

## RESOLUTION 2023-07

### RESOLUTION OF THE BOARD OF DIRECTORS OF TRIVIEW METROPOLITAN DISTRICT EXCLUDING TRACTS D AND E OF THE CONEXUS FILING NO. 2 FROM THE DISTRICT

WHEREAS, the Board of Directors for the Triview Metropolitan District ("District") has received a Petition for Exclusion to remove real property located with the boundaries of the District and its service area. The Petition for Exclusion and its attachment are part of the record. The name and address of the petitioning party ("Petitioner") is as follows:

Conexus, LLC  
2 N. Cascade Ave, Suite 1280  
Colorado Springs, Colorado 80903

The legal description of the real property that is the subject matter of the Petition for Exclusion is Tracts D and E of the Conexus Filing No. 2, recorded at Reception No. 222715014 with the El Paso County Clerk and Recorder and is shown on the attached **Exhibit A** ("Subject Property");

WHEREAS, the District recognizes that Petitioner is the 100% owner of the Subject Property;

WHEREAS, notice of the Petition for Exclusion and this public hearing was given on August 15, 2023, in the Colorado Springs Gazette.

WHEREAS, the District has investigated this matter and has determined that the assertions of the Petition for Exclusion are true, and that exclusion of the Subject Property is appropriate, is not detrimental to the District, is in the best interest of the District, and conforms to the statutory requirements set forth in § 32-1-501, C.R.S., to wit:

Best Interest: The Subject Property is of such a nature as to be of limited developable quality at this time and, as such, has limited potential to generate tax revenue for the District. The District would be relieved from any responsibilities to maintain the Subject Property if excluded. The Subject Property may potentially be transferred by Petitioner to the Town of Monument for open space purposes or other uses to benefit the public. Such public benefit is good for the community while also relieving the District of any responsibility for the Subject Property, which is beneficial for the District.

Cost and Benefit: The Subject Property will not be hindered in any way by the exclusion from the District as the Subject Property has minimal developable value.

Provision of Service by District: As the Subject Property appears to be minimally developable, the District would find it difficult to economically and sufficiently

provide services to the Subject Property.

Provision of Service by Others: As the Subject Property appears to be minimally developable and is looking to be utilized for public purposes by the Town of Monument, there should be no issue with the Town of Monument providing any necessary services that may arise for the Subject Property.

Economic Conditions: The District foresees no meaningful economic impact or employment impact for excluding the Subject Property.

Alternative: As service needs for the Subject Property will likely be minimal in the future, if at all, and since the Subject Property may be transferred to the Town of Monument, there is not a more economically feasible alternative to the exclusion of the Subject Property.

Additional Cost: The District foresees no additional cost or levy on other property within the District to make up for the exclusion of the Subject Property.

NOW, THEREFORE, be it resolved and ordered by the Board of Directors of the Triview Metropolitan District, as follows:

1. The Petition for Exclusion submitted by the Petitioner is approved and the **Exhibit A** real property (i.e. Subject Property) is hereby excluded from the boundaries of the District, subject to the Order of the District Court of El Paso County and subject to Paragraph 2, below.

2. The District is already the owner of the Denver Basin groundwater underlying the Subject Property. However, in order to keep El Paso County records and title sufficiently clear, Petitioner shall deed to Triview all underlying Denver Basin groundwater by deed that is the same as or substantially similar to the attached **Exhibit B**. As such, the District will not seek an order of the District Court of El Paso County excluding the Subject Property until such deed is received from the Petitioner.

3. The Subject Property shall no longer be subject to future taxes, levies, or other assessments of the District.

4. The Subject Property shall be relieved of any responsibility for prior bonded indebtedness as the Subject Property's tax contribution to retiring such bonded indebtedness is negligible.

5. The Subject Property and its owners shall no longer be bound by all existing and future rules, regulations, rate structures, and policies of the District.

THEREFORE, this Resolution was enacted by the Board of Directors of the Triview Metropolitan District on this 17<sup>th</sup> day of August, 2023, at the Board's regular meeting where a quorum was present, and proper public notice having been made. This Resolution shall be effective immediately.

  
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Mark Melville, District President

ATTEST:

  
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James Barnhart, District Secretary



## **EXHIBIT A TO QUITCLAIM DEED**

(Denver Basin Aquifer Approximate Amounts)

### **Dawson Aquifer:**

4,909 acre-feet (49.09 acre-feet annually for 100 years) as proportional allocation based on the water right adjudication in Case No. 82CW22, District Court, Water Division 2.

### **Denver Aquifer, Actual Replacement:**

2,148 acre-feet (21.48 acre-feet annually for 100 years) as proportional allocation based on the water right adjudication in Case No. 85CW13, District Court, Water Division 2.

### **Denver Aquifer, 4% Replacement:**

10,137 acre-feet (101.37 acre-feet annually for 100 years) as proportional allocation based on the water right adjudication in Case No. 85CW13, District Court, Water Division 2.

### **Arapahoe Aquifer, Not-Nontributary:**

1,130 acre-feet (11.3 acre-feet annually for 100 years) as proportional allocation based on the water right adjudication in Case No. 87CW40, District Court, Water Division 2.

### **Arapahoe Aquifer, Nontributary:**

8,840 acre-feet (88.4 acre-feet annually for 100 years) as proportional allocation based on the water right adjudication in Case No. 81CW173, District Court, Water Division 2.

### **Laramie-Fox Hills Aquifer, Nontributary:**

5,006.5 acre-feet (50.065 acre-feet annually for 100 years) as proportional allocation based on the water right adjudication in Case No. 81CW173, District Court, Water Division 2.