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<p>DISTRICT COURT, EL PASO COUNTY, COLORADO</p> <p>Judicial Building 20 East Vermijo Avenue Colorado Springs, Colorado 80903</p>	<p>▲COURT USE ONLY▲</p> <p>Case No. 02 CV 3077</p> <p>Div.: 3 Ctrm.</p>
<p>IN RE THE ORGANIZATION OF THE UPPER COTTONWOOD CREEK METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO</p> <p>By the Court</p>	
<p>ORDER OF INCLUSION</p>	

THIS MATTER having come before the Court and the Court having examined the certified copy of Resolution with attached petitions and the affidavit of publication of hearing on petitions for inclusion on file in this proceeding:

IT IS ORDERED:

That pursuant to Section 32-1-401(1)(c)(I), C.R.S., as amended, the land and property hereinafter described shall be, and are hereby included within the boundaries of the Upper Cottonwood Creek Metropolitan District.

The names and addresses of the owners of said properties to be included within the boundaries of the District and the legal descriptions thereof are as follows:

Owner:	Chris Marc Chad, LLC, a Colorado limited liability company
Address:	4065 North Sinton Road, Suite 200 Colorado Springs, Colorado 80907
Legal Description:	See Exhibit A attached hereto and incorporated herein by this reference
Owner:	David D. Jenkins, an individual
Address:	4065 North Sinton Road, Suite 200 Colorado Springs, Colorado 80907
Legal Description:	See Exhibit B attached hereto and incorporated herein by this reference

Owner: Westcreek at Wolf Ranch, LLC, a Colorado limited liability company  
Address: 4065 North Sinton Road, Suite 200  
Colorado Springs, Colorado 80907  
Legal Description: See Exhibit C attached hereto and incorporated herein by this reference

DONE this 31 day of JANUARY, 2003.

BY THE COURT:

THOMAS K KANE  
JUDGE

\_\_\_\_\_  
Judge

Robert C. Balink El Paso Cty, CO  
02/11/2003 11:49  
Doc \$0.00 Page  
Rec \$25.00 2 of 5

203030971

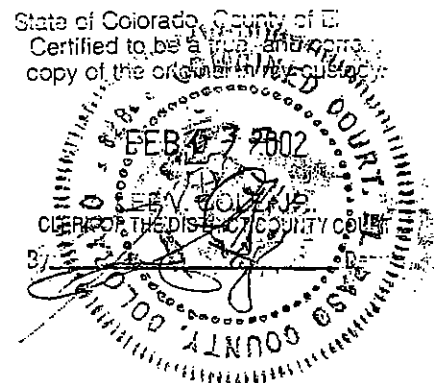


EXHIBIT A

LEGAL DESCRIPTION

PARCEL D:

A TRACT OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL BEING MONUMENTED AT THE WESTERLY END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "JR ENG LTD RLS 10377" AND AT THE EASTERLY END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "JR ENG LTD RLS 10377", BEING ASSUMED TO BEAR N 89 DEGREES 27 MINUTES 43 SECONDS E, A DISTANCE OF 2640.12 FEET.

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH ONE HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 36, SAID POINT BEING THE POINT OF BEGINNING; THENCE N 89 DEGREES 27 MINUTES 43 SECONDS E ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 933.19 FEET; THENCE S 43 DEGREES 37 MINUTES 24 SECONDS W, A DISTANCE OF 525.18 FEET; THENCE S 89 DEGREES 08 MINUTES 42 SECONDS W, A DISTANCE OF 160.09 FEET, SAID POINT BEING ON THE PROPOSED RIGHT-OF-WAY LINE OF POWERS BOULEVARD AS DOCUMENTED IN DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS PROJECT NO. CR 200-070 UNIT #3;

THENCE ON SAID PROPOSED RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES:

1. N 45 DEGREES 51 MINUTES 18 SECONDS W, A DISTANCE OF 75.78 FEET;
2. N 49 DEGREES 13 MINUTES 53 SECONDS W, A DISTANCE OF 385.02 FEET;
3. N 52 DEGREES 55 MINUTES 37 SECONDS W, A DISTANCE OF 697.68 FEET;

THENCE N 43 DEGREES 37 MINUTES 22 SECONDS E, A DISTANCE OF 700.47 FEET TO A POINT ON THE WEST LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE S 00 DEGREES 34 MINUTES 34 SECONDS E ALONG SAID WEST LINE, A DISTANCE OF 858.10 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

A tract of land being the South One-Half of the Southeast One-Quarter of Section 31, Township 12 South, Range 65 West of the Sixth Principal Meridian, except the Easterly 30.00 feet thereof, together with the Southeast One-Quarter of the Southwest One-Quarter of said Section 31 and together with Government Lots 1, 2 and 3 of Section 6, Township 13 South, Range 65 West of the Sixth Principal Meridian, except the Easterly 30.00 feet of said Government Lot 1, County of El Paso, State of Colorado, being additionally described as follows:

Basis of bearings: The South line of the Southeast One-Quarter of said Section 31, Township 12 South, Range 65 West of the Sixth Principal Meridian, the Southeast corner being monumented by a recovered illegible pin and cap and at the South Quarter corner of said Section 31 by a recovered 3/4" O.D. iron pipe replaced with 3-1/4" aluminum cap stamped LS 10377 with appropriate markings, being considered to bear N89°16'35"E, a distance of 2619.69 feet.

