

# CHEROKEE METROPOLITAN DISTRICT

## RESOLUTION 2018 - 07

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHEROKEE METROPOLITAN DISTRICT AUTHORIZING FILING OF STIPULATED MOTION TO SET ASIDE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, AND DISMISS APPEAL

COMES NOW, the President of Cherokee Metropolitan District ("District"), and certifies that at a special meeting of the Board of Directors of the District, held July 2, 2018 at 6250 Palmer Park Boulevard, Colorado Springs, CO 80915, the following resolution was adopted, to-wit:

WHEREAS, the property owners set forth below previously petitioned Cherokee Metropolitan District for the exclusion from said District of the land described in the Petition for Exclusion attached hereto as **Exhibit A**;

WHEREAS, the District denied the Petition for Exclusion following a public hearing held on August 8, 2017;

WHEREAS, the property owners filed an appeal of the with the El Paso County Board of County Commissioners ("BOCC") pursuant to C.R.S. § 32-1-501(5)(b), and during its regular meeting on December 28, 2017, following presentations by both parties, the BOCC voted 4-0 in favor of granting the Petition for Exclusion;

WHEREAS, the District then filed an appeal with the El Paso County District Court and, on June 28, 2018, after the parties had filed their respective briefs, the Court issued Findings of Fact, Conclusions of Law and Order ("Order") wherein the District Court denied the Petition for Exclusion;

WHEREAS, prior to entry of the Order, District representatives were considering dismissal of the appeal as a gesture of good faith to enter into discussions with the City of Colorado Springs and Colorado Springs Utilities about the future of water and wastewater services in the District;

WHEREAS, the District scheduled a special Board meeting to be held on Monday, July 2, 2018, for the purpose of considering dismissal of the appeal; and

WHEREAS, because of entry of the Order, the District desires to authorize the filing of a joint motion, together with the property owners, and substantially in the form attached hereto as **Exhibit B**, requesting that the District Court set aside the Order and dismiss the District's appeal, so that the decision by the El Paso County Board of County Commissioners on December 28, 2017 will stand and the property will be excluded from the District;

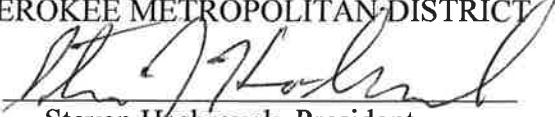
NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Cherokee Metropolitan District as follows:

1. The Board approves the filing of the Stipulated Motion, subject to the approval of its General Counsel.

2. The Board directs its General Counsel, upon approval, to execute the Stipulated Motion on behalf of the District and effectuate any necessary filings for the exclusion of the property, as described in **Exhibit C**, with the El Paso County District Court in Case No. 57CV CV035353.

DONE AND RESOLVED this 2<sup>nd</sup> day of July, 2018.

CHEROKEE METROPOLITAN DISTRICT

By:   
Steven Hasbrouck, President

ATTEST:

  
Secretary

**Exhibit A**  
to Resolution

Initially Submitted Petition for Exclusion

IN THE MATTER OF THE )  
 )  
 CHEROKEE METROPOLITAN DISTRICT ) **PETITION FOR EXCLUSION**  
 )  
 EL PASO COUNTY, COLORADO )

The undersigned fee owners of real property situated in El Paso County, Colorado, hereby petition the Board of Directors of the Cherokee Metropolitan District (the "District") that the land hereinafter described be excluded and taken from the District.

The Petitioners represents as follows:

1. The undersigned are the fee owners of 100% of the real property, described in **Exhibit A** attached hereto and incorporated by reference, and such parcels, if more than one, are contiguous to each other.
2. The undersigned, constituting 100% of the owners of the land herein described, hereby assent to the exclusion of same from said District.
3. Exclusion of the property is being sought pursuant to C.R.S. § 32-1-501, et. seq.
4. The property described herein is within the boundaries of the District but does not currently receive any services provided by the District.
5. The property is seeking annexation to the City of Colorado Springs and their water service provider is Colorado Springs Utilities ("CSU").
6. The undersigned acknowledge that upon annexation of the property described herein to the City of Colorado Springs, water services for the property will be provided by CSU.
7. The undersigned owners acknowledge that the land described in this Petition, and any taxable property located thereon (whether located there as of the date hereof or at a subsequent time) receive services and pay the requisite fees or mill levies for services provided by CSU. The property will not continue to be subject to the levy of taxes and/or fees and rates of the District after the effective date of any exclusion order issued with respect to such land and property. Any and all exclusion costs and fees imposed by the District and interest thereon whether accrued or to accrue shall be the responsibility of the Petitioners.
8. Acceptance of the Petition shall be deemed to have occurred at that time when the District sets the date for the public hearing for consideration of the Petition.

