



Resolution No. 02-354

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

Commissioner Brown moved adoption of the following Resolution:

WHEREAS, pursuant to Sections 32-1-202 et. seq., C.R.S., as amended, the Service Plan for Central Marksheffel Metropolitan District (the "District" or the "Special District") has been submitted to the Board of County Commissioners of El Paso County (the "Board"); and

WHEREAS, the El Paso County Planning Commission held a public hearing concerning this matter on August 20, 2002, at which time the Planning Commission did by formal resolution recommend conditional approval of the submitted Central Marksheffel Metropolitan District Service Plan; and

WHEREAS, on September 5, 2002 the Board ordered a public hearing to be held on the Service Plan on October 3, 2002; and

WHEREAS, notice of the hearing before the Board was duly published in the Gazette on September 13, 2002, as required by law; and

WHEREAS, notice of the hearing before the Board was duly mailed by first class mail, on September 13, 2002, to interested persons, defined as follows: (1) the owners of record of all property within the proposed Title 32 districts as such owners of record are listed in the proposed service plan; (2) the division of local government; (3) 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 October 3, 2002; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, study of the proposed service plan, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments by all interested parties, this Board finds as follows:

1. 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.
2. The hearings before the Planning Commission and the Board were extensive and complete; that all pertinent facts, matters and issues were

submitted; that all interested parties were heard or had the opportunity to be heard; and, that evidence satisfactory to the Board of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be served by the proposed Special District.
- b. Existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
- c. Adequate service is not or will not be available to the area through the County or other existing municipal or quasi-municipal corporations within a reasonable time and on a comparable basis.
- d. The facility and service standards of the proposed Special District are compatible with the facility and service standards of El Paso County, and each municipality that is an interested party.
- e. The proposal is in compliance with El Paso County standards.
- f. The creation of the proposed Special District will be in the best interests of the area proposed to be served.

3. Evidence unsatisfactory to the Board, but sufficient for a finding of conditional approval pursuant to 32-1-204 (3), of each of the following was presented:

- a. The proposed Special District is capable of providing economical and sufficient service to the area it intends upon serving.
- b. The area to be included within the proposed Special District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of El Paso County, Colorado:

1. That the Board of County Commissioners of El Paso County, Colorado does hereby determine that the requirements of sections 32-1-202 (1), (2) and (3), C.R.S., relating to the filing of a service plan for Central Marksheffel Metropolitan District and the requirements of sections 32-1-204 (1) and (1.5), C.R.S., relating to notice of the hearing by the Board, have been fulfilled in a timely manner.

2. That the Board of County Commissioners of El Paso County, Colorado, does hereby approves the Service Plan for Central Marksheffel Metropolitan District, for

property more particularly described in Exhibit A, which is attached hereto and incorporated by reference, conditioned upon the following:

a. The District shall be precluded from issuing any bonds or other forms of indebtedness, certifying any mill levy, annexing additional property, constructing any facilities or condemning or acquiring any real property until such time as a complete amended Service Plan is approved by the County in accordance with County standards.

b. An amended Service Plan must be submitted and approved by the County on or before October 3, 2003, or the proposed Special District will be dissolved.

c. If and when an amended Service Plan is submitted to the Board for final approval pursuant to C.R.S. 32-1-204(3), it shall be processed in accordance with established County procedures and applicable state statutes; it shall include a complete financial plan and detailed descriptions of proposed projects with cost estimates; and, it shall include either a market study or request for waiver of such.

d. If an amended or modified Service Plan pursuant to condition 2.c., above, has not been submitted to and finally approved by the County on or before December 31, 2003 the District's board of directors shall agree to take actions necessary to dissolve the District, said dissolution to be completed on or before December 31, 2004 unless such action is formally preempted by either the District Court or the State of Colorado, as set forth in article 7 of Title 32, C.R.S or as otherwise provided by law.

3. 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.

4. That all resolutions or parts thereof, in conflict with the provisions hereof, are hereby repealed.

Done this 3rd day of October 2002, at El Paso County, Colorado.

