

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



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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

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- 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 EVERGREEN 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.
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- 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.

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- 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
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PLAT NOTES (CONTINUED)

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- THE PROPERTY IS SUBJECT TO THE CHEROKEE WATER AND SANTATION DISTRICT, AS RECORDED AUGUST 11, 1986 IN BOOK 5218 AT PAGE 353
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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

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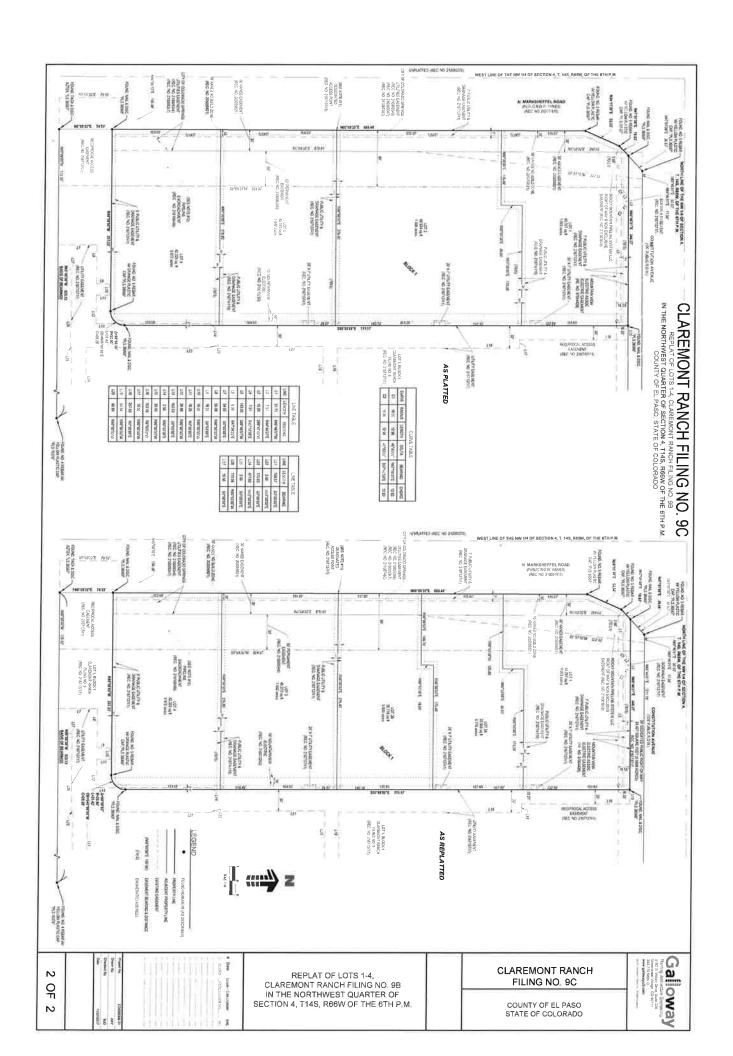
Date 913/23 Issue / Description

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 10:43:36 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.