

**RESOLUTION OF THE EXECUTIVE BOARD OF FALCON AREA WATER AND
WASTEWATER AUTHORITY, COUNTY OF EL PASO, STATE OF COLORADO,
IMPOSING FEES**

WHEREAS, the Falcon Area Water and Wastewater Authority, County of El Paso, Colorado (the "Authority"), is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the Authority was organized in accordance with Section 29-1-204.2, Colorado Revised Statutes, as amended, and currently operates under the Amended and Restated Intergovernmental Agreement for the Establishment of The Falcon Area Water and Wastewater Authority entered into on December 17, 2021 (the "Amended and Restated Establishment Agreement"); and

WHEREAS, in accordance with the Amended and Restated Establishment Agreement, the Service Area of the Authority shall mean the aggregate of the territory within any and all of the following: (a) the boundaries of a Member, (b) a defined area in which a Member or Members furnishes water service of any type by written agreement, and (c) a defined area of proposed future service in a Member's Service Plan approved pursuant to C.R.S., Title 32.; and

WHEREAS, in accordance with Section 29-1-204.2, Colorado Revised Statutes and the Amended and Restated Establishment Agreement, the Authority is authorized to acquire and develop water resources, systems, or facilities, and to acquire, hold, lease (as lessor or lessee), sell, or otherwise dispose of any real or personal property utilized only for the purposes of water treatment, distribution, and wastewater disposal; and

WHEREAS, pursuant to Section 29-1-204(3)(j), C.R.S and the Amended and Restated Agreement, the Authority has the power to impose water and wastewater service fees, water availability and water acquisition fees, tap fees and other charges, assessments, fines, penalties and interest for the provision of water distribution, and wastewater collection and treatment; and

WHEREAS, the Authority has determined to impose certain one-time water tap fees, wastewater tap fees, and water acquisition fees on each unit built upon the property served by the Authority at or prior to the issuance of a building permit for such unit, to assist with the financing, planning, and development of water and wastewater improvements ("the Improvements"); and

WHEREAS, the property served by the Authority will be benefitted by the Improvements and the Authority has determined to impose on-going service fees for the water and sanitary sewer services provided to users of such service as set forth herein; and

WHEREAS, the Authority is authorized to utilize revenue from the water tap fees, wastewater tap fee, and water acquisition fees for costs associated with the Improvements and/or to pledge the same for the repayment of principal and interest on bonds and to utilize on-going service charges and fees for any lawful purpose of the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE BOARD OF FALCON AREA WATER AND WASTEWATER AUTHORITY AS FOLLOWS:

1. The Board does hereby determine that it is in the best interests of the Authority and its members to exercise its power to impose certain fees as further set forth in Exhibit A hereto (“Fees”) on any person desiring water service and wastewater service from the Authority.

2. The Water Tap Fee, Wastewater Tap Fee, Water Acquisition Fee, and Water and Sewer Administrative Fee set forth in Exhibit A are due at the time El Paso County issues a building permit, but may be pre-paid at any time. Such fees shall be collected by the Authority from the applicable property owner. No connections shall be made to the Authority water or sanitary sewer systems until applications for service have been made to the Authority and all applicable fees of the Authority have been paid.

3. The Authority reserves the right to amend this Resolution at any time in the future to change the amount of any or all of the Fees.

4. The Fees shall be imposed as stated herein, beginning upon the effective date of this Resolution.

5. This Resolution shall be recorded in the real property records of the Clerk and Recorder of El Paso County, Colorado.

6. Failure to make payment of the Fees due hereunder shall constitute a default in the payment of such Fees. Upon a default, interest shall accrue on such total amount of Fees due at the rate of twelve percent (12%) per annum and the Authority shall be entitled to institute such remedies and collection proceedings as may be authorized under Colorado law. The defaulting property owner shall pay all costs, including attorneys’ fees, the Authority incurs in connection with the foregoing.

7. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

RESOLUTION APPROVED AND EFFECTIVE this 31st day of May, 2022.

FALCON AREA WATER AND WASTEWATER
AUTHORITY

By: 

President

Attest:



Secretary

This Resolution may be updated or changed without recording of such changes. All interested parties must inquire with the Authority to receive updated and current fee schedules.

