

SPECIAL DISTRICT SERVICE PLAN (Recommend Approval)

BRITAIN - JACK moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. ID244

SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3

WHEREAS Classic SRJ Land, LLC., and Spencer Fane LLP., did file an application with the Planning and Community Development Department of El Paso County, pursuant to § 32-1-204 (2), Colorado Revised Statutes (C.R.S.), for the review of a Service Plan for the Southern Colorado Rail Park Metropolitan District Nos. 1-3 for property more particularly described in Exhibit A, which is attached hereto and incorporated by reference; and

WHEREAS, a public hearing was held by this Commission on September 5, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, study of the Service Plan for Southern Colorado Rail Park Metropolitan District Nos. 1-3, 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 Commission finds as follows:

1. That the application for the draft Service Plan for the Special Districts were properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. That all exhibits were received into evidence.
5. That there is sufficient existing and projected need for organized service in the area to be served by the proposed Special Districts.
6. That existing service in the area to be served by the proposed Special Districts are inadequate for present and projected needs.

7. That the proposed Special Districts are capable of providing economical and sufficient service to the area within its proposed boundaries.
8. That the area to be included in the proposed Special Districts have, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
9. That 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. That 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 as defined in C.R.S. § 32-1-204 and the El Paso County Land Development Code.
11. That the proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. § 30-28-106.
12. That the proposal is in compliance with any duly adopted County, regional or state long-range water quality management plan for the area.
13. That the creation of the proposed Special Districts will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends the Service Plan for Southern Colorado Rail Park Metropolitan District Nos. 1-3 be approved for the following, subject to the following:

CONDITIONS OF APPROVAL

1. If any portion of the land within the Southern Colorado Rail Park Metropolitan District Nos. 1-3 annexes into a municipality, City Council or the appropriate body within the municipality shall be the authorizing entity in regard to: eminent domain powers, increase to the maximum mill levy or debt, and modification of the Service Plan as described in Conditions of Approval Nos. 2-6 of the Southern Colorado Rail Park Board of County Commissioners Resolution approving the subject Service Plan (ID244).
2. As stated in the Service Plan, the maximum combined mill levy shall not exceed 65 mills for any property within the Southern Colorado Rail Park Metropolitan District Nos. 1-3 with no more than 50 mills devoted to commercial debt service, and no more than 15 mills devoted to operations and maintenance, all subject to the Assessment Rate Adjustment unless the Districts receive Board of County Commissioner approval to increase the maximum mill levy.

3. As stated in the attached Service Plan, the maximum authorized debt for the Southern Colorado Rail Park Metropolitan District Nos. 1-3 are limited to \$430,000,000.00 until and unless the District receives Board of County Commissioner approval to increase the maximum authorized debt.
4. Approval of the Service Plan for the Southern Colorado Rail Park Metropolitan District Nos. 1-3 include the ability of the Districts to use eminent domain powers for the acquisition of property to be owned, controlled, or maintained by the Districts or another public or non-profit entity and is for the material use or benefit of the general public. The Districts may not use the power of eminent domain without prior approval by the Board of County Commissioners at a publicly noticed hearing after showing that the use of eminent domain is necessary for the Districts to continue to provide service(s) within the Districts' boundaries and that there are no other alternatives that would not result in the need for the use of eminent domain powers.
5. The Southern Colorado Rail Park Metropolitan District Nos. 1-3 shall provide a disclosure form to future purchasers and or lessors of property in a manner consistent with the approved Special District Annual Report form. The developer(s) shall provide written notation on each subsequent Final Plat associated with the development of the annually filed public notice. County staff is authorized to administratively approve updates to the disclosure form to reflect current contact information and calculations.
6. The Southern Colorado Rail Park Metropolitan District Nos. 1-3 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 Service Plan, pursuant to C.R.S. § 32-1-1101(1)(f)(I).
7. 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.

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 within the boundaries of the Districts if properties are not annexed into a municipality.

AND BE IT FURTHER RESOLVED that this Resolution and Recommendations be forwarded to the Board of County Commissioners of El Paso County for its consideration.

