

After Recording, Return to:  
WHITE BEAR ANKELE TANAKA & WALDRON  
2154 East Commons Avenue, Suite 2000  
Centennial, Colorado 80122

**Resolution No. 2015-11-05**

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
CASCADE METROPOLITAN DISTRICT NO. 1**

**CONCERNING THE IMPOSITION OF VARIOUS FEES, RATES, PENALTIES AND  
CHARGES FOR WATER SERVICES AND FACILITIES**

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WHEREAS, the Cascade Metropolitan District No. 1 (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for El Paso County, Colorado, and after approval of the District’s eligible electors at an election; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control and supervision of all the business and affairs of the District; and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to acquire, construct, operate and maintain certain amenities and facilities benefitting property and inhabitants within the District, which amenities and facilities generally include water improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to provide certain water services to property and inhabitants within and without the boundaries of the District (collectively, the “**Services**”); and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose fees, rates, tolls, penalties and charges for services or facilities furnished by the District which, until such fees, rates, tolls, penalties and charges are paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, the District incurs certain direct and indirect costs associated with the acquisition, construction, installation, repair, replacement, improvement, reconstruction operation and maintenance of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs (collectively, the “**Facility Costs**”) in order that the Facilities may be properly provided and maintained; and

WHEREAS, the District incurs certain direct and indirect costs associated with the provision of the Services in order that the Services may be properly provided, the property within and without the District maintained, and that the health, safety and welfare of the District, its users and its inhabitants may be safeguarded (collectively, the “**Service Costs**”); and

WHEREAS, the establishment and continuation of fair and equitable fees and charges (collectively, the “**Fees and Charges**”) to provide a source of funding to pay for the Facility Costs and the Service Costs, (collectively, the “**Costs**”), which Costs are generally attributable to the persons and/or properties subject to such Fees and Charges, is necessary to provide for the common good and for the prosperity and general welfare of the District and its inhabitants and for the orderly and uniform administration of the District’s affairs; and

WHEREAS, pursuant to § 32-1-1006(1)(g), C.R.S., the District is empowered to fix and from time to time increase or decrease tap fees; and

WHEREAS, the establishment of a fair and equitable fee (the “**Water Tap Fee**”) to provide a source of funding to pay for the initial capital direct and indirect costs associated with the construction, installation and acquisition of the Facilities (the “**Capital Facilities Costs**”), which Capital Facilities Costs are generally attributable to each Lot and Commercial Lot (defined below), is necessary to provide for the common good and for the prosperity and general welfare of the District, its users and its inhabitants; and

WHEREAS, pursuant to § 32-1-1001(2), C.R.S., the Board, as a governing body furnishing domestic water or sanitary sewer services directly to residents and property owners within or outside of the District, may fix or increase fees, rates, tolls, penalties or charges for domestic water or sanitary sewer services only after consideration of the action at a public meeting held at least thirty (30) days after providing notice stating that the action is being considered and stating the date, time and place of the meeting at which the action is being considered; and

WHEREAS, pursuant to § 32-1-1001(2)(a)(IV), C.R.S., on October 16, 2015, the Board provided the required (30) days’ notice by posting the notice on the official website of the Colorado Special District Association, the statewide association of special districts forms pursuant to § 29-1-401, C.R.S., which association posted the notice of a publicly accessible section of its website; and

WHEREAS, the District finds that the Fees and Charges and Water Tap Fee, as set forth in this Resolution, are reasonably related to the overall cost of providing the Facilities and Services and paying the Costs, and that imposition thereof is necessary and appropriate; and

WHEREAS, on May 26, 2015, the Board adopted Resolution No. 2015-05-03 an Amended and Restated Resolution of the Board of Directors of Cascade Metropolitan District No. 1 Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water Services and Facilities, which was recorded in the real property records of the El Paso County Clerk and Recorder’s Office on May 27, 2015, at Reception No. 215052999 (the “**Prior Fee Resolution**”), and the Board desires to adopt this Resolution to amend, restate and supersede the Prior Fee Resolution in its entirety.

Any fees, rates, tolls, penalties or charges due under the Prior Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

NOW, THEREFORE, be it resolved by the Board as follows:

1. **DEFINITIONS.** Except as otherwise expressly provided or where the context indicates otherwise, the following capitalized terms shall have the respective meanings set forth below:

“**Apartment Unit**” means a unit within an apartment building which unit is held for lease or rent for residential occupancy and for which a final certificate of occupancy has been issued.

