



Erin K. Stutz
Attorney

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May 23, 2024

VIA E-MAIL

Kyle Fenner, Senior Planner
Land Use Review (LUR) Division
City of Colorado Springs
30. S. Nevada Avenue
Colorado Springs, CO
Kyle.Fenner@coloradosprings.gov

Re: Request for Consent to Include Property into Waterview North Metropolitan District Nos. 1 and 2

Dear Mr. Fenner:

Our firm serves as general counsel to the Waterview North Metropolitan District Nos. 1 and 2 (each respectively, “**District No. 1**” and “**District No. 2**” and collectively, the “**Districts**”), which are located wholly within the limits of the City of Colorado Springs (the “**City**”). The City approved the Service Plan for the Districts (the “**Service Plan**”) on September 26, 2023. Section V.A.9. of the Service Plan states, “The Districts shall not include within any of their boundaries any property outside the Service Area without the prior written consent of the City Council.” This letter serves as the Districts’ request for the City’s consent to include property into the Districts’ boundaries.

District No. 1 has received a petition for inclusion of real property pursuant to Section 32-1-401(1)(a), C.R.S. (“**Petition 1**”) from ROS Equity Holding, as the sole property owner of approximately 4 acres of property to the south of Bradley Road (“**Inclusion Property 1**”). District No. 2 has received a petition for inclusion of real property pursuant to Section 32-1-401(1)(a), C.R.S. (“**Petition 2**” and together with Petition 1, the “**Petitions**”) from Waterview Commercial Investors, LLC, West Greeley Associates, LLC, and Steven Johnston, collectively as the sole property owners of approximately 22 acres of property to the south of Bradley Road and east of South Powers Boulevard (“**Inclusion Property 2**” and together with Inclusion Property 1, the “**Property**”). The Petitions are enclosed hereto as **Enclosure A**. The Property is located outside the City’s limits within El Paso County.

Section 32-1-207(2)(a), C.R.S., states in pertinent part as follows:

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In the event that a special district changes its boundaries to include territory located *in a county or municipality with no other territory within the special district*, the special district shall notify the board of county commissioners of such county or the governing body of the municipality of such inclusion. The board of county commissioners or the governing body of the municipality may review such inclusion and, if it determines that the inclusion constitutes a material modification, may require the governing body of such special district to file a modification of its service plan in accordance with the provisions of this subsection (2). (Emphasis added).

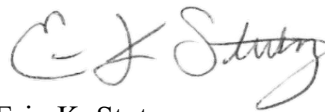
As the Districts currently contain property that is within El Paso County, the requested inclusions do not constitute a material modification of the Service Plan and the Districts are not required, under Section 32-1-207(2)(a), C.R.S., to notify the El Paso County Board of County Commissioners of the Petitions.

Furthermore, the proposed inclusion will not change the essential nature of the Districts, will not add to the types of services to be provided by the Districts, will not decrease the level of services provided by the Districts, will not decrease the financial ability of the Districts to discharge their debt, nor decrease the need for organized service in the Districts and therefore do not constitute a material modification of the Service Plan under Section 32-1-207(2)(a), C.R.S.

The Boards of Directors of the Districts request that the City consent to the inclusion of the Property into the Districts' boundaries. Please feel free to contact me if you have any questions.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON



Erin K. Stutz
Attorney

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Enclosure A
Petitions

PETITION FOR INCLUSION OF PROPERTY

(4.18 Acre Parcel)

TO: THE BOARD OF DIRECTORS OF THE
WATERVIEW NORTH METROPOLITAN DISTRICT NO. 1,
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

Pursuant to the provisions of §§ 32-1-401, *et seq.*, C.R.S., ROS Equity Holdings - Independence, LLC n/k/a RJ Development, LLC, a Colorado limited liability company (the "Petitioner"), hereby respectfully requests that the **WATERVIEW NORTH METROPOLITAN DISTRICT NO. 1** (the "District"), by and through its Board of Directors, include the real property described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), into the boundaries of the District.

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

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

The name and address of the Petitioner are as follows:

ROS Equity Holdings - Independence, LLC n/k/a RJ Development, LLC,
17 S Wahsatch Ave.
Colorado Springs, CO 80903

Remainder of page intentionally left blank. Signature page follows.

