

RESOLUTION NO. R-020-029

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

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE CONSOLIDATED
SERVICE PLAN FOR PINERY COMMERCIAL METROPOLITAN DISTRICT NO. 1
AND PINERY COMMERCIAL METROPOLITAN DISTRICT NO. 2**

WHEREAS, on September 20, 2005, the Douglas County Board of County Commissioners (the "Board") adopted Resolution No. R-005-133 approving the Consolidated Service Plan for Pinery Commercial Metropolitan District No. 1 and Pinery Commercial Metropolitan District No. 2 (the "Service Plan"); and

WHEREAS, on January 22, 2020, the Pinery Commercial Metropolitan District Nos. 1 & 2 (the "Districts") filed a First Amendment to the Consolidated Service Plan for Pinery Commercial Metropolitan District No. 1 and Pinery Commercial Metropolitan District No. 2 ("First Amendment") with the Douglas County Clerk and Recorder ("Clerk"), and the Clerk, on behalf of the Board, mailed a Notice of Filing of Special District Service Plan to the Division of Local Government in the Department of Local Affairs on January 28, 2020; and

WHEREAS, due to the financial nature of the First Amendment, a public meeting before the Douglas County Planning Commission was not required; and

WHEREAS, on February 25, 2020, the Board set a public hearing on the First Amendment for March 10, 2020 ("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 February 13, 2020; and (2) ratified mailing of the notice of the date, time and location of the Public Hearing on February 13, 2020 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 Districts and to the property owners within the Districts, pursuant to the provisions of § 32-1-204(1.5), C.R.S.; and

WHEREAS, on March 10, 2020, a Public Hearing on the First Amendment was opened, at which time all interested parties, as defined in Section 32-1-204, C.R.S., were afforded an opportunity to be heard, and all testimony and evidence relevant to the First 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 First Amendment have been fulfilled and that the Board has jurisdiction in the matter.

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

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

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

c) that the Districts are capable of providing economical and sufficient service to the area within their boundaries; and

d) that the Districts will have the financial ability to discharge the proposed indebtedness on a reasonable basis as set forth in the First 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 Districts are compatible with the facility and service standards of Douglas County and each municipality which is an interested party under Section 32-1-204, C.R.S.; and

g) that the First Amendment is in substantial compliance with the Douglas County Comprehensive Master Plan; and

h) that the First 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 Districts is in the best interests of the area being served; and

j) that the First Amendment, based upon the statements set forth in the First Amendment and upon all evidence presented at the Public Hearing on the First 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 First Amendment without conditions.

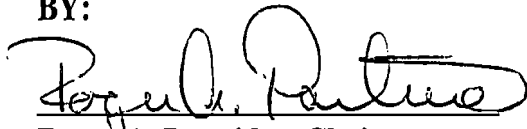
Section 4. The legal description of the Districts shall be provided as provided in **Exhibit A**, attached hereto and incorporated herein by reference.

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

PASSED AND ADOPTED this 10th day of March, 2020, in Castle Rock, Douglas County, Colorado.

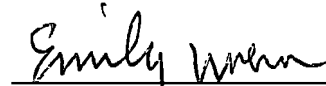
**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:



Roger A. Partridge, Chair

ATTEST:



~~Kristin Randlett, Clerk to the Board~~
Emily Wrenn



EXHIBIT A
(Legal Description)

LAND DESCRIPTION:

SHEET 1 OF 1

PINERY COMMERCIAL METROPOLITAN DISTRICT 1
7/8/18

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 7 SOUTH,
RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF
COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTH 1/2 OF THE
SOUTHEAST 1/4 OF SECTION 3 BEING S 89°32'35" W (NAD 83) AND MONUMENTED AS FOLLOWS:

- NE CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 3 BEING A FOUND 2.5"
ALUMINUM CAP, PLS 39929, PER MONUMENT RECORD DATED 4-3-08.

- NW CORNER OF THE SW 1/4 OF THE SE 1/4 OF SECTION 3, BEING A FOUND 3.25"
ALUMINUM CAP PLS 29036 PER MONUMENT RECORD DATED 10-15-06.

