

EL PASO

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COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

October 27, 2020

The Equity Group, LLC
90 South Cascade Avenue
Colorado Springs CO 80903

Spencer Fane, LLC
Pat Hrbacek P.C.
2154 E. Commons Avenue, Ste. 2000
Centennial CO 80122

RE: Crossroads Metropolitan District Nos. 1 and 2 – Service Plan – (ID-20-001)

This is to inform you that the above-reference request for approval of the above listed service plan was heard and an approval was made by the El Paso County Board of County Commissioners on October 27, 2020, at which time an approval was made to approve Crossroads Metropolitan District Nos. 1 and 2. The parcels proposed for inclusion into the Districts total 70.46 acres and are located along both the north and south side of Highway 24 at the intersection with Highway 94, and are within Section 8 Township 14 South, Range 65 West of the 6th P.M. The properties are not included within a small area plan. The applicant is proposing the following: a maximum debt authorization of \$52 million, a debt service mill levy of 50 mills for commercial, and an operations and maintenance mill levy of 10 mills, for total maximum combined levy of 60 mills. The statutory purposes of the Districts include the provision of the following: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement; and 7) design, construction, and maintenance of public water and sanitation systems.

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Parcel Nos.: 54080-07-005, 54080-01-029, 54080-01-034, 54080-01-008, 54080-01-042, 54080-01-041, 54080-01-050, 54080-01-033, 54080-01-032, 54080-01-051, and 54080-01-052

This approval is subject to the following:

CONDITIONS OF APPROVAL

1. As stated in the proposed service plan, the maximum combined mill levy shall not exceed 60 mills for any commercial property within the Crossroads Metropolitan District Nos. 1-2, with no more than 50 mills devoted to commercial debt service, no more than 10 mills devoted to operations and maintenance, and unless the Districts receive Board of County Commissioner approval to increase the maximum mill levy.
2. As stated in the attached service plan, the maximum authorized debt for the Crossroads Metropolitan District Nos. 1-2 shall be limited to \$52 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.
3. The approval of the service plan for the Crossroads Metropolitan District Nos. 1-2 includes the ability of the Crossroads Metropolitan District Nos. 1-2 to use eminent domain powers for the acquisition of property to be owned, controlled, or maintained by the Crossroads Metropolitan District Nos. 1-2 or another public or non-profit entity and is for the material use or benefit of the general public. The Districts may not use the power of eminent domain without an approval by the Board of County Commissioners at a publicly noticed hearing that the use of eminent domain is necessary in order for the Crossroads Metropolitan District Nos. 1-2 to continue to provide service(s) within the Districts' boundaries and that there are no other alternatives that would not result in the need for the use of eminent domain powers.
4. As stated in the attached service plan, future annexation of territory, excluding the adjacent City of Colorado Springs owned property (schedule nos. 54080-07-005, 54080-02-003, 54080-02-002, and 54080-02-014) proposed to be a recreational park, under by the Crossroads Metropolitan District Nos. 1-2 (any territory more than five (5) miles from any District boundary line) shall be considered a material modification of the service plan and shall require prior approval by the Board of County Commissioners.

5. The Crossroads Metropolitan District Nos. 1-2 shall provide a disclosure form to future purchasers of property in a manner consistent with the approved Special District Annual Report form. The developer shall provide written notation on each subsequent final plat associated with the development of the annually filed public notice. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
6. The Crossroads Metropolitan District Nos. 1-2 are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the service plan, pursuant to C.R.S. § 32-1-1101(1)(f)(l).
7. As stated in the attached service plan, approval of the proposed service plan hereby gives the Crossroads Metropolitan District Nos. 1-2 the express authority of covenant enforcement, including the imposition of fees for such enforcement without the additional 5 mills.
8. As stated in the attached service plan, the Crossroads Metropolitan District Nos. 1-2 shall not have the authority to apply for or utilize any Conservation Trust ("Lottery") funds without the express prior consent of the Board of County Commissioners. The Districts shall have the authority to apply for and receive any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants.
9. Approval of this application shall not constitute relinquishment or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvement agreements or development agreements and collateral of the developer to guarantee the construction of improvements.
10. Any future proposed development of the subject parcels will require approval of a map amendment (rezone), preliminary plan and final plat(s), and such final plat(s) must be recorded prior to undertaking land disturbing activities, unless approval a pre-development site grading request is granted by the Board of County Commissioners at the preliminary plan stage or as a separate, stand-alone request.

11. The Crossroads Metropolitan District Nos. 1-2 shall not be authorized to issue debt until and unless the underlying zoning for the proposed Crossroads development is approved by the Board of County Commissioners.
12. A material departure from the land use assumptions identified in this service plan shall require an amendment(s) to the service plan.

NOTATIONS

1. Approval of this service plan shall in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests within the boundaries of the Districts.
2. Any expansions, extensions, or construction of new facilities by the Crossroads Metropolitan District Nos. 1-2 will require prior review by the Planning and Community Development Department to determine if such actions are subject to the requirements of Appendix B of the Land Development Code, Guidelines and Regulations for Areas and Activities of State Interest (a.k.a. "1041 Regulations).

This represents the Planning and Community Development Department's understanding of the action taken by the Board of County Commissioners.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,

Kari Parsons

Kari Parsons, Planner III

File No. ID-20-001