

RESOLUTION 2023-

4-WAY RANCH METROPOLITAN DISTRICT NO. 1 EL PASO COUNTY, COLORADO

A RESOLUTION CONSENTING TO THE ORGANIZATION OF A METROPOLITAN DISTRICT, WHOSE BOUNDARIES WILL OVERLAP WITH THE BOUNDARIES OF 4-WAY RANCH METROPOLITAN DISTRICT NO. 1

WHEREAS, 4-Way Ranch Metropolitan District No. 1 (“**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado operating under Article 1 of Title 32, C.R.S.; and

WHEREAS, Section 32-1-107(2), C.R.S., provides generally that no special district may be organized wholly or partly within an existing special district providing the same service; and

WHEREAS, Section 32-1-107(3)(b)(IV), C.R.S., provides that an overlapping special district may be authorized to provide the same service as the existing special district if, among other requirements, the board of directors for the existing special district consents to the overlapping special district providing the same service; and

WHEREAS, the District also has the authority to provide public improvements and services pursuant to the Special District Act, C.R.S. § 32-1-101, *et seq.*, and its Service Plan; and

WHEREAS, the District is currently providing certain of the services set forth in its Service Plan and Amended Service Plan, with water and wastewater services being provided by 4-Way Ranch Metropolitan District No. 2 (“**District 2**”) which services are the subject of an intergovernmental agreement between the District and District 2 dated April 25, 2018 and maintaining certain District property related to its services property (the “**District Improvements and Services**”); and

WHEREAS, District has received a request from the KO1515, LLC for the organization of a metropolitan district (the “**Overlay District**”) whose proposed boundaries will overlap with the boundaries of the District, and are depicted in Exhibit A, attached hereto; and

WHEREAS, it is anticipated that upon formation, the Overlay District will be authorized pursuant to the Special District Act, C.R.S. § 32-1-101, *et seq.*, as amended, and the service plan for the Overlay District to provide various public improvements and services, including water, sanitary sewer, storm sewer, streets, transportation, traffic safety protection, television relay and translation, mosquito control, covenant enforcement, security, park and recreation, and fire protection improvements and services (collectively, the “**Overlay Improvements**”) to support the development within the Overlay District’s proposed boundaries, however, the Overlay District will not provide, public improvements or services that will duplicate or interfere with District 's current or future public improvements; and

WHEREAS, it is anticipated that following the construction of the Overlay Improvements, the Overlay District will transfer the streets, park and recreation, storm sewer, transportation,

traffic safety protection, and fire protection improvements to El Paso County, and will transfer the water and sanitary sewer improvements to 4-Way Ranch Metropolitan District No. 2 for ownership and maintenance; and

WHEREAS, the District consents to the organization of the Overlay District upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District that:

1. Pursuant to Section 32-1-107(3)(b)(IV), C.R.S., the District hereby consents to the organization and overlapping boundaries of the Overlay District and to the Overlay District possessing the authority to provide the Overlay Improvements subject to the following conditions:

a. The improvements and facilities to be financed, designed, acquired or constructed by the Overlay District may not duplicate or interfere with the District Improvements and Services or any improvements planned to be constructed by the District.

b. The Overlay District shall construct all improvements and appurtenances in accordance with any applicable standards and specifications of the District, and other governmental entities with jurisdiction.

c. The Overlay District will abide by the District's generally applicable rules and regulations.

d. The Overlay District will be authorized to construct Overlay Improvements outside of its boundaries to the extent necessary to serve the property within its boundaries, but will not provide services outside of its boundaries without written consent from the District.

e. In the event the Overlay District is providing a service within its boundaries, the District will no longer be obligated to provide the same service within the Overlay District's boundaries and the District will not impose any fees or taxes related to those services.

Dated this 3rd day of January, 2023.

4-WAY RANCH METROPOLITAN DISTRICT NO. 1

DocuSigned by:
By: Mark Belles
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President

Attest:

DocuSigned by:
Kevin Campbell
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EXHIBIT A

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND THE NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTHERLY LINE OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WESTERLY END BY A 3-1/4" ALUMINUM CAP STAMPED "PS INC 1996 PLS 30087" AND AT THE EASTERLY END BY AN ILLEGIBLE 3-1/4" ALUMINUM CAP, ASSUMED TO BEAR SOUTH 89 DEGREES 47 MINUTES 29 SECONDS EAST A DISTANCE OF 5270.55 FEET.

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 33, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 29 MINUTES 25 SECONDS EAST AND ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 33 A DISTANCE OF 531.44 FEET TO A POINT ON THE NORTHERLY LINE OF AN OPEN SPACE TRACT OWNED BY EL PASO COUNTY; THENCE SOUTH 45 DEGREES 55 MINUTES 49 SECONDS WEST AND ALONG THE NORTH LINE OF AN OPEN SPACE TRACT OWNED BY EL PASO COUNTY A DISTANCE OF 1120.13 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 33; THENCE NORTH 89 DEGREES 52 MINUTES 19 SECONDS WEST AND ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 33 A DISTANCE OF 1244.14 FEET TO THE SOUTHEASTERLY CORNER OF 4 WAY RANCH FILING NO. 1 AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NO. 206712416; THENCE NORTHERLY AND ALONG THE BOUNDARY OF 4 WAY RANCH FILING NO. 1 THE FOLLOWING SIXTEEN (16) COURSES:

