

MOUNTAIN VISTA METROPOLITAN DISTRICT

Special Board Meeting
8905 Explorer Dr - Suite 250
Colorado Springs, CO 80920
Monday, October 25, 2021 – 9:30 a.m.

Board Members

Brian Bahr, President - Term to May 2022
Richard Vorwaller - Term to May 2023
Jordan Savage- Term to May 2023
Craig Anderson- Term to May 2023
John Eliot- Term to May 2022

**** Please join the meeting from your computer, tablet or smartphone****

<https://global.gotomeeting.com/join/432372773>

United States: [+1 \(669\) 224-3412](tel:+16692243412)

Access Code: 432-372-773

AGENDA

1. Call to order
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters
3. Approval of Agenda
4. Regular Business Items (These items are routine and may be approved by one motion. There will be no separate discussion of these items unless requested, in which event, the item will be heard immediately)
 - a. Approval of Board Meeting Minutes from the September 2, 2021 Meeting (attached)
 - b. Approval of Payables for the Period ending September 17, 2021 (attached)
 - c. Acceptance of Unaudited Financial Statements as of September 30, 2021 and the schedule of cash position updated as of September 30, 2021 (attached)
5. Management Matters
 - a. 8231 Diorite
 - b. Budget update and review
6. Legal Matters
 - a. Consider approval of exclusion petitions from AE Barnes III, LLC and AE Zircon, LLC (see attached maps)
 - b. Bond Update
7. Public Comment and Public Sign-In Attendance Sheet
(Limited to 3 minutes and only for items not on the agenda)
8. Other Business:

Next Regular Meeting Date (Budget Hearing) – November 4, 2021 at 10:00 a.m.

8. Adjourn



**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
MOUNTAIN VISTA METROPOLITAN DISTRICT
HELD SEPTEMBER 2, 2021 AT 10:00 A.M.**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Mountain Vista Metropolitan District was held on Thursday, September 2, 2021 at 10:00 AM, via electronic means and telephone conference call.

Attendance

In attendance were Directors:

Brian Bahr (Excused)
Jordan Savage (Excused)
Craig Anderson (via phone)
John Eliot (via phone)
Richard Vorwaller

Also in attendance were:

Kevin Walker, WSDM
Rebecca Hardekopf, WSDM (via phone)
Pete Susemihl, Susemihl, McDermott & Downie, P.C.
Tiffany Leichman, Sherman & Howard
Eric Stedman, Resident

1. Call to Order & Introductions: The meeting was called to order at 10:03 a.m. by Director Vorwaller.

2. Approval of Agenda: Director Eliot moved to approve the Agenda as presented and to excuse Directors Bahr and Savage. Seconded by Director Vorwaller. Motion passed unanimously.

3. Regular Business Items

- a. Approval of Board Meeting Minutes from the August 5, 2021 Meeting
- b. Approval of Payables for the Period ending September 2, 2021
- c. Acceptance of Unaudited Financial Statements as of August 31, 2021 and the schedule of cash position updated as of August 31, 2021

Director Eliot moved to approve the Regular Business Items as presented; seconded by Director Anderson. Motion passed unanimously.

4. Management Matters:

- a. Discussion on 8231 Diorite Exemption Request: Mr. Stedman discussed his exemption request from the CCR's requiring trash service through the Metropolitan District. Mr. Stedman said he believes it should be Challenger that decides on this issue since they left out all of the information and proper documentation. Mr. Walker explained the Declaration of Covenants was recorded in

April 17, 2019 and they do not form an HOA but do instruct the metro district to be the enforcer of the covenants. Mr. Walker discussed Mr. Stedman's request to be relieved of the trash service fee and explained the charge is a proper fee that needs to be paid. He explained that Mr. Stedman's issues with Challenger are outside the jurisdiction of the Metro District Board. Mr. Walker will further investigate and get back with Mr. Stedman as well as schedule a time to review the property improvements for approvals. Mr. Stedman inquired about the difference with the bioswales throughout the community, Mr. Walker explained the design was done by the developer and approved by the City. Director Vorwaller will follow up with Mr. Stedman after the Board meeting. Mr. Stedman inquired about the 2022 elections.

5. Legal Matters:

- a. Bond Update
 - i. Consider approval of Bond Resolution for Series 2021 Bond Issuance: Mr. Susemihl explained the bond issue will be a cash flow bond. The amount is scheduled to be \$18 Million. Ms. Leichman confirmed there are no changes to the parameters of the Bond Resolution just updates to the structure of the bond. Director Vorwaller moved to approve the Bond Resolution for Series 2021 Bond Issuance; seconded by Director Eliot. Motion passed unanimously.
- b. Adopt Resolution Relating to Trash Removal Fees: Director Eliot moved to adopt the Resolution Relating to Trash Removal Fees; seconded by Director Anderson. Motion passed unanimously.

6. Public Comment: There was no public comment.

7. Other Business:

- a. Next Regular Meeting Date – October 7, 2021 at 10:00 AM.

7. Adjournment: Director Vorwaller moved to adjourn at 10:33 AM; seconded by Director Eliot. Motion passed unanimously.

Respectfully Submitted,
Walker Schooler District Managers

By: Kristina Kulick for the Recording Secretary

Mountain Vista Metropolitan District
PAYABLES
9/17/2021
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
City of Colorado Springs	48028902	9/30/2021	4.86	
City of Colorado Springs	48028901	9/30/2021	51.84	
City of Colorado Springs	48028903	9/30/2021	3.58	
City of Colorado Springs	48028950	9/30/2021	93.96	
City of Colorado Springs	48022821	9/30/2021	75.74	
City of Colorado Springs	48023097	9/30/2021	26.33	
City of Colorado Springs	48023056	9/30/2021	32.00	
Colorado Springs Utilities	2657352726	10/4/2021	6,862.24	
Colorado Springs Utilities	3882724424	10/4/2021	17.22	
Colorado Springs Utilities	5666367862	10/7/2021	7,492.84	
Susemihl Mcdermott Downie P.C.	337735	9/29/2021	2,171.15	
Walker Schooler District Managers	6902	9/30/2021	3,511.55	
Weisburg Landscape Maintenance	43433	9/20/2021	117.50	
Weisburg Landscape Maintenance	43463	9/23/2021	195.00	
TOTAL			\$ 20,655.81	

TOTAL FOR ALL FUNDS

\$ 20,655.81

_____, President

Mountain Vista Metropolitan District

Balance Sheet

As of September 30, 2021

	<u>Sep 30, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
3079 - Kirkpatrick Checking	972,034.42
Total Checking/Savings	<u>972,034.42</u>
Total Current Assets	<u>972,034.42</u>
TOTAL ASSETS	<u>972,034.42</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 - Accounts Payable	43,700.25
Total Accounts Payable	<u>43,700.25</u>
Total Current Liabilities	<u>43,700.25</u>
Total Liabilities	43,700.25
Equity	
30000 - Opening Balance Equity	132,142.06
32000 - Retained Earnings	553,795.45
Net Income	242,396.66
Total Equity	<u>928,334.17</u>
TOTAL LIABILITIES & EQUITY	<u>972,034.42</u>

