



## CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd., Colorado Springs, CO 80915-2842

Telephone: (719) 597-5080 Fax: (719) 597-5145

November 6, 2020

Mr. Ryan Howser  
Engineer  
El Paso County  
2880 International Circle, Suite 110  
Colorado Springs, Colorado 80910

RE: Water Reclamation Facility Reverse Osmosis Project – Title Commitment

Dear Mr. Howser,

Thank you for meeting with Cherokee and Garney Construction on November 4, 2020 to discuss requirements for El Paso County's review of our Reverse Osmosis project addition at our 19174 Drennan Road Water Reclamation Facility (WRF).

As we discussed in our meeting, enclosed is the 2004 Title Commitment used when Cherokee purchased the property where the Reverse Osmosis project is located. No additional easements have been recorded since this document was executed.

We appreciate your assistance with this project.

Thank you,

A handwritten signature in black ink, appearing to read "Jeff K. Munger".

Jeff K. Munger PE, PMP  
Water Resource Engineer  
Cherokee Metropolitan District  
6250 Palmer Park Boulevard  
Colorado Springs, CO 90815  
Office: 719-597-5080 Ext. 115  
Mobile: 719-499-2683

Encl: Unified Title Company WRF 2004 Title Commitment  
2004 Warranty Deed

Ec: Amy Lathen, General Manager, Cherokee Metropolitan District



**UNIFIED TITLE COMPANY**  
**WORKING TOGETHER TO SERVE YOU BETTER**  
**AGENT FOR: United General Title Insurance Company**

104 S. Cascade Ave., Suite 212  
Colorado Springs, CO 80903-5102  
(719)578-5900 FAX:(719)578-5060

7075 Campus Dr., Suite 102  
Colorado Springs, CO 80920-6524  
(719)531-6262 FAX (719) 531-7108

E Mail: [info@unifiedtitle.com](mailto:info@unifiedtitle.com)

DATE: November 16, 2004  
ORDER NO.: 53091  
PROPERTY ADDRESS: 19275 ENOCH ROAD  
SCHEDULE NO.: 35000-00-008  
BUYER/BORROWER: CHEROKEE METROPOLITAN DISTRICT

SELLER: BOB VANDIEST REVOCABLE TRUST OF JANUARY 27, 1999

PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:

- TO: CHEROKEE METROPOLITAN DISTRICT  
ATTN: F. STUART LOOSLEY, 1335 VALLEY ST.  
COLORADO SPRINGS, Colorado 80915 Attn:
- TO: BOB VANDIEST REVOCABLE TRUST OF JANUARY 27, 1999  
P.O. BOX 610  
WEBSTER CITY, Iowa 50595 Attn:
- TO: UNIFIED TITLE COMPANY  
104 S. CASCADE AVE, STE 212  
COLORADO SPRINGS, Colorado 80903 Attn: LERAE WAGNER
- TO: Attn:
- TO: Attn:
- TO: Attn:
- TO: Attn:

CLOSING QUESTIONS: LeRae Jean Wagner  
TITLE QUESTIONS: Steve Owens  
ACCOUNT REP.: U T C

ENCLOSED PLEASE FIND THE FOLLOWING IN CONNECTION WITH THE ABOVE CAPTIONED ORDER. THANK YOU.

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> COMMITMENT | <input type="checkbox"/> OWNERS TITLE POLICY           |
| <input type="checkbox"/> INVOICE               | <input type="checkbox"/> MORTGAGEE TITLE POLICY        |
| <input type="checkbox"/> ENDORSEMENT           | <input type="checkbox"/> FINAL AFFIDAVIT AND AGREEMENT |
| <input type="checkbox"/> TAX CERTIFICATE       | <input type="checkbox"/> OTHER                         |
- \*\*WIRE TRANSFER INSTRUCTIONS ENCLOSED

CO. M. MENT FOR TITLE INSURANCE

SCHEDULE A

Commitment No. 53091

REVISION NO. 1

1. Effective Date: November 9, 2004 at 7:30 A.M.

2. Policy or Policies to be issued:	Amount	Premium
a) ALTA Owner's Policy - Proposed Insured:	\$240,000.00	\$955.00

CHEROKEE METROPOLITAN DISTRICT

b) ALTA Loan Policy - Proposed Insured:

TOTAL

\$955.00

3. The estate or interest in the land described or referred to in this Commitment and covered herein is FEE SIMPLE and title thereto is at the effective date hereof vested in:

BOB VANDIEST REVOCABLE TRUST OF JANUARY 27, 1999

4. The land referred to in the Commitment is described as follows:

THE SW ¼ OF SECTION 8 IN TOWNSHIP 15 SOUTH, RANGE 63 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO.

FOR INFORMATIONAL PURPOSES: PURPORTED STREET ADDRESS:  
19275 ENOCH ROAD, COLORADO SPRINGS, CO

**SCHEDULE B -1 Requirements**

The following are the requirements to be complied with:

Payment to or for the account of the Grantors or Mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. Deed from owner to purchaser.
2. Statement of Authority, which is authorized by C.R.S. Section 38-30-172, signed by the trustee of Bob VanDiest Revocable Trust of January 27, 1999. (NOTE: Statement of Authority should state (1) the name of the trust, (2) its identity as a trust and the State or other governmental authority under whose law it was formed, (3) a mailing address for the trust, and (4) the name or position of the person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the trust (the trustee).

