

RESOLUTION NO. \_\_\_\_\_ - 24

A RESOLUTION ALLOWING WATERVIEW NORTH METROPOLITAN DISTRICT NOS. 1 AND 2 (THE "DISTRICT") TO INCLUDE CERTAIN PROPERTY OUTSIDE OF COLORADO SPRINGS CITY LIMITS INTO THE DISTRICT'S BOUNDARIES

WHEREAS, City Council received a Petition for Inclusion of Property, attached hereto and made a part of this Resolution as Exhibit "A", (the "Petition") filed pursuant to C.R.S. § 32-1-401 for the inclusion of certain property described in the Petition (the "Property") into the Waterview North Metropolitan District Nos. 1 and 2 (the "District"); and

WHEREAS, in accord with the law, a public notice of the Petition has been given and published by the District, calling for a public hearing on the inclusion request set forth in the Petition, proof of publication for which is attached hereto and made a part of this Resolution as Exhibit "B"; and

WHEREAS, the Property sought to be included into the District is located entirely outside the City of Colorado Springs ("the "City"), adjacent to the City boundary and inside unincorporated El Paso County, Colorado (the "County"), and does not include property within any other incorporated city, county, or city and county; and

WHEREAS, this inclusion would require a material modification of the Consolidated Service Plan for Waterview North Metropolitan District Nos. 1 and 2, as amended, (the "Service Plan") to be approved by City Council per C.R.S. § 32-1-207.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. City Council finds and determines that it has jurisdiction in this matter pursuant to the Special District Act, Article 1 of Title 32, C.R.S. (the "Act").

Section 3. City Council finds and determines that the change in boundaries of the District as proposed in the Petition does not adversely affect the District.

Section 4. Pursuant to C.R.S. § 32-1-207, City Council approves the material modification of the Service Plan, grants the Petition, and approves the inclusion of the Property into the boundaries of the District, subject to the terms and conditions set forth in this Resolution.

Section 5. City shall retain the authority over the District set forth in C.R.S. § 32-1-101 et seq. and other applicable laws and regulations, and not cede the same to the County.

Section 6. The District shall not exercise any eminent domain authority within the County's jurisdiction without the County's prior written approval.

Section 7. The District shall not provide fire protection services within the County's jurisdiction without the County's prior written approval. The Service Plan shall be amended to authorize and provide for the design, financing, acquisition, construction, installation, operation, maintenance, repair, and replacement of fire hydrants and related improvements within the County's jurisdiction by the District. The County may require the District to enter into an intergovernmental agreement with any applicable fire protection district.

Section 8. For property within the District's boundaries that is also within the County's jurisdiction, the District shall provide services related to the operation, maintenance, repair, and replacement of fire hydrants and related Public Improvements for the benefit and use of the applicable fire protection district. The District shall provide water service improvements to improve flow for fire response.

Section 9. Any Public Improvements the District wishes to construct or services the District wishes to perform within the County shall first be approved by the City and County. Where possible, Public Improvements shall comply with the laws, regulations, policies, and practices of both the City and the County, such that there is a seamless transition of infrastructure and services within the District and between City and County jurisdictions. Where the same cannot be reconciled, City laws, regulations, policies, and practices shall apply within the City's jurisdiction and the County's laws, regulations, policies, and practices shall apply within the County's jurisdiction.

Section 10. The City's approval of the material modification of the Service Plan and the inclusion of the Property is not a waiver of, nor a limitation upon, any power that the City is legally permitted to exercise with respect to the property subject to the District.

Section 11. This Resolution shall be in full force and effect immediately upon its adoption.

DATED at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Randy Helms, Council President

ATTEST:

\_\_\_\_\_  
Sarah Johnson, City Clerk

EXHIBIT A  
PETITIONS

PETITION FOR INCLUSION OF PROPERTY

(4.18 Acre Parcel)

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TO: THE BOARD OF DIRECTORS OF THE  
WATERVIEW NORTH METROPOLITAN DISTRICT NO. 1,  
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

Pursuant to the provisions of §§ 32-1-401, *et seq.*, C.R.S., ROS Equity Holdings - Independence, LLC n/k/a RJ Development, LLC, a Colorado limited liability company (the "Petitioner"), hereby respectfully requests that the WATERVIEW NORTH METROPOLITAN DISTRICT NO. 1 (the "District"), by and through its Board of Directors, include the real property described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), into the boundaries of the District.