COMMENCING AT THE NE CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 3;

THENCE S 89°32'35" W, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 3 A DISTANCE OF 1316.96 FEET TO THE **POINT OF BEGINNING**;

THENCE S 00°21'12" E A DISTANCE OF 497.08 FEET;

THENCE S 89°44'30" W A DISTANCE OF 375.31 FEET;

THENCE ALONG A CURVE **TO THE LEFT** HAVING A CHORD OF N 46°08'53" W 76.77 FEET, A
RADIUS OF 55.00 FEET, AN ARC OF 84.97 FEET, AND A DELTA OF 88°31'08";

THENCE N 00°21'12" W A DISTANCE OF 442.15 FEET;

THENCE N 89°32'35" E A DISTANCE OF 430.34 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 211,298 SQUARE FEET, OR 4.8507
ACRES MORE OR LESS.

LAND DESCRIPTION:

SHEET 1 OF 5

PINERY COMMERCIAL METROPOLITAN DISTRICT 2

7/8/18

A PARCEL OF LAND LOCATED IN THE SOUTH 1/2 OF SECTION 3 AND SECTION 10, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 3 BEING S 89°32'35" W (NAD 83) AND MONUMENTED AS FOLLOWS:

- NE CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 3 BEING A FOUND 2.5" ALUMINUM CAP, PLS 39929, PER MONUMENT RECORD DATED 4-3-08.

- NW CORNER OF THE SW 1/4 OF THE SE 1/4 OF SECTION 3, BEING A FOUND 3.25" ALUMINUM CAP PLS 29036 PER MONUMENT RECORD DATED 10-15-06.

COMMENCING AT THE NE CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 3;

THENCE S 89°32'35" W, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 3 A DISTANCE OF 777.32 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 83, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING SIX (6) COURSES:

- 1) S 01°45'08" W A DISTANCE OF 1330.53 FEET;
- 2) S 19°45'48" W A DISTANCE OF 210.74 FEET;
- 3) S 01°44'40" W A DISTANCE OF 749.27 FEET;
- 4) S 18°48'42" E A DISTANCE OF 212.95 FEET;
- 5) S 01°44'54" W A DISTANCE OF 1017.90 FEET;
- 6) N 88°11'19" W A DISTANCE OF 48.30 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF THE PINERY FILING NO. 25;

THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINE OF SAID PINERY FILING NO. 25 THE FOLLOWING TEN (10) COURSES:

- 1) N 88°11'19" W A DISTANCE OF 360.00 FEET;
- 2) S 01°48'26" W A DISTANCE OF 370.91 FEET;
- 3) ALONG A CURVE TO THE RIGHT HAVING A CHORD OF S 04°39'07" W 15.88 FEET, A RADIUS OF 160.00 FEET, AN ARC OF 15.89 FEET, AND A DELTA OF 5°41'20";
- 4) ALONG A CURVE TO THE RIGHT HAVING A CHORD OF S 37°25'43" W 49.40 FEET, A RADIUS OF 49.50 FEET, AN ARC OF 51.72 FEET, AND A DELTA OF 59°51'59";
- 5) ALONG A CURVE TO THE RIGHT HAVING A CHORD OF N 67°28'30" W 39.86 FEET, A RADIUS OF 790.00 FEET, AN ARC OF 39.86 FEET, AND A DELTA OF 2°53'28";
- 6) N 66°01'46" W A DISTANCE OF 100.00 FEET;
- 7) S 23°58'14" W A DISTANCE OF 120.00 FEET;
- 8) S 66°01'46" E A DISTANCE OF 100.00 FEET;
- 9) ALONG A CURVE TO THE LEFT HAVING A CHORD OF S 77°06'33" E 349.76 FEET, A RADIUS OF 910.00 FEET, AN ARC OF 351.94 FEET, AND A DELTA OF 22°09'34";

LAND DESCRIPTION:

SHEET 2 OF 5

PINERY COMMERCIAL METROPOLITAN DISTRICT 2

7/8/18

10) S 88°11'19" E A DISTANCE OF 129.22 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 83;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

- 1) S 88°15'20" E A DISTANCE OF 48.57 FEET;
- 2) S 01°44'54" W A DISTANCE OF 911.10 FEET;

