

ORDINANCE NO. 17-94

AN ORDINANCE ORGANIZING THE SW DOWNTOWN  
BUSINESS IMPROVEMENT DISTRICT AND PROVIDING  
FOR THE ELECTION OF THE BOARD OF DIRECTORS

WHEREAS, City Council received a Petition (the "Petition"), attached as Exhibit A, filed pursuant to C.R.S. § 31-25-1205 for the organization of the SW Downtown Business Improvement District ("District"); and

WHEREAS, in accord with the Business Improvement District Act, a public notice of the Petition has been given and published in the Daily Transcript, calling for a public hearing on the organization request set forth in the Petition, proof of publication for which is attached and made a part of this ordinance as Exhibit B; and

WHEREAS, based upon the Petition and other evidence presented to City Council, the Petition has been signed in conformity with Part 12 of Article 25 of Title 31, C.R.S., the signatures on the Petition are genuine, and the signatures represent the persons who own real or personal property in the service area of the proposed District having a valuation for assessment of not less than fifty percent of the valuation for assessment of all real and personal property in the service area of the proposed District and who own at least fifty percent of the acreage in the proposed District; and

WHEREAS, the petitioner has also provided an initial 2017 Operating Plan and Budget for this District ("the Initial Operating Plan and Budget") which is attached and made part of this ordinance as Exhibit C; and

WHEREAS, the Petition and the Operating Plan and Budget set forth, among other things:

- (a) The name of the proposed District, which shall include a descriptive name and the words "business improvement district", to wit "SW Downtown Business Improvement District";
- (b) A general description of the boundaries and service area of the District;
- (c) A general description of the types of service or improvements or both to be provided by the District;
- (d) The names of three persons to represent the petitioners, who have the power to enter into agreements relating to organization of the District;
- (e) A specific statement that the Board of Directors are to be elected by the electors of the District pursuant to C.R.S. § 31-25-1209(1)(d);
- (f) A request that City Council determine that the location of the proposed District be designated for new or redeveloped business or commercial development;

(g) A request for the organization of the District; and

WHEREAS, by Resolution No. 9-06, City Council approved the City Financial Policy Regarding the Use of Districts (the "Special District Policy") on January 24, 2006, providing for certain financial and other limitations in the use of special districts as an available method in financing public infrastructure, which is attached and made part of this ordinance as Exhibit D; and

WHEREAS, City Council conducted a Public Hearing on September 26, 2017 and heard all persons having objections to the organization of the District.

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

Section 1. City Council finds and determines that it has jurisdiction in this matter pursuant to the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S.

Section 2. City Council declares the organization of the SW Downtown Business Improvement District ("District") in a location designated by the City as a location for new or redeveloped business or commercial development, which shall have the initial boundaries and service area set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. The District shall be a quasi-municipal corporation and political subdivision of the state with all powers and responsibilities thereof except as also limited by the Initial Operating Plan and Budget as well as the Special District Policy. See Exhibits C and D attached hereto and incorporated by reference.

Section 4. Pursuant to C.R.S. § 31-25-1209(1)(d), City Council provides for a board of directors for the District which shall have five members. Each member shall be an elector of the District and shall be elected by the eligible electors of the District as provided by law. The initial members of the board of directors shall be elected at an

election called for November 7, 2017. The board of directors shall carry out the responsibilities required of such board by the Business Improvement District Act and other law.

Section 5. The 2017 Initial Operating Plan and Budget is approved and incorporated herein by reference, including the declaration of public interest and necessity for holding the November 7, 2017 elections contained therein. The District is authorized to proceed with an election on November 7, 2017 concerning the election of directors and such ballot issues and questions as have previously been certified.

Section 6. The board of directors of the District shall file its future operating plans and budgets and amendments with the City Clerk for approval by City Council as provided in C.R.S. §31-25-1211.

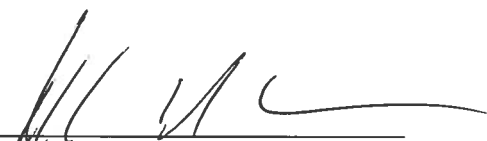
Section 7. The City Clerk is directed to file a certified copy of this ordinance with the County Clerk and Recorder of El Paso County, Colorado.

Section 8. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 9. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 26<sup>th</sup> day of September, 2017.

**Finally passed:** October 10<sup>th</sup>, 2017

  
\_\_\_\_\_  
Council President

**Mayor's Action:**

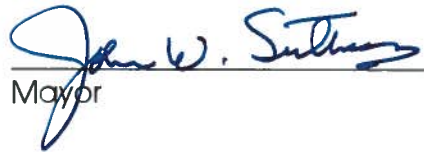
- Approved on October 12, 2017.
- Disapproved on \_\_\_\_\_, based on the following objections:

---

---

---

---


  
\_\_\_\_\_  
Mayor


**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.
- 

\_\_\_\_\_  
Council President

ATTEST:

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk

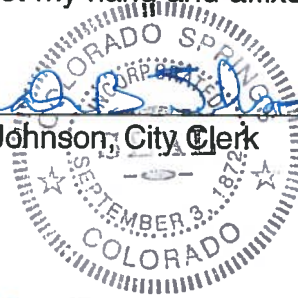


I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE ORGANIZING THE SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND PROVIDING FOR THE ELECTION OF THE BOARD OF DIRECTORS” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on September 26<sup>th</sup>, 2017; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 10<sup>th</sup> day of October, 2017, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 12<sup>th</sup> day of October, 2017.



Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: September 29<sup>th</sup>, 2017

2<sup>nd</sup> Publication Date: October 18<sup>th</sup>, 2017

Effective Date: October 23<sup>rd</sup>, 2017

Initial: SBJ

City Clerk

**WARNING:  
IT IS AGAINST THE LAW:**

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.**

**Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.**

**Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.**

**PETITION FOR THE ORGANIZATION  
OF THE SW DOWNTOWN BUSINESS  
IMPROVEMENT DISTRICT WITHIN THE  
CITY OF COLORADO SPRINGS, COLORADO**

The undersigned owners of taxable real or personal property within the proposed service area described in **Exhibit A**, attached hereto and made a part hereof, (the "Service Area"), hereby petition the Mayor and City Council, of the City of Colorado Springs (the "City") for the organization of the **SW Downtown Business Improvement District** (the "District") in accordance with the provisions of the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S. In support of this Petition, Petitioners state:

(a) The name of the District shall be the SW Downtown Business Improvement District.

(b) A description of the boundaries and service area of the District is in the attached **Exhibit A**. The service area shall be the commercial property within these general boundaries. Pursuant to Section 31-12-1203(10), C.R.S., the proposed service area includes property that the Petitioners request that the City, following a notice and a public hearing, designate as a location for new business or commercial development.

(c) A general description of the types of services or improvements or both to be provided by the District includes, but is not limited to:

The acquisition, construction, completion, installation, replacement and/or operation and maintenance of all of the services and improvements allowed under Colorado law for business improvement districts, including "Improvements" as that term is defined in Section 31-25-1203(5), C.R.S., services as described in Section 31-25-1212(1)(f), C.R.S., and other powers granted to such districts under Section 31-25-1212, C.R.S.

(d) The name(s) of three persons to represent the Petitioners, who have the power to enter into agreements relating to the organization of the District are:

1. Jeffrey A. Finn
2. Christopher S. Jenkins
3. David D. Jenkins

(e) Pursuant to Section 31-25-1205(2), C.R.S, this petition is signed by persons who own real or personal property in the service area of the District having a valuation for assessment of not less than fifty percent (50%) of the valuation for the assessment of all real and personal

DN 1743856.1

**EXHIBIT A**

**WARNING:  
IT IS AGAINST THE LAW:**

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.  
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.  
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.**

property in the service area of the District, and who own at least fifty percent (50%) of the acreage in the District.

(f) Pursuant to Section 31-25-1205(3), C.R.S., this petition is accompanied by a bond with security provided by the governing body or a cash deposit sufficient to cover all expenses connected with the proceedings in case the organization of the District is not effected. If at any time during the organization proceedings the governing body determines that the bond first executed or the amount of the cash deposited is insufficient in amount, it may require the Petitioners to execute an additional bond or the deposit of additional cash within a time to be fixed, not less than ten (10) days thereafter, and Petitioners acknowledge that upon failure of the Petitioners to file or deposit the same, the petition may be dismissed.

(g) Pursuant to Section 31-25-1209(1)(d), C.R.S., the City may provide by ordinance for a board of directors of the District consisting of five (5) members. That the five member Board of Directors of the proposed District will be elected at an election to be held on November 7, 2017. Petitioners request that the City pass such an ordinance and that the initial board of directors be the following electors of the District:

1. Jeffrey A. Finn
2. Christopher S. Jenkins
3. David D. Jenkins
4. Delroy L. Johnson
5. Russell T. Tutt IV

Each member shall fulfill all statutory requirements prior to undertaking official duties.

(h) The District will have authority to create special improvement districts as provided in Section 31-25-1219, C.R.S., and may create and fund separate special improvement districts for improvements.

(i) The commercial property owners of the District request that the City, after public notice and hearing, designate the territory within the District as a location for new business or commercial development under Section 31-25-1203(10), C.R.S.

(j) Pursuant to Section 31-25-1213, C.R.S., the board of directors of the District shall have the power to issue indebtedness and to levy and collect ad valorem taxes on and against all taxable commercial property within the boundaries of the District in an amount authorized by election and allowed by the operating plan and budget to be approved by the City. The board of

**WARNING:  
IT IS AGAINST THE LAW:**

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.  
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.  
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.**

directors shall, in accordance with Sections 31-25-1214 and 39-5-128, C.R.S., certify the mill levy to the El Paso County Board of County Commissioners as appropriate.