The Petitioner hereby represents and warrants to the District that it is the one hundred percent (100%) fee owner of the Property and that no other person, persons, entity, or entities own an interest therein except as beneficial holders of encumbrances, if any. The Petitioner hereby assents to the inclusion of the Property into the boundaries of the District and to the entry of an Order by the District Court in and for El Paso County, including the Property into the boundaries of the District.

The Petitioner hereby acknowledges that, without the consent of the Board of Directors of the District, it cannot withdraw its Petition once the notice of the public hearing on the Petition has been published.

The name and address of the Petitioner are as follows:

ROS Equity Holdings - Independence, LLC n/k/a RJ Development, LLC,  
17 S Wahsatch Ave.  
Colorado Springs, CO 80903

*Remainder of page intentionally left blank. Signature page follows.*

PETITIONER:

ROS EQUITY HOLDINGS - INDEPENDENCE, LLC N/K/A RJ DEVELOPMENT, LLC, a Colorado limited liability company

[Signature]

Printed Name: Raymond F. O'Sullivan

Title:

STATE OF COLORADO )  
 ) ss.  
COUNTY OF El Paso )

The above and foregoing instrument was acknowledged before me this 10<sup>th</sup> day of May of 2022, as Raymond F. O'Sullivan, Manager of Ros Equity Holdings.

WITNESS my hand and official seal.  
**NOTARY PUBLIC**  
STATE OF COLORADO  
NOTARY ID 20224029992  
(SUBMISSION EXPIRES 8/2/26)

[Signature]  
Notary Public

My commission expires: \_\_\_\_\_

*Signature Page to Petition for Inclusion of Real Property  
(4.18 Acre Parcel)*

**EXHIBIT A  
TO PETITION  
(The Property)**

LEGAL DESCRIPTION WATERVIEW NORTH METROPOLITAN INCLUSION PARCEL 1 BOUNDARY

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P M, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9;

THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1614.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING THREE (3) COURSES ARE ON SAID RIGHT-OF-WAY LINE:

- 1.) THENCE S89°30'27"W A DISTANCE OF 3.67 **FEET** TO A POINT OF CURVE **TO THE LEFT**;
- 2.) THENCE ALONG SAID CURVE, HAVING A RADIUS OF 2759.79 **FEET**, A DELTA ANGLE OF 15°09'41", AN ARC LENGTH OF 730.29 FEET, WHOSE LONG CHORD BEARS S81°J5'37"W A DISTANCE OF 728.16 **FEET**;
- 3.) THENCE S74°20'46"W A DISTANCE OF 385.18 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S15°39'12"E A DISTANCE **OF 429.60 FEET**;

