

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	Com	Commitment Letter
SEC Markshaffel Bood and Constitution Account the			Letter #	Date
SEC IVIDITES IN INCIDENTIAL 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 Antaloner Bidge Drive and N. Carofron Circle	201700	the second
Constitution American Constitution	C	The state of the s	70-5107	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	0/0/7017
Franks Carlos Asset Carlos		Con observations	20-/TO7	1107/0/6
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 Albert Drive and N. Carofron Circle	20 010	0100/00/0
Appelone High and Calabridation File High		The Price of the Calculation Calcula	CO-0102	4/2U/2U18
Appaioosa Highway 24 Subdivision Hiling #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 Balance Remaining for Future Commitments (AFY)

403.721

Galloway

5 Willow Crive Surie 320 wood Village CO 80111 70 8884 O

CLAREMONT RANCH FILING NO. 9C
REPLAT OF LOTS 14, CLAREMONT RANCH FILING NO. 9B
IN THE NORTHWEST QUARTER OF SECTION 4, 1748, R86W OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO



KNOW ALL MEN BY THESE PRESENTS:

"WIT DIBROSES COMPINITION & MARKSHEFFE, L.L.C., AN ARIZONS
MITCH LIBBLITY COMPINITE OWNER OF THE POLLOWING
SECHED TRACT OF LAWSE

SEMENTS AS SHAWN HEREON THE (MERESCARE DUES NEED LOTS AND DOOMNEYTO THE COMMY OF EL PAGO ALL, STREETS AND EAST-SHAPE OF SHAFT R PUBLIC USET THIS HEAVET OF IA HOL FERSIN A, A TICE SHAPE BECOME NO ADMINISTRATING THE PUBLIC OF THE COMMY OF EL PASO COUNTY, LORAUDO

FILL D HOTH WAS COUNTED ON SEPTEMBER 21, 2017

PLAT NOTES:

ENERGREEN-CONSTITUTION & MARKSHEFFEL LL C

EVERGREEN DEVELOPMENT COMPANY-2015 L.L.C., ARIZONA LIMITED LIABILITY COMPANY ITS MANAGER

SCREEN DEVOO. INC. SHALLA CORPORATION, IT'S MANAGER

ACCESS WILL BE LIMITED TO ONLY THE APPR CHARLES THE WASHING AND STOCK FORM THE ELECTRIC PROCESSES OF SHORMAN SHE DNS AND ONLY THE APPROVED TRAFFIC MOVEMENT AT THOSE LOCATIONS PER

- THE PROPERTY IS SUBJECT TO A RECIPROCAL ACCESS PARKING AGREEMENT BASED ON RECEPTION NO 2160/6642
- THIS PROPERTY IS SUBJECT TO AN ENCROACHAENT AGREEMENT BETWEEN MARELIAN PIRELINE COMPANY, L.P. AND THE EVERCREEN CONSTITUTION & MARKSHEFFEI, L.L.C., AS RECORDED SEPTEMBER 22, 2018 AT REC. NO. 2 (\$104.09)
- EASEMENTS AND RUBLIC DOCKMENTS SHOWN OR NOTED ON THIS SURVEY WERE EXAMINED AS TO LOCATION AND PURPOSE AND WERE NOT EXAMINED AS TO RESTRICTIONS, EXCLUSIONS, CONSITTONS, DENIGATIONS, TERMS OR AS THE RIGHT TO GRANT THE SAME
- CAUTION. THE SURVEYOR PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR OR LINBLE FOR UNAUTHORIZED CHANGES TO OR USES OF THIS MAP ALL CHANGES TO THIS EXHIBIT MUST BE APPROVED IN WRITING BY THE SURVEYOR IN CHARGE.
- STATE ACCOUNT OF COMPANY AND MANAGEMENT AND ACCOUNT OF THE STATE AND ACCOUNT IN THIS SURFEWARMS HAVE SET IN ACCOUNT IN A PROCESS OF THE SECOND HAVE ACCOUNT IN A PROCESS OF THE SECOND HAVE ACCOUNT IN A PROCESS OF THE SECOND HAVE ACCOUNT AND ACCOUNT IN A PROCESS OF THE SECOND HAVE ACCOUNT AND AC
- THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, OBJUGATIONS NO. 15-321 RECORDED JULY 29, 2015 AT RECEPTION NO. 215081459 A I FARM THA LIEM FEE OR ASSESSMENT BY RECOM OF MICHIGAN OF SUBJECT PROPERTY MITTEE CHITEM. ITAM DISTRICTI, AS PROVINCED BY INSTRUMENT RECORDED COTOGER 01, 2012 AT RECEPTION NO 2021/6847 AND 2021/6718.

