

**CONSOLIDATED SERVICE PLAN
FOR
CANYON CREEK METROPOLITAN DISTRICT NO. 1
CANYON CREEK METROPOLITAN DISTRICT NO. 2
CANYON CREEK METROPOLITAN DISTRICT NO. 3

IN THE CITY OF COLORADO SPRINGS, COLORADO**

Prepared

by

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AS APPROVED BY THE COLORADO SPRINGS CITY COUNCIL

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I. INTRODUCTION

A. Purpose and Intent

The Districts are an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Service Plan, its activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Service Plan. It is intended that the Districts will provide a part or all of the Public Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the Districts. The primary purpose of the Districts will be to finance the construction of these Public Improvements, including water, sewer, roads, traffic safety and parks and recreation.

The Districts are not being created to provide ongoing operations and maintenance services other than those specifically set forth in Exhibit D to this Service Plan.

B. Need for the Districts

There are currently no other governmental entities, including the City, located in the immediate vicinity of the Districts that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the Districts is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

C. Objective of the City Regarding Districts' Service Plan

The City's objective in approving the Service Plan for the Districts is to authorize the Districts to provide for the planning, design, acquisition, construction, installation, relocation, and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the Districts. All Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term for Residential Districts and at a tax mill levy no higher than the Maximum Debt Mill Levy for all Districts. Debt which is issued within these parameters and, as further described in the Financial Plan, will insulate property owners from excessive tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Service Plan is intended to establish a limited purpose for the Districts and explicit financial constraints that are not to be violated under any circumstances. The primary purpose is to provide for the Public Improvements associated with development and regional needs. Operational activities are allowed but only as specified in Exhibit D to this Service Plan.

It is the intent of the Districts to dissolve upon payment or defeasance of all Debt incurred or upon a court determination that adequate provision has been made for the payment of all Debt, and if any Districts have authorized operating functions under an intergovernmental agreement with the City, to retain only the power necessary to impose and collect taxes or fees to pay for these costs.

The Districts shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from tax revenue collected from a mill levy which shall not exceed the Maximum Debt Mill Levy in any District and which shall not exceed the Maximum Debt Mill Levy Imposition Term in Residential Districts. It is the intent of this Service Plan to assure to the extent possible that no property in any District bears an economic burden that is greater than that associated with the Maximum Debt Mill Levy in amount, and that no property in a Residential District bears an economic burden that is greater than that associated with the Maximum Debt Mill Levy Imposition Term in duration even under bankruptcy or other unusual situations. Generally, the costs of Public Improvements that cannot be funded within these parameters are not costs to be paid by the Districts.

II. DEFINITIONS

In this Service Plan, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Approved Development Plan: a Master Plan and other more detailed land use approvals established by the City for identifying, among other things, Public Improvements necessary for facilitating the development of property within the Service Area as approved by the City pursuant to the City Code and as amended pursuant to the City Code from time to time.

Board: the board of directors of one Districts.

Bond, Bonds or Debt: bonds or other obligations for the payment of which any District has promised to impose an *ad valorem* property tax mill levy.

City: the City of Colorado Springs, Colorado.

City Code: the City Code of the City of Colorado Springs, Colorado.

City Council: the City Council of the City of Colorado Springs, Colorado.

Commercial District: a District containing property classified for assessment as nonresidential. (NOTE: all districts which include or are expected to include any residential property must be defined as a Residential District and not a Commercial District).

Debt: any bond, note debenture, contract or other multiple-year financial obligation of a District which is payable in whole or in part from, or which constitutes a lien or encumbrance on the proceeds of ad valorem property tax imposed by a District.

Debt to Actual Market Value Ratio: the ratio derived by dividing the then-outstanding principal amount of all Debt of the Districts by the actual market valuation of the taxable property of the Districts, as such actual market valuation is certified from time to time by the appropriate county assessor.

District No.1: the Canyon Creek Metropolitan District No. 1

District No. 2: the Canyon Creek Metropolitan District No. 2.

District No. 3: the Canyon Creek Metropolitan District No. 3.

District or Districts: any one or all of the Districts Nos. 1, No.2, and No. 3.

External Financial Advisor: a consultant that (1) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (2) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (3) is not an officer of the District.

Financial Plan: the Financial Plan described in Section VI which describes (a) how the Public Improvements are to be financed; (b) how the Debt is expected to be incurred; and (c) the estimated operating revenue derived from property taxes for the first budget year.

Inclusion Area Boundaries: the boundaries of the area described in the Inclusion Area Boundary Map.