Mountain Vista Metropolitan District

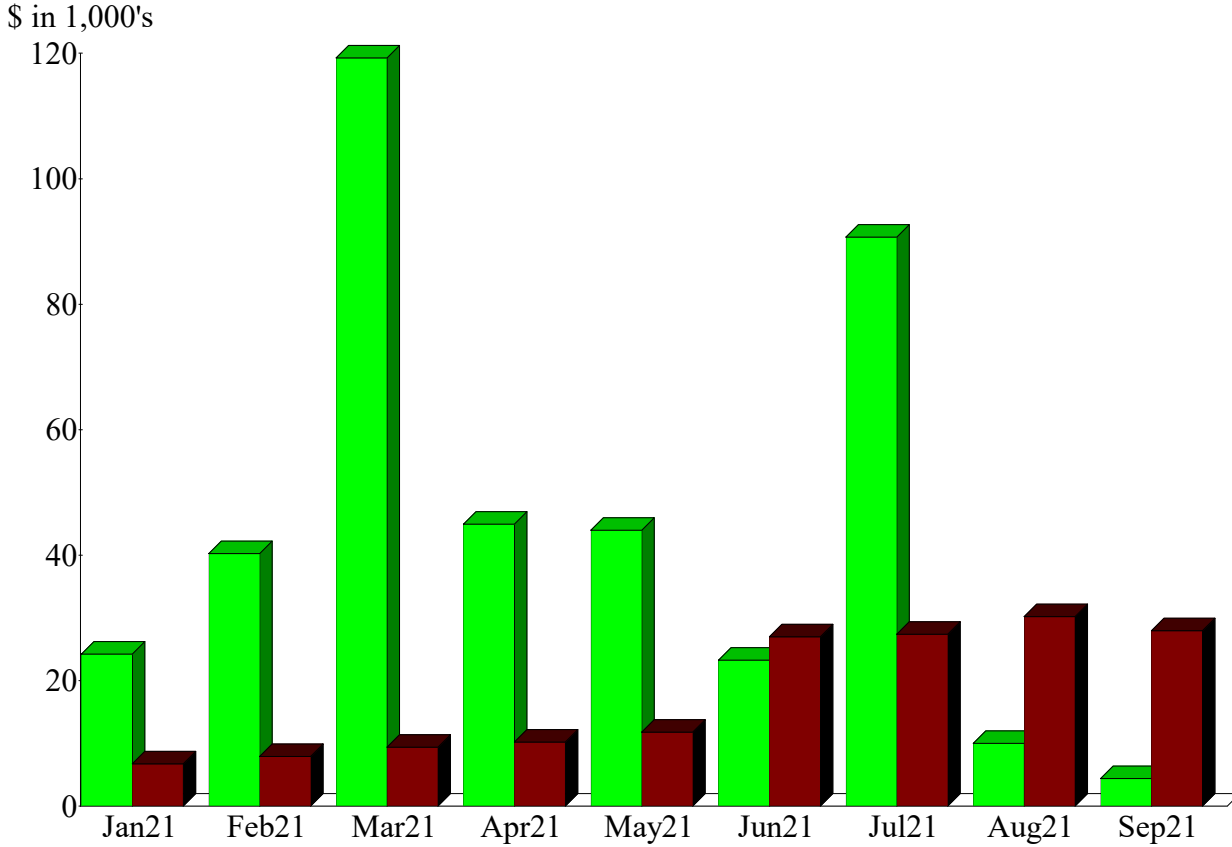
Profit & Loss Budget vs. Actual

January through September 2021

	TOTAL				
	Sep 21	Jan - Sep 21	Budget	\$ Over Budget	% of Budget
Income					
Building Permit Fees					
1-0010 · Single Family - Fee	0.00	150,000.00			
Building Permit Fees - Other	0.00	0.00	300,000.00	-300,000.00	0.0%
Total Building Permit Fees	0.00	150,000.00	300,000.00	-150,000.00	50.0%
Treasurer Taxes					
1-1000 · Current Year Tax- O&M	63.94	50,256.18	50,566.47	-310.29	99.39%
1-1015 · Delinquent Interest O&M	1.28	14.26			
1-1020 · Specific Ownership Tax - O&M	576.46	3,970.36	3,539.65	430.71	112.17%
2-1000 · Current Year Tax- Debt	191.81	150,768.57	151,699.42	-930.85	99.39%
2-1015 · Delinquent Interest - Debt	3.83	42.75			
2-1020 · Specific Ownership tax - Debt	1,729.39	11,911.09	10,618.96	1,292.13	112.17%
Total Treasurer Taxes	2,566.71	216,963.21	216,424.50	538.71	100.25%
1-2000 · Late Fee	0.00	230.00			
1-2010 · Trash Service	1,822.50	33,979.06	25,000.00	8,979.06	135.92%
Total Income	4,389.21	401,172.27	541,424.50	-140,252.23	74.1%
Expense					
Treasurer Fee					
1-1100 · Treasurer Collection Fee - O&M	0.98	754.07	758.50	-4.43	99.42%
2-1100 · Treasurer Collection Fee - Debt	2.93	2,262.18	2,275.49	-13.31	99.42%
Total Treasurer Fee	3.91	3,016.25	3,033.99	-17.74	99.42%
1-1200 · Professional Services					
1-1210 · Audit/ Accounting	0.00	1,200.00	9,000.00	-7,800.00	13.33%
1-1220 · District Management	3,500.00	30,250.61	36,000.00	-5,749.39	84.03%
1-1230 · Trash Service	2,718.91	18,005.88	12,000.00	6,005.88	150.05%
1-1250 · Legal	2,171.15	9,341.11	10,000.00	-658.89	93.41%
Total 1-1200 · Professional Services	8,390.06	58,797.60	67,000.00	-8,202.40	87.76%
1-1270 · Bond Costs					
1-1271 · Cost of Issuance	0.00	5,600.00			
Total 1-1270 · Bond Costs	0.00	5,600.00			
1-1300 · Bank Fees	0.00	0.00	500.00	-500.00	0.0%
1-1310 · Copies & Postage	11.55	955.23	500.00	455.23	191.05%
1-1400 · Dues & Subscriptions	0.00	825.00	650.00	175.00	126.92%
1-1450 · Insurance	0.00	-445.00	5,000.00	-5,445.00	-8.9%
1-1600 · Landscape Maintenance & Repairs					
1-1610 · Utilities	13,850.95	38,648.81	75,000.00	-36,351.19	51.53%
1-1600 · Landscape Maint & Repairs - Other	5,442.25	49,758.50	25,000.00	24,758.50	199.03%
Total 1-1600 · Landscape Maintenance & Repairs	19,293.20	88,407.31	100,000.00	-11,592.69	88.41%
1-1620 · Stormwater Fee	288.31	1,619.22	1,250.00	369.22	129.54%
1-1630 · Miscellaneous	0.00	0.00	50,000.00	-50,000.00	0.0%
Total Expense	27,987.03	158,775.61	227,933.99	-69,158.38	69.66%
Net Income	-23,597.82	242,396.66	313,490.51	-71,093.85	77.32%

