



MOUNTAIN VISTA METROPOLITAN DISTRICT NO 2

Regular Board Meeting held in person and virtually
8605 Explorer Dr, Colorado Springs, CO 80920

Thursday, February 1, 2024 – 10:30 a.m.

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

<https://video.cloudoffice.avaya.com/join/966469362>

United States: +1 (213) 463-4500

Access Code: 966-469-362

Board of Director	Title	Term
John Eliot	President	May 2025
Vacant	Assistant Secretary	May 2027
Richard Vorwaller	Assistant Secretary	May 2027
Michael Suggs	Vice President	May 2025
Craig Anderson	Treasurer	May 2025

AGENDA

1. Call to Order
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters
3. Approval of Agenda
4. Review Interest to Fill Vacant Position and Consider Appointment (**enclosure**)
5. Consent Agenda (These items are routine and may be approved in 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 November 2, 2023 (**enclosure**)
 - b. Ratify approval of Payables through the Period ending February 1, 2024 (**enclosure**)
 - c. Acceptance of Unaudited Financial Statements as of December 31, 2023, and the Schedule of Cash Position Updated as of December 31, 2023 (**enclosure**)
6. Public Comment (Limited to 3 minutes and only items not on the agenda)
7. Financial Matters
 - a. Review and Consider approval of Developer Reimbursement Agreement (**enclosure**)
8. New Business
 - a. Public Hearing for Exclusion Petition; Concerning Adoption of Resolution for Approval of Exclusion of Exclusion Petition Hearing; Concerning Adoption of Resolution for Approval of Exclusion of Real Property Owned by AE Zircon, LLC and BL Development, Inc (**enclosure**)
 - b. Public Hearing for Inclusion Petition; Concerning Adoption of Resolution for Approval of Exclusion of Exclusion Petition Hearing; Concerning Adoption of Resolution for Approval of Inclusion of Real Property Owned by Challenger Communities, LLC, El Del Range, LLC, Shoppes at Woodmen Heights, LLC, and EPJ Properties, LLC (**enclosure**)
9. Adjournment (next Regular Board Meeting scheduled for May 2, 2024 at 10:30 a.m.)



MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2
NOTICE OF BOARD VACANCY

Notice is hereby given that a vacancy will be occurring on the Board of Directors of the Mountain Vista Metropolitan District No. 2. Should any eligible elector desire to be appointed to fill the vacancy please contact Heater Smith at 614 North Tejon, Colorado Springs, Colorado 80903; phone 719-447-1777. The Board will consider the appointment to fill the vacancy at its regularly scheduled meeting on Thursday, February 1, 2024 at 10:00 a.m. at the offices of Challenger Communities, 8065 Explorer Drive, Suite 250, Colorado Springs, CO 80920 or you can attend using this link:

<https://video.cloudoffice.avaya.com/join.966469362>
meeting ID: 966469362

or dial:
+1(213)463-4500
Access Code: 9664693362

John Eliot
President





**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2
HELD NOVEMBER 2, 2023 AT 10:30 AM**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Mountain Vista Metropolitan District No. 2 was held on Thursday, November 2, 2023 at 10:30 AM, at 8605 Explorer Dr, Colorado Springs, CO 80920 and virtually via video teleconference.

Attendance

In attendance were Directors:

John Eliot
Richard Vorwaller
Michael Suggs
Craig Anderson

Also in attendance were:

Heather Smith, WSDM
Rebecca Harris, WSDM
Pete Susemihl, Susemihl, McDermott & Downie, P.C.
Brian Bahr, Mountain Vista Metropolitan District Director

1. Call to Order: The meeting was called to order at 10:32 AM by Ms. Smith.
2. Declaration of Quorum/ Director Qualifications/ Disclosure Matters: Ms. Smith confirmed a quorum was present and all Directors are qualified. Mr. Susemihl confirmed he would file disclosures with the Secretary of State.
3. Approval of Agenda: President Eliot moved to approve the agenda with the addition of the Appointment to the Vacancy on the Board; seconded by Director Anderson. Motion passed unanimously.
4. Appointment to the Vacancy on the Board: Director Vorwaller moved to appoint Brian Bahr to the Board of Directors; seconded by Director Anderson. Mr. Susemihl will review Mr. Bahr's eligibility and the Board will revisit appointment at the next meeting. Motion abandoned.
5. Consent Agenda: After review, Director Vorwaller moved to approve the Consent Agenda as presented; seconded by Director Anderson. Motion passed with Director Bahr abstaining.
 - a. Approval of Board Meeting Minutes from the March 2, 2023
 - b. Ratify approval of Payables through the Period ending October 19, 2023
6. Management Matters
 - a. Manager's Report: Ms. Smith presented the Manager's Report and discussed the inclusions and exclusions.
7. Public Comment: There was no public comment.

8. Insurance Matters

- a. Review and Consider Approval for Directors & Officers Coverage: After review, Director Vorwaller moved to approve Directors and Officers insurance coverage; seconded by Director Bahr. Motion passed unanimously.

9. Financial Matters

- a. Conduct a Public Hearing on the 2024 Budget and Consider Adoption of Resolution Adopting the 2023 Budget Amendment, Adopting the 2024 Budget, Appropriating Funds, and Certifying Mill Levies: The Board conducted a Public Hearing on the 2024 Budget and 2023 Budget Amendment. After no public comment, the Hearing was closed. After review, Director Vorwaller moved to approve 2024 Budget and adopt the Resolution Adopting the 2023 Budget Amendment, Adopting the 2024 Budget, Appropriating Funds, and Certifying Mill Levies; seconded by Director Suggs. Motion passed unanimously.

10. New Business

- a. Review and Consider Approval for WSDM 2024 District Management Engagement: After review, Director Vorwaller moved to approve the WSDM 2024 District Management Engagement; seconded by Director Anderson. Motion passed unanimously.
- b. Establish 2024 Meeting Schedule: Director Bahr moved to schedule the 2024 Meetings quarterly in February, May, August, and November, the first Thursday of the month at 10:30 a.m.; seconded by President Eliot. Motion passed unanimously.

11. Adjourn: Director Anderson moved to adjourn at 10:45 a.m.; seconded by Director Vorwaller. Motion passed unanimously.