“**Commercial Lot**” means each Lot, regardless of the number of Commercial Units thereon, within the District Boundaries that is used and/or zoned for general commercial, industrial, office, retail or other non-residential uses.

“**Commercial Unit**” means each office space, unit, building or other structure within the District Boundaries that is used and/or zoned for general commercial, industrial, office, retail, or other non-residential uses.

“**District Boundaries**” means the legal boundaries of the District, as the same are established and amended from time to time pursuant to §§32-1-101, *et seq.*, C.R.S., as well as properties outside of the District’s legal boundaries which receive service from the District, all as more particularly set forth in the map and legal description attached hereto as **Exhibit B** and incorporated herein by this reference.

“**Due Date**” means the date by which the Fees and Charges and Water Tap Fee are due, which Due Date is reflected on the Schedule of Fees.

“**End User**” means any third-party homeowner or tenant of any homeowner occupying or intending to occupy a Residential Unit or a Commercial Unit. End User specifically excludes a tenant occupying an Apartment Unit.

“**Fee Schedule**” or “**Schedule of Fees and Charges**” means the schedule of fees set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, until and unless otherwise amended and/or repealed.

“**Lot**” means each parcel of land established by a recorded final subdivision plat and which is located within the District Boundaries.

“**Property Owner**” shall include all owners of real property, customers, users, residents, leaseholders and other recipients of District services.

“**Residential Unit**” means each residential dwelling unit (including, without limitation, condominiums, townhomes, and any other attached dwelling unit and detached single

family dwelling units) located within the District Boundaries which has been Transferred to an End User.

“**Transfer**” or “**Transferred**” shall include a sale, conveyance or transfer by deed, instrument, writing, lease or any other documents or otherwise by which real property is sold, granted, let, assigned, transferred, exchanged or otherwise vested in a tenant, tenants, purchaser or purchasers.

“**Vacant Lot**” means each parcel of land within the District established by a recorded final subdivision plat, but specifically excluding any parcel upon which one or more Residential Units, Apartment Units or Commercial Units are situated and specifically excluding any parcel owned by the District.

## 2. THE FEES AND CHARGES.

a. Service Fees and Charges. The Board has determined, and does hereby determine, that it is in the best interests of the District and its respective residents, users and property owners to impose, and does hereby impose the Fees and Charges set forth in the Schedule of Fees and Charges to fund the Costs. The Fees and Charges are hereby established and imposed in an amount as set forth by the District from time to time pursuant to an annual “Fee Schedule” and shall constitute the rate in effect until such schedule is amended or repealed. The initial Fee Schedule is set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

b. Transfer Payment. The Fees shall include a separate payment imposed on transfers of a Residential Unit (the “**Transfer Payment**”). The Transfer Payment shall be imposed on all Transfers of a Residential Unit and Commercial Unit by an End User. The Transfer Payment shall not apply to any of the following, except to the extent the District determines that such exception is being undertaken for the purpose of improperly avoiding the Fees and Charges:

i. Any Transfer wherein the United States, or any agency or instrumentality thereof, the State of Colorado, any county, city and county, municipality, district or other political subdivisions of this State, is either the grantor or the grantee.

ii. Any Transfer by document, decree or agreement partitioning, terminating or evidencing termination of a joint tenancy, tenancy in common or other co-ownership; however, if additional consideration or value is paid in connection with such partition or termination the Transfer Payment shall apply and be based upon such additional consideration.

iii. Any Transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.

iv. Any Transfer made and delivered without consideration for the purpose of: confirming, correcting, modifying or supplementing a Transfer previously made; making minor boundary adjustments; removing clouds of title; or granting easements, rights-of-way or licenses.

v. Any decree or order of a court of record quieting, determining or resting title, except for a decree of foreclosure.

vi. Transfers to secure a debt or other obligation, or releases other than by foreclosure, which is security for a debt or other obligation.

vii. Transfers pursuant to a decree or separation of divorce.

c. The Board has determined, and does hereby determine, that the Fees and Charges are reasonably related to the overall cost of providing the Facilities and Services, and is imposed on those who are reasonably likely to benefit from or use the Facilities and Services.

d. The Board has determined, and does hereby determine, that the Fees and Charges are calculated to defray the cost of funding the Costs and reasonably distribute the burden of defraying the Costs in a manner based on the benefits received by persons paying the fees and using the Facilities and Services.