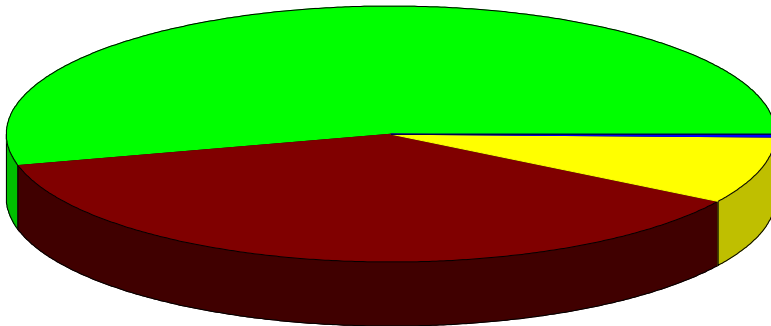
Income and Expense by Month
January through September 2021

Income
Expense



Income Summary
January through September 2021

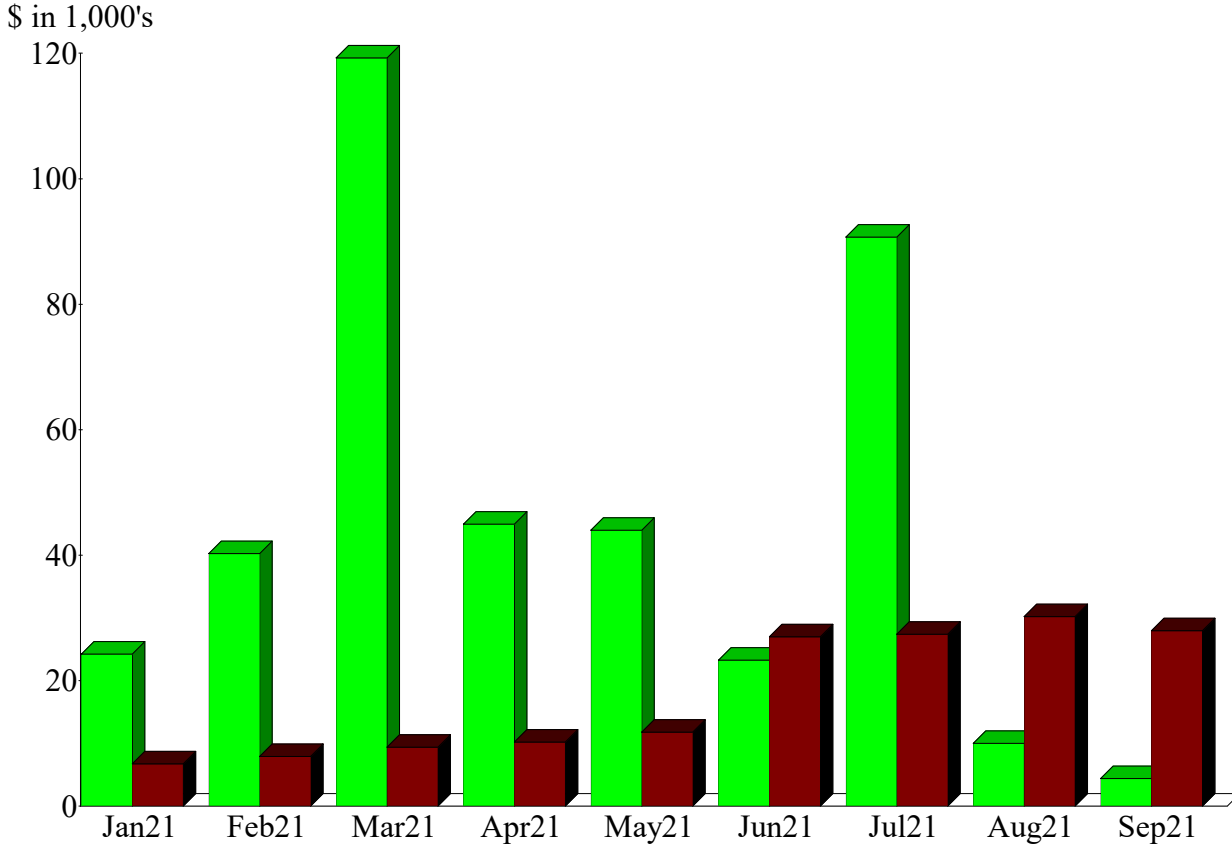
Treasurer Taxes	54.08%
Building Permit Fees	37.39
1-2010 · Trash Service	8.47
1-2000 · Late Fee	0.06
Total	\$401,172.27



By Account

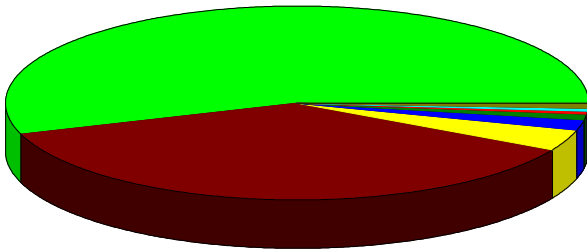
Income and Expense by Month
January through September 2021

Income
Expense



Expense Summary
January through September 2021

1-1600 · Landscape Maintenance & Repai	55.53%
1-1200 · Professional Services	36.93
1-1270 · Bond Costs	3.52
Treasurer Fee	1.89
1-1620 · Stormwater Fee	1.02
1-1310 · Copies & Postage	0.60
1-1400 · Dues & Subscriptions	0.52
1-1450 · Insurance	\$-445.00
Sub-Total	\$158,775.61