Trowbridge seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Bryce Schuettpeiz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

EXHIBIT A

LEGAL DESCRIPTIONS:

DISTRICT NO. 1 LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PORTIONS OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2 OF SW 1/4) SECTION 19, T16S, R65W, OF THE SIXTH P.M. AND THE EAST HALF (E 1/2) SECTION 14, THE NORTHEAST QUARTER (NE 1/4) SECTION 23, AND SECTION 24, ALL IN T16S, R66W, OF THE SIXTH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER (1/4 COR) COMMON TO SECTION 23 AND SECTION 14, T16S, R66W, SAID POINT BEING A FOUND STONE, FROM WHICH THE QUARTER CORNER COMMON TO SECTIONS 11 AND SECTION 14, T16S, R66W SAID POINT BEING A FOUND 3.25" ALUMINUM CAP STAMPED "R G OBERING, T16S R66W, S11, 1/4 COR, S14, 1999, PE & PLS 13226" ON A NO. 6 REBAR BEARS N01°30'28"W A DISTANCE OF 5,285.06 FEET, BEING THE BASIS OF ALL BEARINGS IN THIS LEGAL DESCRIPTION. (SAID LINE BEING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 14.);

THENCE N01°30'28"W ALONG SAID CENTERLINE, 3,738.56 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING N01°30'28"W ALONG SAID CENTERLINE, 106.08 FEET; THENCE S72°01'14"E A DISTANCE OF 1,138.38 FEET TO A POINT OF CURVE;

THENCE 1,010.57 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 814.49 FEET, A CENTRAL ANGLE OF 71°05'20", THE CHORD OF 946.98 FEET WHICH BEARS S36°28'34"E TO A POINT OF TANGENT;

THENCE S00°55'54"E A DISTANCE OF 2,297.11 FEET TO A POINT OF CURVE;

THENCE 1,840.53 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,860.08 FEET, A CENTRAL ANGLE OF 56°41'37", THE CHORD OF 1,766.35 FEET WHICH BEARS S29°16'42"E TO A POINT OF TANGENT;

THENCE S57°37'30"E A DISTANCE OF 1,981.86 FEET; THENCE S68°58'19"E A DISTANCE OF 127.07 FEET; THENCE S57°37'30"E A DISTANCE OF 3,946.75 FEET; THENCE S46°16'42"E A DISTANCE OF 127.07 FEET;

THENCE S57°37'30"E A DISTANCE OF 360.82 FEET TO A POINT OF CURVE;

THENCE 403.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 714.49 FEET, A CENTRAL ANGLE OF 32°22'11", THE CHORD OF 398.31 FEET WHICH BEARS S73°48'36"E TO A POINT OF TANGENT;

THENCE S89°59'41"E A DISTANCE OF 831.76 FEET;

THENCE S00°51'32"E A DISTANCE OF 100.01 FEET;

THENCE N89°59'41"W A DISTANCE OF 833.27 FEET TO A POINT OF CURVE;

THENCE 460.15 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 814.49 FEET, A CENTRAL ANGLE OF 32°22'11", THE CHORD OF 454.06 FEET WHICH BEARS N73°48'36"W TO A POINT OF TANGENT;

THENCE N57°37'30"W A DISTANCE OF 360.82 FEET;

THENCE N68°58'19"W A DISTANCE OF 127.07 FEET; THENCE N57°37'30"W A DISTANCE OF 3,946.75 FEET; THENCE N46°16'42"W A DISTANCE OF 127.07 FEET;

THENCE N57°37'30"W A DISTANCE OF 1,981.86 FEET TO A POINT OF CURVE;

THENCE 1,939.47 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,960.08 FEET, A CENTRAL ANGLE OF 56°41'37", THE CHORD OF 1,861.32 FEET WHICH BEARS N29°16'42"W TO A POINT OF TANGENT;

THENCE N00°55'54"W A DISTANCE OF 2,297.11 FEET TO A POINT OF CURVE;

THENCE 886.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 714.49 FEET, A CENTRAL ANGLE OF 71°05'20", THE CHORD OF 830.71 FEET WHICH BEARS N36°28'34"W TO A POINT OF TANGENT; THENCE N72°01'14"W A DISTANCE OF 1,102.99 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 1,609,500 SQUARE FEET (36.949 ACRES MORE OR LESS).