Respectfully Submitted,
WSDM – District Managers

By: Recording Secretary



Mountain Vista Metropolitan District No. 2
PAYABLES
1/17/2024
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
Susemihl Mcdermott Downie P.C.	35893	12/31/2023	656.25	
Susemihl Mcdermott Downie P.C.	35862	11/30/2023	281.25	
WSDM District Managers	7755	11/7/2023	500.00	
WSDM District Managers	7781	11/30/2023	500.00	
WSDM District Managers	7821	12/31/2023	500.00	
TOTAL			\$ 2,437.50	

TOTAL FOR ALL FUNDS \$ 2,437.50 _____, President

Eastern Colorado Bank \$ 9,910.19
12/18 Draw \$ (2,437.50)
Kirkpatrick Funds After Draw \$ 7,472.69



12:34 PM

01/26/24

Accrual Basis

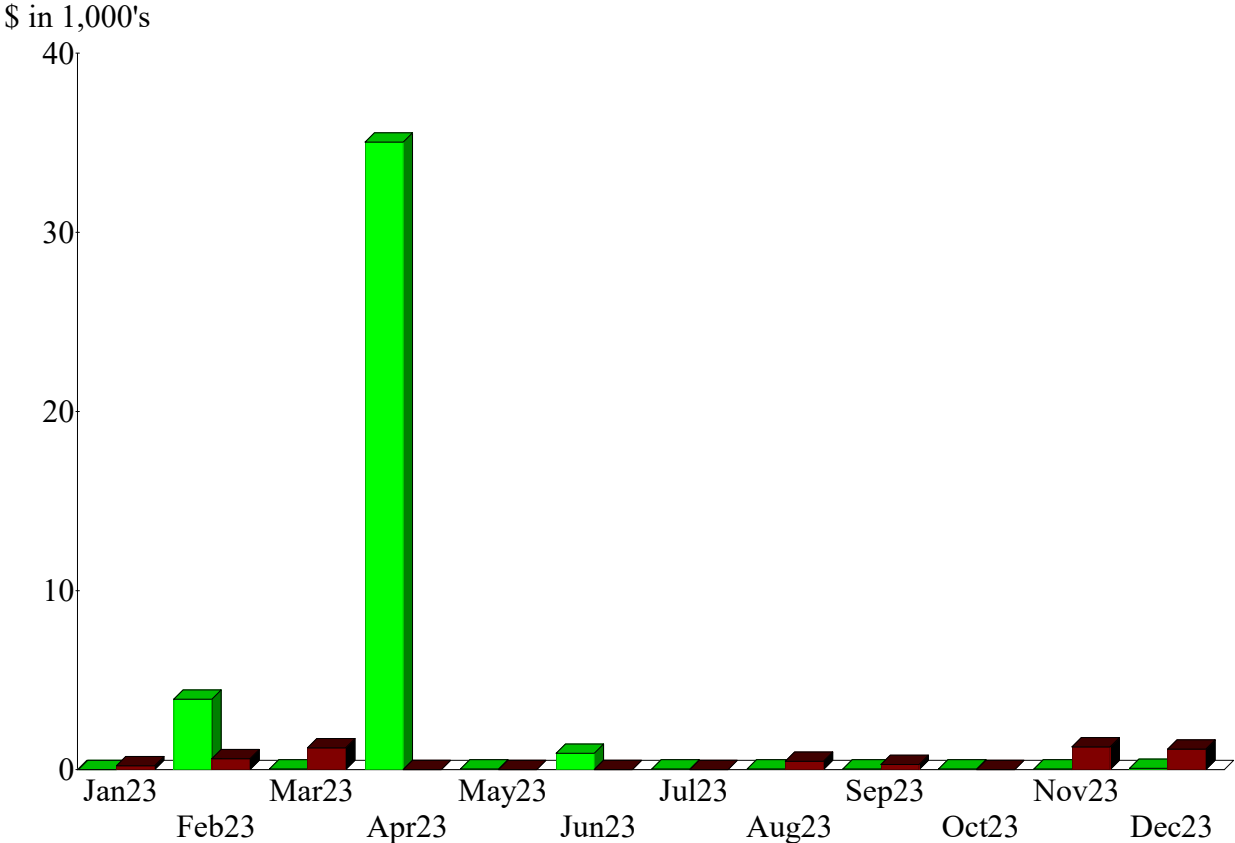
MVMD #2
Balance Sheet
As of December 31, 2023

	Dec 31, 23
ASSETS	
Current Assets	
Checking/Savings	
Eastern Colorado Bank	9,873.75
Total Checking/Savings	9,873.75
Other Current Assets	
A/R - El Paso County Treasurer	36.44
Property Tax Receivable	6,047.00
Total Other Current Assets	6,083.44
Total Current Assets	15,957.19
TOTAL ASSETS	15,957.19
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	5,002.89
Total Accounts Payable	5,002.89
Other Current Liabilities	
Deferred Property Tax Revenue	6,047.00
Total Other Current Liabilities	6,047.00
Total Current Liabilities	11,049.89
Total Liabilities	11,049.89
Equity	
32000 · Retained Earnings	-30,071.08
Net Income	34,978.38
Total Equity	4,907.30
TOTAL LIABILITIES & EQUITY	15,957.19