Inclusion Area Boundary Map: the map attached hereto as Exhibit C-2, describing the property proposed for inclusion within the District.

Initial District Boundaries: the boundaries of the area described in the Initial District Boundary Map.

Initial District Boundary Map: the map attached hereto as Exhibit C-1, describing the District's initial boundaries.

Maximum Debt Mill Levy: the maximum mill levy of the District is permitted to impose for payment of Debt as set forth in Section VI.E below.

Maximum Debt Mill Levy Imposition Term: the maximum term for imposition of a Debt Service mill levy in a Residential District as set forth in Section VI.F below.

Maximum Operating Mill Levy: the maximum mill levy of the District is permitted to impose for payment of operating and maintenance expenses as set forth in Section VI.J below.

Project: the development or properties shown on Exhibit C-1.

Public Improvements: a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the Special District Act, except as specifically limited in Section V below to serve the future taxpayers and inhabitants of the Service Area as determined by the Board of the District.

Residential District: a District containing property classified for assessment as residential. (NOTE: all districts which include or are expected to include any residential property must be defined as Residential Districts and not Commercial Districts).

Service Area: the property within the Initial District Boundary Map and the Inclusion Area Boundary Map.

Service Plan: the service plan for the District approved by City Council.

Service Plan Amendment: an amendment to the Service Plan approved by City Council in accordance with the City's ordinance and the applicable State law.

Special District Act: Section 32-1-101, et seq., of the Colorado Revised Statutes, as amended from time to time.

State: the State of Colorado.

III. BOUNDARIES

The area of the Initial District Boundaries of District No. 1 and District No. 2 each consist of one lot as shown on Exhibits A and C-1. District No. 3, which will be the commercial district consists of approximately 9.5 acres and includes 24 different properties. The future inclusion areas are the same for both District No. 2 and District No. 3 and consist of approximately another 10 acres of existing lots and improvements; however, it may be planned that the Residential District No. 2 will eventually consist of condominium units located above those properties in District No. 3. Once condominium maps are completed there will be a series of inclusions and exclusions so that the upper residential floors are included in District No. 2 and excluded from District No. 3. A legal description of the Initial District Boundaries is attached hereto as Exhibit A (once for each District). A map of the Initial District Boundaries is attached hereto as Exhibit C-1 (one for each District). A vicinity map is attached hereto as Exhibit B. It is anticipated that the District's Boundaries may change from time to time as it undergoes inclusions and exclusions pursuant to Section 32-1-401, et seq., CRS, and Section 32-1-501, et seq., CRS, subject to the limitations set forth in Article V below.

IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION

The Service Area consists of approximately 20 acres of commercial and residential land to be developed in District No. 2. District No. 1 and District No. 2 consist of only one lot. The plan is to develop the lower floors in the commercial District No. 3 as commercial properties and develop the upper floors as residential properties. If the residential properties are converted to condominiums, they will be excluded from District 3 and included in District 2. The current assessed valuation of the Service Area is \$2,200,000 for purposes of this Service Plan and, at build out, is estimated to be approximately \$20,000,000 which is expected to be sufficient to reasonably discharge the Debt under the Financial Plan. The population of District No. 2 at build-out is estimated to be approximately 1250 people.

Approval of this Service Plan by the City does not imply approval of the development of a specific area within the Districts, nor does it imply approval of the number of residential units or the total site/floor area of commercial or industrial buildings identified in this Service Plan or any of the exhibits attached thereto, unless the same is contained within an Approved Development Plan.

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES

A. Powers of the District and Service Plan Amendment

The Districts shall have the power and authority to provide the Public Improvements and related operation and maintenance services within and without the boundaries of the Districts as such power and authority is described in the Special District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

1. Operations and Maintenance Limitation. The purpose of the Districts is to plan for, design, acquire, construct, install, relocate, redevelop, and finance the Public Improvements. The Districts shall dedicate the Public Improvements to the City or other appropriate jurisdiction or owners association in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The Districts shall not be authorized to operate and maintain any part or all of the Public Improvements after such dedication, including park and recreation improvements, unless the provision of such ongoing operation and maintenance is specifically identified in Exhibit D attached hereto. In the City's sole discretion, an IGA between the City and the Districts may be required in order to better describe the conditions under which these permitted services will be provided by the Districts. If the Districts are authorized to operate and maintain certain park and recreation improvements set forth in Exhibit D, any fee imposed by the Districts for access to such park and recreation improvements shall not result in non-District Colorado Springs residents paying a user fee that is greater than, or otherwise disproportionate to, similar fees and taxes paid by residents of the Districts. However, the Districts shall be entitled to impose an administrative fee as necessary to cover additional expenses associated with non-District Colorado Springs residents to ensure that such costs are not the responsibility of the Districts residents. All such fees shall be based upon the determination of the Districts imposing such fee that such fee does not exceed a reasonable annual market fee for users of such facilities. Notwithstanding the foregoing, all parks and trails shall be open to the general public including non-District Colorado Springs residents free of charge.

