

ORDINANCE NO. 21-75

AN ORDINANCE ORGANIZING THE CATALYST CAMPUS BUSINESS IMPROVEMENT DISTRICT AND APPOINTING AN INITIAL 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 Catalyst Campus 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 Colorado Springs Gazette, 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 2021-2022 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 "Catalyst Campus 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 initial Board of Directors are to be appointed by City Council;

(f) A request that City Council determine that the location of the proposed District and its service area 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 August 24, 2021 and heard all persons having objections to the organization of the District; and

WHEREAS, the Initial Operating Plan and Budget of the District adequately addresses the unique circumstances and contingences associated with the formation and ultimate location 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 Catalyst Campus 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)(b) and (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. The initial members of the board of directors listed within the Operating Plan are hereby appointed by City Council. A subsequent election of the members of the District shall take place no later than November 2022. 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 2021-2022 Initial Operating Plan and Budget is approved and incorporated herein by reference, including the declaration of public interest and necessity for holding the elections contained therein. The District is authorized to proceed with an election on November 2, 2021 concerning such ballot issues and questions as shall be certified by the board of directors.

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 14th day of September, 2021.

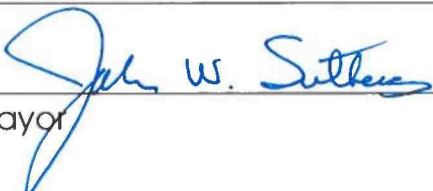
Finally passed: September 28th 2021



Council President

Mayor's Action:

- ☒ Approved on October 11, 2021.
- ☐ 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


The seal is circular with a double-lined border. The outer ring contains the text "COLORADO SPRINGS" at the top and "COLORADO" at the bottom, separated by two stars. The inner circle contains the text "INCORPORATED" at the top, "SEAL" in large letters in the center, and "SEPTEMBER 3, 1872" at the bottom, also flanked by two stars.

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE ORGANIZING THE CATALYST CAMPUS BUSINESS IMPROVEMENT DISTRICT AND APPOINTING AN INITIAL BOARD OF DIRECTORS”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on September 14th, 2021; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 28th day of September 2021, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Gazette on October 1st, 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 28th day of September 2021.



1st Publication Date: September 17th, 2021

2nd Publication Date: October 1st, 2021

Effective Date: October 6th, 2021

Initial: SBJ
City Clerk

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

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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 CATALYST CAMPUS 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 **Catalyst Campus 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 Catalyst Campus 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 names of three persons to represent the Petitioners, who have the power to enter into agreements relating to the organization of the District are:

1. Alex Armani-Munn
2. Kevin O'Neil
3. Patrick Stephens

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(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 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 an initial board of directors of the District consisting of five (5) members. Petitioners request that the City appoint the initial board of directors for the District after which the positions on the board of directors shall be elected starting with an election on November 2, 2021. Petitioners request that the City pass such an ordinance and that the initial board of directors be the following electors of the District:

1. Alex Armani-Munn
2. Kevin O'Neil
3. Patrick Stephens
4. Julie Brooks
5. Scott Lamphear

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

(h) 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.

(i) 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

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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.

(j) 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 Catalyst Campus Business Improvement District and adopt the ordinance and take the actions requested in the petition to provide for its effective and efficient operation.

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PETITIONERS:

OGC RE3, LLC

By: 

Name: Kevin O'Neil

As its: Member

Date of Signing: 7/19/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of **OGC RE3, LLC**, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 7/19/2021

Signature: 

Office Held: Member

STATE OF Colorado)

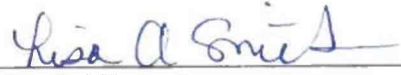
)ss.

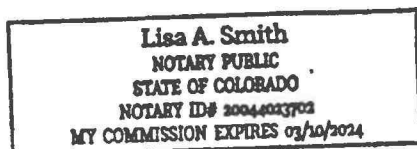
COUNTY OF El Paso)

The foregoing signature was subscribed or acknowledged before me this 19th day of July, 2021, by Kevin O'Neil as Member of OGC RE3, LLC, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]


Notary Public



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KO 528 PP, LLC

By: Kevin O'Neil

Name: Kevin O'Neil

As its: Member

Date of Signing: 7/19/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of **KO 528 PP, LLC**, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 7/19/2021

Signature: Kevin O'Neil

Office Held: Member

STATE OF Colorado)

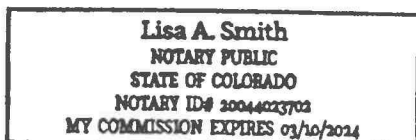
COUNTY OF El Paso) ss.

The foregoing signature was subscribed or acknowledged before me this 19th day of July, 2021, by Kevin O'Neil as Member of KO 528 PP, LLC, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]

Lisa A. Smith
Notary Public



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CENTER CITY HOLDINGS, LLC

By: *Kevin O'Neil*

Name: Kevin O'Neil

As its: Member

Date of Signing: 7/19/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of **CENTER CITY HOLDINGS, LLC**, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 7/19/2021 Signature: *Kevin O'Neil*

Office Held: Member

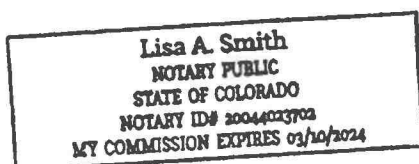
STATE OF ~~El Paso~~ Colorado)
)ss.
COUNTY OF El Paso)

The foregoing signature was subscribed or acknowledged before me this 19th day of July, 2021, by Kevin O'Neil as Member of **CENTER CITY HOLDINGS, LLC**, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]

Lisa A. Smith
Notary Public



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545PP, LLC

By: *Kevin O'Neil*

Name: Kevin O'Neil

As its: Member

Date of Signing: 7/19/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of **545PP, LLC**, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 7/19/2021 Signature: *Kevin O'Neil*

Office Held: Member

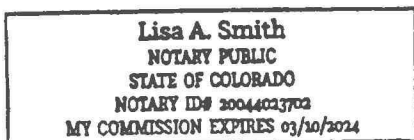
STATE OF Colorado)
)ss.
COUNTY OF El Paso)

The foregoing signature was subscribed or acknowledged before me this 19th day of July, 2021, by Kevin O'Neil as Member of 545PP, LLC, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]


Lisa A Smith
Notary Public



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OGC RE1, LLC

By: 

Name: Kevin O'Neil


As its: Member

Date of Signing: 7/19/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of **OGC, RE1 LLC**, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 7/19/2021

Signature: 

Office Held: Member

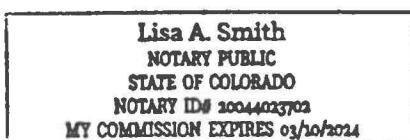
STATE OF Colorado)
)ss.
COUNTY OF El Paso)

The foregoing signature was subscribed or acknowledged before me this 19th day of July, 2021, by Kevin O'Neil as Member of OGC RE1, LLC, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]


Notary Public



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OGCRE4, LLC

By: Kevin O'Neil

Name: Kevin O'Neil

As its: Member

Date of Signing: 7/19/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of **OGCRE4, LLC**, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 7/19/2021

Signature: Kevin O'Neil

Office Held: Member

STATE OF Colorado

)

COUNTY OF El Paso

)ss.