INCLUDING PARCEL:

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING THE SOUTHWEST QUARTER OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 OF SW1/4 NE1/4) AND THE SOUTH HALF OF THE NORWEST QUARTER OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (S1/2 NW1/4 OF SW1/4 NE1/4) SECTION 24, T16S, R66W, OF THE SIXTH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER (1/4 COR) SECTION 24, T16S, R66W, SAID POINT BEING A FOUND 3.25" ALUMINUM CAP STAMPED "R G OBERING, T16S R66W, C 1/4 COR, S24, PLS 13226" ON A NO. 6 REBAR, SAID POINT LYING S64°50'03"E A DISTANCE OF 5,900.13 FEET FROM THE QUARTER COMMON TO SECTIONS 14 AND 23, T16S, R66W, OF THE SIXTH P.M., EL PASO COUNTY, COLORADO;

THENCE N00°29'47"W ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 24, 977.71 FEET; THENCE N89°31'29"E A DISTANCE OF 658.02 FEET; THENCE S00°34'05"E A DISTANCE OF 978.63 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 24; THENCE S89°36'16"W ALONG SAID EAST-WEST CENTERLINE, 659.25 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 644,256 SQUARE FEET (14.790 ACRES MORE OR LESS).

DISTRICT NO. 2 LEGAL DESCRIPTION:

PARCELS OF LAND BEING PORTIONS OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2 OF SW 1/4) SECTION 19, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4 OF NW 1/4) SECTION 30, T16S, R65W, OF THE SIXTH P.M. AND PORTIONS OF THE WEST HALF (W1/2) SECTION 13, PORTIONS OF THE EAST HALF (E 1/2) SECTION 14, PORTIONS OF THE EAST HALF (E 1/2) SECTION 23, PORTIONS OF THE NORTHWEST QUARTER (NW1/4), SOUTHWEST QUARTER (SW1/4), AND SOUTHEAST QUARTER (SE1/4) SECTION 24, SECTION 25 AND THE EAST HALF (E 1/2) OF SECTION 26, ALL IN T16S, R66W, OF THE SIXTH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NORTH PARCEL:

COMMENCING AT THE QUARTER CORNER (1/4 COR) COMMON TO SECTIONS 14 AND 23, T16S, R66W, SAID POINT BEING A FOUND STONE, FROM WHICH THE QUARTER CORNER COMMON TO SECTIONS 11 AND SECTION 14, T16S, R66W SAID POINT BEING A FOUND 3.25" ALUMINUM CAP STAMPED "R G OBERING, T16S R66W, S11, 1/4 COR, S14, 1999, PE & PLS 13226" ON A NO. 6 REBAR BEARS N01°30'28"W A DISTANCE OF 5,285.06 FEET, BEING THE BASIS OF ALL BEARINGS IN THIS LEGAL DESCRIPTION. (SAID LINE BEING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 14.);

THENCE N01°30'28"W ALONG SAID NORTH-SOUTH CENTERLINE, 3,844.64 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING N01°30'28"W ALONG THE AFORESAID NORTH-SOUTH CENTERLINE OF SECTION 14, 1,440.43 FEET TO THE QUARTER CORNER COMMON TO SECTIONS 11 AND SECTION 14, T16S, R66W;

THENCE N88°40'09"E ALONG THE SOUTH LINE OF SAID SECTION 11 A DISTANCE OF 2,788.00 FEET TO THE SECTION CORNER COMMON TO SECTIONS 11, 12, 13, AND 14, T16S, R66W AND THE WEST LINE OF MINING PERMIT NO. M 1982-155;

THENCE ALONG THE WESTERLY LINES OF SAID MINING PERMIT THE FOLLOWING SEVEN (7) COURSES;

- 1) THENCE S00°29'26"E ALONG THE SECTION LINE OF SECTIONS 13 AND 14, A DISTANCE OF 1,578.50 FEET;
- 2) THENCE N89°23'39"E A DISTANCE OF 1,458.52 FEET;
- 3) THENCE S28°07'51"E A DISTANCE OF 1,195.30 FEET TO THE EAST-WEST CENTERLINE OF SECTION 13;
- 4) THENCE N89°23'39"E ALONG SAID SECTION CENTERLINE 600.00 FEET TO THE CENTER QUARTER CORNER THEREOF;
- 5) THENCE S00°44'05"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, 2,639.25 FEET TO THE QUARTER CORNER COMMON TO SECTIONS 13 AND 24, T16S R66W;
- 6) THENCE S00°29'47"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 24, A DISTANCE OF 2,607.23 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 24, T16S, R66W;
- 7) THENCE N89°36'16"E ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 2,636.98 FEET TO THE QUARTER CORNER COMMON TO SECTION 24, T16S, R66W AND SECTION 19, T16S, R65W AND THE SOUTHWEST CORNER OF LOT 1 BLOČK 1 "VALLEY VIEW SUBDIVISION";