(k) The board of directors of the District shall have all other powers as may be necessary, convenient, and authorized by statute set forth in the operating plan and budget of the District. The District shall file its operating plan and budget by September 30 of each year for approval by the City as provided by Section 31-25-1211, C.R.S.

THEREFORE, Petitioners respectfully request that the City approve the organization of the SW Downtown Business Improvement District and adopt the ordinances and take the actions requested in the petition to provide for its effective and efficient operation.

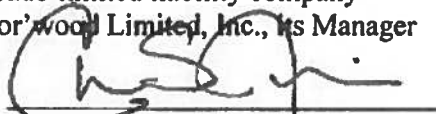
**PETITIONER:**

CSJ NO. 1, LLC

a Colorado limited liability company

By: Norwood Limited, Inc., its Manager

By:

  
\_\_\_\_\_  
Christopher S. Jenkins, President

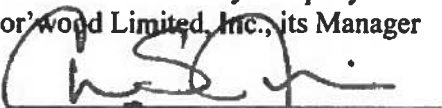
Date of Signing: 7-14-2017

CSJ NO. 7, LLC

a Colorado limited liability company

By: Norwood Limited, Inc., its Manager

By:

  
\_\_\_\_\_  
Christopher S. Jenkins, President




**WARNING:  
IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.  
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.  
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.

URBAN ENTERPRISES, LLC  
a Colorado limited liability company  
By: Nor'wood Limited, Inc., its Manager

By:   
Christopher S. Jenkins, President


URBAN PROPERTIES NO. 4, LLC  
a Colorado limited liability company  
By: Nor'wood Limited, Inc., its Manager

By:   
Christopher S. Jenkins, President

SRPC LLC  
A Colorado limited liability company  
By: Nor'wood Limited, Inc., its Manager

By:   
Christopher S. Jenkins, President

NOR'WOOD LIMITED, INC., as Manager for  
Carolyn Sue Jenkins

By:   
Christopher S. Jenkins, President

**WARNING:  
IT IS AGAINST THE LAW:**

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.  
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.  
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.**

*Carolyn Sue Jenkins*  
Carolyn Sue Jenkins, Individually

**WARNING:  
IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.  
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.  
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.

**PETITION FOR THE ORGANIZATION  
OF THE SW DOWNTOWN BUSINESS  
IMPROVEMENT DISTRICT WITHIN THE  
CITY OF COLORADO SPRINGS, COLORADO**

I, Leslie H. Larsen, the circulator, being first duly sworn on oath, deposes and says:

That I am a registered elector of the State of Colorado and was a registered elector at the time the Petition was circulated and signed by the listed electors; that I have circulated the Petition, that each signature thereon was affixed in my presence and that each signature thereon is a signature of the person whose name it purports to be.

I further state to my best knowledge and belief the property owners whose names are subscribed to the foregoing Petition are persons who are taxpaying electors of the proposed; and that this Petition has not been disassembled while it was being circulated; and that I was not paid and will not in the future be paid and believe that no other person has paid or will pay directly, any money or thing of value to any signer for the purpose of inducing or causing the person to sign the Petition.

Date of Signing: July 14, 2017

  
Signature of Affiant and Circulator

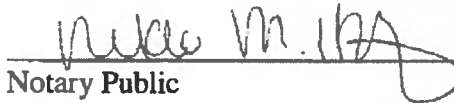
Residence Address including street name and number, city or City, county:

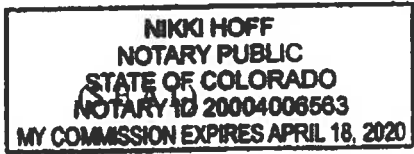
11395 East 26<sup>th</sup> Avenue  
Denver, Colorado 80238

STATE OF COLORADO            )  
  )ss.  
COUNTY OF Denver            )

This instrument was subscribed and sworn to before me this 14<sup>th</sup> day of July, 2017.

My commission expires: 4.18.2020

  
Notary Public



**WARNING:  
IT IS AGAINST THE LAW:**

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.  
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.  
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.**

**EXHIBIT A**

**Legal Descriptions of the Area within the  
SW Downtown Business Improvement District**

**CSJ NO. 1 LLC**

**402 Sierra Madre Street**

**PART OF W2SW4 SEC 18-14-66 AS FOLS, BEG AT INTSEC OF W LN OPF SIERRA MADRE ST WITH N LN OF W CIMARRON ST, TH N 89<52' W ALG N LN OF CIMARRON ST 137 FT M/L, TH DUE N PARA WITH W LN OF SIERRA MADRE ST 309.68 FT FOR POB, TH DUE W 50 FT, TH DUE N AT R/A 200 FT, TH DUE E AT R/A 25 FT TO PT OF CURVE, TH SELY ON A CURVE TO RT WITH A RAD OF 25 FT AND A C/A OF 90<00'00" FOR AN ARC DIST OF 39.27 FT TO A PT AT END OF CURVE, SD PT BEING 137 FT DUE W FROM W LN OF SD SIERRA MADRE ST, TH DUE S 175 FT TO POB 4**

**CSJ NO. 1 LLC**

**0 Sierra Madre St.**

**A TR IN SW 4 SEC 18-14-66 DESC AS FOLS: COM A NLY COR OF POI OF SIERRA MADRE ST & CIMARRON ST, TH N 01<55'19" E 769.78 FT TO POB, TH N 88<01'49" W 72.63 FT, N 14<35'55" E 133.56 FT, NO 33<60'11" E 82.26 FT TO PT ON WLY R/W LN OF SIERRA MADRE ST, TH S 01<55'19" W 200.19 FT TO POB, EX THAT PT CON V BY REC 216151501**

**CSJ NO. 7 LLC**

**CAROLYN SUE JENKINS**

**121 Costilla St. W**

**LOT 6 BLK 266 ADD 1 COLO SPGS**

**CSJ NO. 7 LLC**

**CAROLYN SUE JENKINS**

**119 Costilla St. W**

**LOT 5 BLK 266 ADD 1 COLO SPGS**

**CSJ NO. 7 LLC**

**CAROLYN SUE JENKINS**

**124 Cimarron St. W**

**LOTS 10-12 BLK 266 ADD 1 COLO SPGS**

**CSJ NO. 7 LLC**

**WARNING:  
IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.  
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.  
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.

**URBAN ENTERPRISES LLC  
301 Cimino  
LOT 5 CONFLUENCE PARK SOUTH**

**CSJ NO. 7 LLC  
URBAN ENTERPRISES LLC  
129 Costilla St. W  
LOT 8 BLK 266 ADD 1 COLO SPGS**

**CSJ NO. 7 LLC  
URBAN ENTERPRISES LLC  
125 Costilla St. W.  
LOT 7 BLK 266 ADD 1 COLO SPGS**

**CSJ NO. 7 LLC  
URBAN ENTERPRISES LLC  
114 Cimarron St. W  
LOTS 13-16 INC BLK 266 ADD 1 COLO SPGS**

**CSJ NO. 7 LLC  
URBAN ENTERPRISES LLC  
425 Sierra Madre St. S  
LOT 9 BLK 266 ADD 1 COLO SPGS**

**CSJ NO. 7 LLC  
URBAN PROPERTIES NO. 4 LLC  
25 Vermijo Ave. W.  
LOTS 8 TO 16 INC BLK 270 ADD 1 COLO SPGS**

**CSJ NO. 7 LLC  
URBAN PROPERTIES NO. 4 LLC  
117 Vermijo Ave. W  
LOTS 1-24 INC, TOG WITH VAC ALLEY ADJ TO SD LOTS BLK 269 ADD 1 COLO SPGS**

**WARNING:  
IT IS AGAINST THE LAW:**

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.  
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.  
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.**

**SRPC LLC**

**228 W Cimarron / 400 S Sierra Madre**

Tr in W2SW4 SEC 18-14-66 DESC AS FOLS: COM AT POI OF SLY R/W LN OF SIERRA MADRE ST WITH NLY R/W LN OF CIMARRON ST, TH N 00<01'06" W 15.00 FT TO POB, N ALG SLY R/W LN OF SIERRA MADRE ST 769.78 FT, N 88<01'49" W 72.63 FT, N 14<35'55" E 133.56 FT, N 33<50'11" E 82.26 FT TO PT ON WLY R/W LN OF SIERRA MADRE ST, TH N 00<01'52" W 363.97 FT, N 80<28'29" 2 83.85 FT S 09<31'51" W 351.28 FT, S 15<43'11" W 100.00 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 1473.61 FT A C/A OF 09<44'44" AN ARC DIST OF 250.65 FT, S 84<52'27" W 36.05 FT, S 20<05'15" W 513.88 FT TO POC TO L HAVING A RAD OF 15.00 FT N & PARA WITH NLY R/W LN OF CIMARRON ST, TH S 88<01'49" E 397.04 FT TO POB, TOG WITH LOT 1 WALK SUB, EX PTS CONV BY BKS 1749-86, 2277-533 & 5280-1160, EX THAT PT DESC BY REC 216151501

