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RESOLUTION NO. 19-413

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

RESOLUTION TO APPROVE THE SERVICE PLAN AMENDMENT FOR THE
COLORADO CENTRE METROPOLITAN DISTRICT (ID-19-007)

WHEREAS, the Colorado Centre Metropolitan District 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 an amendment to the service plan for the Colorado Centre Metropolitan District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 5, 2019, upon which date the Planning Commission did by formal resolution recommend approval of the subject Service Plan amendment with conditions and a notation(s); and

WHEREAS, on November 12, 2019, 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 October 23, 2019 as required by law; and

WHEREAS, notice of the hearing before the Board was duly mailed by first class mail, to interested persons, defined as: The owners of record of all property within the proposed Title 32 district as such owners of record are listed in the proposed service plan; and the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the proposed district's boundaries; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the Board held a public hearing on the Service Plan for the District on November 12, 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 The Colorado Centre 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 Board finds as follows:



Office of County Clerk and Recorder, El Paso County, State of Colorado.
Certified to be a full, true and correct copy of record in my office.

Instrument: 219151454 Book: _____ Page: _____

Date: 12/06/2019 By: Mary K. Arica Deputy Clerk

Chuck Broerman, El Paso County, CO Clerk & Recorder

1. That the application for the service plan amendment for the Special District was properly submitted for consideration by the Planning Commission and Board of County Commissioners.
2. That proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. That the hearings before the Planning Commission and the Board of County Commissioners of El Paso County were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at those hearings.
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 Special District.
6. Existing service in the area to be served by the 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 the proposed boundaries.
8. The area to be included in the 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 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.
11. The proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. §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 amendment to the Special District will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners, Colorado, hereby determines that the requirements of Sections 32-1-207, C.R.S., relating to the modification of a service plan for the Colorado Centre Metropolitan District have been fulfilled in a timely manner;

BE IT FURTHER RESOLVED the Board hereby approves the Service Plan amendment submitted for the Colorado Centre Metropolitan District, for property more particularly described in Exhibit A, which is attached hereto and incorporated by reference;

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

CONDITIONS OF APPROVAL

1. Any future annexation of territory by the District (any territory more than five (5) miles from the District boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
2. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. Such notice shall be recorded with this service plan. With each subsequent final plat associated with the Colorado 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.
3. 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).
4. 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 improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.
5. Any expansions, extensions, or construction of new facilities by the District will require prior review by the Development Services 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). If it is determined that such regulations apply, then the District will be required to submit the appropriate development permit application(s) prior to construction.

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 for any property within the District's service area.

AND BE IT FURTHER RESOLVED, the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

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 repealed.

DONE THIS 12th day of November, 2019, at Colorado Springs, Colorado.

ATTEST

By: Chad J. Biscaman
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO


By: 
Chair

Exhibit A

LEGAL DESCRIPTION

COLORADO CENTRE METROPOLITAN DISTRICT

A tract of land being a portion of Section 35, Township 14 South, Range 65 West and Sections 2, 11, 12, 13, 14, 15, 16, 21, and 22, Township 15 South, Range 65 West, all of the Sixth Principal Meridian, El Paso County, Colorado, described as follows:

BEGINNING at the southwest corner of the Banning Lewis Ranch as Annexed into the City of Colorado Springs as recorded in Book 5557 at Page 405 of the records of El Paso County, Colorado;

Thence, N 00° 09' 02" E, 5160.70 feet;

Thence, N 00° 15' 30" E, 3638.69 feet;

Thence, N 00° 19' 58" E, 7067.27 feet;

Thence, N 89° 56' 36" E, 4580.37 feet;

Thence, N 89° 56' 39" E, 1529.05 feet;

Thence, S 00° 04' 08" E, 49.50 feet;

Thence, N 89° 55' 52" E, 49.50 feet;

Thence, N00° 43' 42" E, 49.50 feet;

Thence, N 89° 56' 36" E, 3063.85 feet;

Thence, N 00° 36' 05" E, 2651.47 feet;

Thence, N 89° 35' 16" E, 1333.25 feet;

Thence, N 89° 55' 24" E, 2667.99 feet;

Thence, S 00° 32' 11" W, 2651.65 feet;

Thence, S 89° 50' 35" W, 338.33 feet;

Thence, N 00° 32' 34" E, 33.60 feet;

Thence, S 89° 58' 31" W, 2317.96 feet;

Thence, S 89° 58' 57" W, 753.79 feet;

Thence, S 04° 37' 33" E, 207.62 feet;

Thence, S 37° 09' 04" W, 1605.00 feet;

Thence, S 06° 25' 04" W, 2540.00 feet;

Thence, S 89° 45' 38" E, 1964.45 feet;

Thence, S 00° 11' 01" W, 1319.06 feet;

Thence, S 00° 25' 10" W, 2642.22 feet;

Thence, S 89° 53' 31" E, 2665.97 feet;

Thence, N 89° 52' 37" E, 1323.82 feet;

Thence, S 00° 28' 13" W, 2644.70 feet;

Thence, N 89° 54' 19" E, 1323.81 feet;

Thence, S 00° 13' 22" W, 2634.56 feet;

Thence, N 89° 58' 42" W, 2654.31 feet;

Thence, N 89° 48' 51" W, 5301.72 feet;

Thence, S 89° 56' 35" W, 496.40 feet;

Thence, S 89° 56' 35" W, 210.20 feet;

Thence, S 89° 56' 35" W, 1927.50 feet;

Thence, S 00° 09' 37" W, 2666.48 feet;

Thence, S 89° 55' 53" W, 2631.56 feet;

Thence S 89° 50' 47" W, 2645.88 to the POINT OF BEGINNING.

AREA = 4,183 acres more or less.

SERVICE PLAN AMENDMENT

COLORADO CENTRE METROPOLITAN DISTRICT

1. Amend the first sentence of Section 1.0 (Introduction) of Part I to read as follows (with proposed changes in **bold text** and ~~strike through text~~):

It is intended that the ~~proposed~~ Colorado Centre Metropolitan District provide the following services and/or facilities: water, wastewater, storm sewer and drainage, **fire protection**, streets, street lights, traffic signals, bridges, parks and recreation, mosquito control and safety protection.