By Account

**MOUNTAIN VISTA METROPOLITAN DISTRICT
2022 BUDGET
MVMD - GENERAL FUND**

	2020 ACTUAL	2021 ACTUAL	2021 PROJECTED / AMENDED	2021 BUDGET	2022 BUDGET
GENERAL FUND BEGINNING BALANCE	361,103.26	638,375.34	638,375.34	271,808.26	709,527.29
REVENUES					
PROPERTY TAXES - O&M	23,604.46	50,256.18	50,256.18	50,566.47	112,566.52
SPECIFIC OWNERSHIP TAXES - O&M	2,565.69	3,970.36	5,955.54	3,539.65	7,879.66
LATE FEE	-	230.00	230.00	-	-
BUILDING PERMIT FEES	372,000.00	150,000.00	160,000.00	300,000.00	150,000.00
INTEREST EARNINGS	-	-	-	500.00	500.00
DELINQUENT TAX AND INTEREST	26.82	14.26	14.26	-	-
TRASH SERVICE	12,293.67	34,028.06	38,000.00	25,000.00	57,600.00
OTHER	140.00	-	-	-	-
TOTAL REVENUES	410,630.64	238,498.86	254,455.98	379,606.13	328,546.18
TOTAL REVENUES AND FUND BALANCE	771,733.90	876,874.20	892,831.32	651,414.39	1,038,073.47
EXPENDITURES					
LEGAL	1,551.25	7,169.96	7,169.96	10,000.00	10,000.00
ELECTION	-	-	-	-	-
OPERATIONS	38,620.00	26,750.61	30,000.00	36,000.00	40,000.00
INSURANCE	445.00	(445.00)	(445.00)	5,000.00	5,000.00
SDA DUES	-	825.00	825.00	650.00	825.00
TREASURER FEE - O&M	354.17	754.07	754.07	758.50	1,688.50
AUDIT/ ACCOUNTING	825.00	1,200.00	1,200.00	9,000.00	9,000.00
TRASH SERVICE	8,397.34	15,286.97	20,000.00	12,000.00	25,000.00
COPIES AND POSTAGE	566.15	943.68	1,200.00	500.00	2,000.00
UTILITIES	62,648.64	38,648.81	60,000.00	75,000.00	60,000.00
MISCELLANEOUS	-	1,100.00	1,100.00	-	-
LANDSCAPING MAINTENANCE & REPAIR	18,905.61	49,446.00	60,000.00	25,000.00	60,000.00
STORMWATER FEE	1,046.40	1,330.91	1,500.00	1,250.00	2,500.00
CONTINGENCY	(1.00)	-	-	50,000.00	50,000.00
TOTAL EXPENDITURES	133,358.56	143,011.01	183,304.03	225,158.50	266,013.50
Transfer to Bond Fund	-	-	-	350,000.00	-
ENDING FUND BALANCE	638,375.34	733,863.19	709,527.29	76,255.89	772,059.97
EMERGENCY RESERVE: State Required 3%	4,000.76	4,290.33	5,499.12	6,754.75	7,980.40
ASSESSED VALUATION	2,635,380.000	4,986,340.000	4,986,340.000	4,986,340.000	11,100,140.00
MILL LEVY	10.141	10.141	10.141	10.141	10.141

**MOUNTAIN VISTA METROPOLITAN DISTRICT
2022 BUDGET
MVMD - BOND FUND**

	2020 ACTUAL	2021 ACTUAL	2021 PROJECTED / BUDGET	2021 BUDGET	2022 BUDGET
DEBT FUND BEGINNING BALANCE	\$ -	\$ 56,562.17	\$ 56,562.17	\$ 370,500.00	\$ 2,718,477.95
REVENUES					
BOND ISSUE PROCEEDS	-	-	\$ 12,000,000.00	\$ 5,790,000.00	-
DEVELOPER ADVANCE	-	-	-	-	-
PROPERTY TAXES	\$ 70,813.38	\$ 150,768.57	\$ 150,768.57	\$ 151,699.42	\$ 337,699.56
SPECIFIC OWNERSHIP TAXES	\$ 7,697.08	\$ 11,911.09	\$ 17,866.64	\$ 10,618.96	\$ 23,638.97
DELINQUENT TAX AND INTEREST	-	\$ 42.75	\$ 42.75	-	-
TRANSFER FROM GENERAL FUND	-	-	-	\$ 350,000.00	-
TOTAL REVENUES	\$ 78,510.46	\$ 162,722.41	\$ 12,168,677.96	\$ 6,302,318.38	\$ 361,338.53
TOTAL REVENUES AND FUND BALANCE	\$ 78,510.46	\$ 219,284.58	\$ 12,225,240.13	\$ 6,672,818.38	\$ 3,079,816.48
EXPENDITURES					
PRINCIPAL AND INTEREST PAYMENTS	-	-	-	-	-
BANK SERVICE CHARGES	-	-	-	\$ 500.00	-
CO TREASURER'S FEE	\$ 1,062.51	\$ 2,262.18	\$ 2,262.18	\$ 2,275.49	\$ 5,065.49
COST OF ISSUANCE	\$ 20,885.78	\$ 4,500.00	\$ 4,500.00	\$ 365,800.00	\$ 365,800.00
RESERVE AND OTHER FUNDS	-	-	\$ 500,000.00	\$ 650,062.00	-
CAPITAL EXPENDITURE	-	-	\$ 9,000,000.00	\$ 5,074,138.00	-
TOTAL EXPENDITURES	\$ 21,948.29	\$ 6,762.18	\$ 9,506,762.18	\$ 6,092,775.49	\$ 370,865.49
ENDING FUND BALANCE	\$ 56,562.17	\$ 212,522.40	\$ 2,718,477.95	\$ 580,042.89	\$ 2,708,950.98
ASSESSED VALUATION	2,635,380.000	4,986,340.000	4,986,340.000	4,986,340.000	11,100,140.00
MILL LEVY	30.423	30.423	30.423	30.423	30.423

**PETITION FOR THE EXCLUSION OF REAL PROPERTY
FROM THE MOUNTAIN VISTA METROPOLITAN DISTRICT
(AE BARNES III, LLC)**

**TO: The Board of Directors of Mountain Vista Metropolitan District
County of El Paso, State of Colorado**

COMES NOW the undersigned Petitioner, AE Barnes III, LLC, Colorado limited liability company, and hereby respectfully petitions the Mountain Vista Metropolitan District, by and through its Board of Directors, that the hereinafter described real property be excluded from said Mountain Vista Metropolitan District, and in support of the within Petition states and represents as follows:

1. Petitioner is the owner of one hundred percent (100%) of the real property described on the attached Exhibit A and has the right, power, and lawful authority to bring this Petition.
2. There are no other persons or parties owning or being entitled to any estate, right, title, interest, claim or demand, at law or in equity, in and to the subject real property.
3. That by execution of the Petition, the Petitioner assents to and formally requests the permanent exclusion of the subject real property from the Mountain Vista Metropolitan District.
4. That this Petition for Exclusion is brought pursuant to C.R.S. Title 32, Article 1, Part 5, as amended.
5. The exclusion of the Petitioner's property is requested because the property will be included into a new metropolitan district which will be capable of serving the Petitioner's property with utilities.
6. It is in the best interest of the Petitioner's property and the Mountain Vista Metropolitan District that the subject real property be excluded from the Mountain Vista Metropolitan District.
7. There will be no reduction in the availability or cost of municipal services with there being the same benefits to the Petitioner's property.
8. The exclusion will not affect the ability of Mountain Vista Metropolitan District to provide services to the remainder of the property within the District.
9. If this petition were to be granted, it would have no adverse economic impact upon the Mountain Vista Metropolitan District.
10. There is other economically feasible municipal service available to the property of the

Petitioner.

11. The Mountain Vista Metropolitan District has no debt so the Petitioner's property shall no longer be subject to the Mountain Vista Metropolitan District mill levies.

Submitted this _____day of October 2021.