**SRPC LLC**

**0 Sierra Madre St.**

TR OF LAND SEC 18-14-66 DESC AS FOLS: BEG AT PT 15 FT NLY OF N LN W CIMARRON ST & 97 FT WLY OF W LN SIERRA MADRE ST, THE N PARALLEL W/ SD W LN SIERRA MADRE 545.00 FT, N 05<20"E 225.70 FT, N 13<45"E 66.00 FT, N 60<00"E 69.63 FT, TH N ALG W LN SD SIERRA MADRE ST 46.19 FT, TH S 60<00"W 16.51 FT, S 31<52"W 124.97 FT, S 12<37"W 259.84 FT, TH S PARALLEL W/ SD SIERRA MADRE ST 546.86 FT, TH E PARALLEL W/ N LN W CIMARRON ST 40 FT TO POB. TOG W/ TR DESC AS FOLS: BEG AT PT 560 FT NLY OF N LN W CIMARRON ST & 97 FT WLY OF W LN SIERRA MADRE ST, TH N 05<20"E 225.70 FT, N 13<45"E 66.00 FT, N 60<00"E 69.63 FT TO PT ON WLY LN SD SIERRA MADRE ST, TH S ON SD W LN 14.74 FT, TH S 31<52"W 82.20 FT, S 12<37" W 245.00 FT TO POB EX THAT PT DESC BY REC 216151501

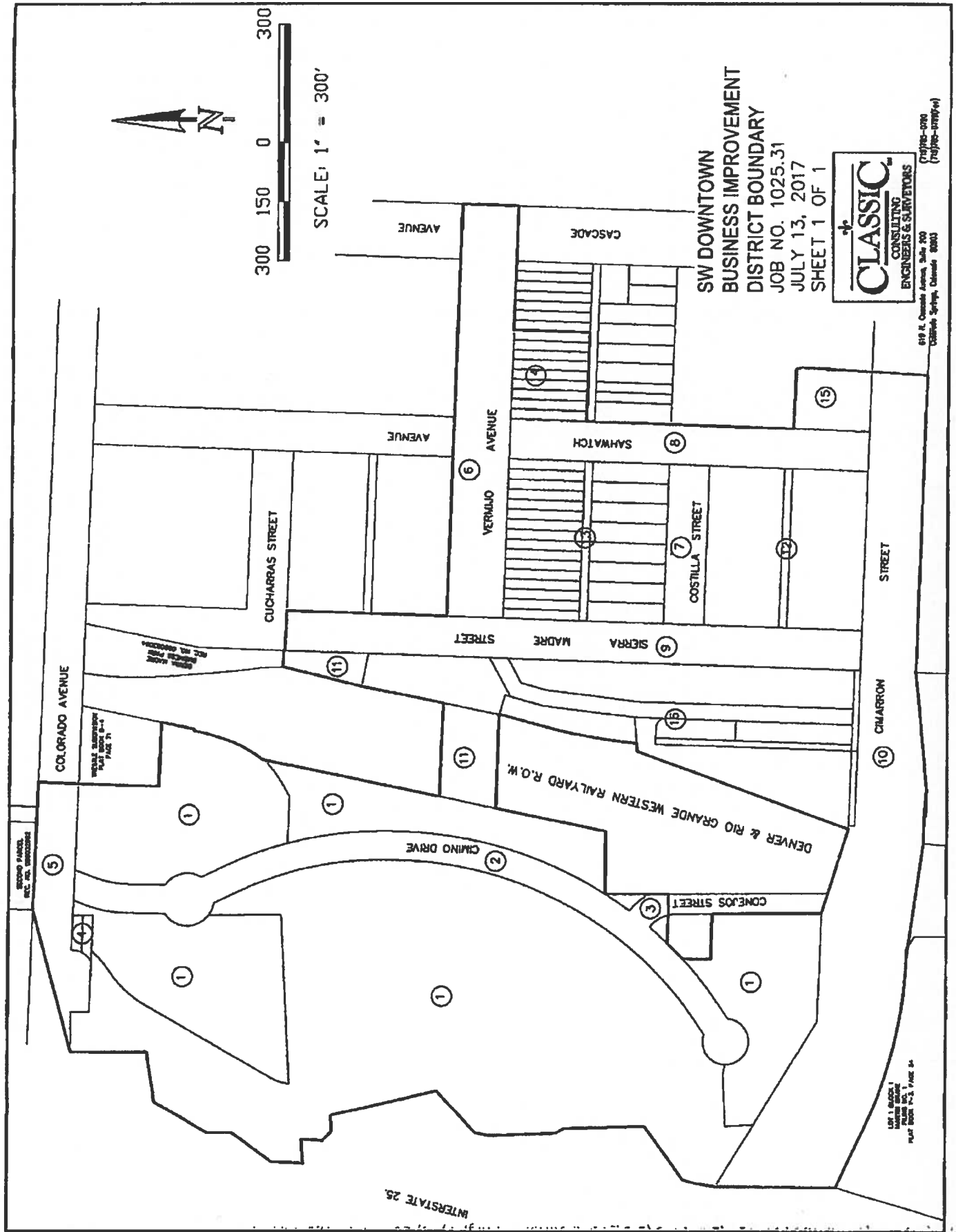


EXHIBIT A

PUBLIC NOTICE OF HEARING ON

PETITION FOR THE ORGANIZATION OF THE SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, AND CONSIDERATION OF AN ORDINANCE ORGANIZING THE SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, PROVIDING FOR THE ELECTION OF THE DIRECTORS THEREOF, AND APPROVING THE INITIAL OPERATING PLAN AND PRELIMINARY 2017 BUDGET THEREFOR

PUBLIC NOTICE IS HEREBY GIVEN that there was filed in the office of the City Clerk of the City of Colorado Springs, Colorado a Petition for the Organization of the SW Downtown Business Improvement District ("Proposed District") in accordance with the provisions of the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S. Said Petition is pending the hearing on the sufficiency of said Petition and action on an ordinance to organize the Proposed District by the Mayor and City Council as the governing body of the City of Colorado Springs, Colorado (the "City").

Said Petition states, among other things:

(a) A general description of the boundaries and service area of the Proposed District, as follows and incorporated herein by reference: the commercial property in the commercial areas of the SW Downtown Business Improvement District development consisting of approximately 67.8 acres, located generally along Interstate 25 on the West, Colorado Avenue on the North, Cascade Avenue on the East and Cimarron Street on the South, in the City of Colorado Springs, Colorado. A full legal description is available from the office of Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, Colorado 80203.

(b) The Proposed District shall be empowered to provide all or part of the services and improvements allowed under Colorado law for business improvement districts, including "Improvements" as that term is defined in Section 31-25-1203(5), C.R.S., services as described in Section 31-25-1212(1)(f), C.R.S., and other powers granted to such districts under Section 31-25-1212, C.R.S., to the extent set forth in its Operating Plan;

(c) That a five (5) member Board of Directors of the Proposed District will be elected at an election to be held on November 7, 2017 pursuant to Section 31-25-1209(1)(d), C.R.S.

The petition is on file at the office of the City Clerk of the City of Colorado Springs, Colorado, and is available for public inspection.

NOTICE IS FURTHER GIVEN that by order of the Clerk to the Board of Trustees, a public hearing on said Petition shall be held at the hour of 1:00 p.m., on Tuesday, the 12th day of September, 2017, at the City Hall, 107 N. Nevada Avenue, Colorado Springs, Colorado, at which time and place any interested party may appear and be heard on the sufficiency of the Petition.

NOTICE IS FURTHER GIVEN that the City Council of the City of Colorado Springs, at the conclusion of said hearing, if it determines that the Petition satisfies the requirements of the Business Improvement District Act, will consider the adoption of a proposed ordinance creating and establishing the SW Downtown Business Improvement District, providing for the election of Board members of the District, and approving the Initial Operating Plan and preliminary 2017 budget therefor.

By: Sarah B. Johnson, City Clerk  
City of Colorado Springs, Colorado

**EXHIBIT B**



Proof of Publication

THE TRANSCRIPT  
Colorado Springs, Colorado

STATE OF COLORADO, } ss.  
COUNTY OF EL PASO }

I, Amy Sweet, Editor and COO, or the undersigned Authorized Agent of the Editor and COO, do solemnly swear that I am the Editor and COO, or Authorized Agent of the Editor and COO of The Transcript; that the same is a tri-weekly newspaper and published in the County of El Paso, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a tri-weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

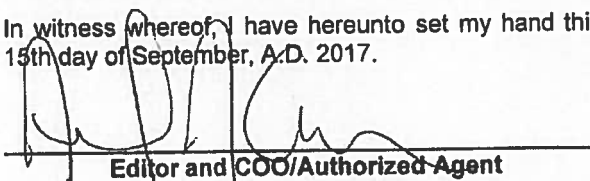
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said tri-weekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue of said newspaper dated:

18, AUGUST, A.D. 2017.

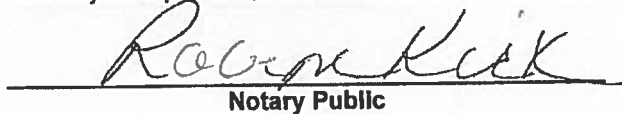
And that the last publication of said notice was in the issue of said newspaper dated:

18, AUGUST, A.D. 2017.

In witness whereof, I have hereunto set my hand this 15th day of September, A.D. 2017.

  
\_\_\_\_\_  
Editor and COO/Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 15th day of September, A.D. 2017.

  
\_\_\_\_\_  
Notary Public

ROBYN KIRK  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20114063677  
MY COMMISSION EXPIRES OCTOBER 5, 2019

PUBLIC NOTICE  
OF HEARING ON  
PETITION FOR THE  
ORGANIZATION OF THE SW  
DOWNTOWN BUSINESS  
IMPROVEMENT DISTRICT IN THE  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY, COLORADO,  
AND CONSIDERATION OF AN  
ORDINANCE ORGANIZING THE  
SW DOWNTOWN BUSINESS  
IMPROVEMENT DISTRICT,  
PROVIDING FOR THE ELECTION  
OF THE DIRECTORS THEREOF,  
AND APPROVING THE INITIAL  
OPERATING PLAN AND  
PRELIMINARY 2017 BUDGET  
THEREFOR

PUBLIC NOTICE IS HEREBY GIVEN that there was filed in the office of the City Clerk of the City of Colorado Springs, Colorado a Petition for the Organization of the SW Downtown Business Improvement District ("Proposed District") in accordance with the provisions of the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S. Said Petition is pending the hearing on the sufficiency of said Petition and action on an ordinance to organize the Proposed District by the City Council as the governing body of the City of Colorado Springs, Colorado (the "City").