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

By: _____

Chairperson

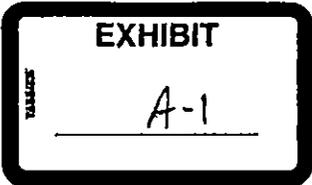
The seal of El Paso County, Colorado, is circular and features a central figure holding a scale and a sword. The text around the seal includes "SEAL OF EL PASO COUNTY, COLORADO" and "EST. 1861".

Deputy County Clerk

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Commissioner Howells seconded the adoption of the foregoing Resolution. The roll having been called, all five Commissioners present voted "aye," and the Resolution was unanimously adopted by the Board of County Commissioners of the County of El Paso, State of Colorado.



2925 Professional Place, Suite 202
Colorado Springs, Colorado 80904
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Thressa A. Sholdt El Paso Cty, CO 202169647
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LEGAL DESCRIPTION

MARKSHEFFEL METROPOLITAN DISTRICT

That certain parcel of land situated in Section 4, a portion of the Southeast Quarter of Section 5, a portion of the Northeast Quarter of Section 8 and a portion of the Northwest Quarter of Section 9, all of Township 14 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being a portion of Parcel F as described in the Special Warranty Deed recorded in Book 6767 Page 35, all of Parcels A, B and C as described in the Warranty Deed recorded September 25, 2001 at Reception No. 201139338, all of the parcel of land as described in the Warranty Deed recorded June 8, 2001 at Reception No. 201078385, a portion of the tract of land described in the Special Warranty Deed recorded August 2, 2000 at Reception No. 200090762, all of that tract of land described in the Warranty Deed recorded January 15, 2002 at Reception No. 202007663, and a portion of the Parcels of land described in the Quitclaim Deed recorded July 1, 1999 at Reception No. 99105361, all of the records in the Clerk & Recorder's Office of said El Paso County, described as follows:

Commencing at the Northwest Corner of said Section 4, from which the North One-Quarter Corner bears North 89°46'01" East, 2645.97 feet; thence along the West line of Northwest One-Quarter of said Section 4, South 00°08'32" East, 60.00 feet to a point on the Southerly right-of-way line of Constitution Avenue as shown on CONSTITUTION AVENUE/PETERSON ROAD RIGHT-OF-WAY, a Subdivision recorded in Plat Book V-3 at Page 169 of the records in the Clerk & Recorder's Office of said El Paso County and the TRUE POINT OF BEGINNING;

Thence along the Southerly right-of-way line of Constitution Avenue, North 89°46'01" East, 3195.57 feet to the Northeast Corner of the parcel of land described in said Reception No. 201078385, said corner being coincident with the Northwest Corner of CLAREMONT RANCH FILING NO. 1, a Subdivision recorded at Reception No. 201024309 of the records in the Office of the Clerk & Recorder of said El Paso County;

Thence along the Easterly lines of the parcel of land described in said Reception No. 201078385 and the Westerly lines of said CLAREMONT RANCH FILING NO. 1, the following three (3) courses and distances:

Thence South 09°20'43" West, 209.05 feet;

Thence South 33°10'49" West, 363.74 feet;

Thence South 47°00'54" West, 312.00 feet;

Thence along the West line of said CLAREMONT RANCH FILING NO. 1, South 00°07'55" West, 308.48 feet to the Northwest Corner of CLAREMONT RANCH FILING NO. 2, a Subdivision recorded at Reception No. 202103983 of the records in the Office of the Clerk & Recorder of said El Paso County;

Thence along the Westerly, Southerly and Southeasterly lines of said CLAREMONT RANCH FILING NO. 2, the following seventeen (17) courses and distances:

Thence South 00°07'29" West, 243.54 feet;

Thence South 36°08'33" West, 238.82 feet;

Thence South 57°34'44" West, 152.54 feet;

Thence South 50°00'07" West, 217.22 feet;

Thence South 00°59'38" East, 460.39 feet;

Thence South 09°08'45" West, 20.96 feet;

Thence South 87°08'43" East, 102.01 feet to a point on a non-tangent curve concave Southeasterly and having a radius of 530.00 feet, a radial line from said curve from said point bears South 77°17'57" East;

Thence along said curve Southwesterly, 16.03 feet through a central angle of 01°43'59";