MVMD #2
Profit & Loss Budget vs. Actual
January through December 2023

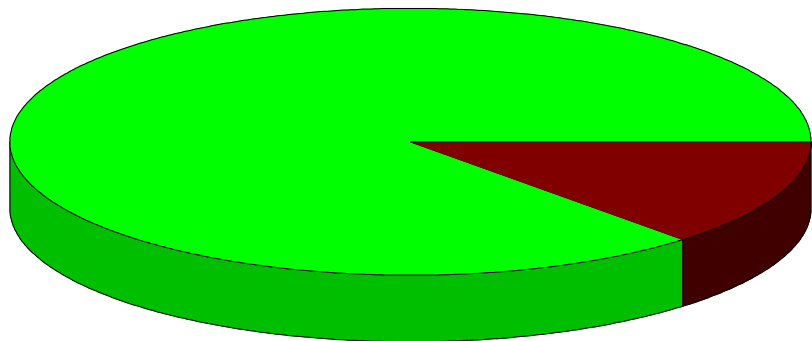
	TOTAL				
	Dec 23	Jan - Dec 23	Budget	\$ Over Budget	% of Budget
Income					
Treasurer Taxes					
Current Year Tax- O&M	0.00	1,194.70	1,194.00	0.70	100.06%
Delinquent Interest O&M	0.00	0.05			
Specific Ownership Tax - O&M	19.44	122.18	83.58	38.60	146.18%
Current Year Tax- Debt	0.00	3,584.08	3,582.00	2.08	100.06%
Delinquent Interest - Debt	0.00	0.08			
Specific Ownership tax - Debt	58.33	366.64	250.74	115.90	146.22%
Total Treasurer Taxes	77.77	5,267.73	5,110.32	157.41	103.08%
Developer Advance	0.00	35,000.00			
Total Income	77.77	40,267.73	5,110.32	35,157.41	787.97%
Expense					
Insurance	0.00	100.00			
Professional Services					
District Managment	500.00	1,500.00	15,000.00	-13,500.00	10.0%
Legal	656.25	3,617.67	10,000.00	-6,382.33	36.18%
Total Professional Services	1,156.25	5,117.67	25,000.00	-19,882.33	20.47%
Treasurer Fee					
Treasurer Collection Fee - O&M	0.00	17.92	17.91	0.01	100.06%
Treasurer Collection Fee - Debt	0.00	53.76	53.73	0.03	100.06%
Total Treasurer Fee	0.00	71.68	71.64	0.04	100.06%
Total Expense	1,156.25	5,289.35	25,071.64	-19,782.29	21.1%
Net Income	-1,078.48	34,978.38	-19,961.32	54,939.70	-175.23%

Income and Expense by Month
January through December 2023



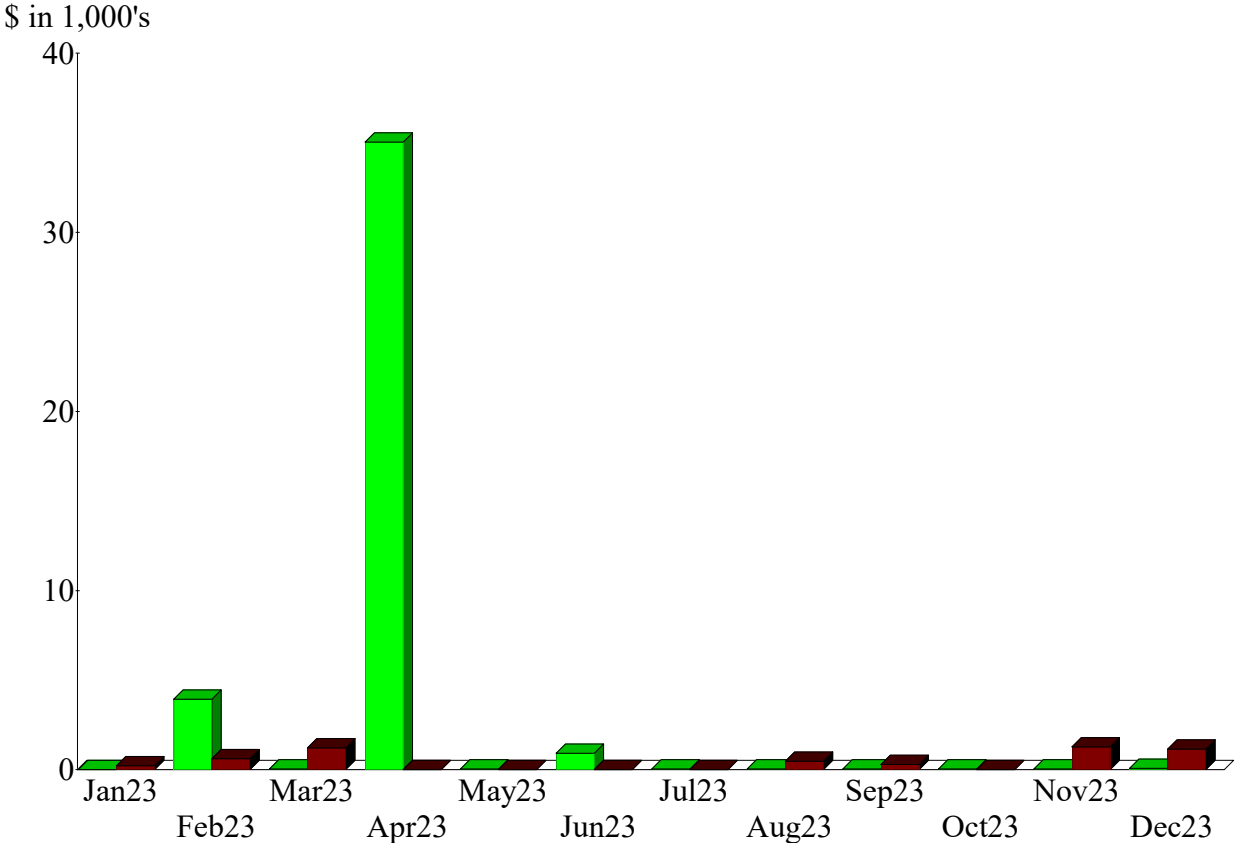
Income Summary
January through December 2023

Developer Advance	86.92%
Treasurer Taxes	13.08
Total	\$40,267.73



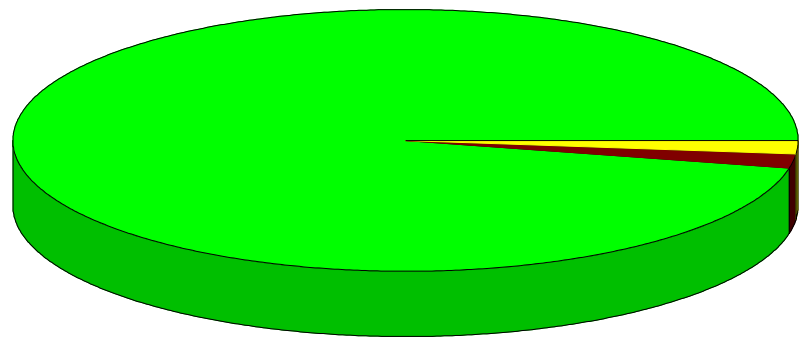
By Account

Income and Expense by Month
January through December 2023



Expense Summary
January through December 2023

Professional Services	96.75%
Insurance	1.89
Treasurer Fee	1.36
Total	\$5,289.35



By Account



REIMBURSEMENT AGREEMENT

THIS AGREEMENT is made and entered into effective this 1st day of February, 2024 by and between Mountain Vista Metropolitan District No. 2 ("District") and AE Zircon, LLC. ("Developer").

