

RESOLUTION NO. 134 - 24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO APPROVING THE PROPOSED 2025 OPERATING PLAN AND BUDGET FOR THE BRIARGATE CENTER BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the City Council approved an amended Special District Policy (the "Policy"), on August 9, 2022 (Resolution 111-22), providing for certain financial and other limitations in the use of special districts as an available method in financing public infrastructure; and

WHEREAS, also on August 9, 2022, City Council approved an amended model template for submission of the operating plan and budgets required to be annually approved for business improvement district pursuant to Section 31-25-1211 Colorado Revised Statutes; and

WHEREAS, the Briargate Center Business Improvement District (the "District") was originally created by Ordinance No. 02-24 adopted on February 12, 2002, along with approval of an initial operating plan and budget; and

WHEREAS, since that time, the District has submitted and Council has annually approved, operating plans and budgets for this District; and

WHEREAS, the District has submitted for review, and City Council has reviewed a proposed 2025 operating plan and budget ("2025 Operating Plan and Budget") for this District; and

WHEREAS, the District requests approval of this 2025 Operating Plan and Budget.

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

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. This 2025 Operating Plan and Budget (attached as Exhibit 1) is hereby approved.

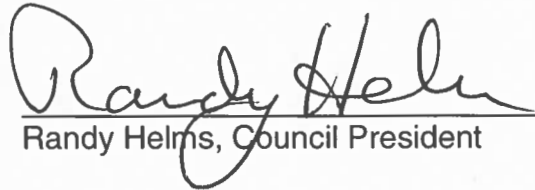
Section 3. The total debt of this District shall not exceed 10 percent of the total assessed valuation of the taxable property within the District, without the required




separate City Council authorization adopted by an affirmative vote of no less than 2/3rds of the members of the entire City Council.


Section 4. This Resolution shall be effective upon its approval by City Council.

DATED at Colorado Springs, Colorado, this 22nd day of October 2024.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk





2025 OPERATING PLAN AND BUDGET

**BRIARGATE CENTER
BUSINESS
IMPROVEMENT
DISTRICT**

City of Colorado Springs, El Paso County, Colorado

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**2025
OPERATING PLAN FOR THE
BRIARGATE CENTER 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 Briargate Center 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., C.R.S. , 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.

The District’s original 2002 and subsequent Operating Plans, previously approved by the City, are incorporated herein by reference, and shall remain in full force and effect except as specifically or necessarily modified hereby.

C. Purposes.

As may be further articulated in prior year’s Operating Plans, the ongoing and contemplated purposes of this District for 2025 include maintaining the District’s Public Improvements (as hereinafter defined) and servicing the District’s outstanding debt.

In addition, for 2025 the District, as it did last year, intends to keep its operating mill levy at thirteen (13) mills. This is three (3) mills above the District’s ten (10) mill levy cap. The revenue generated by the additional three (3) mills will be used to fund business development activities within the District including marketing events such as movie nights, musical events, and craft fairs.

D. Ownership of Property or Major Assets

As referenced in the District’s 2021 Operating Plan and Budget, on September 13, 2019, The Promenade Shops at Briargate was sold by IMI Colorado Springs, LLC, a Delaware limited liability company to HGIT Briargate LLC, a Delaware limited liability company (“Owner”).

The District's property consists of all the Public Improvements located within the common area for The Promenade Shops at Briargate, including sidewalks, paved parking area, parking lights, drainage areas and related facilities, and retaining walls. As referred to in the District's 2019 Operating Plan and Budget, in August of 2019, the District acquired ownership of certain public improvements installed at the expense of a prior property owner ("New Public Improvements"). The New Public Improvements, together with the public improvements acquired by the District in 2003 from the original developer, are collectively referred to herein as the "Public Improvements."

The District does not now own, nor does it expect to acquire fee title to any real property in 2025. The District has an easement for the Public Improvements that extends over and across various portions of the common areas within The Promenade Shops at Briargate. The easement authorizes the District to install, operate, maintain, and repair the Public Improvements.

E. **Contracts and Agreements.**

On June 27, 2019, the District entered into a Restated and Amended Acquisition and Reimbursement Agreement with the former owner of The Promenade Shops at Briargate, IMI Colorado Springs, LLC ("IMI"), which was amended by a First Amendment dated September 4, 2019 (collectively the "2019 Acquisition and Reimbursement Agreement"). Pursuant to the 2019 Acquisition and Reimbursement Agreement the District's issued a promissory note payable to IMI or its successor in the original principal amount of \$6,196,105, without interest, that is subject to annual appropriation and budgeting of funds and is payable only if, when, and to the extent funds are available ("IMI Note"). The IMI Note has been assigned to the Owner of The Promenade Shops at Briargate. No principal payments were made on the IMI Note in 2024, nor are any contemplated in 2025. However, it is contemplated that the IMI Note will be fully repaid in 2028, as more particularly described in Section 6.G.