EXHIBIT A

“FEES”

| Falcon Area Water and Wastewater Authority Rates and Fees | | | |
|--|------|---|-------------------|
| WATER | | | |
| | | Monthly | |
| Basic Water Meter Fee | 3/4" | \$31.50 | |
| Water Use Fees | | | |
| Minimum Water Use Fee | | \$16.50 | |
| First 5,000 gallons of water | | Included | |
| 5,000 to 10,000 gallons per month | | \$4.88 | per 1,000 gallons |
| 10,000 to 15,000 per month | | \$5.84 | per 1,000 gallons |
| 15,000 to 20,000 gallons per month | | \$6.75 | per 1,000 gallons |
| 20,000 to 30,000 gallons per month | | \$18.50 | per 1,000 gallons |
| Over 30,000 gallons per month | | \$22.50 | per 1,000 gallons |
| SEWER | | | |
| | | Monthly | |
| Basic Sewer Fee (per single family equivalent) | | \$41.00 | |
| ONE TIME TAP FEES | | | |
| Residential* | | | |
| Water Tap Fee | | \$10,390 per unit, and for each fiscal year thereafter, up to an additional 3% | |
| Wastewater Tap Fee | | \$10,390 per unit, and for each fiscal year thereafter, up to an additional 3%. | |
| Water Acquisition Fee | | \$6,180 per unit, and for each fiscal year thereafter, up to an additional 3%. | |

| | | | |
|--|--|--|--|
| Water and Sewer Administrative Fee | | \$230.00, payable at the same time as the Water Tap Fee, Wastewater Tap Fee, and Water Acquisition Fee | |
| Commercial/non-residential (Payable at Building Permit) | | | |
| 3" Water Tap (inclusive of sewer) | | \$375,000 | |
| 2" Water Tap (inclusive of sewer) | | \$175,000 | |
| 1.5" Water Tap (inclusive of sewer) | | \$75,000 | |
| <1.5" Water Tap (inclusive of sewer) | | \$45,000 | |
| OTHER FEES | | | |
| | | Amount | |
| Billing Service Fee | | \$5.75/month | |
| Meter Reading Fee-AMR | | \$4.95/month | |
| Water Service Turn On Fee | | \$100.00 | |
| Water Service Turn Off Fee | | \$140.00 | |
| Late Payment Fee | | \$15.00 | |
| Return Check Fee | | \$50.00 | |
| Account Set Up Fee | | \$100.00 | |
| Account Transfer Fee | | \$50.00 | |
| After Hours Fee | | \$60.00 | |
| Under Drain Fees- Maintenance of sewer main | | \$3.00 | |

*The tap fees listed are not required for the following properties (previously paid or payable to SRMD1) but ARE subject to all other fees provided herein:

- Homestead at Sterling Ranch Filing No. 1 and 2
- Branding Iron at Sterling Ranch Filing No. 1 and 2
- Homestead North at Sterling Ranch Filing No. 1, 2 and 3
- Sterling Ranch Filing No. 2, 3 and 4
- Parcel 5 (Copper Chase) and Parcel 16 (both as identified in Sterling Ranch Sales Map) and the Mixed Use (14.8 acres)/corner of Briargate and Vollmer as set forth in the Sterling Ranch Amended Sketch Plan

Meter reads occur on the first of each month. Billing mailed the fifth of each month. Bills are due the 24th of each month.

EXHIBIT B

“LEGAL DESCRIPTION OF PROPERTY SUBJECT TO RESOLUTION”



JOB NO. 1183.02-02
NOVEMBER 18, 2021
PAGE 1 OF 3

619 N. Cascade Avenue, Suite 200 (719) 785-0790
Colorado Springs, Colorado 80903 (719) 785-0799 (Fax)

LEGAL DESCRIPTION: STERLING RANCH EAST OF SAND CREEK

A PARCEL OF LAND BEING A PORTION OF SECTIONS 27, 28, 33 AND 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR N89°08'28"E, A DISTANCE OF 1356.68 FEET.