Said Petition states, among other things:

(a) A general description of the boundaries and service area of the Proposed District, as follows and incorporated herein by reference: the commercial property in the commercial areas of the SW Downtown Business Improvement District development consisting of approximately 67.8 acres, located generally along Interstate 25 on the West, Colorado Avenue on the North, Cascade Avenue on the East and Cimarron Street on the South, in the City of Colorado Springs, Colorado. A full legal description is available from the office of Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, Colorado 80203.

(b) The Proposed District shall be empowered to provide all or part of the services and improvements allowed under Colorado law for business improvement districts, including "improvements" as that term is defined in Section 31-25-1203(5), C.R.S., services as described in Section 31-25-1212(1)(f), C.R.S., and other powers granted to such districts under Section 31-25-1212, C.R.S., to the extent set forth in its Operating Plan;

(c) That a five (5) member Board of Directors of the Proposed District will be elected at an election to be held on November 7, 2017 pursuant to Section 31-25-1209(1)(d), C.R.S.

The petition is on file at the office of the City Clerk of the City of Colorado Springs, Colorado, and is available for public inspection.

NOTICE IS FURTHER GIVEN that by order of the Clerk to the Board of Trustees, a public hearing on said Petition shall be held at the hour of 1:00 p.m., on Tuesday, the 12th day of September, 2017, at the City Hall, 107 N. Nevada Avenue, Colorado Springs, Colorado, at which time and place any interested party may appear and be heard on the sufficiency of the Petition.

NOTICE IS FURTHER GIVEN that the City Council of the City of Colorado Springs, at the conclusion of said hearing, if it determines that the Petition satisfies the requirements of the Business Improvement District Act, will consider the adoption of a proposed ordinance creating and establishing the SW Downtown Business Improvement District, providing for the election of Board members of the District, and approving the Initial Operating Plan and preliminary 2017 budget therefor.  
By: Sarah B. Johnson, City Clerk  
City of Colorado Springs, Colorado  
Publication Date: August 18, 2017  
Published in The Transcript  
DT31918

**Proof of Publication**

**THE TRANSCRIPT  
Colorado Springs, Colorado**

STATE OF COLORADO, } ss.  
COUNTY OF EL PASO }

I, Amy Sweet, Editor and COO, or the undersigned Authorized Agent of the Editor and COO, do solemnly swear that I am the Editor and COO, or Authorized Agent of the Editor and COO of The Transcript; that the same is a tri-weekly newspaper and published in the County of El Paso, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a tri-weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

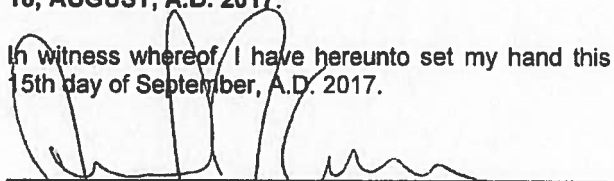
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said tri-weekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue of said newspaper dated:

**18, AUGUST, A.D. 2017.**

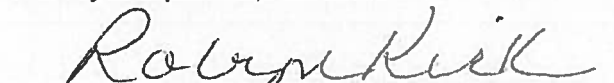
And that the last publication of said notice was in the issue of said newspaper dated:

**18, AUGUST, A.D. 2017.**

In witness whereof I have hereunto set my hand this 15th day of September, A.D. 2017.

  
\_\_\_\_\_  
**Editor and COO/Authorized Agent**

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 15th day of September, A.D. 2017.

  
\_\_\_\_\_  
**Notary Public**

**ROBYN KIRK  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20114063677  
MY COMMISSION EXPIRES OCTOBER 5, 2019**

**CITY COUNCIL OF THE CITY OF  
COLORADO SPRINGS,  
COLORADO**

**NOTICE OF PUBLIC HEARING**

IN RE THE ORGANIZATION OF SW DOWNTOWN METROPOLITAN DISTRICT NOS. 1 AND 2, CITY OF COLORADO SPRINGS, COLORADO

PUBLIC NOTICE IS HEREBY GIVEN that there was filed with the City of Colorado Springs, El Paso County, Colorado, a Service Plan and related documents (the "Service Plan") for the proposed SW Downtown Metropolitan District Nos. 1 and 2 (the "District"). The Service Plan is now on file in the Office of the City Clerk of the City of Colorado Springs, and is available for public inspection.

NOTICE IS FURTHER GIVEN that by Resolution of the City Council of the City of Colorado Springs, Colorado, and pursuant to Section 32-1-204, C.R.S., a public hearing on said Service Plan and related matters will be held before the City Council at 1:00 p.m. on Tuesday, September 12, 2017, at the City Hall, 107 N. Nevada Avenue, Colorado. The purpose of the public hearing shall be to consider the adequacy of the Service Plan to form a basis for adopting a Resolution approving, conditionally approving, or disapproving the Service Plan.

The proposed District will consist of approximately 67.8 acres and will be generally located along Interstate 25 on the West, Colorado Avenue on the North, Cascade Avenue on the East and Cimarron Street on the South, in the City of Colorado Springs, Colorado. A full legal description is available from the office of Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, Colorado 80203.

The proposed District shall have the power and authority to provide the public improvements as described in the Service Plan as such power and authority is described in the Special District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth in the Service Plan and any intergovernmental agreement(s) between the proposed District and the City of Colorado Springs, as any or all of the same may be amended from time to time. The maximum mill levy for debt service shall be thirty (30) mills subject to a Gallagher Adjustment and biannual reassessments by the County. The maximum mill levy for operations and maintenance shall be ten (10) mills subject to a Gallagher Adjustment and biannual reassessments by the County each subject to conditions as stated in the Service Plan.

NOTICE IS FURTHER GIVEN that pursuant to Section 32-1-203(3.5), C.R.S., as amended, no later than ten days prior to the public hearing on the Service Plan, any owner of real property within the proposed SW Downtown Metropolitan District Nos. 1 and 2 may file a petition with the City of Colorado Springs City Council requesting that such real property be excluded from the proposed Districts. The City of Colorado Springs City Council shall not be limited in its action with respect to the exclusion of property based upon such request. Any request for exclusion shall be acted upon before final action of the City of Colorado Springs City Council concerning approval of the Service Plan.

By: /s/ Sarah B. Johnson, City Clerk  
City of Colorado Springs, Colorado  
Publication Date: August 18, 2017  
Published in The Transcript  
DT31919

**EXHIBIT B**

**2017-2018 OPERATING PLAN AND  
BUDGET**

**SW DOWNTOWN  
BUSINESS  
IMPROVEMENT  
DISTRICT**

City of Colorado Springs, El Paso County, Colorado

**TABLE OF CONTENTS**

**PURPOSE AND SCOPE OF THIS DISTRICT.....1**  
    **A. Requirement for this 2017-2018 Operating Plan.....1**  
    **B. What Must Be Included in the Operating Plan? .....1**  
    **C. Purposes**  
    **D. Ownership of Property or Major Assets**  
    **E. Contracts or Agreements**  
**ORGANIZATION AND COMPOSITION OF THE BOARD OF DIRECTORS.....2**  
**BOUNDARIES, INCLUSIONS AND EXCLUSIONS .....2**  
**PUBLIC IMPROVEMENTS.....3**  
**ADMINISTRATION, OPERATIONS, SERVICES AND MAINTENANCE.....3**  
**FINANCIAL PLAN AND BUDGET .....3**  
**MUNICIPAL OVERSIGHT OF DISTRICT ACTIVITIES .....4**  
  
**2017-2018 ACTIVITIES, PROJECTS AND CHANGE.....5**  
    **1. Activities.....5**  
    **2. Projects and Public Improvements. ....5**  
    **3. Summary of 2017-2018 Activities and Changes.....5**  
  
**DISSOLUTION.....6**  
**CONCLUSION.....6**  
  
**EXHIBIT A - Director Contact Information**  
**EXHIBIT B - BID Budget 2017-2018**  
    **General Fund**  
**EXHIBIT C – District Legal Description and Boundary Map**  
**EXHIBIT D – Public Improvements**

**2017-2018  
OPERATING PLAN FOR THE  
SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT**

**1. PURPOSE AND SCOPE OF THIS DISTRICT**

**A. Requirement for this Operating Plan** The Business Improvement District Act, specifically Section 31-25-1211, C.R.S., requires that the SW Downtown Business Improvement District (the "District") file an operating plan and budget with the City Clerk no later than September 30 of each year.

Under the statute, the City is to approve the operating plan and budget within 30 days of the submittal of all required information.

The District operates under the authorities and powers allowed under the Business Improvement District Act, Section 31-25-1201, et seq., Colorado Revised Statutes, as amended, as further described and limited by this Operating Plan.

**B. What Must Be Included in the Operating Plan?** Pursuant to the provisions of the Business Improvement District Act, Section 31-25-1201, et seq., Colorado Revised Statutes, as amended, this Operating Plan specifically identifies (1) the composition of the Board of Directors, (2) the services and improvements to be provided by the District, (3) the taxes, fees, and assessments to be imposed by the District, (4) the estimated principal amount of the bonds to be issued by the District, and (5) such other information as the City may require.