AE BARNES III, LLC

BY: _____
Timothy B. Sittema, Manager

STATE OF COLORADO)
) ss:
COUNTY OF EL PASO)

Subscribed and sworn to before me this _____day of October 2021 by Timothy B. Sittema as Manager of AE Barnes III, LLC.

My commission expires: _____.

Notary Public

Exhibit A
Exclusion Legal Description



212 N. Wahsatch Ave., Suite 305
Colorado Springs, CO 80903
Mail to: PO Box 1360
Colorado Springs, CO 80901
719.955.5485

**EXHIBIT A
ENCLAVES AT MOUNTAIN VISTA RANCH
EXCLUSION PARCELS
LEGAL DESCRIPTIONS**

EXCLUSION AREA 1

A PARCEL OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER (S 1/2 SE 1/4) OF SECTION 21 AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4, SW 1/4) OF SECTION 22 OF SECTION 28, T13S, R65W, OF THE SIXTH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER (N 1/2, NE 1/4) OF SECTION 28;

THENCE S89°48'20"W A DISTANCE OF 1,503.49 FEET TO THE NORTHERLY LINE OF THAT PARCEL DESCRIBED BY SPECIAL WARRANTY DEED UNDER RECEPTION NO. 215057837 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AND THE POINT OF BEGINNING;

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

1. THENCE N88°58'26"W A DISTANCE OF 633.36 FEET TO A POINT OF CURVE;
2. THENCE 593.77 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,395.00 FEET, A CENTRAL ANGLE OF 24°23'14", THE CHORD OF 589.29 FEET WHICH BEARS N76°46'11"W TO A POINT OF TANGENT;
3. THENCE N64°35'06"W A DISTANCE OF 977.19 FEET TO THE CENTERLINE OF THAT UTILITY EASEMENT DESCRIBED BY PERMANENT EASEMENT AGREEMENT UNDER RECEPTION NO. 206178643 IN THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N04°47'26"W ALONG SAID CENTERLINE, 658.07 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER (N 1/2 SE 1/4) OF SECTION 21;

THENCE N89°46'42"E ALONG SAID SOUTH LINE, 1,083.15 FEET;

THENCE 964.61 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,121.00 FEET, A CENTRAL ANGLE OF 49°18'09", THE CHORD OF 935.12 FEET WHICH BEARS S46°06'56"E TO A POINT OF REVERSE CURVE;

THENCE 88.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 979.00 FEET, A CENTRAL ANGLE OF 5°10'44", THE CHORD OF 88.46 FEET WHICH BEARS S24°03'13"E;

THENCE S89°59'27"E, NON-TANGENT TO THE PREVIOUS COURSE, A DISTANCE OF 432.25 FEET TO THE WESTERLY LINE OF THAT PARCEL DESCRIBED BY SPECIAL WARRANTY DEED UNDER RECEPTION NO. 215057837 IN THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWO (2) COURSES:

1. THENCE 255.88 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 442.00 FEET, A CENTRAL ANGLE OF 35°10'10", THE CHORD OF 252.32 FEET WHICH BEARS S17°37'14"W TO A POINT OF TANGENT;
2. THENCE S01°01'15"W A DISTANCE OF 256.03 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,798,906 SQUARE FEET (41.297 ACRES, MORE OR LESS).

EXCLUSION AREA 2

A PARCEL OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER (S 1/2 SE 1/4) OF SECTION 21, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4, NW 1/4) OF SECTION 27, AND THE NORTH HALF OF THE NORTHEAST QUARTER (N 1/2, NE 1/4) OF SECTION 28, T13S, R65W, OF THE SIXTH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER (N 1/2, NE 1/4) OF SECTION 28;

THENCE S89°48'20"W ALONG THE SOUTH LINE THEREOF, 1,737.61 FEET TO THE CENTERLINE OF THAT UTILITY EASEMENT DESCRIBED BY PERMANENT EASEMENT AGREEMENT UNDER RECEPTION NO. 206178643 IN THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES:

1. THENCE N01°11'12"W A DISTANCE OF 128.71 FEET;
2. THENCE N07°52'47"E A DISTANCE OF 1,362.39 FEET;
3. THENCE N04°47'26"W A DISTANCE OF 272.48 FEET THE SOUTHWESTERLY LINE OF THAT PARCEL DESCRIBED BY SPECIAL WARRANTY DEED UNDER RECEPTION NO. 215057837 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG SAID SOUTHWESTERLY LINE THE FOLLOWING SIX (6) COURSES:

1. THENCE S64°35'00"E A DISTANCE OF 855.01 FEET TO A POINT OF CURVE;
2. THENCE 683.09 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,605.00 FEET, A CENTRAL ANGLE OF 24°23'07", THE CHORD OF 677.95 FEET WHICH BEARS S76°46'33"E TO A POINT OF TANGENT;
3. THENCE S88°58'07"E A DISTANCE OF 375.31 FEET;
4. THENCE S69°27'56"E A DISTANCE OF 338.62 FEET TO A POINT OF CURVE;
5. THENCE 1,119.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 920.00 FEET, A CENTRAL ANGLE OF 69°42'21", THE CHORD OF 1,051.51 FEET WHICH BEARS S34°36'46"E TO A POINT OF TANGENT;
6. THENCE S00°14'25"W A DISTANCE OF 247.60 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW 1/4, NW 1/4) OF SECTION 27;

THENCE N89°09'42"W ALONG THE NORTH LINE THEREOF, 1,144.70 FEET TO THE POINT OF BEGINNING.

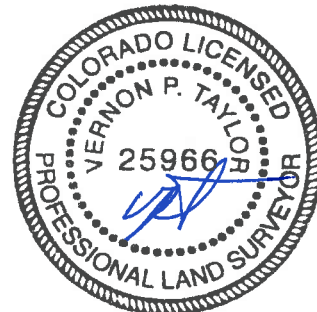
SAID PARCEL CONTAINS 3,510,851 SQUARE FEET (80.598 ACRES, MORE OR LESS).

BOTH PARCELS CONTAINING A COMBINED AREA OF 5,309,757 SQUARE FEET (121.895 ACRES, MORE OR LESS).