RECITALS

- A. The District was formed to provide certain municipal services to real property located in the City of Colorado Springs, El Paso County, Colorado.
- B. In order to form the Districts, Owner was required to file and obtain approval for a Service Plan (the "Service Plan") from the City of Colorado Springs, Colorado.
- C. The Service Plan was approved on February 22, 2022.
- D. The Service Plan provides in part that the costs and expenses of District organization and any shortfalls in operations and maintenance expenses would be paid for by the Developer subject to reimbursement.
- E. The sums set forth in Section D above confer a substantial benefit upon the District and represent costs that are the responsibility of the District.

NOW THEREFORE based upon the mutual considerations and promises contained herein, and other good and valuable consideration, the receipt of which is acknowledged, the parties agree as follows:

Section 1. Advances. Developer has advanced the sum set forth on Exhibit A. Such advances have been made by paying the costs of district formation, operations and maintenance expenses, and improvements directly.

As of the effective date of this Agreement, the Developer has made advances for the purposes and in the amounts set forth in the attached ***Exhibit A***, and such amounts shall constitute "Advances" hereunder.

It is hereby acknowledged that all Advances have been and are being made upon the expectation that the Districts will Developer in accordance with and subject to the provisions of this Agreement. .

Section 2. Reimbursements. It is the District's intent to reimburse Developer the amount of all Advances made hereunder, plus interest thereon at the rate of set forth as paid on the initial bond offering (calculated on the basis of a 360-day year of twelve 30-day months), from the date of each advance.

Such reimbursement is expected to be made from the proceeds of one or more series of the District's general obligation or revenue bonds (the "Bonds"). or other District revenues, when and if such Bonds are issued or from any revenues of the Districts. The issuance and timing of any such Bonds shall be in the discretion of the District, and such Bonds, if issued, shall contain such terms as may be determined by the District. The foregoing shall not constitute a lien or encumbrance upon any Bond proceeds now or hereafter held by the District, except to the extent the District appropriate such Bond proceeds for the specific purpose of making reimbursements hereunder.

Section 3. No Debt. It is hereby agreed and acknowledged that this Agreement evidences an intent to reimburse Developer hereunder, but that this Agreement shall not constitute a debt or indebtedness of the District within the meaning of any constitutional or statutory provision, nor shall it constitute a multiple-fiscal year financial obligation, and the making of any reimbursement hereunder shall be at all times subject to annual appropriation by the District in its absolute discretion.

Section 4. Prior Agreements; Amendments. This Agreement contains all of the terms between the District and Developer concerning the reimbursement of Advances, and supersedes any other agreements or understandings, written or oral, between the parties concerning such matters. Any amendments to this Agreement must be in writing and must be signed by the parties.

Section 5. Miscellaneous.

a. Arbitration. In the event the Parties are unable to resolve any dispute relating to this Agreement, said dispute shall be settled by binding and mandatory arbitration before a mutually agreed upon arbitrator in El Paso County, Colorado and if the Parties cannot agree upon said arbitrator, the same shall be appointed by a District Court Judge in El Paso County, Colorado. The Parties shall be entitled to obtain documents from the other Party pursuant to reasonable discovery supervised by the arbitrator and subject to the arbitrator's determination as to scope. The costs of arbitration shall be determined by the arbitrator.

b. Attorney Fees and Costs. If any Party hereto institutes any legal action to enforce or interpret this Agreement, or for damages or any alleged breach, the prevailing Party shall be entitled to reasonable attorney fees and costs.

c. Governing Law. This Agreement shall be subject to, governed by, and construed in accordance with the laws of the State of Colorado.

d. Notices. All notices, demands and acceptances required herein shall be in writing and shall be delivered personally, transmitted by facsimile (with mailed copy sent), or sent by registered or certified mail, return receipt requested. Such notice shall be deemed delivered and effective upon confirmed receipt or if mailed, 48 hours after postmark.

e. Severability. In the event any part or provision of this Agreement shall be determined to be invalid or unenforceable under the laws of the State of Colorado, the remaining

portions of this Agreement which can be separated from the invalid, unenforceable provisions shall, nevertheless, continue in full force and effect.

f. No Waiver. The waiver, by any Party hereto, of any covenant contained herein, shall not be deemed a continuing waiver of the same or of any other covenant contained herein.

Made and entered into the year and date first above written.

MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2

BY: _____
President

ATTEST:

BY: _____
Secretary

AE ZIRCON, LLC

BY: _____
Manager

EXHIBIT A

to

Reimbursement Agreement

[illegible]



MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2
ORDER FOR EXCLUSION OF CERTAIN REAL PROPERTY
(AE Zircon, LLC and BL Development, Inc)

THIS MATTER coming before the Board of Directors for public hearing at a regular meeting held Thursday, February 1, 2024 at 10:00 a.m. and via teleconference and the Board having heard the testimony and evidence in this matter and having fully considered the Petitions for Exclusion of certain real property hereby makes the following Findings and Order:

FINDINGS

1. AE Zircon, LLC and BL Development, Inc (“Owners”) are the owners of one hundred percent (100%) of the real property described on the attached legal descriptions and they filed their Petitions for Exclusion on or about January 24, 2024 (“Subject Real Property”).
2. Public Notice of said Petition and a Notice of a Public Hearing was duly published and given as required by statute.
3. The Ownes are the sole fee owners of the Subject Real Property which is the subject of the Petitions and have good right, full power and lawful authority to bring the Petitions. 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.
4. That by execution of the Petitions, the Ownes have assented to and formally requested the permanent exclusion of the Subject Real Property from the Mountain Vista Metropolitan District No. 2.
5. That the Petition for Exclusion was brought pursuant to C.R.S. Title 32, Article 1, Part 5, as amended.
6. The Board of Directors of Mountain Vista Metropolitan District No. 2 heard the Petition at a video-conference public meeting after publication on February 1, 2024 at 10:00 a.m.
7. No persons appeared to show cause in writing why the Petitions should not be granted.
8. There were no written objections filed by any municipality or El Paso County with regard to the Exclusion Petitions.
9. The exclusion of the Owners’ property will not be detrimental to the Mountain Vista Metropolitan District No. 2.
10. Municipal services will be readily available to the Subject Real Property because the same is located within the boundaries of the City of Colorado Springs.
11. The exclusion will not affect the ability of Mountain Vista Metropolitan District No. 2 to

carry out its management responsibilities, and provide service to the remainder of the property in the District. By granting this Petitions, there will be no adverse economic impact upon Mountain Vista Metropolitan District No. 2.

