

NOTICE OF ADOPTED ORDINANCE

Pursuant to Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council did adopt the following named and described Ordinance during a Regular Meeting on September 20, 2016 which commenced at 6:00 P.M. at the Castle Rock Town Council Chambers, 100 N. Wilcox St. Castle Rock, CO 80104

Title of Adopted Ordinance:

Ordinance No. 2016- 027

AN ORDINANCE AUTHORIZING THE ORGANIZATION OF THE MILLER'S LANDING BUSINESS IMPROVEMENT DISTRICT, DESIGNATING THE SERVICE AREA OF THE DISTRICT AS A LOCATION FOR NEW BUSINESS OR COMMERCIAL DEVELOPMENT, APPOINTING THE BOARD OF DIRECTORS, AND PLACING CERTAIN RESTRICTIONS AND LIMITATIONS ON THE EXERCISE OF DISTRICT POWERS PRIOR TO APPROVAL OF AN OPERATING PLAN AND BUDGET FOR THE DISTRICT

Subject Matter Summary:

The proposed Ordinance authorizes the organization of the Miller's Landing Business Improvement District in accordance with C.R.S., 31-25-1201, et seq., designates the service area of the District as a location for new business or commercial development, appoints the board of directors, and places certain restrictions and limitations on the exercise of District powers prior to approval of an operating plan and budget for the District

The entire text of the proposed ordinance is contained herein, and copies of all documents are available for public inspection at the office of the Town Clerk, 100 North Wilcox, Castle Rock, Colorado 80104 during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication Date: September 23, 2016

ORDINANCE NO. 2016-027

AN ORDINANCE AUTHORIZING THE ORGANIZATION OF THE MILLER'S LANDING BUSINESS IMPROVEMENT DISTRICT, DESIGNATING THE SERVICE AREA OF THE DISTRICT AS A LOCATION FOR NEW BUSINESS OR COMMERCIAL DEVELOPMENT, APPOINTING THE BOARD OF DIRECTORS, AND PLACING CERTAIN RESTRICTIONS AND LIMITATIONS ON THE EXERCISE OF DISTRICT POWERS PRIOR TO APPROVAL OF AN OPERATING PLAN AND BUDGET FOR THE DISTRICT

WHEREAS, on August 8, 2016, a "Petition for the Organization of the Miller's Landing Business Improvement District" (the "Petition"), attached as *Exhibit 1* was filed in the office of the Town Clerk pursuant to the Business Improvement District Act, C.R.S., §31-25-1201, *et seq.* (the "Act"),

WHEREAS, the Petition seeks formation of a business improvement district pursuant to the Act with a corporate boundary and service area described in the attached *Exhibit 2* (the "Service Area"),

WHEREAS, by Resolution 2016-076 the Town Council accepted the Petition and set a public hearing on September 6, 2016 to consider the approval and adoption of an enabling ordinance for formation of the Miller's Landing Business Improvement District (the "District").

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Finding of Petition Sufficiency. The Town Council finds and determines:

A. The Petition is in the proper form and contains the information as required under §31-25-1205 of the Act.

B. The Petitioners own (i) more than 50% of the acreage within the proposed District Service Area and (ii) the property owned by the Petitioners comprises more than 50% of the total valuation of all property within the Service Area based the most recent real property assessment.

C. The allegations of the Petition are true.

D. The Petitioners have furnished a sufficient cash deposit to meet the requirements of §31-25-1205(3) of the Act.

E. The properties comprising the proposed District are contained entirely within the corporate limits of the Town of Castle Rock and no property within the proposed District is currently situated within a Business Improvement District.

Section 2. Notice and Hearing. A hearing on the formation of the District was held in compliance with the Act on September 6, 2016. Notice of such hearing was made in accordance with §31-25-106. Notice of the first reading of this Ordinance 2016-027 was given in accordance with the

Charter and ordinances of the Town of Castle Rock. Consequently, the Town Council has jurisdiction to adjudicate all matters addressed in this Ordinance.

Section 3. Designation of New Business or Commercial Development. The Service Area in its entirety is designated a “location for new business or commercial development” under §31-25-1203 of the Act and in support thereto, the Town Council finds and determines:

A. The properties with in the Service Area are unimproved and are not in active commercial use.

B. Based on the 2020 Comprehensive Plan and current zoning and land use entitlements of the properties within the Service Area, the Service Area will develop as predominately commercial and light industrial use.