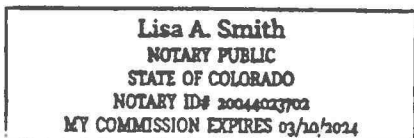
)

The foregoing signature was subscribed or acknowledged before me this 19th day of July, 2021, by Kevin O'Neil as Member of OGCRE4, LLC, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]

Lisa A. Smith
Notary Public



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422 VERMIJO LLC

By: *Kevin O'Neil*

Name: Kevin O'Neil

As its: Member

Date of Signing: 7/19/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of **422 VERMIJO LLC**, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 7/19/2021 Signature: *Kevin O'Neil*

Office Held: Member

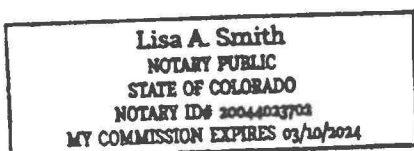
STATE OF Colorado)
)ss.
COUNTY OF El Paso)

The foregoing signature was subscribed or acknowledged before me this 19th day of July, 2021, by Kevin O'Neil as Member of **422 VERMIJO LLC**, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]

Lisa A Smith
Notary Public



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CATALYST SPUR, LLC

By: [Signature]

Name: Kevin O'Neil

As its: Member

Date of Signing: 07/20/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of CATALYST SPUR, LLC, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 07/20/2021

Signature: [Signature]

Office Held: Member

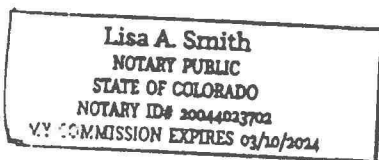
STATE OF Colorado)
)ss.
COUNTY OF El Paso)

The foregoing signature was subscribed or acknowledged before me this 20th day of July, 2021, by Kevin O'Neil as Member of KO 528 PP, LLC, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]

[Signature]
Notary Public



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PETITIONERS:

KEVONEL INVESTMENTS LLC

By: [Signature]

Name: Kevin O'Neil

As its: Member

Date of Signing: 07/20/2021

AFFIDAVIT OF AUTHORITY

I, Kevin O'Neil (print name) do solemnly swear or affirm that I am a Member of KEVONEL INVESTMENTS LLC, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 07/20/2021

Signature: [Signature]

Office Held: Member

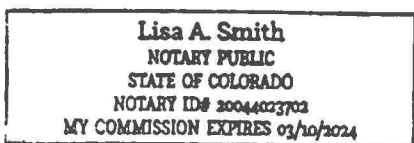
STATE OF Colorado)
)ss.
COUNTY OF El Paso)

The foregoing signature was subscribed or acknowledged before me this 20th day of July, 2021, by Kevin O'Neil as Member of OGC RE3, LLC, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]

[Signature]
Notary Public



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RV 528PP, LLC

By: J. Ronald Voss

Name: J. Ronald Voss

As its: sole member

Date of Signing: 7-21-21

AFFIDAVIT OF AUTHORITY

I, J. Ronald Voss (print name) do solemnly swear or affirm that I am a sole member of **RV 528PP, LLC**, a Colorado limited liability company the record owner of property located within the service area of the proposed Catalyst Campus Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: 7-21-21

Signature: [Signature]

Office Held: sole member

STATE OF Colorado

)
)ss.
)

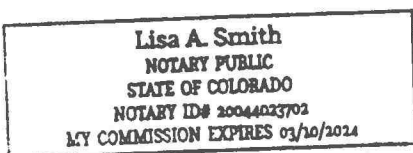
COUNTY OF El Paso

The foregoing signature was subscribed or acknowledged before me this 21st day of July, 2021, by J. Ron Voss as Sole Member of RV 528PP, LLC, a Colorado limited liability company.

My commission expires: 3/10/2024

[SEAL]

[Signature]
Notary Public



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EXHIBIT A

**Legal Description of the Area within the
Catalyst Campus Business Improvement District**

LOT 21 EX ELY 1.8 FT OF NLY 50.0 FT, TOG WITH WLY 0.6 FT OF SLY 150.0 FT OF LOT 20 R A EDGERTONS SUB BLK 244 ADD 1 COLO SPGS;

LOTS 17, 18 & 19 INC EX PART CONV TO CITY BY BK 3270-296, TOG WITH LOT 20, EX WLY 0.6 FT OF SLY 150.0 FT, TOG WITH ELY 1.8 FT OF NLY 50.0 FT OF LOT 21 R A EDGERTONS SUB OF BLK 244 ADD NO 1 CO SPGS;

LOT 1 CONFLUENCE SUB NO 1 COLO SPGS;

LOT 1 RAILROAD FIVE SUB FIL NO 2;

THAT PART OF LOT 1 LY WLY OF PARCELS CONV BY BKS 3398-740, 3325-662 SANTA FE STATION SUB COLO SPGS IMPROVEMENTS ON 64181-16-023;

THAT PART OF LOT 1 SANTA FE STATION SUB COLO SPGS AS FOLS: COM AT NW COR OF SD SUB, TH ELY ON NLY BDRY LN THEREOF 263.76 FT, S 00<01'25" E 67.01 FT, S 26<24'10" W 156.68 FT FOR POB, CONT SWLY ON SAME COURSE 182.67 FT, S 63<59'53" E 93.0 FT, S 26<24'10" W 294.72 FT TO PT NLY LN OF ALLEY IN BLK 246, N 89<55'22" E 105.58 FT, N 26<24'10" E 248.3 FT, N 63<59'53" W 3.0 FT, N 26<00'07" E 182.67 FT, N 63<59'53" W 180.23 FT TO POB, TOG WITH THAT PART AS FOLS: COM AT NE COR OF SD SUB, TH WLY ON NLY LN OF SD SUB ON ARC OF CUR TO R WITH A RAD OF 1350.0 FT C/A OF 05<11'28", AN ARC DIST OF 122.31 FT, S 89<58'35" W 96.84 FT, S 00<01'25" E 67.01 FT, S 26<24'10" E 156.68 FT, TH S 63<59'53" E 183.81 FT FOR POB, TH S 26<30'00" W 66.46 FT, N 26<00'07" E 66.46 FT, TH S 63<59'53" E 0.58 FT TO POB - IMPROVEMENTS ON 64191-16-024 -;

PART OF LOT 1 SANTA FE STATION SUB AS FOLS; BEG AT MOST NELY COR OF SD SUB, TH S 00<47'10" E 180.91 FT, S 89<57'20" W 68.12 FT, S 00<04'35" E 20.0 FT, N 89<57'20" E 68.37 FT, S 00<47'10" E 172.44 FT, N 54<54'28" W 111.85 FT, N 63<30'00" W 202.0 FT, S 26<30'00" W 4.10 FT, N 63<59'53" W 21.80 FT, N 26<24'10" E 156.68 FT, N 00<01'25" W 67.01 FT, N 89<58'35" E 96.84 FT, TH ON ARC OF CUR TO L HAVING C/A OF 05<11'28" A RAD OF 1350.0 FT, AN ARC DIST OF 122.31 FT TO POB, TOG WITH

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VAC ALLEY ADJ VAC BY BK 6720-1097, IMPROVEMENTS ON 64181-16-022, EX THAT PT CONVEYED BY REC NO 218146006;

LOTS 1, 2 EX THAT PART TO STREET ELIZABETH F WOLFES SUB OF BLK 245 ADD NO 1 COLO SPGS;

LOT 3 EX TRI-SHAPE IN SE COR, EX PART TO PIKES PEAK AVE DESC BY BK 3668-283 ELIZABETH F WOLFES SUB BLK 245 ADD 1 COLO SPGS, TOG WITH 20 FT WIDE ALLEY LY SLY OF SD LOT, EX PT PLATTED INTO RAILROAD FIVE SUB FIL NO 1, SD VAC ALLEY DES IN BK 6388-447;

THAT PT OF SANTA FE STATION SUB LY WLY & NLY OF THAT TRACT DESC BY REC NO 218146006;

TR IN SE4 SEC 18-14-66 DESC AS FOLS: COM AT SE COR OF W 75.00 FT OF S2 OF LOT 4 BLK 106 ADD NO 1 THE TOWN OF COLO SPGS & ALSO BEING A PT ON THE N LN OF 100 FT WIDE CUCHARRAS ST; TH N 89<59'56" E ALG SD N LN 131.35 FT TO A PT ON A LN THAT IS 20.00 FT SELY OF & PARA WITH C/L OF MOST WLY LN OF THE BURLINGTON NORTHERN & SANTA FE R/R CO (FORMERLY THE ATCHISON, TOPEKA & SANTA FE R/R CO) & ALSO POB; THE ALG SD PARA LN N 19<16'21" E 134.02 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 732.50 FT A C/A OF 06<41'47" AN ARC DIST OF 85.61 FT WHICH CHORD BEARS N 22<37'15" E A DIST OF 85.56 FT, N 25<58'08" E 27.01 FT TO A PT ON THE SWLY BDRY OF C & R FREIGHT STATION, S 64<41'20" E ALG SD SWLY LN 46.16 FT TO THE MOST SWLY COR OF SANTA FE STATION SUB, N 89<54'38" E ALG SD SLY LN 132.50 FT TO A PT THAT IS 20.00 FT WLY OF & PARA WITH THE C/L OF THE MOST ELY MAIN LN OF THE BURLINGTON NORTHERN & SANTA FE R/R CO (FORMERLY THE ATCHISON, TOPEKA & SANTA FE R/R CO); TH ALG SD PARA LN S 26<35'09" W 145.73 FT, SWLY ALG ARC OF CUR TO R HAVING A RAD OF 617.50 FT A C/A OF 08<39'04" ANN ARC DIST OF 93.24 FT WHICH CHORD BEARS S 30<54'41" W A DIST OF 93.15 FT TO A PT ON SD N LN OF CUCHARRAS ST, TH S 89<59'56" W ALG SD LN 150.13 FT TO POB;