In May 2012, the District entered into a Public Improvements Maintenance Agreement ("Maintenance Agreement") with the then owner of The Promenade Shops at Briargate, which Maintenance Agreement has been assigned to the new Owner. The Maintenance Agreement obligates the Owner of The Promenade Shops at Briargate, and its successors and assigns, to maintain the District's Public Improvements and provides for snow removal and other routine maintenance services for a period of ten (10) years for a nominal amount each year. The Maintenance Agreement automatically renews annually thereafter for extension periods of one year each.

On July 15, 2003, the District, the original developer of The Promenade Shops at Briargate, Poag & McEwen Lifestyle Centers – Colorado Springs, LLC and the City of Colorado Springs entered into an agreement for the maintenance in perpetuity of the drainage facilities serving The Promenade Shops at Briargate, as described, and shown in a drainage report entitled Preliminary/Final Drainage Report for the Briargate Business Campus No. 16 dated July 2001. The Agreement is binding on the current Owner and

remains in full force and effect and was recorded upon the public records of El Paso County on October 1, 2003, at Reception No. 203229969.

2. ORGANIZATION AND COMPOSITION OF THE BOARD OF DIRECTORS

A. Organization.

The Briargate Center Business Improvement District was organized by the City of Colorado Springs, Colorado by Ordinance No. 02-24 on February 12, 2002.

B. Governance.

The District is governed by an elected five (5) member Board of Directors.

C. Current Board.

The persons who currently serve as the Board of Directors are:

1. Eric Weisenstein, President
2. Debby LaMotte, Assistant Secretary
3. Chris Crawford, Assistant Secretary
4. Vacant
5. Vacant

The above vacant seats were created when Kate Oswald and Madison Wilsman resigned their positions on the District's Board during calendar year 2024. The District will be petitioning the City Council to appoint two new individuals to serve on the District's Board of Directors in the near future. Current Director names and other pertinent contact information is provided in **Exhibit A**.

D. Term Limits.

Term limits do not apply to the Board of Directors. Term limits were waived at a 2012 election.

E. Advisory Board.

Neither the original Petition for Organization of the District nor any subsequent operating plan and budget has made any provision for the Board of Directors to appoint one or more advisory boards. Currently, no advisory boards have been appointed or have operated in connection with the District.

3. BOUNDARIES, INCLUSIONS AND EXCLUSIONS

The District currently includes approximately 29.1675 acres within boundaries that are coterminous with The Promenade Shops at Briargate as depicted in Exhibit C. The District's boundaries have not changed since it was initially formed by City Council. The District does not anticipate any inclusion or exclusion requests in 2025.

4. PUBLIC IMPROVEMENTS

The District does not intend to acquire additional Public Improvements in 2025. Currently, the District owns all of the Public Improvements located within the common areas of The Promenade Shops at Briargate including but not limited to street improvements, curbs, gutters, culverts, drainage facilities, sidewalks, paved parking area, parking lot lights, landscaping, and storm drainage and detention facilities. The Public Improvements were installed at a cost of approximately \$6,196,105.

As more particularly described in Section 6.G. The Owner will fund and construct, or cause to be constructed certain capital improvements in 2025 consisting primarily of new parking lot facilities and related appurtenances with an estimated cost between \$2,000,000 and \$3,000,000. The Owner will initially fund these improvements pursuant to an Acquisition and Reimbursement Agreement that will be entered into with the District during calendar year 2024 or 2025 (“2025 Acquisition and Reimbursement Agreement”). The District’s reimbursement obligation will be subject to annual appropriation and budgeting. The District will then acquire the new parking lot and related improvements in 2028 pursuant to the 2025 Acquisition and Reimbursement Agreement when the District issues new debt as more particularly described in Section 6.G.