ORDER

Having considered all of the factors set forth herein and all of the statutory requirements for exclusion, the undersigned Board of Directors of Mountain Vista Metropolitan District No. 2 hereby orders that the Subject Real Property which is described in the Petitions, is and should be excluded from the Mountain Vista Metropolitan District No. 2.

Entered into this 1st day of February 2024.

BOARD OF DIRECTORS

MOUNTAIN VISTA METROPOLITAN DISTRICT No. 2

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

PUBLIC NOTICE
MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2

EXCLSION OF PROPERTY
(AE ZIRCON, LLC AND BL DEVELOPMENT, INC.)

TO ALL INTERESTED PARTIES:

Pursuant to statute, notice is hereby given that the Board of Directors of the Mountain Vista Metropolitan District has received Petitions signed by AE Zircon, LLC and BL Development, Inc. seeking the exclusion of certain real property from the boundaries of Mountain Vista Metropolitan District No. 2. The properties are legally described on the attached legal descriptions..

You are further notified that the Petitions have been set for hearing before the Board of Directors of Mountain Vista Metropolitan District No. 2 at a regular meeting to be held Thursday, February 1, 2024 at 10:00 a.m. at the offices of Challenger Communities, 8065 Explorer Drive, Suite 250, Colorado Springs, CO 80920 or you can attend using this link:

<https://video.cloudoffice.avaya.com/join.966469362>
meeting ID: 966469362

or dial:
+1(213)463-4500
Access Code: 9664693362

All interested parties shall appear at the time of said hearing at the place designated in this Notice and show cause in writing why the Petition should not be granted. You are further advised that the Board of Mountain Vista Metropolitan District No. 2 may continue said hearing to a subsequent meeting.

You are further notified that the failure of either the City of Colorado Springs, surrounding special districts, or of any person in the existing Mountain Vista Metropolitan District No. 2 to file a written objection shall be taken as an assent to the exclusion of the areas described on the attached legal descriptions.

Respectfully submitted,

MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2

BY: SUSEMIHL, McDERMOTT & DOWNIE, P.C.
660 Southpointe Court, Suite 210
Colorado Springs, CO 80906
(719) 579-6500

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 CONTINUING S89° 18' 49" E, A DISTANCE OF 105.81 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF GRAPHITE DRIVE AS DESCRIBED IN 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.

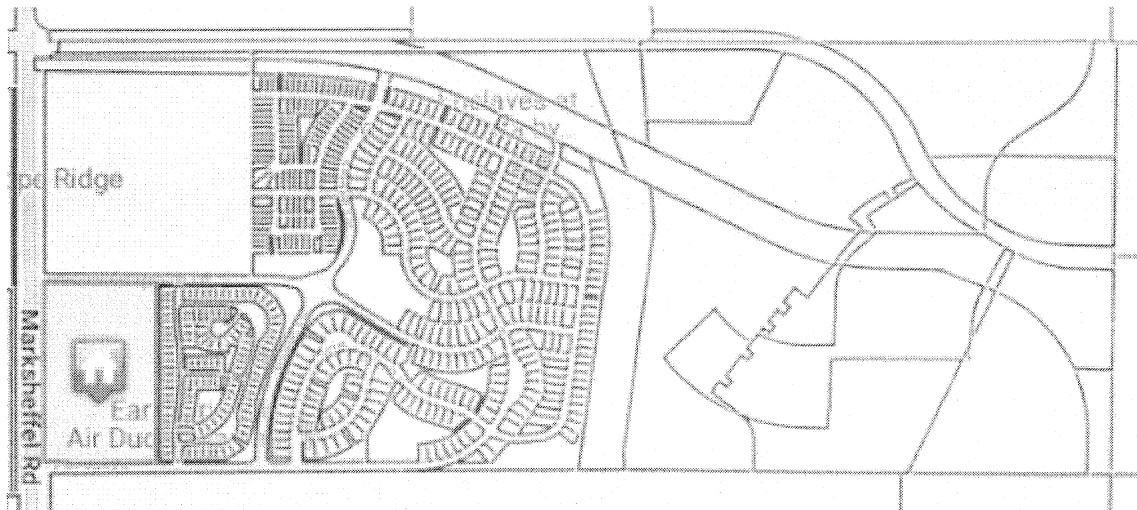
THENCE CONTINUING S89° 18' 49" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 655.11 FEET TO THE NORTHWEST CORNER OF TRACT B AS DESCRIBED IN THE ENCLAVES AT MOUNTAIN VISTA RANCH FILING NO. 2A AS RECORDED UNDER RECEPTION NO. 219714360 IN THE RECORDS OF THE CLERK AND RECORDER'S OFFICE OF SAID COUNTY;

THENCE S00° 01' 38" W ALONG THE 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.) 889° 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.



Legal Description

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21 AND THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 2-1/2" ALUMINUM CAP STAMPED "GMS INC. PLS 22095" AND AT THE SOUTHWEST CORNER OF SECTION 15, BY A 2-1/2" ALUMINUM CAP STAMPED "DREXEL, BARRELL & CO LS 17664", AND IS ASSUMED TO BEAR N00°20'14"E, A DISTANCE OF 5293.05 FEET.