W 50 FT OF LOT 1 BLK 106 ADD 1 COLO SPGS;

E 50 FT OF W 100 FT OF LOT 1 BLK 106 ADD 1 COLO SPGS;

W 50 FT OF E 90 FT OF N 140 FT OF LOTS 1, 2 BLK 106 ADD 1 COLO SPGS;

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THAT PT OF SANTA FE STATION SUB LY SLY & ELY OF THAT TRACT DESCRIBED BY REC NO 218146006;

LOT 1 NICOLL WAREHOUSE SUB;

TRACT A NICOLL WAREHOUSE SUB;

TR IN SE4 SEC 18-14-66 DESC AS FOLS: BEG 20.0 FT N & 282.0 FT W OF SE COR OF BLK 247 ADD 1 COLO SPGS: THN ALG A LN HEREINAFTER REFERRED TO AS LINE A, A DIST OF 240.0 FT, TH E ALG S LN OF E-W ALLEY IN SD BLK247 75.0 FT M/L TO INTSEC WITH A LN DRAWN PARA & CONCENTRIC WITH & 15.0 FT NORMALLY DISTANT WLYFROM GRANTOR'S EXISTING SPUR TRACK C/L, TH SLY ALG SD PARA & CONCENTRIC LN 271.0 FT M/L TO C/L OF VAC VERMIJO ST., TH W ALG SD ST C/L TO INTSEC WITH SLY EXT OF SD LINE A, TH N ALG DS SLY EXT TO POB, TOG WITH THE SPUR TRACK R/W LY ADJ TO & WLY OF THE HEREINABOVE DESCRIBED PREMISES, TOG WITH VAC ORD04-120 BY REC #204137963; and

COUNTY OF EL PASO, STATE OF COLORADO. LOTS 4, 5 BLOCK 105 ADDITION 1 COLORADO SPRINGS; and

A TRACT OF LAND IN THE COUNTY OF EL PASO, STATE OF COLORADO LYING IN BLOCKS 246, 247, 248, 249, AND 250 ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, TRANSMIX SUBDIVISION FILING NO. 3 IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, SAID POINT OF BEGINNING BEING ON THE NORTH RIGHT OF WAY LINE OF

E. COSTILLA STREET; THENCE

ALONG THE NORTHERLY RIGHT OF WAY LINE OF E. COSTILLA STREET THE FOLLOWING 3 COURSES,

COURSE 1: S 01°55'18" W 13.00 FEET,

COURSE 2: N 88°04'42" W 263.77 FEET,

COURSE 3: N 01°55'18" E 13.00 FEET TO THE SOUTH LINE OF BLOCK 249 OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS; THENCE

S 88°04'42" E 59.15 FEET ALONG THE SOUTH LINE OF BLOCK 249 OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS; THENCE

N 10°54'26" E 216.68 FEET; THENCE

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N 08°58'35" E 67.43 FEET; THENCE
N 12°45'15" E 120.12 FEET; THENCE
N 10°26'19" E 41.87 FEET TO THE SOUTH RIGHT OF WAY LINE OF E. VERMIJO
AVENUE; THENCE
N 32°52'39" E 29.63 FEET; THENCE
S 88°02'03" E 12.24 FEET; THENCE
ON A CURVE TO THE RIGHT WITH A RADIUS OF 953.66 FEET, AN ARC DISTANCE
OF 274.32 FEET, CHORD BEING
N 15°06'58" E 273.38 FEET; THENCE
N 23°58'05" E 20.35 FEET TO THE SOUTHWEST CORNER OF THE MONITOR LANE
PROPERTIES LLC TRACT AS DESCRIBED IN FILING #206180654 IN THE RECORDS OF
THE CLERK AND RECORDER OF EL PASO COUNTY; THENCE
S 88°09'04" E 124.47 FEET TO THE SOUTHEAST CORNER OF THE SAID MONITOR
LANE PROPERTIES LLC; THENCE
N 26°40'05" E 120.65 FEET TO THE SOUTHEAST CORNER OF THE BOXCAR
ENTERPRISE LLC TRACT AS DESCRIBED IN
FILING #216147956 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO
COUNTY; THENCE
N 26°40'05" E 88.14 FEET TO THE NORTHEAST CORNER OF THE SAID BOXCAR
ENTERPRISE LLC TRACT; THENCE
S 88°00'07" E 42.04 FEET; THENCE
N 21°11'46" E 105.99 FEET TO THE SOUTHWEST CORNER OF THE OGC RE1 LLC
TRACT AS DESCRIBED IN
FILING #216041875 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO
COUNTY; THENCE
S 88°11'35" E 150.13 FEET TO THE SOUTHEAST CORNER OF THE SAID OGC RE1 LLC
TRACT; THENCE
ON A CURVE TO THE LEFT WITH A RADIUS OF 617.50 FEET, AN ARC DISTANCE OF
92.92 FEET, CHORD BEING
N 32°50'24" E 92.83 FEET ALONG THE EASTERLY LINE OF THE SAID OGC RE1
TRACT; THENCE
N 28°22'01" E 145.35 FEET TO THE SOUTH LINE OF LOT 1, SANTA FE STATION
SUBDIVISION, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO;
THENCE
S 88°02'20" E 91.88 FEET ALONG THE SOUTH LINE OF SAID LOT 1, SANTA FE
STATION SUBDIVISION; THENCE
S 00°51'39" W 20.00 FEET; THENCE

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S 88°44'41" E 75.97 FEET TO THE NORTHWESTERLY CORNER OF LOT 2, MERRITT'S SUBDIVISION FILING NO. 2,
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO; THENCE
ALONG THE NORTHWESTERLY AND WEST LINES OF SAID LOT 2, MERRITT'S
SUBDIVISION FILING NO. 2 THE FOLLOWING 4 COURSES,

COURSE 1: S 42°12'12" W 39.00 FEET,
COURSE 2: S 58°32'11" W 68.00 FEET,
COURSE 3: S 49°34'59" W 64.04 FEET,
COURSE 4: S 01°47'19" W 80.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2,
MERRITT'S SUBDIVISION
FILING NO. 2; THENCE

N 88°09'36" W 137.20 FEET TO THE NORTHWEST CORNER OF LOT 2, TRANSMIX
SUBDIVISION FILING NO. 3,
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO; THENCE
ALONG THE WESTERLY LINE OF SAID LOT 2, TRANSMIX SUBDIVISION FILING NO.
3 THE FOLLOWING 13 COURSES,

COURSE 1: S 03°17'27" W 99.95 FEET,
COURSE 2: N 88°09'57" W 51.71 FEET,
COURSE 3: S 45°20'53" W 73.08 FEET,
COURSE 4: ON A CURVE TO THE LEFT WITH A RADIUS OF 384.70 FEET, AN ARC
DISTANCE OF 46.33 FEET, CHORD BEING
S 41°18'39" W 46.30 FEET,
COURSE 5: S 37°57'00" W 82.72 FEET,
COURSE 6: ON A CURVE TO THE LEFT WITH A RADIUS OF 384.75 FEET, AN ARC
DISTANCE OF 65.00 FEET, CHORD BEING
S 33°02'37" W 64.92 FEET,
COURSE 7: S 28°15'32" W 475.43 FEET,
COURSE 8: S 66°23'51" E 47.63 FEET,
COURSE 9: S 09°56'44" W 81.59 FEET,
COURSE 10: S 02°13'23" E 38.67 FEET,
COURSE 11: S 12°56'33" W 99.09 FEET,
COURSE 12: S 04°28'05" W 49.93 FEET,
COURSE 13: ON A CURVE TO THE RIGHT WITH A RADIUS OF 1718.56 FEET, AN ARC
DISTANCE OF 19.97 FEET, CHORD BEING
S 15°46'38" W 19.97 FEET TO THE POINT OF BEGINNING, CONTAINING 5.2 ACRES.