5. ADMINISTRATION, OPERATIONS, SERVICES PROPERTY OWNERSHIP AND MAINTENANCE

The District has no employees and contracts for all services, including accounting, legal and maintenance services. The District intends to certify thirteen (13) mills for operations and maintenance purposes for 2025. This is the same operating mill levy as was certified for collection in calendar year 2024. The additional revenue created by the three (3) mills above the District’s ten (10) mill operating cap will be used to finance marketing activities, promote business development activities within The Promenade Shops at Briargate, and perform, if necessary, maintenance on certain District Public Improvements. The District’s operations and maintenance mill levy will not exceed thirteen (13) mills during 2025. To offset the additional three (3) mills in the District’s operations and maintenance mill levy over and above the ten (10) operating mill levy cap, the District intends to keep its debt service mill levy the same as in 2024, so that overall the number of mills certified by the District in 2024 for collection in 2025 is thirty-nine (39) mills. Keeping the District’s debt service mill levy the same as last year will allow the District to reduce the accumulated fund balance in the District’s Debt Service Fund. That balance is currently larger than necessary.

6. FINANCIAL PLAN AND BUDGET

A. **2025 Budget.**

The 2025 Budget for the District is attached as **Exhibit B**. There are no major changes from the 2024 Budget.

B. **Authorized Indebtedness.**

The District has authorized, but unissued debt available for the following purposes:

Water Purposes	\$3,662,900
Sanitation Purposes	\$3,662,900
Street Purposes	\$3,662,900
Park and Recreation Purposes	\$3,662,900
Amenities (signs, statuaries, etc.)	\$3,662,900
Operations	\$1,000,000
General Obligation Refunding Purposes	<u>\$16,300,500</u>
TOTAL	\$35,615,000

This debt authorization was approved at a May 8, 2012, election. The District has no plans to seek additional debt authorization in the future. The District intends to issue additional debt in 2028 to fully refund the IMI Note and to reimburse the Owner for the parking lot improvements referred to in Section 4 and more particularly described in Section 6.G below.

C. Maximum Debt and Operating Mill Levies

The District is subject to an aggregate 50.000 mill levy cap for debt service and operations (“Mill Levy Cap”). The District does not anticipate that the Mill Levy Cap will need to be exceeded for tax year 2024, i.e., for the 2025 Budget.

D. District Revenues.

The District revenues consist of real property and specific ownership taxes. Annually, the District collects approximately \$45,000 in specific ownership taxes. The total property tax mill levy to be certified for the coming year is thirty-nine (39) mills; thirteen (13) mills will be certified for operations and maintenance purposes, and twenty-six (26) mills will be for debt service.

In addition, the District, for purposes of servicing its Special Assessment Revenue Refunding Bonds, Series 2006, collects special assessment revenues annually. Pursuant to District Resolution 2006-12-4, the District revised the assessment roll originally adopted at the time the District’s Special Assessment Revenue Bonds, Series 2002 were issued. The revised assessment roll provides for an annual special assessment in the amount of \$572,162.00 to be collected from the real property located within the District.

The District’s Board of Directors, with the consent and approval of the City Council, formed the Briargate Center Business Improvement District Special Improvement District No. 02-1 (the “SID”). The SID, in 2002, issued \$7,360,000 in Special Assessment Revenue Bonds to fund the construction and acquisition of various public improvements needed to serve what is now known as The Promenade Shops at Briargate.

The 2002 Special Assessment Revenue Bonds were refunded in 2006, as described above. The annual special assessment revenues more than cover the District’s annual debt service obligations under its outstanding Special Assessment Refunding Revenue Bonds. The additional amount collected each year is being used to redeem Special Assessment Refunding Revenue Bonds and pay down that debt at an accelerated rate.

E. **Existing Debt Obligations.**

The District's outstanding debt consists of the following:

1. Special Assessment Revenue Refunding Bonds, Series 2006 in the original principal amount of \$7,360,000. The Bonds consist of term bonds in the original principal amount of \$2,730,000, that were due and paid on December 1, 2016, with interest at the rate of 4.5% per annum, and \$4,630,000 that is due on December 1, 2027, with interest at the rate of 4.9% per annum. The amount currently outstanding is \$2,210,980. The annual debt service requirement for these bonds is as follows:

Year	Principal	Interest	Total
2024	\$ 460,000	\$ 96,285	\$ 556,285
2025	\$ 480,000	\$ 73,745	\$ 553,745
2026	\$ 500,000	\$ 50,225	\$ 550,225
2027	\$ 525,000	\$ 25,725	\$ 550,725
2028	-	-	-
	\$1,965,000	\$245,980	\$2,210,980