C. The Service Area is subject to the Citadel Station – Castle Meadows Urban Renewal Plan.

Section 4. Requirements and Conditions Met. The Petitioners have met all requirements and conditions imposed by the Act to enable the Town Council to approve formation of the Miller’s Landing Business Improvement District. The type of services and improvements to be provided by the District best satisfy the purposes of a Business Improvement District under the Act.

Section 5. Approval of District Organization. The Town Council approves organization of the “Miller’s Landing Business Improvement District” as a quasi-municipal corporation and political subdivision of the State of Colorado. The District shall have all powers and authority granted under the Business Improvement District Act, subject to the terms, conditions and restrictions on such power and authority imposed by this Ordinance 2016-027. The boundaries and Service Area of the District are as described in the Petition and in the attached *Exhibit 2* to this Ordinance.

Section 6. Board of Directors. The Board of Directors shall be constituted of five electors of the District appointed by the Town Council to serve at the pleasure of the Town Council. The provisions of §31-25-1209 shall be fully applicable to the Board of Directors. The following qualified electors of the District are appointed to the Board of Directors:

- Hampton Barclay
- John “Duke” Saeman
- Cheryl Temple
- Shawn Temple
- Tracy Wilkes

Section 7. Limitation on District Powers. The District shall not issue bonds, levy taxes, fees or assessments, undertake development of improvements or provide services until (i) the Town Council has approved an operating plan and budget for the District in compliance with the Act, (ii) the Town has granted necessary rezoning approvals for the proposed Miller’s Landing commercial

project, and (iii) the Castle Rock Urban Renewal Authority has approved a Public Finance Agreement for such project. However irrespective of the foregoing limitation, the Board of Directors may take all necessary action to obtain electorate approval on November 8, 2016 for authorization of debt issuance, imposition of property tax and other matters pursuant to and in compliance with Article X, Section 20 of the Colorado Constitution (TABOR) and §31-25-1222 of the Act.

Section 8. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

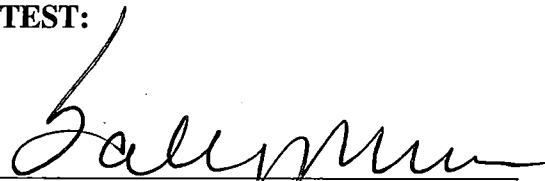
Section 9. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.


APPROVED ON FIRST READING this 6 day of September 2016 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 20 of September 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of 7 for and 0 against.

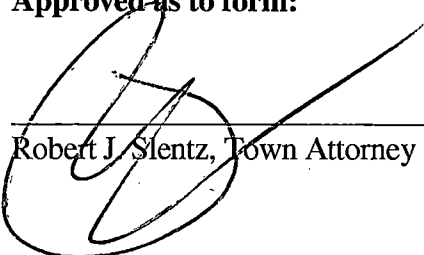
ATTEST:

TOWN OF CASTLE ROCK


Sally Misare, Town Clerk


Paul Donahue, Mayor

Approved as to form:


Robert J. Slentz, Town Attorney

**PETITION FOR THE ORGANIZATION OF THE MILLER'S LANDING
BUSINESS IMPROVEMENT DISTRICT**

The undersigned persons, owners of taxable real or personal property in the service area of the proposed Miller's Landing Business Improvement District, hereby petition the Mayor and the Town Council of the Town of Castle Rock ("Town Council") for the organization of said district in accordance with the provisions of the "Business Improvement District Act," Part 12 of Article 25 of Title 31, Colorado Revised Statutes.

In support of this petition, petitioners state:

1. The name of the proposed district shall be the Miller's Landing Business Improvement District ("BID" or "proposed district").
2. The service area of the BID will include a parcel of land generally located to the north and west of the intersection of Interstate 25 and W. Plum Creek Parkway, as more particularly described and depicted in the legal description and map attached hereto and incorporated herein. The boundaries of the BID include all taxable real and personal property within the service area perimeter classified as commercial property as defined in the Business Improvement District Act, Section 31-25-1203(2), C.R.S. The service area is an area to be designated by the Town, after public notice and hearing, as a location for new business or commercial development, pursuant to Section 31-25-1203(10), C.R.S. The service area of the BID is not within any existing business improvement district.
3. Except as limited in the annual operating plan approved by Town Council pursuant to Section 31-25-2011, C.R.S., the services and improvements to be provided by the BID include all services and improvements authorized by the Business Improvement District Act together with all duties and functions authorized by said Act.
4. Three persons who represent the petitioners and who have the power to enter into agreements relating to the organization of the BID are as follows:

Hampton Barclay
P3 Advisors
4161 Hooker St
Denver, CO 80211

Scott Springer
P3 Advisors
135 South LaSalle Street, Suite 3025
Chicago, IL 60603

Shawn Temple
P3 Advisors
135 South LaSalle Street, Suite 3025

Chicago, IL 60603

5. This petition is signed by persons owning taxable real or personal property in the service area of the proposed district having a valuation for assessment of not less than fifty percent of the total valuation for assessment of real and personal property in the service area as shown on the tax rolls of the Douglas County Assessor and by persons owning at least fifty percent of the acreage in the proposed district.

