

RESOLUTION NO. 51 - 22

A RESOLUTION APPROVING AN INCLUSION OF PROPERTY INTO THE TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT THAT IS OUTSIDE THE ESTABLISHED BOUNDARIES FOR THE DISTRICT LOCATED WEST OF CENTENNIAL BOULEVARD AND SOUTH OF CHUCKWAGON ROAD

WHEREAS, the City Council of the City of Colorado Springs approved the Service Plan for the Tuscan Foothills Village Metropolitan District ("District") on September 27, 2016 (the "Service Plan"), by Resolution 97-16; and

WHEREAS, the Service Plan requires written consent from City Council prior to the inclusion of any property into the District that is outside of the inclusion area of the approved Service Plan; and

WHEREAS, the District has submitted a Request for Inclusion of Property dated March 18, 2022 ("Request for Inclusion"), requesting the City Council to provide written consent to include property outside its original Service Area; and

WHEREAS, City Council considered the Request for Inclusion, as well as other testimony and evidence presented at a public hearing on April 26, 2022, to determine whether to approve the District's Request for Inclusion.

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 District's Request for Inclusion is in the best interests of the City and the District.

Section 3. The Tuscan Foothills Village Metropolitan District Request for Inclusion, attached in Exhibit 1 is hereby approved.

Section 4. With the exception of those boundary modifications specifically addressed in the Request for Inclusion, the Service Plan shall remain in full force and effect.

Section 5. City Council's approval of the request is not a waiver of, nor a limitation any power that the City is legally permitted to exercise with respect to the property subject to the proposed District.

Section 6. No modifications to the boundaries shall become effective until the District complies with the requirements for changing the boundaries as provided by title 32 of the Colorado Revised Statutes.

Section 7. All ordinances or resolutions, or parts thereof, in conflict with this Resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such Resolution nor revive any Resolution thereby.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 8. This Resolution shall be effective upon its approval by City Council.


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



Council President

ATTEST:


Sarah B. Johnson, City Clerk



WILLIAM P. ANKELE, JR.
JENNIFER GRUBER TANAKA
CLINT C. WALDRON
KRISTIN BOWERS TOMPKINS
ROBERT G. ROGERS
BLAIR M. DICKHONER
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ERIN K. STUTZ
JON L. WAGNER

March 18, 2022

VIA E-MAIL – CARL.SCHUELER@COLORADOSPRINGS.GOV

City of Colorado Springs
Planning and Development
Attn: Carl Scheuler
30 S. Nevada Ave., Suite 701
Colorado Springs, CO 80903

Re: Tuscan Foothills Village Metropolitan District's Request for Inclusion of Property

Dear Mr. Schueler:

Tuscan Foothills Village Metropolitan District (the “**District**”) operates under the Model Service Plan for Tuscan Foothills Village Metropolitan District approved by the City of Colorado Springs on September 28, 2016 (the “**Service Plan**”). Section V.A. 7 of the Service Plan states, “The District shall not include within any of their boundaries [sic] any property outside the Service Area without the prior written consent of the City Council.” The Service Area is defined as the property within the Initial District Boundary Map, which is depicted on **Exhibit A**.

TFV1, LLC, as the sole property owner, has petitioned to include two parcels of property into the District. One parcel is 1.011 acres and is located along Silverstone Terrace and the other parcel is 5.32 acres and is located on the northwest side of the current boundaries of the District (collectively, the “**Property**”). As shown on **Exhibit A**, the current District boundaries are in red and the Property is in green. The District is seeking the City Council’s consent to include the Property into the District’s boundaries. Also enclosed with this letter as **Exhibit B** are the executed petitions from TFV1, LLC, which provide the legal descriptions for the Property.

Inclusion of the Property will allow for the development of 12 additional townhomes in Filing 4 and 12 additional townhomes in Filing 5. After inclusion of the Property, and upon completion of all development, there will be 54 paired patio homes and 56 townhomes within the District. Development plans for the Property are currently in the process of being approved and finalized by the City.

The Property will benefit from being included into the District as a portion of it will have roadway access from a road that was financed by the District and the other portion will benefit

from the storm water drainage and detention ponds that the District has financed and will be responsible for maintaining. The existing residents and property owners within the District will benefit from the inclusion of the Property as the inclusion will increase the tax base for the entire District allowing for operations and maintenance costs to be spread more broadly and an accelerated debt retirement schedule for the entire District. With the inclusion of the Property, the District's bond underwriters have projected that the District's debt can be paid off six years earlier than if the Property were not included into the District.

