

RESOLUTION 2-18

A RESOLUTION OF THE CITY OF COLORADO SPRINGS  
APPROVING AN INCLUSION OF PROPERTY INTO THE  
TUSCAN FOOTHILLS VILLAGE METROPOLITAN  
DISTRICT THAT IS OUTSIDE THE INCLUSION AREA OF  
THE APPROVED SERVICE PLAN.

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

WHEREAS, the Tuscan Foothills Village Metropolitan District 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 request identifies property that has been consented upon as being included into the District by the Tuscan Foothills Village Metropolitan District Board; and

WHEREAS, the approval of the inclusion of property is in the best interests of the Tuscan Foothills Village Metropolitan District; and

WHEREAS, Section 32-1-204.5, C.R.S., provides that no special district shall be organized within a municipality except upon adoption of a resolution approving or conditionally approving the Service Plan of a proposed special district; and

WHEREAS, the City passed Resolution No. 9-06 adopting a Special District Policy to be applied to applications to create or modify a district authorized under Titles 31 and 32 of the Colorado Revised Statutes and adopting 'Model Service Plans' to be used in establishing and modifying metropolitan districts (the "Policy and Model Service Plan"); and

WHEREAS, the City has considered the a petition for inclusion of a property into the Tuscan Foothills Village Metropolitan District (Exhibit A) and all other testimony and evidence presented at the Council meeting; and

WHEREAS, it appears to the City Council that the recommended maximum mill levies and other provisions of this Service Plan are consistent with the Policy and Model Service Plan.

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

Section 1. The City Council of the City of Colorado Springs, having reviewed the request of inclusion of property into the Tuscan Foothills Village Metropolitan District that is outside the inclusion area of the approved Service Plan, and the request, as submitted by the petitioner, has determined, based solely upon the evidence presented to City Council in support of said request, that approval of the request is in the best interests of the City, El Paso County,

and the District.

Section 2. The request of inclusion of property that is outside of the inclusion area of the approved Service Plan for the Tuscan Foothills Village Metropolitan District shall be approved.

Section 3. The City's approval of the request is not a waiver of, nor a limitation upon any power that the City is legally permitted to exercise with respect to the property subject to the proposed District.

Section 4. 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.

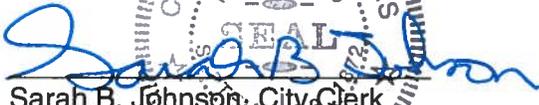
Section 4. This Resolution shall be published and become effective as provided by law.

Section 5. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Resolution.

Section 6. 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.

Dated at Colorado Springs, Colorado this 9<sup>th</sup> day of January, 2018.

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

ATTEST:  
  
Sarah B. Johnson, City Clerk



**RESOLUTION AND ORDER FOR INCLUSION OF PROPERTY  
BY THE  
BOARD OF DIRECTORS  
OF THE  
TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT  
  
(TFV1, LLC Property)**

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WHEREAS, TFV1, LLC, a Colorado limited liability company, whose address is 2376 Margaux Valley Way, Colorado Springs, Colorado 80921 (the "Petitioner"), filed with the Tuscan Foothills Village Metropolitan District (the "District") a Petition for Inclusion of Real Property (the "Petition"), a copy of which is attached hereto as **Exhibit A**, and incorporated herein by this reference; and

WHEREAS, the Petitioner represents that it is the one hundred percent (100%) fee owner of the real property described in the Petition (the "Property"); and

WHEREAS, the Petition requests that the Board of Directors of the District (the "Board") include the Property into the District, in accordance with § 32-1-401(1)(a), C.R.S.; and

WHEREAS, pursuant to the provisions of § 32-1-401(1)(b), C.R.S., publication of notice of the filing of the Petition and the place, time and date of the public meeting at which the Petition would be considered, the name and address of the Petitioner and notice that all persons interested shall appear at such time and place and show cause in writing why the Petition should not be granted, was made in *The Gazette* on November 3, 2017. The Affidavit of Publication is attached hereto as **Exhibit B** and incorporated herein by this reference (the "Affidavit of Publication"); and

