

DISTRICT COURT, EL PASO COUNTY, COLORADO	
Court Address: 270 South Tejon Street Colorado Springs, Colorado 80901	▲ COURT USE ONLY ▲
Telephone No: (719) 448-7700	
Petitioner: PAINT BRUSH HILLS METROPOLITAN DISTRICT	
Attorneys for Petitioner: Name: Jennifer Gruber Tanaka, Esq. Brent E. Butzin, Esq. Address: WHITE, BEAR & ANKELE Professional Corporation 2154 East Commons Avenue, Suite 2000 Centennial, Colorado 80122 Phone Number: (303) 858-1800 Fax Number: (303) 858-1801 Email: jtanaka@wbapc.com bbutzin@wbapc.com Atty. Reg. #s: 32056 40636	Case No: 86 CV 4806 Div./Ctrm.:
NOTIFICATION OF APPROVED MODIFICATION TO SERVICE PLAN	

Pursuant to § 32-1-207(2)(a), C.R.S., a Petition for modification to the Service Plan (the "Petition") for the Paint Brush Hills Metropolitan District (the "District") was submitted to the El Paso County Board of County Commissioners (the "Commissioners") on September 20, 2004. A copy of said Petition is attached hereto as **Exhibit A**. The Petition requested the addition of park and recreation powers to the District's other powers set forth in its Service Plan. On January 6, 2005, after proper publication, the Commissioners conducted a public hearing to consider the Petition and adopted Resolution No. 05-21 approving the Petition (the "Resolution"), which Resolution was recorded in the real property records of the El Paso County Clerk and Recorder's Office at Reception Number 205016961, a copy of which is attached hereto as **Exhibit B**.

IN WITNESS WHEREOF, this Notification is filed with the Court for the purposes of public notification and disclosure.

Respectfully filed with the Court on the 8th day of April 2014.

WHITE, BEAR & ANKELE,
Professional Corporation

*ORIGINAL SIGNATURE ON FILE AT WHITE, BEAR & ANKELE,
PROFESSIONAL CORPORATION*

_____/s/ Jennifer Gruber Tanaka, Esq._____

Jennifer Gruber Tanaka, Esq., #32056

Brent E. Butzin, Esq., #40636

2154 East Commons Avenue, Suite 2000

Centennial, Colorado 80122

(303) 858-1800

Attorneys for the Petitioner

EXHIBIT A

Petition for Modification of Service Plan

PHILIP J. ANDERSON
545 East Pikes Peak Avenue
Suite 207
Colorado Springs, Colorado 80903

(719)633-4873
FAX (719)633-2926
CELL (719)331-2732
email: pjanderson@qwest.net

September 20, 2004

Carl F. Schueler
El Paso County Planning Department
Regional Development Center
2880 International Circle
Colorado Springs, Colorado 80910

Re: Petition for Modification to Paint Brush Hills Metropolitan District Service Plan –
Parks and Recreation

Dear Carl,

As you are aware from previous discussions with me and our District Manager, Ellen Robley, the Board of Directors of the Paint Brush Hills Metropolitan District has determined that adding park and recreation as authorized District services would be in the best interests of the customers and residents of the District. For reasons that are unknown eighteen years later, the Service Plan for the District, approved by the Board of County Commissioners in 1986, included water, sanitary sewer, storm sewer and drainage, streets, street lights, traffic signals, bridges, mosquito control and safety protection but did not include park and recreation.

Today, the District serves 525 homes and an estimated population of 1,450 people. A total of 1,700 homes with a population of over 5,000 are anticipated at full build out of the 945 acres within the District's boundaries. El Paso County government does not provide neighborhood park services and our board believes that such services should be offered in urban density developments, particularly the Falcon Hills' development which it serves. All of the other districts in the Falcon area currently provide park and recreation services.

To this end, our board has canvassed its customers on several occasions and has held public meetings to obtain input on their desires with regard to the provision of park and recreation services. As one might imagine, there was a range of comments and suggestions but the large majority of those responding were in favor of the District getting into the park business, particularly if the District's mil levy was not increased to do so. The leading items of interest were walking trails and pocket parks with playground equipment.

We are submitting a twenty-year projection of revenues and expenses for the estimated capital and operating costs associated with desired park and recreation

facilities. This projection generally corresponds to a Trails/Park Exhibit for the property located within the boundaries of the District, also being submitted with this request. No increase in property taxes is being proposed to fund these costs as current general fund revenues, lottery funds and developer contributions are anticipated to be sufficient.

As usual, we thank you in advance for your assistance in processing our request. Please do not hesitate to advise us if the Special District/Local Improvement District Committee should be involved with this request. We have previously worked with the County Parks Department and have committed to providing a trail along the northerly boundary of the District as part of the County's master plan for trails in the region (shown on the Exhibit). If you think additional coordination is needed, we will be happy to do so. C.R.S. 32-1-207 (2) requires that a material modification of the original service plan should be handled in substantially the same manner as is provided for the approval of the original plan. Please consider this letter to be our Petition. We will contact the Clerk to the Board to determine the amount of the filing fee, if any. We are also providing a copy of the District's 2004 Budget and, to the extent possible, would appreciate the County's assistance in processing this request this fall to facilitate our Board's adoption of its 2005 budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip J. Anderson". The signature is written in a cursive style with a large initial "P".