The names and addresses of the petitioners are as follows:

Petitioner 1: Lorson South Land Corp., a Colorado corporation  
 Address: 212 N. Wahsatch Ave. Ste 301  
 Colorado Springs, CO 80903

Petitioner 2: Babcock Land Corp., a Colorado corporation  
 Address: 212 N. Wahsatch Ave. Ste 301  
 Colorado Springs, CO 80903

**PETITIONER 1:**

**Lorson South Land Corp., a Colorado corporation**

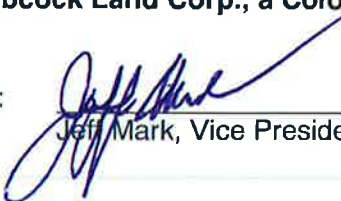
By:

  
\_\_\_\_\_  
Jeff Mark, Vice President

**PETITIONER 2:**

**Babcock Land Corp., a Colorado corporation**

By:

  
\_\_\_\_\_  
Jeff Mark, Vice President

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

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of June, 2017, by Jeff Mark, as Vice President for Petitioners Lorson South Land Corp. and Babcock Land Corp.

Witness my hand and official seal.

My Commission Expires: 3-22-21

(Notary Seal)

  
\_\_\_\_\_  
Notary Public

SUSAN L GONZALES  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20044004607  
MY COMMISSION EXPIRES MARCH 22, 2021

**Exhibit B**  
To Resolution

Joint Motion to Set Aside District Court Order and Dismiss Appeal

DISTRICT COURT, EL PASO COUNTY, COLORADO  
270 South Tejon Street  
Colorado Springs, CO 80903  
(719) 452-5000

**Appellant:** CHEROKEE METROPOLITAN DISTRICT, a political subdivision of the State of Colorado

v.

**Appellee:** LORSON SOUTH LAND CORP., a Colorado corporation, and BABCOCK LAND CORP., a Colorado corporation.

Attorneys for Appellee:  
Patrick A. Hrbacek, Atty. Reg. # 32567  
David S. O'Leary, Atty. Reg. # 26851  
Spencer Fane LLP  
1700 Lincoln Street, Suite 2000  
Denver, CO 80203-4554  
Telephone: (303) 839-3800  
Facsimile: (303) 839-3838  
E-mail: phrbacek@spencerfane.com  
E-mail: doleary@spencerfane.com

▲ COURT USE ONLY ▲

Case Number:  
2018CV030120

Division: 3

**STIPULATED MOTION TO SET ASIDE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, AND TO DISMISS APPEAL**

Appellees Lorson South Land Corp., a Colorado corporation, and Babcock Land Corp., a Colorado corporation (collectively, "Appellees"), by and through undersigned counsel, Cherokee Metropolitan District ("District"), by and through its undersigned counsel, jointly submit the following Stipulated Motion and, in support, state the following:

1. Appellees submitted a Petition for Exclusion to the District on June 27, 2017.
2. Following a public hearing on the Petition for Exclusion on August 8, 2017, the District denied the Petition for Exclusion.
3. Appellees filed an appeal of the denial with the El Paso County Board of County Commissioners ("BOCC") pursuant to C.R.S. § 32-1-501(5)(b).

WHEREFORE, Appellees and the District jointly request that this Court set aside the Findings of Fact, Conclusions of Law and Order entered on June 28, 2018 and dismiss the appeal. A proposed Order is submitted herewith for the Court's convenience.

DATED this 3rd day of July, 2018.

SPENCER FANE LLP

Per C.R.C.P. 121 §1-26(9), an original signature is on file.

/s/ Patrick A. Hrbacek  
By: Patrick A. Hrbacek, #32567  
David S. O'Leary, Atty. # 26851  
1700 Lincoln Street, Suite 2000  
Denver, Colorado 80203-4554  
Phone: (303) 839-3895  
phrbacek@spencerfane.com

Attorneys for Appellees Lorson South Land Corp.  
and Babcock Land Corp.