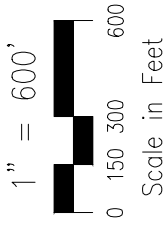
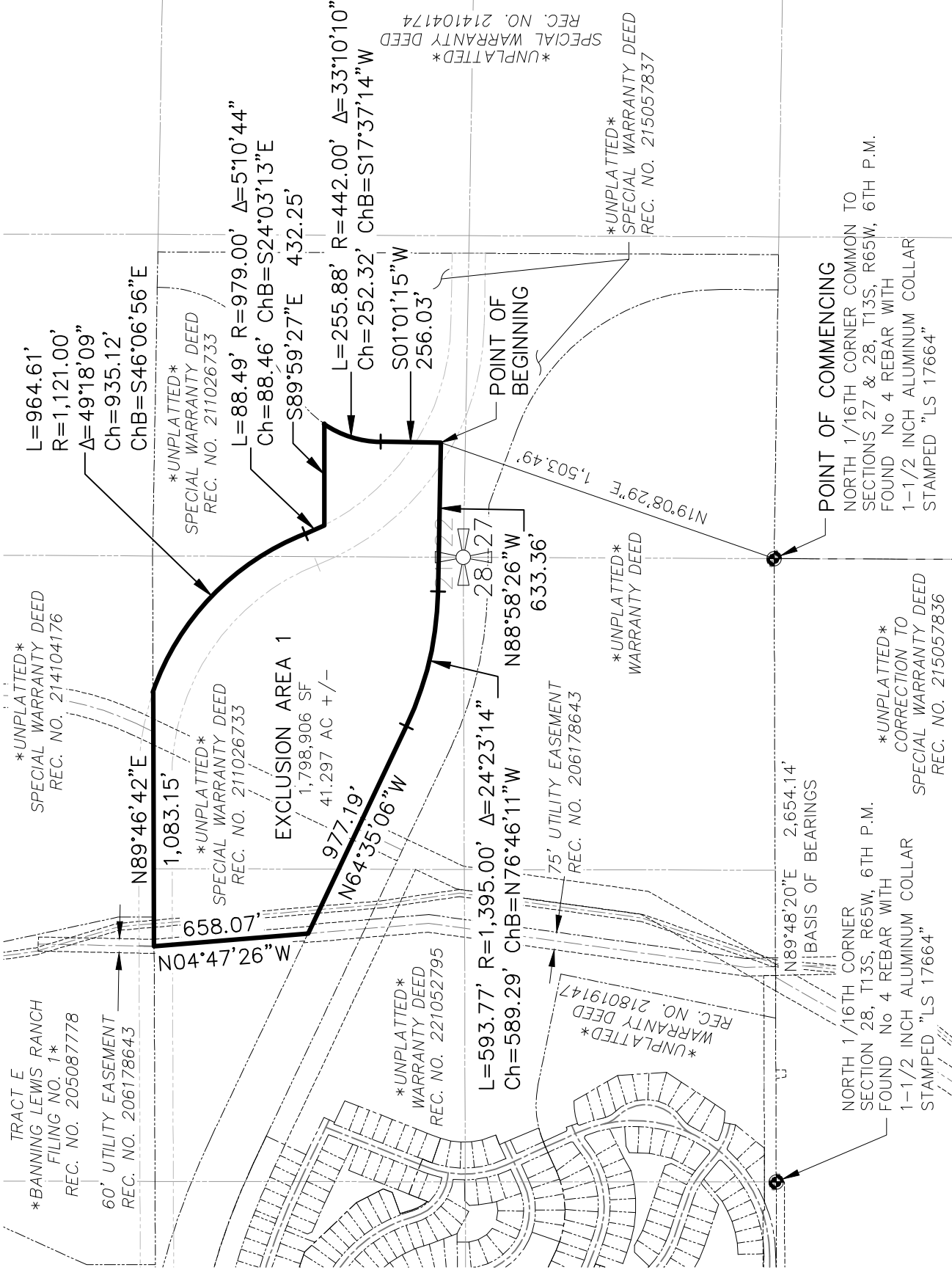
BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER (N 1/2, NE 1/4) OF SECTION 28, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO. THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER (N 1/2, NE 1/4) BEING MONUMENTED WITH A 1-1/2" ALUMINUM COLLAR STAMPED "LS 17664", FROM WHICH THE SOUTHEAST CORNER, BEING MONUMENTED WITH A 1-1/2" ALUMINUM COLLAR STAMPED "LS 17664", BEARS N89°48'20"E, A DISTANCE OF 2,654.14 FEET.

PREPARED BY:

Vernon P. Taylor 10/8/2021
VERNON P. TAYLOR, COLORADO PLS NO. 25966 DATE
FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS, INC



ENCLAVES AT MOUNTAIN VISTA RANCH EXCLUSION PARCELS EXHIBIT "B"



NOTES:

THIS SKETCH IS INTENDED FOR LEGAL DESCRIPTION ONLY. THIS SKETCH IS NOT INTENDED TO REPRESENT A LAND SURVEY PLAT NOR AN IMPROVEMENT LOCATION SURVEY PLAT.

ENCLAVES AT MOUNTAIN VISTA RANCH
EXCLUSION PARCELS
EXHIBIT "B"

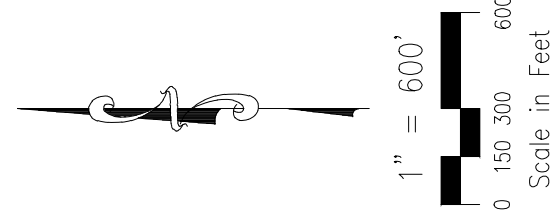
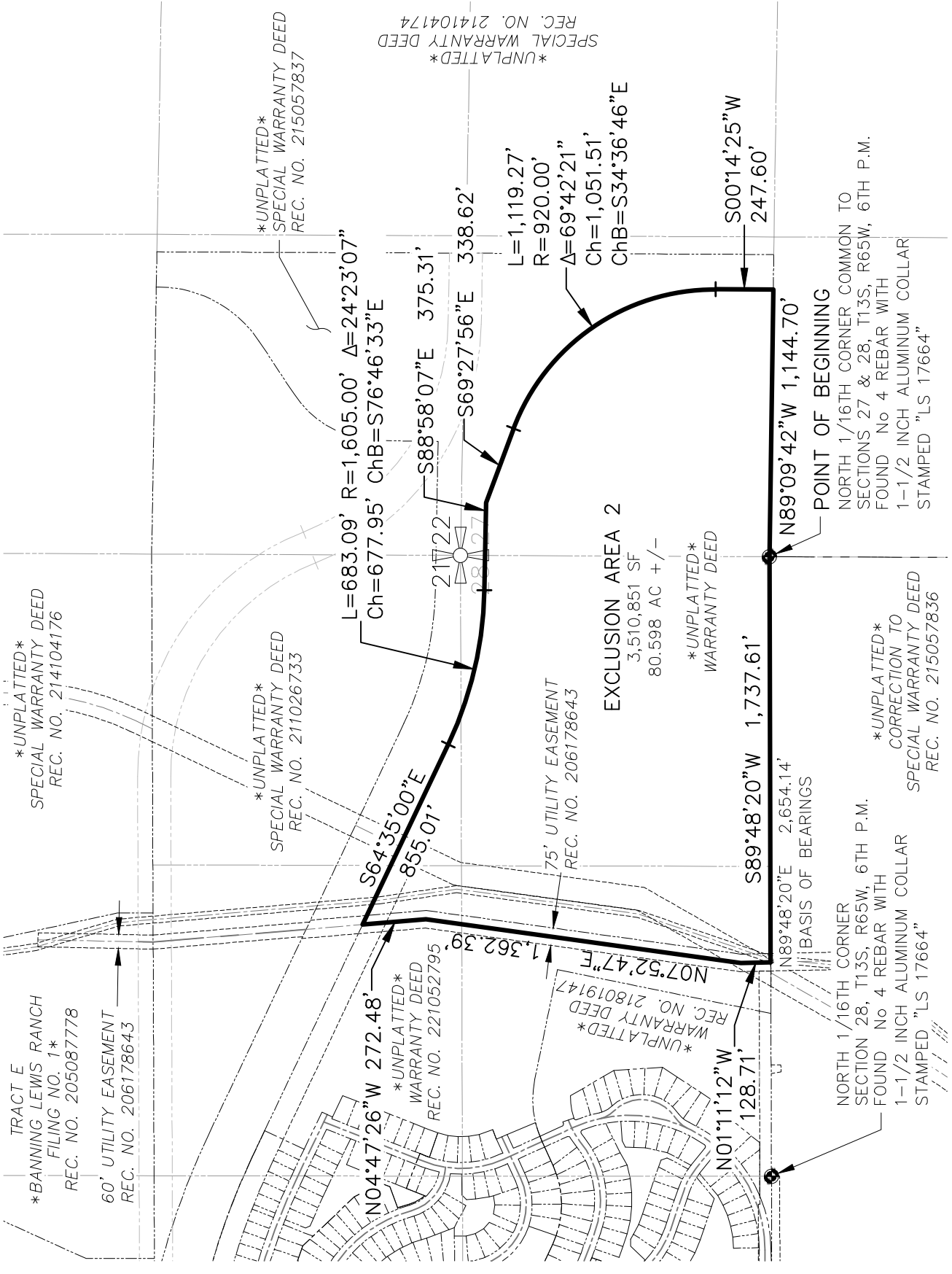
JOB NO. 29-008
DATE PREPARED: 10/08/2021
DATE REVISED:



CIVIL CONSULTANTS, INC.

212 N. WAHSATCH AVE., STE 305
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5485

ENCLAVES AT MOUNTAIN VISTA RANCH EXCLUSION PARCELS EXHIBIT "B"

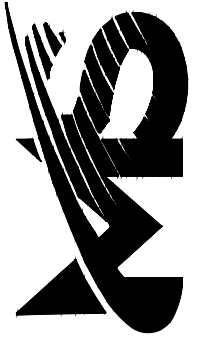


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ENCLAVES AT MOUNTAIN VISTA RANCH
EXCLUSION PARCELS
EXHIBIT "B"

JOB NO. 29-008
DATE PREPARED: 10/08/2021
DATE REVISED:



212 N. WAHSATCH AVE., STE 305
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5485

**PETITION FOR THE EXCLUSION OF REAL PROPERTY
FROM THE MOUNTAIN VISTA METROPOLITAN DISTRICT
(AE ZIRCON, LLC)**

**TO: The Board of Directors of Mountain Vista Metropolitan District
County of El Paso, State of Colorado**

COMES NOW the undersigned Petitioner, AE Zircon, LLC, Colorado limited liability company, and hereby respectfully petitions the Mountain Vista Metropolitan District, by and through its Board of Directors, that the hereinafter described real property be excluded from said Mountain Vista Metropolitan District, and in support of the within Petition states and represents as follows:

1. Petitioner is the owner of one hundred percent (100%) of the real property described on the attached legal description and has the right, power, and lawful authority to bring this Petition.
2. There are no other persons or parties owning or being entitled to any estate, right, title, interest, claim or demand, at law or in equity, in and to the subject real property.
3. That by execution of the Petition, the Petitioner assents to and formally requests the permanent exclusion of the subject real property from the Mountain Vista Metropolitan District.
4. That this Petition for Exclusion is brought pursuant to C.R.S. Title 32, Article 1, Part 5, as amended.
5. The exclusion of the Petitioner's property is requested because the property will be included into a new metropolitan district which will be capable of serving the Petitioner's property with utilities.
6. It is in the best interest of the Petitioner's property and the Mountain Vista Metropolitan District that the subject real property be excluded from the Mountain Vista Metropolitan District.
7. There will be no reduction in the availability or cost of municipal services with there being the same benefits to the Petitioner's property.
8. The exclusion will not affect the ability of Mountain Vista Metropolitan District to provide services to the remainder of the property within the District.
9. If this petition were to be granted, it would have no adverse economic impact upon the Mountain Vista Metropolitan District.
10. There is other economically feasible municipal service available to the property of the

Petitioner.

11. The Mountain Vista Metropolitan District has no debt so the Petitioner's property shall no longer be subject to the Mountain Vista Metropolitan District mill levies.

Submitted this _____ day of October 2021.

AE ZIRCON, LLC

BY: _____
Timothy B. Sittema, Manager

STATE OF COLORADO)
) ss:
COUNTY OF EL PASO)

Subscribed and sworn to before me this _____ day of October 2021 by Timothy B. Sittema as Manager of AE Zircon, LLC.

My commission expires: _____.