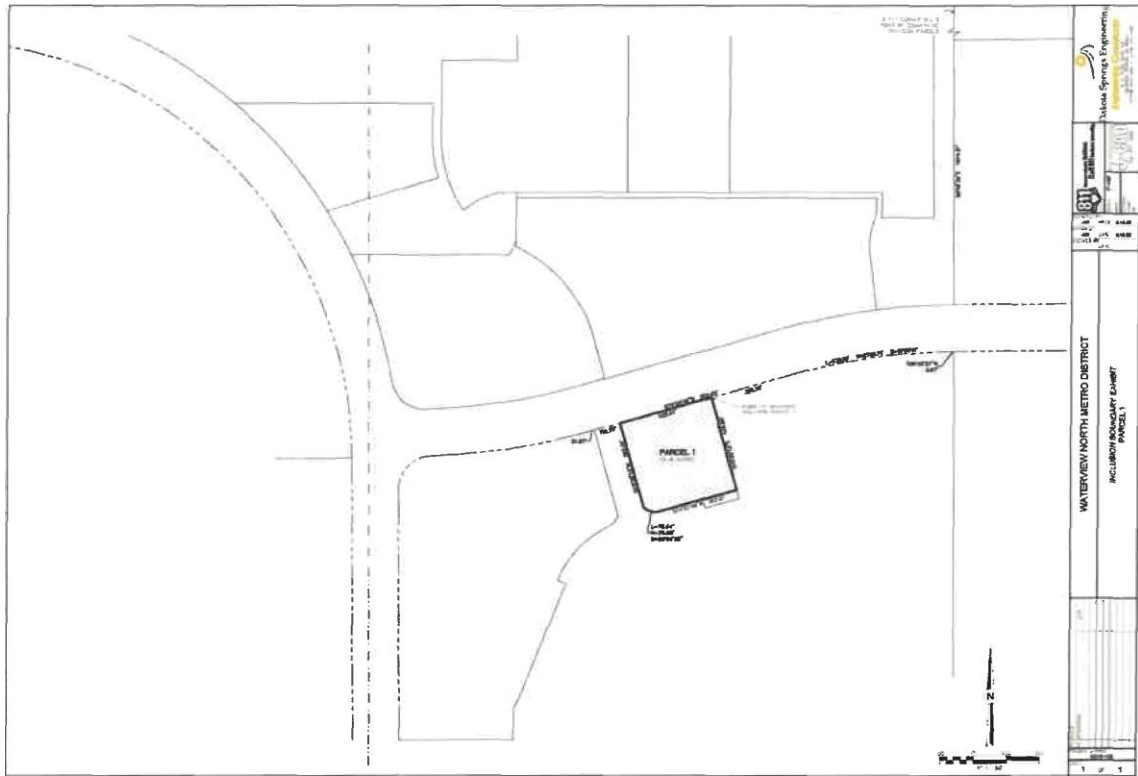
THENCE S74°20'48"W A DISTANCE **OF 360.01 FEET** TO A POINT OF CURVE **TO THE RIGHT**;

THENCE ON SAID CURVE, HAVING A RADIUS OF **75.00 FEET**, DELTA ANGLE OF 60°04'25", AN ARC LENGTH OF 78.64 FEET, WHOSE LONG CHORD BEARS N75°37'00"W A DISTANCE **OF 75.08 FEET**;

**THENCE N15°39'12"W A DISTANCE OF 40.00 FEET RETURNING TO THE SAID SOUTHERLY RIGHT-OF-WAY LINE**;

THENCE N89°30'27"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 425.01 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 181,872 SQUARE **FEET** OR 4.18 ACRES MORE OR LESS.





**PETITION FOR INCLUSION OF PROPERTY**

**(22.12 Acre Parcel)**

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TO: THE BOARD OF DIRECTORS OF THE  
WATERVIEW NORTH METROPOLITAN DISTRICT NO. 2,  
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

Pursuant to the provisions of §§ 32-1-401, *et seq.*, C.R.S., Waterview Commercial Investors, LLC, a Colorado limited liability company, West Greeley Associates, LLC, a Colorado limited liability company, and Steven Johnston, an individual (the “Petitioners”), hereby respectfully requests that the **WATERVIEW NORTH METROPOLITAN DISTRICT NO. 2** (the “District”), by and through its Board of Directors, include the real property described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Property”), into the boundaries of the District.

The Petitioners hereby represent and warrant to the District that they are collectively the one hundred percent (100%) fee owners of the Property and that no other person, persons, entity, or entities own an interest therein except as beneficial holders of encumbrances, if any. The Petitioners hereby assents to the inclusion of the Property into the boundaries of the District and to the entry of an Order by the District Court in and for El Paso County, including the Property into the boundaries of the District.

The Petitioners hereby acknowledges that, without the consent of the Board of Directors of the District, it cannot withdraw its Petition once the notice of the public hearing on the Petition has been published.