**FOR INFORMATION**

- (1) Colorado Insurance Regulation 89-2, Paragraph C of Article VII requires that "Every title entity shall be responsible for all matters which appear of public record prior to the time of recording whenever the title entity conducts the closing is responsible for recording or filing of legal documents resulting from the transaction which was closed."
- (2) Exception Number 4 of Schedule B, Section 2 may be deleted from the Owner's Policy upon compliance with the following conditions:
  - A. The land described in Schedule A of this Commitment must be a single family residence, including a condominium or townhouse unit.
  - B. No labor nor materials must have been furnished by mechanic's or materialmen's lien for purposes of construction on the land described in Schedule A of this Commitment within the past 13 months.
  - C. Receipt by this Company of an appropriate Affidavit indemnifying it against unfiled mechanic's and materialmen's liens.
  - D. Any deviation from conditions A through C above are subject to any additional requirements of information as the Company may deem necessary.
- (3) Pursuant to Colorado Revised Statutes, Section 10-11-122, we are making you aware of the following:
  - (i) The subject property may be located in a special taxing district;
  - (ii) A certificate of taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent;
  - (iii) Information regarding special districts and the boundaries of such districts shall be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.
- (4) Pursuant to Colorado Revised statutes Section 10-11-123 the Company hereby notifies the proposed buyer in the current transaction that there is recorded evidence that the mineral estate, or a portion thereof, has been severed, leased or otherwise conveyed from the surface estate. There is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission.

**SCHEDULE B-2 Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company.

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Any and all matters pertaining to water and water rights.
7. Any and all unpaid taxes and assessments as may be indicated by a tax certificate when obtained.
8. Reservations contained in Patent(s) recorded in Book 165 at Page 178 as follows: There is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.
9. Reservation by The United States of America in Patents recorded in Book 165 at Page 178 of all coal under said lands together with the right of surface entry.
10. Except 60 foot right of way to El Paso County along all section lines as recorded in Road Record A at Page 78 being 30 feet on each side of each section line.
11. Right of way and easement granted to El Paso County Telephone Company in instrument recorded in Book 2404 at Page 582.
12. Notice concerning underground facilities of Mountain View Electric Association, Inc. recorded in Book 3718 at Page 812.
13. Right of way and easement granted to Mountain View Electric Association, Inc. in instrument recorded at Reception No. 203217188.





WARRANTY DEED

THIS DEED, made this day of November 19, 2004, between BOB VANDIEST REVOCABLE TRUST OF JANUARY 27, 1999

AFTER RECORDING RETURN TO:

F. Stuart Loosley  
1335 Valley St  
Colorado Springs CO 80915

of the County of Hamilton and State of IOWA, grantor, and  
CHEROKEE METROPOLITAN DISTRICT

80915

whose legal address is ATTN: F. STUART LOOSLEY, 1335 VALLEY ST., COLORADO SPRINGS of the County of EL PASO and State of Colorado, grantees:

WITNESSETH, that the grantor, for and in consideration of the sum of \$240,000.00 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, together with improvements, if any, situate, lying and being in the County of El Paso and State of Colorado, described as follows:

THE SW ¼ OF SECTION 8 IN TOWNSHIP 15 SOUTH, RANGE 63 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO.

DF. 24.00

also known by street and number as 19275 ENOCH ROAD, COLORADO SPRINGS, Colorado,

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, EXCEPT FOR TAXES FOR THE CURRENT YEAR, A LIEN BUT NOT YET DUE OR PAYABLE, EASEMENTS, RESTRICTIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD, IF ANY,

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. the singular number shall include the plural, the plural the singular, and any gender shall be applicable to all genders.

IN WITNESS WHEREOF the grantor has executed this deed on the date set forth above.

BOB VANDIEST REVOCABLE TRUST OF  
JANUARY 27, 1999

Attest:

By: Robert A. Van Diest, Trustee  
ROBERT A. VAN DIEST, TRUSTEE

STATE OF IOWA

COUNTY OF Hamilton

), ss.

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of NOVEMBER 2004

By:

ROBERT A. VAN DIEST, TRUSTEE OF THE ROBERT VAN DIEST REVOCABLE TRUST OF JANUARY 27, 1999

My Commission expires:

Witness my hand and official seal.



Daleene L Schlitter  
Notary Public



## Property Information

Database Updated: 03/30/2005

**Parcel No:** 3500000275  
**Owner Name:** CHEROKEE METROPOLITAN DISTRICT  
 ATTN F STUART LOOSLEY  
**Location:** 0 8-15-63  
**Mailing Address:** 1335 VALLEY ST  
 COLORADO SPRINGS CO 80915-

### ***Legal Description***

SW4 SEC 8-15-63

### ***Market Information***

( Levy Year: 2004 Mill Levy: 64.494 Exempt Status: Fully Exempt )

Table	Use Code	Market Value	Assessed Value	Exempt
Land	POLITICAL SUBDIVISION	2792	0	EX
<b>Total Value \$</b>		2792	0	

### ***Tax Entity Information***

( District: KBX )  
 EL PASO COUNTY  
 EPC ROAD & BRIDGE (UNSHARED)  
 ELLICOTT SCHOOL DISTRICT NO 22  
 PIKES PEAK LIBRARY  
 ELLICOTT FIRE DISTRICT  
 EL PASO COUNTY CONSERVATION DIST

### ***Sale Information***

Seq #	Sale Date	Sale Price	Sale Type
1	11/30/2004	240000	-

### ***Land Information***

Seq	Use	Ex	Area
1	POLITICAL SUBDIVISION	EX	160 acres

### ***Residential Information***