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE S21°20'32"W, A DISTANCE OF 4271.24 FEET TO THE SOUTHEASTERLY CORNER OF TRACT E AS PLATTED IN BANNING LEWIS RANCH FILING NO. 2 UNDER RECEPTION NO. 205087778, SAID POINT BEING ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 21, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N89°46'10"E, ON SAID SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 21, A DISTANCE OF 958.79 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S19°13'25"W, HAVING A DELTA OF 49°18'11", A RADIUS OF 1121.00 FEET AND A DISTANCE OF 964.62 FEET TO A POINT OF REVERSE CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 36°19'27", A RADIUS OF 979.00 FEET AND A DISTANCE OF 620.67 FEET TO A POINT ON CURVE;

THENCE S01°01'25"W, A DISTANCE OF 107.41 FEET;

THENCE N88°58'35"W, A DISTANCE OF 96.17 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N33°33'56"E, HAVING A DELTA OF 34°57'39", A RADIUS OF 1121.00 FEET AND A DISTANCE OF 684.02 FEET TO A POINT OF REVERSE CURVE;

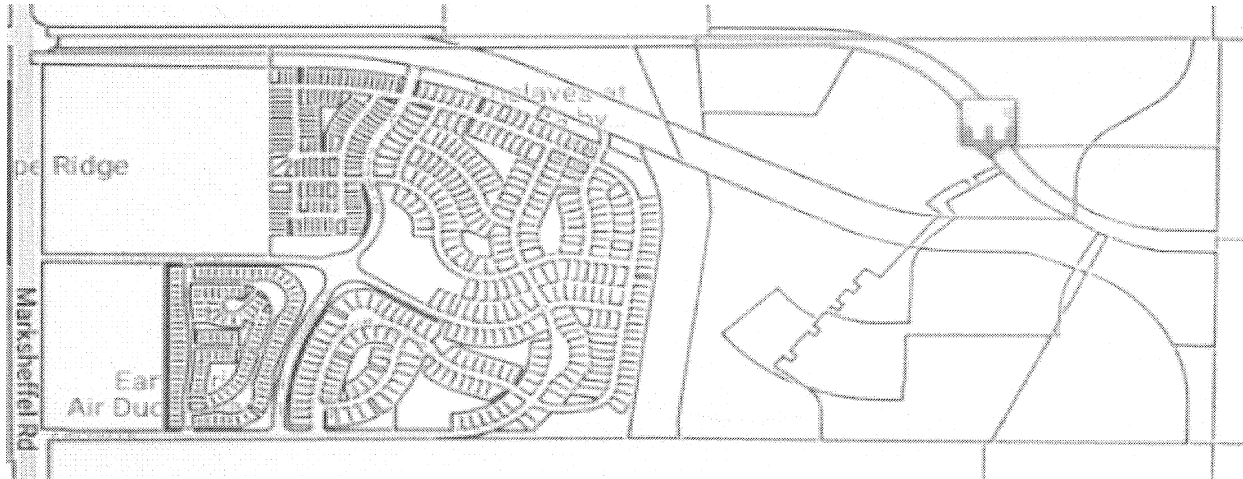
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 68°45'26", A RADIUS OF 979.00 FEET AND A DISTANCE OF 1174.84 FEET TO A POINT OF TANGENT;

THENCE S89°46'10"W, A DISTANCE OF 1923.04 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S18°00'05"W, HAVING A DELTA OF 05°13'15", A RADIUS OF 3180.00 FEET AND A DISTANCE OF 289.76 FEET TO A POINT ON CURVE;

THENCE N89°46'10"E, ON SAID SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 21, A DISTANCE OF 137.56 FEET TO THE SOUTHWEST CORNER OF SAID TRACT E;

CONTINUING N89°46'10"E, ON SAID SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 21 AND THE SOUTHERLY BOUNDARY OF SAID TRACT E, A DISTANCE OF 1479.00 FEET TO THE POINT OF BEGINNING.





MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2
ORDER FOR INCLUSION OF CERTAIN REAL PROPERTY
(Challenger Communities, LLC, El Del Range, LLC, Shoppes at Woodmen Heights, LLC, and EPJ
Properties, LLC))

THIS MATTER coming before the Board of Directors for public hearing at a regular meeting held Thursday, February 1, 2024 at 10:00 a.m. and via teleconference and the Board having heard the testimony and evidence in this matter and having fully considered the Petitions for Exclusion of certain real property hereby makes the following Findings and Order:

FINDINGS

1. Challenger Communities, LLC, El Del Range, LLC, Shoppes at Woodmen Heights, LLC and EPJ Properties, LLC ("Owners") are the owners of one hundred percent (100%) of the real property described on the attached legal descriptions and they filed their Petitions for Inclusion on or about January 24, 2024 ("Subject Real Property").
2. Public Notice of said Petition and a Notice of a Public Hearing was duly published and given as required by statute.
3. The Ownes are the sole fee owners of the Subject Real Property which is the subject of the Petitions and have good right, full power and lawful authority to bring the Petitions. 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.
4. That by execution of the Petitions, the Ownes have assented to and formally requested the permanent inclusion of the Subject Real Property from the Mountain Vista Metropolitan District No. 2.
5. That the Petition for Inclusion was brought pursuant to C.R.S. Title 32, Article 1, Part 4, as amended.
6. The Board of Directors of Mountain Vista Metropolitan District No. 2 heard the Petition at a public meeting and video-conference after publication on February 1, 2024 at 10:00 a.m.
7. No persons appeared to show cause in writing why the Petitions should not be granted.
8. There were no written objections filed by any municipality or El Paso County with regard to the Exclusion Petitions.
9. The inclusion of the Owners' property will not be detrimental to the Mountain Vista Metropolitan District No. 2.
10. The inclusion will not affect the ability of Mountain Vista Metropolitan District No. 2 to carry out its management responsibilities, and provide service to the remainder of the property in the

District. By granting these Petitions, there will be no adverse economic impact upon Mountain Vista Metropolitan District No. 2.

Having considered all of the factors set forth herein and all of the statutory requirements for inclusion, the undersigned Board of Directors of Mountain Vista Metropolitan District No. 2 hereby orders that the Subject Real Property which is described in the Petitions, is and should be included into the Mountain Vista Metropolitan District.

