

SPECIAL DISTRICT (Recommend Approved)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO  
RESOLUTION NO. ID-19-004  
Saddlehorn Metropolitan Districts Nos. 1-3**

WHEREAS, ROI Properties, 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 Saddlehorn Metropolitan Districts 1-3; and

WHEREAS, a public hearing was held by this Commission on July 2, 2019; 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 Click here to enter text. 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. 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 its 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 as defined in C.R.S §32-1-204 and the El Paso County Land Development Code.
11. The proposal is in substantial compliance with a Master Plan adopted pursuant to Colorado Revised Statutes Section 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 that the El Paso County Planning Commission recommends the service plan for Saddlehorn Metropolitan Districts Nos. 1-3 be approved for the following, subject to the following:

**CONDITIONS OF APPROVAL**

1. As stated in the proposed service plan, the maximum combined mill levy shall not exceed 65 mills for any property within the Districts, with no more than 50 mills devoted to debt service, not more than 10 mills devoted to operations and maintenance, and 5 mills for covenant enforcement until and unless the Districts receive Board of County Commissioner approval to increase the maximum mill levies.
2. As stated in the attached service plan, the maximum authorized debt for the Districts shall be limited to \$45 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.
3. The approval of the Districts includes the use of eminent domain powers by the Districts for the acquisition of property that the Districts intend to be owned, controlled, or maintained by the Districts or other 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 a recommendation by the Board of County Commissioners at a publicly noticed hearing that the use of eminent domain is necessary in order 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.

4. As stated in the attached Service Plan, any future annexation of territory by the Districts (any territory more than five (5) miles from any District boundary line) shall be considered a material modification of the Service Plan and shall require prior Board of County Commissioners' approval.
5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. The developer shall provide written notation on each subsequent final plat associated with the development of the 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.
6. 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 service plan, pursuant to C.R.S. § 32-1-1101(1)(f)(I).
7. As stated in the attached service plan, approval of the proposed service plan hereby gives the Districts the express authority of covenant enforcement, including the imposition of fees for such enforcement.
8. As stated in the attached service plan, the Districts shall not have the authority to apply for or utilize any Conservation Trust ("Lottery") funds without the express prior consent of the Board of County Commissioners. The Districts shall have the authority to apply for and receive any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants.
9. 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 at the final plat stage to guarantee the construction of improvements.

## NOTATIONS

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.
2. 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 (a.k.a. "1041 Regulations).

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.

Commissioner Blea-Nunez seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Creely	aye
Commissioner Curry	aye
Commissioner Blea-Nunez	aye
Commissioner Trowbridge	aye
Commissioner Lucia-Treese	aye

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: July 2, 2019



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Brian Risley, Chair

## APPENDIX A

### LEGAL DESCRIPTION OF DISTRICT BOUNDARIES - DISTRICT NO. 1

A parcel of land located in Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, being more particularly described as follows:

**COMMENCING** at the Northeast corner of said Section 3; thence along the North line of said Section 3, N89°59'23"W, (Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6th Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 764.87 feet; thence leaving the North line of said Section 3 at a right angle, S00°00'37"W, a distance of 2,458.76 feet, to the **POINT OF BEGINNING**; thence S89°59'52"E, a distance of 337.40 feet; thence S00°10'38"E, a distance of 332.74 feet; thence S89°59'32"W, a distance of 334.22 feet; thence N00°43'26"W, a distance of 332.82 feet, to the **POINT OF BEGINNING**.

Containing 111,746 S.F. or 2.565 acres, more or less.

### LEGAL DESCRIPTION OF DISTRICT BOUNDARIES - DISTRICT NO. 2

A parcel of land located in Section 3 and Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, being more particularly described as follows:

**COMMENCING** at the Northwest corner of said Section 3; thence along the West line of said Section 3, S00°32'28"E, (Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6th Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 2,719.92 feet; thence leaving the West line of said Section 3 at a right angle, S89°27'32"W, a distance of 30.00 feet to a point on East right-of-way line of Curtis Road, and the **POINT OF BEGINNING**; thence N89°54'33"E, a distance of 411.76 feet; thence S89°27'49"E, a distance of 58.11 feet; thence N89°54'03"E, a distance of 305.40 feet; thence along the arc of a non-tangent curve to the right, whose center bears S00°00'00"E, having a radius of 779.79 feet, a central angle of 18°45'16", a distance of 255.25 feet; thence S71°14'52"E, a distance of 260.85 feet; thence along the

