

RESOLUTION NO. ____-____

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

**RESOLUTION TO APPROVE THE CONSOLIDATED AMENDED AND RESTATED
SERVICE PLAN FOR MAYBERRY, COLORADO SPRINGS METROPOLITAN
DISTRICT NO. 1 AND SERVICE PLAN FOR MAYBERRY, COLORADO SPRINGS
METROPOLITAN DISTRICT NO. 2**

WHEREAS, Mayberry, Colorado Springs Metropolitan District No. 1 (formerly known as the Ellicott Town Center Metropolitan District) c/o White Bear Ankele Tanaka & Waldron P.C., filed an application with the Planning and Community Development Department of El Paso County, Colorado pursuant to Sections 32-1-202, *et seq.*, C.R.S., for the review of the Consolidated Amended and Restated Service Plan for Mayberry, Colorado Springs Metropolitan District No. 1 (“District No. 1”) and Service Plan for Mayberry, Colorado Springs Metropolitan District No. 2 (“District No. 2” with District No. 1, collectively the “Districts”) (the “Consolidated Service Plan”); and

WHEREAS, a public hearing was held by the El Paso County Planning Commission (the “Planning Commission”) on _____, 2019 upon which date the Planning Commission did by formal resolution recommend approval of the Consolidated Service Plan; and

WHEREAS, on _____, 2019, the Board of County Commissioners of El Paso County (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 _____, 2019 as required by the Special District Act; and

WHEREAS, notice of the hearing before the Board was provided to the governing body of any existing municipality or special district that has levied an ad valorem tax within the next preceding tax year, and that has boundaries within a radius of three miles of the proposed special district boundaries, which governmental units shall be interested parties; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the Board held a public hearing on the Consolidated Service Plan for the Districts on _____, 2019; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, study of the proposed Consolidated Service Plan, recommendations of the Planning Commission, comments of the Planning and Community

Development Department, comments of the public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board.
2. That the hearings before the Planning Commission and the Board were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. There is sufficient existing and projected need for organized service in the area to be served by the proposed Special Districts.
4. Existing service in the area to be served by the proposed Special Districts are inadequate for present and projected needs.
5. The proposed Special Districts are capable of providing economical and sufficient service to the area within the proposed boundaries.
6. The areas to be included in the proposed Special Districts, have or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
7. 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.
8. The facility and service standards of the proposed Special Districts are compatible with the facility and service standards of each county within which the proposed Special Districts are to be located and each municipality which is an interested party.
9. The proposal is in substantial compliance with a Master Plan adopted pursuant to Section 30-28-106 C.R.S.
10. The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.
11. The creation of the proposed Special Districts are in the best interests of the areas proposed to be served.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby determine that the requirements of Section 32-1-207, C.R.S., relating to the modification of the Original Service Plan, as amended, for the Ellicott Town Center Metropolitan District have been fulfilled in a timely manner;

BE IT FURTHER RESOLVED the Board hereby approves the Consolidated Service Plan submitted by District No. 1 and District No. 2, c/o White Bear Ankele Tanaka & Waldron P.C., for the property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference;

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

CONDITIONS OF APPROVAL

1. All conditions and terms of the approved Original Service Plan, as amended, are amended and restated in its entirety, by the conditions and terms of the Consolidated Service Plan.
2. Any future annexation of territory by the District(s) (any territory more than five (5) miles from the Districts' boundary lines) shall be considered a material modification of the Consolidated Service Plan and shall require prior Board approval.
3. The Districts shall provide a disclosure form to future purchases of property in a form consistent with the Special District Annual Report form. Such notice shall be recorded with this Consolidated Service Plan. With each subsequent final plat associated with the Ellicott Town Center 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 Development Services' 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.
4. The Districts 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 Consolidated Service Plan, pursuant to Section 32-1-1101(1)(f)(I) C.R.S.
5. Approval of this application shall not constitute relinquishment or undermining of the County's authority to require the developer to complete the 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.
6. Any expansions, extensions or construction of new facilities by the Districts 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. If it is determined that such regulations apply then the District(s) will be required to submit the appropriate development permit application(s) prior to construction.

NOTATION

1. Approval of this Consolidated Service Plan shall in no way be construed to infer a requirement or obligation of the Board to approve any future land use requests for any property within the Districts' service areas.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso Planning Commission be adopted.