1. NORTH 02 DEGREES 27 MINUTES 23 SECONDS EAST A DISTANCE OF 104.58 FEET;
2. NORTH 17 DEGREES 26 MINUTES 00 SECONDS WEST A DISTANCE OF 90.67 FEET;
3. NORTH 33 DEGREES 15 MINUTES 23 SECONDS WEST A DISTANCE OF 117.65 FEET;
4. NORTH 46 DEGREES 37 MINUTES 58 SECONDS WEST A DISTANCE OF 111.92 FEET;
5. NORTH 45 DEGREES 44 MINUTES 00 SECONDS WEST A DISTANCE OF 135.29 FEET;
6. NORTH 37 DEGREES 54 MINUTES 04 SECONDS WEST A DISTANCE OF 77.43 FEET;
7. NORTH 69 DEGREES 38 MINUTES 28 SECONDS WEST A DISTANCE OF 63.38 FEET;
8. NORTH 82 DEGREES 03 MINUTES 50 SECONDS WEST A DISTANCE OF 73.71 FEET;
9. NORTH 64 DEGREES 06 MINUTES 52 SECONDS WEST A DISTANCE OF 66.05 FEET;
10. NORTH 40 DEGREES 27 MINUTES 09 SECONDS WEST A DISTANCE OF 60.18 FEET;
11. NORTH 23 DEGREES 15 MINUTES 18 SECONDS WEST A DISTANCE OF 46.89 FEET;
12. NORTH 02 DEGREES 19 MINUTES 25 SECONDS EAST A DISTANCE OF 78.58 FEET;
13. NORTH 09 DEGREES 28 MINUTES 16 SECONDS EAST A DISTANCE OF 72.82 FEET;
14. NORTH 64 DEGREES 09 MINUTES 32 SECONDS EAST A DISTANCE OF 76.66 FEET;
15. NORTH 25 DEGREES 50 MINUTES 28 SECONDS WEST A DISTANCE OF 120.00 FEET;
16. NORTH 01 DEGREES 31 MINUTES 24 SECONDS EAST A DISTANCE OF 5.63 FEET;

THENCE NORTH 64 DEGREES 09 MINUTES 32 SECONDS EAST A DISTANCE OF 777.32 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 26 DEGREES 14 MINUTES 06 SECONDS, A RADIUS OF 1405.00 FEET, AND A LENGTH OF 643.30 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 472.54 FEET; THENCE SOUTH 33 DEGREES 21 MINUTES 54 SECONDS EAST A DISTANCE OF 38.41 FEET; THENCE SOUTH 47 DEGREES 17 MINUTES 41 SECONDS EAST A DISTANCE OF 86.33 FEET; THENCE SOUTH 64 DEGREES 09 MINUTES 57 SECONDS EAST A DISTANCE OF 94.87 FEET; THENCE SOUTH 80 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 101.84 FEET; THENCE SOUTH 61 DEGREES 19 MINUTES 38 SECONDS EAST A DISTANCE OF 141.06 FEET; THENCE NORTH 82 DEGREES 46 MINUTES 11 SECONDS EAST A DISTANCE OF 108.65 FEET; THENCE SOUTH 88 DEGREES 09 MINUTES 15 SECONDS EAST A DISTANCE OF 52.66 FEET; THENCE SOUTH 80 DEGREES 32 MINUTES 47 SECONDS EAST A DISTANCE OF 61.96 FEET; THENCE SOUTH 65 DEGREES 00 MINUTES 13 SECONDS EAST A DISTANCE OF 28.10 FEET; THENCE SOUTH 72 DEGREES 21 MINUTES 55 SECONDS EAST A DISTANCE OF 39.19 FEET; THENCE NORTH 80 DEGREES 50 MINUTES 46 SECONDS EAST A DISTANCE OF 53.31 FEET; THENCE NORTH 62 DEGREES 43 MINUTES 20 SECONDS EAST A DISTANCE OF 59.22 FEET; THENCE NORTH 69 DEGREES 17 MINUTES 32 SECONDS EAST A DISTANCE OF 67.16 FEET; THENCE NORTH 81 DEGREES 21 MINUTES 20 SECONDS EAST A DISTANCE OF 79.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 64.36 FEET; THENCE SOUTH 50 DEGREES 51 MINUTES 09 SECONDS EAST A DISTANCE OF 50.33 FEET; THENCE NORTH 38 DEGREES 29 MINUTES 42 SECONDS EAST A DISTANCE OF 283.74 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 05 DEGREES 50 MINUTES 23 SECONDS, A RADIUS OF 640.00 FEET, AND A LENGTH OF 65.23 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 26 MINUTES 21 SECONDS EAST AND ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28 A DISTANCE OF 685.75 FEET TO THE POINT OF BEGINNING, EXCEPT THOSE PORTIONS CONTAINED IN INSTRUMENTS RECORDED JUNE 11, 2013 AT RECEPTION NO. 213076016 AND RECORDED MAY 7, 2012 UNDER RECEPTION NO. 212052339 AND RECORDED JUNE 5, 2012 UNDER RECEPTION NO. 212064636, EL PASO COUNTY, COLORADO.