

RESOLUTION NO. R-23-017

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE SERVICE
PLAN FOR CIELO METROPOLITAN DISTRICT**

WHEREAS, on September 8, 2015, the Douglas County Board of County Commissioners (the "Board") adopted Resolution No. R-015-105 approving the Service Plan for Cielo Metropolitan District (the "Original Service Plan"); and

WHEREAS, on January 5, 2021, the Board adopted Resolution No. R-21-012 approving the First Amendment to Service plan for Cielo Metropolitan District (the "First Amendment" and together with the together with the Original Service Plan the "Service Plan"); and

WHEREAS, on December 16, 2022, Cielo Metropolitan District (the "District") filed a Second Amendment to the Service Plan (the "Second Amendment") with the Douglas County Clerk and Recorder (the "Clerk"), and the Clerk, on behalf of the Board, mailed a Notice of Filing of a Special District Service Plan to the Division of Local Government in the Department of Local Affairs on December 16, 2022; and

WHEREAS, on December 19, 2022, the Douglas County Planning Commission recommended approval of the First Amendment to the Board; and

WHEREAS, on January 10, 2023, the Board set a public hearing on the Second Amendment for January 24, 2023 (the "Public Hearing"), and (1) ratified publication of the notice of the date, time, location, and purpose of such Public Hearing, which was published in the *Douglas County News-Press* on December 29, 2022; and (2) ratified mailing of the notice of the date, time and location of the Public Hearing, which was accomplished on December 29, 2022, to the governing body of the existing municipalities and special districts which have levied an *ad valorem* tax within the next preceding tax year and which have boundaries within a radius of three miles of the District and to the property owners within the District, pursuant to the provisions of § 32-1-204(1.5), C.R.S.; and

WHEREAS, on January 24, 2022, a Public Hearing on the Second Amendment was opened, at which time all interested parties, as defined in § 32-1-104, C.R.S., were afforded an opportunity to be heard, and all testimony and evidence relevant to the Second Amendment was heard, received and considered.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, THAT:

Section 1. The Board does hereby determine that all procedural requirements of §§ 32-1-201, et seq., C.R.S., relating to the Second Amendment have been fulfilled and that the Board has jurisdiction in the matter.

Section 2. The Board does hereby find that the Second Amendment demonstrates:

- a) that there is sufficient existing and projected need for organized service in the area to be serviced by the District; and
- b) that the existing service in the area to be served by the District is inadequate for present and projected needs; and
- c) that the District is capable for providing economical and sufficient service to the area within its boundaries; and
- d) that the District will have the financial ability to discharge the proposed indebtedness on a reasonable basis as set forth in the Second Amendment; and
- e) that adequate service is not, or will not be, available to the area through Douglas County, or other existing municipal or quasi-municipal corporations, including other existing special districts, within a reasonable time and on a comparable basis; and
- f) that the facility and service standards of the District is compatible with the facility and service standards of Douglas County and each municipality which is an interested party under § 32-1-204, C.R.S.; and
- g) that the Second Amendment is in substantial compliance with the Douglas County Comprehensive Master Plan; and
- h) that the Second Amendment is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area; and
- i) that the ongoing existence of the District is in the best interest of the area being served; and
- j) that the Second Amendment, based upon the statements set forth in the Second Amendment and upon all evidence presented at the Public Hearing on the Second Amendment, meets all conditions and requirements of Title 32, Article 1, Part 2, C.R.S., as amended.

Section 3. The Board hereby approves the Second Amendment without conditions.


Section 4. The legal description of the District as provided in **Exhibit A**, attached hereto and incorporated herein by reference.

Section 5. A certified copy of this resolution shall be filed in the records of Douglas County, Colorado.

PASSED AND ADOPTED this 24th day of January, 2023, in Castle Rock, Douglas County, Colorado.