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO, SAID POINT BEING AN ANGLE POINT IN THE BOUNDARY OF RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 RECORDS OF EL PASO COUNTY, COLORADO SAID POINT BEING THE POINT OF BEGINNING;

THENCE S00°53'18"E, ON THE WESTERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1 AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28 A DISTANCE OF 1316.78 FEET;

THENCE N87°35'00"E, ON THE SOUTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1 AND THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN A DISTANCE OF 693.40 FEET TO THE SOUTHEASTERLY CORNER OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1;

THENCE N87°35'00"E, ON SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27 A DISTANCE OF 639.38 FEET TO THE SOUTHWEST SIXTEENTH CORNER OF SAID SECTION 27;

THENCE N00°54'30"W ON THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SECTION 27 A DISTANCE OF 3925.63 FEET TO THE WEST SIXTEENTH CORNER OF SAID SECTION 27;

THENCE N88°38'53"E, ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 1330.89 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 27;

THENCE N89°05'33"E, ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27 A DISTANCE OF 665.29 FEET TO THE WEST-EAST SIXTY-FOURTH CORNER OF SAID SECTION 27 AND SAID SECTION 22, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

THENCE S01°01'59"E, ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 27 A DISTANCE OF 5174.84 FEET TO THE WEST-EAST SIXTY-FOURTH CORNER OF SAID SECTION 27 AND SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

THENCE N87°09'09"E, ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34 A DISTANCE OF 574.82 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTION 27 AND SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

THENCE S00°13'01"E, ON THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 34 A DISTANCE OF 5407.24 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTION 34 AND SECTION 3, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

THENCE S89°14'26"W, ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34 A DISTANCE OF 1349.45 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 34;

THENCE S89°14'14"W, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 2722.56 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE S89°13'48"W, ON THE SOUTH LINE OF SECTION 33 TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, A DISTANCE OF 1401.41 FEET;

THENCE S89°04'30"W, ON THE SOUTH LINE OF SAID SECTION 33 A DISTANCE OF 1646.85 FEET TO THE SOUTHEASTERLY CORNER OF PARCEL A AS DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 214100607;

THENCE ON THE EASTERLY BOUNDARY OF SAID PARCEL A THE FOLLOWING (8) EIGHT COURSES;

1. N35°56'43"E, A DISTANCE OF 113.88 FEET;
2. N78°47'17"E, A DISTANCE OF 182.32 FEET;
3. N54°45'26"E, A DISTANCE OF 199.63 FEET;
4. N30°01'27"W, A DISTANCE OF 151.07 FEET;
5. N05°59'16"W, A DISTANCE OF 253.00 FEET;
6. N17°59'13"E, A DISTANCE OF 156.80 FEET;
7. N40°32'14"W, A DISTANCE OF 104.08 FEET;
8. N76°13'42"W, A DISTANCE OF 113.48 FEET TO THE SOUTHEASTERLY CORNER OF TRACT D AS PLATTED IN STERLING RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 218714151;

THENCE ON THE EASTERLY BOUNDARY OF SAID TRACT D THE FOLLOWING (27) TWENTY-SEVEN COURSES;

1. N76°13'42"W, A DISTANCE OF 278.31 FEET;
2. N17°53'47"W, A DISTANCE OF 105.91 FEET;
3. N46°52'24"E, A DISTANCE OF 128.28 FEET;
4. N15°27'56"W, A DISTANCE OF 241.77 FEET;
5. N00°53'19"W, A DISTANCE OF 131.63 FEET;
6. N35°47'33"E, A DISTANCE OF 139.61 FEET;
7. N46°04'45"E, A DISTANCE OF 252.38 FEET;
8. N60°18'33"E, A DISTANCE OF 166.84 FEET;
9. N65°39'18"E, A DISTANCE OF 252.42 FEET;
10. N02°44'27"E, A DISTANCE OF 452.46 FEET;
11. N26°06'12"W, A DISTANCE OF 393.42 FEET;
12. N04°22'24"W, DISTANCE OF 296.69 FEET;
13. N13°28'59"E, A DISTANCE OF 371.46 FEET;
14. S88°53'18"E, A DISTANCE OF 56.14 FEET;
15. S19°39'33"E, A DISTANCE OF 163.51 FEET;
16. S50°40'25"E, A DISTANCE OF 72.52 FEET;
17. N50°58'40"E, A DISTANCE OF 94.24 FEET;
18. N40°27'16"E, A DISTANCE OF 150.60 FEET;
19. N65°02'48"E, A DISTANCE OF 632.56 FEET;
20. N87°30'37"E, A DISTANCE OF 117.08 FEET;
21. N59°31'52"E, A DISTANCE OF 178.71 FEET;
22. N00°14'13"E, A DISTANCE OF 243.48 FEET;
23. N31°50'18"E, A DISTANCE OF 229.19 FEET;
24. N42°37'17"E, A DISTANCE OF 138.57 FEET;
25. N14°40'14"W, A DISTANCE OF 112.26 FEET;
26. N39°33'48"E, A DISTANCE OF 15.00 FEET;
27. N50°26'12"W, A DISTANCE OF 89.48 FEET TO THE NORTHEASTERLY CORNER OF TRACT B AS PLATTED IN SAID STERLING RANCH FILING NO. 1;