6. This petition is filed with a bond or a cash deposit in an amount sufficient, as determined by Town Council, to cover all municipal expenses connected with the organizational proceedings in case the organization of the proposed district is not effected. If at any time during the organizational process Town Council determines that the amount of the initial bond or cash deposit is not sufficient to cover such costs, it may require the execution of an additional bond or the deposit of additional cash, in an amount determined by Town Council. Petitioners acknowledge that failure to file such additional bond or deposit within the time fixed, which shall not be less than ten days, will result in dismissal of the petition.

WHEREFORE, petitioners respectfully request the Town Council to approve an ordinance for the organization of the Miller's Landing Business Improvement District, to designate the service area as a location for new business or commercial development, to authorize and appoint the initial five members of the board of directors of the proposed district, pursuant to Section 31-25-1209 (1)(b), C.R.S., and to take such other and further actions as may be necessary to effectuate the organization of said district in accordance with the laws of the State of Colorado.

A legal description and map of the District boundaries follows.

A PARCEL OF LAND BEING A PART OF LOT 2, BLOCK 7, CITADEL STATION FILING NO. 6, A SUBDIVISION PLAT RECORDED UNDER RECEPTION NO. 8708767 AND A PART OF THE SOUTHEAST QUARTER OF SECTION 10 AND A PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 10 AND ASSUMING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10 TO BEAR SOUTH 89°27'26" EAST, 2616.68 FEET AS PLATTED, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 00°35'04" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 403.83 FEET TO THE SOUTHWESTERLY CORNER OF OUTLOT B, SAID CITADEL STATION FILING NO. 6; THENCE NORTH 70°14'23" EAST ALONG THE SOUTHERLY LINE OF SAID OUTLOT B, A DISTANCE OF 21.48 FEET, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST PLUM CREEK PARKWAY (ALSO KNOWN AS COACHLINE ROAD) AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 2008075142, SAID POINT BEING A POINT ON THE NORTHERLY LINE OF SAID LOT 2, BLOCK 7, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY AND EASTERLY LINE OF SAID LOT 2, BLOCK 7 THE FOLLOWING TWENTY-TWO (22) COURSES:

- 1. CONTINUING NORTH 70°14'23" EAST, A DISTANCE OF 420.04 FEET;**
- 2. NORTH 89°42'53" EAST, A DISTANCE OF 60.00 FEET;**
- 3. NORTH 0°17'7" WEST, A DISTANCE OF 41.71 FEET;**
- 4. NORTH 71°29'11" EAST, A DISTANCE OF 22.78 FEET;**
- 5. NORTH 57°11'1" EAST, A DISTANCE OF 127.32 FEET;**
- 6. NORTH 79°57'40" EAST, A DISTANCE OF 150.30 FEET;**
- 7. NORTH 33°12'60" EAST, A DISTANCE OF 188.02 FEET;**
- 8. NORTH 67°16'37" EAST, A DISTANCE OF 98.12 FEET;**
- 9. NORTH 89°36'24" EAST, A DISTANCE OF 218.51 FEET;**
- 10. NORTH 57°52'24" EAST, A DISTANCE OF 190.11 FEET;**
- 11. NORTH 52°55'43" EAST, A DISTANCE OF 279.75 FEET;**

12. SOUTH 7°13'59" EAST, A DISTANCE OF 36.25 FEET, TO A POINT ON A CURVE;
13. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 58°05'53", AN ARC LENGTH OF 172.38 FEET, THE CHORD OF WHICH BEARS SOUTH 36°16'56" EAST, 165.09 FEET;
14. SOUTH 65°19'52" EAST, A DISTANCE OF 10.92 FEET;
15. NORTH 14°31'34" EAST, A DISTANCE OF 120.00 FEET;
16. NORTH 50°36'4" EAST, A DISTANCE OF 187.64 FEET;
17. NORTH 82°51'32" EAST, A DISTANCE OF 87.69 FEET;
18. NORTH 22°23'46" EAST, A DISTANCE OF 59.05 FEET;
19. NORTH 53°48'14" EAST, A DISTANCE OF 202.23 FEET;
20. SOUTH 23°36'32" EAST, A DISTANCE OF 793.03 FEET;
21. SOUTH 88°3'18" WEST, A DISTANCE OF 134.81 FEET;
22. SOUTH 0°0'15" EAST, A DISTANCE OF 700.98 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST QUARTER OF SAID SECTION 10;