The name and address of the Petitioners are as follows:

Waterview Commercial Investors, LLC  
2727 Glen Arbor Dr.  
Colorado Springs, CO 80920

West Greeley Associates, LLC  
2850 McClelland Dr., Ste 1600  
Fort Collins, CO 80525

Steven Johnston  
1559 S. Trenton Ct.  
Denver, CO 80231

*Remainder of page intentionally left blank. Signature page follows.*

PETITIONERS:

WATERVIEW COMMERCIAL INVESTORS, LLC, a Colorado limited liability company

Heath A. Herber

Printed Name: Heath A. Herber

Title: Manager

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ID )

The above and foregoing instrument was acknowledged before me this 20 day of May  
Heath A. Herber, as Manager of  
Waterview Commercial Investors, LLC.

WITNESS my hand and official seal.

TANYA NEWELL  
NOTARY PUBLIC  
(SEA L) STATE OF COLORADO  
NOTARY ID 20224029992  
MY COMMISSION EXPIRES 8/2/26

[Signature]  
Notary lie

My commission expires:

*Signanzre Page to Petition for Inclusion o/leaf Property  
(22.12 Acre Parcel)*

WEST

CIATES, LLC, a Colorado limited liability company

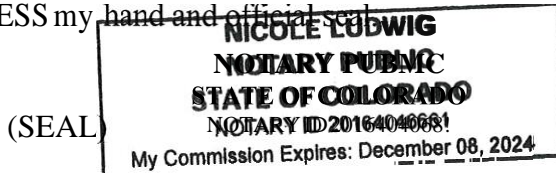
Printed Name: DANIEL T. INMAN

Title: MANAGER.

STATE OF COLORADO )  
COUNTY OF ) ss.  
)

Douglas foregoing instrument was acknowledged before me this 20 day of May  
iR Inman manager of  
Greley Associates, LLC, a Limited Liability Company

WITNESS my hand and official seal

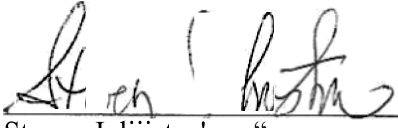


Nicole Ludwig  
Notary Public

My commission expires: \_\_\_\_\_

Signature Page to Petition for inclusion of Real Property  
(22.12 Acre Parcel)

2332.1000: 320104

  
Steven Joliiistoa' "

STATE OF COLORADO )

COUNTY OF ReV )

The above and foregoing instrument was acknowledged before me this \_\_\_\_\_ day off  
2024, by Starr Johnson, as A \_\_\_\_\_ of

WITNESS my hand and official seal.

(SEAL)

  
Notary Public

My commission expires: 4/12/2028

*Signature Page to Pehlion for Inclusion of Real Property  
(22.12 Acre Parcel)*

YENIFER DELGADO ZAMARRIPA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20244614473  
MY CO8\MISSION EXPIRES 04/i2/2028

**EXHIBIT A  
TO PETITION  
(The Property)**

LEGAL DESCRIPTION WATERVIEW NORTH METROPOLITAN INCLUSION PARCEL 2 BOUNDARY

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9;

THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1614.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING THREE (3) COURSES ARE ON SAID RIGHT-OF-WAY LINE:

- 1.) THENCE S89°30'27"W A DISTANCE OF 3.67 FEET TO A POINT OF CURVE TO THE LEFT;
- 2.) THENCE ALONG SAID CURVE, HAVING A RADIUS OF 2759.79 FEET, A DELTA ANGLE OF 15°09'41", AN ARC LENGTH OF 730.29 FEET, WHOSE LONG CHORD BEARS S81°55'37"W A DISTANCE OF 728.16 FEET;
- 3.) THENCE S74°20'46"W A DISTANCE OF 930.15 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S15°39'14"E A DISTANCE OF 394.68 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 75.00 FEET, DELTA ANGLE OF 43°29'55", AN ARC LENGTH OF 56.94 FEET, WHOSE LONG CHORD BEARS S36°01'21"W A DISTANCE OF 55.58 FEET;

THENCE S57°46'18"W A DISTANCE OF 68.47 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 450.00 FEET, DELTA ANGLE OF 35°44'30", AN ARC LENGTH OF 280.72 FEET, WHOSE LONG CHORD BEARS S39°54'03"W A DISTANCE OF 276.19 FEET;