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 replaced.

DONE THIS ____ day of _____, 2019, Colorado Springs, Colorado.

ATTEST:

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

By: _____
County Clerk and Recorder

By: _____
Chair

EXHIBIT A

INITIAL DISTRICT BOUNDARIES LEGAL DESCRIPTION – MAYBERRY, COLORADO SPRINGS
METROPOLITAN DISTRICT NO. 1:

A TRACT OF LAND LOCATED IN THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 NE1/4) AND THE WEST ONE-HALF (W1/2) OF SECTION 14 AND THE EAST ONE-HALF OF THE EAST ONE-HALF (E1/2 E1/2) OF SECTION 15, ALL IN TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID W1/2, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID E1/2 E1/2, AS MONUMENTED BY A REBAR AND 3-1/2" ALUMINUM CAP STAMPED "U.P.&E. PLS 116_4 1999", FROM WHICH THE NORTHEAST CORNER OF SAID W1/2, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID W1/2 NE1/4, AS MONUMENTED BY A REBAR AND 2" ALUMINUM CAP IN A RANGE BOX STAMPED "U.P.&E. PLS 11624 1999", BEARS S89°44'49"E, A DISTANCE OF 2606.55 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S89°44'49"E ALONG THE NORTH LINE OF SAID W1/2, A DISTANCE OF 634.51 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S89°44'49"E CONTINUING ALONG THE NORTH LINE OF SAID W1/2, A DISTANCE OF 1972.03 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID W1/2 NE1/4;

THENCE S00°14'20"E ALONG THAT LINE COMMON TO SAID W1/2 AND SAID W1/2 NE1/4, A DISTANCE OF 33.51 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 5527 AT PAGE 376 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ALONG THE PERIMETER OF THAT TRACT AS DESCRIBED IN SAID BOOK 5527 AT PAGE 376 THE FOLLOWING THREE (3) COURSES;

- 1.) THENCE N89°28'59"W, A DISTANCE OF 290.01 FEET;
- 2.) THENCE S00°14'20"E, A DISTANCE OF 147.84 FEET;
- 3.) THENCE S89°44'49"E, A DISTANCE OF 230.80 FEET;

THENCE S00°00'00"E, A DISTANCE OF 154.51 FEET;

THENCE N89°28'59"W, A DISTANCE OF 23.35 FEET;

THENCE S00°00'00"E, A DISTANCE OF 173.74 FEET;

THENCE S89°28'59"E, A DISTANCE OF 665.30 FEET;

THENCE N00°00'00"E, A DISTANCE OF 10.73 FEET;

THENCE S89°28'59"E, A DISTANCE OF 341.89 FEET;

THENCE N00°00'00"E, A DISTANCE OF 223.01 FEET;

THENCE N89°28'59"W, A DISTANCE OF 40.00 FEET;

THENCE N00°00'00"E, A DISTANCE OF 201.26 FEET;

THENCE N89°28'49"W, A DISTANCE OF 233.36 FEET;

THENCE N89°28'59"W, A DISTANCE OF 651.72 FEET TO A POINT ON THE WEST LINE OF SAID W1/2 NE1/4, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID W1/2 AND A POINT ON THE EAST LINE OF THAT TRACT AS DESCRIBED IN SAID BOOK 5527 AT PAGE 376;

THENCE N00°14'20"W ALONG THAT LINE COMMON TO SAID W1/2 NE1/4, SAID W1/2 AND SAID TRACT, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT;

THENCE N00°14'20"W CONTINUING ALONG THAT LINE COMMON TO SAID W1/2 NE1/4 AND SAID W1/2, A DISTANCE OF 33.51 FEET TO THE NORTHERLY COMMON CORNER THEREOF;

THENCE S89°44'50"E ALONG THE NORTH LINE OF SAID W1/2 NE1/4, A DISTANCE OF 1303.26 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER (E1/2 NE1/4) OF SAID SECTION 14;

THENCE S00°21'12"E ALONG THAT LINE COMMON TO SAID W1/2 NE1/4 AND SAID E1/2 NE1/4, A DISTANCE OF 2633.63 FEET TO THE SOUTHERLY COMMON CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SAID SECTION 14;

