



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

LOTS 14, BLOCK 7, CLAREMONT RANCH PLING NO 98 ACCORDING TO THE PLAT THEREOF RECORDED APRIL 3 2010 AT RECEPTION NO 219744119 IN THE RECORDS OF EL PASO COUNTY COLORADO

THE ABOVE MANNER HAS CAUSED SAID TRACT TO BE PLATTED INTO LOTS AND EASEMENTS HAS 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 BRANCH, TUNGNO C" IN THE COUNTY OF EL PASO COUNTY, CO. TEXAS.

[illegible]

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

A CALIFORNIA CORPORATION, ITS MANAGER,

BY	DATE	INITIALS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

THE PURPOSE OF THE REPEAT IS TO ACCOMMODATE FUTURE SITE DEVELOPMENT

- [illegible]



THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, OR LICENSAT

- [illegible]

UNLESS OTHERWISE INDICATED BY ATTORNEY

- SMALLER THAN 5 ACRES PUBLIC UTILITY AND DRAINAGE EASEMENT OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT (USE 7 FEET FOR LOTS SMALLER THAN 5 ACRES) PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

ACCUSED, NON-LOCAL, CRIMINAL, AND YOU MUST COMPLY WITH LOCAL ACTION
BASED UPON ANY DEFECT IN THIS SILENTLY WITH THREE YEARS AFTER THE
FIRST DISCOVERED SUCH DEFECT IN NO EVENT MAY ANY ACTION BE TAKEN
ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM
THE DATE OF THE CERTIFICATION SHOWN HEREON

ANY PERSON WHO KNOWINGLY VIOLATES, ATTEMPTS TO DEFACE ANY PUBLIC
LAND SURVEY MONUMENT, LAND BOUNDARY MONUMENT, OR ACCESSORY
MARKERS OF A CLASS TWO PLANNED DEVELOPMENT JURISDICTION TO STATE STATUTE
CRIMES OF THE DOMESTIC REVENUE SURVEY

ON BEHALF OF THE COUNTY OF EL PASO THE UNDERSIGNED HEREBY
APPROVE FOR FILING THE ACCOMPANYING PLAT OF "CLARENCE" RANCH
FILING NO. 56"

BOARD OF COUNTY COMMISSIONERS

DATE _____

THIS IS A CONFIDENTIAL REPORT AND ANY INFORMATION CONTAINED HEREIN IS FOR THE USE OF THE EL PASO COUNTY CLERK'S OFFICE AND IS NOT TO BE DISCLOSED TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF THE EL PASO COUNTY CLERK'S OFFICE. THIS REPORT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE EL PASO COUNTY CLERK'S OFFICE.