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AND THE BNSF RAILROAD BRIDGE OVER E. COSTILLA STREET IN COLORADO SPRINGS, EL PASO COUNTY, COLORADO. SAID BNSF RAILROAD BRIDGE OVER E. COSTILLA STREET BEING LOCATED BETWEEN S. WAHSATCH AVENUE TO THE WEST AND S. EL PASO STREET TO THE EAST. AND BETWEEN BLOCK 249 OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS TO THE NORTH AND BLOCK 251 OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS TO THE SOUTH.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

COUNTY OF EL PASO, STATE OF COLORADO.

CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

CERTIFICATION OF MAILING OF NOTICE OF HEARING

PETITION FOR ORGANIZATION OF CATALYST CAMPUS BUSINESS IMPROVEMENT DISTRICT

The undersigned does hereby certify that the NOTICE OF PUBLIC HEARING regarding the Petition for the Organization of the Catalyst Campus Business Improvement District in the City of Colorado Springs, El Paso County, Colorado, and Consideration of an Ordinance Organizing the Catalyst Campus Business Improvement District, Providing for the Election of the Directors Thereof, and Approving the Initial Operating Plan and Preliminary 2021 – 2022 Budget Therefor, as shown in **Exhibit A** attached hereto and incorporated herein by this reference, was mailed by first-class mail on August 17, 2021, to the owner of record of all property within the boundaries of the proposed Catalyst Campus Business Improvement District, as such owner of record is listed on the records of the El Paso County Assessor and shown in **Exhibit B** attached hereto and incorporated herein by this reference.

The undersigned further certifies that Notice of Public Hearing was also published in Colorado Springs *Gazette* on August 17, 2021, as evidenced by the Affidavit of Publication attached hereto as **Exhibit C** and incorporated herein by this reference.

The mailing of the Notice of Public Hearing has been pursuant to Section 31-25-1206, C.R.S.


Chanda Thomsen, Paralegal
Spencer Fane LLP
1700 Lincoln Street, Suite 2000
Denver, Colorado 80203

STATE OF COLORADO)
CITY AND COUNTY OF DENVER)

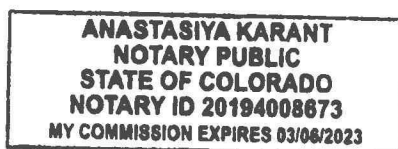
Subscribed and sworn to before me this 17th day of August, 2021, by Chanda Thomsen, Paralegal.

Witness my hand and official seal.

My commission expires: 03/06/2023

(SEAL)


Anastasiya Karant
Notary Public



DN 3182481.1

EXHIBIT A
Notice of Hearing on Petition

PUBLIC NOTICE OF HEARING ON

PETITION FOR THE ORGANIZATION OF THE CATALYST CAMPUS BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, AND CONSIDERATION OF AN ORDINANCE ORGANIZING THE CATALYST CAMPUS BUSINESS IMPROVEMENT DISTRICT, PROVIDING FOR THE ELECTION OF THE DIRECTORS THEREOF, AND APPROVING THE INITIAL OPERATING PLAN AND PRELIMINARY 2021-2022 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 Catalyst Campus 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"). This Notice of Public Hearing corrects the name of the Proposed District and updates the meeting location options.

Said Petition states, among other things:

(a) A description of the boundaries and service area of the Proposed District, as follows and incorporated herein by reference: the property located southeast of the intersection of E. Kiowa Street and N. Wahsatch Street in the City of Colorado Springs, Colorado. The 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 2, 2021 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 City Council, a public hearing on said Petition shall be held at the hour of 10:00 a.m. on Tuesday, September 14, 2021, in the Blue River Boardroom in the Plaza of the Rockies, 121 S. Tejon St, Colorado Springs, CO 80903 at which time and place any interested party may appear and be heard on the sufficiency of the Petition. Please visit coloradosprings.gov/city-council for updated information regarding the public hearing location.

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 Catalyst Campus Business Improvement District, providing for the election of Board members of the District, and approving the Initial Operating Plan and preliminary 2021-2022 budget therefor.

By: City Clerk
City of Colorado Springs, Colorado

EXHIBIT B
Property Owners within the Boundaries of the District
& Taxing Entities within a 3-Mile Radius of the District

EL PASO COUNTY
ATTN: FINANCIAL SERVICES
200 S CASCADE AVE, #150
COLORADO SPRINGS, CO
80903

CHEYENNE CREEK METRO
PARK & WATER
ATTN: CONNIE GOODWIN
1530 FOURMILE LANE
CANON CITY, CO 81212

LOWELL METROPOLITAN
ATTN: SEAN ALLEN
2154 E COMMONS AVE #2000
CENTENNIAL, CO 80122

CITY OF COLORADO SPRINGS
ATTN: CITY OF COLORADO
SPRINGS – CFO
P.O. BOX 1575
COLORADO SPRINGS, CO
80901

SOUTHEASTERN COLORADO
WATER CONSERVANCY
ATTN: JAMES BRODERICK
31717 UNITED AVE
PUEBLO, CO 81001

GREATER DOWNTOWN CS
BID
ATTN: SUSAN EDMONDSON,
DOWNTOWN PARTNERSHIP
OF COLORADO SPRINGS
111 S. TEJON ST, #703
COLORADO SPRINGS, CO
80903

HARRISON SCHOOL NO 2
ATTN: SHELLEY BECKER,
CFO
1060 HARRISON RD
COLORADO SPRINGS, CO
80905

GARDEN VALLEY WATER &
SANITATION
ATTN: JEFFREY E ERB, SETER
& VANDER WALL, PC
7400 E ORCHARD RD, #3300
GREENWOOD VILLAGE, CO
80111

SOUTHWEST DOWNTOWN
URA
ATTN: JARIAH WALKER
P.O. BOX 1575, MC 528
COLORADO SPRINGS, CO
80901-1575

COLORADO SPRINGS
SCHOOL NO 11
ATTN: LAURA HRONIK
1115 N EL PASO ST
COLORADO SPRINGS, CO
80903

OLD COLORADO CITY
SECURITY & MAINTENANCE
ATTN: CITY OF COLORADO
SPRINGS – CFO
P.O. BOX 1575
COLORADO SPRINGS, CO
80901

GOLD HILL MESA METRO #1
ATTN: CYNTHIA BEYER,
CLIFTON LARSONALLEN, LLP
8390 E CRESCENT PKY, #300
GREENWOOD VILLAGE, CO
80111

CHEYENNE MOUNTAIN
SCHOOL NO 12
ATTN: NATALIE MORIN
1775 LA CLEDE STREET
COLORADO SPRINGS, CO
80905

COLORADO SPRINGS SPRING
CREEK GID
ATTN: CITY OF COLORADO
SPRINGS – CFO
P.O. BOX 1575
COLORADO SPRINGS, CO
80901

GOLD HILL MESA METRO #2
ATTN: CYNTHIA BEYER,
CLIFTON LARSONALLEN, LLP
8390 E CRESCENT PKY, #300
GREENWOOD VILLAGE, CO
80111

PIKES PEAK LIBRARY
ATTN: MIKE VARNET
P.O. BOX 1579
COLORADO SPRINGS, CO
80901

COLORADO AVENUE
GATEWAY SIMD
ATTN: CITY OF COLORADO
SPRINGS – CFO
P.O. BOX 1575
COLORADO SPRINGS, CO
80901

GOLD HILL MESA URA
ATTN: JARIAH WALKER
P.O. BOX 1575, MC 528
COLORADO SPRINGS, CO
80901-1575

BROADMOOR FIRE
PROTECTION
ATTN: FIRE CHIEF
750 EL POMAR RD
COLORADO SPRINGS, CO
80906

PLATTE AVENUE SIMD
ATTN: CITY OF COLORADO
SPRINGS – CFO
P.O. BOX 1575
COLORADO SPRINGS, CO
80901

CITY AUDITORIUM BLOCK
URA
ATTN: JARIAH WALKER
P.O. BOX 1575, MC 528
COLORADO SPRINGS, CO
80901-1575

STRATMOOR HILLS FIRE
PROTECTION
ATTN: CHIEF SHAWN BITTLE
2160 B STREET
COLORADO SPRINGS, CO
80906

EL PASO COUNTY
CONSERVATION
ATTN: PAMELA DAVISON
5610 INDUSTRIAL PL #100
COLORADO SPRINGS, CO
80916

CITYGATE URA
ATTN: JARIAH WALKER
P.O. BOX 1575, MC 528
COLORADO SPRINGS, CO
80901-1575

STRATMOOR HILLS
SANITATION
ATTN: KEVIN NILES
1811 B STREET
COLORADO SPRINGS, CO
80906

GOLD HILL MESA METRO #3
ATTN: CYNTHIA BEYER,
CLIFTON LARSONALLEN, LLP
8390 E CRESCENT PKY, #300
GREENWOOD VILLAGE, CO
80111