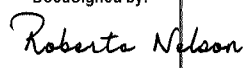
**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:

DocuSigned by:

2322FA9FBA95429

Abe Laydon, Chair
DS

ATTEST:

DocuSigned by:

7DCE6DB0F8A540B

Roberta Nelson, Clerk to the Board



EXHIBIT A
(Legal Description)

LEGAL DESCRIPTION	LEGAL DESCRIPTION
<p>PARCEL A:</p>	
<p>A PARCEL OF LAND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p>	
<p>BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4;</p>	
<p>THENCE S89° 12'08"W, ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 607.83 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SCOTT ROAD;</p>	
<p>THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES;</p>	
<ol style="list-style-type: none"> 1. N47° 27'49"W A DISTANCE OF 10.64 FEET TO A POINT OF CURVE; 2. ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 43° 20'03", A RADIUS OF 340.00 FEET, A CHORD BEARING AND DISTANCE OF N69° 07'51"W, 251.07 FEET, A LENGTH OF 257.15 FEET; 3. S89° 12'08"W, ALONG SAID TANGENT, A DISTANCE OF 471.89 FEET; 4. S89° 11'30"W, A DISTANCE OF 770.86 FEET; 	
<p>THENCE N0° 48'30"W, A DISTANCE OF 298.95 FEET;</p>	
<p>THENCE S89° 11'30"W, A DISTANCE OF 547.14 FEET, TO THE WESTERLY LINE OF SAID SOUTHEAST 1/4;</p>	
<p>THENCE N0° 17'54"W, ALONG SAID WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 929.96 FEET, TO THE C-S 1/16 CORNER OF SAID SECTION 9;</p>	
<p>THENCE N0° 18'50"W, CONTINUING ALONG SAID WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 1329.88 FEET, TO THE CENTER 1/4 CORNER OF SAID SECTION 9;</p>	
<p>THENCE N89° 25'50"E, ALONG THE NORTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 2640.81 FEET, TO THE EAST 1/4 CORNER OF SAID SECTION 9;</p>	
<p>THENCE S0° 19'44"E, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 2848.05 FEET, TO THE POINT OF BEGINNING</p>	
<p>CONTAINING 6,651,847 SQ FT OR 152.705 ACRES OF LAND, MORE OR LESS.</p>	
<p>PARCEL B:</p>	
<p>A PARCEL OF LAND CALLED "TRACT A" MORE PARTICULARLY DESCRIBED AS, STARTING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4;</p>	
<p>THENCE S89° 12'08"W, ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 607.83 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SCOTT ROAD TO THE POINT OF BEGINNING;</p>	
<p>THENCE S89° 11'58"W, A DISTANCE OF 917.62 FEET;</p>	
<p>THENCE S89° 11'30"W, A DISTANCE OF 1117.11 FEET TO THE WESTERLY LINE OF SAID SOUTHEAST 1/4;</p>	
<p>THENCE N0° 17'54"W, ALONG SAID WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 399.97 FEET;</p>	
<p>THENCE N89° 11'30"E, A DISTANCE OF 547.14 FEET;</p>	
<p>THENCE S0° 48'30"E, A DISTANCE OF 298.95 FEET;</p>	
<p>THENCE N89° 11'30"E, A DISTANCE OF 770.86 FEET;</p>	
<p>THENCE N89° 12'08"E, A DISTANCE OF 471.89 FEET TO A POINT OF CURVE;</p>	
<p>THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 43° 20'03", A RADIUS OF 340.00 FEET, A CHORD BEARING AND DISTANCE OF S69° 07'51"E, 251.07 FEET, A LENGTH OF 257.15 FEET TO A POINT OF TANGENT.</p>	
<p>THENCE S47° 27'49"E A DISTANCE OF 10.64 FEET TO TO THE POINT OF BEGINNING;</p>	
<p>CONTAINING 380,443 SQ FT OR 8.275 ACRES OF LAND, MORE OR LESS.</p>	
<p>PARCELS A & B CONTAINING 7,012,290 SQ FT OR 160.98 ACRES OF LAND, MORE OR LESS.</p>	
<p>PREPARED BY ATWELL LLC. DATED 06/29/2015</p>	
<p>JOSHUA PAUL SMITH CO. REG. NO. 38468 ON BEHALF OF AND FOR ATWELL, LLC</p>	
	<p>JOB NO.: 14.54 DATE: 07/01/15</p>
	<p>PREVIOUS CONSULTING SERVICES FOR THIS PROJECT PROVIDED BY PEAK CIVIL CONSULTANTS</p>
	<p>ATWELL www.atwell-group.com</p>
	<p>2014-2015 CONTACT: ATWELL GROUP ATWELL GROUP LLC</p>