arc of a non-tangent curve to the right, whose center bears S19°04'00"W, having a radius of 2,919.37 feet, a central angle of 12°29'08", a distance of 636.17 feet; thence S58°08'00"E, a distance of 223.80 feet; thence S58°08'00"E, a distance of 60.04 feet; thence N29°38'31"E, a distance of 450.98 feet; thence S66°12'08"E, a distance of 147.07 feet; thence along the arc of a non-tangent curve to the right, whose center bears S06°40'58"E, having a radius of 121.09 feet, a central angle of 73°34'36", a distance of 155.50 feet; thence S15°47'40"E, a distance of 89.57 feet; thence S71°12'11"E, a distance of 135.13 feet; thence S73°45'53"E, a distance of 173.81 feet; thence S83°26'02"E, a distance of 70.67 feet; thence S74°48'43"E, a distance of 39.19 feet; thence S85°38'01"E, a distance of 120.03 feet; thence S89°55'23"E, a distance of 169.67 feet; thence S32°45'49"W, a distance of 179.09 feet; thence S13°40'22"E, a distance of 171.43 feet; thence S48°07'46"E, a distance of 319.88 feet; thence S04°16'52"E, a distance of 119.45 feet; thence S16°34'05"W, a distance of 264.06 feet; thence S27°00'14"E, a distance of 61.75 feet; thence S86°49'39"E, a distance of 102.30 feet; thence S20°24'00"E, a distance of 4.06 feet; thence S22°26'23"E, a distance of 43.29 feet; thence S15°37'39"E, a distance of 57.65 feet; thence S17°01'53"E, a distance of 44.47 feet; thence S36°09'32"E, a distance of 117.07 feet; thence along the arc of a non-tangent curve to the left, whose center bears N44°36'18"E, having a radius of 175.00 feet, a central angle of 19°58'18", a distance of 61.00 feet; thence S55°13'47"W, a distance of 108.86 feet; thence N46°15'27"W, a distance of 229.97 feet; thence S80°50'47"W, a distance of 56.75 feet; thence S13°08'16"E, a distance of 233.71 feet; thence S20°15'42"W, a distance of 464.96 feet; thence along the arc of a non-tangent curve to the right, whose center bears S84°57'58"W, having a radius of 660.63 feet, a central angle of 05°34'52", a distance of 64.35 feet; thence S00°05'24"W, a distance of 395.27 feet, to a point on the South line of said Section 3, also being the North line of said Section 10, said point being distant, S89°33'13"W, 2005.96 feet from the Northeast corner of said Section 10; thence leaving said North line, thence S00°05'24"W, a distance of 30.67 feet; thence S83°39'27"E, a distance of 331.46 feet; thence S55°12'14"E, a distance of 112.42 feet; thence S00°06'02"E, a distance of 195.68 feet; thence S00°00'28"E, a distance of 154.15 feet; thence S13°04'44"W, a distance of 147.26 feet; thence S00°00'28"E, a distance of 309.49 feet; thence S00°00'28"E, a distance of 316.56 feet; thence S05°19'15"E, a distance of 64.76 feet, to a point on the South line of the North 1/2 of the North 1/2 of said Section 10, being distant, S89°37'46"W, 1,603.46 feet from the N1/16 corner of said Section 10 and Section 11 of said Township and Range; thence along said South line, S89°28'15"W, a distance of 1,039.32 feet; thence S89°34'07"W, a distance of 2612.73 feet, to a point being distant, N89°34'07"E, 30.00 feet from the N1/16 corner of said Section 10 and Section 9 of said Township and Range; thence N00°05'52"E, a distance of 1,319.15 feet, to a point being distant N89°33'13"E, 30.00 feet from the Northwest corner of said Section 10, also being the Southwest corner of said Section 3; thence N00°32'28"W, a distance of 2,787.39 feet, to the **POINT OF BEGINNING**.

Containing 13,339,626 S.F. or 306.236 acres, more or less.

### LEGAL DESCRIPTION OF DISTRICT BOUNDARIES -

A parcel of land located in Section 3 and Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, being more particularly described as follows:

