reference to the El Paso County Development Services' website where the most up-to-date notice can be found. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
3. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the Service Plan, pursuant to C.R.S. § 32-1-1101(1)(f)(l).

4. Approval of this application shall not constitute relinquishment or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.
5. Any expansions, extensions, or construction of new facilities by the District will require prior review by the Development Services Department to determine if such actions are subject to the requirements of Appendix B of the Land Development Code, Guidelines and Regulations for Areas and Activities of State Interest (a.k.a. "1041 Regulations). If it is determined that such regulations apply, then the District will be required to submit the appropriate development permit application(s) prior to construction.

NOTATION

1. Approval of this Service Plan shall in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests for any property within the District's service area.

AND BE IT FURTHER RESOLVED, the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

AND BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be filed in the records of the County and submitted to the petitioners for the purpose of filing in the District Court of El Paso County.

AND BE IT FURTHER RESOLVED that all resolutions or parts thereof, in conflict with the provisions hereof, are hereby repealed.

DONE THIS 14th day of November, 2017, at Colorado Springs, Colorado.

ATTEST
By: 
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By: 
President

Exhibit A

LAND DESCRIPTION: (PARCEL A)

A PORTION OF THE SOUTH HALF OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS REFERRED TO HEREIN ARE BASED ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 8, MONUMENTED ON THE WEST END BY A 3 1/4" BRASS BLM MONUMENT AND ON THE EAST END BY A 3 1/4" ALUMINUM MONUMENT IN A RANGE BOX SET BY PLS 17496, ASSUMED HEREIN TO BEAR N89°43'13"E.)

BEGINNING AT THE NORTHEAST CORNER OF CIMARRON SOUTHEAST FILING NO. 1 AS RECORDED IN PLAT BOOK Y-2, PAGE 53 (MONUMENTED BY A 1/2" REBAR WITH A SURVEYOR'S CAP STAMPED LS 5838), SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID CIMARRON HILLS FILING NO. 4 AS RECORDED IN PLAT BOOK M-2, PAGE 59; THENCE S89°53'51"E, COINCIDENT WITH SAID SOUTHERLY LINE OF CIMARRON HILLS FILING NO. 4, 1055.99 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N44°24'06"E, COINCIDENT WITH THE EASTERLY LINE OF SAID CIMARRON HILLS FILING NO. 4, 21.62 FEET TO THE NORTH LINE OF SAID SOUTH HALF OF SECTION 8; THENCE N89°43'13"E, COINCIDENT WITH SAID NORTH LINE, 891.01 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF MEADOWBROOK PARKWAY AS SHOWN ON THE PLAT OF CLAREMONT BUSINESS PARK FILING NO. 2 AS RECORDED UNDER RECEPTION NO. 207712506; THENCE COINCIDENT WITH SAID RIGHT-OF-WAY FOR THE FOLLOWING THREE COURSES; 1) THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S33°19'31"W, 324.24 FEET, A CENTRAL ANGLE OF 35°58'26", A RADIUS OF 525.00 FEET FOR AN ARC DISTANCE OF 329.63 FEET; 2) THENCE S51°18'44"W, 695.63 FEET; 3) THENCE S41°15'02"E, 80.08 FEET; THENCE S51°18'44"W, 198.83 FEET; THENCE S89°43'13"W, 1195.12 FEET TO THE EASTERLY LINE OF SAID CIMARRON SOUTHEAST FILING NO. 1 AS EXTENDED SOUTHERLY; THENCE N03°40'53"E, COINCIDENT WITH SAID EASTERLY LINE OF SAID CIMARRON SOUTHEAST FILING NO. 1 AND SAID SOUTHERLY EXTENSION THEREOF TO THE POINT OF BEGINNING, CONTAINING 32.23 ACRES OF LAND, MORE OR LESS.

Parcel A as designated on ALTA/ACSM Land Title Survey of a Portion of South Half of Section 8, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado prepared by M.V.E., Inc. and dated March 6, 2009 under M.V.E. Project Number 60940.

LAND DESCRIPTION: (PARCEL B)

A PORTION OF THE SOUTH HALF OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS REFERRED TO HEREIN ARE BASED ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 8, MONUMENTED ON THE WEST END BY A 3 1/4" BRASS BLM MONUMENT AND ON THE EAST END BY A 3 1/4" ALUMINUM MONUMENT IN A RANGE BOX SET BY PLS 17496, ASSUMED HEREIN TO BEAR N89°43'13"E.)

COMMENCING AT THE SOUTHWEST CORNER OF LOT 46, CLAREMONT BUSINESS PARK FILING NO. 2 AS RECORDED UNDER RECEPTION NO. 207712506, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF MEADOWBROOK PARKWAY AS SHOWN THEREON; THENCE COINCIDENT WITH SAID EASTERLY RIGHT-OF-WAY ON THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S23°11'55"W, 208.76 FEET, A CENTRAL ANGLE OF 19°52'13", A RADIUS OF 605.00 FEET FOR AN ARC DISTANCE OF 209.81 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE ON THE ARC OF A CURVE TO THE LEFT, CONCAVE TO THE EAST, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S02°18'58"W, 248.03 FEET, A CENTRAL ANGLE OF 11°54'12", A RADIUS OF 1196.00 FEET FOR AN ARC DISTANCE OF 248.47 FEET; THENCE S89°43'13"W, 252.68 FEET TO THE EASTERLY LINE OF SAID RIGHT-OF-WAY OF MEADOWBROOK PARKWAY; THENCE N51°18'44"E, COINCIDENT WITH SAID EASTERLY RIGHT-OF-WAY LINE, 171.99 FEET; THENCE ALONG THE ARC OR A CURVE TO THE LEFT, COINCIDENT WITH SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE HAVING A CENTRAL ANGLE OF 18°10'42", A RADIUS OF 605.00 FEET FOR AN ARC DISTANCE OF 191.95 FEET TO THE POINT OF BEGINNING, CONTAINING 0.61 ACRES OF LAND, MORE OR LESS.