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Kathryn M. Sellars, #36242  
Hoffmann, Parker, Wilson & Carberry, P.C.  
511 16<sup>th</sup> Street, Suite 610  
Denver, Colorado 80202

Attorneys for Cherokee Metropolitan District



DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, CO 80903 (719) 452-5000	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><b>Appellant:</b> CHEROKEE METROPOLITAN DISTRICT, a political subdivision of the State of Colorado</p> <p>v.</p> <p><b>Appellee:</b> LORSON SOUTH LAND CORP., a Colorado corporation, and BABCOCK LAND CORP., a Colorado corporation.</p>	
	<p>Case Number: 2018CV030120</p> <p>Division: 3</p>
<p><b>ORDER RE STIPULATED MOTION TO SET ASIDE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, AND TO DISMISS APPEAL</b></p>	

THIS MATTER having come before the Court, the Court hereby grants the Stipulated Motion to Set Aside Findings of Fact, Conclusions of Law and Order, and to Dismiss Appeal. Accordingly, this Court hereby sets aside and vacates the Findings of Fact, Conclusions of Law and Order entered on June 28, 2018, and further, the appeal filed by Cherokee Metropolitan District is hereby Dismissed. Upon dismissal, the exclusion granted by the El Paso County Board of County Commissioners on December 28, 2017 stands as the final decision in this matter.

**DONE AND SIGNED THIS** \_\_\_ **DAY OF** \_\_\_\_\_, 2018.

BY THE COURT:

\_\_\_\_\_  
 DISTRICT COURT JUDGE

**Exhibit C**  
To Resolution

Legal Description of the Excluded Property



20 Boulder Crescent, STE 110  
Colorado Springs, CO 80903  
Mail to: PO Box 1360  
Colorado Springs, CO 80901  
v 719.955.5485

### **The Sands Addition No. 1 Annexation**

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;  
THENCE S00°10'57"W, A DISTANCE OF 1125.01 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;  
THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED, AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT ALSO BEING A POINT ON THE SOUTHERLY LINE OF MARKSHEFFEL INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK Z-3 AT PAGE 125 OF SAID COUNTY RECORDS SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING FIVE (5) COURSES:

1. S89°47'51"E, A DISTANCE OF 663.52 FEET;
2. N66°36'44"E, A DISTANCE OF 81.74 FEET;
3. S89°55'19"E, A DISTANCE OF 349.88 FEET;
4. S00°12'12"E, A DISTANCE OF 4.51 FEET;
5. S89°55'54"E, A DISTANCE OF 270.12 FEET;

THENCE S00°04'42"W, A DISTANCE OF 1099.90 FEET TO THE CENTERLINE OF A 80 FOOT EASEMENT FOR ROAD AND UTILITY PURPOSES (PURSUANT TO BOOK 3863 AT PAGE 1414 AND BOOK 2988 AT PAGE 476 OF SAID COUNTY RECORDS);

THENCE S89°59'11"W ALONG SAID CENTERLINE, A DISTANCE OF 695.32 FEET;

THENCE S00°04'20"W, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH LINE OF SAID EASEMENT;

THENCE S89°55'04"E ALONG THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 665.24 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD;

THENCE N89°49'03"W, A DISTANCE OF 160.00 FEET;

THENCE N00°10'57"E, A DISTANCE OF 1116.24 FEET;

THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 38.6766 ACRES OF LAND, MORE OR LESS.



20 Boulder Crescent, STE 110  
Colorado Springs, CO 80903  
Mail to: PO Box 1360  
Colorado Springs, CO 80901  
v 719.955.5485

### **The Sands Addition No. 2 Annexation**

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;  
THENCE S00°10'57"W, A DISTANCE OF 2241.25 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;

THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT ALSO BEING A POINT ON THE SOUTH LINE OF A 80 FOOT EASEMENT FOR ROAD AND UTILITY PURPOSES (PURSUANT TO BOOK 3863 AT PAGE 1414 AND BOOK 2988 AT PAGE 476 OF SAID COUNTY RECORDS) SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE N89°55'04"E ALONG THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 665.24 FEET TO A POINT ON THE WESTERLY LINE OF ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 202014735 OF SAID COUNTY RECORDS;  
THENCE S00°04'20"W ALONG SAID WESTERLY LINE, A DISTANCE OF 1259.99 FEET;  
THENCE S89°55'04"W, A DISTANCE OF 667.66 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD;  
THENCE N89°49'03"W, A DISTANCE OF 160.00 FEET;  
THENCE N00°10'57"E, A DISTANCE OF 1260.00 FEET;  
THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 23.9054 ACRES OF LAND, MORE OR LESS.



