



**Waterview Commercial Investors LLC**

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Colorado Springs, CO 80920  
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Cell & Text 719-331-0083

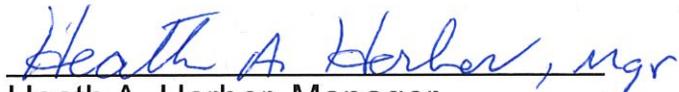
To whom it may concern,

With regard to the common landscape associated with Tracts A, B, C, D, i, E, F, and the management and maintenance of common stormwater detention ponds, the owners/developers Waterview Commercial Investors LLC will be responsible until the formation and approval of Waterview North Metropolitan Districts Nos. 1 and 2, at which time this responsibility will be assigned to the District

Please see attached agreement from White Bear Ankele.

Signed

Waterview Commercial Investors LLC

  
Heath A. Herber, Manager

WILLIAM P. ANKELE, JR.  
JENNIFER GRUBER TANAKA  
CLINT C. WALDRON  
KRISTIN BOWERS TOMPKINS  
ROBERT G. ROGERS  
BLAIR M. DICKHONER  
GEORGE M. ROWLEY

OF COUNSEL:  
KRISTEN D. BEAR  
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TRISHA K. HARRIS



ZACHARY P. WHITE  
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MEGAN J. MURPHY  
EVE M. G. VELASCO  
LAURA S. HEINRICH  
AUDREY G. JOHNSON  
CAREY S. SMITH V  
ERIN K. STUTZ

June 3, 2021

**VIA E-MAIL AND U.S. MAIL**

Frank W. Howard #2 Limited Partnership, LLLP  
17 S. Wahsatch  
Colorado Springs, CO 80903  
Attn: Kevin Howard

Waterview Commercial Investors, LLC  
31 North Tejon, Suite 502  
Colorado Springs, CO 80903  
Attn: Heath A. Herber

PHI Real Estate Services, LLC  
200 West First Street, Suite 200  
Pueblo, CO 81103  
Attn: Nick L. Pannunzio

Re: Waterview North Metropolitan District Nos. 1 and 2

Dear Mr. Howard, Mr. Herber and Mr. Pannunzio:

We serve as legal counsel to CPR Entitlement, LLC (the “**District Petitioner**”) in connection with the formation of the Waterview North Metropolitan District Nos. 1 and 2 (collectively, the “**Districts**”).

The Districts’ boundaries will encompass three vacant parcels of land, one that is currently owned by Frank W. Howard #2 Limited Partnership, LLLP, a Colorado limited liability limited partnership (“**Howard**”); one that is owned by Waterview Commercial Investors, LLC, a Colorado limited liability company (“**Waterview Commercial**”); and one that is owned by PHI Real Estate Services, LLC, a Colorado limited liability company (“**PHI**”) (collectively, Howard, Waterview Commercial and PHI are referred to herein as the “**Owners**”). This vacant land is located near the intersection of Bradley Road and Powers, Blvd., in El Paso County, CO (the “**Property**”).

A Colorado metropolitan district is a limited purpose governmental entity that is frequently used to finance, own, operate and maintain certain public improvements associated with the development of real property. Metropolitan districts have the ability to issue tax-exempt debt and repay such debt through the imposition of property taxes and fees and their formation requires completion of a lengthy public process.

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The formation of the Districts requires approval by El Paso County (the “**County**”) and voter approval this November of various organizational questions, including those relating to the issuance of debt and the imposition of taxes. This process to form the Districts creates a very tight timeline that must be initiated as soon as possible. We anticipate submitting the Service Plan for the Districts to the County in May. If the County approves the Service Plan, an election will be held on November 2, 2021.

It is common for the entity petitioning for the organization of a district to also be the owner of the property that will be within the district boundaries. However, in this case, the District Petitioner does not own the Property and therefore the Owners’ consents to allow the District Petitioner to proceed as the petitioner for the organization of the Districts is being sought.

Formation of the Districts will increase the value of the Property as a result of the organizational efforts taken by the District Petitioner. Additionally, if formation of the Districts is not approved, the Owners are not obligated to complete the organization and therefore are not required to cause the Districts to impose taxes or issue debt.