WHEREAS, the Board reviewed the Petition and all relevant information related thereto; and

WHEREAS, the Petition was heard at a public meeting of the Board of the District held on November 6, 2017, at the hour of 12:15 p.m.; and

WHEREAS, no written objection to the inclusion was filed by any person; and

WHEREAS, subject to the conditions set forth herein, the Board of the District desires to grant the Petition and approve the inclusion of the Property into the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Grant of Petition. The Board hereby grants the Petition and orders the inclusion of the Property into the District.

2. Conditions of Inclusion. The inclusion of the Property into the District is specifically conditioned upon receipt of a certified Order for inclusion from the El Paso County District Court.

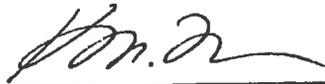
3. Effective Date of Resolution. This Resolution shall become effective as of the date hereof.

4. Motion and Order for Inclusion. The Board hereby directs its legal counsel to file a motion with the District Court in and for El Paso County seeking an Order for Inclusion.

*Remainder of page intentionally left blank. Signature page follows.*

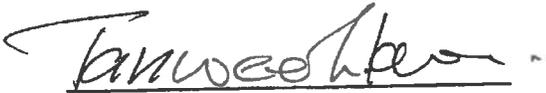
ADOPTED this 6<sup>th</sup> day of November, 2017.

TUSCAN FOOTHILLS VILLAGE METROPOLITAN  
DISTRICT



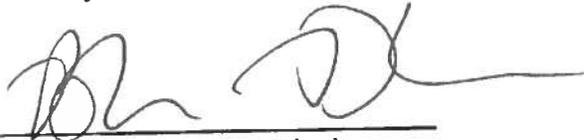
\_\_\_\_\_  
Officer of the District

ATTEST:



APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law



\_\_\_\_\_  
General Counsel to the District

*Signature Page to Resolution and Order for Inclusion of Real Property  
(TFV1, LLC Property)*

**EXHIBIT A**  
**TO RESOLUTION AND ORDER FOR INCLUSION OF PROPERTY**  
**(Petition for Inclusion)**

**PETITION FOR INCLUSION OF PROPERTY**

**(TFV1, LLC Property)**

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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 VILLAGE 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.

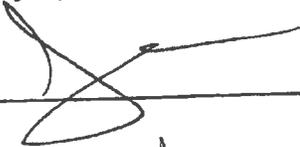
The name and address of the Petitioner is as follows:

TFV1, LLC  
2376 Margaux Valley Way  
Colorado Springs, CO 80921

*Remainder of page intentionally left blank. Signature page follows.*

**PETITIONER:**

**TFV1, LLC**, a Colorado limited liability company

  
\_\_\_\_\_

Printed Name: James Bullen

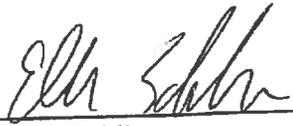
Title: operations manager

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF Arapahoe        )

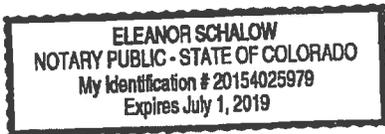
The above and foregoing instrument was acknowledged before me this 9<sup>th</sup> day of November, 2017, by James Bullen, as operations manager of TFV1, LLC.

WITNESS my hand and official seal.

