



District Court, El Paso County, State of Colorado 270 S. Tejon Street Colorado Springs, CO 80903	DATE FILED: November 4, 2021, 7:57 AM DATE FILED: November 3, 2021
IN THE MATTER OF THE ORGANIZATION OF THE ELLSTON PARK METROPOLITAN DISTRICT	
	▲ COURT USE ONLY ▲
	Case Number: 2021CV030960 Div.: 9
<b>Decree Forming the District</b>	

THIS MATTER coming before the Court upon the Certificate of Election Results heretofore filed herein, and the Court having considered said Certificate of Election Results:

THAT a petition for the organization of the proposed Ellston <sup>Park</sup> Gardens Metropolitan District was heretofore filed and presented to the Court in conformity with the statutes; (js)

~~THAT the allegations of the said petition are true;~~ (js)

THAT said petition was signed by or consented to by not less than thirty percent (30%) of the qualified electors of the proposed District;

THAT notice of hearing on said petition was given for the time and in the manner prescribed by law;

THAT notice thereof was duly mailed to the City of Colorado Springs and to other potentially interested Districts or Municipalities as set forth in the Proof of Mailing Notice;

~~THAT the Clerk of the Court caused publication and mailing as required by law;~~ (js)

THAT a check in the amount of One Hundred Dollars (\$100.00) had previously been accepted by the Court in lieu of bond for the purpose of paying all expenses connected with the proceedings in case the organization of said District would be not effected;

THAT a Service Plan was approved by the City Council of the City of Colorado Springs, Colorado and a Resolution to that effect has been filed with the Court;

THAT the question of the organization of said proposed Metropolitan District together with the election of the initial directors and the approval of various other ballot issues was by order of this Court duly entered and submitted to the taxpaying electors of said proposed District;

THAT said organizational election for the proposed District was held pursuant to a mail ballot election and was done in conformity with the Colorado election laws;;

THAT said election was held and conducted as an organizational election pursuant to and in the manner as provided by the election laws of the State of Colorado;

THAT Sunde King was appointed as the Designated Election Official and in turn appointed election judges;

THAT notice of said election was given and published as required by the laws of the State of Colorado and that notices were given in conformity with law;

THAT the Judges of said election have duly submitted to this Court, filed therein the Returns of said election;

THAT at said election a total of ten (10) ballots were cast with ten (10) ballots in favor of the organization of said proposed Ellston Park Metropolitan District and there were no votes opposed to the formation and that there were no spoiled or defective ballots and that there were no unused ballots;

THAT at said election the number of votes cast for Directors of said District for a term to serve until the second regular election to be held in 2023 were as follows: Edward H. Houle (10 votes), Daniel D. Rivers (10 votes), and William F. Herebic II (10 votes); and the number of votes cast for Directors of said District for a term to serve until the first regular election to be held in 2022 were as follows: Douglas V. Plott (10 votes) and John Solomonsen (10 votes).

THAT certain other ballot issues, being lettered 5B1 through 5B13 as set forth in the official ballot on file with the Court, were also approved each with ten (10) affirmative votes and no negative votes.

~~THAT in accordance with Section 32-1-1101(3)(a) C.R.S., it is hereby found, determined and declared:~~

~~(a) the interest of the District and the public interest and necessity demand the acquisition, construction, installation, and completion of improvements to carry out the objects and purposes of the District requiring the creation of general obligation indebtedness;~~

~~(b) the objects and purposes for which the indebtedness is proposed is the acquisition, construction, installation, and completion of municipal infrastructure as more particularly stated in the ballot questions set forth in the official ballot on file with this Court;~~

(c) ~~estimated costs of the improvements is not greater than the amount of principal to be incurred therefore, being \$750,000 for the costs of operations, \$15,000,000 in principal amount for street improvements, \$15,000,000 for a potable water system, \$15,000,000 for a wastewater system, \$15,000,000 for traffic control, \$15,000,000 in principal amount for park and recreation facilities, \$15,000,000 for mosquito control, and \$15,000,000 in principal amount for refunding, and the amount of principal to be incurred therefore does not exceed such amounts;~~

(d) ~~no part of the estimated cost of the improvements to be constructed by this proposed District is to be defrayed out of any state or federal grant; and~~

(e) ~~the net effective interest rate to be paid on the debt is 18% per annum.~~

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the said Ellston Park Metropolitan District be, and the same is, hereby ordered and declared duly organized under the laws of the State of Colorado.

2. That the corporate name of said District is and shall hereafter be known as Ellston Park Metropolitan District.

3. That the said Ellston Park Metropolitan District shall have and exercise through its proper officers all of the power and authority confirmed upon it by statute and all amendments thereto.

4. That the following are, pursuant to vote of said election and by order of this Court, duly designated as the first Board of Directors of said Ellston Park Metropolitan District for the terms set opposite each of their respective names, to wit: Edward H. Houle, Daniel D. Rivers, and William F. Herebic II to serve until the second regular election to be held in 2023; and Douglas V. Plott and John Solomonsen to serve until the first regular election to be held in 2022.

5. That said District be and the same hereby is declared, created and established as a governmental subdivision of the State of Colorado and is a body corporate with all of the powers of a public or quasi-municipal corporation; that the said Board of Directors herein named shall have, and they are hereby vested with, all of the powers, duties and obligations as Directors of the said Ellston Park Metropolitan District as conferred and provided by the Statutes of the State of Colorado and all amendments thereto as made by law hereinafter be provided.