3. WATER TAP FEE. A one-time Water Tap Fee is hereby established and imposed upon each Residential Unit and each Commercial Unit within the District Boundaries in the amounts set forth in the Schedule of Fees and Charges.

4. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Fees and Charges and Water Tap Fee not paid in full within fifteen (15) days after the scheduled due date will be assessed a late fee in the amount of Fifteen Dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due. Interest will also accrue on any outstanding Fees and Charges and Water Tap Fee, exclusive of assessed late fees, penalties, interest and any other costs of collection, specially including, but not limited, to attorney fees, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S. The District may institute such remedies and collection procedures as authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting property owner shall pay all fees and costs, specifically including, but not limited to, attorneys' fees and costs and costs associated with the collection of delinquent fees, incurred by the District and/or its consultants in connection with the foregoing.

5. PAYMENT. Payment for all fees, rates, tolls, penalties, charges, interest and attorney fees shall be made by check or equivalent form acceptable to the District, made payable to "Cascade Metropolitan District No. 1" and sent to the address indicated on the Fee Schedule. The District may change the payment address from time and time and such change shall not require an amendment to this Resolution.

6. LIEN. The fees imposed hereunder, together with any and all late fees, interest, penalties and costs of collection, shall, until paid, constitute a statutory, perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado for the foreclosure of mechanic's liens, pursuant to § 32-1-1001(1)(j)(I), C.R.S. Said lien may be foreclosed at such time as the District, in its sole discretion, may determine. The lien shall be perpetual in nature (as defined by the laws of the State of Colorado) on the property and shall run with the land. This Resolution shall be recorded in the offices of the Clerk and Recorder of El Paso County, Colorado.

7. CERTIFICATION OF ACCOUNT TO COUNTY TREASURER. Pursuant to §32-1-1101(1)(e), C.R.S., the Board may elect to certify any delinquent account and late fees satisfying the criteria established therein to the El Paso County Treasurer for collection with *ad valorem* property taxes. The certification process may be in addition to or in lieu of any procedures set forth in this Resolution in the Board's sole discretion. The fees for the certification process shall be in accordance with Colorado law and El Paso County policy.

8. SHUT OFF OR DISCONTINUATION OF SERVICE. Pursuant to § 32-1-1006(1)(d), C.R.S., the Board may elect to shut off or discontinue water service for delinquencies. The shut off or discontinuation of service may be in addition to or in lieu of any procedures set forth in this Resolution in the Board's sole discretion. The fees associated with the shut off or discontinuation of service as set forth in the Schedule of Fees and Charges.

9. SEVERABILITY. If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

10. THE PROPERTY. This Resolution shall apply to all property within the District's boundaries, including, but not limited to, the property set forth in **Exhibit B**, attached hereto and incorporated herein by this reference, and any additional property included into the District after the date of this Resolution.

11. EFFECTIVE DATE. This Resolution shall become effective as of November 17, 2015.

*[Remainder of Page Intentionally Left Blank. Signature Page to Follow].*

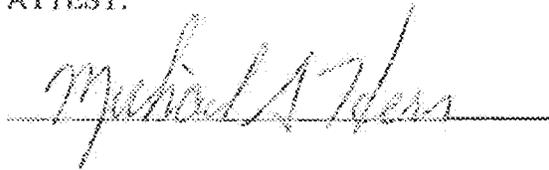
ADOPTED this 17<sup>th</sup> day of November, 2015.

CASCADE METROPOLITAN DISTRICT NO. 1,  
a quasi-municipal corporation and political  
subdivision of the State of Colorado



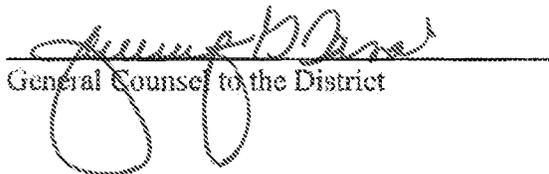
\_\_\_\_\_  
Officer of the District

ATTEST:

  
\_\_\_\_\_

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys At Law

  
\_\_\_\_\_

General Counsel to the District

*Signature Page to Resolution Concerning the Imposition of Various Fees and Charges for Water  
Services and Facilities*

## EXHIBIT A

### Schedule of Fees and Charges Adopted November 17, 2015 Effective January 1, 2016

#### WATER TAP FEE \$15,000

This fee is a one-time contribution per single-family residential equivalent unit (“EQR”) required of new customers (or existing customers having change of use) to be used for capital investment in District facilities and the organization of the District. The Water Tap Fee shall be due five (5) business days prior to the issuance of a building permit by the County for each Residential Unit and each Commercial Unit.