Commencing at the Southeast corner of said Section 31, also being the Northeast corner of said Section 6; thence S89°16'35"W along the South line of the Southeast One-Quarter of said Section 31, a distance of 30.01 feet to the point of beginning; thence S00°44'53"W along a line 30.00 feet Westerly of and parallel with the East line of the Northeast One-Quarter of said Section 6, a distance of 1257.90 feet to a point on the South line of Government Lot 1; thence S88°37'54"W along the South line of Government Lots 1, 2 and 3, a distance of 3891.13 feet to the Southwest corner of Government Lot 3; thence N00°26'25"E along the West line of Government Lot 3, a distance of 1301.83 feet to the Southwest corner of the Southeast One-Quarter of the Southwest One-Quarter of said Section 31; thence N00°29'22"W along the West line of the Southeast One-Quarter of the Southwest One-Quarter of said Section 31, a distance of 1320.41 feet to the Northwest corner of the Southeast One-Quarter of the Southwest One-Quarter of said Section 31; thence N89°18'13"E along the North line of the Southeast One-Quarter of the Southwest One-Quarter of said Section 31, a distance of 1310.34 feet to the Northwest corner of the South One-half of the Southeast One-Quarter of said Section 31; thence N89°17'13"E along the North line of the South One-Half of the Southeast One-Quarter of said Section 31, a distance of 2593.23 feet; thence S00°11'34"E along a line 30.00 feet Westerly of and parallel with the East line of the Southeast One-Quarter, a distance of 1319.65 feet to the point of beginning, being those parcels of land described as Parcel B and Parcel D as contained in the deed recorded in Book 5801 at Page 59, records of El Paso County, Colorado.

02/11/2003 11:49

203030971

Doc \$0.00 Page

Rec \$25.00 5 of 5

## PARCEL B:

A TRACT OF LAND BEING A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN AND ALSO BEING A PORTION OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

## BASIS OF BEARINGS:

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE SOUTHERLY END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "LS 10956" AND AT THE NORTHERLY END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "LS 10956", BEING ASSUMED TO BEAR S 00 DEGREES 35 MINUTES 24 SECONDS E, A DISTANCE OF 2640.56 FEET.

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 36, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S 00 DEGREES 35 MINUTES 24 SECONDS E ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 1320.28 FEET TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE S 00 DEGREES 07 MINUTES 35 SECONDS E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 1209.34 FEET; THENCE CONTINUING S 00 DEGREES 07 MINUTES 35 SECONDS E ALONG SAID EAST LINE, A DISTANCE OF 1209.34 FEET; THENCE N 22 DEGREES 02 MINUTES 16 SECONDS W, A DISTANCE OF 364.42 FEET; THENCE N 42 DEGREES 08 MINUTES 30 SECONDS W, A DISTANCE OF 134.30 FEET; THENCE S 50 DEGREES 30 MINUTES, 50 SECONDS W, A DISTANCE OF 6.81 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE PROPOSED RIGHT-OF-WAY OF POWERS BOULEVARD AS DOCUMENTED IN DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS PROJECT NO. CR 200-070 UNIT #2; THENCE ON SAID PROPOSED RIGHT-OF-WAY OF POWERS BOULEVARD, THE FOLLOWING FIVE (5) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS S 70 DEGREES 44 MINUTES 48 SECONDS W, HAVING A DELTA OF 09 DEGREES 22 MINUTES 24 SECONDS, A RADIUS OF 5271.66 FEET, A DISTANCE OF 862.42 FEET TO A POINT ON CURVE;
2. CONTINUING ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 09 DEGREES 22 MINUTES 24 SECONDS, A RADIUS OF 5271.66, A DISTANCE OF 862.42 FEET TO A POINT OF TANGENT;
3. N 37 DEGREES 33 MINUTES 51 SECONDS W, A DISTANCE OF 730.31 FEET;
4. N 33 DEGREES 14 MINUTES 04 SECONDS W, A DISTANCE OF 151.53 FEET TO A POINT ON CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS S 51 DEGREES 21 MINUTES 45 SECONDS W, HAVING A DELTA OF 06 DEGREES 28 MINUTES 03 SECONDS, A RADIUS OF 5051.00 FEET, A DISTANCE OF 570.15 FEET TO A POINT ON CURVE;

THENCE N 01 DEGREES 53 MINUTES 54 SECONDS W, A DISTANCE OF 158.67 FEET; THENCE N 43 DEGREES 37 MINUTES 24 SECONDS E, A DISTANCE OF 685.42 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTHEAST QUARTER OF SECTION 36; THENCE N 89 DEGREES 27 MINUTES 43 SECONDS E ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 738.00 FEET; THENCE

CONTINUING N 89 DEGREES 27 MINUTES 43 SECONDS E ON SAID NORTH LINE, A DISTANCE OF 738.93 FEET TO THE POINT OF BEGINNING.