20 Boulder Crescent, STE 110  
Colorado Springs, CO 80903  
Mail to: PO Box 1360  
Colorado Springs, CO 80901  
v 719.955.5485

### **The Sands Addition No. 3 Annexation**

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;  
THENCE S00°10'57"W, A DISTANCE OF 3501.25 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;

THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE N89°55'04"E, A DISTANCE OF 667.66 FEET TO A POINT ON THE WESTERLY LINE OF ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 202014735 OF SAID COUNTY RECORDS;

THENCE S00°04'20"W ALONG SAID WESTERLY LINE, A DISTANCE OF 583.40 FEET TO THE SOUTHWESTERLY CORNER OF LOT 7, BLOCK 2 AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1;

THENCE S00°05'10"W, A DISTANCE OF 716.59 FEET;

THENCE S89°55'04"W, A DISTANCE OF 669.99 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD;

THENCE N89°49'03"W, A DISTANCE OF 160.00 FEET;

THENCE N00°10'57"E, A DISTANCE OF 1300.00 FEET;

THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 24.7364 ACRES OF LAND, MORE OR LESS.



20 Boulder Crescent, STE 110  
Colorado Springs, CO 80903  
Mail to: PO Box 1360  
Colorado Springs, CO 80901  
v 719.955.5485

### **The Sands Addition No. 4 Annexation**

A PARCEL OF LAND LYING WITHIN THE SOUTH HALF OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST AND THE NORTH HALF OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD BEING COINCIDENT WITH A LINE BEING 80.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID SECTION 33, BEING MONUMENTED AT THE SOUTH END BY A REBAR WITH A YELLOW PLASTIC CAP STAMPED "AZTEC LS 36567", AND AT THE NORTH END BY A NO. 5 REBAR, ASSUMED TO BEAR N00°10'57"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33;  
THENCE S00°10'57"W, A DISTANCE OF 4801.25 FEET TO A POINT COINCIDENT WITH THE CENTERLINE OF MARKSHEFFEL ROAD;  
THENCE S89°49'03"E, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARKSHEFFEL ROAD AS CONVEYED TO EL PASO COUNTY BY THE WARRANTY DEED AS RECORDED SEPTEMBER 14, 2010 UNDER RECEPTION NO. 210107562 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE N89°55'04"E, A DISTANCE OF 669.99 FEET;  
THENCE N00°05'10"E, A DISTANCE OF 716.59 FEET TO THE SOUTHWESTERLY CORNER OF LOT 7, BLOCK 2 AS PLATTED IN ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 202014735 OF SAID COUNTY RECORDS;  
THENCE N89°58'07"E ALONG THE SOUTHERLY LINE OF BLOCK 2, AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1, A DISTANCE OF 1004.19 FEET TO THE NORTHWEST CORNER OF THE SPECIAL WARRANTY DEED, AS RECORDED UNDER RECEPTION NO. 216016072 OF SAID COUNTY RECORDS;  
THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID SPECIAL WARRANTY DEED THE FOLLOWING TWO (2) COURSES:

1. S00°01'38"E, A DISTANCE OF 250.00 FEET;
2. N89°58'07"E, A DISTANCE OF 200.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL DRIVE AS DESCRIBED IN THE RESOLUTION NO. 00-189, AS RECORDED UNDER RECEPTION NO. 200144328 OF SAID COUNTY RECORDS;

THENCE S00°01'38"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 974.05 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CONSTITUTION AVENUE AS RECORDED IN PLAT BOOK Y-3 AT PAGE 169 OF SAID COUNTY RECORDS;  
THENCE N89°58'14"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 688.41 FEET TO THE SOUTHEASTERLY CORNER OF LOT 7, BLOCK 1 AS PLATTED IN SAID ROCKY MOUNTAIN INDUSTRIAL PARK FILING NO. 1;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. N89°58'14"E, A DISTANCE 766.41 FEET TO A POINT ON CURVE;
2. ALONG THE ARC OF A 1,897.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14°26'03", AN ARC LENGTH OF 477.90 FEET (THE LONG CHORD OF WHICH BEARS S82°47'56"E, A LONG CHORD DISTANCE OF 476.63 FEET;

THENCE S14°24'55"W ACROSS SAID CONSTITUTION AVENUE, A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CONSTITUTION AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A 1,777.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°27'53", AN ARC LENGTH OF 448.62 FEET (THE LONG CHORD OF WHICH BEARS N82°48'50"W, A LONG CHORD DISTANCE OF 447.42 FEET;
2. S89°58'14"W, A DISTANCE 3,491.75 FEET;

THENCE N00°10'57"E, A DISTANCE OF 627.40 FEET;

THENCE S89°49'03"E, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 53.2874 ACRES OF LAND, MORE OR LESS.