2. City Charter Limitations. In accordance with Article 7-100 of the City Charter, the Districts shall not issue any Debt instrument for any purpose other than construction of capital improvements with a public purpose necessary for development.

As further set forth in Article 7-100 of the City Charter, the total Debt of any proposed Districts shall not exceed 10 percent of the total assessed valuation of the taxable property within the Districts unless approved by at least a two-thirds vote of the entire City Council.

3. Use of Bond Proceeds and Other Revenue of the District Limitation. Proceeds from the sale of debt instruments and other revenue of the Districts may not be used to

pay landowners within the Districts for any real property required to be dedicated for public use by annexation agreements or land use codes. Examples of ineligible reimbursements include, but are not limited to: the acquisition of rights of way, easements, water rights, land for prudent line drainage, parkland, or open space, unless consent from the City Council is given. Proceeds from the sale of debt instruments and other revenue of the Districts also may not be used to pay for the construction of any utility infrastructure except for those categories of utility infrastructure covered by utility tariffs, rules, and regulations. Additionally, if the landowner/developer constructs the public infrastructure and conveys it to the Districts in return for a reimbursement obligation from the Districts, prior to making such reimbursement for such amounts, the Districts must receive the report of an independent engineer or accountant confirming that the amount of the reimbursement is reasonable.

4. Recovery Agreement Limitation. Should the Districts construct infrastructure subject to a recovery agreement with the City or other entity, the Districts retain all benefits under the recovery agreement. Any subsequent reimbursement for public improvements installed or financed by the Districts will remain the property of the Districts to be applied toward repayment of their Debt, if any. Any reimbursement revenue not necessary to repay the District Debt may be utilized by the Districts to construct additional public improvements permitted under the approved Service Plan.

5. Construction Standards Limitation. The Districts will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction. The Districts will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

6. Privately Placed Debt Limitation. Prior to the issuance of any privately placed Debt for capital related costs, the Districts shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), CRS) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

7. Inclusion Limitation. The Districts shall not include within any of their boundaries any property outside the Service Area without the prior written consent of the City Council.

8. Overlap Limitation. The Districts shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the Districts unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the Districts.

9. Initial Debt Limitation. On or before the date on which there is an Approved Development Plan, the Districts shall not (a) issue any Debt; (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; or (c) impose and collect any fees used for the purpose of repayment of Debt.

10. Total Debt Issuance Limitation. The issuance of all bonds or other debt instruments of Districts shall be subject to the approval of the City Council. City Council's review of the bonds or other debt instruments of the Districts shall be conducted to ensure compliance with the Service Plan and all applicable laws. The Districts shall not issue Debt in an aggregate principal amount in excess of \$75,000,000, provided that the foregoing shall not include the principal amount of Debt issued for the purpose of refunding or refinancing lawfully issued Debt.

11. Monies from Other Governmental Sources. The Districts shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or nonprofit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This Section shall not apply to specific ownership taxes which shall be distributed to and a revenue source for the Districts without any limitation.

12. Consolidation Limitation. The Districts shall not file a request with any court to consolidate with another Title 32 district without the prior written consent of the City.

13. Bankruptcy Limitation. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term have been established under the authority of the City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, CRS. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) Are, together with all other requirements of Colorado law, included in the "political or governmental powers" reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy or, for Residential Districts, the Maximum Debt Mill Levy Imposition Term, shall be deemed a material departure from this Service Plan pursuant to Section 32-1-207, CRS and the

City shall be entitled to all remedies available under State and local law to enjoin such actions of the Districts.

14. Service Plan Amendment Requirement. This Service Plan has been designed with sufficient flexibility to enable the Districts to provide required services and facilities under evolving circumstances without the need for numerous amendments. While the assumptions upon which this Service Plan are generally based are reflective of an Approved Development Plan for the property within the Districts, the cost estimates and Financing Plan are sufficiently flexible to enable the Districts to provide necessary services and facilities without the need to amend this Service Plan as development plans change. Modification of the general types of services and facilities, and changes in proposed configurations, locations, or dimensions of various facilities and improvements shall be permitted to accommodate development needs consistent with then-current Approved Development Plans for the property. Actions of the District which violate the limitations set forth in V.A.1-12 above or in VI.B-F. shall be deemed to be material departures from this Service Plan and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the Districts.

