

DISTRICT COURT, EL PASO COUNTY, COLORADO	
Court Address: 270 S. TEJON, COLORADO SPRINGS, CO, 80903	DATE FILED: September 13, 2021 3:41 PM CASE NUMBER: 2006CV1423
In the Matter of: RALPH A BRADEN ET AL et al.	△ COURT USE ONLY △
	Case Number: 2006CV1423 Division: 3 Courtroom:
ORDER RE: Order for Exclusion	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 9/13/2021



THOMAS KELLY KANE
District Court Judge

<p>DISTRICT COURT, EL PASO COUNTY, COLORADO 270 S. Tejon Street Colorado Springs, CO 80903</p> <hr/> <p>IN RE THE MATTER OF THE UPPER COTTONWOOD CREEK METROPOLITAN DISTRICT NO. 3</p> <hr/> <p>By the Court</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 2006CV1423</p> <p>Division: 3</p>
<p>ORDER FOR EXCLUSION</p>	

THIS MATTER having come before the Court and the Court having examined the certified copy of Resolution with attached petition and the affidavit of publication of hearing on petition for exclusion on file in this proceeding:

IT IS ORDERED:

That pursuant to Section 32-1-501(4)(b), C.R.S., as amended, the land and property hereinafter described shall be, and are hereby excluded from the boundaries of the Upper Cottonwood Creek Metropolitan District No. 3 (the "District"). The name and address of the owner of said property to be excluded and the legal description thereof are as follows:

Owner: David Jenkins

Address: 111 S. Tejon Street, Suite 222
Colorado Springs, CO 80903

Legal Description: Exhibit A

Pursuant to § 32-1-501(4)(d), C.R.S., that on and after the effective date of this exclusion order the property excluded shall be responsible for its proportionate share of the indebtedness of the District. As of March 26, 2021, the District has \$13,675,000 outstanding bonded indebtedness.

ENTERED AND EFFECTIVE this _____ day of _____, 2021.

BY THE COURT:

DISTRICT JUDGE

EXHIBIT A

(Exhibit A to Order for Exclusion –
Upper Cottonwood Creek Metropolitan District No. 3)

EXHIBIT "A"

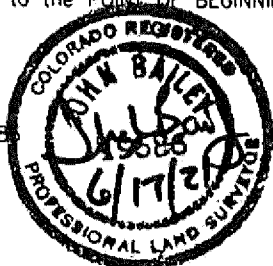
LEGAL DESCRIPTION:

A tract of land located in a portion of the Section 30, Township 12 South, Range 65 West of the 6th P.M., and in a portion the Northeast quarter (NE1/4) of Section 25, Township 12 South, Range 66 West of the 6th P.M., El Paso County, Colorado being more particularly described as follows:

BEGINNING at the intersection of the West right-of-way line of Black Forest Road as described in Road Book A at Page 78 of the records of said El Paso County, with the South right-of-way line of Old Ranch Road as described in said Road Book A at Page 78; thence S00°03'10"E on said West right-of-way line of Black Forest Road, a distance of 139.27 feet to the Northeast corner of the tract of land recorded at Reception No. 219161468 of the records of said El Paso County, the following two (2) courses are on the North and West lines of said tract of land; thence: 1) S89°59'58"W a distance of 147.58 feet to the Northwest corner thereof; 2) S00°03'10"E on the West line of said tract of land and the West line of the tracts of land recorded at Reception No. 219161438, Reception No. 219161455 and Reception No. 219110211 of the records of said El Paso County, a distance of 590.32 feet to the Southwest corner of said tract of land recorded at Reception No. 219110211; thence S89°59'58"W on the North line of the tract of land recorded at Reception No. 219110190 of the records of said El Paso County, a distance of 51.72 feet to the Northwest corner thereof, the following two (2) courses are on the West and South lines of said tract of land; thence: 1) S00°03'10"E a distance of 218.56 feet; 2) N89°59'58"E a distance of 199.30 feet to the Southeast corner thereof; thence S00°03'10"E on the West right-of-way line of said Black Forest Road, a distance of 1669.59 feet to an angle point in said West right-of-way line; thence S00°02'41"E on said West right-of-way line, a distance of 1245.03 feet; thence S89°48'09"W a distance of 651.45 feet to a point of curve; thence on a curve to the right having a central angle of 20°53'14", a radius of 920.00 feet for an arc distance of 335.39 feet, whose chord bears N79°45'14"W; thence N69°18'37"W a distance of 751.33 feet to a point of curve; thence on a curve to the right having a central angle of 30°27'01", a radius of 1420.00 feet for an arc distance of 754.67 feet, whose chord bears N54°05'07"W to a point of reverse curve; thence on a curve to the left having a central angle of 96°14'45", a radius of 1480.00 feet for an arc distance of 2486.12 feet, whose chord bears N86°58'59"W to a point of reverse curve on the Northwesterly right-of-way line of Briargate Parkway, dedicated to the public in Briargate Parkway at Wolf Ranch Filing No. 1 as recorded at Reception No. 218714093 of the records of said El Paso County; thence on said Northwesterly right-of-way line, on a curve to the right having a central angle of 59°29'35", a radius of 100.00 feet for an arc distance of 103.84 feet, whose chord bears S74°38'26"W to the Southeast corner of Wolf Lake Drive, dedicated to the public in Wolf Ranch North Filing No 4 as recorded at Reception No. 219714364 of the records of said El Paso County, the following two (2) courses are on the Northeasterly right-of-way line of said Wolf Lake Drive; thence: 1) N49°46'15"W a distance of 410.48 feet to a point of curve; 2) on a curve to the right having a central angle of 00°56'00", a radius of 661.50 feet for an arc distance of 10.78 feet, whose chord bears N49°18'15"W to the Southeast line of Wolf Ranch North Filing No. 5 as recorded at Reception No. 220714495 of the records of said El Paso County; thence N51°02'40"E on said Southeast line, a distance of 1.02 feet to the Southeast corner of Wolf Lake Drive, dedicated to the public in said Wolf Ranch North Filing No 5, being a point on a curve from which a radial line bears N41°08'51"E, the following three (3) courses are on the Northeasterly right-of-way line of said Wolf Lake Drive; thence: 1) on a curve to the right having a central angle of 14°28'42", a radius of 660.50 feet for an arc distance of 166.90 feet, whose chord bears N41°36'49"W; 2) N34°22'28"W a distance of 397.08 feet to a point of curve; 3) on a curve to the right having a central angle of 36°32'55", a radius of 460.50 feet for an arc distance of 293.75 feet, whose chord bears N16°06'00"W; thence N02°10'28"E a distance of 375.17 feet to a point of curve; thence on a curve to the left having a central angle of 22°26'35", a radius of 439.50 feet for an arc distance of 172.16 feet, whose chord bears N09°02'50"W; thence N20°16'08"W a distance of 130.75 feet to a point of curve; thence on a curve to the right having a central angle of 04°05'01", a radius of 266.00 feet for an arc distance of 18.96 feet, whose chord bears N18°13'37"W; thence S69°43'52"W a distance of 114.32 feet to a point of curve; thence on a curve to the right having a central angle of 81°50'22", a radius of 164.00 feet for an arc distance of 234.25 feet, whose chord bears N69°20'57"W; thence S61°34'15"W a distance of 61.00 feet to a point on a curve from which a radial line bears N61°34'15"E; thence on a curve to the right having a central angle of 11°08'29", a radius of 225.00 feet for an arc distance of 43.75 feet, whose chord bears N22°51'31"W to a point of reverse curve; thence on a curve to the left having a central angle of 09°58'46", a radius of 455.00 feet for an arc distance of 79.25 feet, whose chord bears N22°16'39"W; thence S55°47'41"W a distance of 211.98 feet; thence S09°32'15"W a distance of 60.97 feet; thence S00°41'46"E a distance of 65.00 feet; thence S31°24'49"E a distance of 51.67 feet; thence S20°18'56"E a distance of 117.17 feet to a point of curve; thence on a curve to the right having a central angle of 10°43'42", a radius of 175.00 feet for an arc distance of 32.77 feet, whose chord bears S14°57'05"E; thence S89°18'14"W a distance of 458.21 feet; thence N62°29'06"W a distance of 162.14 feet; thence N36°09'50"W a distance of 93.43 feet; thence N21°48'53"W a distance of 100.32 feet; thence S79°35'08"W a distance of 49.83 feet; thence N51°21'36"W a distance of 55.21 feet to the Southeast corner of the Northwest quarter of the Northeast quarter (NW1/4NE1/4) of said Section 25; thence N00°28'35"W on the East line of said NW1/4NE1/4, a distance of 942.14 feet to the Southwest corner of Lot 1, Wolf Ranch Tank Site as recorded at Reception No. 205197901 of the records of said El Paso County; thence N89°27'04"E on the South line of said Lot 1, a distance of 570.00 feet to the Southeast corner thereof; thence N00°28'35"W on the East line of said Lot 1, a distance of 380.00 feet to the North line of said NE1/4 of Section 25; thence N89°27'04"E on said North line, a distance of 425.52 feet to a point three hundred twenty-five (325.00) feet West of the East line of said Section 25, as measured perpendicular thereto; thence S00°27'24"E parallel to said East line, a distance of 30.00 feet to a point thirty (30.00) feet South of the North line of said Section 25, as measured perpendicular thereto; thence N89°27'04"E parallel with said North line, a distance of 325.09 feet to the South right-of-way line of said Old Ranch Road, the following two (2) courses are on said South right-of-way line; thence: 1) N89°17'04"E a distance of 2765.05 feet; 2) N89°16'52"E a distance of 2608.81 feet to the POINT OF BEGINNING and containing 412.784 acres of land, more or less.

See Exhibit "B" attached.

Prepared by:
John L. Bailey PLS #1958
for and on behalf of
Rockwell Consulting, Inc.
June 17, 2021



JOB NO. 05-078

FILE: 05078-UCC5.DWG
DATE: 06/17/21