Fees for the following tap sizes will be calculated at the stated EQR values multiplied by the Water Tap Fee amount stated above:

¾” Size or Smaller	1 EQR
1” Size	1.93 EQR
1½” Size	3.86 EQR
2” Size	7.72 EQR
3” Size	19.30 EQR
4” Size	38.60 EQR
Larger than 4”	As Determined by District

**Due Date:** within five (5) business days of the issuance of a building permit by the County for each Unit

**Late Charge:** up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due

#### MONTHLY WATER SERVICE CHARGES—BASE RATE

¾” Size or Smaller	\$18.00/month
1” Size	\$34.75/month
1 ½” Size	\$69.48/month
2” Size	\$138.96/month
3” Size	\$347.40/month

**Due Date:** last day of month following month for which billed

**MONTHLY WATER SERVICE—USAGE FEES**

\$16.00/1,000 gallons

**Due Date:**

last day of month following month for which billed

**PIPELINE SURCHARGE FEE**

The Pipeline Surcharge Fee shall remain applicable at all times during service whether the meter is turned on or off.

¾” Residential or Smaller	\$14.66/month
1” Residential	\$28.29/month
1 ½” Residential	\$56.59/month
2” Residential	\$113.18/month
3” Residential	\$282.94/month
¾” Non-Residential or Smaller	\$36.47/month
1” Non-Residential	\$70.39/month
1 ½” Non-Residential	\$140.77/month
2” Non-Residential	\$281.55/month
3” Non-Residential	\$703.87/month

**Due Date:**

last day of month following month for which billed

**MISCELLANEOUS FEES:**

**LATE FEES**

\$15.00/each

**BAD CHECK FEES**

\$30.00/each

120% of Actual Fees and Costs of Collections

**NEW ACCOUNT TRANSFER/EXISTING SERVICE**

This fee is paid directly to the District and is to cover costs associated with services regarding the title transfer/account set-up.

\$100.00/each non-renter transfer  
\$50/each renter transfer

**METER TURN-OFF FEE**

The monthly fee shall be applicable (for both customer requested or District initiated turn-offs) for the duration of the turn-off period.

\$40.00 plus \$9.00/month

**METER TURN-ON FEE**

\$40.00

**DISCONNECTION OF SERVICE FEE**

Disconnection of service requires the removal of the meter. Re-establishment of service shall require payment of all applicable fees specified to a new account, including, but not limited to, Water Tap Fees.

UNAUTHORIZED CONNECTION/USE/TAMPERING FEE Up to \$10,000 each

INSPECTION/MAINTENANCE FEES \$35.00/hour

PLAN REVISION FEES \$50.00 flat fee plus  
120% of actual review costs.

**Due Dates:** last day of month following month for which billed unless otherwise specified on invoice

DEBT SERVICE FEE\*

¾" Size or Smaller	\$78.04/month
1" Size	\$150.62/month
1 ½" Size	\$301.23/month
2" Size	\$602.47/month
3" Size	\$1,506.17/month

**Due Date:** last day of month following month for which billed

\*Pursuant to Section 5.19 of the Indenture of Trust, dated May 1, 2015, by and between the District and UMB Bank, n.a., as Trustee, relating to the District's Water Enterprise Revenue Refunding and Improvement Bonds, Series 2015A and 2015B, the Debt Service Fee reflects amounts sufficient to generate 120% of the amount necessary to pay when due the principal of and interest on the Bonds and any outstanding Additional Parity Obligations coming due during such Fiscal Year, and to make up any deficiencies in the Bond Reserve Fund and any reserve accounts created in respect of any outstanding Additional Parity Obligations (as those terms are defined in the Indenture of Trust). It is expected that the Debt Service Fee will change annually to meet the District's obligations under the Indenture for the ensuing year, which changes will be reflected in a new fee resolution after proper notice pursuant to Colorado law.