THENCE N50°26'12"W, ON THE NORTHERLY BOUNDARY OF SAID TRACT B A DISTANCE OF 676.65 FEET TO THE SOUTHEASTERLY CORNER OF BRIARGATE PARKWAY AS PLATTED IN SAID STERLING RANCH FILING NO. 1;

THENCE N39°33'48"E, ON THE EASTERLY RIGHT OF WAY LINE OF SAID BRIARGATE PARKWAY DISTANCE OF 130.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF PARCEL B AS DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 214100607;

THENCE ON THE SOUTHERLY AND EASTERLY BOUNDARY OF SAID TRACT B THE FOLLOWING (21) TWENTY-ONE COURSES;

1. S50°26'12"E, A DISTANCE OF 528.23 FEET;
2. N01°38'45"W, A DISTANCE OF 162.43 FEET;
3. N12°02'49"E, A DISTANCE OF 98.11 FEET;
4. N24°36'52"E, A DISTANCE OF 161.87 FEET;
5. N29°30'49"E, A DISTANCE OF 240.16 FEET;
6. N01°37'42"E, A DISTANCE OF 124.40 FEET;

7. N43°15'02"E, A DISTANCE OF 394.30 FEET;
8. S89°02'45"E, A DISTANCE OF 390.33 FEET;
9. N03°59'10"W, A DISTANCE OF 264.69 FEET;
10. N40°46'13"E, A DISTANCE OF 162.69 FEET;
11. N55°47'29"E, A DISTANCE OF 233.14 FEET;
12. N26°28'12"E, A DISTANCE OF 345.04 FEET;
13. N17°38'20"E, A DISTANCE OF 312.28 FEET
14. N19°09'07"W, A DISTANCE OF 155.42 FEET;
15. N08°22'17"W, A DISTANCE OF 157.75 FEET;
16. N09°10'39" E, A DISTANCE OF 166.63 FEET;
17. N17°17'43"W, A DISTANCE OF 155.83 FEET;
18. N17°14'41"W, A DISTANCE OF 84.16 FEET;
19. N17°40'07"E, A DISTANCE OF 65.20 FEET;
20. N36°36'59"E, A DISTANCE OF 139.21 FEET;
21. N20°41'57"W, A DISTANCE OF 261.07 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1;

THENCE N89°08'28"E, ON THE SOUTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1 A DISTANCE OF 128.33 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,075.244 ACRES.

EXCEPTING THEREFROM THE FOLLOWING PARCEL OF LAND;

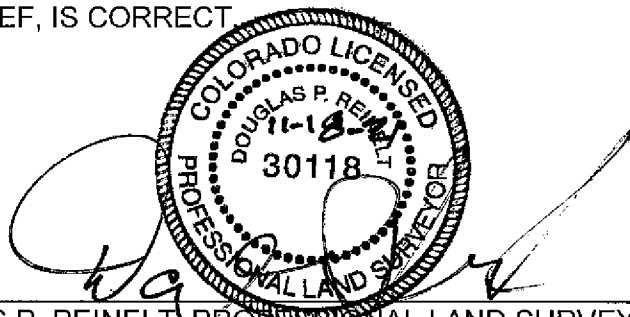
MVEA SUBSTATION AS PLATTED IN MVEA SUBSTATION AT STERLING RANCH EXEMPTION SURVEY PLAT RECORDED UNDER RECEPTION NO. 221714681 RECORDS OF EL PASO COUNTY, COLORADO.

