

Chuck Broerman  
02/12/2018 03:28:34 PM  
Doc \$0.00  
Rec \$0.00

El Paso County, CO



8  
Pages  
218016204

~~Chuck Broerman  
01/24/2018 11:28:22 AM  
Doc \$0.00  
Rec \$0.00~~

~~El Paso County, CO~~



~~9  
Pages  
218009073~~

**Resolution No. 18- 037 (AMENDED)**

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

**RESOLUTION TO APPROVE THE SERVICE PLAN FOR ROCK CREEK  
METROPOLITAN DISTRICT (ID-17-003)**

**WHEREAS**, The Equity Group, LLC., did file an application with the Planning and Community Development Department of El Paso County, pursuant to Section 32-1-204 (2), C.R.S., for the review of a draft service plan for Rock Creek Metropolitan District; and

**WHEREAS**, a public hearing was held by the El Paso County Planning Commission on December 5 2017, upon which date the Planning Commission did by formal resolution recommend approval of the subject Service Plan with conditions and a notation(s); and

**WHEREAS**, on December 14, 2017, the Board ordered a public hearing to be held on the Service Plan; and

**WHEREAS**, notice of the hearing before the Board was duly published in *The El Paso County Advertiser and News* on December 20, 2017 as required by law; and

**WHEREAS**, notice of the hearing before the Board was duly mailed by first class mail, to interested persons, defined as: The owners of record of all property within the proposed Title 32 district as such owners of record are listed in the proposed service plan; and 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 January 23, 2018; and

**WHEREAS**, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, study of the proposed service plan for Rock Creek Metropolitan District, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, and comments from all interested persons, and comments by the El Paso County Planning Commission during the hearing, this Board finds as follows:

1. That the application for the draft service plan for the Special District was properly submitted for consideration by the Planning Commission and Board of County Commissioners.
2. 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 of El Paso County.
3. That the hearings before the Planning Commission and the Board of County Commissioners of El Paso County were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. There is sufficient existing and projected need for organized service in the area to be served by the proposed Special District.
6. Existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
7. The proposed Special District is capable of providing economical and sufficient service to the area within the proposed boundaries.
8. The area to be included in the proposed Special District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis.
9. Adequate service is not or will not be available to the area through the County, other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.
10. The facility and service standards of the proposed Special District are compatible with the facility and service standards of each county within which the proposed Special District is to be located and each municipality which is an interested party.
11. The proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. §30-28-106.
12. The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.

13. The creation of the proposed Special District will be in the best interests of the area proposed to be served.

**NOW, THEREFORE, BE IT RESOLVED** the El Paso County Board of County Commissioners, Colorado, hereby determines that the requirements of Sections 32-1-203, C.R.S., relating to the requirements of a service plan for the approval of a Colorado Revised Statutes Title 32 Special District service plan for Rock Creek Metropolitan District in support of the development of 211 single-family residences and a 240 unit multi-family development Metropolitan District have been fulfilled in a timely manner;

**BE IT FURTHER RESOLVED** the Board hereby approves the Service Plan submitted for the Rock Creek Metropolitan District, for property more particularly described in Exhibit A, which is attached hereto and incorporated by reference;

**AND BE IT FURTHER RESOLVED** that the following Conditions shall be placed upon this approval:

#### **CONDITIONS OF APPROVAL**

1. Any future annexation of territory by the District (any territory more than five (5) miles from the District boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
2. The District shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. Such notice shall be recorded with this service plan. With each subsequent final plat associated with the Rock Creek development prepared by the developer, the developer shall provide written notation on the plat of this 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.
3. 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)(l).

4. 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 improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.
5. Any expansions, extensions, or construction of new facilities by the District will require prior review by the Planning and Community Development Services 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). If it is determined that such regulations apply, then the District will be required to submit the appropriate development permit application(s) prior to construction.

**NOTATION**

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 for any property within the District's service area.

**AND BE IT FURTHER RESOLVED**, the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

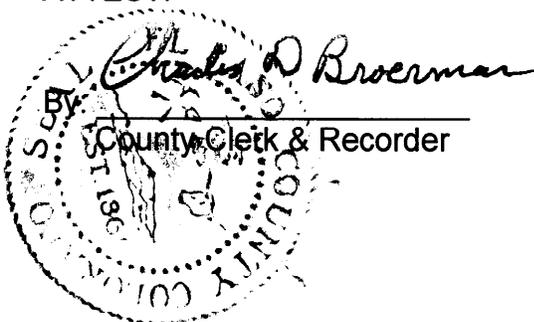
**AND BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be filed in the records of the County and submitted to the petitioners for the purpose of filing in the District Court of El Paso County.

**AND BE IT FURTHER RESOLVED** that all resolutions or parts thereof, in conflict with the provisions hereof, are hereby repealed.

DONE THIS 23<sup>rd</sup> day of January, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
EL PASO COUNTY, COLORADO

ATTEST:



By: David Glenn  
President

EXHIBIT A

**ROCK CREEK METROPOLITAN DISTRICT**

Property Address: 3 30-15-66  
Tax Schedule No. 65000-00-135  
Ownership: Colorado Springs Equities LLC

Legal Description:

THAT PART OF W2NE4 SEC 30-15-66 LY BETWEEN OLD AND NEW CANON CITY ROADS

Property Address: Cherokee Drive  
Tax Schedule No. 65303-07-001  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 1 BLOCK 8 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: 153 Cherokee Drive  
Tax Schedule No. 65303-07-002  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 2 BLOCK 8 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Cherokee Drive  
Tax Schedule No. 65303-07-003  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 3 BLOCK 8 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Cherokee Drive  
Tax Schedule No. 65303 07 004  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 4 BLOCK 8 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: 0 Piute Road  
Tax Schedule No. 65303 07 005  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 5 BLOCK 8 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Piute Road  
Tax Schedule No. 65303 07 008  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 6 BLOCK 8 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Piute Road  
Tax Schedule No. 65303 07 009  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 7 BLOCK 8 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Piute Road  
Tax Schedule No. 65303 07 019  
Ownership: Colorado Springs Equities LLC

Legal Description: LOTS 8 & 9 BLOCK 8 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Seneca Road  
Tax Schedule No. 65303-08-007  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 15, BLOCK 9, ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Delaware Road  
Tax Schedule No. 65303 08 008  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 6 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Delaware Road  
Tax Schedule No. 65303 08 009  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 7 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Seneca Road  
Tax Schedule No. 65303 08 010  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 14 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Seneca Road  
Tax Schedule No. 65303 08 011  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 13 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Delaware Road  
Tax Schedule No. 65303-08-012  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 8 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Delaware Road  
Tax Schedule No. 65303 08 013  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 9 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Seneca Road  
Tax Schedule No. 65303 08 014  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 12 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Seneca Road  
Tax Schedule No. 65303 08 015  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 11 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Delaware Road  
Tax Schedule No. 65303 08 016  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT 10 BLOCK 9 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: Seneca Road  
Tax Schedule No. 65303 09 015  
Ownership: Colorado Springs Equities LLC

Legal Description: LOT8 BLOCK 10 ROCK CREEK MESA SUBDIVISION ADDITION 2

Property Address: 0 Sioux Road  
Tax Schedule No. 65304 01 001  
Ownership: Colorado Springs Equities LLC

Legal Description: ALL BLOCK 11 ROCK CREEK MESA SUBDIVISION ADDITION EXCEPT  
.777 ACRES TO HIGHWAY