**PAYMENTS:** Payment for each of the Fees and Charge shall be made payable to the Cascade Metropolitan District No. 1 and sent to the following address for receipt by the Due Date:

Cascade Metropolitan District No. 1  
Post Office Box 1479  
Colorado Springs, Colorado 80901

**EXHIBIT B**

**CASCADE METROPOLITAN DISTRICT NO. 1**

**District Boundaries**

**CASCADE METROPOLITAN DISTRICT NO. 1**

**LEGAL DESCRIPTION:**

A service boundary being located in portions of Sections 15, 16, 22, 23, 26 & 27, Township 13 South, Range 68 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, being comprised of the following El Paso County parcel numbers:

8300000112, 8322100007, 8322100025, 8322100031, 8322100033, 8322100052,  
8322100053, 8322100063, 8322100071, 8322100077, 8322100086, 8322100089,  
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8327108004, 8327108005.

Together with the following:

CASCADE METROPOLITAN DISTRICT NO. 1

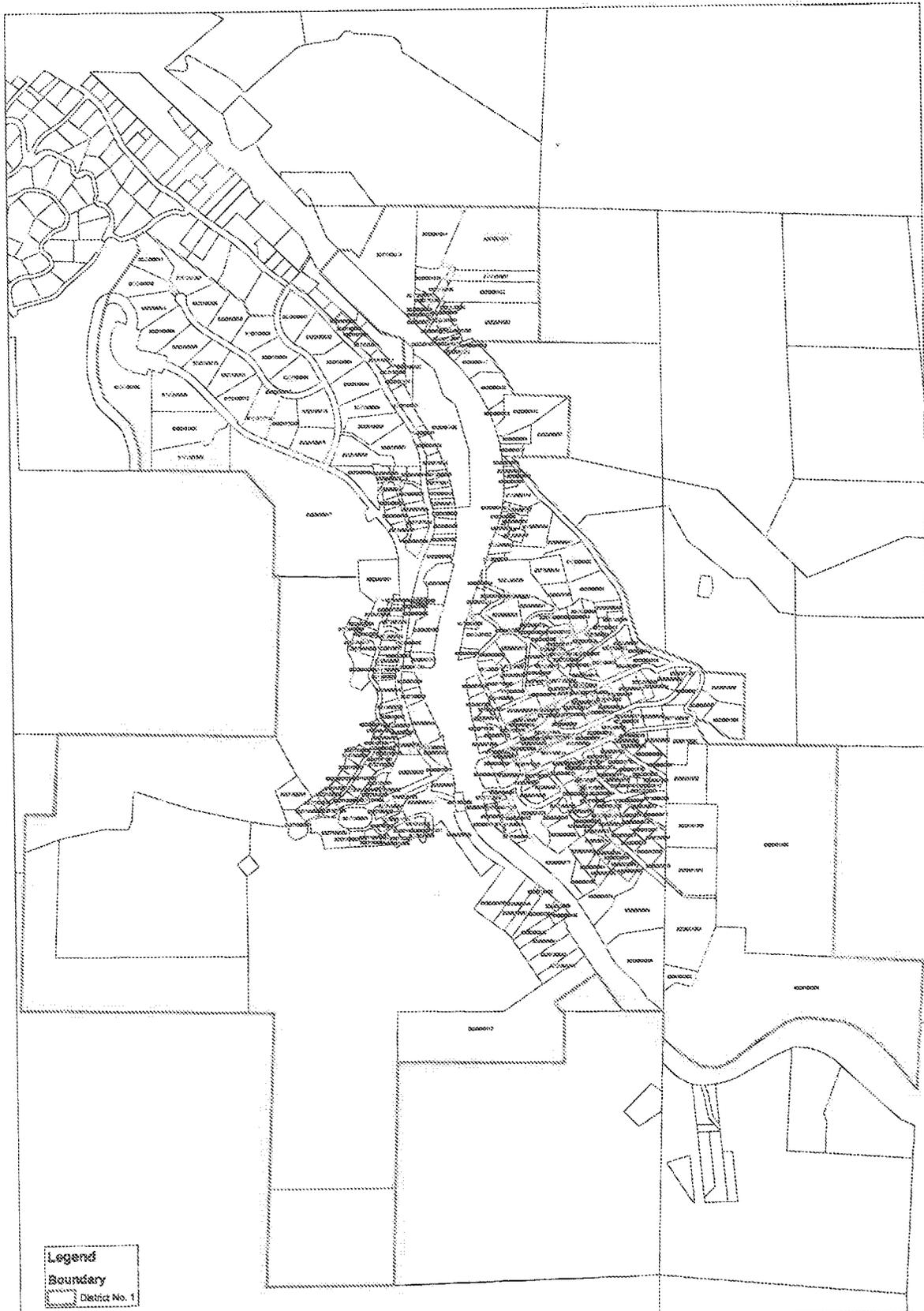
PARCEL 1: LOTS 20, 22, 24, 26, 28, 30, 32 AND 34 IN BLOCK 10 IN RESUBDIVISION OF BLOCKS 10, 11, 12 AND 13 OF THE TOWN OF CASCADE, EL PASO COUNTY, COLORADO.

