



CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd., Colorado Springs, CO 80915-2842

Telephone: (719) 597-5080 Fax: (719) 597-5145

July 6, 2018

Zach Lauterbach
Senior Development Manager
c/o Evergreen
2390 East Camelback Road, Suite 410
Phoenix, AZ 85016

This commitment letter is for the creation of a new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot being formed.

Re: Commercial Development – SEC Marksheffel Road and Constitution Avenue
Commitment Letter # 2018-05 (Re-issuance of Commitment Letter #2015-01)

Dear Mr. Lauterbach,

As requested, this letter is being provided as an updated formal Letter of Commitment for Commitment Letter #2015-01, dated October 29, 2015, by the Cherokee Metropolitan District (District) to provide municipal water and sewer service for the above-mentioned development. The parcel of land is located within the District's service boundary and, therefore, the District stands ready and willing to provide water and sewer service for the specific property and uses detailed herein.

As of May 18, 2016, through a technical memorandum prepared by Forsgren Associates, the State Engineer has confirmed that the District has a water surplus of 453 acre feet per year available for new residential subdivisions and commercial developments. Since May 18, 2016, the District has issued 44.819 acre feet per year of water commitments leaving a balance of 408.181 acre feet per year of water for future developments. The above-mentioned commercial development requires 4.460 acre feet per year of water which leaves the District with a water balance of 403.721 acre feet per year for future developments.

Regarding wastewater capacity, the District's Water Reclamation Facility (WRF) has the required capacity to meet the sewer demand for this commercial development. The WRF is rated for 4.8 million gallons per day (MGD), of which 2.6 MGD is owned by the District and reserved for District's customers. The District's current contribution to the WRF is 1.56 MGD, therefore, there is an excess of 1.04 MGD of capacity available.

This water commitment is hereby made exclusively for this specific development project at this site, within the District, and must achieve appropriate zoning and a final plat land use entitlement from El Paso County Development Services within 12 months from the date of this letter; otherwise, the District may use this allocation for other developments requesting a water commitment for growth that stands ready to develop.

The District and I trust that you find this letter adequate for your needs and land use applications. If I may be of further assistance please contact me at your convenience.

Best Regards,



Jonathon Smith
Water & Wastewater Collections Manager

Encl: Water Balance and Water Commitments (Cherokee Metropolitan District)
Claremont Ranch Filing No. 9C – Replat of Lots 1-4
Commitment Letter #2015-01

Ec: Brian Beaudette, Interim General Manager, Cherokee Metropolitan District
Steven Hasbrouck, Board President, Cherokee Metropolitan District

Water Balance and Water Commitments (Cherokee Metropolitan District)

Development	Business Name	Address	Commitment Letter	
			Letter #	Date
SEC Marksheffel Road and Constitution Avenue Phase #2	SEC Marksheffel Road and Constitution Avenue Phase #2	SEC Marksheffel Road and Constitution Avenue	2015-01	Expired
Windermere Filing #1	Windermere Subdivision Filing #1	NEC Antelope Ridge Drive and N. Carefree Circle	2015-02	Expired
Constitution Apartment Complex	Constitution Apartments	6855 Constitution Avenue	2016-01	Expired
Meadowbrook Crossing Subdivision	Meadowbrook Crossing	Meadowbrook Parkway and Highway 24	2017-01	5/4/2017
Kum & Go Store #692	Kum & Go	6809 Space Village Avenue	2017-02	9/8/2017
Freedom Springs Apartment Complex	Freedom Springs	734 Western Drive	2018-01	2/22/2018
Covert Ops Paintball	Covert Ops Paintball	6425 E. Platte Avenue	2018-02	3/22/2018
Mule Deer Villas Subdivision	Mule Deer Villas	SEC Akers Drive and N. Carefree Circle	2018-03	4/20/2018
Appaloosa Highway 24 Subdivision Filing #2	Appaloosa Highway 24 Subdivision Filing #2	SEC Amelia Street & Terminal Avenue	2018-04	6/13/2018
SEC Marksheffel Road and Constitution Avenue Phase #2	SEC Marksheffel Road and Constitution Avenue Phase #2	SEC Marksheffel Road and Constitution Avenue	2018-05	7/5/2018