Thence radially from said curve South 79°01'56" East, 174.64 feet;

Thence North 18°42'38" East, 47.87 feet;

Thence North 26°27'42" East, 47.44 feet;

Thence North 34°11'46" East, 47.01 feet;

Thence North 41°56'19" East, 69.79 feet;

Thence North 00°07'55" East, 158.51 feet to the beginning of a non-tangent curve concave Southeasterly and having a radius of 470.00 feet, a radial line from said curve bears South 30°33'24" East;



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Thence along said curve Northeasterly and Easterly, 251.74 feet through a central angle of 30°41'19";

Thence tangent from said curve, South 89°52'05" East, 666.14 feet to the beginning of a tangent curve concave Northwesterly and having a radius of 730.00 feet;

Thence along said curve Northeasterly, 470.28 feet through a central angle of 36°54'39";

Thence North 53°13'16" East, 566.98 feet to the most Easterly Corner of said CLAREMONT RANCH FILING NO. 2, said point being on the Southerly line of said CLAREMONT RANCH FILING NO. 1'

Thence along the Southerly line of said CLAREMONT RANCH FILING NO. 1 the following two (2) courses and distances:

Thence North 53°13'16" East, 158.09 feet;

Thence South 36°11'16" East, 394.25 feet to the Easterly line of the parcel of land described in said Special Warranty Deed recorded at said Reception No. 200090762, said line being a non-tangent curve concave Northwesterly and having a radius of 1900.00 feet, a radial line from said point from said curve bears North 59°10'21" West;

Thence along the Southeasterly and Southwesterly line of the parcel of land described in said Reception No. 200090762 the following six (5) courses and distances:

Thence along said curve Southwesterly, 629.70 feet through a central angle of 18°59'21";

Thence tangent from said curve, South 49°49'00" West, 73.16 feet;

Thence South 46°54'52" West, 295.54 feet;

Thence South 36°11'00" East, 75.04 feet (75.00 feet – record);

Thence South 53°49'00" West, 2794.75 feet;

Thence North 36°11'00" West, 29.45 feet to the most Easterly Corner of the parcel of land described in said Reception No. 202007663, said point being on a non-tangent curve concave Southeasterly and having a radius of 11,334.00 feet, a radial line from said point from said curve bears South 36°44'50" East;

Thence along the Southeasterly, Southwesterly and Westerly lines of said Reception No. 202007663, the following six (6) courses and distances:



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Thence along said curve Southwesterly, 713.35 feet through a central angle of 03°36'22";

Thence non-tangent from said curve, South 53°49'00" West, 588.76 feet;

Thence South 52°58'47" West, 252.16 feet to a point on a non-tangent curve concave Southeasterly and having a radius of 2914.79 feet, a radial line from said curve from said point bears South 38°41'00" East;

Thence along said curve Southwesterly, 769.83 feet through a central angle of 15°07'57";

Thence non-tangent from said North 55°10'21" West, 160.18 feet;

Thence North 00°57'45" East, 193.69 feet to the South line of the Southeast One-Quarter of said Section 4;

Thence along the South line of the Southeast One-Quarter of said Section 4, North 88°14'37" West, 50.02 feet to the Southwest Corner of said Section 4;

Thence along the South line of the Southwest One-Quarter of said Section 5, North 89°52'15" West, 30.00 feet to the to the Easterly line of the parcels of land described in said Reception No. 99105361 of the records in the Office of the Clerk & Recorder of said El Paso County;

Thence along the Easterly, Southeasterly, Southerly and Northwesterly lines of the parcels of land described in said Reception No. 99105361 the following seventeen (17) courses and distances:

Thence South 00°00'24" East, 491.90 feet;

Thence South 14°53'40" West, 172.76 feet;

Thence South 33°32'48" West, 1366.75 feet;

Thence North 56°23'34" West, 30.02 feet;

Thence South 33°38'37" West, 1091.56 feet;

Thence South 89°46'50" West, 1402.55 feet to a point on a non-tangent curve concave Northwesterly and having a radius of 1032.00 feet, a radial line from said curve from said point bears North 60°11'26" West;