BOARD OF DIRECTORS

MOUNTAIN VISTA METROPOLITAN DISTRICT No. 2

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

PUBLIC NOTICE
MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2

INCLUSION OF PROPERTY
(CHALLENGER COMMUNITIES, LLC, EPJ PROPERTIES, LLC, EL DEL RANGE, LLC,
AND SHOPPES AT WOODMEN HEIGHTS, LLC))

TO ALL INTERESTED PARTIES:

Pursuant to statute, notice is hereby given that the Board of Directors of the Mountain Vista Metropolitan District No. 2 has received Petitions signed by Challenger Communities, LLC, EPJ Properties, LLC, El Del Range, LLC, and Shoppes at Woodmen Heights, LLC seeking the inclusion of certain real properties into the boundaries of Mountain Vista Metropolitan District No. 2. These properties are legally described on the attached legal descriptions.

You are further notified that this Petition has been set for hearing before the Board of Directors of Mountain Vista Metropolitan District No. 2 at a regular meeting to be held Thursday, February 1, 2024 at 10:00 a.m. at the offices of Challenger Communities, 8065 Explorer Drive, Suite 250, Colorado Springs, CO 80920 or you can attend using this link:

<https://video.cloudoffice.avaya.com/join.966469362>
meeting ID: 966469362

or dial:
+1(213)463-4500
Access Code: 9664693362

All interested parties shall appear at the time of said hearing at the place designated in this Notice and show cause in writing why the Petitions should not be granted. You are further advised that the Board of Mountain Vista Metropolitan District No. 2 may continue said hearing to a subsequent meeting.

You are further notified that the failure of either the City of Colorado Springs, surrounding special districts, or of any person in the existing Mountain Vista Metropolitan District No. 2 to file a written objection shall be taken as an assent to the inclusion of the area described on the attached legal descriptions.

Respectfully submitted,

MOUNTAIN VISTA METROPOLITAN DISTRICT NO. 2

BY: SUSEMIHL, McDERMOTT & DOWNIE, P.C.
660 Southpointe Court, Suite 210
Colorado Springs, CO 80906
(719) 579-6500

Legal Description

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 21, THE SOUTHWEST QUARTER OF SECTION 22, THE NORTHWEST QUARTER OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 28, ALL IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 2-1/2" ALUMINUM CAP STAMPED "GMS INC. PLS 22095" AND AT THE SOUTHWEST CORNER OF SECTION 15, BY A 2-1/2" ALUMINUM CAP STAMPED "DREXEL, BARRELL & CO LS 17664", AND IS ASSUMED TO BEAR N00°20'14"E, A DISTANCE OF 5293.05 FEET.

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE S15°10'17"E, A DISTANCE OF 4873.21 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 22, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S00°13'53"W, ON SAID EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 545.08 FEET;

THENCE N88°58'35"W, A DISTANCE OF 301.23 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 31°10'43", A RADIUS OF 979.00 FEET AND A DISTANCE OF 532.74 FEET TO A POINT ON CURVE;

THENCE N01°01'25"E, A DISTANCE 148.60 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 33°11'46", A RADIUS OF 442.00 FEET AND A DISTANCE OF 256.09 FEET TO A POINT ON CURVE;

THENCE N90°00'00"E, A DISTANCE OF 728.51 FEET TO THE POINT OF BEGINNING.



Legal Description

TWO PARCELS OF LAND:

PARCEL A:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4, NW 1/4) OF SECTION 27 AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 28, T8S, R65W, OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT PARCEL DESCRIBED BY SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 223050733 IN THE RECORDS OF EL PASO COUNTY, COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH SIXTEENTH CORNER COMMON TO SECTIONS 27 AND 28, T8S, R65W, OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, SAID POINT BEING THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN CORRECTION TO SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 215057836 IN THE RECORDS OF SAID COUNTY RECORDS;

THENCE S89°15'56"W ALONG THE NORTH LINE THEREOF, 900.84 FEET TO THE SOUTHEAST CORNER OF PARCEL II AS DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER RECEPTION NO. 223036079 OF SAID COUNTY RECORDS; THENCE ALONG THE EASTERLY LINES THEREOF THE FOLLOWING THREE (3) COURSES:

1. THENCE N00°31'51"W A DISTANCE OF 187.04 FEET TO A POINT OF CURVE;
2. THENCE 176.96 FEET ALONG THE ARC OF CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 195.00 FEET, A CENTRAL ANGLE OF 51°59'38", THE CHORD OF 170.95 FEET WHICH BEARS N26°31'40"W TO A POINT OF TANGENT;
3. THENCE N52°31'29"W A DISTANCE OF 11.65 FEET;

THENCE 396.50 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,096.00 FEET, A CENTRAL ANGLE OF 20°43'40", THE CHORD OF 394.34 FEET WHICH BEARS S79°56'41"E TO A POINT OF TANGENT; THENCE N89°41'29"E A DISTANCE OF 132.37 FEET; THENCE N00°18'31"W A DISTANCE OF 80.00 FEET; THENCE N10°12'09"E A DISTANCE OF 50.85 FEET; THENCE N00°18'31"W A DISTANCE OF 300.00 FEET; THENCE N89°41'29"E A DISTANCE OF 784.13 FEET TO THE WESTERLY LINE OF THE REMAINING PORTION OF PARCEL A AS DESCRIBED BY SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 200148864 IN SAID COUNTY RECORDS; THENCE S21°57'38"W ALONG SAID WEST LINE, 756.77 FEET TO THE NORTH LINE OF THAT PARCEL AS DESCRIBED BY SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 214104175 IN SAID COUNTY RECORDS; THENCE N89°42'06"W ALONG SAID NORTH LINE, 40.61 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4, SW 1/4) OF SECTION 22 AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NE 1/4, NE 1/4) OF SECTION 27, T13S, R65W, OF THE 6TH P.M., QTY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING A PORTION OF THAT PARCEL DESCRIBED BY SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 223050733 IN THE RECORDS OF EL PASO COUNTY, COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL DESCRIBED BY SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 223050733;