This Operating Plan and any subsequent Operating Plans approved by the City, will be incorporated herein by reference, and shall remain in full force and effect except as specifically or necessarily modified hereby.

**C. Purposes** As articulated in this Operating Plan, the contemplated purposes of this District for 2017-2018 to include financing, acquisition, construction, completion, installation, replacement and/or operation and maintenance of all of the services and public improvements allowed under Colorado law for business improvement districts.

**D. Ownership of Property or Major Assets** The District will own public improvements as constructed if such improvements are not otherwise dedicated to other public entities for operation and maintenance.

**E. Contracts and Agreements** It is anticipated that the District will enter into various agreements as required to facilitate the funding, construction, operation and maintenance of public improvements including agreements with the proposed urban renewal entity to be formed overlapping the boundaries of the District. The District is not currently a party to any significant active contracts or agreements. The District may also enter into agreements with other districts encompassing adjacent developments in order to cooperate on infrastructure projects.

## **2. ORGANIZATION AND COMPOSITION OF THE BOARD OF DIRECTORS**

- A. **Organization.** The SW Downtown Business Improvement District is sought to be organized by the City of Colorado Springs, Colorado as requested in the Petition for Organization for the District.
- B. **Governance.** Pursuant to Section 31-25-1209(1)/(d), the City hereby provides for a board of directors for the District, which shall have five members. Each member shall be an elector of the District and shall be elected by the eligible electors of the District as provided by law. The City will appoint the initial board of directors for the District after which the positions on the board shall be elected starting with an election on November 7, 2017.
- C. **Current Board.** If approved by the City, the District will be managed by a Board of Directors consisting of five electors all of whom shall be voting members. The proposed Board members are:
- 1) Jeffrey A. Finn
  - 2) Christopher S. Jenkins
  - 3) David D. Jenkins
  - 4) Delroy L. Johnson
  - 5) Russell T. Tutt IV

Director and other pertinent contact information is provided in Exhibit A.

- D. **Term Limits.** At the November 7, 2017 election, a ballot question will be included to eliminate term limits.
- E. **Advisory Board.** The Board of Directors may appoint one or more advisory boards to assist the Board of Directors on such matters as the Board of Directors desires assistance. The Board of Directors shall, upon the appointment of an advisory board, set forth its duties, duration, and membership. The Board of Directors may provide rules of procedure for the advisory board or may delegate to the advisory board the authority to provide such rules. No advisory boards have yet been appointed.

## **3. BOUNDARIES, INCLUSIONS AND EXCLUSIONS**

The District is proposed to include approximately 67.8 acres with boundaries as depicted in Exhibit C. In 2017 and 2018 the District anticipates inclusion requests in the coming years as development and platting within the District occurs.

#### **4. PUBLIC IMPROVEMENTS**

The District will be primarily concerned with the provision of public improvements and services within the boundaries of the District; however, there may be instances to provide improvement or services outside of the boundaries of the District as part of the project. The District shall have the authority to provide these improvements and services, but the revenue-raising powers of the District to recoup the costs of extraterritorial improvements and services shall be as limited by state law.

The public improvements that the District anticipates it will construct, install or cause to be constructed and installed, include those public improvements the costs of which may, in accordance with the Business Improvement District Act, Section 31-25-1201, et seq., C.R.S., lawfully be paid for by the District, including, without limitation, water services, safety protection devices, sanitation services, street improvements, curbs, gutters, culverts, drainage facilities, sidewalks, parking facilities, paving, lighting, grading, landscaping and storm and wastewater management facilities and associated land acquisition and remediation (the "Public Improvements"). The costs of such Public Improvements, including costs of design, acquisition, construction and financing, are referred to herein as the "Public Improvement Costs."

#### **5. ADMINISTRATION, OPERATIONS, SERVICES AND MAINTENANCE**

The District shall provide for ownership, operation, and maintenance of District facilities as activities of the District itself or by contract with other units of government or the private sector.

#### **6. FINANCIAL PLAN AND BUDGET**

1. **2017-2018 Budget.** The 2017-2018 Budget for the District is attached as Exhibit B.
2. **Authorized Indebtedness.** It is anticipated that the District will hold an election in November 7, 2017 for the purpose of authorizing debt, taxes, revenue limits, spending limits, special assessments, and such other matters as may be necessary or convenient for the implementation of Art. X., Sec. 20 of the Colorado Constitution, and the Operating Plan. The maximum debt authorization for the District shall be \$105,000,000.
3. **Property Tax and Mill Levy Caps.** The District taxing ability shall be constrained to mill levy limitations of up to 50 mills for debt service and up to 10 mills for general operations and administrative expenses due to the on-going operations and maintenance to be undertaken by the District within its boundaries.
4. **District Revenues.** The District anticipates developer funding for initial revenue sources and thereafter revenues derived from property taxes. The District may seek City approval for the use of public improvement fees to support public improvement construction and future bonds for that purpose.

5. Existing Debt Obligations. The District has no current debt.
6. Future Debt Obligations. The District does not anticipate the issuance of any debt in 2017 or 2018.
7. Other Financial Obligations. The District may enter into agreements, including reimbursement or similar agreements and leases; as well as agreements for ongoing services such as legal, administration, compliance, budget, audit, etc.
8. City Charter Limitations. In accordance with 7-100 of the City Charter, the District shall not issue any debt instrument for any purpose other than construction of capital improvements with a public purpose necessary for development. As set forth in 7-100 of the City Charter, the total debt of any proposed District shall not exceed 10 percent of the total assessed valuation of the taxable property within the District unless approved by at least a two-thirds vote of the entire City Council.
9. Non-Default Provisions. Limited tax general obligation bonds issued by the District shall be structured and/or credit enhancements provided such that the bonds cannot default as long as the District is imposing the required maximum allowed mill levy.
10. Privately Placed Debt. Prior to the issuance of any privately placed debt for capital related costs, the District shall obtain the certification of an External Financial Advisor regarding the fairness and feasibility of the interest rate and the structure of the debt.
11. The debt of the District will not constitute a debt or obligation of the City in any manner. The faith and credit of the City will not be pledged for the repayment of the debt of the District. This will be clearly stated on all offering circulars, prospectus, or disclosure statements associated with any securities issued by the District.

## **7. MUNICIPAL OVERSIGHT OF DISTRICT ACTIVITIES**

(a) **Audit.** The District agrees to submit an annual audit to the City Finance Department no later than March 1st of each year which is performed by an independent certified public accounting firm. Even if the state grants an audit exemption, the District must submit an annual audit as specified above.

(b) **SID Formation.** The District affirms that it will provide an Amended Operating Plan and seek prior approval of City Council prior to formation of any Special Improvement District within its boundaries in the future.



(c) **City Authorization Prior to Debt Issuance.** In accordance with the City's Special District Policy, and notwithstanding any statements of intent in the Budget and Operating Plan, this District shall request and obtain approval of City Council prior to issuance of any debt in accordance with the financing plan for the District as previously approved. The standards for City approval shall generally be consistent with the City's Special District Policy as it may be amended along with the most recently approved operating plan and budget and any requirements or limitations contained therein to the extent that they are consistent with the financing plans for the District.

(d) **Public Improvement Fees.** The use of a public improvement fee (PIF) may be necessary to provide necessary funding revenues for the improvements to be financed by the District. This District may utilize revenues from a new, increased or expanded PIF.

(e) **Condemnation.** The Colorado Revised Statutes do not authorize BIDs to use powers of eminent domain. The exercise of eminent domain authority by any City-authorized district is also specifically prohibited without express prior City Council approval.

## **8. 2017-2018 ACTIVITIES, PROJECTS AND CHANGES**

### **1. Activities**

It is anticipated that the District will primarily be engaged in the initial organization activities for the area in its first year and improvements planning in 2018.

### **2. Projects and Public Improvements**

The District will not be undertaking any projects or public improvements in the upcoming year and second year.

### **3. Summary of 2017-2018 Activities and Changes from Prior Year**

The District does not anticipate any major activities for the upcoming year.

**Boundary changes:** In 2017 and 2018 the District anticipates inclusion requests in the coming years as development and platting within the District occurs

**Changes to board or governance structure:** The City will appoint the initial board of directors for the District after which the positions on the board shall be elected starting with an election on November 7, 2017.

**Mill levy changes:** N/A

**New, refinanced or fully discharged debt:** Not anticipated

**Elections:** November 7, 2017 Special Election

**Major changes in development activity or valuation:** Not anticipated

**Ability to meet current financial obligations:** The District anticipates developer funding for initial revenue sources and thereafter revenues derived from property taxes. The District may enter into agreements and leases for ongoing services for general operations and maintenance of the District.

## **9. DISSOLUTION**

The District is anticipated to have ongoing operations and maintenance obligations that will necessitate perpetual existence. If the District no longer has such obligations the District will seek to dissolve pursuant to Colorado Revised Statutes § 31-25-1225.

## **CONCLUSION**

It is submitted that this Operating Plan and Budget for the District meets the requirements of the Business Improvement District Act and further meets applicable requirements of the Colorado Constitution and other law. It is further submitted that the types of services and improvements to be provided by the District are those services and improvements which satisfy the purposes of Part 12 of Article 25 of Title 31, C.R.S.