Thence North 15°26'53" East, 208.19 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 808.00 feet;



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Thence along said curve Northeasterly, 138.35 feet through a central angle of 09°48'39";

Thence tangent from said curve North 25°14'57" East, 248.36 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 1018.00 feet;

Thence along said curve Northeasterly, 725.32 feet through a central angle of 40°49'22";

Thence tangent from said curve North 66°04'03" East, 119.23 feet to the beginning of a tangent curve concave Northwesterly and having a radius of 1015.00 feet;

Thence along said curve Northeasterly, 569.45 feet through a central angle of 32°08'41";

Thence tangent from said curve North 33°55'22" East, 1195.90 feet;

Thence South 89°42'05" West, 38.90 feet to the Southeasterly line of the parcel of land described in the Warranty Deed recorded September 10, 2001 at Reception No. 201132016 of the records in the Office of the Clerk & Recorder of said El Paso County;

Thence along the Southeasterly, Easterly and Northerly lines of the parcel of land described in said Reception No. 201132016;

Thence North 33°55'24" East, 920.63 feet to the beginning of a tangent curve concave Southeasterly and a radius of 1132.18 feet;

Thence along said curve Northeasterly, 471.74 feet through a central angle of 23°52'24";

Thence North 00°07'45" East, 290.42 feet;

Thence South 89°39'42" West, 80.00 feet to the Southeast Corner of the parcel of land described in the Warranty Deed recorded on January 7, 2002 at Reception No. 202003365 of the records in the Office of the Clerk & Recorder of said El Paso County;

Thence along the East line of the parcel of land described in said Reception No. 202003365, North 00°07'45" East, 441.91 feet to the South line of the of the parcel of land described in the Warranty Deed recorded on January 11, 2002 at Reception No. 202006608 of the records in the Office of the Clerk & Recorder of said El Paso County;

Thence along the Southerly and Easterly lines of the parcel of land described in said Reception No. 202006608 the following two (2) courses and distances:

Thence North 89°39'42" East, 5.00 feet;

Thence North 00°07'45" East, 800.00 feet to the South line of the parcel of land described in the Warranty Deed recorded on July 3, 1995 at Reception No. 95066134 of _____



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the records in the Office of the Clerk & Recorder of said El Paso County;

Thence along the South line of the parcel of land described in said Reception No. 95066134, North 89°39'42" East, 75.00 feet to the Southeast Corner thereof;

Thence along the East line of the parcel of land described in said Reception No. 95066134 and the parcel of land described in the Trustee's Deed recorded on January 11, 2002 at Reception No. 202006611 and the parcel of land described in the Trustee's Deed recorded on January 11, 2002 at Reception No. 202006607 and the parcel of land described in the Warranty Deed recorded on August 18, 2000 at Reception No. 200098567 and the parcel of land described in the Warranty Deed recorded on June 27, 1997 at Reception No. 97073824 and the deed recorded in Book 6082 at Page 792, all of the records in the Office of the Clerk & Recorder of said El Paso County, North 00°08'32" East, 2556.67 feet to the Southerly right-of-way line of Constitution Avenue as shown on said CONSTITUTION AVENUE/PETERSON ROAD RIGHT-OF-WAY;

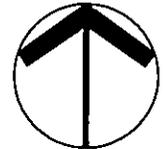
Thence along the Southerly right-of-way line of Constitution Avenue, North 89°41'40" East, 30.00 feet to the TRUE POINT OF BEGINNING.

Area = 422.752 Acres, More or Less.

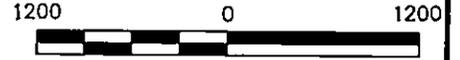
SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

Legal Description Prepared By:
Ian Cortez, P.L.S. No. 32822
Matrix Design Group, Inc.
2925 Professional Place, Suite 202
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NORTH



SCALE: 1" = 1200'

CONSTITUTION AVENUE

MARKSHEFFEL ROAD

U.S. HIGHWAY NO. 24

MARKSHEFFEL METROPOLITAN DISTRICT



Matrix Design Group, Inc.
Integrated Design Solutions

2925 Professional Place, Suite 202
Colorado Springs, CO 80904
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