2. U.S. Bank Refunding Loan dated November 29, 2018, in the original principal amount of \$3,379,500. The loan is a limited tax general obligation payable in varying amounts with interest at the fixed rate of 4.77% per annum. The principal amount of the loan currently outstanding is \$1,951,000. The maximum mill levy that the District has an obligation to certify for repayment of the loan is fifty (50) mills. The loan will be fully amortized in December of 2028. The annual debt service requirements for this Loan are as follows:

Year	Principal	Interest	Total
2024	\$ 329,000	\$ 94,829	\$ 423,829
2025	\$ 346,000	\$ 78,229	\$ 424,229
2026	\$ 363,000	\$ 61,711	\$ 424,711
2027	\$ 380,000	\$ 44,155	\$ 424,155
2028	\$ 533,000	\$ 25,848	\$ 558,848
2029	-	-	-
	\$1,951,000	\$304,772	\$2,255,772

F. **Future Debt Obligations.**

The District does not anticipate issuing any additional debt until 2028, as more particularly described in Section 6.G below.

G. **Developer Funding Agreements.**

In accordance with the 2019 Acquisition and Reimbursement Agreement, the District issued a limited obligation promissory note in the amount of \$6,196,105 to IMI Colorado Springs, LLC, previously defined as the IMI Note, in payment of the Public Improvements that were installed and conveyed to the District by IMI. The IMI Note is not a general obligation debt of the District, is subject to annual appropriation and budgeting of funds, and is payable only if, as, and when funds are available to the District. The IMI Note, as well as the Acquisition and Reimbursement Agreement were assigned to

the Owner of The Promenade Shops at Briargate. The current outstanding principal balance owed on the IMI Note is \$5,816,105.

The Owner has requested the District repay the IMI Note in full at the time the District's current outstanding debt obligations are fully discharged in 2028. To repay the IMI Note, the District plans to issue new debt in 2028 in the approximate amount of \$8,000,000 or \$9,000,000 to pay the outstanding balance on the IMI Note of \$5,816,105 and to reimburse the Owner for the capital improvements constructed by Owner during late 2024 or early 2025. The planned capital improvements consist of a parking lot and related appurtenances estimated to cost between \$2,000,000 and \$3,000,000. To maintain a level District debt service burden, the Owner will install or cause to be installed the parking lot and related improvements in 2025 using Owner's Funds, but pursuant to an Acquisition and Reimbursement Agreement with the District, where by the District will reimburse the Owner for the cost of the parking lot improvements, plus repay the IMI Note out of the proceeds of new debt that will be issued in in 2028. As stated earlier, no bonds will be issued in 2028, however, by the District until approved by the City Council.

H. Other Financial Obligations.

There are no other significant financial obligations that the District has entered into, or which are outstanding at the present time.

I. City Charter Limitations.

In accordance with 7-100 of the City Charter, the District shall not issue any debt instruments 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% 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.

J. Limited -Default Provisions.

The limited tax general obligation loan entered into by the District with U.S. Bank has been structured so that the loan cannot default as long as the District is imposing the required maximum allowed mill levy.

K. Privately Placed Debt and Related Party 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. The Interest Rate for Related Party Privately Placed Debt shall not exceed the Index Rate by more than four hundred (400) basis points. Related Party Privately Placed Debt shall not be issued with an optional call date of greater than five (5) years from the date of issuance.

L. End User Fee Limitation.

The District shall not impose an End User Fee for the purpose of servicing District Debt without prior approval of City Council.

M. **Debt Not an Obligation of the City.**

The debt of the District will not and does 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.

N. **Land Development Entitlements.**

In the future, the District shall not issue new Debt, enter into any new Long Term Financial Obligation or certify a Debt Mill Levy for new Debt unless a Land Development Entitlement has been approved for the Property.

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 or Authority 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.**

This District will not utilize any revenues from a new, increased or expanded public improvement fee (PIF) unless specifically authorized in this or a subsequent operating plan and budget, or separately approved by City Council. The imposition of a PIF and any provisions for adjustment of a PIF that have been previously approved by City Council shall not be subject to this restriction.

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.

F. **Concealed Carry Prohibition.**

The 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.

G. **Eligible Expenses or Costs for Reimbursement.**

In addition to any limits or prohibitions contained in Colorado Revised Statutes, the District shall not issue debt for or otherwise fund any costs or expenses not allowed for by the Special District Policy.

H. **Intergovernmental Agreements.**

The District has not entered into any intergovernmental agreements other than previously set forth in this Service Plan.