PETITIONER:

ROS EQUITY HOLDINGS - INDEPENDENCE, LLC N/K/A RJ DEVELOPMENT,
LLC, a Colorado limited liability company

Raymond F. O'Sullivan

Printed Name: Raymond F. O'Sullivan

Title: Manager

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

The above and foregoing instrument was acknowledged before me this 10th day of May
2024, by Raymond F. O'Sullivan, as Manager of
Ros Equity Holdings.

WITNESS my hand and official seal.
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224029992
(SEAL) COMMISSION EXPIRES 8/2/26

[Signature]
Notary Public

My commission expires: 8/2/26

*Signature Page to Petition for Inclusion of Real Property
(4.18 Acre Parcel)*

**EXHIBIT A
TO PETITION
(The Property)**

LEGAL DESCRIPTION WATERVIEW NORTH METROPOLITAN INCLUSION PARCEL 1 BOUNDARY

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9;

THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1614.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING THREE (3) COURSES ARE ON SAID RIGHT-OF-WAY LINE:

- 1.) THENCE S89°30'27"W A DISTANCE OF 3.67 FEET TO A POINT OF CURVE TO THE LEFT;
- 2.) THENCE ALONG SAID CURVE, HAVING A RADIUS OF 2759.79 FEET, A DELTA ANGLE OF 15°09'41", AN ARC LENGTH OF 730.29 FEET, WHOSE LONG CHORD BEARS S81°55'37"W A DISTANCE OF 728.16 FEET;
- 3.) THENCE S74°20'46"W A DISTANCE OF 385.18 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S15°39'12"E A DISTANCE OF 429.60 FEET;

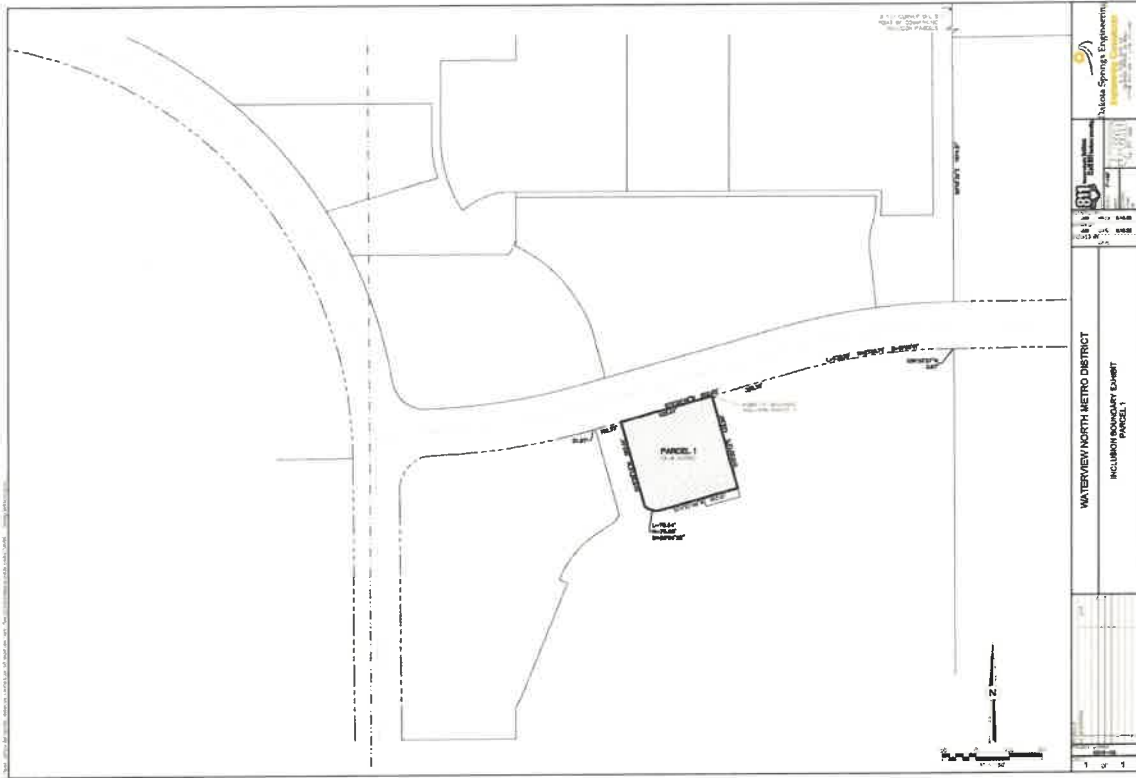
THENCE S74°20'48"W A DISTANCE OF 360.01 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 75.00 FEET, DELTA ANGLE OF 60°04'25", AN ARC LENGTH OF 78.64 FEET, WHOSE LONG CHORD BEARS N75°37'00"W A DISTANCE OF 75.08 FEET;