PARCEL 2: THE UNPLATTED PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO, LYING SOUTH AND WESTERLY OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER, THENCE SOUTHERLY 1030 FEET ON THE WESTERLY LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER TO THE POINT OF BEGINNING OF THE LINE DESCRIBED HEREBY; THENCE ANGLE LEFT 90 DEGREES 29 MINUTES AND RUN EASTERLY 777.3 FEET MORE OR LESS, ON A LINE PARALLEL TO THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22 TO THE POINT OF INTERSECTION OF THE SAID LINE WITH THE WESTERLY LINE OF A TRACT OF LAND CONVEYED IN DEED RECORDED IN BOOK 1433 AT PAGE 403, THENCE ANGLE RIGHT 86 DEGREES 07 MINUTES SOUTHERLY ALONG SAID WESTERLY LINE 137 FEET; THENCE ANGLE LEFT SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID TRACT IN BOOK 1433 AT PAGE 403 TO THE SOUTHWEST CORNER OF LOT 17 IN BLOCK 11 IN RESUBDIVISION OF BLOCKS 10, 11, 12 AND 13 OF THE TOWN OF CASCADE.

PARCEL 3: THE NORTHERLY 20 FEET OF LOT 18 IN BLOCK 24 IN ADDITION NO. 1 TO THE TOWN OF CASCADE, EL PASO COUNTY, COLORADO.

PARCEL 4: THAT UNPLATTED PORTION OF THE NORTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO, LYING SOUTH OF THOSE TRACTS OF LAND AT RECEPTION NO. 99159218, LYING SOUTHERLY OF THOSE TRACTS OF LAND IN BOOK 5315 AT PAGE 396, LYING NORTHERLY, WESTERLY AND SOUTHERLY OF THOSE TRACTS OF LAND IN BOOK 3822 AT PAGE 414, SOUTHERLY AND WESTERLY OF THOSE TRACTS OF LAND AT RECEPTION NO. 200085989, LYING SOUTHERLY AND WESTERLY OF BOYSEN SUBDIVISION, EL PASO COUNTY, COLORADO, LYING SOUTHERLY AND WESTERLY OF THAT TRACT OF LAND IN BOOK 6364 AT PAGE 1344, LYING SOUTHERLY AND WESTERLY OF THAT TRACT OF LAND AT RECEPTION NO. 200062373, LYING SOUTHERLY AND WESTERLY OF THOSE TRACTS OF LAND AT RECEPTION NO. 99003811, LYING SOUTHERLY AND WESTERLY OF THAT TRACT OF LAND AT RECEPTION NO. 98036078, LYING SOUTHERLY AND WESTERLY OF THOSE TRACTS OF LAND IN BOOK 3239 AT PAGE 498, LYING SOUTHERLY AND WESTERLY OF THOSE TRACTS OF LAND IN BOOK 6820 AT PAGE 1423 AND LYING SOUTHERLY AND WESTERLY OF THAT TRACT OF LAND IN BOOK 1295 AT PAGE 220.

PARCEL 5: THE UNPLATTED PORTION OF THE NORTHEAST QUARTER, EXCEPT FOR THOSE PORTIONS IN BOOK 5249 AT PAGE 237 AND AT RECEPTION NO. 99069043, THE EAST HALF OF THE SOUTHEAST QUARTER AND THE WEST HALF OF THE NORTHWEST QUARTER, EXCEPT FOR THOSE PORTIONS CONTAINED IN BOOK 441 AT PAGE 336 AND IN BOOK 893 AT PAGE 381, IN SECTION 27, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO.



Legend  
Boundary  
District No. 1

1 in = 400 ft



CASCADE METROPOLITAN  
DISTRICT NO. 1 BOUNDARY

CASCADE METROPOLITAN  
DISTRICT #1