THENCE N89°21'33"E ALONG THE SOUTH LINE THEREOF, 1,171.75 FEET (SAID LINE BEING A PORTION OF EAST-WEST CENTERLINE OF SAID SECTION 19, T16S, R65W) TO THE WEST SIXTEENTH CORNER OF SAID SECTION 19;

THENCE S00°51'32"E A DISTANCE OF 2,241.93 FEET TO THE NORTH LINE OF DISTRICT 1;

THENCE ALONG SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES:

- 1) THENCE N89°59'41"W A DISTANCE OF 831.76 FEET TO A POINT OF CURVE;
- 2) THENCE 403.66 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 714.49 FEET, A CENTRAL ANGLE OF 32°22'11", THE CHORD OF 398.31 FEET WHICH BEARS N73°48'36"W TO A POINT OF TANGENT;
- 3) THENCE N57°37'30"W A DISTANCE OF 360.82 FEET;
- 4) THENCE N46°16'42"W A DISTANCE OF 127.07 FEET;
- 5) THENCE N57°37'30"W A DISTANCE OF 3,946.75 FEET;
- 6) THENCE N68°58'19"W A DISTANCE OF 127.07 FEET;
- 7) THENCE N57°37'30"W A DISTANCE OF 1,981.86 FEET TO A POINT OF CURVE;
- 8) THENCE 1,840.53 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,860.08 FEET, A CENTRAL ANGLE OF 56°41'37", THE CHORD OF 1,766.35 FEET WHICH BEARS N29°16'42"W TO A POINT OF TANGENT;
- 9) THENCE N00°55'54"W A DISTANCE OF 2,297.11 FEET TO A POINT OF CURVE;
- 10) THENCE 1,010.57 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 814.49 FEET, A CENTRAL ANGLE OF 71°05'20", THE CHORD OF 946.98 FEET WHICH BEARS N36°28'34"W TO A POINT OF TANGENT;
- 11) THENCE N72°01'14"W A DISTANCE OF 1,138.38 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A GROSS AREA OF 30,159,933 SQUARE FEET (692.377 ACRES MORE OR LESS). EXCEPTING THEREFROM THE FOLLOWING TWO EXCEPTIONS:

EXCEPTION A: BURL, PENTON, AND KOSCOVE PROPERTIES

(BURL) THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4 SW 1/4 SW 1/4) AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SE 1/4 SW 1/4 SW 1/4) OF SECTION 13 AS DESCRIBED IN DEED RECORDED UNDER RECEIPTION NO. 209137369 AND

(PENTON) THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (S 1/2 NE 1/4 SW 1/4 SW 1/4) OF SAID SECTION 13 AS RECORDED IN DEED IN BOOK 5826 AT PAGE 208 AND

(KOSCOVE) THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (N 1/2 NE 1/4 SW 1/4 SW 1/4) OF SAID SECTION 13 RECORDED IN DEED UNDER RECEPTION NO. 210059631.

ALL DOCUMENTS FOUND IN THE EL PASO COUNTY CLERK AND RECORDERS RECORDS.

SAID PROPERTIES COMBINED CONTAINING AN AREA OF 1,288,513 SQUARE FEET (29.580 ACRES MORE OR LESS).

EXCEPTION B: SOLOMAN AND KOSCOVE PROPERTIES

(SOLOMAN) A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, T16S, R66W AS DESCRIBED IN DEED UNDER RECEPTION NO. 219082791 (KOSCOVE) A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, T16S, R66W AS DESCRIBED IN DEED UNDER RECEPTION NO. 210059631.

ALL DOCUMENTS FOUND IN THE EL PASO COUNTY CLERK AND RECORDERS RECORDS.

SAID PROPERTIES COMBINED CONTAINING AN AREA OF 415,791 SQUARE FEET (9.545 ACRES MORE OR LESS).

GROSS AREA 30,159,933 SQUARE FEET (692.377 ACRES MORE OR LESS).

LESS EXCEPTION A AREA OF 1,288,513 SQUARE FEET (29.580 ACRES MORE OR LESS) LESS EXCEPTION B AREA OF 415,791 SQUARE FEET (9.545 ACRES MORE OR LESS) NET AREA 28,455,629 SQUARE FEET (653.251 ACRES MORE OR LESS).