I. **Overlapping Districts.**

There are no Districts that overlap the District's boundaries except for the Briargate Center Business Improvement District Special Improvement District No. 02-1 that was organized with the approval of the City Council in connection with the District's formation. The boundaries of the Special Improvement District are coterminous with the boundaries of the District. The property within the District is subject to the mill levy certified by El Paso County 8.062 mills, EPC Road & Bridge Share believed to be 0.165 mills, City of Colorado Springs 3.929 mills, EPC-CS Road & Bridge Share believed to be 0.165 mills, Academy School District No. 20 53.030 mills, Pikes Peak Library District 3.512 mills, Southeast Colorado Water Conservancy 0.887 mills, and El Paso County Conservation believed to be 0.00 mills.

8. 2025 ACTIVITIES, PROJECTS, AND CHANGES

A. **Activities.**

The District's activities for 2025 will consist of servicing the District's outstanding limited tax general obligation and special assessment revenue bonds, maintain the district's Public Improvements, enter into the proposed 2025 Acquisition and Reimbursement Agreement with the Owner and conduct certain marketing activities to promote business development within The Promenade Shops at Briargate.

B. **Summary of 2025 Activities and Changes from Prior Year.**

For 2025, the District does not contemplate any capital improvement projects that will be constructed or financed by the District, however, it is anticipated that the Owner will fund the parking lot and related improvements described in Section 6.G above.

As stated earlier, the District's major activities for 2025 consists of servicing the District's outstanding limited tax general obligation debt and special assessment revenue bonds, maintaining the District's Public Improvements, and conducting marketing and other business promotion activities within The Promenade Shops at Briargate. The District

does not contemplate any boundary changes or changes to the governance structure. The District will have a Board of Directors election in May of 2025 at which time three (3) of the District's five (5) seats on the District's Board of Directors will be up for election. The District does not contemplate any mill levy changes or any new debt or refinancing of any existing debt during 2024. There are no major changes in development activity or valuation contemplate. Based on the District's operation planning and historic operations, the District will have sufficient funds in 2025 to meet all of its current financial obligations.

9. DISCLOSURE AND COMMUNICATION

The District shall maintain a website that includes content similar to that required for metropolitan districts by Colorado Revised Statutes § 32-1-104.5 and as required by Section K of the Special District Policy, to the extent this content is applicable to BIDs. The District's website is <https://bcbid.specialdistrict.org/>.

10. DISSOLUTION

At this time, dissolution of the District is not contemplated. It is anticipated that the District's existence will be perpetual, although that determination could change once all of the District's outstanding general obligation and special assessment revenue bonds have been paid.

11. 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:

Eric Weisenstein, President
Director of Property Management for Denver,
Hines & Company
1144 15th Street, Suite 3675
Denver, Colorado 80202
Term: 3-year term, elected May 2022

Phone: (303) 292-1999
Email: eric.weisenstein@hines.com

Vacant
Term: 4-year term, in May 2025

Vacant
Term: 4-year term, in May 2025

Chris Crawford, Assistant Secretary
Managing Director/Head of Real Estate
Acquisitions, Hines & Company
1144 15th Street, Suite 3675
Denver, Colorado 80202
Term: 4-year term, elected May 2023

Phone: (303) 292-1999
Email: chris.crawford@hines.com

Debby LaMotte
General Property Manager, The Promenade Shops
at Briargate
Hines
1885 Briargate Parkway, Suite 503
Colorado Springs, Colorado 80920
Term: 4-year term, elected May 2023

Phone: (719) 265-6264
Email: debby.lamotte@hines.com

DISTRICT MANAGER:

Debby LaMotte performs limited administrative duties for the District, without any compensation from the District.

DISTRICT CONTACT:

Timothy J. Flynn
Ireland Stapleton Pryor & Pascoe, PC
1660 Lincoln Street, Suite 3000
Denver, Colorado 80264
Phone: 303-880-2813
Email: tflynn@irelandstapleton.com

INSURANCE AND DIRECTORS' BONDS:

Liability and Crime Coverage:

Colorado Special Districts Property and Liability Pool

c/o McGriff Insurance Services, LLC

PO Box 1539

Portland, OR 97207

Policy No. 24PL-70018-3626

Property Insurance:

Colorado Special Districts Property and Liability Pool

c/o McGriff Insurance Services, LLC

PO Box 1539

Portland, OR 97207

Policy No. 24PL-70018-3626

ACCOUNTANT:

Roberta Stake

Morgan Stake Consulting Corp

21992 E. Canyon Place

Aurora, CO 80016

Parker, CO 80138

Phone:(303)841-9192

Cell:(303)748-3187

Email: robertastake@me.com

AUDITOR:

Steve Dazzio, CPA

Dazzio & Plutt, LLC

Certified Public Accountants

7931 South Broadway, #324

Littleton, CO 80122

Phone 303-905-0809

Fax 303-797-3334

Email: stevedazzio@dazziopluttcpa.com

STAFF: N/A

EXHIBIT B

2025 BID Budget General Fund

	2023 Actual	2024 Estimated	2025 Proposed
BEGINNING FUNDS AVAILABLE	<u>\$336,114</u>	<u>\$474,354</u>	<u>\$606,496</u>
REVENUE			
Property taxes - General	170,075	173,139	179,670
Specific ownership taxes	53,195	45,000	45,000
Interest income	33,168	35,000	20,000
Miscellaneous income	<u>0</u>	<u>0</u>	<u>0</u>
Total revenue	<u>256,438</u>	<u>253,139</u>	<u>244,670</u>
Total funds available	<u>592,552</u>	<u>727,493</u>	<u>851,166</u>
EXPENDITURES			
General			
Accounting	5,700	5,000	6,000
Audit	4,000	4,500	5,000
Insurance	0	7,897	10,000
Legal	18,513	19,000	20,000
Marketing	45,507	40,000	50,000
Maintenance	40,453	40,000	40,000
Security services	0	0	0
Treasurer's fees	2,552	2,600	2,600
Miscellaneous	1,473	2,000	2,000
Capital outlay -	0	0	0
Contingency	0	0	102,263
Emergency reserves	0	0	0
Total expenditures	<u>118,198</u>	<u>120,997</u>	<u>237,863</u>
Total expenditures and transfers out requiring appropriation	<u>118,198</u>	<u>120,997</u>	<u>237,863</u>
ENDING FUNDS AVAILABLE	<u>\$474,354</u>	<u>\$606,496</u>	<u>\$613,303</u>
Funds Available - Restricted			
Emergency Reserve	7,000	7,500	7,200
Funds Available - Unrestricted	<u>467,354</u>	<u>598,996</u>	<u>606,103</u>
Total Funds Available	<u>\$474,354</u>	<u>\$606,496</u>	<u>\$613,303</u>

**2025 BID Budget
Debt Service Fund**

	2023 Actual	2024 Estimated	2025 Adopted
BEGINNING FUNDS AVAILABLE	<u>\$830,327</u>	<u>\$802,385</u>	<u>\$870,037</u>
Property taxes - Debt Service	340,150	346,278	359,339
Special Assess. - Principal	447,049	468,731	491,465
Special Assess. - Interest	125,113	103,431	80,697
Special Assess. - Collection fee	0	0	0
Subordinate Note Proceeds	0	0	0
Interest income	<u>48,020</u>	<u>30,000</u>	<u>10,000</u>
 Total revenue	 960,332	 948,440	 941,501
 Total funds available	 <u>1,790,659</u>	 <u>1,750,825</u>	 <u>1,811,538</u>
EXPENDITURES			
Debt Service			
Principal			
Special assessment refunding bonds	440,000	355,000	480,000
2018 refinancing loan	315,000	329,000	346,000
Interest			
Special assessment refunding bonds	113,680	92,120	73,800
2018 refinancing loan	109,589	95,648	78,500
Paying agent/Trustee fees	4,900	3,825	5,000
Legal fees	0	0	5,000
Treasurer fee - Property taxes	5,105	5,195	5,500
Total expenditures	<u>988,274</u>	<u>880,788</u>	<u>993,800</u>
TRANSFERS OUT			
Transfer to General Fund	0	0	0
Transfer to Capital Projects Fund	0	0	0
Total transfers out	<u>0</u>	<u>0</u>	<u>0</u>
 Total expenditures requiring appropriation	 <u>988,274</u>	 <u>880,788</u>	 <u>993,800</u>
ENDING FUNDS AVAILABLE	<u>\$802,385</u>	<u>\$870,037</u>	<u>\$817,738</u>
 Funds Available - Restricted			
Special Assessment Bonds Reserve	558,945	558,945	558,945
Loan Reserve	80,000	80,000	80,000
Debt Service	<u>361,103</u>	<u>231,092</u>	<u>1,078,793</u>
 Total Funds Available	 <u>\$802,385</u>	 <u>\$870,037</u>	 <u>\$817,738</u>