 GROED DECEMBER 12, 2002 AT RECEPTION NO 2021/211/68. AGREBAENTS AS SET FORTH IN THE RESOLUTION
- THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, OBJUGATIONS AND AGREBACHTS AS SET FORTH IN THE RESOLUTION NO 15-376 RECORDED SETTEMBER 23, 2015 AT RECEPTION NO 215/9/01/14
- THE PROPERTY IS SUBJECT TO THE TERMS, DONDITIONS, PROVISIONS, OBLIGATIONS, EMBENENTS AND AGREEMENTS AS SET FORTH IN THE AVICATION EMBENDIT RECORDED JANUARY 7, 2015 AT RECEPTION NO. 219001978
- THE PROPERTY IS SUBJECT TO THE TEXMS, CONDITIONS, PROVISIONS, OBJICATIONS AND AGREEMENTS AS SET FORTH IN THE SUBDIVISION IMPROVEMENT AGREEMENT RECORDED JANUARY 14, 20 IS AT RECEPTION NO. 215000336
- THE PROPERTY OF LEAST FOR THE TIME CONDITIONS PROUSSING OR CATCHS AND GREENENTS AS SET FORTH IN THE PRIVATE CONDITIONS AND ASSESSMENT PROCEDURED AND EXISTENCE AND EXISTENCE OF THE PRIVATE OF THE PRIVAT
- THE MEMBERS OF SELECTION OF SEL
- REALIZATION DE LA COMMUNICATION DE LA COMUNICATION DE LA COMMUNICATION DE LA COMMUNICATION DE LA COMMUNICA

PLAT NOTES (CONTINUED)

- THE PROPERTY IS SUBJECT TO THE TERKS, CONDITIONS, PROVISIONS, OBLIGATIONS AND AGREEMENTS OF DEVELOPMENT AGREEMENT RECORDED JANUARY 20, 2015 AT RECEPTION NO. 216005843
- THE PROPERTY IS SIGLECT TO THE TIBALS, CONDITIONS, PROVISIONS, OBLICATIONS AND ACREDIENTS AS SET FORTH IN THE ACREDMENT ON OFFICE AND MAINTENANCE FOR COMMON RATES FOR IDLANDINGTHENION TO PROSPECT AND MAINTENANCE FOR COMMON RATES FOR IDLANDINGTHENION TO PROSPECT AND ANALYSIS AND ACRES A THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, OBJICATIONS NO. 15-04S RECORDED FEBRUARY 9, 2015 AT RECEPTION NO. 216013025 AGREEMENTS AS SET FORTH IN THE RESOLUTION
- THE PROPERTY IS SUBJECT TO THE EASEMENTS, NOTES, COMEMANTS, RESTRICTIONS AND RICHTS OF WAY AS SHOWN ON THE PLAT OF CLARBACHT RANCH FUNG NO. 9. AMERICAENT NO. 1, RECORDED MARCH & 20% IN RECEPTION NO. 216(1):741

VILTHOSE IN COURTING VILTHEN SHAME MEMORIANE ESTABLISHED IN JAMES INFOCK DOSTO, CITATIVANISEE IN UNET HOUSE HER WAS AND THE STATE OF T