THENCE N15°39'12"W A DISTANCE OF 40.00 FEET RETURNING TO THE SAID SOUTHERLY RIGHT-OF-WAY LINE;

THENCE N89°30'27"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 425.01 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 181,872 SQUARE FEET OR 4.18 ACRES MORE OR LESS.



PETITION FOR INCLUSION OF PROPERTY

(22.12 Acre Parcel)

TO: THE BOARD OF DIRECTORS OF THE
WATERVIEW NORTH METROPOLITAN DISTRICT NO. 2,
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

Pursuant to the provisions of §§ 32-1-401, *et seq.*, C.R.S., Waterview Commercial Investors, LLC, a Colorado limited liability company, West Greeley Associates, LLC, a Colorado limited liability company, and Steven Johnston, an individual (the “Petitioners”), hereby respectfully requests that the **WATERVIEW NORTH METROPOLITAN DISTRICT NO. 2** (the “District”), by and through its Board of Directors, include the real property described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Property”), into the boundaries of the District.

The Petitioners hereby represent and warrant to the District that they are collectively the one hundred percent (100%) fee owners of the Property and that no other person, persons, entity, or entities own an interest therein except as beneficial holders of encumbrances, if any. The Petitioners hereby assents to the inclusion of the Property into the boundaries of the District and to the entry of an Order by the District Court in and for El Paso County, including the Property into the boundaries of the District.

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

The name and address of the Petitioners are as follows:

Waterview Commercial Investors, LLC
2727 Glen Arbor Dr.
Colorado Springs, CO 80920

West Greeley Associates, LLC
2850 McClelland Dr., Ste 1600
Fort Collins, CO 80525

Steven Johnston
1559 S. Trenton Ct.
Denver, CO 80231

Remainder of page intentionally left blank. Signature page follows.

PETITIONERS:

WATERVIEW COMMERCIAL INVESTORS, LLC, a Colorado limited liability company

Heath A. Herber

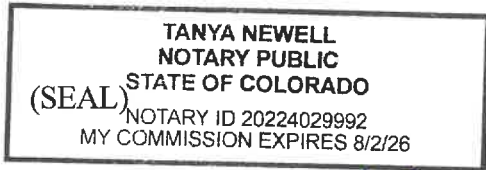
Printed Name: Heath A. Herber

Title: Manager

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

The above and foregoing instrument was acknowledged before me this 20 day of May 2024, by Heath A. Herber, as Manager of Waterview Commercial Investors, LLC.

WITNESS my hand and official seal.



[Signature]
Notary Public

My commission expires: 8/2/26

***Signature Page to Petition for Inclusion of Real Property
(22.12 Acre Parcel)***

WEST GREELEY ASSOCIATES, LLC, a Colorado limited liability company

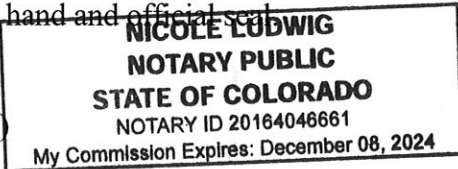
Printed Name: DANIEL T. INMAN

Title: MANAGER.

STATE OF COLORADO)

COUNTY OF Douglas) ss.