By way of this letter, we hereby request that you sign and return the Consent and Agreement provided below. Please let me know if you have any questions or concerns regarding this matter.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON



Blair M. Dickhoner  
Shareholder

### **Consent and Agreement**

By signing below, I, Kevin Howard , on behalf of Frank W. Howard #2 Limited Partnership, LLLP, a Colorado limited liability limited partnership, hereby: (i) confirm that Frank W. Howard #2 Limited Partnership, LLLP is the 100% fee owner of the property described in the attached **Exhibit A**, which property will be located within the boundaries of the proposed Districts; (ii) consent to the organization of the Districts; (iii) consent to CPR Entitlement, LLC taking all actions required to organize the Districts, including the submittal of a service plan to El Paso County; and (iv) agree to provide reasonable assistance to CPR Entitlement, LLC and its legal counsel in order to accomplish the organization of the Districts.

By: \_\_\_\_\_

Title: \_\_\_\_\_

**EXHIBIT A**

**The Property**

TR IN SEC 19-15-65 DESC AS FOLS: BEG AT THE NE COR OF LEGACY HILL DR AS PLATTED IN THE TRAILS AT ASPEN RIDGE FIL. NO. 1 ALSO BEING THE SLY ROW LN OF BRADLEY RD, TH N74-20-48E 425.01 FT, TH S15-39-12E 429.99 FT, TH S74-20-48W 360.01 FT, TH ALG THE ARC OF A CUR TO THE R HAVING A RAD OF 75.00 FT, A C/A OF 60-04-25, ARC DIST OF 75.00 FT, WHICH CHORD BEARS N75-37-00W, ARC DIST OF 75.08 FT, TH N15-39-12W 392.40 FT TO THE POB

### Consent and Agreement

By signing below, I, Heath A. Herber , on behalf of Waterview Commercial Investors, LLC, a Colorado limited liability company, hereby: (i) confirm that Waterview Commercial Investors, LLC is the 100% fee owner of the property described in the attached **Exhibit B**, which property will be located within the boundaries of the proposed Districts; (ii) consent to the organization of the Districts; (iii) consent to CPR Entitlement, LLC taking all actions required to organize the Districts, including the submittal of a service plan to El Paso County; and (iv) agree to provide reasonable assistance to CPR Entitlement, LLC and its legal counsel in order to accomplish the organization of the Districts.

*Westerra Development Company LLC, Manager*

By: *Heath A. Herber,*

Title: *Manager*

## **EXHIBIT B**

### **The Property**

TR IN SEC 9-15-65 DESC AS FOLS: COM AT THE N4 COR OF SD SEC 9, TH S00-19-23E ALG THE N/S CEN LN OF SD SEC 1613.76 FT TO A PT ON THE SLY ROW LN OF BRADLEY RD, TH S89-30-29W 3.77 FT, TH ALG THE ARC OF A CUR TO THE L HAVING A RAD OF 2759.79 FT, A C/A OF 15-09-41, ARC DIST OF 730.29 FT, WHICH CHORD BEARS S81-55-38W, DIST OF 728.16 FT, TH S74-20-48W 930.15 FT TO THE POB; TH S15-39-12W 394.68 FT, TH ALG THE ARC OF A NON TANG CUR TO THE R, HAVING A RAD OF 75.00 FT, A C/A OF 43-29-55, ARC DIST OF 56.94 FT, WHICH CHORD BEARS S36-01-21W, DIST OF 55.58 FT, TH S57-46-18W 68.47 FT, TH ALG THE ARC OF A CUR TO THE L, HAVING A RAD OF 450.00 FT, A C/A OF 35-44-30, ARC DIST OF 280.72 FT, WHICH CHORD BEARS S39-54-03W, DIST OF 267.19 FT, TH S67-58-24E 40.00 FT, TH S22-01-36W 538.15 FT, TH ALG THE ARC OF A CUR TO THE R, HAVING A RAD OF 260.00 FT, A C/A OF 13-32-35, ARC DIST OF 61.46 FT, WHICH CHORD BEARS S28-47-53W, DIST OF 61.31 FT, TH S00-00-00W 148.75 FT, TH N90-00-00W 515.00 FT, TH N00-29-10W 1123.38 FT, TH ALG THE ARC OF A CUR TO THE R HAVING A RAD OF 150.00 FT, A C/A OF 87-49-03, ARC DIST OF 229.91 FT, WHICH CHORD BEARS N43-25-21E, DIST OF 208.05 FT, TH N87-19-53E 53.06 FT, TH ALG THE ARC OF A CUR TO THE L HAVING A RAD OF 2967.79 FT, A C/A OF 12-59-05, ARC DIST OF 673.03, WHICH CHORD BEARS N80-50-20E, DIST OF 671.59 FT, TH N47-20-48E 21.87 FT