**EXHIBIT A**  
**Director and Other Contact Information**

**BOARD OF DIRECTORS:**

Jeffrey A. Finn  
Nor'wood Development Group  
111 South Tejon, Suite 222  
Colorado Springs, CO 80903

(w) 719-439-7378  
(f) 719-633-0545  
[jfinn@nor-wood.com](mailto:jfinn@nor-wood.com)

Christopher S. Jenkins  
Nor'wood Development Group  
111 South Tejon, Suite 222  
Colorado Springs, CO 80903

(w) 719-593-2600  
(f) 719-633-0545  
[chrisjenkins@nor-wood.com](mailto:chrisjenkins@nor-wood.com)

David D. Jenkins  
Nor'wood Development Group  
111 South Tejon, Suite 222  
Colorado Springs, CO 80903

(w) 719-593-2600  
(f) 719-633-0545  
[ddj@nor-wood.com](mailto:ddj@nor-wood.com)

Delroy L. Johnson  
Nor'wood Development Group  
111 South Tejon, Suite 222  
Colorado Springs, CO 80903

(w) 719-593-2600  
(f) 719-633-0545  
[djohnson@nor-wood.com](mailto:djohnson@nor-wood.com)

Russell T. Tutt IV  
Nor'wood Development Group  
111 South Tejon, Suite 222  
Colorado Springs, CO 80903

(w) 719-593-2611  
(f) 719-633-0545  
[ttutt@nor-wood.com](mailto:ttutt@nor-wood.com)

**DISTRICT MANAGER:**

**DISTRICT CONTACT:**

Russ Dykstra  
Spencer Fane, LLP  
1700 Lincoln St, Suite 2000  
Denver, Colorado 80203  
303-839-3845  
[rdykstra@spencerfane.com](mailto:rdykstra@spencerfane.com)

**INSURANCE AND DIRECTORS' BONDS:**

**ACCOUNTANT:**

**AUDITOR:**

**STAFF:**

**EXHIBIT B**

**2017-2018 BID Budget  
General Fund**

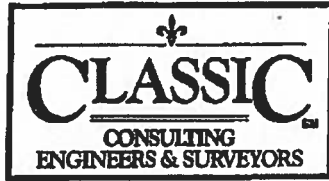
**SW Downtown Business Improvement District  
2017 - 2018 Budget**

**General Fund**

<u>Expense</u>	<u>Actual 2015</u>	<u>Actual 2016</u>	<u>Proposed 2017</u>	<u>Proposed 2018</u>
Beginning Funds Balance	\$ -	\$ -	\$ -	\$ -
Revenue				
Property Taxes	\$ -	\$ -	\$ -	\$ -
Specific Ownership Taxes	\$ -	\$ -	\$ -	\$ -
Developer Advances	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00
Interest Income				
Miscellaneous Income	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -		
Total Revenue	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00
Total Funds Available	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00
Expenditures				
Accounting / Audit	\$ -	\$ -	\$ 2,500.00	\$ 2,500.00
Election Expense	\$ -	\$ -	\$ -	\$ -
Engineering	\$ -	\$ -	\$ 10,000.00	\$ 10,000.00
Insurance/SDA Dues	\$ -	\$ -	\$ 2,500.00	\$ 2,500.00
Legal	\$ -	\$ -	\$ 15,000.00	\$ 15,000.00
Management	\$ -	\$ -	\$ 1,500.00	\$ 1,500.00
Contingency	\$ -	\$ -	\$ 15,000.00	\$ 15,000.00
Misc. Expenses	\$ -	\$ -	\$ 2,000.00	\$ 2,000.00
Treasurer's Fees	\$ -	\$ -	\$ -	\$ -
Repay Developer Advances	\$ -	\$ -	\$ -	\$ -
Total Expenditures	\$ -	\$ -	\$ 48,500.00	\$ 48,500.00
Emergency Reserve	\$ -	\$ -	\$ 1,500.00	\$ 1,500.00
Total Expenditures requiring appropriation	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00
Ending Funds Balance	\$ -	\$ -	\$ -	\$ -

**EXHIBIT C**

**District Legal Description and Boundary Map**



619 N. Cascade Avenue, Suite 200 (719)785-0790  
Colorado Springs, Colorado 80903 (719) 785-0799(Fax)

JOB NO. 1025.31-01  
JULY 13, 2017  
PAGE 1 OF 6

**SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT  
LEGAL DESCRIPTION:**

**PARCEL 1**

LOTS 1 THROUGH 5 INCLUSIVE AND TRACTS A AND B, AS PLATTED IN CONFLUENCE PARK SOUTH RECORDED UNDER RECEPTION NO. 203096556 RECORDS OF EL PASO COUNTY, COLORADO.

**PARCEL 2**

CIMINO DRIVE, PLATTED AS CONFLUENCE PARK BOULEVARD, AS PLATTED IN CONFLUENCE PARK SOUTH RECORDED UNDER RECEPTION NO. 203096556 RECORDS OF EL PASO COUNTY, COLORADO.

**PARCEL 3**

ANY PORTION OF CONEJOS STREET, AS PLATTED IN CONFLUENCE PARK SOUTH RECORDED UNDER RECEPTION NO. 203096556 RECORDS OF EL PASO COUNTY, COLORADO, LYING NORTHERLY OF THE EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY LINE OF LOT 6 AS PLATTED IN SAID CONFLUENCE PARK SOUTH.

**PARCEL 4**

LOTS 1 AND 2, AS PLATTED IN MONUMENT ADDITION TO COLORADO SPRINGS RECORDED IN PLAT BOOK A AT PAGE 24 RECORDS OF EL PASO COUNTY, COLORADO.

**PARCEL 5**

ANY PORTION OF COLORADO AVENUE, PLATTED AS HUERFANO STREET, AS PLATTED IN MONUMENT ADDITION TO COLORADO SPRINGS RECORDED IN PLAT BOOK A AT PAGE 24 RECORDS OF EL PASO COUNTY, COLORADO AND IN PARRISH'S ADDITION TO COLORADO SPRINGS RECORDED IN PLAT BOOK A AT PAGE 21, LYING WESTERLY OF THE NORTHERLY EXTENSION OF THE WESTERLY BOUNDARY TRESTLE SUBDIVISION RECORDED IN PLAT BOOK B-4 AT PAGE 71 AND EASTERLY OF A LINE BETWEEN THE NORTHWESTERLY CORNER OF LOT 1 AS PLATTED IN CONFLUENCE PARK SOUTH RECORDED UNDER RECEPTION NO. 203096556 AND THE SOUTHWESTERLY CORNER OF THE SECOND PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 096032802.

**PARCEL 6**

ANY PORTION OF VERMIJO AVENUE AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO, AND PLATTED IN TOWN OF COLORADO SPRINGS RECORDED IN PLAT BOOK A AT PAGE 3, LYING WESTERLY OF THE EASTERLY RIGHT OF WAY LINE OF CASCADE AVENUE AS PLATTED IN SAID TOWN OF COLORADO SPRINGS AND EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF SIERRA MADRE STREET AS PLATTED IN SAID ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS.

**PARCEL 7**

ANY PORTION OF COSTILLA STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO, LYING WESTERLY OF THE WESTERLY RIGHT OF WAY LINE OF SAHWATCH STREET AS PLATTED IN SAID ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS AND EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF



SIERRA MADRE STREET AS PLATTED IN SAID ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS.

**PARCEL 8**

ANY PORTION OF SAHWATCH STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF VERMIJO AVENUE AS PLATTED IN SAID ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS AND NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINE OF CIMARRON STREET AS PLATTED IN SAID ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS.

**PARCEL 9**

ANY PORTION OF SIERRA MADRE STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF CUCHARRAS STREET AS PLATTED IN SAID ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS AND NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINE OF CIMARRON STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS.

**PARCEL 10**

ANY PORTION OF CIMARRON STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO, LYING WESTERLY OF THE SOUTHERLY EXTENSION OF THE EASTERLY BOUNDARY LINE OF LOT 2 AS PLATTED IN COLORADO SPRINGS CREDIT UNION FILING NO. 2 RECORDED UNDER RECEPTION NO. 208712782.

**TOGETHER WITH**

THAT PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 1749 AT PAGE 86.

**TOGETHER WITH**

THAT PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 1991 AT PAGE 640, EXCEPT THAT PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 207141695.

**TOGETHER WITH**

THAT PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 207141694.

**TOGETHER WITH**

ANY PORTION OF CIMARRON STREET LYING WESTERLY OF THE WESTERLY BOUNDARY OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO AND EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 25.

**PARCEL 11**

ANY PORTION OF THE DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT OF WAY LYING SOUTHERLY OF THE SOUTHERLY BOUNDARY OF LOT 2, AS PLATTED IN SIERRA MADRE BUSINESS PARK RECORDED UNDER RECEPTION NO. 099093094 RECORDS OF EL PASO COUNTY, COLORADO, WESTERLY OF THE WESTERLY RIGHT OF WAY LINE OF SIERRA MADRE STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7, NORTHERLY OF THE NORTHERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 216151501 AND EASTERLY OF A LINE BETWEEN THE NORTHWESTERLY CORNER OF SAID PARCEL DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 216151501 AND THE SOUTHWESTERLY CORNER OF LOT 2 AS PLATTED IN SAID SIERRA MADRE BUSINESS PARK.

**TOGETHER WITH**

ANY PORTION OF THE DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT OF WAY LYING SOUTHERLY OF THE WESTERLY EXTENSION OF THE NORTHERLY RIGHT OF WAY LINE OF VERMIJO AVENUE AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7, RECORDS OF EL PASO

COUNTY, COLORADO, WESTERLY OF THE WESTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 5525 AT PAGE 1117, NORTHERLY OF THE WESTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF SAID VERMIJO AVENUE AND EASTERLY OF LOT 2 AS PLATTED IN CONFLUENCE PARK SOUTH RECORDED UNDER RECEPTION NO. 203096558.

**PARCEL 12**

ALL OF BLOCK 266 AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO.

**PARCEL 13**

ALL OF BLOCK 269 AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO.