THENCE SOUTH 89°27'26" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 329.66 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 10;

THENCE SOUTH 89°46'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 572.43 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 1°56'48" EAST, A DISTANCE OF 173.53 FEET, TO A POINT ON A CURVE;
2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 880.93 FEET, A CENTRAL ANGLE OF 37°31'24", AN ARC LENGTH OF 576.93 FEET, THE CHORD OF WHICH BEARS SOUTH 16°48'53" WEST, 566.67 FEET;
3. SOUTH 35°34'35" WEST, A DISTANCE OF 193.47 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST PLUM CREEK PARKWAY AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 2008054850;

THENCE ALONG THE RIGHT OF WAY AS DESCRIBED THE FOLLOWING FOURTEEN (14) COURSES:

1. NORTH 75°34'19" WEST, A DISTANCE OF 170.83 FEET, TO A POINT ON A CURVE;
2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 665.50 FEET, A CENTRAL ANGLE OF 17°49'03", AN ARC LENGTH OF 206.95 FEET, THE CHORD OF WHICH BEARS NORTH 66°39'48" WEST, 206.12 FEET;
3. NORTH 32°14'44" EAST, A DISTANCE OF 6.00 FEET;
4. NORTH 57°45'16" WEST, A DISTANCE OF 709.16 FEET;
5. NORTH 18°59'47" WEST, A DISTANCE OF 32.16 FEET;
6. NORTH 32°14'44" EAST, A DISTANCE OF 275.60 FEET, TO A POINT ON A CURVE;
7. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 910.00 FEET, A CENTRAL ANGLE OF 07°46'45", AN ARC LENGTH OF 123.55

FEET, THE CHORD OF WHICH BEARS NORTH 28°21'22" EAST, 123.46 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10;

8. NORTH 89°27'26" WEST AND ALONG SAID SOUTH LINE, A DISTANCE OF 133.30 FEET, TO A POINT ON A CURVE;
9. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 790.00 FEET, A CENTRAL ANGLE OF 03°51'20", AN ARC LENGTH OF 53.16 FEET, THE CHORD OF WHICH BEARS SOUTH 30°19'4" WEST, 53.15 FEET;
10. SOUTH 32°14'44" WEST, A DISTANCE OF 274.89 FEET;
11. SOUTH 83°29'15" WEST, A DISTANCE OF 33.31 FEET;
12. NORTH 57°45'16" WEST, A DISTANCE OF 380.82 FEET;
13. SOUTH 32°14'44" WEST, A DISTANCE OF 6.00 FEET, TO A POINT ON A CURVE;
14. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 864.50 FEET, A CENTRAL ANGLE OF 14°13'19", AN ARC LENGTH OF 214.59 FEET, THE CHORD OF WHICH BEARS NORTH 64°51'56" WEST, 214.04 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, SAID POINT ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST PLUM CREEK PARKWAY AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 2008075142;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:

1. CONTINUING ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 864.50 FEET, A CENTRAL ANGLE OF 17°28'53", AN ARC LENGTH OF 263.77 FEET, THE CHORD OF WHICH BEARS NORTH 80°43'02" WEST, 262.74 FEET;
2. NORTH 89°27'28" WEST, A DISTANCE OF 548.00 FEET, TO A POINT ON A CURVE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 75°02'22", AN ARC LENGTH OF 655.50 FEET, THE CHORD OF WHICH BEARS NORTH 51°56'17" WEST, 609.64 FEET TO THE POINT OF BEGINNING,

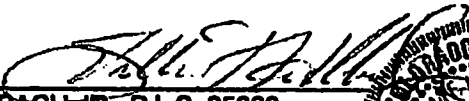
SAID PARCEL CONTAINING A CALCULATED AREA OF 2,871,687 SQUARE FEET OR 65.925 ACRES, MORE OR LESS.

ALL REFERENCES TO RECORDED DOCUMENTS ARE FILED WITH THE DOUGLAS COUNTY CLERK AND RECORDER.

THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

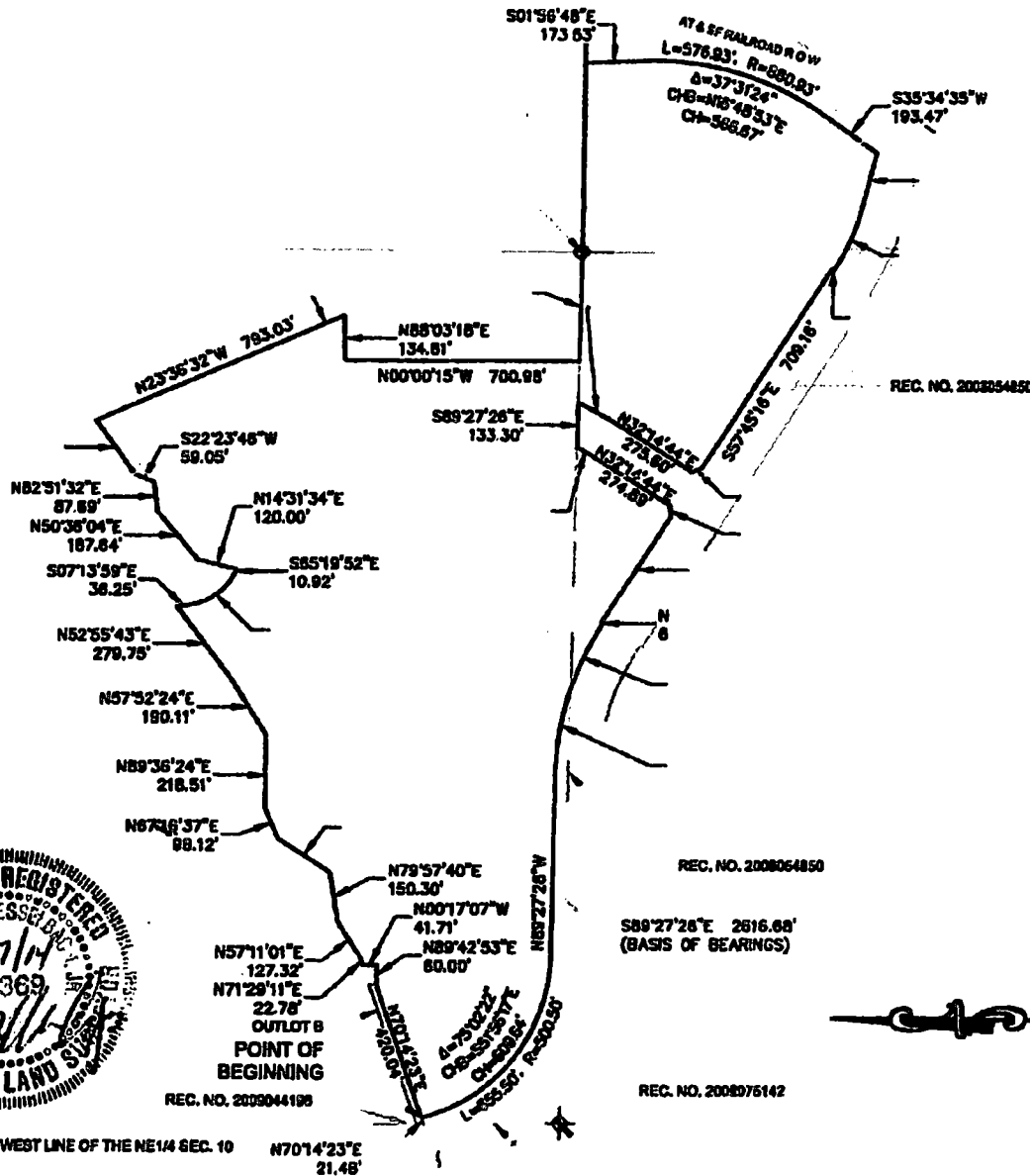
I, WILLIAM F. HESSELBACH JR., A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING. THE LEGAL DESCRIPTION WAS PREPARED FROM EXISTING

PLATS AND RECORDED DOCUMENTS. THIS DOES NOT REPRESENT A
MONUMENTED LAND SURVEY.



WILLIAM F. HESSELBACH JR., P.L.S. 25369
FOR AND ON BEHALF OF
CVL CONSULTANTS OF COLORADO, INC.