Notary Public

Exhibit A
Exclusion Legal Description

Legal Description

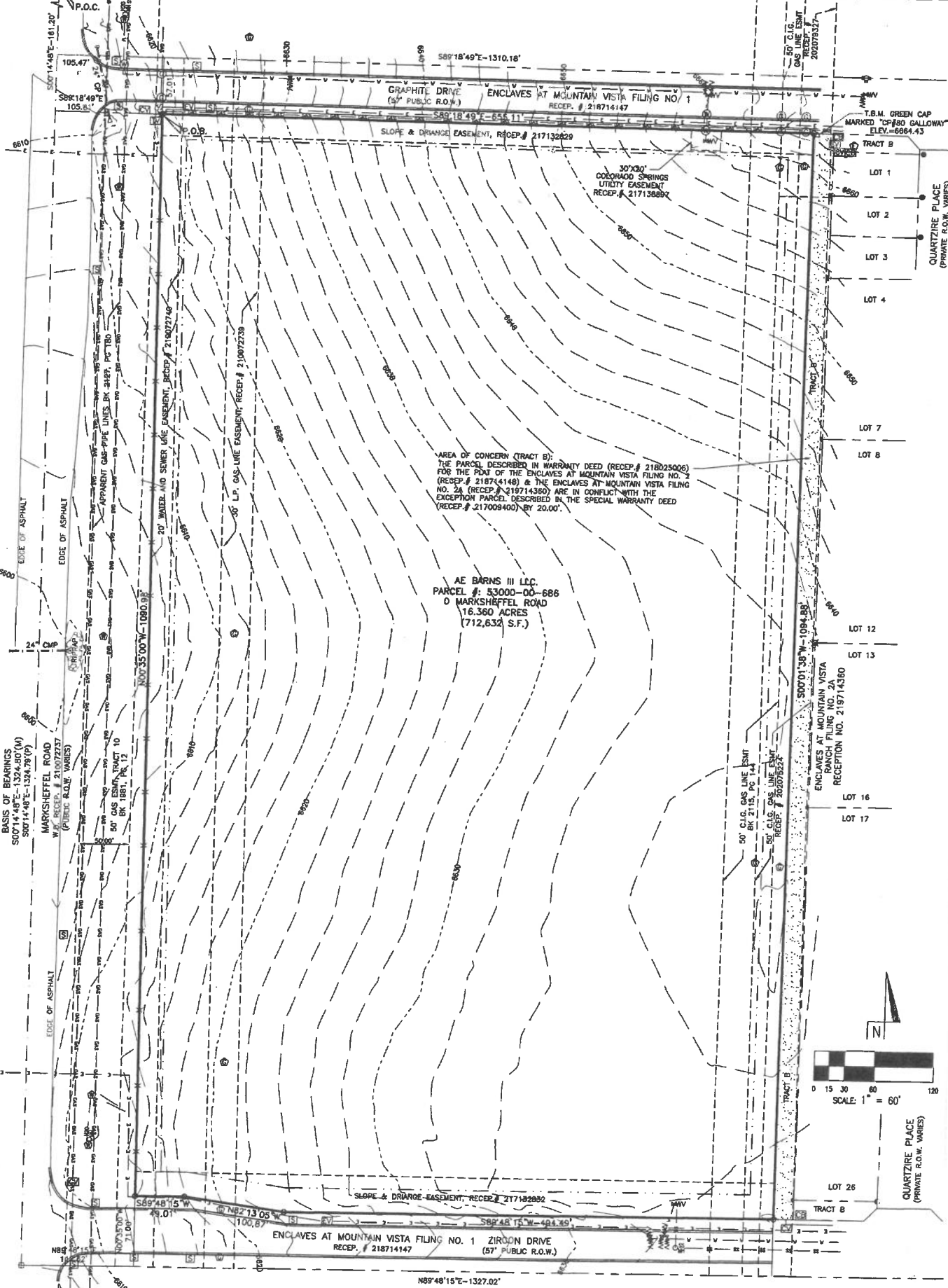
A tract of land located in the Northwest One-quarter (NW1/4) of the Northwest One-quarter (NW1/4) of Section 28, Township 13 South (T13S), Range 65 West (R65W) of the 6TH P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28; Thence S00°14'48"E along the West line of said Section 28, a distance of 161.20 feet; Thence S89°18'49"E, a distance of 105.81 feet to South Right-of-Way line of Graphite Drive as described in the Enclaves at Mountain Vista Ranch Filing No. 1, recorded under Reception No. 218714147 in the records of the Clerk and Recorder's Office of said County and the Point of Beginning of the Tract herein described;

Thence continuing S89°18'49"E along said South Right-of-Way line, a distance of 655.11 feet to the Northwest corner of Tract B as described in the Enclaves at Mountain Vista Ranch Filing No. 2A as recorded under Reception No. 219714360 in the records of the Clerk and Recorder's Office of said County; Thence S00°01'38"W along West line of said Tract B, a distance of 1094.88 feet to the Southwest corner of said Tract B and a point on the North Right-of-Way line of Zircon Drive as described in said Enclaves at Mountain Vista Ranch Filing No. 1; Thence along the North Right-of-Way line of said Zircon Drive, the following three (3) courses: 1.) S89°48'15"W, a distance of 494.49 feet; 2.) Thence N82°13'05"W, a distance of 100.87 feet; 3.) Thence S89°18'15"W, a distance of 49.01 feet to a point on the Easterly Right-of-Way line of Marksheffel Road as described in Warranty Deed, recorded under Reception No. 210072737 in the records of the Clerk and Recorder's Office of said County; Thence N00°35'00"W along said Easterly Right-of-Way line, a distance of 1090.98 feet to the Point of Beginning.

Said tract contains 16.360 acres (712,632 S.F.) more or less.

T13S
SEC. 20
SEC. 21
SEC. 28
P.O.C.



GRAPHITE DRIVE
(57' PUBLIC R.O.W.)
ENCLAVES AT MOUNTAIN VISTA FILING NO. 1
RECEP. # 218714147

SLOPE & DRAINAGE EASEMENT, RECEP. # 217132829

30'x30'
COLORADO SPRINGS
UTILITY EASEMENT
RECEP. # 217138887

AREA OF CONCERN (TRACT B)
THE PARCEL DESCRIBED IN WARRANTY DEED (RECEP. # 218025006)
FOR THE PDAT OF THE ENCLAVES AT MOUNTAIN VISTA FILING NO. 2
(RECEP. # 218741148) & THE ENCLAVES AT MOUNTAIN VISTA FILING
NO. 24 (RECEP. # 218714380) ARE IN CONFLICT WITH THE
EXCEPTION PARCEL DESCRIBED IN THE SPECIAL WARRANTY DEED
(RECEP. # 217009400) BY 20.00'.

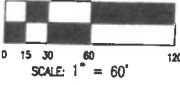
AE BARNES III LLC.
PARCEL # 53000-00-686
0 MARKSHEFFEL ROAD
16.360 ACRES
(712,632 S.F.)

BASIS OF BEARINGS
S00°14'45"E-1324.50'(M)
S00°14'45"E-1244.78'(P)
MARKSHEFFEL ROAD
W.P. RECEP. # 210072737
(PUBLIC R.O.W. VARIES)

20' WATER AND SEWER LINE EASEMENT, RECEP. # 210072740

30' L.P. GAS LINE EASEMENT, RECEP. # 210072739

ENCLAVES AT MOUNTAIN VISTA
RANCH FILING NO. 24
RECEPTION NO. 218714380



QUARTZIRE PLACE
(PRIVATE R.O.W. VARIES)

N89°48'15"E-1327.02'

ENCLAVES AT MOUNTAIN VISTA FILING NO. 1
RECEP. # 218714147

SLOPE & DRAINAGE EASEMENT, RECEP. # 217182832

TRACT B

LOT 26

TRACT B

LOT 17

LOT 16

LOT 13

LOT 12

LOT 8

LOT 7

LOT 4

LOT 3

LOT 2

LOT 1

TRACT B

T.B.M. GREEN CAP
MARKED "CP#80 GALLOWAY"
ELEV. = 6884.43

QUARTZIRE PLACE
(PRIVATE R.O.W. VARIES)

50' C.I.G. GAS LINE EASMT
BK 2115, PC
RECEP. # 202076227

50' C.I.G. GAS LINE EASMT
RECEP. # 202076227

50' C.I.G. GAS LINE EASMT
BK 2115, PC
RECEP. # 202076227

30'x30'
COLORADO SPRINGS
UTILITY EASEMENT
RECEP. # 217138887

SLOPE & DRAINAGE EASEMENT, RECEP. # 217132829

ENCLAVES AT MOUNTAIN VISTA FILING NO. 1
RECEP. # 218714147

GRAPHITE DRIVE
(57' PUBLIC R.O.W.)
ENCLAVES AT MOUNTAIN VISTA FILING NO. 1
RECEP. # 218714147

T13S
SEC. 20
SEC. 21
SEC. 28
P.O.C.