The above and foregoing instrument was acknowledged before me this 20 day of May 2024, by Daniel T. Inman, as manager of West Greeley Associates, LLC, a Colorado Limited Liability Company

WITNESS my hand and official seal
(SEAL) 

Nicole Ludwig
Notary Public

My commission expires: 12/8/24

**Signature Page to Petition for Inclusion of Real Property
(22.12 Acre Parcel)**

Steven Johnston
Steven Johnston

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The above and foregoing instrument was acknowledged before me this 14 day of May 2024, by Steven Johnston, as individual owner of property.

WITNESS my hand and official seal.

(SEAL)

[Signature]
Notary Public

My commission expires: 4/12/2028

***Signature Page to Petition for Inclusion of Real Property
(22.12 Acre Parcel)***

**YENIFER DELGADO ZAMARRIPA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20244014473
MY COMMISSION EXPIRES 04/12/2028**

**EXHIBIT A
TO PETITION
(The Property)**

LEGAL DESCRIPTION WATERVIEW NORTH METROPOLITAN INCLUSION PARCEL 2 BOUNDARY

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9;

THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1614.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING THREE (3) COURSES ARE ON SAID RIGHT-OF-WAY LINE:

- 1.) THENCE S89°30'27"W A DISTANCE OF 3.67 FEET TO A POINT OF CURVE TO THE LEFT;
- 2.) THENCE ALONG SAID CURVE, HAVING A RADIUS OF 2759.79 FEET, A DELTA ANGLE OF 15°09'41", AN ARC LENGTH OF 730.29 FEET, WHOSE LONG CHORD BEARS S81°55'37"W A DISTANCE OF 728.16 FEET;
- 3.) THENCE S74°20'46"W A DISTANCE OF 930.15 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S15°39'14"E A DISTANCE OF 394.68 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 75.00 FEET, DELTA ANGLE OF 43°29'55", AN ARC LENGTH OF 56.94 FEET, WHOSE LONG CHORD BEARS S36°01'21"W A DISTANCE OF 55.58 FEET;

THENCE S57°46'18"W A DISTANCE OF 68.47 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 450.00 FEET, DELTA ANGLE OF 35°44'30", AN ARC LENGTH OF 280.72 FEET, WHOSE LONG CHORD BEARS S39°54'03"W A DISTANCE OF 276.19 FEET;

THENCE S67°58'24"E A DISTANCE OF 40.00 FEET;

THENCE S22°01'36"W A DISTANCE OF 538.15 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ON SAID CURVE, HAVING A RADIUS OF 260.00 FEET, DELTA ANGLE OF 13°32'35", AN ARC LENGTH OF 61.46 FEET, WHOSE LONG CHORD BEARS S28°47'53"W A DISTANCE OF 61.31 FEET;

THENCE S00°00'00"E A DISTANCE OF 148.75 FEET;

THENCE N90°00'00"W A DISTANCE OF 515.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF POWESRS BOULEVARD (NOW HIGHWAY 21) AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING FIVE (5) COURSES ARE ON SAID RIGHT-OF-WAY LINE AND THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD DESCRIBED IN SAID BOOK 5307 AT PAGE 1472:

- 1) THENCE N00°29'10"W A DISTANCE OF 1123.38 FEET TO A POINT OF CURVE TO THE RIGHT;
- 2) THENCE ON SAID CURVE, HAVING A RADIUS OF 150 FEET, AN ARC LENGTH OF 229.90 FEET, A DELTA ANGLE OF 87°48'56", WHOSE LONG CHORD BEARS N43°25'20"E A DISTANCE OF 208.05 FEET;

- 3) THENCE N87°19'50"E A DISTANCE OF 53.06 FEET TO A POINT OF CURVE TO THE LEFT;
- 4) THENCE ON SAID CURVE, HAVING A RADIUS OF 2969.79 FEET, AN ARC LENGTH OF 673.03 FEET, A DELTA ANGLE OF 12°59'05", WHOSE LONG CHORD BEARS N80°50'19"E A DISTANCE OF 671.59 FEET;
- 5) THENCE S74°20'46"E A DISTANCE OF 21.87 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 963,595 SQUARE FEET OR 22.12 ACRES MORE OR LESS.