On February 8, 2022, District board members and legal counsel hosted a community outreach event whereby residents from the District were invited to attend and ask questions about the inclusion of the Property. The event was held via Zoom and was well attended with residents asking questions and receiving answers on various items regarding the impact of the proposed inclusion. Following approval by the City of this inclusion request, the District will hold a public hearing at a meeting of the District's Board of Directors in order to take formal action to include the Property. Any member of the public may attend this meeting and will have an opportunity to speak during the public hearing portion.

We are also requesting that one additional item be added to the resolution approving the above described inclusion. Since approval of the Service Plan in 2016, the City's Model Service Plan has been amended to include Section V.A.17 – Concealed Carry Prohibition (the "Concealed Carry Prohibition"). The Concealed Carry Prohibition states that, "[t]he District shall not adopt or enact an ordinance, resolution, rule or other regulation that prohibits or restricts an authorized permittee from carrying a concealed handgun in a building or specific area under the direct control or management of the District as provided in C.R.S. § 18-12-214." Please include in the resolution approving the inclusion that the District shall be subject to the Concealed Carry Prohibition.

This letter is submitted as a formal request for the City of Colorado Springs City Council to consent to the inclusion of the Property into the District and to make the District subject to the Concealed Carry Prohibition.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON

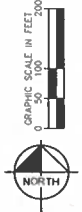
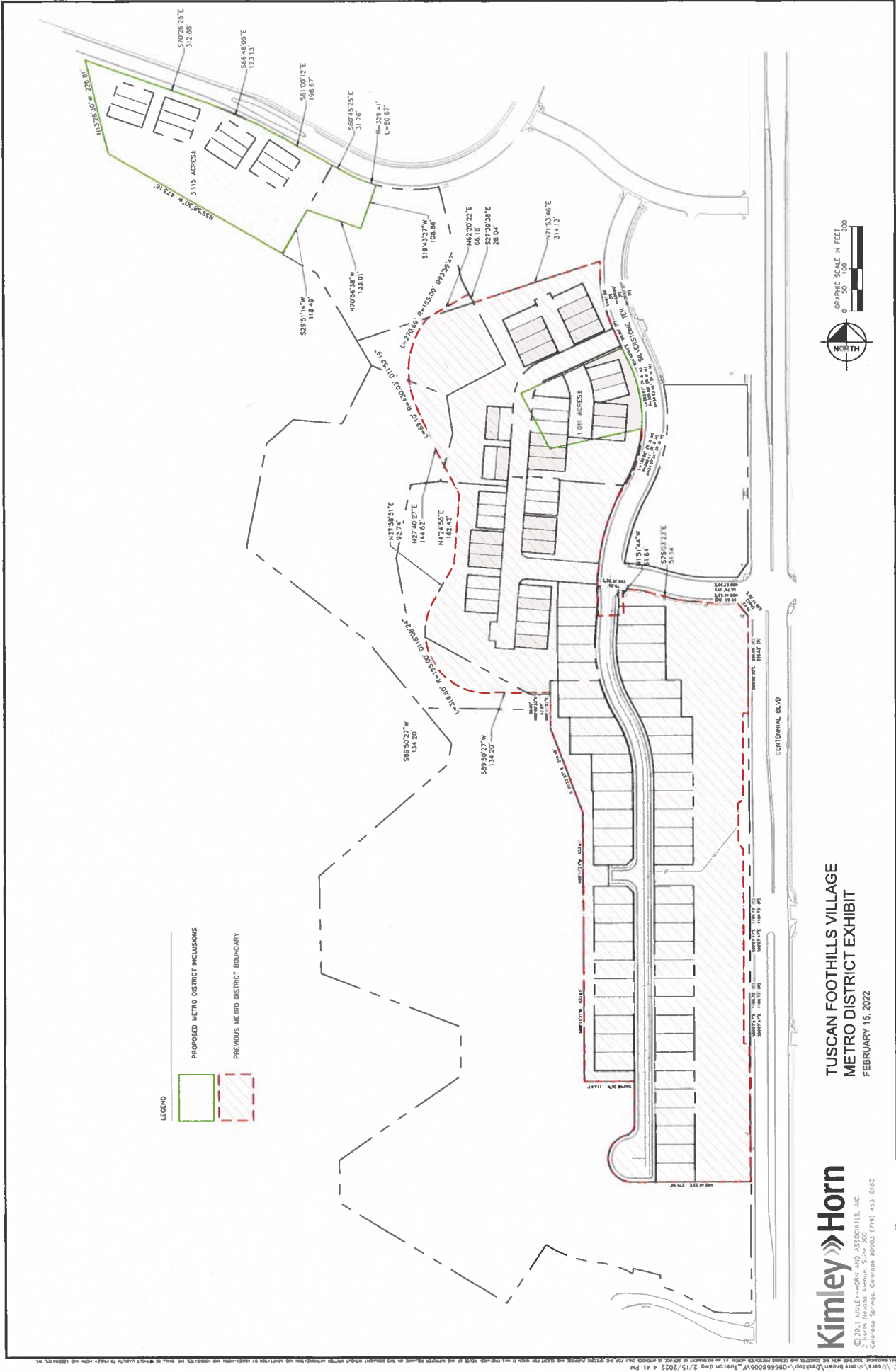