SOUTH PARCEL:

BEGINNING AT THE QUARTER CORNER (1/4 COR) COMMON TO SECTIONS 14 AND 23, T16S, R66W, SAID POINT BEING A FOUND STONE, FROM WHICH THE QUARTER CORNER COMMON TO SECTIONS 11 AND SECTION 14, T16S, R66W SAID POINT BEING A FOUND 3.25" ALUMINUM CAP STAMPED "R G OBERING, T16S R66W, S11, 1/4 COR, S14, 1999, PE & PLS 13226" ON A NO. 6 REBAR BEARS N01°30'28"W A DISTANCE OF 5,285.06 FEET, BEING THE BASIS OF ALL BEARINGS IN THIS LEGAL DESCRIPTION. (SAID LINE BEING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 14.);

THENCE N01°30'28"W ALONG SAID NORTH-SOUTH CENTERLINE, 3,738.56 FEET TO THE SOUTH LINE OF DISTRICT 1; THENCE ALONG SAID SOUTH LINE THE FOLLOWING ELEVEN (11) COURSES:

- 1) THENCE S72°01'14"E A DISTANCE OF 1,102.99 FEET TO A POINT OF CURVE;
- 2) THENCE 886.49 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 714.49 FEET, A CENTRAL ANGLE OF 71°05'20", THE CHORD OF 830.71 FEET WHICH BEARS S36°28'34"E TO A POINT OF TANGENT;
- 3) THENCE S00°55'54"E A DISTANCE OF 2,297.11 FEET TO A POINT OF CURVE;
- 4) THENCE 1,939.47 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,960.08 FEET, A CENTRAL ANGLE OF 56°41'37", THE CHORD OF 1,861.32 FEET WHICH BEARS S29°16'42"E TO A POINT OF TANGENT;
- 5) THENCE S57°37'30"E A DISTANCE OF 1,981.86 FEET;
- 6) THENCE S46°16'42"E A DISTANCE OF 127.07 FEET;
- 7) THENCE S57°37'30"E A DISTANCE OF 3,946.75 FEET;
- 8) THENCE S68°58'19"E A DISTANCE OF 127.07 FEET;

9) THENCE S57°37'30"E A DISTANCE OF 360.82 FEET TO A POINT OF CURVE;
10) THENCE 460.15 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 814.49 FEET, A CENTRAL ANGLE OF 32°22'11", THE CHORD OF 454.06 FEET WHICH BEARS S73°48'36"E TO A POINT OF TANGENT;
11) THENCE S89°59'41"E A DISTANCE OF 833.27 FEET;
THENCE S00°51'32"E A DISTANCE OF 293.36 FEET TO THE WEST SIXTEENTH CORNER COMMON TO SECTIONS 19 AND SECTION 30, T16S, R65W;
THENCE S00°20'16"E A DISTANCE OF 1,320.03 FEET TO THE NORTHWEST SIXTEENTH CORNER OF SECTION 30, T16S, R65W;
THENCE S89°13'59"W A DISTANCE OF 1,155.32 FEET TO THE NORTH SIXTEENTH CORNER OF THE SECTION LINE COMMON TO SECTION 30, T16S, R65W AND SECTION 25, T16S, R66W;
THENCE S01°04'10"E ALONG SAID SECTION LINE 1,326.55 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS;
THENCE S00°39'21"E ALONG SAID SECTION LINE 2,640.17 FEET TO THE SECTION CORNER COMMON TO SECTIONS 30 AND 31, T16S, R65W AND SECTIONS 25 AND 36, T16S, R66W, SAID POINT LYING ON THE EASTERLY LINES OF THE FORT CARSON MILITARY RESERVATION;
THENCE ALONG SAID EASTERLY LINES THE FOLLOWING FOUR (4) COURSES:

- 1) THENCE S89°36'51"W ALONG THE SECTION LINE BETWEEN SAID SECTIONS 25 AND 36 A DISTANCE OF 5,275.28 FEET TO THE SECTION CORNER COMMON TO SECTIONS 25, 26, 35 AND 36, T16S, R66W;
- 2) THENCE S89°07'11"W ALONG THE SECTION LINE COMMON TO SECTIONS 26 AND 35, A DISTANCE OF 2,637.64 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 26 AND 35;
- 3) THENCE N01°34'52"W ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 26, 5,263.81 FEET TO THE QUARTER CORNER COMMON TO SECTIONS 23 AND 26, T16S, R66W;
- 4) THENCE N00°25'00"W ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 23, 5,230.86 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 79,942,793 SQUARE FEET (1,674.536 ACRES MORE OR LESS).