CANYON CREEK METRO #1
ATTN: PETER SUSEMIHL
1619 S TEJON ST
COLORADO SPRINGS, CO
80905

STRATMOOR HILLS WATER
ATTN: KEVIN NILES
1811 B STREET
COLORADO SPRINGS, CO
80906

COLORADO SPRINGS
DOWNTOWN DEVELOPMENT
AUTHORITY
ATTN: SUSAN EDMONDSON,
DOWNTOWN PARTNERSHIP
OF COLORADO SPRINGS
111 S. TEJON ST, #703
COLORADO SPRINGS, CO
80903

CANYON CREEK METRO #2
ATTN: PETER SUSEMIHL
1619 S TEJON ST
COLORADO SPRINGS, CO
80905

CANYON CREEK METRO #3
ATTN: PETER SUSEMIHL
1619 S TEJON ST
COLORADO SPRINGS, CO
80905

GSF BID
SPENCER FANE, LLP
1700 LINCOLN STREET, SUITE
2000
DENVER, CO 80203

IVYWILD NEIGHBORHOOD
URA
ATTN: JARIAH WALKER
P.O. BOX 1575, MC 528
COLORADO SPRINGS, CO
80901-1575

GSF METROPOLITAN #1
SPENCER FANE, LLP
1700 LINCOLN STREET, SUITE
2000
DENVER, CO 80203

GOLD HILL MESA
COMMERCIAL AREA URA
ATTN: JARIAH WALKER
P.O. BOX 1575, MC 528
COLORADO SPRINGS, CO
80901-1575

GSF METROPOLITAN #2
SPENCER FANE, LLP
1700 LINCOLN STREET, SUITE
2000
DENVER, CO 80203

SOUTH NEVADA AVENUE
URA
ATTN: JARIAH WALKER
P.O. BOX 1575, MC 528
COLORADO SPRINGS, CO
80901-1575

OGC RE1 LLC
P.O. BOX 1385
COLORADO SPRINGS, CO
80901-1385

CREEKWALK MARKETPLACE
BID
ATTN: RUSSELL DYKSTRA
SPENCER FANE, LLP
1700 LINCOLN STREET, SUITE
2000
DENVER, CO 80203

OGC RE3 LLC
P.O. BOX 1385
COLORADO SPRINGS, CO
80901-1385

SW DOWNTOWN
METROPOLITAN #1
ATTN: RUSSELL DYKSTRA
SPENCER FANE, LLP
1700 LINCOLN STREET, SUITE
2000
DENVER, CO 80203

OGC RE4 LLC
P.O. BOX 1385
COLORADO SPRINGS, CO
80901-1385

SW DOWNTOWN
METROPOLITAN #2
ATTN: RUSSELL DYKSTRA
SPENCER FANE, LLP
1700 LINCOLN STREET, SUITE
2000
DENVER, CO 80203

KO 528 PP LLC
P.O. BOX 1385
COLORADO SPRINGS, CO
80901-1385

SW DOWNTOWN BID
ATTN: RUSSELL DYKSTRA
SPENCER FANE, LLP
1700 LINCOLN STREET, SUITE
2000
DENVER, CO 80203

545 PP LLC
P.O. BOX 1385
COLORADO SPRINGS, CO
80901-1385

MUSEUM & PARK URA
ATTN: JARIAH WALKER
P.O. BOX 1575, MC 528
COLORADO SPRINGS, CO
80901-1575

CENTER CITY HOLDINGS LLC
P.O. BOX 1385
COLORADO SPRINGS, CO
80901-1385

STADIUM METROPOLITAN
DISTRICT
ATTN: RUSSELL DYKSTRA
SPENCER FANE, LLP
1700 LINCOLN STREET, SUITE
2000
DENVER, CO 80203

422 VERMIJO LLC
P.O. BOX 1385
COLORADO SPRINGS, CO
80901-1385

EXHIBIT C
Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Lorre Cosgrove, 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 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 08/17/2021
CATALYST CAMPUS

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.

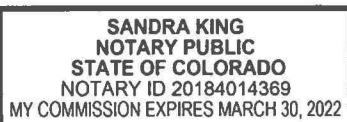


Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 08/17/2021, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette



PUBLIC NOTICE OF HEARING ON

PETITION FOR THE ORGANIZATION OF THE CATALYST CAMPUS BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, AND CONSIDERATION OF AN ORDINANCE ORGANIZING THE CATALYST CAMPUS BUSINESS IMPROVEMENT DISTRICT, PROVIDING FOR THE ELECTION OF THE DIRECTORS THEREOF, AND APPROVING THE INITIAL OPERATING PLAN AND PRELIMINARY 2021-2022 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 Catalyst Campus 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.

Said Petition states, among other things:

(a) A description of the boundaries and service area of the Proposed District, as follows and incorporated herein by reference: the property located southeast of the intersection of E. Kiowa Street and N. Wahsatch Street in the City of Colorado Springs, Colorado. The legal description is available from the office of Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, Colorado 80202.

(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 31-25-120A(5), C.R.S., services as described in Section 31-25-121(1)(f), C.R.S., and other powers granted to such districts under Section 31-25-121.2, 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 2, 2021 pursuant to Section 31-25-120B(1)(b), 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 City Council, a public hearing on said Petition shall be held at the hour of 10:00 a.m. on Tuesday, September 14, 2021, in the Blue River Boardroom in the Plaza of the Rockies, 121 S. Tejon St, Colorado Springs, CO 80903 at which time and place any interested party may appear and be heard on the sufficiency of the Petition. Please visit coloradosprings.gov/city-council for updated information regarding the public hearing location.

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 Catalyst Campus Business Improvement District, providing for the election of Board members of the District, and approving the Initial Operating Plan and preliminary 2021-2022 budget therefor.

By: _____
City Clerk
City of Colorado Springs, Colorado

Published in The Gazette August 17, 2021.

**2021 - 2022 OPERATING PLAN AND
BUDGET**

**CATALYST CAMPUS
BUSINESS
IMPROVEMENT
DISTRICT**

City of Colorado Springs, El Paso County, Colorado

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EXHIBIT A - Director Contact Information

EXHIBIT B - BID Budget 2021 - 2022

 General Fund

 Capital Projects Fund

 Debt Service Fund

EXHIBIT C – Legal Description

EXHIBIT D – Initial District Boundary Map

**2021 - 2022
OPERATING PLAN FOR THE
CATALYST CAMPUS 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, Colorado Revised Statutes, requires that the Catalyst Campus 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.*, C.R.S., 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 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 the District for 2021 - 2022 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. 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 Catalyst Campus 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), C.R.S., the City hereby appoints the initial board of directors for the District, which shall have up to five members. Each member shall be an elector of the District. The City will appoint the initial board of directors for the District after which the positions on the board of directors shall be elected starting with an election on November 2, 2021.

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) Kevin O'Neil
- 2) Patrick Stephens
- 3) Julie Brooks
- 4) Scott Lamphear
- 5) Alex Armani-Munn

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

D. Term Limits. A ballot question will be included to eliminate term limits at the November 2, 2021 election.

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 initially include approximately 15.545 acres with boundaries as legally described in Exhibit C and as depicted in Exhibit D. In the coming years, the District anticipates inclusion and exclusion requests as development within the District occurs.

4. PUBLIC IMPROVEMENTS

The District will primarily be concerned with the provision of public improvements and services within the boundaries of the District, however, there may be instances to provide improvements 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 existential 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 property owners of the District request that the City designate the territory within the District as a location for new business or commercial development under Section 31-25-1203(10), C.R.S.

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. The District does not anticipate having any employees.

