

RESOLUTION NO. R-015- 105

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

A RESOLUTION APPROVING THE SERVICE PLAN OF  
CIELO METROPOLITAN DISTRICT

WHEREAS, on July 8, 2015, a service plan for the proposed Cielo Metropolitan District ("Service Plan") was filed with the Douglas County Clerk and Recorder ("Clerk"), and the Clerk, on behalf of the Board of County Commissioners ("Board"), mailed a Notice of Filing of Special District Service Plan to the Division of Local Government in the Department of Local Affairs on July 8, 2015; and

WHEREAS, on August 3, 2015, the Douglas County Planning Commission recommended denial of the Service Plan to the Board as the property within the boundaries of the proposed Cielo Metropolitan District was zoned Rural Residential (RR); and

WHEREAS, a rezoning application was submitted by the applicants concurrently with the Service Plan, requesting to rezone the property within the boundaries of the proposed Cielo Metropolitan District to Planned Development (PD) (the "Rezoning Application"); and

WHEREAS the Rezoning Application was considered and approved by the Board on August 25, 2015; and

WHEREAS, on August 25, 2015, the Board set a public hearing on the Service Plan for September 8, 2015 ("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 August 13, 2015 and (2) caused notice of the date, time and location of the Public Hearing to be mailed on August 14, 2015, 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 proposed boundaries of the Cielo Metropolitan District ("District") and, on August 14, 2015, to the petitioners and property owners, pursuant to the provisions of § 32-1-204(1.5), C.R.S.; and

WHEREAS, on September 8, 2015, a Public Hearing on the Service Plan was opened at which time all interested parties, as defined in § 32-1-204, C.R.S., were afforded an opportunity to be heard, and all testimony and evidence relevant to the Service Plan and the organization of the proposed District 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 Service Plan have been fulfilled and that the Board has jurisdiction in this matter.

Section 2. The Board does hereby find:

(a) that there is sufficient existing and projected need for organized service in the area to be serviced by the proposed District; and

(b) that the existing service in the area to be served by the proposed District is inadequate for present and projected needs; and

(c) that the proposed District is capable of providing economical and sufficient service to the area within the proposed boundaries; and

(d) that the area to be included in the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis; 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 existing special districts, within a reasonable time and on a comparable basis; and

(f) that the facility and service standards of the proposed District are 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 proposal is in substantial compliance with the Douglas County Comprehensive Master Plan; and

(h) that the proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area; and

(i) that the creation of the proposed District will be in the best interests of the area proposed to be served; and

(j) that the Service Plan, based upon the statements set forth in the Service Plan and upon all evidence presented at the Public Hearing on the Service Plan, meets all conditions and requirements of §§ 32-1-201, *et seq.*, C.R.S.

Section 3. The Board hereby approves the Service Plan without conditions; provided, however, that such action shall not imply the approval of any land development activity within the proposed District or its service area, or of any specific number of buildable units identified in the Service Plan, unless the Board has approved such development activity as part of a separate development review process.

Section 4. The legal description of the District shall be 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.

PASSED AND ADOPTED this 8<sup>th</sup> day of September, 2015, in Castle Rock, Douglas County, Colorado.

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

BY:   
Jill E. Repella, Chair

ATTEST:

  
Deputy Clerk to the Board



# EXHIBIT A

## LEGAL DESCRIPTION

## LEGAL DESCRIPTION

### PARCEL A:

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:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4;

THENCE S89° 12'08"W, ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 807.83 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SCOTT ROAD;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES;

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 N89° 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 770.96 FEET;

THENCE N0° 48'30"W, A DISTANCE OF 299.95 FEET;

THENCE S89° 11'30"W, A DISTANCE OF 547.14 FEET, TO THE WESTERLY LINE OF SAID SOUTHEAST 1/4;

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;

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;

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;

THENCE S0° 19'44"E, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 2649.05 FEET, TO THE POINT OF BEGINNING

CONTAINING 6,651,847 SQ FT OR 152.705 ACRES OF LAND, MORE OR LESS.

### PARCEL B:

A PARCEL OF LAND CALLED "TRACT A" MORE PARTICULARLY DESCRIBED AS, STARTING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4;

THENCE S89° 12'08"W, ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 807.83 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SCOTT ROAD TO THE POINT OF BEGINNING;

THENCE S89° 11'59"W, A DISTANCE OF 917.62 FEET;

THENCE S89° 11'30"W, A DISTANCE OF 1117.11 FEET TO THE WESTERLY LINE OF SAID SOUTHEAST 1/4;

THENCE N0° 17'54"W, ALONG SAID WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 399.97 FEET;

THENCE N89° 11'30"E, A DISTANCE OF 547.14 FEET;

THENCE S0° 48'30"E, A DISTANCE OF 299.95 FEET;

THENCE N89° 11'30"E, A DISTANCE OF 770.96 FEET;

THENCE N89° 12'08"E, A DISTANCE OF 471.89 FEET TO A POINT OF CURVE;

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 S89° 07'51"E, 251.07 FEET, A LENGTH OF 257.15 FEET TO A POINT OF TANGENT.

THENCE S47° 27'49"E A DISTANCE OF 10.64 FEET TO THE POINT OF BEGINNING;

CONTAINING 380,443 SQ FT OR 8.275 ACRES OF LAND, MORE OR LESS.

PARCELS A & B CONTAINING 7,012,290 SQ FT OR 160.98 ACRES OF LAND, MORE OR LESS.

PREPARED BY ATWELL LLC.

DATED 06/29/2015

JOSHUA PAUL SMITH  
CO REG. NO. 38468  
ON BEHALF OF AND FOR  
ATWELL, LLC



JOB NO.: 14.54  
DATE: 07/01/15

PREVIOUS CONSULTING  
SERVICES FOR THIS PROJECT  
PROVIDED BY  
PEAK CIVIL CONSULTANTS



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