

EL PASO

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COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

February 25, 2020

Falcon Field, LLC
ATTN: P.J. Anderson
31 North Tejon, Suite 516
Colorado Springs, CO 80903

White Bear Ankele Tanaka & Waldron, P.C.
2154 E. Commons Avenue, Ste 2000
Centennial, CO 80122

RE: Falcon Field Metropolitan District – Service Plan – (ID-19-005)

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 February 25, 2020, at which time approval was made to approve the Falcon Field Metropolitan District. The proposed District is located at the southeast corner of the Highway 24 and East Woodmen Road intersection and within Section 7, Township 13 South, Range 64 West of the 6th P.M. The properties within the boundaries of the proposed District are included within the Falcon/Peyton Small Area Master Plan (2006). The applicant is proposing the following: a maximum debt authorization of \$20 million, a debt service mill levy of 30 mills, an operations and maintenance mill levy of 5 mills, and 1 mill for a special purpose levy. The proposed maximum combined mill levy is 36 mills. The statutory purposes of the proposed District includes: 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, 7) security services, 8) solid waste disposal, and 9) financing, design, permitting, construction, and installation of public water and sanitation systems. (Parcel Nos. 43070-00-001 and 43072-00-015)

This approval is subject to the following:

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

CONDITIONS OF APPROVAL

1. As stated in the proposed service plan, the maximum combined mill levy shall not exceed 36 mills for any property within the District, with no more than 30 mills devoted to debt service, no more than 5 mills devoted to operations and maintenance, and 1 mill for a special purpose levy until and unless the District receive Board of County Commissioner approval to increase the maximum mill levies.
2. As stated in the attached service plan, the maximum authorized debt for the District shall be limited to \$20 million until and unless the District receive Board of County Commissioner approval to increase the maximum authorized debt.
3. The approval of the District includes the use of eminent domain powers by the District for the acquisition of property that the District intends to be owned, controlled, or maintained by the District or other public or non-profit entity and is for the material use or benefit of the general public. The District may not use the power of eminent domain without a recommendation by the Board of County Commissioners at a publicly noticed hearing that the use of eminent domain is necessary in order for the District to continue to provide service(s) within the District's 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, any future annexation of territory by the District (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 District shall provide a disclosure form to future purchasers of property in a form 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 and include reference to the El Paso County Planning and Community Development website where the most up-to-date notice can be found. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
6. The District is 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)(I).

7. As stated in the attached service plan, approval of the proposed service plan hereby gives the District the express authority of covenant enforcement, including the imposition of fees for such enforcement.
8. As stated in the attached service plan, the District 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 District 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. Prior to the hearing before the Board of County Commssioners, the District shall add the following language to the service plan: The District shall not be authorized to issue debt until and unless approval of a rezoning, preliminary plan, and final plat have been obtained and unless such approvals are consistent with the assumed land uses and densities identified within the service plan and are consistent with the associated financial plan.
11. Any future proposed development of the subject parcels will require approval of a preliminary plan and final plat(s), and the final plat(s) must be recorded prior to land distrubance, unless approval a pre-development site grading request is granted by the Board of County Commissioners at the preliminary plan stage.
12. Following the election, applicant shall take no further steps to create the district, including seeking a court order declaring the organization of the district, until the pending rezone of the property has been approved by the BoCC.

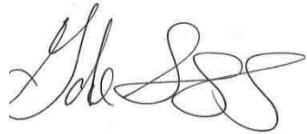
NOTATIONS

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 District 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,

A handwritten signature in black ink, appearing to read "Gabe Sevigny". The signature is fluid and cursive, with the first name "Gabe" written in a larger, more prominent script than the last name "Sevigny".

Gabe Sevigny, Planner II
File No. ID-19-005