SURVEYOR'S CERTIFICATE

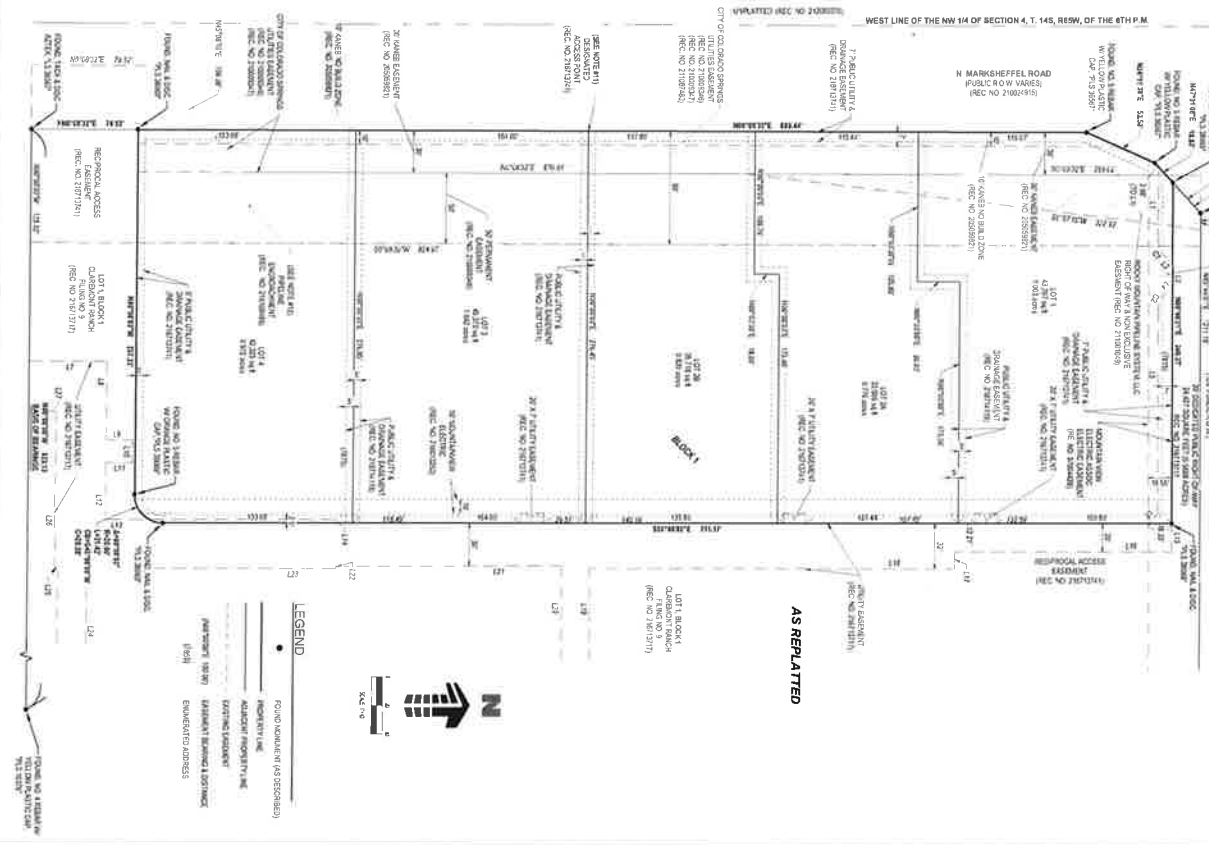
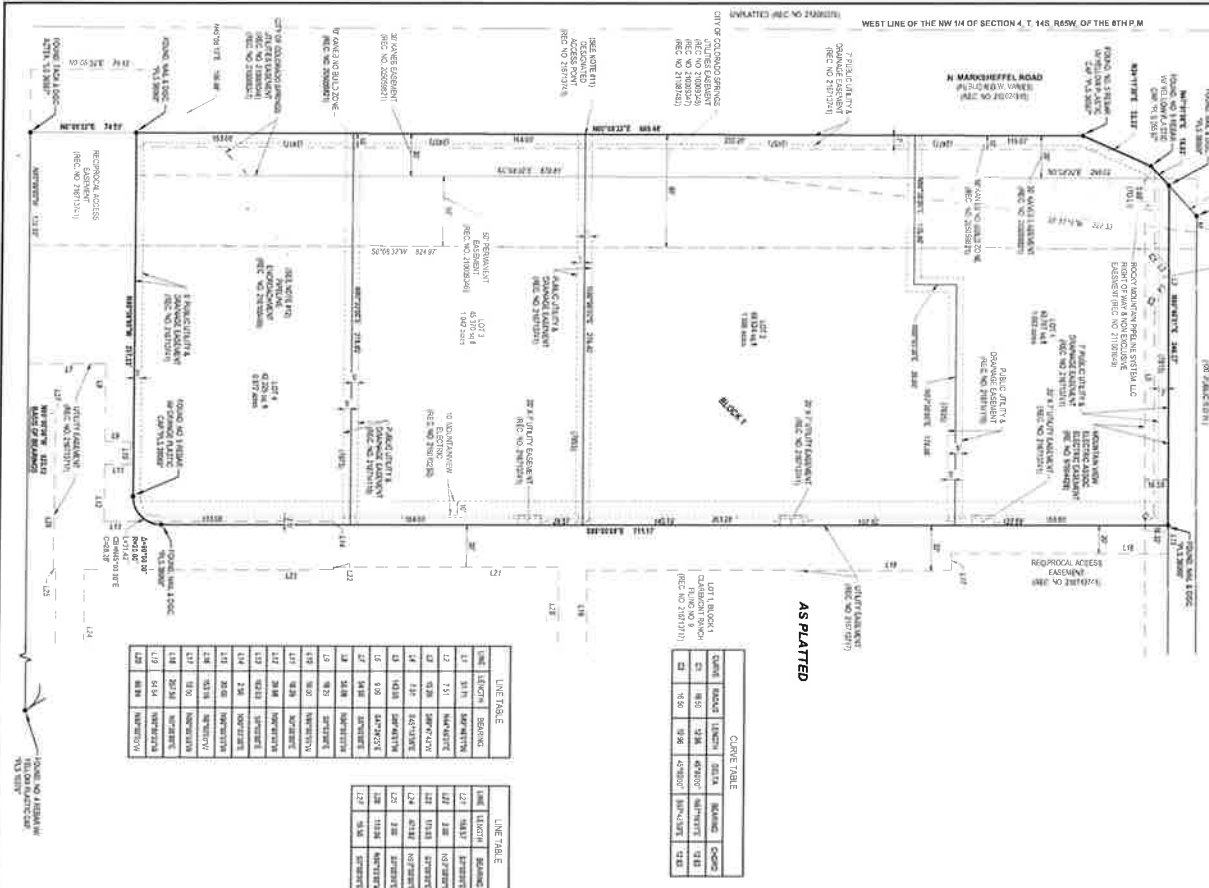
[illegible]

STATE OF COLORADO
COUNTY OF EL PASO
I HEREBY CERTIFY THAT THE INSTRUMENT WAS FILED FOR RECORD IN MY
OFFICE AT _____ O'CLOCK _____ IN THIS
A.D. AND IS DULY RECORDED AT RECEPTION NO. _____ DAY OF _____, 2018
OF THE RECORDS OF EL PASO COUNTY, COLORADO

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

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





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 Marksheffel 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: dsdseigny
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.