Water Balance Beginning as of May 18, 2016 (AFY)

453,000

Water Committed since May 18, 2016 (AFY)

49,279

Water Balance Remaining for Future Commitments (AFY)

403,721

LEGAL DESCRIPTION

DEDICATION. THE ABOVE CORNER AND CALLED SAID TRACT TO BE PLATTED INTO LOTS AND EASEMENTS AS SHOWN HEREON. THE UNDERSIGNED DOES HEREBY GRANT AND CONVEY TO THE COUNTY OF EL PASO, ALL STREETS AND EASEMENTS AS SHOWN HEREON TO THE CITY OF EL PASO, TEXAS, TO BE USED AS A CARRIAGE TRAIL, PLANE NO. 107, IN THE COUNTY OF EL PASO COUNTY, TEXAS.

THE ABOVE NUMBER HAS CAUSED SAID TRACT TO BE PLATTED INTO LOTS AND EASEMENTS AS SHOWN HEREON. THE UNDERSIGNED DOES HEREBY GRANT AND CONVEY TO THE COUNTY OF EL PASO, ALL STREETS AND EASEMENTS FOR PUBLIC USE. THIS TRACT OF LAND HEREIN PLATTED SHALL BE DOWN AS "CLAYMONT RANCH, PLING NO. 60," IN THE COUNTY OF EL PASO COUNTY, CO., TEXAS.

OWNERS CERTIFICATE: _____

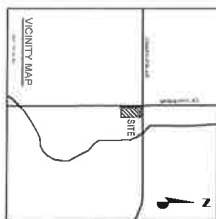
ENRAGED, CREDITORS LAUNCHED SUIT, 11/02

BY ENRAGED CREDITORS COMPANY, INC. v. ARCADIA LIMITED LIABILITY COMPANY, S. 11/02

BY EVERETT J. DEVO, INC.
A CALIFORNIA CORPORATION ITS MANAGER

PLAT NOTES:

- [illegible]



PLAT NOTES (CONTINUED)

- [illegible]

EASEMENTS

OWNERS OF CHANGES INDICATED: ALL SHED, FRONT, AND REAR LOTS OF HENERY PLANTED ON EITHER SIDE WITH A 10 FOOT (USE 5 FEET FOR LOTS SMALLER THAN 5) ACCESS/PAVING UTILITY AND DRAINAGE EASEMENT. OTHER CHANGES INDICATED: ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HENERY PLANTED WITH A 20 FOOT (USE 7 FEET FOR LOTS SMALLER THAN 5) ACCESS/PAVING UTILITY AND DRAINAGE EXISTING. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THE SE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

ANY PERSON WHO KNOWINGLY REMOVES, ALTERS, OR DEFEATS ANY TAG OR LABEL SHIPPED WITH A LOAD BEARING ELEMENT, OR ANY ACCESSORY COMPONENT OF A LOAD, TO AVOID INSPECTION, VIOLATES THIS STATUTE.

4-3-93 OF THE COLORADO REVISED STATUTES

COUNTY APPROVALS: _____

ON OR BEFORE THE DATE OF FILING THE UNDERSIGNED REQUESTS APPROVE FOR FILING THE ACCOMPANYING PLAT OF CLAREMONT PLANCH FILING NO. 507

PLANNING AND COMMUNITY DEVELOPMENT
PCD DEPARTMENT

CARBON BLACK FILING IN ENTRY IS AMENDED FOR THE ABOVE DESIGNATED SECTION OF THE PATENT OFFICE RECORDS. THIS AMENDMENT IS SUBJECT TO ALL COMMENTS AND CONDITIONS AND TEST RESULTS MUST BE SUBMITTED TO THE PATENT OFFICE RECORDS. THIS AMENDMENT IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION OR DECISION BY THE PATENT OFFICE RECORDS.