NOTIFICATION TO THE VEST BY A WALL DOOR VESTIGETS BUT AND ON THE VALUE AND A CONTROL OF THE VESTIGATION OF T

AMMA BRISED NIE OF MACH! 1 59), NOICHES
THE MACH! TO BE CEASED IN THE MACH! TO BE STATED IN THE STATED THE STA

THIS MAR OR PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED IN THE SURVEYOR'S STATEMENT HEREON SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RESTATEMENT BY THE SURVEYOR

- THE PROPERTY IS SUBJECT TO THE CHEROKEE WATER AND SANTATION DISTRICT, AS RECORDED AUGUST 11, 1986 IN BOOK 5218 AT PAGE 353
- THIS PROPERTY MAY BE MAPACTED BY NOISE CAUSED BY ARROBATT DPERATING WTO AND OUT OF THE OCLORADO SPRINGS MUNICIPAL ARRORT. THE BUYER SHOULD FAMILMADE HAMSELSHERSELF WITH THE POTERTIALLY RAMIFICATIONS THEREOF.

- THE RECEIPT AND THE PROPERTY OF STATE AND TH
- THE PROPERTY'S SUBJECT TO THE TENES, CONDITIONE PROFISCION, OR CALLDON HAS ASSESSED AND THE THE MEDICET RESIMED SHAPLERET NO 170 COMMON DESATON AND RECIPE TO A DUBLING POSSESSED AND THE THE 22 JULY AREA RECEPTION NO 27717329
- THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, OBJUGATIONS AND AGREEMENTS AS SET FORTH WITHE SUPPLEMENT OF COMMON OPERATION AND RECOPPORT. ESSEMENT AGREEMENT RESCRIPTION BY 211/11540
-). THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, OBLICATIONS AND AGREEMENTS AS SET FORTH IN THE SUPPLIANCY NO 4TO COMMON OPERATION AND RECIPROCAL ENSINEM AGREEMENT RECIPROED SEPTEMBER 28, 2011 AT RECIPTION NO 21711781
- THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, OBJUGATIONS AND AGREDMENTS AS SET FORTH IN THE SUPPLICATION OF STO COMMON OPERATION AND RECOPCIOUS EASINGHMENT RECORDED SEPTEMBER 28, 2017 AT RECEPTION NO 2171/1542

- AND CHR WITERST THEREN, MALLERS SON, CONNERD ON THRESHEROUNDERFERD HER OWNER, THE SEN LINUX AND CHRIST THE RESEARCH SHALL AND
- ORGANDI RALLI COMAN MINITERIAL MATERITANI REGLATIONE DOMINICO, RICERNO, PRANT REGULERIA NA CONTROL. REGLATORI RECLATORISMO, REGLATORIA DE PARTICIPA DE REGLATORISMO DE PROMICIO DE PARTICIPA DE PARTICIPA DE PROPERTI REGLATORISMO DE REGLATORISMO. PER ANTICIPA DE PARTICIPA DE PARTI
- THE MEMORY IS CALLETTED TO THE CONTROL OF STATEMENT OF A MEMORY OF A MEMORY OF A MANIE MANY FOR CONTROL AND A MEMORY OF A MEMO

- HE POST THE REPORT OF THE PROPERTY OF THE POST OF THE

NOTICE

COUNTY APPROVALS:

FLANNING DIRECTOR ¥

BOARD OF COUNTY COMMISSIONERS

DATE

PLANNING AND COMMUNITY DEVELOPMENT (PCD) DEPARTMENT

5. AND RESTRICTIONS RECORDED AGAINST AND APPURTEMANT
AT RECORDED IN THE OFFICE OF THE BL PASO COUNTY CLEXY
RECEPTION # 216/14741

RECTOR DEVELOPMENT SERVICES I DATE

COLDING CHECKED OF CHECKING TOTAL NO. 38689
SOLDING CHECKED OF CHECKING THREE STATES NO. 38689
SOLDING CHECKING TO CHECKING THREE STATES NO. 38689