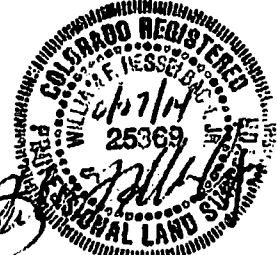


REC. NO. 2008054850

REC. NO. 2008064850

S89°27'26"E 2616.68'
(BASIS OF BEARINGS)

REC. NO. 2008075142



REC. NO. 2009044198

WEST LINE OF THE NE1/4 SEC. 10 N70°14'23"E 21.48'

Rd
240
2

MILLER'S LANDING BUSINESS IMPROVEMENT DISTRICT
PETITION

WARNING

IT IS AGAINST THE LAW:

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so. Do not sign this petition unless you (or the entity you are signing for) own taxable real or personal property in the proposed district. Do not sign this petition unless you have read or have had read to you the petition in its entirety and understand its meaning.

Name of Property Owner/Petitioner: **Fenway Partners, LLC, a Colorado limited liability company**

Authorized Signature: *John V. Seeman III*

Printed Name: John V. Seeman, III

Title: Manager

Date of Signature: 8/8/16

The above-named property owner/petitioner owns taxable real or personal property in the service area of the proposed Miller's Landing Business Improvement District having a valuation for assessment of not less than fifty percent of the total valuation for assessment of real and personal property in the service area as shown on the tax rolls of the Douglas County Assessor and owns at least fifty percent of the acreage in the proposed district.

Notarization:

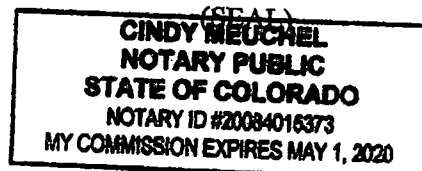
STATE OF Colorado } ss.

COUNTY OF Arapahoe }

The foregoing petition signature was subscribed or acknowledged before me this 8th day of August, 2016, by John V. Seeman III as manager of Fenway Partners, LLC, a Colorado limited liability company.

Cindy Meuchel
Notary Public

My commission expires: 5-1-2020



AFFIDAVIT OF AUTHORITY

Completed because record title to the property is held by an LLC

I, John V. Saeman III (print name) do solemnly swear or affirm that I hold the following office with Fenway Partners, LLC, a Colorado limited liability company, the record owner of taxable real or personal property within the service area of the proposed Miller's Landing Business Improvement District having a valuation for assessment of not less than fifty percent of the total valuation for assessment of real and personal property in the service area as shown on the tax rolls of the Douglas County Assessor and at least fifty percent of the acreage in the proposed district as described on the foregoing Petition, that I signed the Petition for the formation of said district on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Signature: John V. Saeman III
Office Held: Manager

Date: 8/8/16

STATE OF Colorado } ss.
COUNTY OF Arapahoe }

The foregoing petition signature was subscribed or acknowledged before me this 8th day of August, 2016, by John V. Saeman III as Manager of Fenway Partners, LLC, a Colorado limited liability company.

Cindy Meuchel
Notary Public

(SEAL)

My commission expires: 5-1-2020

CINDY MEUCHEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20084015373
MY COMMISSION EXPIRES MAY 1, 2020

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THENCE NORTH 00°35'04" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 403.83 FEET TO THE SOUTHWESTERLY CORNER OF OUTLOT B, SAID CITADEL STATION FILING NO. 6; THENCE NORTH 70°14'23" EAST ALONG THE SOUTHERLY LINE OF SAID OUTLOT B, A DISTANCE OF 21.48 FEET, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST PLUM CREEK PARKWAY (ALSO KNOWN AS COACHLINE ROAD) AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 2008075142, SAID POINT BEING A POINT ON THE NORTHERLY LINE OF SAID LOT 2, BLOCK 7, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY AND EASTERLY LINE OF SAID LOT 2, BLOCK 7 THE FOLLOWING TWENTY-TWO (22) COURSES:

- 1. CONTINUING NORTH 70°14'23" EAST, A DISTANCE OF 420.04 FEET;**
- 2. NORTH 89°42'53" EAST, A DISTANCE OF 60.00 FEET;**
- 3. NORTH 0°17'7" WEST, A DISTANCE OF 41.71 FEET;**
- 4. NORTH 71°29'11" EAST, A DISTANCE OF 22.78 FEET;**
- 5. NORTH 57°11'1" EAST, A DISTANCE OF 127.32 FEET;**
- 6. NORTH 79°57'40" EAST, A DISTANCE OF 150.30 FEET;**
- 7. NORTH 33°12'60" EAST, A DISTANCE OF 188.02 FEET;**
- 8. NORTH 67°16'37" EAST, A DISTANCE OF 98.12 FEET;**
- 9. NORTH 89°36'24" EAST, A DISTANCE OF 218.51 FEET;**
- 10. NORTH 57°52'24" EAST, A DISTANCE OF 190.11 FEET;**
- 11. NORTH 52°55'43" EAST, A DISTANCE OF 279.75 FEET;**

