

RESOLUTION NO. R-018-094
THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

**A RESOLUTION APPROVING THE SERVICE PLAN OF
DEVILS HEAD METROPOLITAN DISTRICT**

WHEREAS, on July 9, 2018, a service plan for the proposed Devils Head 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 11, 2018; and

WHEREAS, on August 6, 2018, the Douglas County Planning Commission recommended approval of the Service Plan to the Board; and

WHEREAS, on August 28, 2018, the Board set a public hearing on the Service Plan for September 11, 2018 ("Public Hearing"), which was properly continued to September 25, 2018, and ratified: (1) 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 16, 2018; and (2) notice of the date, time and location of the Public Hearing which was mailed on August 21, 2018, 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 Devils Head Metropolitan District ("District") and, on August 21, 2018, to the petitioners and to the property owners, pursuant to the provisions of § 32-1-204(1.5), C.R.S.; and

WHEREAS, on September 25, 2018, 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 the 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 25 day of September, 2018, in Castle Rock, Douglas County, Colorado.

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

BY: Lora L Thomas
Lora Thomas, Chair

ATTEST:

Emily Wrenn
Deputy Clerk, Emily Wrenn

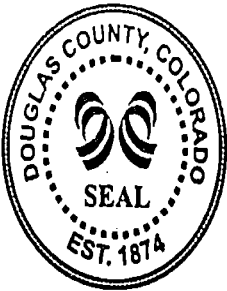


EXHIBIT A

(Legal Description of Devils Head Metropolitan District Boundaries and Service Area)

A PARCEL OF LAND, BEING THE PARCELS OF LAND DESCRIBED UNDER RECEPTION NUMBERS 2006059432 AND 2006098390 OF THE DOUGLAS COUNTY RECORDS, LOCATED IN SECTIONS 30 THROUGH 34, TOWNSHIP 7 SOUTH, RANGE 68 WEST AND THE NORTHEAST QUARTER OF SECTION 5 TOWNSHIP 8 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST CORNER OF SAID SECTION 33, BEING CONSIDERED TO BEAR NORTH 89°14'11" WEST, A DISTANCE OF 2534.41 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

-3.5" ALUMINUM CAP PLS NO. 30830 AT THE NORTH QUARTER CORNER OF SAID SECTION 33.

-2.5" ALUMINUM CAP PLS NO. 6935 AT THE NORTHEAST CORNER OF SAID SECTION 33.

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 33;
THENCE NORTH 89°14'11" WEST, ALONG THE NORTH LINE OF SECTION 33 OF SAID TOWNSHIP 7 SOUTH A DISTANCE OF 2,647.18 FEET;

THENCE NORTH 89°38'55" WEST, CONTINUING ALONG SAID NORTH LINE A DISTANCE OF 100.00 FEET TO THE NORTHEAST PROPERTY CORNER OF THE LAND DESCRIBED UNDER RECEPTION NO. 2003141019 AT THE DOUGLAS COUNTY RECORDS;

THENCE SOUTH 00°21'05" WEST, ALONG THE EAST LINE OF SAID LAND A DISTANCE OF 1,420.00 FEET TO THE SOUTHEAST PROPERTY CORNER OF SAID LAND;

THENCE NORTH 89°38'55" WEST, ALONG THE SOUTH LINE OF SAID LAND A DISTANCE OF 1220.00 TO THE SOUTHWEST PROPERTY CORNER OF SAID LAND;
THENCE NORTH 00°21'05" EAST, ALONG THE WEST LINE A DISTANCE OF 1420.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;

THENCE NORTH 89°38'55" WEST, ALONG THE NORTH LINE OF SAID SECTION 33 A DISTANCE OF 1,344.98 FEET TO THE NORTHWEST CORNER OF SAID SECTION 33;
THENCE SOUTH 88°48'16" WEST, ALONG THE NORTH LINE OF SAID SECTION 32 A DISTANCE OF 2615.86 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 29;

THENCE NORTH 00°31'57" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29 A DISTANCE OF 1,273.73 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29;

THENCE SOUTH 88°08'17" WEST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION A DISTANCE OF 1,320.86 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29;

THENCE SOUTH 88°09'04" WEST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION A DISTANCE OF 1320.94 FEET TO THE NORTH EAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30;

THENCE NORTH 89°49'41" WEST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30 A DISTANCE OF 1,318.34 FEET TO THE NORTHWEST CORNER OF SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30;

THENCE SOUTH 00°25'32" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER SECTION A DISTANCE OF 1,295.69 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE OF THE NORTHEAST QUARTER OF SECTION 31;

THENCE NORTH 89°47'22" WEST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31 A DISTANCE OF 1,324.22 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER SECTION;

THENCE SOUTH 02°29'11" EAST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER SECTION A DISTANCE OF 1,264.94 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31;

THENCE SOUTH 47°47'57" EAST, A DISTANCE OF 1,849.87 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 31;

THENCE SOUTH 01°48'12" EAST A DISTANCE OF 1,314.51 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 31;

THENCE SOUTH 01°50'27" EAST, A DISTANCE OF 1253.26 FEET TO THE NORTHWEST PROPERTY CORNER OF THE PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 2017076888;

THENCE, ALONG THE NORTH AND EAST LINES OF SAID PARCEL THE FOLLOWING THREE COURSES:

1. NORTH 89°45'11" EAST, A DISTANCE OF 1287.32 FEET;
2. NORTH 89°56'38" EAST, A DISTANCE OF 1920.00 FEET TO THE NORTHEAST CORNER SAID PARCEL.