(SEAL)

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

My commission expires: 7/1/19



*Signature Page to Petition for Inclusion of Real Property*

**EXHIBIT A**  
**(The Property)**

A TRACT OF LAND LOCATED IN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY POINT OF THAT TRACT OF LAND IDENTIFIED BY THE EL PASO COUNTY ASSESSOR BY PARCEL SCHEDULE NUMBER 7314315009 OF THE RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE N71°53'46"W A DISTANCE OF 314.13 FEET TO THE WESTERLY RIGHT OF WAY OF SILVERSTONE TERRACE AND A NON-TANGENT POINT OF CURVE, WHOSE RADIAL LINE BEARS S86°34'37"E;

THENCE ON THE ARC OF SAID CURVE, ALONG SAID RIGHT OF WAY, HAVING A RADIUS OF 330.00 FEET, AN ARC LENGTH OF 161.98 FEET, AND A DELTA ANGLE OF 28°07'27";

THENCE S24°42'04"E A DISTANCE OF 46.85 FEET;

THENCE DEPARTING SAID RIGHT OF WAY S65°17'56"W A DISTANCE OF 260.71 FEET;

THENCE S27°40'17"E A DISTANCE OF 149.99 FEET;

THENCE N77°42'24"E A DISTANCE OF 220.28 FEET RETURNING TO SAID RIGHT OF WAY AND A NON-TANGENT POINT OF CURVE, WHOSE RADIAL LINE BEARS N85°32'06"W;

THENCE ON THE ARC OF SAID CURVE HAVING A RADIUS OF 302.68 FEET, AN ARC LENGTH OF 130.80 FEET, AND A DELTA ANGLE OF 24°45'37" TO A NON-TANGENT POINT OF CURVE, WHOSE RADIAL LINE BEARS S60°39'45"E;

THENCE ON THE ARC OF SAID CURVE HAVING A RADIUS OF 530.00 FEET, AN ARC LENGTH OF 300.34 FEET, AND A DELTA ANGLE OF 32°28'04";

THENCE S2°52'35"E A DISTANCE OF 7.34 FEET;

THENCE S4°01'16"W A DISTANCE OF 70.05 FEET;

THENCE DEPARTING SAID RIGHT OF WAY S65°17'56"W A DISTANCE OF 260.71 FEET TO A POINT OF TANGENT CURVE TO THE LEFT;

THENCE ON THE ARC OF SAID CURVE HAVING A RADIUS OF 325 FEET, AN ARC LENGTH OF 105.61 FEET, AND A DELTA ANGLE OF 18°37'06";

THENCE S89°50'27"W A DISTANCE OF 115.87 FEET;

THENCE S0°09'33"W A DISTANCE OF 28.08 FEET;

THENCE S89°50'27"W A DISTANCE OF 134.20 FEET TO A POINT OF TANGENT CURVE TO THE RIGHT;

THENCE ON THE ARC OF SAID CURVE HAVING A RADIUS OF 155.00 FEET, AN ARC LENGTH OF 383.97 FEET, AND A DELTA ANGLE OF 141°55'59";

THENCE N4°24'58"E A DISTANCE OF 195.38 FEET;

THENCE N27°40'17"W A DISTANCE OF 90.40 FEET TO A POINT OF TANGENT CURVE TO THE RIGHT;