THENCE N89°36'00"W ALONG THAT LINE COMMON TO SAID W1/2 NE1/4 AND SAID SE1/4, A DISTANCE OF 1308.58 FEET TO THE WESTERLY COMMON CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID W1/2 AND THE CENTER ONE-QUARTER CORNER OF SAID SECTION 14;

THENCE S00°14'15"E ALONG THAT LINE COMMON TO SAID W1/2 AND SAID SE1/4, A DISTANCE OF 2631.90 FEET TO THE SOUTHERLY COMMON CORNER THEREOF;

THENCE N89°24'37"W ALONG THE SOUTH LINE OF SAID W1/2, A DISTANCE OF 2630.66 FEET TO THE SOUTHWEST CORNER THEREOF, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID E1/2 E1/2;

THENCE N89°25'53"W ALONG THE SOUTH LINE OF SAID E1/2 E1/2, A DISTANCE OF 1313.35 FEET TO THE SOUTHWEST CORNER THEREOF, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF THE EAST ONE-HALF (W1/2 E1/2) OF SAID SECTION 15;

THENCE N00°05'20"E ALONG THAT LINE COMMON TO SAID E1/2 E1/2 AND SAID W1/2 E1/2, A DISTANCE OF 4464.02 FEET;

THENCE ALONG THE ARC OF A 499.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 13°42'14", AN ARC LENGTH OF 119.47 FEET (THE LONG CHORD OF WHICH BEARS S64°31'28"E, A LONG CHORD DISTANCE OF 119.18 FEET);

THENCE ALONG THE ARC OF A 111.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 120°49'42", AN ARC LENGTH OF 235.14 FEET (THE LONG CHORD OF WHICH BEARS S49°26'40"E, A LONG CHORD DISTANCE OF 193.92 FEET);

THENCE S46°47'22"E, A DISTANCE OF 28.14 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 600.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 42°41'38", AN ARC LENGTH OF 447.46 FEET (THE LONG CHORD OF WHICH BEARS S68°08'11"E, A LONG CHORD DISTANCE OF 437.18 FEET) TO A POINT OF TANGENCY;

THENCE S89°29'00"E, A DISTANCE OF 1251.64 FEET;

THENCE N00°31'01"E, A DISTANCE OF 1137.42 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 493.58 ACRES OF LAND, MORE OR LESS.

PREPARED BY:

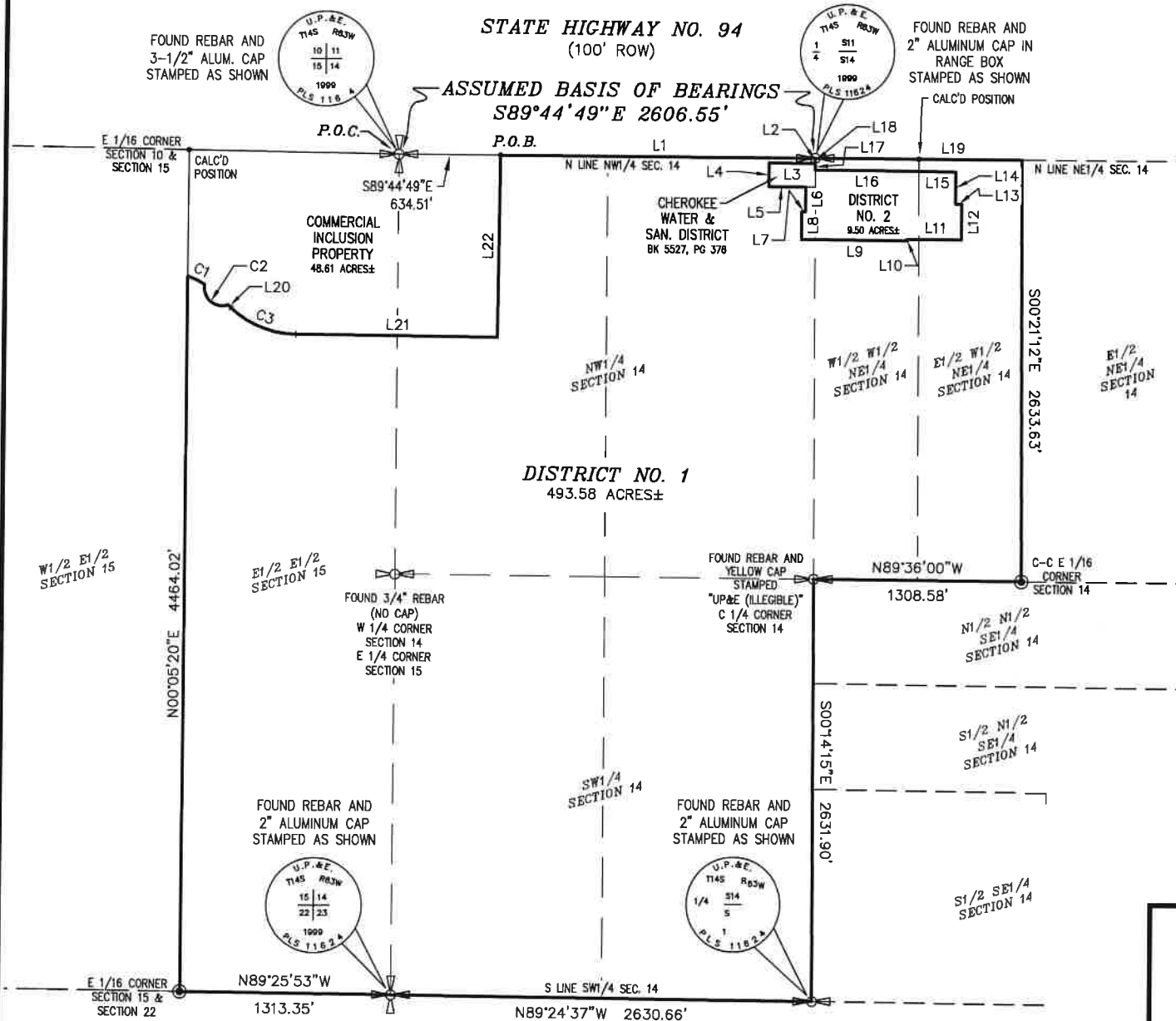
KEVIN F. LLOYD, COLORADO P.L.S. NO. 26965
FOR AND ON BEHALF OF RAMPART SURVEYS, LLC
P.O. BOX 5101
WOODLAND PARK, COLORADO 80866
(719) 687-0920



MAYBERRY, COLORADO SPRINGS METROPOLITAN DISTRICT NO. 1

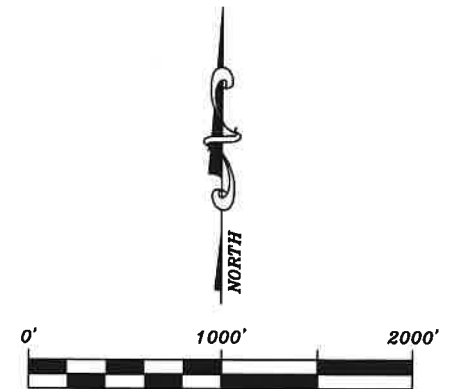
STATE HIGHWAY NO. 94
(100' ROW)

ASSUMED BASIS OF BEARINGS
S89°44'49"E 2606.55'



LEGEND:

- FOUND 3/4" REBAR AND YELLOW CAP STAMPED "UP&E PLS 11624" OR ILLEGIBLE
- ⊕ FOUND 1/4 CORNER, STAMPED AS SHOWN
- ⊕ FOUND SECTION CORNER, STAMPED AS SHOWN



SCALE: 1" = 1000'

JOB NO.: 19011

MARCH 19, 2019

**RAMPART
SURVEYS**

P.O. Box 5101
Woodland Park, CO. 80866
(719) 687-0920

MAYBERRY, COLORADO SPRINGS METROPOLITAN DISTRICT NO. 1

LINE TABLE

LINE #	BEARING	DISTANCE
L1	S89°44'49"E	1972.03'
L2	S00°14'20"E	33.51'
L3	N89°28'59"W	290.01'
L4	S00°14'20"E	147.84'
L5	S89°44'49"E	230.80'
L6	S00°00'00"E	154.51'
L7	N89°28'59"W	23.35'
L8	S00°00'00"E	173.74'

LINE TABLE

LINE #	BEARING	DISTANCE
L9	S89°28'59"E	665.30'
L10	N00°00'00"E	10.73'
L11	S89°28'59"E	341.89'
L12	N00°00'00"E	223.01'
L13	N89°28'59"W	40.00'
L14	N00°00'00"E	201.26'
L15	N89°28'49"W	233.36'
L16	N89°28'59"W	651.72'