6. FINANCIAL PLAN AND BUDGET

- A. 2021 - 2022 Budget.** The 2021 and 2022 Budget for the District is attached as Exhibit B.
- B. Authorized Indebtedness.** It is anticipated that the District will hold an election on November 2, 2021 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 initial maximum debt authorization for the District shall be \$90,000,000. The initial maximum debt authorization amount is the aggregate debt authorization for the District and the Catalyst Campus Metropolitan District Nos. 1 & 2, which are being formed in conjunction with the District. The District shall not issue debt in excess of the initial maximum debt authorization amount without the City’s express prior approval. The initial maximum debt authorization will provide the District with sufficient debt capacity to finance the proposed Public Improvements for the entire project. The total amount of the cost of the proposed Public Improvements for the project will be allocated between the District and the Catalyst Campus Metropolitan District Nos. 1 & 2 as appropriate and as development occurs.
- C. Property Tax and Mill Levy Caps.** The District taxing ability shall be constrained to a mill levy limitation 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 the District will undertake within its boundaries; provided, that if on or after January 1, 2006, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitations may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenue generated by the mill levy, as adjusted for changes occurring after January 1, 2006, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

- D. *District Revenues.*** The District anticipates developer funding for initial revenue sources and thereafter revenues derived from property taxes. The District may also be the beneficiary of revenues derived from a privately imposed public improvement fee.
- E. *Existing Debt Obligations.*** The District has no current debt.
- F. *Future Debt Obligations.*** The District does not anticipate issuing any debt in 2021 and 2022.
- G. *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. It is anticipated that the District will enter into a developer reimbursement agreement to help fund the District's initial administrative and operational expenses.
- H. *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.
- I. *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.
- J. *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.
- K. *No City Obligation.*** 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. This District may utilize revenues from a public improvement fee.

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. Although the Colorado Revised Statutes do not currently provide this authority, in no case shall the District 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.

8. 2021 - 2022 ACTIVITIES, PROJECTS AND CHANGES

A. Activities. It is anticipated that the District will primarily be engaged in the initial organization activities for the area and improvements planning in 2021 and 2022.

B. Projects and Public Improvements. The District will be primarily engaged in the initial organization activities for the area and improvements planning in 2021 and 2022.

C. Summary of 2021 - 2022 Activities.

Boundary changes: The District anticipates inclusion and exclusion requests in the coming years as development 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 2, 2021.

Mill levy changes: N/A

New, refinanced or fully discharged debt: Not anticipated.

Elections: November 2, 2021 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 and public improvement fees. 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 C.R.S. § 31-25-1225.

10. 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:

Kevin O'Neil
690 Mission Hill Way
Colorado Springs, CO 80921

Patrick Stephens
3824 Somerset Street
Colorado Springs, CO 80907

Julie Brooks
1662 Gatehouse Circle S Apt 201
Colorado Springs, CO 80904

Scott Lamphear
7848 S. Magnolia Way
Centennial, CO 80112

Alex Armani-Munn
1017 E. Yampa Street
Colorado Springs, CO 80903

DISTRICT MANAGER: (None at this time)

DISTRICT CONTACT:

Russell Dykstra
Spencer Fane LLP
1700 Lincoln Street, Suite 2000
Denver, Colorado 80203
rdykstra@spencerfane.com

INSURANCE AND DIRECTORS' BONDS: (None at this time)

ACCOUNTANT: (None at this time)

AUDITOR: (None at this time)

STAFF: (None at this time)

EXHIBIT B

2021 – 2022 BID Budget General Fund

<u>Expense</u>	<u>Actual 2020</u>	<u>Proposed 2021</u>	<u>Proposed 2022</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	\$ -	\$ -	\$ -

Capital Projects Fund

<u>Expense</u>	Actual <u>2020</u>	Proposed <u>2021</u>	Proposed <u>2022</u>
Beginning Funds Balance	\$ -	\$ -	\$ -
Revenue			
Developer Advances	\$ -	\$ -	\$ -
Bond Proceeds	\$ -	\$ -	\$ -
Total Funds Available	\$ -	\$ -	\$ -
Expenditures			
Issuance costs	\$ -	\$ -	\$ -
Organization costs	\$ -	\$ -	\$ -
Legal	\$ -	\$ -	\$ -
Capital expenditures	\$ -	\$ -	\$ -
Repay developer advances	\$ -	\$ -	\$ -
Repay developer advances- interest	\$ -	\$ -	\$ -
Transfer to Debt Service	\$ -	\$ -	\$ -
Total Expenditures	\$ -	\$ -	\$ -
Ending Fund Balance	\$ -	\$ -	\$ -
Assessed Valuation appropriation	\$ -	\$ -	\$ -
Total Mill Levy	0	0	0

Debt Service Fund

<u>Expense</u>	Actual <u>2020</u>	Proposed <u>2021</u>	Proposed <u>2022</u>
Beginning Funds Balance	\$ -	\$ -	\$ -
Revenue			
Property Taxes	\$ -	\$ -	\$ -
Specific Ownership Taxes	\$ -	\$ -	\$ -
Developer Fees	\$ -	\$ -	\$ -
Transfer from Capital Projects	\$ -	\$ -	\$ -
Interest Income			
	\$ -	\$ -	
Total Revenues	\$ -	\$ -	\$ -
Total Funds Available	\$ -	\$ -	\$ -
Expenditures			
Bond interest expense	\$ -	\$ -	\$ -
Bond principal	\$ -	\$ -	\$ -
Treasurer's Fees	\$ -	\$ -	\$ -
Trustee/paying agent fees	\$ -	\$ -	\$ -
Miscellaneous	\$ -	\$ -	\$ -
Management	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Misc. Expenses	\$ -	\$ -	\$ -
Treasurer's Fees	\$ -	\$ -	\$ -
Repay Developer Advances	\$ -	\$ -	\$ -
Total Expenditures	\$ -	\$ -	\$ -
Ending Fund Balance	\$ -	\$ -	\$ -
Assessed Valuation appropriation	\$ -	\$ -	\$ -
Total Mill Levy	0	0	0

EXHIBIT C

Legal Description

LOT 21 EX ELY 1.8 FT OF NLY 50.0 FT, TOG WITH WLY 0.6 FT OF SLY 150.0 FT OF LOT 20 R A EDGERTONS SUB BLK 244 ADD 1 COLO SPGS;

LOTS 17, 18 & 19 INC EX PART CONV TO CITY BY BK 3270-296, TOG WITH LOT 20, EX WLY 0.6 FT OF SLY 150.0 FT, TOG WITH ELY 1.8 FT OF NLY 50.0 FT OF LOT 21 R A EDGERTONS SUB OF BLK 244 ADD NO 1 CO SPGS;

LOT 1 CONFLUENCE SUB NO 1 COLO SPGS;

LOT 1 RAILROAD FIVE SUB FIL NO 2;

THAT PART OF LOT 1 LY WLY OF PARCELS CONV BY BKS 3398-740, 3325-662 SANTA FE STATION SUB COLO SPGS IMPROVEMENTS ON 64181-16-023;

THAT PART OF LOT 1 SANTA FE STATION SUB COLO SPGS AS FOLS: COM AT NW COR OF SD SUB, TH ELY ON NLY BDRY LN THEREOF 263.76 FT, S 00<01'25" E 67.01 FT, S 26<24'10" W 156.68 FT FOR POB, CONT SWLY ON SAME COURSE 182.67 FT, S 63<59'53" E 93.0 FT, S 26<24'10" W 294.72 FT TO PT NLY LN OF ALLEY IN BLK 246, N 89<55'22" E 105.58 FT, N 26<24'10" E 248.3 FT, N 63<59'53" W 3.0 FT, N 26<00'07" E 182.67 FT, N 63<59'53" W 180.23 FT TO POB, TOG WITH THAT PART AS FOLS: COM AT NE COR OF SD SUB, TH WLY ON NLY LN OF SD SUB ON ARC OF CUR TO R WITH A RAD OF 1350.0 FT C/A OF 05<11'28", AN ARC DIST OF 122.31 FT, S 89<58'35" W 96.84 FT, S 00<01'25" E 67.01 FT, S 26<24'10" E 156.68 FT, TH S 63<59'53" E 183.81 FT FOR POB, TH S 26<30'00" W 66.46 FT, N 26<00'07" E 66.46 FT, TH S 63<59'53" E 0.58 FT TO POB - IMPROVEMENTS ON 64191-16-024 -;