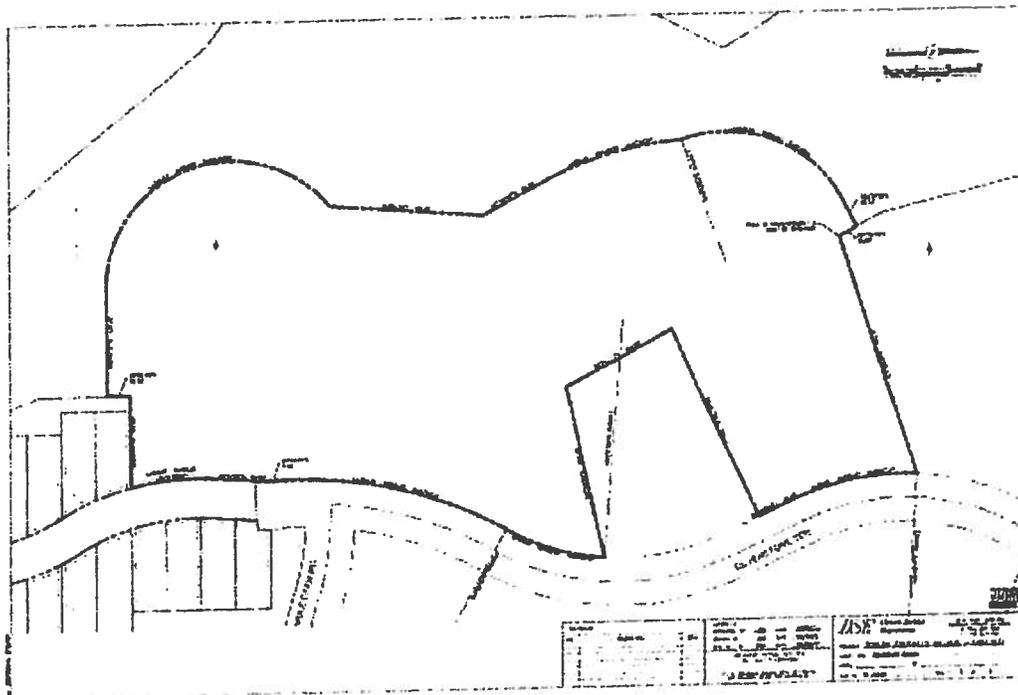
THENCE ON THE ARC OF SAID CURVE HAVING A RADIUS OF 430.00 FEET, AN ARC LENGTH OF 179.34 FEET, AND A DELTA ANGLE OF 23°53'47" TO A NON-TANGENT POINT OF CURVE, WHOSE RADIAL LINE BEARS N70°22'04"E;

THENCE ON THE ARC OF SAID CURVE HAVING A RADIUS OF 165.00 FEET, AN ARC LENGTH OF 236.06 FEET, AND A DELTA ANGLE OF 81°58'18";

THENCE N62°20'22"E A DISTANCE OF 39.73 FEET;

THENCE S27°39'38"E A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 8.07 ACRES, MORE OR LESS.



**EXHIBIT B**  
**TO RESOLUTION AND ORDER FOR INCLUSION OF PROPERTY**

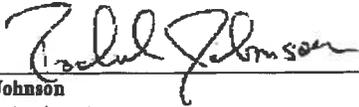
**(Affidavit of Publication)**

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

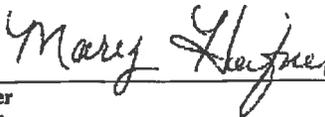
I, Rachel Johnson, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 11/03/2017

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Rachel Johnson  
Sales Center Agent

Subscribed and sworn to me this 11/03/2017, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires November 1, 2020.



Mary Helfner  
Notary Public  
The Gazette



Document Authentication Number

**NOTICE OF PUBLIC HEARING ON INCLUSION**  
 (An approximately 8 acre parcel of land located in the Southwest Quarter of Section 14, Township 13 South, Range 67 West of the 6th Principal Meridian, El Paso County, State of Colorado)

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Inclusion of Property (the "Petition") has been or is expected to be filed with the Board of Directors of Tuscan Foothills Village Metropolitan District, City of Colorado Springs, El Paso County, Colorado (the "District"). The Petition requests that the property described below be included into the District. The Petition shall be heard at a public meeting on Monday, November 6, 2017 at 12:15 p.m., at 31 South Tejon Street, Suite 500, Colorado Springs, Colorado.

The name and address of the Petitioner and a description of the property to be included are as follows:

Name of Petitioner:  
TFV1, LLC  
 Address of Petitioner:  
2376 Marguax Valley Way  
Colorado Springs, Colorado 80921

General Description of Property:  
An approximately 8 acre parcel of land located in the Southwest Quarter of Section 14, Township 13 South, Range 67 West of the 6th Principal Meridian, El Paso County, State of Colorado

NOTICE IS FURTHER GIVEN to all interested persons that they shall appear at the public meeting and show cause in writing why such Petition should not be granted.

**BY ORDER OF THE BOARD OF DIRECTORS OF TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT.**

By: WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law  
General Counsel to the District

PUBLISHED IN: The Gazette  
PUBLISHED ON: November 3, 2017