CONTAINING A CALCULATED AREA OF 5.00 ACRES

CONTAINING A **NET** CALCULATED AREA OF 1,070.244 ACRES

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.



DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS, LLC

NOV 18, 2021
DATE

JAYNES LEGAL DESCRIPTION

Parcel A

THAT PORTION OF THE E 1/2 OF THE SW 1/4 AND THAT PORTION OF THE W 1/2 OF THE SE 1/4 OF SECTION 28 AND THAT PORTION OF THE E 1/2 OF THE NW 1/4 OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, LAYING NORTHWESTERLY OF THE EXISTING COUNTY ROAD (VOLLMER ROAD), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST-WEST CENTERLINE OF SAID SECTION 28, SAID LINE ALSO BEING THE SOUTH LINE OF POCO ROAD AS DESCRIBED IN BOOK 2274 AT PAGE 314, SAID POINT ALSO BEING THE CENTER WEST 1/16 CORNER OF SAID SECTION 28, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 28 BEARS S 89°45'22"W (BEARING BASED ON THE LINE BETWEEN THE WEST QUARTER CORNER OF SAID SECTION 28, MONUMENTED WITH A 3 ¼ INCH ALUMINUM CAP MARKED WITH PLS NO. 4842 AND THE NORTHWEST CORNER OF JAYNES SUBDIVISION, MONUMENTED WITH A NO.4 REBAR AND PLASTIC CAP MARKED WITH PLS NO.4842, SAID LINE BEARS N 89°45'22"E), A DISTANCE OF 1310.67 FEET; THENCE N 89° 45'22"E, ALONG SAID EAST-WEST CENTERLINE, A DISTANCE OF 717.48 FEET, TO THE NORTHWEST CORNER OF LOT 1, JAYNES SUBDIVISION (AS ESTABLISHED ON THAT PLAT OF JAYNES SUBDIVISION, FILED ON DECEMBER 20, 1984 IN THE EL PASO COUNTY CLERK AND RECORDERS OFFICE AT RECEPTION NO. 1194948 IN PLAT BOOK X-3 AT PAGE 96); THENCE S 00°14'39"E, ALONG THE WEST LINE OF LOT 1, A DISTANCE OF 544.41, TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N 89°46'02"E ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 400.10 FEET; THENCE S 00°15'34"E, A DISTANCE OF 598.01 FEET; THENCE N 89°45'22"E, A DISTANCE OF 1217.67 FEET TO A POINT ON THE APPARENT NORTHWESTERLY RIGHT OF LINE OF EXISTING VOLLMER ROAD; THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF VOLLMER ROAD THE FOLLOWING FOUR (4) COURSES;

1. ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT, WHOSE CENTER BEARS N 78° 14'10"W, HAVING A CENTRAL ANGLE OF 27°06'29" AND A RADIUS OF 603.83 FEET, A DISTANCE OF 285.69 FEET;
2. THENCE S 38°51'49"W, A DISTANCE OF 1375.53 FEET;
3. THENCE S 39°37'46"W, A DISTANCE OF 376.52 FEET;
4. THENCE S 41°07'37"W, A DISTANCE OF 1729.65 FEET, TO THE INTERSECTION OF SAID NORTHWESTERLY RIGHT OF WAY LINE AND THE WEST LINE OF THE SAID E ½ OF THE NW ¼ OF SAID SECTION 33

THENCE N 00°25'04"E ALONG SAID WEST LINE OF THE SAID E ½ OF THE NW ¼ OF SAID SECTION 33, A DISTANCE OF 1440.99 FEET; THENCE N 00°14'40"E ALONG THE WEST LINE OF THE E ½ OF THE SW ¼ OF SAID SECTION 28, A DISTANCE OF 2611.39 FEET, TO THE POINT OF BEGINNING.