**2025 BID Budget
Property Tax Summary**

	<u>2023 Actual</u>	<u>2024 Estimated</u>	<u>2025 Proposed</u>
Assessed valuation - El Paso County	\$ 13,024,660	\$ 13,297,120	\$ 13,820,740
Mill levy - General	13.0000	13.0000	13.0000
Mill levy - Debt Service	26.0000	26.0000	26.0000
Mill levy - Debt Service - Subordinate note	0.0000	0.0000	0.0000
Total mill levy	<u>39.0000</u>	<u>39.0000</u>	<u>39.0000</u>
Property taxes - General	169,321	172,863	179,670
Property taxes - Debt Service	338,641	345,725	359,339
Property taxes - Debt Service - Subordinate note	0	0	0
Total taxes	<u>507,962</u>	<u>518,588</u>	<u>539,009</u>

FINAL PLAT
BRIARGATE BUSINESS CAMPUS FILING NUMBER 16
 A PORTION OF THE NORTHEAST QUARTER OF SECTION 32 & A PORTION OF THE NORTHWEST QUARTER OF SECTION 33,
 TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN,
 CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



SHOW ALL MEN BY THESE PRESENTS

THAT JOHN A. COLEMAN, LAND SURVEYOR, BEING DULY SWORN, HAS DEPOSITED IN THE OFFICE OF THE COUNTY CLERK OF EL PASO COUNTY, COLORADO, A CERTAIN PLAT OF LAND, THE CONTENTS OF WHICH ARE HEREBY MADE A PART OF THIS PLAT.

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32 AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:

NAME OF PLAT: THE NAME OF PLAT IS BRIARGATE BUSINESS CAMPUS FILING NUMBER 16.
CLASS OF PLAT: THE CLASS OF PLAT IS A PLAT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32 AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
SECTION 32: A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
SECTION 33: A TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:

1. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
2. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
3. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
4. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
5. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
6. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
7. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
8. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
9. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:
10. BEING A TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:

CONVEYANCE

BEFORE ME, the undersigned authority, on this _____ day of _____, 2002, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2002.

STATE OF COLORADO)
 COUNTY OF EL PASO)
 I, _____, Clerk and Ex-Officio Notary Public, do hereby certify that the foregoing is a true and correct copy of the original plat as the same appears on file in my office.

NOTARY PUBLIC STATE OF COLORADO
 My Comm. Expires _____

EMENDMENTS

ALL EMENDMENTS AND AMENDMENTS MUST BE FILED WITH THE COUNTY CLERK OF EL PASO COUNTY, COLORADO.

GENERAL NOTES
 1. THE DATE OF PREPARATION IS JAN 20, 2002.

2. THE NAME OF THE PERSONS OF A PORTION OF THE WEST 1/4 OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:

3. THE PROPERTY IS SUBJECT TO AN EASEMENT AGREEMENT FOR THE LIMITED USE OF THE TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:

4. THE PROPERTY IS SUBJECT TO THE EASEMENT AGREEMENT AND EASEMENT AGREEMENT OF THE TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE FULLY DESCRIBED AS FOLLOWS:

5. IT IS HEREBY CERTIFIED THAT THE FOREGOING PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS THE SAME APPEARS ON FILE IN MY OFFICE.

SURVEYOR'S STATEMENT

I, the undersigned professional land surveyor, registered in the State of Colorado, hereby certify that I have personally surveyed the above described plat and that the same is a true and correct copy of the original plat as the same appears on file in my office.



NOTICE

NOTICE IS HEREBY GIVEN THAT THE FOREGOING PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS THE SAME APPEARS ON FILE IN MY OFFICE.

LIMITATIONS OF ACTIONS AGAINST LAND SURVEYORS
 THE FOREGOING PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS THE SAME APPEARS ON FILE IN MY OFFICE.

CITY APPROVAL

BEFORE ME, the undersigned authority, on this _____ day of _____, 2002, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2002.

STATE OF COLORADO)
 COUNTY OF EL PASO)
 I, _____, Clerk and Ex-Officio Notary Public, do hereby certify that the foregoing is a true and correct copy of the original plat as the same appears on file in my office.

NOTARY PUBLIC STATE OF COLORADO
 My Comm. Expires _____

TRIAL PLAT
 BCC NO. 18
 JOB NO. 2002080
 REVISED FEBRUARY 16, 2002
 SHEET 1 OF 1
 CPC-00-01-134



400 A South 2nd Street, Suite 200, Colorado Springs, CO 80902
 719-520-0000 Fax: 719-520-0000

EXHIBIT D Terms and Definitions

The following terms and definitions from the City of Colorado Springs Special District Policy are specifically incorporated for use in this Operating Plan and Budget.