3. SOUTH 01°28'40" EAST, ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 57.02 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 5. THENCE, ALONG THE NORTH LINE OF SAID SECTION 5 THE FOLLOWING 2 COURSES:

1. NORTH 89°56'38" EAST A DISTANCE OF 654.04 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 5;
2. SOUTH 87°21'24" EAST, A DISTANCE OF 1,272.16 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 5;

THENCE SOUTH 01°06'19" EAST, ALONG THE EAST LINE OF THE PARCEL OF LAND DESCRIBED IN BOOK 1004, PAGE 578 OF THE DOUGLAS COUNTY RECORDS A

DISTANCE OF 640.80 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 5;
THENCE SOUTH 87°48'59" EAST, ALONG THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 364781 OF THE DOUGLAS COUNTY RECORDS A DISTANCE OF 829.42 FEET TO A POINT ON THE NORTH LINE OF BOOK 601, PAGE 287 OF THE DOUGLAS COUNTY RECORDS AND A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY 67, AS DESCRIBED UNDER RECEPTION NO. 0000051 OF THE DOUGLAS COUNTY RECORDS;
THENCE, ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING 8 COURSES:

1. NORTH 48°18'48" EAST, A DISTANCE OF 79.09 FEET;
2. NORTH 39°05'49" EAST, A DISTANCE OF 112.59 FEET;
3. NORTH 33°31'27" EAST, A DISTANCE OF 215.30 FEET;
4. NORTH 28°13'10" EAST, A DISTANCE OF 251.00 FEET;
5. NORTH 33°14'55" EAST, A DISTANCE OF 335.15 FEET;
6. NORTH 35°21'55" EAST, A DISTANCE OF 258.00 FEET;
7. NORTH 40°51'40" EAST, A DISTANCE OF 119.92 FEET;
8. ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 637.43 FEET, A CENTRAL ANGLE OF 01°08'19", WHOSE CHORD BEARS NORTH 31°31'25" EAST A DISTANCE OF 12.67 FEET, FOR AN ARC DISTANCE OF 12.67 FEET;
THENCE NORTH 38°46'50" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 598.58 FEET;
THENCE NORTH 25°17'36" WEST, A DISTANCE OF 413.39 FEET;
THENCE NORTH 08°59'56" WEST, A DISTANCE OF 907.13 FEET;
THENCE NORTH 59°57'35" EAST, A DISTANCE OF 885.88 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN BOOK 1118, PAGE 789 OF THE DOUGLAS COUNTY RECORDS;
THENCE NORTH 89°39'01" EAST, ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 33 A DISTANCE OF 2691.71 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY 67;
THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING 9 COURSES:

1. NORTH 09°32'23" EAST, A DISTANCE OF 70.29 FEET;
2. NORTH 44°58'53" EAST, A DISTANCE OF 201.30 FEET;
3. NORTH 36°03'08" EAST, A DISTANCE OF 215.90 FEET;
4. ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1,970.00 FEET, A CENTRAL ANGLE OF 07°13'56", WHOSE CHORD BEARS NORTH 36°23'53" EAST A DISTANCE OF 248.50 FEET, FOR AN ARC DISTANCE OF 248.67 FEET;
5. NORTH 33°37'38" EAST, A DISTANCE OF 205.80 FEET;
6. NORTH 53°28'23" EAST, A DISTANCE OF 198.30 FEET;
7. NORTH 43°27'53" EAST, A DISTANCE OF 135.54 FEET;
8. NORTH 60°38'30" EAST, A DISTANCE OF 31.96 FEET;
9. NORTH 43°39'38" EAST, A DISTANCE OF 50.48 FEET TO THE SOUTHWESTERLY PROPERTY CORNER OF THE LAND DESCRIBED UNDER RECEPTION NO. 2005011756 AT THE DOUGLAS COUNTY RECORDS;

THENCE NORTH 01°12'35" EAST, ALONG THE WESTERLY LINE OF SAID PROPERTY A DISTANCE OF 760.72 FEET TO THE NORTHWEST PROPERTY OF SAID LAND;
THENCE SOUTH 88°50'48" EAST, ALONG THE NORTH LINE OF SAID LAND A DISTANCE OF 276.00 FEET TO THE NORTHEAST PROPERTY OF SAID LAND;
THENCE SOUTH 44°48'48" EAST, ALONG THE EASTERLY LINE OF SAID LAND A DISTANCE OF 285.14 FEET TO THE INTERSECTION OF THE SOUTHEASTERLY PROPERTY CORNER OF SAID LAND AND THE WESTERLY RIGHT OF WAY OF SAID HIGHWAY 67;

THENCE ALONG SAID WESTERLY RIGHT OF WAY THE FOLLOWING 7 COURSES:

1. NORTH 49°11'54" EAST, A DISTANCE OF 143.50 FEET;
2. ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2,167.64 FEET, A CENTRAL ANGLE OF 16°00'46", WHOSE CHORD BEARS NORTH 48°36'22" EAST A DISTANCE OF 603.83 FEET, FOR AN ARC DISTANCE OF 605.80 FEET;
3. NORTH 35°45'40" EAST, A DISTANCE OF 176.76 FEET;
4. NORTH 41°29'55" EAST, A DISTANCE OF 127.70 FEET;
5. NORTH 42°37'44" EAST, A DISTANCE OF 120.63 FEET;
6. NORTH 42°37'03" EAST, A DISTANCE OF 180.67 FEET;
7. NORTH 28°57'04" EAST, A DISTANCE OF 108.67 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 34;

THENCE SOUTH 89°10'04" WEST, A DISTANCE OF 177.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 51,253,548 SQUARE FEET OR 1,176.615 ACRES, MORE OR LESS.

I, MARK T WILSON, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

MARK T. WILSON, PLS NO. 36062 DATE
FOR AND ON BEHALF OF JEHN ENGINEERING INC.
5690 WEBSTER STREET, ARVADA, CO. 80002