

CHEROKEE METROPOLITAN DISTRICT

RESOLUTION 2018 - 07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHEROKEE METROPOLITAN DISTRICT AUTHORIZING FILING OF STIPULATED MOTION TO SET ASIDE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, AND DISMISS APPEAL

COMES NOW, the President of Cherokee Metropolitan District ("District"), and certifies that at a special meeting of the Board of Directors of the District, held July 2, 2018 at 6250 Palmer Park Boulevard, Colorado Springs, CO 80915, the following resolution was adopted, to-wit:

WHEREAS, the property owners set forth below previously petitioned Cherokee Metropolitan District for the exclusion from said District of the land described in the Petition for Exclusion attached hereto as **Exhibit A**;

WHEREAS, the District denied the Petition for Exclusion following a public hearing held on August 8, 2017;

WHEREAS, the property owners filed an appeal of the with the El Paso County Board of County Commissioners ("BOCC") pursuant to C.R.S. § 32-1-501(5)(b), and during its regular meeting on December 28, 2017, following presentations by both parties, the BOCC voted 4-0 in favor of granting the Petition for Exclusion;

WHEREAS, the District then filed an appeal with the El Paso County District Court and, on June 28, 2018, after the parties had filed their respective briefs, the Court issued Findings of Fact, Conclusions of Law and Order ("Order") wherein the District Court denied the Petition for Exclusion;

WHEREAS, prior to entry of the Order, District representatives were considering dismissal of the appeal as a gesture of good faith to enter into discussions with the City of Colorado Springs and Colorado Springs Utilities about the future of water and wastewater services in the District;

WHEREAS, the District scheduled a special Board meeting to be held on Monday, July 2, 2018, for the purpose of considering dismissal of the appeal; and

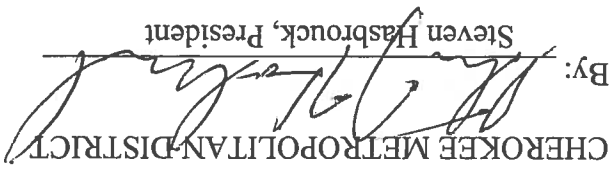
WHEREAS, because of entry of the Order, the District desires to authorize the filing of a joint motion, together with the property owners, and substantially in the form attached hereto as **Exhibit B**, requesting that the District Court set aside the Order and dismiss the District's appeal, so that the decision by the El Paso County Board of County Commissioners on December 28, 2017 will stand and the property will be excluded from the District;

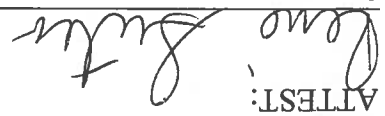
NOW, THEREFORE, BE IT RESOLVED, BE IT RESOLVED that the Board of Directors of the Cherokee Metropolitan District as follows:

1. The Board approves the filing of the Stipulated Motion, subject to the approval of its General Counsel.

2. The Board directs its General Counsel, upon approval, to execute the Stipulated Motion on behalf of the District and effectuate any necessary filings for the exclusion of the property, as described in **Exhibit C**, with the El Paso County District Court in Case No. 57CV CV035353.

DONE AND RESOLVED this 2nd day of July, 2018.

CHEROKEE METROPOLITAN DISTRICT
By: 
Steven Hasbrouck, President

ATTEST: 
Secretary