**COMMENCING** at the Northwest corner of said Section 3; thence along the north line of said Section 3, N89°59'23"W (Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 78.90 feet; thence leaving said North line of Section 3 at a right angle, S00°00'37"W, a distance of 50.00 feet to the South right-of-way line of Judge Orr Road and to the **POINT OF BEGINNING**; thence along said South right-of-way line, S89°59'23"E, a distance of 822.24 feet; thence continuing along said South right-of-way line, N00°00'37"E, a distance of 20.00 feet; thence continuing along said South right-of-way line S89°59'23"E, a distance of 4374.49 feet to a point on the East line of said Section 3; thence leaving said South right-of-way line, along said East line, S00°42'27"E, a distance of 5,435.28 feet to the Northeast corner of said Section 10; thence along the East line of said Section 10, S00°19'53"W, a distance of 1320.51 feet to the North 1/16 corner of said section 10 and section 11; thence along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°37'46"W, a distance of 1,603.46 feet; thence leaving said South line, N05°19'15"W, a distance of 64.76 feet; thence N00°00'28"W, a distance of 316.56 feet; thence N00°00'28"W, a distance of 309.49 feet; thence N13°04'44"E, a distance of 147.26 feet; thence N00°00'28"W, a distance of 154.15 feet; thence N00°06'02"W, a distance of 195.68 feet; thence N55°12'14"W, a distance of 112.42 feet; thence N83°39'27"W, a distance of 331.46 feet; thence N00°05'24"E, a distance of 30.67 feet to a point on the south line of said section 3, being distant S89°40'07"E 2,005.77 feet from a point on the east line of said Section 3 thence N00°05'24"E, a distance of 395.27 feet; thence along the arc of a non-tangent curve to the left, whose center bears N89°27'10"W, having a radius of 660.63 feet, a central angle of 05°34'52", a distance of 64.35 feet; thence N20°15'42"E, a distance of 464.96 feet; thence N13°08'16"W, a distance of 233.71 feet; thence N80°50'47"E, a distance of 56.75 feet; thence S46°15'27"E, a distance of 229.97 feet; thence N55°13'47"E, a distance of 108.86 feet; thence along the arc of a non-tangent curve to the right, whose center bears N24°38'00"E, having a radius of 175.00 feet, a central angle of 19°58'18", a distance of

61.00 feet; thence N36°09'32"W, a distance of 117.07 feet; thence N17°01'53"W, a distance of 44.47 feet; thence N15°37'39"W, a distance of 57.65 feet; thence N22°26'23"W, a distance of 43.29 feet; thence N20°24'00"W, a distance of 4.06 feet; thence N86°49'39"W, a distance of 102.30 feet; thence N27°00'14"W, a distance of 61.75 feet; thence N16°34'05"E, a distance of 264.06 feet; thence N04°16'52"W, a distance of 119.45 feet; thence N48°07'46"W, a distance of 319.88 feet; thence N13°40'22"W, a distance of 171.43 feet; thence N32°45'49"E, a distance of 179.09 feet; thence N89°55'23"W, a distance of 169.67 feet; thence N85°38'01"W, a distance of 120.03 feet; thence N74°48'43"W, a distance of 39.19 feet; thence N83°26'02"W, a distance of 70.67 feet; thence N73°45'53"W, a distance of 173.81 feet; thence N71°12'11"W, a distance of 135.13 feet; thence N15°47'40"W, a distance of 89.57 feet; thence along the arc of a non-tangent curve to the left, whose center bears S66°53'37"W, having a radius of 121.09 feet, a central angle of 73°34'36", a distance of 155.50 feet; thence N90°00'00"E, a distance of 0.00 feet; thence N66°12'08"W, a distance of 147.07 feet; thence S29°38'31"W, a distance of 450.98

feet; thence N58°08'00"W, a distance of 60.04 feet; thence N58°08'00"W, a distance of 223.80 feet; thence along the arc of a non-tangent curve to the left, whose center bears S31°33'08"W, having a radius of 2919.37 feet, a central angle of 12°29'08", a distance of 636.17 feet; thence N71°14'52"W, a distance of 260.85 feet; thence along the arc of a curve to the left, having a radius of 779.79 feet, a central angle of 18°45'16", a distance of 255.25 feet; thence S89°54'03"W, a distance of 305.40 feet; thence S89°59'12"W, a distance of 469.87 feet, to a point on the East right-of-way line of Curtis road; thence along said East right-of-way line, N00°32'28"W, a distance of 1526.43 feet; thence N89°27'32"E, a distance of 19.98 feet; thence N00°32'28"W, a distance of 820.00 feet; thence N44°46'13"E, a distance of 40.00 feet to the

**POINT OF BEGINNING.**

Containing 22,223,841 S.F. or 510.189 acres, more or less.

Excluding the Parcel of Land Described as follows:

**COMMENCING** at the Northeast corner of said Section 3; thence along the North line of said Section 3, N89°59'23"W, (Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6th Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of



S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 764.87 feet; thence leaving the North line of said Section 3 at a right angle, S00°00'37"W, a distance of 2,458.76 feet, to the **POINT OF BEGINNING**; thence S89°59'52"E, a distance of 337.40 feet; thence S00°10'38"E, a distance of 332.74 feet; thence S89°59'32"W, a distance of 334.22 feet; thence N00°43'26"W, a distance of 332.82 feet, to the **POINT OF BEGINNING**.

Containing 111,746 S.F. or 2.565 acres, more or less.