THENCE S 89°38'14" W A DISTANCE OF 182.53 FEET TO A POINT ON THE EASTERLY BOUNDARY OF AN ORDER FOR EXCLUSION RECORDED AT RECEPTION NO. 2011032256;

THENCE ALONG THE EASTERLY, NORTHERLY AND WESTERLY LINES OF SAID ORDER OF EXCLUSION THE FOLLOWING THIRTY NINE (39) COURSES:

- 1) N 44°35'31" E A DISTANCE OF 28.26 FEET;
- 2) N 00°27'13" W A DISTANCE OF 78.27 FEET;
- 3) N 89°32'47" E A DISTANCE OF 119.39 FEET;
- 4) N 01°40'43" E A DISTANCE OF 34.02 FEET;
- 5) S 89°32'47" W A DISTANCE OF 75.95 FEET;

6) ALONG A CURVE TO THE RIGHT HAVING A CHORD OF N 45°27'44" W 28.28 FEET, A RADIUS OF 20.00 FEET, AN ARC OF 31.42 FEET, AND A DELTA OF 90°00'00";

7) N 00°27'13" W A DISTANCE OF 43.00 FEET;

8) ALONG A CURVE TO THE LEFT HAVING A CHORD OF N 21°01'24" W 117.35 FEET, A RADIUS OF 167.00 FEET, AN ARC OF 119.91 FEET, AND A DELTA OF 41°08'22";

- 9) N 08°14'34" E A DISTANCE OF 127.72 FEET;
- 10) N 12°57'22" W A DISTANCE OF 66.13 FEET;
- 11) N 03°53'31" E A DISTANCE OF 44.83 FEET;
- 12) N 71°26'34" W A DISTANCE OF 20.40 FEET;
- 13) N 86°06'29" W A DISTANCE OF 111.33 FEET;
- 14) S 19°27'33" W A DISTANCE OF 6.90 FEET;

15) ALONG A CURVE TO THE LEFT HAVING A CHORD OF N 78°26'15" W 12.36 FEET, A RADIUS OF 45.00 FEET, AN ARC OF 12.40 FEET, AND A DELTA OF 15°47'14";

16) N 86°20'03" W A DISTANCE OF 41.35 FEET;

17) ALONG A CURVE TO THE RIGHT HAVING A CHORD OF N 79°15'13" W 32.79 FEET, A RADIUS OF 133.00 FEET, AN ARC OF 32.87 FEET, AND A DELTA OF 14°09'43";

18) N 72°10'24" W A DISTANCE OF 70.50 FEET;

19) ALONG A CURVE TO THE LEFT HAVING A CHORD OF N 81°05'59" W 51.83 FEET, A RADIUS OF 167.00 FEET, AN ARC OF 52.04 FEET, AND A DELTA OF 17°51'16";

- 20) S 89°58'25" W A DISTANCE OF 73.27 FEET;
- 21) N 00°01'35" W A DISTANCE OF 94.46 FEET;
- 22) N 44°41'40" W A DISTANCE OF 7.79 FEET;
- 23) S 89°58'25" W A DISTANCE OF 94.53 FEET;
- 24) N 76°17'45" W A DISTANCE OF 102.94 FEET;
- 25) S 89°58'25" W A DISTANCE OF 119.62 FEET;

LAND DESCRIPTION:

SHEET 3 OF 5

PINERY COMMERCIAL METROPOLITAN DISTRICT 2
7/8/18

26) N 71°49'31" W A DISTANCE OF 155.56 FEET;
27) S 89°58'25" W A DISTANCE OF 52.61 FEET;
28) S 72°49'12" W A DISTANCE OF 67.83 FEET;
29) S 00°38'49" E A DISTANCE OF 50.12 FEET;
30) S 45°01'35" E A DISTANCE OF 19.44 FEET;
31) S 01°20'12" E A DISTANCE OF 73.66 FEET;
32) S 44°58'25" W A DISTANCE OF 20.26 FEET;
33) S 00°38'49" E A DISTANCE OF 58.52 FEET;

34) ALONG A CURVE TO THE LEFT HAVING A CHORD OF S 10°03'54" E 63.82 FEET, A RADIUS OF 195.00 FEET, AN ARC OF 64.11 FEET, AND A DELTA OF 18°50'12";