DIRECTOR DEVELOPMENT SERVICES DEPARTMENT DATE _____

SURVEYOR'S CERTIFICATE

BRAND, FINANCING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE STATE TITLE AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON DATE OF SURVEY BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON THAT MATHEMATICAL CLOSES ARE ENCLOSURES LESS THAN 10.00, AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO, DEALING WITH LAND SURVEYING, SUBDIVISION, OR SURVEY OF LAND AND ALL APPLICABLE PROVISIONS OF THE E.L. 1950 COUNTY LAND

DATE _____

COUNTY OF EL PASO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY
OFFICE AT _____ OF CLOCK _____ M. THIS _____ DAY OF _____, 2018
A.D. AND IS DULY RECORDED AT RECEPTION NO. _____
OF THE RECORDS OF EL PASO COUNTY, CO. (X-100)

Fees: _____

FEE		AMOUNT	
DRAINAGE FEE	_____	BRIDGE FEE	_____
SCHOOL FEE	_____	PARK FEE	_____

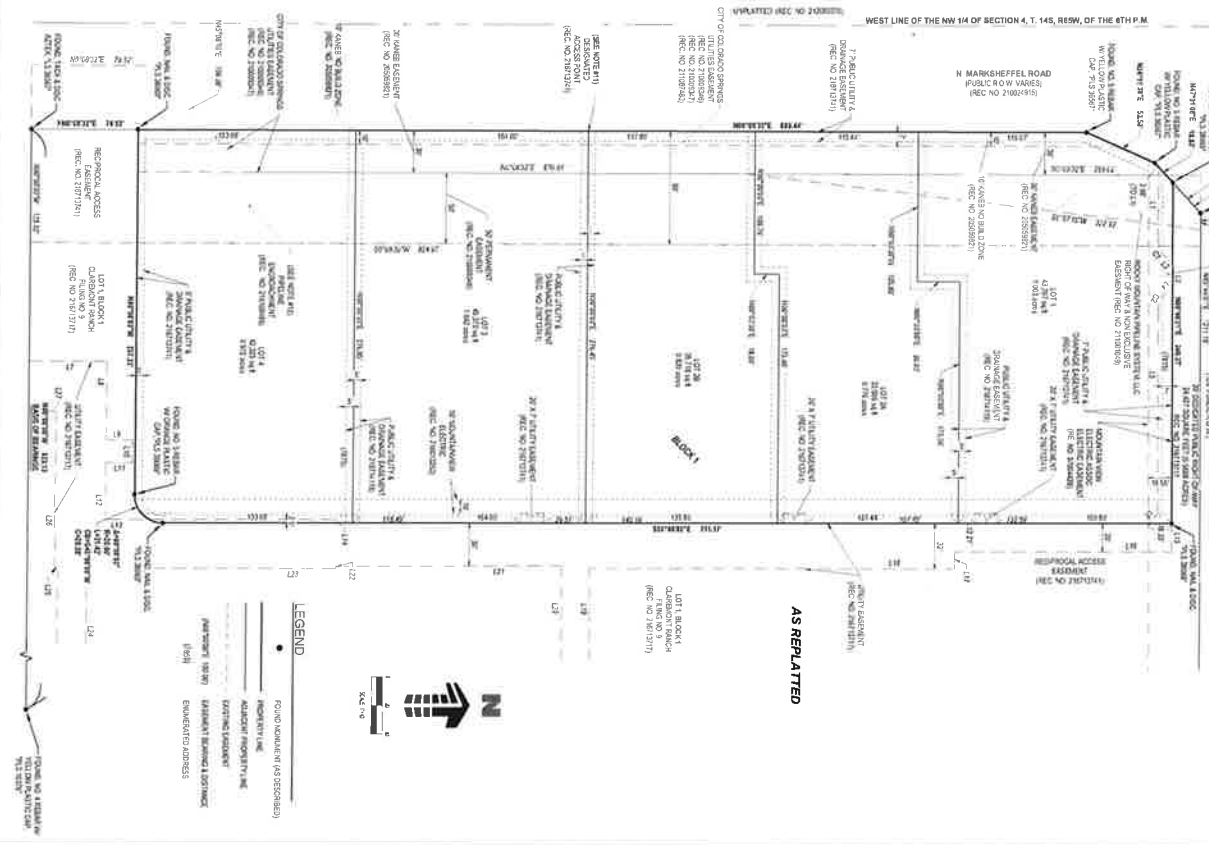
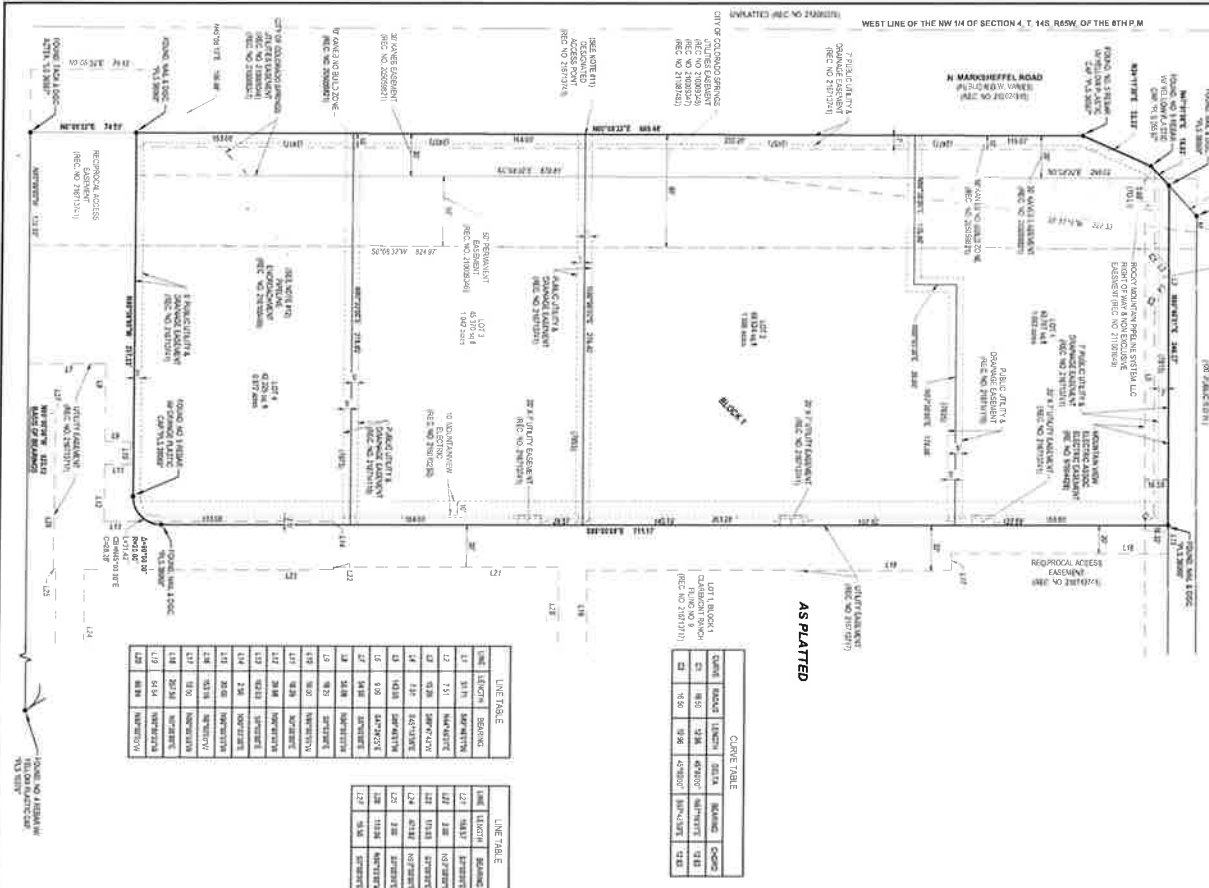
CLAREMONT RANCH
FILING NO. 9C

COUNTY OF EL PASO
STATE OF COLORADO

REPLAT OF LOTS 1-4,
CLAREMONT RANCH FILING NO. 9B
IN THE NORTHWEST QUARTER OF
SECTION 4, T14S, R66W OF THE 6TH P. M.