THENCE S21°57'38"W ALONG THE WESTERLY LINE OF THE REMAINING PORTION OF PARCEL 'A' AS DESCRIBED BY SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 200148864 OF SAID COUNTY RECORDS A DISTANCE OF 572.23 FEET; THENCE N00°18'12"W A DISTANCE OF 115.35 FEET TO A POINT OF CURVE; THENCE 194.39 FEET ALONG THE ARC OF CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 430.50 FEET, A CENTRAL ANGLE OF 25°52'20", THE CHORD OF 192.75 FEET WHICH BEARS N12°37'58"E TO A POINT OF TANGENT; THENCE N25°34'08"E A DISTANCE OF 277.30 FEET TO THE SOUTHERLY LINE OF PARCEL 3 AS DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER RECEPTION NO. 222100571 OF SAID COUNTY RECORDS;

THENCE ALONG SAID SOUTHERLY LINE, 57.52 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,121.00 FEET, A CENTRAL ANGLE OF 2°56'24", THE CHORD OF 57.51 FEET WHICH BEARS S66°34'10"E TO THE POINT OF BEGINNING;

BASIS OF BEARINGS: A PORTION OF THE SECTION LINE COMMON TO SECTIONS 27 AND 28, T13S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MONUMENTED AT THE SECTION CORNER BY A No. 6 REBAR WITH 2-1/2" ALUMINUM CAP STAMPED "LS 22095", FROM WHICH THE NORTH SIXTEENTH CORNER COMMON TO SECTIONS 27 AND 28, MONUMENTED BY A No. 4 REBAR WITH 1-1/2" ALUMINUM COLLAR STAMPED "LS 17664", BEARS S00°18'17"E, A DISTANCE OF 1,324.14 FEET.



Legal Description

A PORTION OF A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (S 1/4, SE 1/4) OF SECTION 21, AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4, SW 1/4) OF SECTION 22, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 28, T8S, R65W, OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH SIXTEENTH CORNER COMMON TO SECTIONS 27 AND 28, T13S, R65W, OF THE 6TH P.M., CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO;

THENCE N46°59'20"W A DISTANCE OF 1,211.54 FEET TO A POINT ON THE EASTERLY LINES OF THAT PARCEL DESCRIBED BY QUIT CLAIM DEED RECORDED UNDER RECEPTION NO. 223036079 IN THE RECORDS OF EL PASO COUNTY, COLORADO, AND THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY LINES THE FOLLOWING TWENTY (20) COURSES:

- 1) THENCE N37°28'31"E A DISTANCE OF 48.22 FEET;
- 2) THENCE S52°31'29"E A DISTANCE OF 50.00 FEET;
- 3) THENCE N37°28'31"E A DISTANCE OF 50.00 FEET;
- 4) THENCE N52°31'29"W A DISTANCE OF 50.00 FEET;
- 5) THENCE N37°28'31"E A DISTANCE OF 90.00 FEET;
- 6) THENCE S52°31'29"E A DISTANCE OF 50.00 FEET;
- 7) THENCE N37°28'31"E A DISTANCE OF 60.00 FEET;
- 8) THENCE N52°31'29"W A DISTANCE OF 50.00 FEET;
- 9) THENCE N37°28'31"E A DISTANCE OF 110.00 FEET;
- 10) THENCE S52°31'29"E A DISTANCE OF 100.00 FEET;
- 11) THENCE N37°28'31"E A DISTANCE OF 403.21 FEET TO A POINT OF CURVE;
- 12) THENCE 85.51 FEET ALONG THE ARC OF CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 625.00 FEET, A CENTRAL ANGLE OF 7°50'20", THE CHORD OF 85.44 FEET WHICH BEARS N41°23'41"E;
- 13) THENCE N41°10'56"E, NON-TANGENT TO THE PREVIOUS COURSE, 50.00 FEET;
- 14) THENCE 105.36 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 904.86 FEET, A CENTRAL ANGLE OF 6°40'17", THE CHORD OF 105.30 FEET WHICH BEARS NS2°09'13"W;
- 15) THENCE 244.02 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 725.00 FEET, A CENTRAL ANGLE OF 19°17'04", THE CHORD OF 242.87 FEET WHICH BEARS N52°57'59"E TO A POINT OF TANGENT;
- 16) THENCE N62°36'31"E A DISTANCE OF 26.37 FEET;
- 17) THENCE 55.41 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,305.91 FEET, A CENTRAL ANGLE OF 2°25'53", THE CHORD OF 55.41 FEET WHICH BEARS S32°22'30"E;
- 18) THENCE N56°24'34"E, NON-TANGENT TO THE PREVIOUS COURSE, 50.00 FEET;
- 19) THENCE 50.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,255.91 FEET, A CENTRAL ANGLE OF 2°16'52", THE CHORD OF 50.00 FEET WHICH BEARS N32°27'00"W;
- 20) THENCE N62°36'31"E, NON-TANGENT TO THE PREVIOUS COURSE, 129.85 FEET TO THE SOUTHWESTERLY LINE OF THAT PARCEL DESCRIBED BY QUIT CLAIM DEED RECORDED UNDER RECEPTION NO. 222100559 IN THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG SAID SOUTHWESTERLY LINE, NON-TANGENT TO THE PREVIOUS COURSE, 45.18 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,121.00 FEET, A CENTRAL ANGLE OF 2°18'33", THE CHORD OF 45.17 FEET WHICH BEARS S32°47'25"E;

THENCE 556°46'08"W A DISTANCE OF 367.59 FEET;

THENCE 106.64 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,525.88 FEET, A CENTRAL ANGLE OF 4°00'15", THE CHORD OF 106.62 FEET WHICH BEARS S35°05'52"E;

THENCE S37°26'51"W A DISTANCE OF 51.81 FEET;

THENCE S49°11'48"W A DISTANCE OF 137.08 FEET TO A POINT OF CURVE;

THENCE 263.53 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 305.00 FEET, A CENTRAL ANGLE OF 49°30'19", THE CHORD OF 255.41 FEET WHICH BEARS S24°26'39"W TO A POINT OF TANGENT; THENCE S00°18'31"E A DISTANCE OF 158.90 FEET;

THENCE S05°24'07"W A DISTANCE OF 50.25 FEET; THENCE S00°18'31"E A DISTANCE OF 120.00 FEET;

THENCE S89°41'29"W A DISTANCE OF 176.64 FEET TO A POINT OF CURVE;

THENCE 294.57 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF 27°53'47", THE CHORD OF 291.66 FEET WHICH BEARS N76°21'37"W TO THE POINT OF BEGINNING.