PART OF LOT 1 SANTA FE STATION SUB AS FOLS; BEG AT MOST NELY COR OF SD SUB, TH S 00<47'10" E 180.91 FT, S 89<57'20" W 68.12 FT, S 00<04'35" E 20.0 FT, N 89<57'20" E 68.37 FT, S 00<47'10" E 172.44 FT, N 54<54'28" W 111.85 FT, N 63<30'00" W 202.0 FT, S 26<30'00" W 4.10 FT, N 63<59'53" W 21.80 FT, N 26<24'10" E 156.68 FT, N 00<01'25" W 67.01 FT, N 89<58'35" E 96.84 FT, TH ON ARC OF CUR TO L HAVING C/A OF 05<11'28" A RAD OF 1350.0 FT, AN ARC DIST OF 122.31 FT TO POB, TOG WITH VAC ALLEY ADJ VAC BY BK 6720-1097, IMPROVEMENTS ON 64181-16-022, EX THAT PT CONVEYED BY REC NO 218146006;

LOTS 1, 2 EX THAT PART TO STREET ELIZABETH F WOLFES SUB OF BLK 245 ADD NO 1 COLO SPGS;

LOT 3 EX TRI-SHAPE IN SE COR, EX PART TO PIKES PEAK AVE DESC BY BK 3668-283 ELIZABETH F WOLFES SUB BLK 245 ADD 1 COLO SPGS, TOG WITH 20 FT WIDE ALLEY LY SLY OF SD LOT, EX PT PLATTED INTO RAILROAD FIVE SUB FIL NO 1, SD VAC ALLEY DES IN BK 6388-447;

THAT PT OF SANTA FE STATION SUB LY WLY & NLY OF THAT TRACT DESC BY REC NO 218146006;

TR IN SE4 SEC 18-14-66 DESC AS FOLS: COM AT SE COR OF W 75.00 FT OF S2 OF LOT 4 BLK 106 ADD NO 1 THE TOWN OF COLO SPGS & ALSO BEING A PT ON THE N LN OF 100 FT WIDE CUCHARRAS ST; TH N 89<59'56" E ALG SD N LN 131.35 FT TO A PT ON A LN THAT IS 20.00 FT SELY OF & PARA WITH C/L OF MOST WLY LN OF THE BURLINGTON NORTHERN & SANTA FE R/R CO (FORMERLY THE ATCHISON, TOPEKA & SANTA FE R/R CO) & ALSO POB; THE ALG SD PARA LN N 19<16'21" E 134.02 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 732.50 FT A C/A OF 06<41'47" AN ARC DIST OF 85.61 FT WHICH CHORD BEARS N 22<37'15" E A DIST OF 85.56 FT, N 25<58'08" E 27.01 FT TO A PT ON THE SWLY BDRY OF C & R FREIGHT STATION, S 64<41'20" E ALG SD SWLY LN 46.16 FT TO THE MOST SWLY COR OF SANTA FE STATION SUB, N 89<54'38" E ALG SD SLY LN 132.50 FT TO A PT THAT IS 20.00 FT WLY OF & PARA WITH THE C/L OF THE MOST ELY MAIN LN OF THE BURLINGTON NORTHERN & SANTA FE R/R CO (FORMERLY THE ATCHISON, TOPEKA & SANTA FE R/R CO); TH ALG SD PARA LN S 26<35'09" W 145.73 FT, SWLY ALG ARC OF CUR TO R HAVING A RAD OF 617.50 FT A C/A OF 08<39'04" ANN ARC DIST OF 93.24 FT WHICH CHORD BEARS S 30<54'41" W A DIST OF 93.15 FT TO A PT ON SD N LN OF CUCHARRAS ST, TH S 89<59'56" W ALG SD LN 150.13 FT TO POB;

W 50 FT OF LOT 1 BLK 106 ADD 1 COLO SPGS;

E 50 FT OF W 100 FT OF LOT 1 BLK 106 ADD 1 COLO SPGS;

W 50 FT OF E 90 FT OF N 140 FT OF LOTS 1, 2 BLK 106 ADD 1 COLO SPGS;

THAT PT OF SANTA FE STATION SUB LY SLY & ELY OF THAT TRACT DESCRIBED BY REC NO 218146006;

LOT 1 NICOLL WAREHOUSE SUB;

TRACT A NICOLL WAREHOUSE SUB;

TR IN SE4 SEC 18-14-66 DESC AS FOLS: BEG 20.0 FT N & 282.0 FT W OF SE COR OF BLK 247 ADD 1 COLO SPGS: THN ALG A LN HEREINAFTER REFERRED TO AS LINE A, A DIST OF 240.0 FT, TH E ALG S LN OF E-W ALLEY IN SD BLK 247 75.0 FT M/L TO INTSEC WITH A LN DRAWN PARA & CONCENTRIC WITH & 15.0 FT NORMALLY DISTANT WLY FROM GRANTOR'S EXISTING SPUR TRACK C/L, TH SLY ALG SD PARA & CONCENTRIC LN 271.0 FT M/L TO C/L OF VAC VERMIJO ST., TH W ALG SD ST C/L TO INTSEC WITH SLY EXT OF SD LINE A, TH N ALG DS SLY EXT TO POB, TOG WITH THE SPUR TRACK R/W LY ADJ TO & WLY OF THE HEREINABOVE DESCRIBED PREMISES, TOG WITH VAC ORD04-120 BY REC #204137963;

LOTS 4, 5 BLOCK 105 ADDITION 1 COLORADO SPRINGS; and

A TRACT OF LAND IN THE COUNTY OF EL PASO, STATE OF COLORADO LYING IN BLOCKS 246, 247, 248, 249, AND 250 ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, TRANSMIX SUBDIVISION FILING NO. 3 IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, SAID POINT OF BEGINNING BEING ON THE NORTH RIGHT OF WAY LINE OF

E. COSTILLA STREET; THENCE

ALONG THE NORTHERLY RIGHT OF WAY LINE OF E. COSTILLA STREET THE FOLLOWING 3 COURSES,

COURSE 1: S 01°55'18" W 13.00 FEET,

COURSE 2: N 88°04'42" W 263.77 FEET,

COURSE 3: N 01°55'18" E 13.00 FEET TO THE SOUTH LINE OF BLOCK 249 OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS; THENCE

S 88°04'42" E 59.15 FEET ALONG THE SOUTH LINE OF BLOCK 249 OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS; THENCE

N 10°54'26" E 216.68 FEET; THENCE

N 08°58'35" E 67.43 FEET; THENCE

N 12°45'15" E 120.12 FEET; THENCE

N 10°26'19" E 41.87 FEET TO THE SOUTH RIGHT OF WAY LINE OF E. VERMIJO AVENUE; THENCE

N 32°52'39" E 29.63 FEET; THENCE

S 88°02'03" E 12.24 FEET; THENCE

ON A CURVE TO THE RIGHT WITH A RADIUS OF 953.66 FEET, AN ARC DISTANCE OF 274.32 FEET, CHORD BEING

N 15°06'58" E 273.38 FEET; THENCE

N 23°58'05" E 20.35 FEET TO THE SOUTHWEST CORNER OF THE MONITOR LANE PROPERTIES LLC TRACT AS DESCRIBED IN FILING #206180654 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY; THENCE

S 88°09'04" E 124.47 FEET TO THE SOUTHEAST CORNER OF THE SAID MONITOR LANE PROPERTIES LLC; THENCE

N 26°40'05" E 120.65 FEET TO THE SOUTHEAST CORNER OF THE BOXCAR ENTERPRISE LLC TRACT AS DESCRIBED IN

FILING #216147956 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY; THENCE

N 26°40'05" E 88.14 FEET TO THE NORTHEAST CORNER OF THE SAID BOXCAR ENTERPRISE LLC TRACT; THENCE

S 88°00'07" E 42.04 FEET; THENCE

N 21°11'46" E 105.99 FEET TO THE SOUTHWEST CORNER OF THE OGC RE1 LLC TRACT AS DESCRIBED IN

FILING #216041875 IN THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY; THENCE

S 88°11'35" E 150.13 FEET TO THE SOUTHEAST CORNER OF THE SAID OGC RE1 LLC TRACT; THENCE

ON A CURVE TO THE LEFT WITH A RADIUS OF 617.50 FEET, AN ARC DISTANCE OF 92.92 FEET, CHORD BEING
 N 32°50'24" E 92.83 FEET ALONG THE EASTERLY LINE OF THE SAID OGC RE1 TRACT; THENCE
 N 28°22'01" E 145.35 FEET TO THE SOUTH LINE OF LOT 1, SANTA FE STATION SUBDIVISION, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO; THENCE
 S 88°02'20" E 91.88 FEET ALONG THE SOUTH LINE OF SAID LOT 1, SANTA FE STATION SUBDIVISION; THENCE
 S 00°51'39" W 20.00 FEET; THENCE
 S 88°44'41" E 75.97 FEET TO THE NORTHWESTERLY CORNER OF LOT 2, MERRITT'S SUBDIVISION FILING NO. 2, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO; THENCE
 ALONG THE NORTHWESTERLY AND WEST LINES OF SAID LOT 2, MERRITT'S SUBDIVISION FILING NO. 2 THE FOLLOWING 4 COURSES,