35) S 19°29'00" E A DISTANCE OF 124.91 FEET;

36) ALONG A CURVE TO THE RIGHT HAVING A CHORD OF S 14°54'59" E 47.77 FEET, A RADIUS OF 280.00 FEET, AN ARC OF 47.83 FEET, AND A DELTA OF 9°47'13";

37) S 10°20'57" E A DISTANCE OF 237.03 FEET;

38) ALONG A CURVE TO THE RIGHT HAVING A CHORD OF S 05°06'13" E 47.24 FEET, A RADIUS OF 260.00 FEET, AN ARC OF 47.31 FEET, AND A DELTA OF 10°25'30";

39) S 00°04'32" W A DISTANCE OF 29.99 FEET;

THENCE S 89°38'14" W A DISTANCE OF 131.53 FEET;
THENCE N 03°07'04" E A DISTANCE OF 38.59 FEET;
THENCE N 32°02'59" E A DISTANCE OF 43.61 FEET;
THENCE N 13°03'01" E A DISTANCE OF 22.37 FEET;
THENCE S 89°38'48" W A DISTANCE OF 207.24 FEET;
THENCE N 21°58'03" W A DISTANCE OF 252.29 FEET;
THENCE N 42°50'37" W A DISTANCE OF 93.75 FEET;
THENCE N 00°22'17" E A DISTANCE OF 65.02 FEET;
THENCE N 51°56'56" E A DISTANCE OF 104.98 FEET;
THENCE N 39°54'24" E A DISTANCE OF 63.63 FEET;
THENCE N 89°38'48" E A DISTANCE OF 131.55 FEET;
THENCE N 11°22'08" E A DISTANCE OF 40.20 FEET;
THENCE N 36°38'36" E A DISTANCE OF 7.24 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD OF N 18°54'47" W 296.01 FEET, A RADIUS OF 641.34 FEET, AN ARC OF 298.70 FEET, AND A DELTA OF 26°41'07";

THENCE S 72°34'20" W A DISTANCE OF 119.08 FEET;
THENCE S 47°26'30" W A DISTANCE OF 113.12 FEET;
THENCE S 31°23'33" W A DISTANCE OF 166.61 FEET;
THENCE N 62°21'53" W A DISTANCE OF 60.48 FEET;
THENCE N 76°54'58" W A DISTANCE OF 98.85 FEET;
THENCE S 89°54'35" W A DISTANCE OF 186.10 FEET;
THENCE N 08°37'52" E A DISTANCE OF 145.36 FEET;
THENCE N 32°14'33" W A DISTANCE OF 193.49 FEET;
THENCE N 03°25'21" W A DISTANCE OF 72.21 FEET;
THENCE N 17°47'39" E A DISTANCE OF 231.78 FEET;
THENCE N 01°09'20" E A DISTANCE OF 48.96 FEET;

LAND DESCRIPTION:

SHEET 4 OF 5

PINERY COMMERCIAL METROPOLITAN DISTRICT 2

7/8/18

THENCE N 27°09'37" W A DISTANCE OF 100.58 FEET;
THENCE N 65°52'48" W A DISTANCE OF 127.48 FEET;
THENCE N 57°50'03" W A DISTANCE OF 160.53 FEET;
THENCE N 42°17'02" W A DISTANCE OF 135.04 FEET;
THENCE N 30°11'45" W A DISTANCE OF 44.97 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A CHORD OF S 64°19'28" W 161.73 FEET, A
RADIUS OF 590.00 FEET, AN ARC OF 162.24 FEET, AND A DELTA OF 15°45'18";

THENCE S 56°26'53" W A DISTANCE OF 304.39 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD OF S 66°17'57" W 242.93 FEET, A
RADIUS OF 710.00 FEET, AN ARC OF 244.13 FEET, AND A DELTA OF 19°42'03";

THENCE N 00°18'33" W A DISTANCE OF 124.17 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A CHORD OF N 64°53'13" E 173.15 FEET, A
RADIUS OF 590.00 FEET, AN ARC OF 173.78 FEET, AND A DELTA OF 16°52'34";

THENCE N 56°26'53" E A DISTANCE OF 304.39 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD OF N 65°15'32" E 217.51 FEET, A
RADIUS OF 710.00 FEET, AN ARC OF 218.37 FEET, AND A DELTA OF 17°37'19";