12. SOUTH 7°13'59" EAST, A DISTANCE OF 36.25 FEET, TO A POINT ON A CURVE;
13. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 58°05'53", AN ARC LENGTH OF 172.38 FEET, THE CHORD OF WHICH BEARS SOUTH 36°16'56" EAST, 165.09 FEET;
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21. SOUTH 88°3'18" WEST, A DISTANCE OF 134.81 FEET;
22. SOUTH 0°0'15" EAST, A DISTANCE OF 700.98 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST QUARTER OF SAID SECTION 10;

THENCE SOUTH 89°27'26" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 329.66 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 10;

THENCE SOUTH 89°46'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 572.43 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 1°56'48" EAST, A DISTANCE OF 173.53 FEET, TO A POINT ON A CURVE;
2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 880.93 FEET, A CENTRAL ANGLE OF 37°31'24", AN ARC LENGTH OF 576.93 FEET, THE CHORD OF WHICH BEARS SOUTH 16°48'53" WEST, 566.67 FEET;
3. SOUTH 35°34'35" WEST, A DISTANCE OF 193.47 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST PLUM CREEK PARKWAY AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 2008054850;

THENCE ALONG THE RIGHT OF WAY AS DESCRIBED THE FOLLOWING FOURTEEN (14) COURSES:

1. NORTH 75°34'19" WEST, A DISTANCE OF 170.83 FEET, TO A POINT ON A CURVE;
2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 665.50 FEET, A CENTRAL ANGLE OF 17°49'03", AN ARC LENGTH OF 206.95 FEET, THE CHORD OF WHICH BEARS NORTH 66°39'48" WEST, 206.12 FEET;
3. NORTH 32°14'44" EAST, A DISTANCE OF 6.00 FEET;
4. NORTH 57°45'16" WEST, A DISTANCE OF 709.16 FEET;
5. NORTH 18°59'47" WEST, A DISTANCE OF 32.16 FEET;
6. NORTH 32°14'44" EAST, A DISTANCE OF 275.60 FEET, TO A POINT ON A CURVE;
7. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 910.00 FEET, A CENTRAL ANGLE OF 07°46'45", AN ARC LENGTH OF 123.55

FEET, THE CHORD OF WHICH BEARS NORTH 28°21'22" EAST, 123.46 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10;

8. NORTH 89°27'26" WEST AND ALONG SAID SOUTH LINE, A DISTANCE OF 133.30 FEET, TO A POINT ON A CURVE;
9. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 790.00 FEET, A CENTRAL ANGLE OF 03°51'20", AN ARC LENGTH OF 53.16 FEET, THE CHORD OF WHICH BEARS SOUTH 30°19'4" WEST, 53.15 FEET;
10. SOUTH 32°14'44" WEST, A DISTANCE OF 274.89 FEET;
11. SOUTH 83°29'15" WEST, A DISTANCE OF 33.31 FEET;
12. NORTH 57°45'16" WEST, A DISTANCE OF 380.82 FEET;
13. SOUTH 32°14'44" WEST, A DISTANCE OF 6.00 FEET, TO A POINT ON A CURVE;
14. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 864.50 FEET, A CENTRAL ANGLE OF 14°13'19", AN ARC LENGTH OF 214.59 FEET, THE CHORD OF WHICH BEARS NORTH 64°51'56" WEST, 214.04 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, SAID POINT ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST PLUM CREEK PARKWAY AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 2008075142;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:

1. CONTINUING ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 864.50 FEET, A CENTRAL ANGLE OF 17°28'53", AN ARC LENGTH OF 263.77 FEET, THE CHORD OF WHICH BEARS NORTH 80°43'02" WEST, 262.74 FEET;
2. NORTH 89°27'28" WEST, A DISTANCE OF 548.00 FEET, TO A POINT ON A CURVE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 75°02'22", AN ARC LENGTH OF 655.50 FEET, THE CHORD OF WHICH BEARS NORTH 51°56'17" WEST, 609.64 FEET TO THE POINT OF BEGINNING,

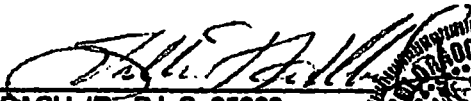
SAID PARCEL CONTAINING A CALCULATED AREA OF 2,871,687 SQUARE FEET OR 65.925 ACRES, MORE OR LESS.