COURSE 1: S 42°12'12" W 39.00 FEET,
 COURSE 2: S 58°32'11" W 68.00 FEET,
 COURSE 3: S 49°34'59" W 64.04 FEET,
 COURSE 4: S 01°47'19" W 80.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, MERRITT'S SUBDIVISION FILING NO. 2; THENCE
 N 88°09'36" W 137.20 FEET TO THE NORTHWEST CORNER OF LOT 2, TRANSMIX SUBDIVISION FILING NO. 3, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO; THENCE
 ALONG THE WESTERLY LINE OF SAID LOT 2, TRANSMIX SUBDIVISION FILING NO. 3 THE FOLLOWING 13 COURSES,
 COURSE 1: S 03°17'27" W 99.95 FEET,
 COURSE 2: N 88°09'57" W 51.71 FEET,
 COURSE 3: S 45°20'53" W 73.08 FEET,
 COURSE 4: ON A CURVE TO THE LEFT WITH A RADIUS OF 384.70 FEET, AN ARC DISTANCE OF 46.33 FEET, CHORD BEING
 S 41°18'39" W 46.30 FEET,
 COURSE 5: S 37°57'00" W 82.72 FEET,
 COURSE 6: ON A CURVE TO THE LEFT WITH A RADIUS OF 384.75 FEET, AN ARC DISTANCE OF 65.00 FEET, CHORD BEING
 S 33°02'37" W 64.92 FEET,
 COURSE 7: S 28°15'32" W 475.43 FEET,
 COURSE 8: S 66°23'51" E 47.63 FEET,
 COURSE 9: S 09°56'44" W 81.59 FEET,
 COURSE 10: S 02°13'23" E 38.67 FEET,
 COURSE 11: S 12°56'33" W 99.09 FEET,
 COURSE 12: S 04°28'05" W 49.93 FEET,
 COURSE 13: ON A CURVE TO THE RIGHT WITH A RADIUS OF 1718.56 FEET, AN ARC DISTANCE OF 19.97 FEET, CHORD BEING
 S 15°46'38" W 19.97 FEET TO THE POINT OF BEGINNING, CONTAINING 5.2 ACRES.

AND THE BNSF RAILROAD BRIDGE OVER E. COSTILLA STREET IN COLORADO SPRINGS, EL PASO COUNTY, COLORADO. SAID BNSF RAILROAD BRIDGE OVER E. COSTILLA STREET BEING LOCATED BETWEEN S. WAHSATCH AVENUE TO THE WEST AND S. EL PASO STREET TO THE EAST. AND BETWEEN BLOCK 249 OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS TO THE NORTH AND BLOCK 251 OF ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS TO THE SOUTH.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

COUNTY OF EL PASO, STATE OF COLORADO.

EXHIBIT D
Boundary Map



EXHIBIT C

Special District Policy
Approved January 24, 2006

1. This policy applies to Business Improvement Districts (BID), General Improvement Districts (GID), and Metropolitan Service Districts as allowed under Colorado Revised Statutes Titles 31 and 32.
2. Applicants must complete and submit a Titles 31 and 32 Special District Transmittal Form and applicants for Title 32 Metropolitan Districts must complete and submit a Service Plan. Any deviation from the Metropolitan District Model Service Plan will be reviewed by City Staff and, if deemed material by Staff, will require specific City Council review and approval as a Service Plan modification. For Title 32 Metropolitan Districts, the Model Service Plan contains the complete and comprehensive description of all Policy components.
3. 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.
4. 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.
5. Any proposed District must commit to the City that its mill levy dedicated to repaying any bonded debt will not exceed the greater of 30 mills for residential properties or 50 mills for commercial properties and may be Gallagher adjusted (or otherwise adjusted) to the extent permitted by law. The maximum allowed for operating is 10 mills for both residential and commercial properties which may be Gallagher adjusted (or otherwise adjusted) to the extent permitted by law.
6. The District shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.
7. Districts shall not impose a debt service mill levy on any District initially established as a Residential District which exceeds 40 years after the year of the initial imposition of such debt service mill levy unless: (1) a majority of the Board of Directors of the District imposing the mill levy are residents of such District and (2) such Board has voted in favor of issuing debt with a term which requires or contemplates the imposition of a debt service mill levy for a longer period of time than the limitation contained herein.

8. The District cannot issue debt or certify a debt service mill levy until the property included within the District has a City approved Master Plan and other more detailed land use approvals.
9. Limited tax general obligation bonds issued by a 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. 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 bonds or other debt instruments of Districts will be limited to those that are payable either from ad valorem property taxes, assessments, permitted user fees, reimbursements and interest earnings of the District, and from other revenues made available to the District. No District will be allowed to impose a sales tax.
12. The debt of any 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 any District. This will be clearly stated on all offering circulars, prospectus, or disclosure statements associated with any securities issued by the District. Districts formed under Title 32, CRS shall not utilize the City of Colorado Springs' name in the name of the District.
13. The issuance of all bonds or other debt instruments of Districts shall be subject to the approval of the City Council. City Council's review of the bonds or other debt instruments of the Districts shall be conducted to ensure compliance with the Service Plan and all applicable laws.
14. All District bonds or other debt instrument, if not rated as investment grade, must be issued in minimum denominations of \$100,000 and sold only to either accredited investors as defined in rule 501 (a) promulgated under the Securities Act of 1933 or to the developer(s) of property within the District.
15. Proceeds from the sale of debt instruments and other revenue of Districts may not be used to pay landowners within the District for any real property required to be dedicated for public use by annexation agreements or land use codes. Examples of ineligible reimbursements include but are not limited to: the acquisition of rights of way, easements, water rights, land for prudent line drainage, parkland, or open space unless consent from the City Council is given. Proceeds from the sale of debt instruments and other revenue of Districts also may not be used to pay for the construction of any utility infrastructure except for those categories of utility infrastructure covered by utility tariffs, rules, and regulations. Additionally, if the landowner/developer constructs the public infrastructure and conveys it to the District in return for a reimbursement obligation from the District, prior to making such reimbursement for such amounts, the District must receive the report of an independent engineer or accountant confirming that the amount of the reimbursement is reasonable.

16. Should the District construct infrastructure subject to a recovery agreement with the City or other entity, the District retains all benefits under the recovery agreement. Any such reimbursements for public improvements installed or financed by a District will remain the property of the District and be applied towards the repayment of its bonded debt, if any. Any reimbursement revenue not necessary to repay District bonded debt may be utilized by the District to construct additional public improvements as approved by City Council. The above provisions also apply in their entirety to circumstances where the public infrastructure has been constructed by the landowner/developer and subsequently conveyed to the District in return for a reimbursement obligation from the District; under those circumstances all applicable recovery agreements will be assigned to the District.
17. The existence of the District will not be considered a substitute for a financial assurance.
18. The City will establish and charge review and filing fees commensurate with the actual cost of processing and reviewing new and amended plans. Such fees are established by separate Council resolution and made available to all Service Plan applicants.
19. Districts shall take all reasonable steps necessary to ensure adequate disclosure of the existence, financial condition, and status of the District to all property owners within its boundaries. Specific written disclosure will be provided to all buyers of property within the District as required in 38-35.7-101 CRS. As required by 7-100 of the City Charter, the City will make available to the public all information regarding the financial condition and status of all General Improvement Districts within the City. Within 90 days of District formation, the District will record the approved Disclosure form included as an Exhibit in the approved Service Plan with the El Paso County Clerk and Recorder against all property included in the District.
20. All BIDs are required to submit an annual audit by March 31 performed by an independent certified public accounting firm.
21. No District shall have the authority of eminent domain or dominant eminent domain without prior City Council approval.
22. The Districts shall not include within any of their boundaries any property outside the Service Area (as described in the Service Plan) without the prior written consent of the City Council.