LINE TABLE

LINE #	BEARING	DISTANCE
L17	N00°14'20"W	40.00'
L18	N00°14'20"W	33.51'
L19	S89°44'50"E	1303.26'
L20	S46°47'22"E	28.14'
L21	S89°29'00"E	1251.64'
L22	N00°31'01"E	1137.42'

CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	119.47'	499.50'	13°42'14"	S64°31'28"E	119.18'
C2	235.14'	111.50'	120°49'42"	S49°26'40"E	193.92'
C3	447.46'	600.50'	42°41'38"	S68°08'11"E	437.18'

**RAMPART
SURVEYS**

P.O. Box 5101
Woodland Park, CO. 80866
(719) 687-0920

LEGAL DESCRIPTION – METROPOLITAN DISTRICT NO. 2:

A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE NORTH ONE-HALF (N1/2 N1/2) OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 14, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 14, AS MONUMENTED BY A REBAR AND 2" ALUMINUM CAP IN A RANGE BOX STAMPED "U.P.&E. PLS 11624 1999", FROM WHICH THE NORTHWEST CORNER OF SAID NW1/4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 15 OF SAID TOWNSHIP 14 SOUTH, RANGE 63 WEST, AS MONUMENTED BY A REBAR AND 3-1/2" ALUMINUM CAP STAMPED "U.P.&E. PLS 116_4 1999" BEARS N89°44'49"W, A DISTANCE OF 2606.55 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S89°44'50"E ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 14, A DISTANCE OF 651.61 FEET TO THE CALCULATED POSITION OF THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (E1/2 W1/2 NE1/4) OF SAID SECTION 14, SAID POINT ALSO BEING THE CALCULATED POSITION OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 W1/2 NE1/4) OF SAID SECTION 14; THENCE S00°17'46"E ALONG THE WESTERLY LINE OF SAID E1/2 W1/2 NE1/4, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID W1/2 W1/2 NE1/4, A DISTANCE OF 76.51 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S89°28'49"E, A DISTANCE OF 233.36 FEET;
THENCE S00°00'00"E, A DISTANCE OF 201.26 FEET;
THENCE S89°28'59"E, A DISTANCE OF 40.00 FEET;
THENCE S00°00'00"E, A DISTANCE OF 223.01 FEET;
THENCE N89°28'59"W, A DISTANCE OF 341.89 FEET;
THENCE S00°00'00"E, A DISTANCE OF 10.73 FEET;
THENCE N89°28'59"W, A DISTANCE OF 665.30 FEET;
THENCE N00°00'00"E, A DISTANCE OF 173.74 FEET;
THENCE S89°28'59"E, A DISTANCE OF 23.35 FEET;
THENCE N00°00'00"W, A DISTANCE OF 154.51 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 5527 AT PAGE 376 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;
THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID TRACT THE FOLLOWING TWO (2) COURSES;
1.) THENCE S89°44'49"E, A DISTANCE OF 59.20 FEET;
2.) THENCE N00°14'20"W, A DISTANCE OF 106.50 FEET;
THENCE S89°28'59"E, A DISTANCE OF 651.72 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 9.50 ACRES OF LAND, MORE OR LESS.

PREPARED BY:
KEVIN F. LLOYD, COLORADO P.L.S. NO. 26965
FOR AND ON BEHALF OF RAMPART SURVEYS, LLC
P.O. BOX 5101
WOODLAND PARK, COLORADO 80866
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*MAYBERRY, COLORADO SPRINGS
METROPOLITAN DISTRICT NO. 2*

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S89°28'49"E	233.36'
L2	S00°00'00"E	201.26'
L3	S89°28'59"E	40.00'
L4	S00°00'00"E	223.01'
L5	N89°28'59"W	341.89'
L6	S00°00'00"E	10.73'
L7	N89°28'59"W	665.30'
L8	N00°00'00"E	173.74'
L9	S89°28'59"E	23.35'
L10	N00°00'00"W	154.51'
L11	S89°44'49"E	59.20'
L12	N00°14'20"W	106.50'
L13	S89°28'59"E	651.72'

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