Blair M. Dickhoner
Shareholder

Enclosures

CC: Hannah Van Nimwegen

Exhibit A
District Map



**TUSCAN FOOTHILLS VILLAGE
METRO DISTRICT EXHIBIT**
FEBRUARY 15, 2022

Kimley»Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
2 North Nevada Avenue, Suite 300
Colorado Springs, Colorado 80903 (719) 453-0180

City of Colorado Springs
March 18, 2022
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Exhibit B
Inclusion Petitions

PETITION FOR INCLUSION OF PROPERTY

(10 Lots and 2 Tracts of Tuscan Foothills Village Filing No. 4 and 5.32 Acre Parcel)

TO: THE BOARD OF DIRECTORS OF THE
TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT,
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

Pursuant to the provisions of §§ 32-1-401, *et seq.*, C.R.S., **TFV1, LLC**, a Colorado limited liability company, (the "Petitioner") hereby respectfully requests that the **TUSCAN FOOTHILLS VILLIAGE METROPOLITAN DISTRICT** (the "District"), by and through its Board of Directors, include the real property described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), into the boundaries of the District.

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

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

The name and address of the Petitioner is as follows:

TFV1, LLC
17 S. Wahsatch Avenue
Colorado Springs, CO 80903

Remainder of page intentionally left blank. Signature page follows.

PETITIONER:

TFV1, LLC, a Colorado limited liability company

Raymond F. O'Sullivan

Printed Name: Raymond F. O'Sullivan

Title: Member

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

The above and foregoing instrument was acknowledged before me this 5th day of January, 2021, by Raymond F. O'Sullivan, as member of TVF1, LLC.

WITNESS my hand and official seal.



Lisa C Hipps
Notary Public

My commission expires: 7/22/2023

**Signature Page to Petition for Inclusion of Real Property
(10 Lots and 2 Tracts of Tuscan Foothills Village Filing No. 4 and 5.32 Acre Parcel)**

**EXHIBIT A
(The Property)**

Lots 1 through 6, Lots 15 through 18, Tract C, Tract D, Tuscan Foothills Village Filing No. 4, recorded at Reception No. 221714799 on August 5, 2021, City of Colorado Springs, County of El Paso, State of Colorado.

AND

TR IN SW4 SEC 14 & NE4SE4 SEC 15-13-67 DESC AS FOLS: BEG AT NWLY COR OF NICHOLS OFFICE PARK FIL NO 1; TH SLY ON SD WLY LN OF SD SUB S 13<34'32" E 224.81 FT, S 27<40'17" E 449.49 FT, N 77<44'22" E 220.21 FT TO A POC, TH ALG ARC OF CUR TO R HAVING A RAD OF 300.00 FT AN ARC DIST OF 153.76 FT A C/A OF 29<21'58" WHICH CHORD BEARS S 18<15'15" W, S 33<47'22" W 260.68 FT TO A POC, TH ALG ARC

OF CUR TO L HAVING A RAD OF 330.00 FT A C/A OF 30<32'00" AN ARC DIST OF 175.86 FT, S 03<15'22" W 94.34 FT TO A POC, TH ALG ARC OF CUR TO R HAVING A RAD OF 270.00 FT A C/A OF 28<43'00" AN DIST OF 135.32 FT, N 88<26'01" W 154.42 FT, N 39<16'54" W 314.42 FT, N 51<58'30" W 360.00 FT, N 11<01'30" E 250.00 FT, N 48<01'30" E 85.00 FT, S 84<58'30" E 115.00 FT, N 27<01'30" E 155.00 FT, N 30<58'30" W 250.00 FT, N 59<58'30" 566.92 FT, N 13<28'30" W 226.81 FT TO A PT ON SLY R/W LN OF CHUCKWAGON RD, S 70<26'25" E 312.88 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 970.00 FT A C/A OF 09<41'00" AN ARC DIST OF 163.94 FT TO A PT OF TANG, TH S 60<45'25" E 189.71 FT

TO A POC, ALG ARC OF CUR TO L HAVING A RAD OF 330.00 FT A C/A OF 40<02'58" AN ARC DIST OF 230.67 FT TO POB, EX PT CONV BY REC # 218051252 EX THAT PT BY REC # 218006269, EX THAT PT PLATTED TO TUSCAN FOOTHILLS VILLAGE FIL NO 3, EX THAT PT PLATTED TO TUSCAN FOOTHILLS VILLAGE FIL NO 4. Approximately 5.32 Acres.