Parcel B as designated on ALTA/ACSM Land Title Survey of a Portion of South Half of Section 8, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado prepared by M.V.E., Inc. and dated March 6, 2009 under M.V.E. Project Number 60940.

MEADOWBROOK CROSSING METROPOLITAN DISTRICT

ANNEXATION PARCEL 1

Tax Schedule No. 5408001029
Ownership: Peterson Group LLC

Legal Description:

LOT 7 HILLCREST ACRES, EXCEPT FOR THE PORTION CONVEYED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO IN DEED RECORDED AT RECEPTION NO. 202029244.

ANNEXATION PARCEL 2

Tax Schedule No. 5408000053
Ownership: Meadowbrook Crossing LLC

Legal Description:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 8; THENCE S 89 DEGREES 46 MINUTES 40 SECONDS W ON THE EAST-WEST ONE QUARTER LINE OF SECTION 8, A DISTANCE OF 1490.56 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF US 24 AND THE POINT OF BEGINNING OF THIS DESCRIPTION;

1) THENCE CONTINUING S 89 DEGREES 46 MINUTES 40 SECONDS W ON SAID EAST-WEST ONE QUARTER LINE, A DISTANCE OF 514.71 FEET TO A POINT OF A NON TANGENT CURVE TO THE RIGHT AND A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MEADOWBROOK PARKWAY (80 FEET WIDE) AS PLATTED IN CLAREMONT BUSINESS PARK FILING NO. 2, RECORDED JANUARY 04, 2007 WITH RECEPTION NO. 207712506 IN THE RECORDS OF EL PASO COUNTY;

2) THENCE ON THE ARC OF SAID CURVE, AND THE EASTERLY RIGHT OF WAY OF SAID MEADOWBROOK PARKWAY, HAVING A RADIUS OF 605.00 FEET, A DELTA ANGLE OF 16 DEGREES 55 MINUTES 31 SECONDS, AN ARC LENGTH OF 178.72 FEET, WHOSE LONG CHORD BEARS S 21 DEGREES 48 MINUTES 30 SECONDS W A DISTANCE OF 178.07 FEET TO A NON TANGENT CURVE TO THE LEFT AND A POINT ON THE WESTERLY LINE OF A PARCEL DESCRIBED IN A BOUNDARY SURVEY BY DREXEL BARRELL & CO DATED DECEMBER 21, 1981 WITH JOB NUMBER 4850-2R2;

3) THENCE ON THE ARC OF SAID CURVE, AND THE WESTERLY LINE OF SAID DREXEL BARRELL SURVEY, HAVING A RADIUS OF 1196.28 FEET, A DELTA ANGLE OF 21 DEGREES 31 MINUTES 28 SECONDS, AN ARC LENGTH OF 449.41 FEET, WHOSE LONG CHORD BEARS S 02 DEGREES 31 MINUTES 36 SECONDS E A DISTANCE OF 446.77 FEET TO A NON TANGENT CURVE TO THE LEFT AND A POINT ON THE WESTERLY LINE OF A PARCEL DESCRIBED IN A BOUNDARY SURVEY BY DREXEL BARRELL & CO DATED DECEMBER 21, 1981 WITH JOB NUMBER 4850-2R2;

4) THENCE S 13 DEGREES 17 MINUTES 20 SECONDS E A DISTANCE OF 27.57 FEET TO A NON TANGENT CURVE TO THE LEFT AND A POINT ON THE WESTERLY RIGHT OF WAY LINE OF US 24;

5) THENCE ON THE ARC OF SAID CURVE AND SAID US 24 RIGHT OF WAY LINE, HAVING A RADIUS OF 7514.00 FEET, A DELTA ANGLE OF 08 DEGREES 27 MINUTES 54 SECONDS, AN ARC LENGTH OF 847.83 FEET, WHOSE LONG CHORD BEARS N 40 DEGREES 54 MINUTES 03 SECONDS E A DISTANCE OF 847.38 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE EAST-WEST ONE QUARTER LINE OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID LINE BEARS S 89 DEGREES 46 MINUTES 40 SECONDS W FROM THE EAST 1/4 CORNER OF SECTION 8 (2 1/2" ALUM CAP UNDER ASPHALT DREXEL BARRELL & CO 1985) AND THE WEST 1/4 CORNER OF SECTION 8 (3 1/2" BRASS DISK U.S. DEPT. OF THE INTERIOR 1967) BASED ON DREXEL BARRELL SURVEY, DATED DECEMBER 21, 1981, PROJECT NO. 4850-2R2.