THENCE S67°58'24"E A DISTANCE OF 40.00 FEET;

THENCE S22°01'36"W A DISTANCE OF 538.15 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 260.00 FEET, DELTA ANGLE OF 13°32'35", AN ARC LENGTH OF 61.46 FEET, WHOSE LONG CHORD BEARS S28°47'53"W A DISTANCE OF 61.31 FEET;

THENCE S00°00'00"E A DISTANCE OF 148.75 FEET;

THENCE N90°00'00"W A DISTANCE OF 515.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF POWESRS BOULEVARD (NOW HIGHWAY 21) AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING FIVE (5) COURSES ARE ON SAID RIGHT-OF-WAY LINE AND THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD DESCRIBED IN SAID BOOK 5307 AT PAGE 1472:

- 1) THENCE N00°29'10"W A DISTANCE OF 1123.38 FEET TO A POINT OF CURVE TO THE RIGHT;
- 2) THENCE ON SAID CURVE, HAVING A RADIUS OF 150 FEET, AN ARC LENGTH OF 229.90 FEET, A DELTA ANGLE OF 87°48'56", WHOSE LONG CHORD BEARS N43°25'20"E A DISTANCE OF 208.05 FEET;

- 3) THENCE N87°19'50"E A DISTANCE OF 53.06 FEET TO A POINT OF CURVE TO THE LEFT;
- 4) THENCE ON SAID CURVE, HAVING A RADIUS OF 2969.79 FEET, AN ARC LENGTH OF 673.03 FEET, A DELTA ANGLE OF 12°59'05", WHOSE LONG CHORD BEARS N80°50'19"E A DISTANCE OF 671.59 FEET;
- 5) THENCE S74°20'46"E A DISTANCE OF 21.87 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 963,595 SQUARE FEET OR 22.12 ACRES MORE OR LESS.





# EXHIBIT B

## PUBLIC NOTICE

**STATE OF COLORADO, EL PASO COUNTY  
NOTICE OF INTENT TO UNDERTAKE CERTAIN ACTIONS PURSUANT TO  
C.R.S. § 32-1-207(3)(b)**

**WATERVIEW NORTH METROPOLITAN DISTRICT NOS. 1 AND 2, CITY OF  
COLORADO SPRINGS, EL PASO COUNTY, COLORADO**

**PUBLIC NOTICE IS HEREBY GIVEN** that, pursuant to § 32- 1-207(3)(b), C.R.S., the Boards of Directors of Waterview North Metropolitan District Nos. 1 and 2 (the "Districts"), intend to undertake certain actions pertaining to the inclusion of property.

The Districts have received petitions for inclusion of real property and intend on including such property into their respective boundaries pursuant to Section 32-1-401(1)(a), C.R.S. The petitions received by the Districts were submitted by ROS Equity Holding, as the sole property owner of approximately 4 acres of property to the south of Bradley Road ("ROS Property") and Waterview Commercial Investors, LLC, West Greeley Associates, LLC, and Steven Johnston, collectively as the sole property owners of approximately 22 acres of property to the south of Bradley Road and east of South Powers Boulevard ("WCI Property" and together with the ROS Property, the "Property"). The Property is located outside the City's limits within unincorporated El Paso County and therefore this notice is being provided in advance of the Districts taking action to complete the requested inclusions.

**NOTICE IS FURTHER GIVEN** that, pursuant to and in accordance with § 32-1-207(3), C.R.S., any action to enjoin such activity must be brought within forty-five (45) days from publication of this Notice or on or prior to September 12, 2024.

**IN WITNESS WHEREOF**, the Boards of Directors of Waterview North Metropolitan District Nos. 1 and 2, City of Colorado Springs, El Paso County, Colorado, has authorized this notice to be given.

By: WHITE BEAR ANKELE TANAKA & WALDRON

Attorneys at Law  
General Counsel to the Districts

Published in The Gazette July 29, 2024.