Philip J. Anderson
President
Paint Brush Hills Metropolitan District

EXHIBIT B

Resolution of Commissioners Approving Petition

**THIS IS A CORRECTED VERSION OF RESOLUTION NO. 05-21 RECORDED
ON JANUARY 19, 2005, AT RECEPTION NO. 205008854 OF THE RECORDS OF
THE EL PASO COUNTY CLERK AND RECORDER**

Resolution No. 05-21

**BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, STATE OF COLORADO**

**RESOLUTION TO MODIFY THE PAINT BRUSH HILLS METROPOLITAN
DISTRICT SERVICE PLAN**

Commissioner Huffman moved adoption of the following Resolution:

WHEREAS, pursuant to Sections 32-1-207(2), C.R.S., as amended, the Paint Brush Hills Metropolitan District submitted an application for review and modification of the Paint Brush Hills Metropolitan District Service Plan; and

WHEREAS, the El Paso County Planning Commission held a public hearing concerning this matter on November 16, 2004, at which time the Planning Commission did by formal resolution recommend conditional approval of the submitted modification to the Paint Brush Hills Metropolitan District Service Plan; and

WHEREAS, on December 13, 2004, the Board ordered a public hearing to be held on the Service Plan on January 6, 2005; and

WHEREAS, notice of the hearing before the Board was duly published in the *El Paso County Advertiser and News* on December 15, 2004, as required by law; and

WHEREAS, notice of the hearing before the Board was duly mailed by first class mail, on or before December 30, 2004, to interested persons, defined as follows: (1) the owners of record of all property within the proposed Title 32 districts as such owners of record are listed in the proposed service plan; (2) the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the proposed district's boundaries. Notice of hearing was provided to the State of Colorado Division of Local Government on December 23, 2004; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the Board held a public hearing on the Service Plan Modification for the District on January 6, 2005; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, study of the proposed service plan, recommendations of the El Paso County Planning Commission, comments of the El Paso

ROBERT C. "BOB" BALINK El Paso County, CO

02/03/2005 01:15:45 PM

Doc \$0.00 Page

Rec \$0.00 1 of 5



205016961

County Planning Division, comments of public officials and agencies, and comments by all interested parties, this Board finds as follows:

1. That proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
2. The hearings before the Planning Commission and the Board were extensive and complete; that all pertinent facts, matters and issues were submitted; that all interested parties were heard or had the opportunity to be heard; and, that evidence satisfactory to the Board of each of the following was presented:
 - a. There is sufficient existing and projected need for organized service in the area to be served by the Special District.
 - b. Existing parks and recreation service in the area to be served by the Special District is inadequate for present and projected needs.
 - c. The Special District is capable of providing economical and sufficient parks and recreation service to the area it intends upon serving.
 - d. Adequate parks and recreation service is not or will not be available to the area through the County or other existing municipal or quasi-municipal corporations within a reasonable time and on a comparable basis.
 - e. The parks and recreation facility and service standards of the Special District are compatible with the facility and service standards of El Paso County, and each municipality that is an interested party.
 - f. The proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. 30-28-106.
 - g. The proposal is in compliance with any duly adopted County, regional or state long-range water quality management plan for the area.
 - h. The modification of this existing Special District will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of El Paso County, Colorado:

1. That the Board of County Commissioners of El Paso County, Colorado does hereby determine that the requirements of sections 32-1-207(2), C.R.S., relating to the filing of a modified service plan for Paint Brush Hills Metropolitan District and the requirements of sections 32-1-204, C.R.S., relating to notice of the hearing by the Board, have been fulfilled in a timely manner.

2. That the Board of County Commissioners of El Paso County, Colorado, does hereby approve the Service Plan Modification for the Paint Brush Hills Metropolitan District, for property more particularly described in Exhibit A, which is attached hereto and incorporated herein by reference, conditioned upon the following:

CONDITION:

a. With the exception of the addition of parks and recreation as any allowable purpose for this District all other elements of the original 1986 approval of this Service Plan found at Reception No. 01456003 shall remain in full force and effect.

NOTATIONS:

a. Approval of this Service Plan modification does not confer any express intent by El Paso County to assume ownership or maintenance responsibility of any identified facilities including "proposed County trails." Such decisions may be made through separate later County actions.

b. The forecasted budget as proposed will allow for only limited maintenance and operations of the identified park and open space properties and facilities. Higher levels of maintenance and operations will require additional sources of revenue.

3. A certified copy of this Resolution shall be filed in the records of the County and submitted to the petitioner.

4. That all resolutions or parts thereof, in conflict with the provisions hereof, are hereby repealed.

ADOPTED January 6, 2005, at Colorado Springs, Colorado.

Resolution No. 05-21

Page 4



By: [Signature]
Deputy County Clerk

**BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO**

By: [Signature]
Chairman

Commissioner Williams seconded the adoption of the foregoing Resolution. The roll having been called, all five Commissioners present voted "aye," and the Resolution was unanimously adopted by the Board of County Commissioners of the County of El Paso, State of Colorado.

Resolution No. 05-21
EXHIBIT A

"Section 25 in the east 1/2 of Section 26, Township 12 South, Range 65 West of the 6 P.M. in El Paso County, Colorado, except the easterly 30 feet and the southerly 60 feet of the easterly 3222.73 feet of said Section 25, and except that parcel described in Book 2732 at Page 860 of the records of said El Paso County, containing 945 acres, more or less."