**PARCEL 14**

LOTS 8 THROUGH 16 INCLUSIVE, BLOCK 270 AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 RECORDS OF EL PASO COUNTY, COLORADO.

**PARCEL 15**

LOT 2 AS PLATTED IN COLORADO SPRINGS CREDIT UNION FILING NO. 2 RECORDED UNDER RECEPTION NO. 208712782 RECORDS OF EL PASO COUNTY, COLORADO.

**PARCEL 16**

A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 216151501 RECORDS OF EL PASO COUNTY, COLORADO.

**TOGETHER WITH**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THAT PART OF WEST CIMARRON STREET, DESCRIBED IN DEED TO THE CITY OF COLORADO SPRINGS RECORDED IN BOOK 1749 AT PAGE 86 UNDER RECEPTION NO. 115325, WITH THE WEST LINE OF SIERRA MADRE STREET;

THENCE WEST ON THE NORTH LINE OF WEST CIMARRON STREET TO A POINT 97.00 FEET WEST OF THE WEST LINE OF SIERRA MADRE STREET, BEING THE SOUTHEASTERLY CORNER OF PARCEL NO. 1 DESCRIBED IN SAID DEED TO THE CITY OF COLORADO SPRINGS;

THENCE NORTH 545.00 FEET PARALLEL WITH THE WEST LINE OF SAID SIERRA MADRE STREET;

THENCE N07°18'11"E 225.70 FEET;(NORTH 5 DEGREES 20' EAST OF RECORD)

THENCE N15°43'11"E 66.00 FEET; (NORTH 13 DEGREES 45' EAST OF RECORD)

THENCE N61°58'11"E 69.67 FEET (NORTH 60 DEGREES EAST OF RECORD) TO THE WEST LINE OF SAID SIERRA MADRE STREET;

THENCE SOUTH ON THE WEST LINE OF SAID SIERRA MADRE STREET 868.67 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PORTION CONVEYED TO THE CITY OF COLORADO SPRINGS BY BOOK 2277 AT PAGE 533, AND EXCEPT THAT PORTION CONVEYED BY DEED RECORDED OCTOBER 29, 2002 UNDER RECEPTION NO. 202167404, EL PASO COUNTY, COLORADO.

**TOGETHER WITH**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING ON THE WEST LINE OF SIERRA MADRE STREET AT THE MOST NORTHERLY CORNER OF TRACT NO. 1 DESCRIBED IN DEED TO CITY OF COLORADO SPRINGS RECORDED IN BOOK 1749 AT PAGE 86 UNDER RECEPTION NO. 115325;

THENCE S61°58'11"W 109.84 FEET;(SOUTH 60 DEGREES WEST 109.80 FEET OF RECORD)

THENCE S15°43'11"W 86.02 FEET;(SOUTH 13 DEGREES 45' WEST OF RECORD)  
THENCE S07°18'11"W 228.24 FEET;(SOUTH 5 DEGREES 20' WEST 228.23 FEET OF  
RECORD) FOR THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED HEREBY;  
THENCE N07°18'11"E 228.24 FEET;(NORTH 5 DEGREES 20' EAST 228.23 FEET OF  
RECORD)

THENCE N15°43'11"E 100.00 FEET;(NORTH 13 DEGREES 45' EAST OF RECORD)  
THENCE N74°16'49"W 50.00 FEET;(NORTH 78 DEGREES 15' WEST OF RECORD)  
THENCE S15°43'11"W 100.00 FEET;(SOUTH 13 DEGREES 45' WEST OF RECORD)  
THENCE SOUTHERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS  
S77 DEGREES 56'03" E WITH A RADIUS OF 1473.81 FEET AND HAVING A DELTA ANGLE  
OF 09 DEGREES 35'33", 246.71 FEET;  
THENCE N84°52'27"E, 50.50 FEET (NORTH 68 DEGREES 41' EAST 50.5 FEET OF  
RECORD) TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.  
TOGETHER WITH

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14  
SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
A PARCEL OF LAND IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY,  
COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 561.86 FEET NORTH OF THE NORTH LINE OF WEST CIMARRON  
STREET AND 137.00 FEET WEST OF THE WEST LINE OF SIERRA MADRE STREET IN  
SAID CITY;

THENCE N07°18'11"E 230.50 FEET;(NORTH 5 DEGREES 20' EAST OF RECORD)  
THENCE N15°43'11"E 86.02 FEET;(NORTH 13 DEGREES 45' EAST OF RECORD)  
THENCE N61°58'11"E 93.29 FEET;(NORTH 60 DEGREES 00' EAST OF RECORD)  
THENCE S33°50'11"W 124.76 FEET;(SOUTH 31 DEGREES 52' WEST OF RECORD)  
THENCE S14°35'11"W 260.03 FEET;(SOUTH 12 DEGREES 37' WEST OF RECORD), MORE  
OR LESS TO THE POINT OF BEGINNING.

TOGETHER WITH

LOT 1 IN WALK SUBDIVISION, RECORDED IN PLAT BOOK R2 AT PAGE 48, IN THE CITY  
OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14  
SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO,  
STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF  
SIERRA MADRE STREET WITH THE NORTHERLY RIGHT-OF-WAY LINE OF CIMARRON  
STREET AS PLATTED IN THE MAP OF ADDITION NO. 1 TO THE TOWN OF COLORADO  
SPRINGS AS RECORDED IN PLAT BOOK A AT PAGE 7 OF THE RECORDS OF SAID  
COUNTY;

THENCE S88°01'49"W (SOUTH 89 DEGREES 58'54" WEST OF RECORD) ON SAID  
NORTHERLY RIGHT-OF-WAY LINE OF CIMARRON STREET, 202.90 FEET;  
THENCE N01°58'11"E, (NORTH 00 DEGREES 01'08" WEST OF RECORD) 15.00 FEET TO  
THE POINT OF BEGINNING;  
THENCE N01°59'19"E, (NORTH 00 DEGREES 00'00" E OF RECORD) 494.68 FEET TO A  
POINT ON THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF THAT TRACT OF  
LAND DESCRIBED IN BOOK 5280 AT PAGE 1160 OF SAID RECORDS;  
THENCE EASTERLY ON SAID WESTERLY EXTENSION AND ON SAID NORTHERLY LINE  
FOR THE FOLLOWING TWO (2) COURSES:

- (1) THENCE S88°02'33"E, 40.74 FEET;(NORTH 89 DEGREES 58'08" EAST, 40.63 FEET OF  
RECORD);
- (2) THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  
90°00'00", A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 39.27 FEET TO A POINT  
ON THE WESTERLY LINE OF PARCEL NO. 1 AS DESCRIBED IN QUIT CLAIM DEED FROM  
THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY TO THE CITY OF  
COLORADO SPRINGS DATED JANUARY 24, 1958, AS RECORDED IN BOOK 1749 ON  
PAGE 88, OF SAID RECORDS:

THENCE NORTHERLY ON SAID WESTERLY LINE FOR THE FOLLOWING TWO (2)  
COURSES:

- (1) THENCE N01°58'11"E (NORTH 00 DEGREES 01'52" WEST OF RECORD) ON THE  
NORTHERLY EXTENSION OF THE TANGENT TO SAID CURVE 77.19 FEET;
- (2) THENCE N07°18'11"E, 2.26 FEET (NORTH 05 DEGREES 18'08"E, 2.27 FEET OF  
RECORD) TO A POINT ON THE SOUTHERLY LINE OF TRACT NO. TWO AS DESCRIBED IN

QUIT CLAIM DEED FROM THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY TO THE CRISSEY-FOWLER LUMBER COMPANY DATED MARCH 23, 1966 AS RECORDED IN BOOK 2124 AT PAGE 639 OF SAID RECORDS;  
THENCE S84°52'27"W (SOUTH 82 DEGREES 53'08" WEST OF RECORD) ON SAID SOUTHERLY LINE AND ITS WESTERLY EXTENSION 86.68 FEET;(86.55 FEET OF RECORD)

THENCE S20°05'15"W (SOUTH 18 DEGREES 05'56" WEST OF RECORD) 513.88 FEET;  
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02°07'20", A RADIUS OF 1412.69 FEET AND AN ARC LENGTH OF 52.33 FEET TO A POINT ON A LINE BEING 15.00 FEET NORTHERLY OF AND PARALLEL WITH THE AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE OF CIMARRON STREET;  
THENCE S88°01'49"E (NORTH 89 DEGREES 58'54" EAST OF RECORD) ON A NON-TANGENT LINE TO SAID CURVE AND ON SAID PARALLEL LINE 195.04 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SIERRA MADRE STREET WITH THE NORTHERLY RIGHT-OF-WAY LINE OF CIMARRON STREET AS PLATTED IN THE MAP OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, AS RECORDED IN PLAT BOOK A, AT PAGE 7 OF THE RECORDS OF SAID COUNTY;

THENCE N01°58'12"E (NORTH 00 DEGREES 01'52" WEST OF RECORD) ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SIERRA MADRE STREET, 929.86 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N01°58'11"E (NORTH 00 DEGREES 01'52" WEST OF RECORD) ON SAID WESTERLY RIGHT-OF-WAY LINE, 303.18 FEET;

THENCE N78°28'06"W (NORTH 80 DEGREES 28'09" WEST OF RECORD), 83.85 FEET;  
THENCE S11°31'54"W (SOUTH 09 DEGREES 31'51" WEST OF RECORD), 351.28 FEET TO A POINT ON THE NORTHERLY LINE OF TRACT NO. TWO AS DESCRIBED IN QUIT CLAIM DEED FROM THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY TO THE CRISSEY FOWLER LUMBER COMPANY DATED MARCH 23, 1966 AS RECORDED IN BOOK 2124 AT PAGE 639 OF THE RECORDS OF SAID COUNTY;  
THENCE EASTERLY AND SOUTHERLY ON THE NORTHERLY AND EASTERLY LINES OF SAID TRACT NO. TWO FOR THE FOLLOWING TWO (2) COURSES:

(1) THENCE S74°16'49"E, 50.69 FEET;

(2) THENCE S15°43'11"W (SOUTH 13 DEGREES 43'08" WEST OF RECORD) 13.98 FEET TO A POINT ON THE NORTHERLY LINE OF PARCEL NO. 1 AS DESCRIBED IN QUIT CLAIM DEED FROM THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY TO THE CITY OF COLORADO SPRINGS DATED JANUARY 24, 1958 AND AS RECORDED IN BOOK 1749 AT PAGE 86 OF SAID RECORDS;

THENCE N61°58'11"E (NORTH 59 DEGREES 58'08" EAST OF RECORD) ON SAID NORTHERLY LINE, 109.85 FEET TO THE POINT OF BEGINNING.

