

**RESOLUTION AND ORDER FOR EXCLUSION OF PROPERTY
BY THE
BOARD OF DIRECTORS
OF THE
WOODMEN HEIGHTS METROPOLITAN DISTRICT NO. 1**

(Trails East HOA Parcel)

WHEREAS, TRAILS EAST HOMEOWNERS ASSOCIATION, INC., a Colorado nonprofit corporation, whose address is 6015 Lehman Drive, Suite 2015, Colorado Springs, Colorado (the “**Petitioner**”), filed with the Woodmen Heights Metropolitan District No. 1 (the “**District**”) a Petition for Exclusion of Real Property (the “**Petition**”), a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference; and

WHEREAS, the Petitioner represents that it is the one hundred percent (100%) fee owner of the real property described in the Petition (the “**Property**”); and

WHEREAS, the Petition requests that the Board of Directors of the District (the “**Board**”) exclude the Property from the District, in accordance with § 32-1-501(1), C.R.S.; and

WHEREAS, pursuant to the provisions of § 32-1-501(2), C.R.S., publication of notice of the filing of the Petition and the place, time and date of the meeting at which the Petition would be considered, the name and address of the Petitioner, a general description of the area proposed for exclusion, and notice that all persons interested shall appear at the time and place and show cause in writing why the Petition should not be granted, was made in *The Gazette* on June 30, 2017. The Affidavit of Publication is attached hereto as **Exhibit B** and incorporated herein by this reference (the “**Affidavit of Publication**”); and

WHEREAS, no written objection to the exclusion was filed by any person; and

WHEREAS, the Petition was heard at a public meeting of the Board the District held on July 11, 2017, at the hour of 1:00 p.m.; and

WHEREAS, the Board has reviewed the Petition and all relevant information related thereto; and

WHEREAS, subject to the conditions set forth herein, the Board desires to approve the exclusion of the Property from the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Findings. Pursuant to and in accordance with § 32-1-501(3), C.R.S., the Board hereby makes the following findings:

a. Exclusion of the Property is in the best interests of the Property, the District, the City, and the County in that it implements the District's Consolidated Service Plan, as amended, and approved by the City of Colorado Springs on March 13, 2012 (the "**Service Plan**"), ensures that the Property will not be unduly burdened by unnecessary or overlapping tax burdens, and ensures that public improvements will be provided to the Property at the time when they are needed and not sooner, based on planned development phasing, and allows the Property to be included in one of the Woodmen Heights Metropolitan District Nos. 1-3.

b. The extraordinary benefits to the Property explained above outweigh the negligible cost of the exclusion.

c. The District's ability to provide economical and sufficient service to the Property and all of the properties within the District's boundaries will not be diminished following exclusion of the Property.

d. After exclusion, economical and sufficient services will still be available to the Property.

e. After exclusion from the District, the Petitioner intends to include the Property within the boundaries of the Woodmen Heights Metropolitan District No. 2 as it develops, which other special district will provide similar services to the Property at a reasonable cost and will be able to pace the development of public improvements and services, and financing of the same, based on the needs of the community.

f. The denial of the Petition will result in the inability of the Petitioner to proceed with its development plans, which will result in the inability to create construction jobs and will have a negative economic impact on the region, the District, the surrounding area, and the State as a whole.

g. There is economically feasible alternative service available to the Property from one of the Woodmen Heights Metropolitan District Nos. 1-3.

h. There will be no additional costs levied on other property within the District if the exclusion is granted.

2. Grant of Exclusion. The Board hereby grants the Petition and orders the exclusion of the Property from the District.

3. Debt. Pursuant to § 32-1-503(1), C.R.S., once excluded, the Property shall remain liable for its proportionate share of the principal and interest on any outstanding bonded indebtedness of the District existing immediately prior to the effective date of the exclusion order.

4. Certified Resolution. This Resolution shall be certified and filed with the Clerk of the District Court of El Paso County, Colorado in accordance with § 32-1-501(4)(b), C.R.S.

5. Motion and Order for Exclusion. The Board hereby directs its legal counsel to file a motion with the District Court seeking an Order for Exclusion.

Remainder of page intentionally left blank. Signature page follows.

ADOPTED this 11th day of July, 2017.

WOODMEN HEIGHTS METROPOLITAN
DISTRICT NO. 1



Officer of the District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

CERTIFICATION OF RESOLUTION

I hereby certify that the foregoing constitutes a true and correct copy of the Resolution and Order for Exclusion of Real Property adopted by the Board at a meeting held on June 14, 2017, at 102 E. Pikes Peak Avenue, Suite 200, Colorado Springs, Colorado.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of July, 2017.



Signature



Printed Name

**EXHIBIT A
TO RESOLUTION AND ORDER FOR EXCLUSION OF PROPERTY**

(Petition for Exclusion)

EXHIBIT B
TO RESOLUTION AND ORDER FOR EXCLUSION OF PROPERTY

(Affidavit of Publication)