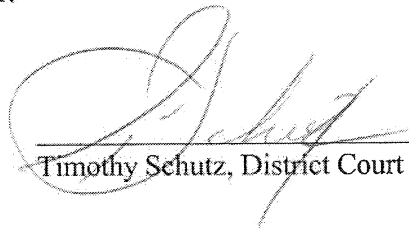
6. That the boundaries of said Ellston Park Metropolitan District and the territory to be included therein is as described on the attached legal description.

7. That the Certificate of said Judges of Election heretofore filed herein being the same hereby is in all respects approved and confirmed.

8. That copies of the Findings and Decree of the Court incorporating this District shall be filed in the manner as provided by the Statutes of the State of Colorado.

9. That the total sum of One Hundred Dollars (\$100.00) has previously been accepted by the Court in lieu of a bond for the purpose of paying all expenses connected with the proceedings in case the organization of said Ellston Park Metropolitan District; and insofar as the formation of this District has been effected, the Clerk of the Court is authorized to return the sum of One Hundred Dollars (\$100.00) to the firm of Susemihl, McDermott & Downie , P.C.

DONE this 5<sup>th</sup> day of November 2021.

  
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Timothy Schutz, District Court Judge



State of Colorado, County of El Paso  
Certified to be a true, and correct  
copy of the original in my custody.

NOV 16 2021

SHERI KING  
CLERK OF THE DISTRICT/COUNTY COURT  
By  Deputy

PARCEL A:

LOT 1, BLOCK 1, CELEBRITY GOLF AND FAMILY FUN CENTER FILING NO. 1, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO ACCORDING TO THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK H-5, AT PAGE 198 OF THE EL PASO COUNTY RECORDS.

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THE DESCRIBED TRACT CONTAINS 6.377 ACRES, MORE OR LESS.

PARCEL B:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 25 AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 67 WEST OF THE 6th P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25;

THENCE N00°10'01"E ON THE EAST LINE OF HOLLAND PARK WEST SUBDIVISION FILING NO. 2 AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK G-3 AT PAGE 31 OF THE EL PASO COUNTY RECORDS A DISTANCE OF 367.93 FEET;

THENCE N38°27'34"E CONTINUING ON THE EAST LINE OF SAID SUBDIVISION AND ALONG THE EAST LINE OF HOLLAND PARK WEST SUBDIVISION FILING NO. 1 AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK F-3 AT PAGE 89 OF SAID EL PASO COUNTY RECORDS A DISTANCE OF 220.57 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, CELEBRITY GOLF AND FAMILY FUN CENTER FILING NO. 1, AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK H-5 AT PAGE 198 OF SAID EL PASO COUNTY RECORDS;

THE FOLLOWING EIGHT (8) COURSES ARE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 1;

1. THENCE S60°32'52"E A DISTANCE OF 113.99 FEET;
2. THENCE S00°00'00"E A DISTANCE OF 218.93 FEET;
3. THENCE N90°00'00"E A DISTANCE OF 168.50 FEET;
4. THENCE S00°00'00"E A DISTANCE OF 50.50 FEET;
5. THENCE N90°00'00"E A DISTANCE OF 120.00 FEET;
6. THENCE N00°00'00"E A DISTANCE OF 50.50 FEET;
7. THENCE N90°00'00"E A DISTANCE OF 149.97 FEET;
8. THENCE S01°16'44"E A DISTANCE OF 254.94 FEET TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK 1, CHESTNUT PARK FILING NO. 2 AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 214713495 OF SAID EL PASO COUNTY RECORDS;

THE FOLLOWING THREE (3) COURSES ARE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF SAID LOT 1;

1. THENCE S88°43'16"W A DISTANCE OF 33.91 FEET;
2. THENCE S01°16'44"E A DISTANCE OF 210.00 FEET;
3. THENCE S17°56'24"E A DISTANCE OF 156.57 FEET TO THE NORTHWEST CORNER OF BLOCK 1, SUMAN'S SUBDIVISION AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK J-2 AT PAGE 71 OF SAID EL PASO COUNTY RECORDS;

THENCE S04°51'28"E ON THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 385.07 FEET TO THE SOUTHWEST CORNER THEREOF AND A POINT ON THE NORTH LINE OF THE TRACT DESCRIBED IN BOOK 1569 AT PAGE 641 OF SAID EL PASO COUNTY RECORDS;

THE FOLLOWING THREE (3) COURSES ARE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY BOUNDARY OF SAID TRACT;

1. THENCE S88°43'16"W A DISTANCE OF 330.34 FEET;
2. THENCE S04°18'44"E A DISTANCE OF 300.55 FEET;
3. THENCE N88°43'16"E A DISTANCE OF 174.25 FEET TO THE NORTHWEST CORNER OF THE TRACT DESCRIBED IN BOOK 1913 AT PAGE 809 OF SAID EL PASO COUNTY RECORDS;

THENCE S04°15'16"E ON THE WEST LINE OF SAID TRACT AND THE WEST LINE OF LOT 3, FILLMORE WEST RETAIL CENTER FILING NO. 3 AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 216713857 OF SAID EL PASO COUNTY RECORDS A DISTANCE OF 252.03 FEET, MORE OR LESS TO AN ANGLE POINT IN SAID LOT 3 AND A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36;

THENCE S88°45'37"W ON SAID SOUTH LINE A DISTANCE OF 611.35 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER;

THENCE N00°02'24"E ON THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER SAID LINE BEING COINCIDENTAL WITH THE EAST LINE OF FILLMORE HEIGHTS SUBDIVISION FILING NO. 2 AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 98136750 OF SAID EL PASO COUNTY RECORDS A DISTANCE OF 1219.10 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED TRACT CONTAINS 23.013 ACRES, MORE OR LESS.

Parcel A is EPC Parcel #7325415008

Parcel B is EPC Parcel #7336100046