

RESOLUTION NO. 95 - 22

A RESOLUTION APPROVING ADDITIONAL PROPERTY INTO THE INCLUSION AREA BOUNDARIES OF PEAK METROPOLITAN DISTRICT NOS. 1-3 FOR A PROPERTY IN THE AIRPORT BUSINESS PARK AREA

WHEREAS, Section 32-1-207, C.R.S., provides that a special district may materially modify its service plan only upon petition to the governing body of the municipality within which the special district lies and adoption of resolution of approval by such governing body; and

WHEREAS, the City Council of the City of Colorado Springs approved the Service Plan for the Peak Metropolitan District Nos. 1-3 ("Districts") on August 28, 2018 (the "Original Service Plan"); and

WHEREAS, City Council approved a First Amendment to the Service Plan ("First Amendment to Service Plan") to authorize covenant enforcement as an operations and maintenance function, on February 12, 2019; and

WHEREAS, City Council approved a Second Amendment to the Service Plan ("Second Amendment to Service Plan") which allows for a modification to the Districts' "Inclusion Area Boundaries" and "Inclusion Area Boundary Map", authorizes provision of limited security services, and addresses concealed carry firearm provisions on March 22, 2022; and

WHEREAS, the Districts have submitted for review and City Council has reviewed a request to include an additional approximately six (6) acres of property into the Inclusion Area Boundary Map of Peak Metropolitan District Nos 1-3, which property was inadvertently omitted from Exhibit A-2 "Legal Description of the Inclusion Area Boundaries" and Exhibit C-2 Inclusion Area Boundary Map" in the Second Amendment to Service Plan; and

WHEREAS, City Council considered testimony and evidence presented at a public hearing on July 26, 2022, to determine whether to authorize this limited addition of property into the Inclusion Area Boundaries of the Districts.

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. Council hereby finds that approval of the addition of this property

described in Exhibit 1, into the Inclusion Area Boundaries of the Districts, is in the best interests of the City and the District.

Section 3. With the exception of those modifications specifically addressed in the First and Second Amendments to Service Plan, the Original Service Plan shall remain in full force and effect.

Section 4. All ordinances or resolutions, or parts thereof, in conflict with this Resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such Resolution nor revive any Resolution thereby.



Section 5. This Resolution shall be effective upon its approval by City Council.

DATED at Colorado Springs, Colorado, this 26th day of July 2022.



Council President

ATTEST:


Sarah B. Johnson, City Clerk


Legal Description

FUTURE INCLUSION AREA

A tract of land located in Colorado Springs Airport and Industrial Park Filing No. 1 and being a portion of Section 31, Township 14 South, Range 65 West of the 6TH P.M., El Paso County, Colorado, described as follows:

(BEARINGS FOR THIS LEGAL DESCRIPTION ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 31-14-65 AS BEARING S89°56'32"W, 2766.94 FEET)

Commencing (POC) at the Southwest Corner of said Section 31, said corner also being the Southwest Corner of Colorado Springs Airport and Industrial Park Filing No. 1, a subdivision plat recorded under Reception Number 94150256 of the records of El Paso County, Colorado and the Northwest Corners of Colorado Springs Airport Filing 1D, a subdivision plat recorded under Reception Number 219714312 of the records of El Paso County, Colorado, thence N35°54'39"E, 4422.10 feet to the **TRUE POINT OF BEGINNING**;

Thence S89°56'09"E, 210.36 feet;

Thence S00°00'00"E, 1243.76 feet;

Thence S90°00'00"W, 211.75 feet to a point which bears S00°03'51"W, 1243.99 feet from the point of beginning;

Thence N00°03'51"E, 1243.99 feet to the **TRUE POINT OF BEGINNING**.

Area = 6.02 Acres more or less

Randall D. Hency, PLS Colorado 27605
for and on behalf of Polaris Surveying Inc.
1903 Lelaray street, suite 102
Colorado Springs, CO. 80909



Date

05/23/22



SCALE 1" = 500'

EXHIBIT MAP FUTURE INCLUSION AREA

Colorado Springs Airport
Industrial Park Filing No. 1

Inclusion Area

POINT OF BEGINNING

S 89°56'09" E
210.36'

(N 35°54'39" E)
(4422.10')

N 00°03'51" E 1243.99'

Future Inclusion Area
6 Acres +/-

S 00°00'00" E 1243.76'

100 Acre Tract

Inclusion Area

S 90°00'00" W
211.75'

(N 35°54'39" E)
(4422.10')

MILTON B POBY PARKWAY

(N 89°56'32" E 1383.47')
(BASIS OF BEARING)

POC

Colorado Springs Airport
Filing No. 1D

Inclusion Area

Colorado Springs Airport
Industrial Park Filing No. 1

Date: 05/26/2022
Client: CSUF Job No.220104

Future Inclusion Area

POLARIS SURVEYING, INC.

1903 Lelaray Street, Suite 102
COLORADO SPRINGS, CO 80909
(719)448-0844 FAX (719)448-9225