ALL REFERENCES TO RECORDED DOCUMENTS ARE FILED WITH THE DOUGLAS COUNTY CLERK AND RECORDER.

THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

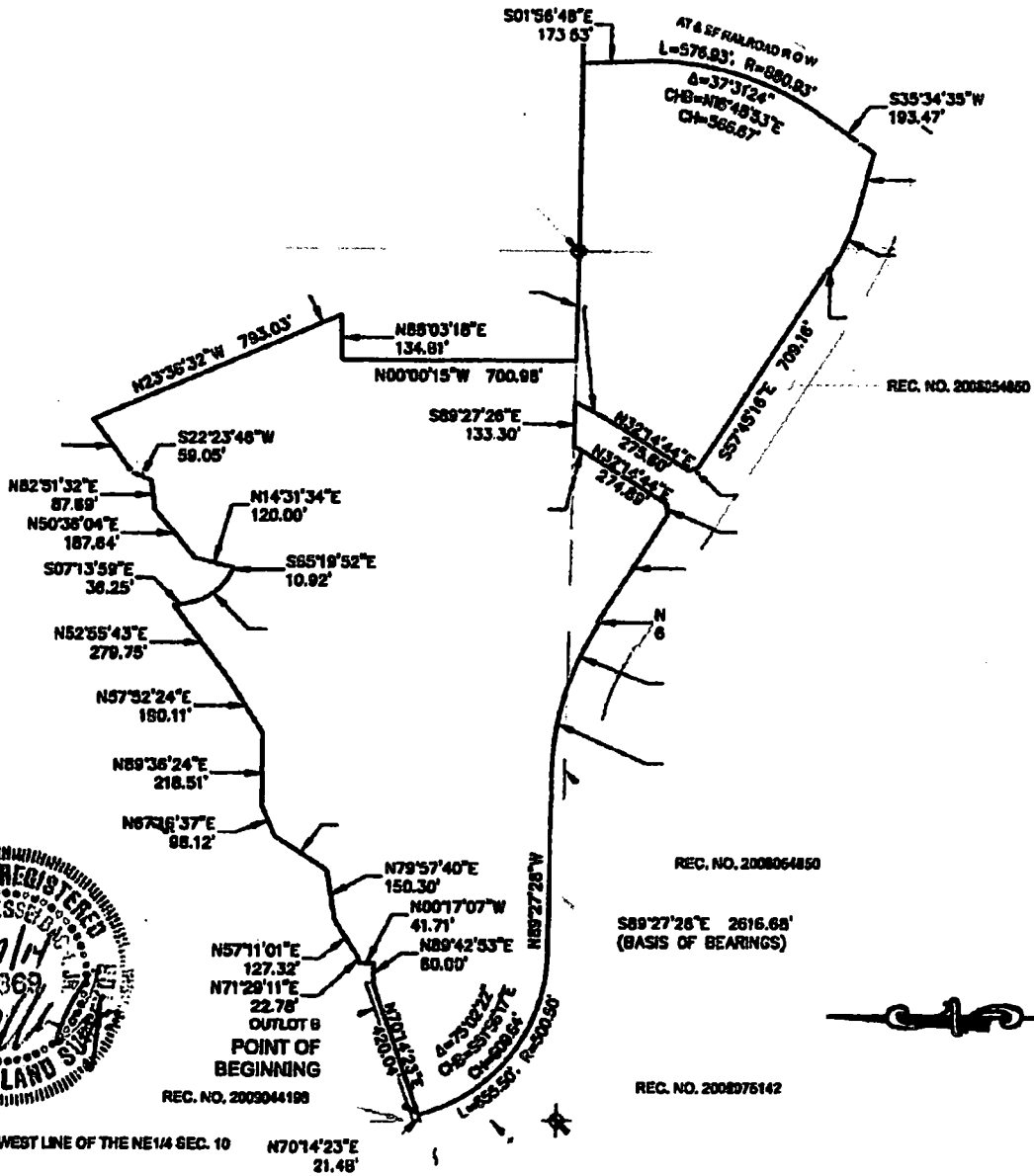
I, WILLIAM F. HESSELBACH JR., A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING. THE LEGAL DESCRIPTION WAS PREPARED FROM EXISTING

PLATS AND RECORDED DOCUMENTS. THIS DOES NOT REPRESENT A
MONUMENTED LAND SURVEY.



WILLIAM F. HESSELBACH JR., P.L.S. 25369
FOR AND ON BEHALF OF
CVL CONSULTANTS OF COLORADO, INC.





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