CLAREMONT RANCH FILING NO. 9C

REPLAT OF LOTS 1-4, CLAREMONT RANCH FILING NO. 9B IN THE NORTHWEST QUARTER OF SECTION 4, T.14S, R.66W OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO



CLAREMONT RANCH FILING NO. 9C

COUNTY OF EL PASO
STATE OF COLORADO

Replat of Lots 1-4, Claremont Ranch Filing No. 9B
in the Northwest Quarter of Section 4, T.14S, R.66W of the 6th P.M.

2 OF 2

CLAREMONT RANCH FILING NO. 9C



Sean P. Chambers, General Manager

CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd. Colorado Springs, CO 80915-1721
Telephone: (719) 597-5080 FAX: (719) 597-5145

October 29, 2015

Aaron McLean

Site Development Coordinator

6162 S. Willow Drive, Suite 320

Greenwood Village, CO 80111

Sent via email: AaronMcLean@gallowayus.com

Original to follow by US Mail

Re: Commercial Development – SEC Marksheffel and Constitution Phase 2
Commitment Letter # 2015 -01

Dear Mr. McLean,

As you requested this letter is being provided as a second commitment letter by the District to provide water and sewer services for the above referenced development project, **Commercial Development – SEC Marksheffel and Constitution**. The District previous Phase 1 water commitment was to provide 7.75 ac ft. of the District Kane Water Rights for Phase 1 development of the King Soopers store, fuel station, and commercial pads. This subsequent commitment is for Phase 2, which consist of 4 lots with a total water demand of 4.46 ac ft. annually, based on the applicant's water resource report.

As you may know, the State Engineer's Office has given the District a favorable opinion on the District's quantification of water supplies available for new subdivisions and commercial development. The State Engineer has confirmed that the District currently has a Surplus of 520 Ac ft./yr. of water for new developments. The District coordinates on available supply and commitment accounting with the State, and therefore I have attached a condensed version of the State Engineer's spread sheet to account for this water commitment and future water commitments.

This water commitment is hereby made exclusively for this specific development project at this site within the District, and phase 2 portions of the project for which this commitment is valid, must achieve appropriate zoning and a final plat land use entitlement from El Paso County Development Services within 18 months of the date of this letter, otherwise the District may use this allocation for other developments requesting a water commitment(s) for growth that stands ready to develop.

The District and I trust that you find this letter adequate for your needs and land use applications. If you need copies of the agreements please let me know I can forward a copy. Please don't hesitate to call me with any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Arthur B. Sintas', with a stylized, flowing script.

Arthur B. Sintas
Superintendent

Encl: Cherokee Metro District Water Supply Commitments 10/14/15

Cc: Sean Chambers; General Manager w/ encl: sent via email
Ryan Malarky; General Counsel w/ encl: sent via email
Peter Johnson; Water Counsel w/ encl: sent via email
Jan Cederberg; Board President w/ encl: sent via email

Cherokee Metropolitan District
Water Supply Commitments
10/14/2015

Item	Initial Commitment at Prelim. Plat (AF/YR)	Revised Commitment at Final Plat (AF/YR)	Final Water Supply Commitment (AF/YR)	Agreement Date	Comments/Description
Out of Basin Use (2010)			2,963.00		This reflects actual consumption of current service area as of 2010. See Table 13 of Tech Memo
Existing Commitments yet to be built			123.00		This represents previous commitments that have not built. See Table 13 of Tech Memo
SARB yet to be built			173.00		This represents previous commitments that have not built. See Table 13 of Tech Memo
Case Property			200.00	10/11/2006	
Ellicott School			10.00		See table 13 of Tech Memo
Ellicott Springs			44.00	10/11/2006	See table 13 of Tech Memo
In Basin Use			580.00		
TOTALS			4,093.00		

Total Supplies

4,613.00

Surplus

520.00

Subdivision / Development	4.46	4.46		#2015-01	10-29-15 SEC Markshoffel and Constitution
Sub total / Balance			515.54		

Markup Summary

This commitment letter is for the creation of a new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot being formed.



Subject: Callout
Page Label: 1
Lock: Locked
Author: dsdsevigny
Date: 8/6/2018 10:44:27 AM
Color: █

This commitment letter is for the creation of a new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot being formed.