THE COMBINED NORTH AND SOUTH PARCELS CONTAINS A CALCULATED AREA OF 101,398,420 SQUARE FEET (2,327.787 ACRES MORE OR LESS).

INCLUDING PARCEL:
LEGAL DESCRIPTION:

A PARCEL OF LAND BEING THE SOUTHWEST QUARTER OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 OF SW1/4 NE1/4) AND THE SOUTH HALF OF THE NORWEST QUARTER OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (S1/2 NW1/4 OF SW1/4 NE1/4) SECTION 24, T16S, R66W, OF THE SIXTH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER (1/4 COR) SECTION 24, T16S, R66W, SAID POINT BEING A FOUND 3.25" ALUMINUM CAP STAMPED "R G OBERING, T16S R66W, C 1/4 COR, S24, PLS 13226" ON A NO. 6 REBAR, SAID POINT LYING S64°50'03"E A DISTANCE OF 5,900.13 FEET FROM THE QUARTER COMMON TO SECTIONS 14 AND 23, T16S, R66W, OF THE SIXTH P.M., EL PASO COUNTY, COLORADO;

THENCE N00°29'47"W ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 24, 977.71 FEET; THENCE N89°31'29"E A DISTANCE OF 658.02 FEET;

THENCE S00°34'05"E A DISTANCE OF 978.63 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 24; THENCE S89°36'16"W ALONG SAID EAST-WEST CENTERLINE, 659.25 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 644,256 SQUARE FEET (14.790 ACRES MORE OR LESS).

DISTRICT NO. 3 LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PORTIONS OF THE SOUTH HALF (S1/2) SECTION 12, PORTIONS OF THE NORTHWEST QUARTER (NW 1/4) SECTION 13, THE EAST HALF (E 1/2) SECTION 13, AND THE NORTHEAST QUARTER (NE 1/4) SECTION 24, SECTION 25 AND THE EAST HALF (E 1/2) OF SECTION 26, ALL IN T16S, R66W, OF THE SIXTH P.M., EL PASO COUNTY, COLORADO, EXCEPT THOSE PARTS CONVEYED TO EL PASO COUNTY BY SPECIAL WARRANTY DEED UNDER RECEPTION NOS. 219042943 AND 219042944, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 11 AND SECTION 14, T16S, R66W;
THENCE N88°40'09"E A DISTANCE OF 2,788 FEET TO THE SECTION CORNER COMMON TO SECTIONS 11, 12, 13, AND 14, T16S, R66W, AND THE POINT OF BEGINNING;

THENCE N00°39'18"W ALONG THE EAST LINE OF AFORESAID SECTION 11 A DISTANCE OF 1,312.70 FEET; THENCE N89°11'58"E A DISTANCE OF 1,197.78 FEET TO THE RIGHT-OF-WAY OF CHARTER OAK RANCH ROAD; THENCE ALONG THE RIGHT-OF-WAY LINES THEREOF THE FOLLOWING THREE (3) COURSES:

- 1) THENCE 38.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 13°36'22", THE CHORD OF 37.91 FEET WHICH BEARS S28°08'29"W TO A POINT OF TANGENT;
- 2) THENCE S21°20'19"W A DISTANCE OF 355.09 FEET;
- 3) THENCE S68°39'41"E A DISTANCE OF 70.00 FEET TO THE SOUTHERLY LINE OF THAT PARCEL DESCRIBED BY SPECIAL WARRANTY DEED UNDER RECEPTION NO. 219042943 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG THE SOUTHERLY LINES THEREOF THE FOLLOWING THREE (3) COURSES:

- 1) THENCE 646.18 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 68°33'42", THE CHORD OF 608.31 FEET WHICH BEARS N55°37'10"E TO A POINT OF TANGENT;
- 2) THENCE N89°54'02"E A DISTANCE OF 356.58 FEET;
- 3) THENCE N88°26'46"E A DISTANCE OF 623.16 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED BY SPECIAL WARRANTY DEED UNDER RECEPTION NO. 219042944 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG THE SOUTHERLY LINES THEREOF THE FOLLOWING SIX (6) COURSES:

- 1) THENCE N88°26'47"E A DISTANCE OF 224.24 FEET;
- 2) THENCE N89°38'21"E A DISTANCE OF 293.10 FEET;
- 3) THENCE N89°04'51"E A DISTANCE OF 753.88 FEET;
- 4) THENCE N86°07'34"E A DISTANCE OF 381.70 FEET;
- 5) THENCE N86°06'37"E A DISTANCE OF 476.16 FEET;

- 6) THENCE N86°06'40"E A DISTANCE OF 471.02 FEET TO THE WESTERLY LINE OF LOT 1 BLOCK 1 "VALLEY VIEW SUBDIVISION" AS RECORDED IN PLAT BOOK O-3 AT PAGE 57 IN THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING FIVE (5) COURSES:

- 1) THENCE S00°57'56"E A DISTANCE OF 25.58 FEET TO THE SOUTH SIXTEENTH CORNER COMMON TO SECTION 7 T16S, R65W AND SECTION 12, T16S, R66W;
- 2) THENCE CONTINUING S00°57'56"E A DISTANCE OF 1,329.72 FEET TO THE SECTION CORNER COMMON TO SECTIONS 7 AND 18, T16S, R65W AND SECTIONS 12 AND 13, T16S, R66W;
- 3) THENCE S00°59'15"E A DISTANCE OF 2,639.23 FEET TO THE QUARTER CORNER (1/4 COR) COMMON TO SECTION 18, T16S, R65W AND SECTION 13, T16S, R66W;
- 4) THENCE S00°59'25"E A DISTANCE OF 2,639.15 FEET TO THE SECTION CORNER COMMON TO SECTIONS 18 AND 19, T16S, R65W AND SECTIONS 13 AND 24, T16S, R66W;
- 5) THENCE S00°46'56"E A DISTANCE OF 2,617.07 FEET TO THE QUARTER CORNER (1/4 COR) COMMON TO SECTION 24, T16S, R66W AND SECTION 19, T16S, R65W AND THE SOUTHWEST CORNER OF SAID LOT 1 BLOCK 1 "VALLEY VIEW SUBDIVISION", SAID POINT ALSO BEING THE SOUTHEAST CORNER OF MINING PERMIT NO. M 1982-155 (AND COINCIDENTAL WITH THE EASTERLY BOUNDARY OF DISTRICT 2);
THENCE ALONG THE BOUNDARY LINES OF SAID MINING PERMIT THE FOLLOWING SEVEN (7) COURSES;
- 1) THENCE S89°36'16"W ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 24, T16S, R66W, 2,636.98 FEET TO THE CENTER QUARTER CORNER THEREOF;
- 2) THENCE N00°29'47"W ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 24 A DISTANCE OF 2,607.23 FEET TO THE QUARTER CORNER COMMON TO SECTIONS 13 AND 24, T16S R66W;
- 3) THENCE N00°44'05"W ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 13 A DISTANCE OF 2,639.25 FEET TO THE CENTER QUARTER CORNER THEREOF;
- 4) THENCE S89°23'39"W ALONG THE EAST-WEST CENTERLINE THEREOF, 600.00 FEET;
- 5) THENCE N28°07'51"W A DISTANCE OF 1,195.30 FEET;
- 6) THENCE S89°23'39"W A DISTANCE OF 1,458.52 FEET TO THE SECTION LINE COMMON TO SECTIONS 13 AND 14;
- 7) THENCE N00°29'26"W ALONG SAID SECTION LINE A DISTANCE OF 1,578.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 32,372,284 SQUARE FEET (743.165 ACRES MORE OR LESS).

BASIS OF BEARINGS:

THE NORTH-SOUTH CENTERLINE OF SECTION 14, T16S, R66W, MONUMENTED ON THE SOUTH AT THE QUARTER CORNER COMMON TO SECTION 14 AND SECTION 23, T16S, R66W, SAID POINT BEING A FOUND STONE, FROM WHICH THE QUARTER CORNER COMMON TO SECTIONS 11 AND SECTION 14, T16S, R66W, MONUMENTED BY A FOUND 3.25" ALUMINUM CAP STAMPED "R G OBERING, T16S R66W, S11, 1/4 COR, S14, 1999, PE & PLS 13226" ON A NO. 6 REBAR BEARS N01°30'28"W A DISTANCE OF 5,285.06 FEET.

