

SPECIAL DISTRICT SERVICE PLAN (Recommend Approval)

Morales moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. ID251

HAVEN VALLEY METROPOLITAN DISTRICT

WHEREAS, 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 Haven Valley Metropolitan District 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 July 17, 2025; 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 Haven Valley 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 Commission 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.

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 District.
6. That existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
7. That the proposed Special District is 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 District has, 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 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 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 District 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 Haven Valley Metropolitan District be approved for the following, subject to the following:

CONDITIONS

1. As stated in the Service Plan, the maximum combined mill levy shall not exceed 60 mills for any property within the Haven Valley Metropolitan District with no more than 50 mills devoted to residential and commercial debt service, and no more than 10 mills devoted to operations and maintenance all subject to the Assessment Rate Adjustment unless the District receives Board of County Commissioners approval to increase the maximum mill levy.
2. As stated in the attached Service Plan, the maximum authorized debt for the Haven Valley Metropolitan District is limited to \$9,000,000.00 until and unless the Districts receive Board of County Commissioners approval to increase the maximum authorized debt.
3. Approval of the Service Plan for the Haven Valley Metropolitan District includes the ability of the District to use eminent domain powers for the acquisition of property to be owned, controlled, or maintained by the District or another 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 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 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. The Haven Valley Metropolitan District 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.
5. The Haven Valley Metropolitan 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).
6. 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.

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.

Whitney seconded the adoption of the foregoing Resolution.

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

Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / <u>recused</u> / absent
Jay Carlson	aye / no / non-voting / recused / <u>absent</u>
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettapelz	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 5 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 17th day of July 2025 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Jay Carlson, Chair

TIM TROWBRIDGE

EXHIBIT A

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NW1/4 OF THE NW 1/4 AND THE NORTH HALF OF THE NE1/4 OF THE NW 1/4 OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, SAID TRACT BEING INCLUSIVE OF THAT CHALLENGER COMMUNITIES, LLC PARCEL OF LAND DESCRIBED IN THAT DOCUMENT RECORDED AT RECEPTION NO. 224074839 OF THE RECORDS OF EL PASO COUNTY, COLORADO, A PORTION OF THAT FOUNTAIN MUTUAL METROPOLITAN DISTRICT PARCEL OF LAND DESCRIBED IN THAT DOCUMENT RECORDED AT RECEPTION NO. 201078268 OF SAID RECORDS AND A PORTION OF THAT PARCEL OF LAND DESCRIBED IN THAT DOCUMENT RECORDED IN BOOK 1779, PAGE 409 OF SAID RECORDS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12 AND CONSIDERING THE NORTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12 TO BEAR S89°44'12"E, 1058.43 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, SAID LINE MONUMENTED AT THE WESTERLY TERMINUS BY A FOUND 2.5" ALUMINUM PIPE WITH A 3.25" ALUMINUM CAP STAMPED "T16S R66W 2 1 11 12 1995 RMLS NO. 19625" AND AT THE EASTERLY TERMINUS BY A FOUND #4 REBAR WITH A 1" YELLOW PLASTIC CAP STAMPED "WKC & ASSOC PLS 14611";

THENCE ALONG SAID NORTH LINE, S89°44'12"E, 539.85 FEET TO THE "TRUE POINT OF BEGINNING;" SAID POINT OF BEGINNING BEING THE NORTHWEST CORNER OF SAID CHALLENGER COMMUNITIES PARCEL, THENCE CONTINUING ALONG THE NORTH LINE OF SAID NW 1/4 OF THE NW 1/4, AND THE NORTHERLY LINE OF THE CHALLENGER COMMUNITIES, LLC PARCEL, S89°44'12"E, 518.58 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) S70°41'33"E, 58.84 FEET;
- 2) S60°02'56"E, 241.03 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, WHENCE THE RADIAL LINE BEARS S 29°58'10" W;

THENCE SOUTHEASTERLY 211.27 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CABLE LANE AS DESCRIBED IN THAT DOCUMENT RECORDED AT RECEPTION NO. 202228876 OF THE RECORDS OF EL PASO COUNTY, COLORADO TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 203.92 FEET, A CENTRAL ANGLE OF 59°21'44", AND BEING SUBTENDED BY A CHORD BEARING S30°20'58"E, 201.95 FEET;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, S00°40'06"E, 18.98 FEET TO THE NORTHEAST CORNER OF LOT 43 OF PHEASANT RUN RANCH FILING NO. 1, THE PLAT THEREOF RECORDED IN PLAT BOOK X3 AT PAGE 18 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO;

THENCE ALONG THE NORTH LINE OF SAID LOT 43 AND ALONG SAID FOUNTAIN MUTUAL METROPOLITAN DISTRICT LANDS, S89°19'54"W, 100.00 FEET TO THE WEST LINE OF SAID PHEASANT RUN RANCH FILING NO. 1 AND THE EAST LINE OF THE CHALLENGER COMMUNITIES, LLC PARCEL;

THENCE ALONG THE COMMON LINES OF THE CHALLENGER COMMUNITIES, LLC PARCEL AND PHEASANT RUN RANCH FILING NO. 1, S00°40'06"E, 324.99 FEET TO THE NORTHEAST CORNER OF LOT 37 OF PHEASANT RUN RANCH FILING NO. 1;

THENCE ALONG THE NORTH LINE OF PHEASANT RUN RANCH FILING NO. 1, THE SOUTH LINE OF THE CHALLENGER COMMUNITIES PARCEL AND ALONG THE NORTH LINE OF THE "SUBDIVISION OF TRACT NO. 1 REFILED OF SECURITY, COLORADO ADDITION NO. 4 EL PASO COUNTY, COLORADO", THE PLAT THEREOF RECORDED IN PLAT BOOK Z AT PAGE 76 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, S89°58'19"W, 779.82 FEET TO THE SOUTHWEST CORNER OF THE CHALLENGER COMMUNITIES, LLC PARCEL;

THENCE ALONG THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN BOOK 1779 AT PAGE 409 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, S89°58'19"W, 298.53 FEET; THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE WESTERLY AND NORTHERLY LINES OF THAT EASEMENT DESCRIBED AS PARCEL "B", IN THAT DOCUMENT RECORDED AT RECEPTION NO. 212132859 OF THE RECORDS OF EL PASO COUNTY, COLORADO:

1. THENCE N00°05'21"W, 14.68 FEET;
2. THENCE N89°54'39"E, 53.51 FEET;
3. THENCE N00°05'21"W, 89.87 FEET;
4. THENCE N43°44'34"E, 288.41 FEET
5. THENCE N89°56'48"E, 41.43 FEET TO THE WEST LINE OF THE CHALLENGER COMMUNITIES, LLC PARCEL;

THENCE ALONG SAID WEST LINE N00°47'43"W, 349.08 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 13.053 ACRES OR 568,607 SQUARE FEET, MORE OR LESS.