LERK AND RECORDER

EL PASO COUNTY CLERK AND RECORDER

g E

FEES:	
118	DWGMX
DRAINAGE FEE	BRIDGE FEE
SCHOOL FEE	PARK FFF

유

2

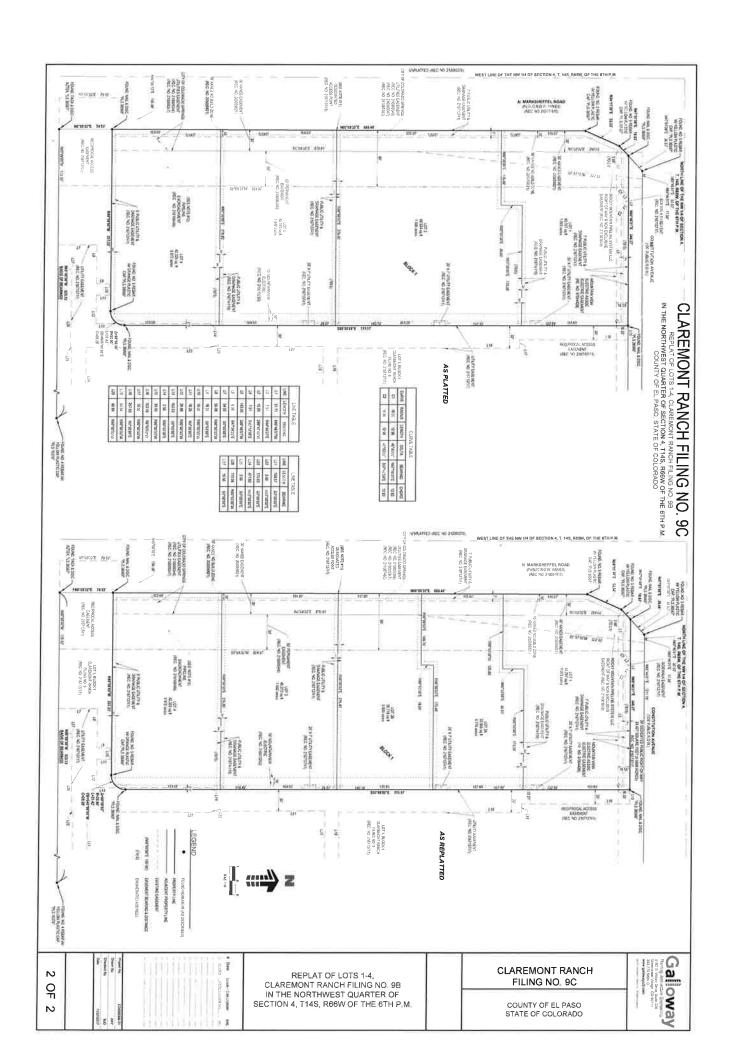
Date 913/23 Issue / Description

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

COUNTY OF EL PASO STATE OF COLORADO

FILING NO. 9C

CLAREMONT RANCH





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: <u>AaronMcLean@gallowayus.com</u>

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,

Arthur B. Sintas Superintendent

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

Cc: Sean Chambers; General Manager w/ encl: sent vial 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

		515.54			Sub total / Balance
#2015-01 10-29-15 SEC Marksheffel and Constitution		4.46		4,46	Subdivision / Developement
		520.00			Surjus
		4,613.00			Total Supplies
		4,093.00			TOTALS
		580.00			In Basin Use
See table 13 of Tech Memo	10/11/2006	44.00			Elicott Springs
See table 13 of Tech Memo		10.00			Ellicott School
	10/11/2006	200.00			Case Property
This represents previous commitments that have not built. See Table 13 of Tech Memo		173.00			SAFB yet to be built
This represents previous commitments that have not built. See Table 13 of Tech Memo		123.00			Existing Commitments yet to be built
This reflects actual consumption of current service area as of 2010. See Table 13 of Tech Memo		2,963.00			Out of Basin Use (2010)
		(AF/YR)	(AF/YR)	(AF/YR)	
Comments/Description	Agreement Date	Commitment	Final Plat	Prelim. Plat Final Plat	Item
		Final Water	Revised	Initial	

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, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots, letter needs to provide commitment for the new lot, not a replat of the existing lots.



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.