- a. **Authority-** An entity with separate legal powers or authorities, created by intergovernmental agreement (IGA) between or among Districts, or between or among one or more Districts, and another governmental entity.
- b. **City-** The City of Colorado Springs, acting legislatively through its City Council or administratively through its mayor or chief of staff consistent with Colorado Revised Statutes and the City Charter.
- c. **Combination of Districts-** Any combination of Metropolitan Districts, BIDs and/or GIDs that overlay each other that are organized by petition of a property developer that are specific to property within a single development project and do not serve any property outside of that project such as regional service district or non-developer controlled existing district.
- d. **C.R.S-** Colorado Revised Statutes
- e. **Debt-** Any bond, note debenture, contract or other multiple year financial obligation of a District which is payable in whole or in part from, or which constitutes an encumbrance on, the proceeds of ad valorem property tax or End User Debt Service Fee imposed by the District, or pledged for the purposes of meeting the obligation.
- f. **Debt Mill Levy-** For the purpose of this Policy and its associated plans the debt mill levy is that portion of the overall mill levy of the District, pledged, dedicated or otherwise used to repay formally issued Debt or long terms.
- g. **Developer Funding Agreements-** Short or long-term obligations of Districts entered into between Districts and developers related to advancement of reimbursement of Public Improvements or operations and maintenance costs. Such agreements may or may not accrue interest, but do not qualify as formally issued Debt as defined under this Policy or under TABOR.
- h. **District –** This Briargate Center Business Improvement District
- i. **End User-** A property owner anticipated to be have long term, multi-year responsibility for the tax and/or fee obligations of a District. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an end user. A master property developer or business entity that constructs homes or commercial structures for occupancy or ownership primarily by third parties, is not an end user.
- j. **End User Debt Service Fees-** Any fees, rates, tolls or charges assessed or pledged or otherwise obligated to End Users by a District for the payment of Debt. End User Debt Service Fees are not intended to include public improvement fees (PIFs) if authorized by this Operating Plan and Budget.
- k. **External Financial Advisor-** A consultant that: (1) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (2) shall be an underwriter, investment banker, or individual listed

as a public finance advisor in the Bond Buyer's Municipal Market Place (also known as the Redbook); and (3) is not an officer of the Districts.

- l. Index Interest Rate-** The AAA 30-year MMD (Municipal Market Data) index interest rate.
- m. Interest Rate-**The annual rate of charge applied to Debt or other District financial obligations
- n. Land Development Entitlement** – A City-approved master plan, concept plan or other more detailed land use plan, zoning or combinations thereof, applicable to a substantial proportion of the property to be included in District and sufficient to support the need for the District along with relevant public improvements financing assumptions and proposed limits.
- o. Maximum Debt Mill Levy-** The maximum mill levy a District or Combination of Districts is permitted to impose for the payment of Debt. For the purpose of this Policy, a mill levy certified for contractual obligations is part of the Maximum Debt Mill Levy.
- p. Maximum Operating Mill Levy-** The maximum mill levy a District or Combination of Districts is permitted to impose for operating and maintenance expenses.
- q. Mill Levy Adjustment** -Any statutory, legislative or constitutional changes that adjust or impact that assessed or actual valuation of property or the assessment ratio pursuant to which taxes are calculated.
- r. Model BID Operating Plan and Budget-** The most recent version of the template for BID Operating Plans and Budgets adopted in accordance with this Policy.
- s. Planning and Community Development Department Director-** The Director of the Colorado Springs Planning and Community Development Department or other position which may be established for the purpose of administering this Policy, or their designee.
- t. Policy or Special District Policy** -The City's adopted Special District Policy as may be amended from time to time.
- u. Privately Placed Debt-** Debt that is not marketed to multiple independent accredited investors as defined in Rule 501(a) promulgated under the Securities Act of 1933 by a registered bond underwriter or placed directly with a chartered lending institution or credit union.
- v. Public Improvements** – Any capital or site improvements, (or directly related planning or engineering costs) legally determined to be eligible for ownership, maintenance and/or financing by a District in accordance with the applicable State statutes.
- w. Related Party Privately Placed Debt** - Privately Placed Debt that is or will be placed with and directly held by a party related to the issuing District.