EXCEPTING ANY PORTION LYING WITHIN A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 216151501.

TOGETHER WITH

A PARCEL OF LAND BEING A PORTION OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE MOST EASTERLY LINE OF A PARCEL OF LAND RECORDED IN BOOK 6066, AT PAGE 1104, MONUMENTED AT THE SOUTHERLY END BY A NO. 4 REBAR WITH PLASTIC CAP STAMPED PLS 14611, AND AT THE NORTHERLY END BY A NO. 4 REBAR WITH PLASTIC CAP ILLEGIBLE, ASSUMED TO BEAR N01°59'19"E, A DISTANCE OF 494.68 FEET;

COMMENCING AT THE MOST SOUTHEASTERLY CORNER OF A PARCEL OF LAND RECORDED IN BOOK 6066, AT PAGE 1104, BEING THE MOST SOUTHWESTERLY

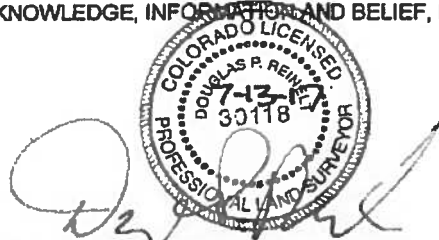
CORNER OF THE PARCEL OF LAND TO BE DESCRIBED HEREIN, ALSO BEING THE POINT OF BEGINNING;

THENCE N01°59'19"E, ON THE EASTERLY BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 6066 AT PAGE 1104, A DISTANCE OF 494.68 FEET;  
THENCE S88°02'33"E, ON THE SOUTHERLY BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 6066 AT PAGE 1104, A DISTANCE OF 15.75 FEET;  
THENCE S01°58'11"W, ON THE WESTERLY BOUNDARY OF A TRACT OF LAND DESCRIBED IN BOOK 5280 AT PAGE 1160 AND LOT 1 OF THE WALK SUBDIVISION RECORDED IN PLAT BOOK R2 AT PAGE 48, A DISTANCE OF 494.68 FEET;  
THENCE N88°01'49"W, A DISTANCE OF 15.91 FEET TO THE POINT OF BEGINNING;

CONTAINING APPROXIMATELY 67.8 ACRES

**LEGAL DESCRIPTION STATEMENT:**

I, DOUGLAS P. REINELT, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.



DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR  
COLORADO P.L.S. NO. 30118  
FOR AND ON BEHALF OF CLASSIC CONSULTING,  
ENGINEERS AND SURVEYORS, LLC.

July 13, 2017  
DATE

INTERSTATE 25

LOT 1 & 2, BLOCK 1  
MAYNOR SUBDIVISION  
PLAT BOOK 124, PAGE 14

SIERRA MADRE  
REC. NO. 00000000

TRIAL SUBDIVISION  
PLAT BOOK 124, PAGE 14

SIERRA MADRE  
SUBDIVISION  
REC. NO. 00000000

COLORADO AVENUE

CUCHARRAS STREET

AVENUE

AVENUE

CASCADE

VERBAVO AVENUE

SAHWATCH

SIERRA MADRE STREET

COSTILLA STREET

DENVER & RIO GRANDE WESTERN RAILYARD R.O.W.

CINARROON STREET

CONEJOS STREET

1

1

1

2

3

5

1

1

11

13

11

9

12

7

11

6

15

4



SCALE: 1" = 300'

SW DOWNTOWN  
BUSINESS IMPROVEMENT  
DISTRICT BOUNDARY  
JOB NO. 1025.31  
JULY 13, 2017  
SHEET 1 OF 1



578 E. Colorado Avenue, Suite 200  
Colorado Springs, Colorado 80903  
(719) 578-0200  
(719) 578-0700

**EXHIBIT D**

**Public Improvements**

# SW DOWNTOWN DISTRICT INFRASTRUCTURE

8/28/17

Item #	SW Downtown Infrastructure Category	Phase 1		Phase 2 - 4		Total	Item Specific Notes
		\$	\$	\$	\$		
1	America the Beautiful Park Enhancements	\$ 1,000,000	\$ 1,500,000	\$ 2,500,000			Improvements to entry plaza and gateway, landscaping, security, etc.
2	Bridge from America the Beautiful Park to USOM	\$ 11,000,000	\$ -	\$ 11,000,000			East Abutment, Bridge Span, West Landing
3	Cimarron / ATBP Trail Enhancements	\$ 400,000	\$ -	\$ 400,000			New Trail, Pedestrian and Cycling Improvements to connect Pikes Peak Greenway to Cimarron
4	Cimino Street Road Extension	\$ 800,000	\$ -	\$ 800,000			Extend Cimino to Cimarron
5	Cimino Streetscape Enhancements	\$ 1,500,000	\$ 1,500,000	\$ 3,000,000			Streetscape and intersection improvements along America the Beautiful from Colorado to Cimarron (both sides)
6	Data Infrastructure	\$ 250,000	\$ 1,750,000	\$ 2,000,000			Relocation and upgrades of new high speed data communication network throughout the District
7	District Eligible Site + Blight Remediation Costs	\$ 3,500,000	\$ 24,000,000	\$ 27,500,000			As defined by CRS Status - examples include Demolition, Life-Safety Systems, Façade + Signage Enhancements, Etc.
8	District Expenditures	\$ 1,500,000	\$ 1,000,000	\$ 2,500,000			CRS Statute-approved pre-development District designs
9	Environmental Remediation	\$ 3,500,000	\$ 6,500,000	\$ 10,000,000			Includes known subsurface and superstructure environmental issues
10	Museum Site Infrastructure	\$ 3,400,000	\$ -	\$ 3,400,000			Public safe infrastructure and pedestrian enhancements and north side site / trail improvements
11	Parking Structure (Phase 1)	\$ 38,400,000	\$ -	\$ 38,400,000			Phase 1 District Parking - Estimated 910 Spaces
12	Parking Structure (Phase 2)	\$ -	\$ 36,400,000	\$ 36,400,000			Phase 2 District Parking - Estimated 910 Spaces
13	Parking Structure 3 (Future)	\$ -	\$ 20,000,000	\$ 20,000,000			Future Parking Structure - Estimated 500 Spaces
14	Parking Structure 4 (Future)	\$ -	\$ 20,000,000	\$ 20,000,000			Future Parking Structure - Estimated 500 Spaces
15	Public Art	\$ 1,500,000	\$ 3,000,000	\$ 4,500,000			Permanent art / sculptures located throughout the district
16	Secondary Street Reconstruction & Enhancements	\$ 750,000	\$ 10,250,000	\$ 11,000,000			Reconstruction & Enhancements of Roads, Curb, Gutter, Traffic Safety Improvements district-wide / Costilla, Schwetich, Cochranes, Cimarron, Cascade
18	Sierra Madre / Vermijo Avenue	\$ 7,000,000	\$ 5,500,000	\$ 12,500,000			Vermijo Ave improved between Sierra Madre and Tejon Streets / Intersection Improvements at Sierra Madre, Schwetich and Cascade
19	Stormwater + Water Quality	\$ 1,500,000	\$ 4,500,000	\$ 6,000,000			Storm Water Detention Vaults / Transfer Network / Water Quality Ponds at ATBP
20	Utility Infrastructure	\$ 2,500,000	\$ 4,500,000	\$ 7,000,000			Utility Upgrades and System Modifications - Electric / Water / Sewer / Gas
21	Contingency @ 10%	\$ 7,650,000	\$ 14,040,000	\$ 21,690,000			
<b>SW Downtown District Infrastructure TOTAL</b>		<b>\$ 84,150,000</b>	<b>\$ 154,440,000</b>	<b>\$ 238,590,000</b>			

## General Notes / Clarifications:

Phase 1 represents the first 5 years (2018 - 2022) / Phase 2 - 4 represents the remaining 15 years (2023 - 2037)

List of Infrastructure (above) identifies currently-known infrastructure items / Scope of Infrastructure Items is subject to change

Preliminary estimate of costs based on current info to date / estimated in 2017 and do not include cost escalation or inflation

Additional Infrastructure may be needed for other identified efforts including: Multi-modal Transit, Commuter Rail Connection, Smart City Facilities, etc.

Various funding sources identified to build these improvements include - Regional Tourism Act Bond Proceeds, PPRITA, Tax Increment, BID and Metro District MR Levies, PIF

Does not include ongoing O&M costs or all anticipated capital re-investment costs expected in later years

Base cost of Infrastructure = \$216.9M / Contingency of 10% added for unknown infrastructure additions / changes