THENCE N 04°37'00" W A DISTANCE OF 141.95 FEET;
THENCE N 68°53'31" W A DISTANCE OF 51.42 FEET;
THENCE N 42°50'37" W A DISTANCE OF 27.83 FEET;
THENCE N 02°46'00" E A DISTANCE OF 188.42 FEET;
THENCE N 19°46'12" E A DISTANCE OF 54.65 FEET;
THENCE N 32°19'13" E A DISTANCE OF 136.13 FEET;
THENCE N 06°33'09" W A DISTANCE OF 79.14 FEET;
THENCE N 16°01'31" E A DISTANCE OF 90.92 FEET;
THENCE N 21°50'10" E A DISTANCE OF 90.51 FEET;
THENCE N 74°00'09" E A DISTANCE OF 64.15 FEET TO A POINT ON THE WESTERLY LINE OF
THAT PARCEL OF LAND RECORDED IN BOOK 293 AT PAGE 838;

THENCE ALONG THE WESTERLY SOUTHERLY AND EASTERLY LINES OF THOSE PARCELS OF
LAND RECORDED AT SAID BOOK 293 AT PAGE 838, BOOK 407 AT PAGE 341, BOOK 861 AT PAGE
415, BOOK 861 AT PAGE 418, BOOK 407 AT PAGE 341 AND THE EXTENSION THEREOF THE
FOLLOWING NINE (9) COURSES:

- 1) S 03°24'02" E A DISTANCE OF 515.91 FEET;
- 2) S 00°10'52" W A DISTANCE OF 261.21 FEET;
- 3) N 87°26'40" E A DISTANCE OF 523.32 FEET;
- 4) N 00°10'52" E A DISTANCE OF 261.21 FEET;
- 5) N 87°26'40" E A DISTANCE OF 30.04 FEET;
- 6) S 00°10'52" W A DISTANCE OF 261.21 FEET;
- 7) N 87°26'40" E A DISTANCE OF 450.07 FEET;
- 8) N 00°34'11" W A DISTANCE OF 261.07 FEET;
- 9) N 00°34'04" W A DISTANCE OF 1548.22 FEET;

THENCE S 89°38'48" W A DISTANCE OF 313.65 FEET;

LAND DESCRIPTION:

SHEET 5 OF 5

PINERY COMMERCIAL METROPOLITAN DISTRICT 2
7/8/18

THENCE N 32°57'51" W A DISTANCE OF 256.65 FEET;
THENCE N 60°50'13" E A DISTANCE OF 257.26 FEET;
THENCE N 45°49'02" E A DISTANCE OF 67.12 FEET;
THENCE N 29°25'20" E A DISTANCE OF 54.44 FEET;
THENCE N 14°04'38" E A DISTANCE OF 79.02 FEET;
THENCE N 01°56'45" W A DISTANCE OF 68.32 FEET;
THENCE N 11°16'03" W A DISTANCE OF 105.30 FEET;
THENCE N 01°08'12" E A DISTANCE OF 100.82 FEET;
THENCE N 09°11'24" E A DISTANCE OF 185.11 FEET;
THENCE N 14°03'55" E A DISTANCE OF 106.76 FEET;
THENCE N 00°21'25" W A DISTANCE OF 100.08 FEET;
THENCE N 23°50'33" W A DISTANCE OF 119.21 FEET TO A POINT ON SAID NORTH LINE OF THE
SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 3;

THENCE N 89°32'35" E ALONG SAID NORTH LINE A DISTANCE OF 584.22 FEET;

THENCE S 00°21'12" E A DISTANCE OF 442.15 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD OF S 46°08'53" E 76.77 FEET, A
RADIUS OF 55.00 FEET, AN ARC OF 84.97 FEET, AND A DELTA OF 88°31'10";

THENCE N 89°44'30" E A DISTANCE OF 375.31 FEET;
THENCE N 00°21'12" W A DISTANCE OF 497.08 FEET;
THENCE N 89°32'35" E A DISTANCE OF 539.64 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 7,018,114 SQUARE FEET, OR 161.1137
ACRES MORE OR LESS.