Parcel B

THAT PORTION OF THE SOUTH HALF OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO DESCRIBED AS FOLLOWS:

BEARINGS ARE RELATIVE TO NORTH AND ARE REFERENCED TO A PORTION OF THE EAST AND WEST CENTERLINE OF SAID SECTION 28. THE WEST END OF SAID CENTERLINE IS THE WEST QUARTER CORNER OF SAID SECTION 28 AND IS MONUMENTED WITH A 3 ¼ INCH ALUMINUM CAP MARKED WITH PLS NO. 4842. THE EAST END IS THE NORTHEAST CORNER OF JAYNES SUBDIVISION AND IS MONUMENTED WITH A NO. 4 REBAR WITH A PLASTIC CAP MARKED WITH PLS NO. 4842. SAID LINE BEARS N 89°45'22"E, 2428.08 FEET.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 28, SAID CORNER MONUMENTED WITH A 3 ¼ INCH ALUMINUM CAP MARKED WITH PLS NO. 4842; THENCE N 89°45'22"E, ALONG THE EAST AND WEST CENTERLINE OF SAID SECTION 28 A DISTANCE OF 2428.08 FEET TO THE NORTHEAST CORNER OF SAID JAYNES SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING:

1. THENCE S 89°45'22"E, CONTINUING ALONG SAID EAST AND WEST CENTERLINE, 1457.61 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID VOLLMER ROAD AS DETERMINED BY AN EXISTING FENCE (THE FOLLOWING TWO COURSES ARE ALONG THE SAID WEST RIGHT-OF-WAY LINE);
2. THENCE S 10°11'12"W, 1114.56 FEET TO A SET NO.5 REBAR AND PLASTIC CAP MARKED WITH PLS NO.32439;
3. THENCE S 11°45'20"W, 1052.84 FEET TO A SET NO.5 REBAR AND PLASTIC CAP MARKED WITH PLS NO.32439;
4. THENCE S 89°45'22"W, 1217.67 FEET TO A SET NO. 5 REBAR AND PLASTIC CAP MARKED WITH PLS NO.32439 AT THE INTERSECTION OF THE SOUTHERLY PROLONGATION OF THE EAST LINE OF LOT 1, JAYNES SUBDIVISION AS DETERMINED BY FOUND MONUMENTATION;
5. THENCE N 0°15'34"W, 598.01 FEET TO A NO. 4 REBAR AND PLASTIC CAP MARKED WITH PLS NO. 4842 AT THE SOUTHEAST CORNER OF SAID LOT 1;

6. THENCE N 0°15'34"W, CONTINUING ALONG SAID EAST LINE, 544.49 FEET TO THE POINT OF BEGINNING.



PROPERTY DESCRIPTION

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND A 2-1/2" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W.

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 32

THENCE ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, S89°14'45"W A DISTANCE OF 2590.89 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°11'44"W A DISTANCE OF 131.02 FEET, TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY RECORDED IN BOOK 3859 AT PAGE 151 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON SAID THE EASTERLY AND NORTHERLY LINES OF SAID PROPERTY, THE FOLLOWING THREE (3) COURSES:

1. N42°23'21"E A DISTANCE OF 657.49 FEET;
2. N01°53'26"W A DISTANCE OF 403.35 FEET;
3. N87°33'35"W A DISTANCE OF 365.82 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BLACK FOREST ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°39'53"W A DISTANCE OF 129.22 FEET, TO A POINT ON THE SOUTHERLY LINE OF SILVER PONDS FILING NO. 1 RECORDED UNDER RECEPTION NO. 96082980;

THENCE ON THE SOUTHERLY AND EASTERLY LINES OF SAID SILVER PONDS FILING NO. 1, THE FOLLOWINGS TWO (2) COURSES:

1. N89°18'51"E A DISTANCE OF 2510.92 FEET;
2. N00°10'28"W A DISTANCE OF 152.95 FEET, TO THE CENTER-SOUTH 1/16TH CORNER OF SAID SECTION 32, SAID CORNER BEING THE SOUTHWESTERLY CORNER OF HOLIDAY HILLS NO. 1 RECORDED IN BOOK E-2 AT PAGE 12;

THENCE ON THE SOUTHERLY LINE OF SAID HOLIDAY HILLS NO. 1, THE FOLLOWING TWO (2) COURSES:

1. N89°21'46"E A DISTANCE OF 1260.42 FEET;
2. S00°09'11"E A DISTANCE OF 683.70 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, S34°04'17"W A DISTANCE OF 764.06 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 32;

THENCE ON SAID SOUTH LINE, S89°14'13"W A DISTANCE OF 816.32 FEET, TO THE POINT OF BEGINNING. CONTAINING A CALCULATED AREA OF 4,216,505 SQUARE FEET OR 96.7976 ACRES.