15. Eminent Domain Powers Limitation. Currently, the Districts do not expect to use the power of eminent domain. The Districts shall not exercise the power of eminent domain except upon the prior written consent of the City.

B. Preliminary Engineering Survey

The Districts shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the Districts, to be more specifically defined in an Approved Development Plan. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a preliminary engineering survey and estimates derived from the Approved Development Plan on the property in the Service Area and is approximately \$18,000,000.

The Districts shall be permitted to allocate costs between such categories of the Public Improvements as deemed necessary in their discretion.

All of the Public Improvements described herein will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the City and shall be in accordance with the requirements of the Approved Development Plan. All descriptions of the Public Improvements to be constructed, and their related costs, are estimates only and are subject to modification as engineering, development plans, economics, the City's requirements, and construction scheduling may require. Upon approval of this Service Plan, the Districts will continue to develop and refine cost estimates contained herein and prepare for issuance of Debt. All cost estimates will be inflated to then-current dollars at the time of the issuance of Debt and construction. All construction cost estimates assume construction to applicable local, State or Federal requirements.

C. Multiple District Structure.

It is anticipated that the Districts, collectively, will undertake the financing and construction of the Public Improvements. The nature of the functions and services to be provided by each District shall be clarified in an IGA between and among the Districts. The maximum term of such IGA shall be forty (40) years from its effective date. All such agreements will be designed to help assure the orderly development of the Public Improvements and essential services in accordance with the requirements of this Service Plan. Implementation of such IGA is essential to the orderly implementation of this Service Plan. Accordingly, except as may be otherwise provided in such IGA, any determination of any one of the Board of Directors to set aside the Agreement without the consent of all of the Board of Directors of the other Districts shall be a material modification of the Service Plan. Said IGA may be amended by mutual agreement of the Districts without the need to amend this Service Plan.

VI. FINANCIAL PLAN

A. General

The Districts shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from its revenue and by and through the proceeds of Debt to be issued by the Districts. The Financial Plan for the Districts shall be to issue such Debt as the Districts can reasonably pay from revenue derived from the Maximum Debt Mill Levy and other legally available revenue, within the Maximum Debt Mill Levy Term for Residential Districts. The total Debt that the Districts shall be permitted to issue shall not exceed the total Debt issuance limitation set forth in Section V.A.10 hereof, and shall be permitted to be issued on a schedule and in such year or years as the Districts determine shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. All bonds and other Debt issued by the Districts may be payable from any and all legally available revenue of the Districts, including general ad valorem taxes to be imposed upon all taxable property of the Districts. The Districts will also rely upon various other revenue sources authorized by law. These will include the power to assess fees, rates, tolls, penalties, or charges as provided in the Special District Act or other State statutes. No District will be allowed to impose a sales tax.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. The proposed maximum interest rate on any Debt is not expected to exceed 18%. The proposed maximum underwriting discount will be 5%. Debt, when issued, will comply with all relevant requirements of this Service Plan, State law and Federal law as then applicable to the issuance of public securities.

C. No-Default Provisions

Debt issued by the Districts shall be structured so that failure to pay debt service when due shall not of itself constitute an event of default or result in the exercise of remedies. The foregoing shall not be construed to prohibit events of default and remedies for other occurrences including, without limitation, (1) failure to impose or collect the Maximum Debt Mill Levy or such portion thereof as may be pledged thereto, or to apply the same in accordance

with the terms of the Debt, (2) failure to impose or collect other revenue sources lawfully pledged to the payment thereof or to apply the same in accordance with the terms of the Debt, (3) failure to abide by other covenants made in connection with such Debt, or (4) filing by a District as a debtor under any bankruptcy or other applicable insolvency laws. Notwithstanding the foregoing, Debt will not be structured with a remedy which requires the Districts to increase the Maximum Debt Mill Levy in any District or, in Residential Districts, the Maximum Debt Mill Levy Imposition Term.

D. Eligible Bondholders

All District bonds or other debt instrument, if not rated as investment grade, must be issued in minimum denominations of \$100,000 and sold only to either accredited investors as defined in rule 501 (a) promulgated under the Securities Act of 1933 or to the developer(s) of property within the Districts.

E. Maximum Debt Mill Levy

The "Maximum Debt Mill Levy" shall be the maximum mill levy a District is permitted to impose upon the taxable property of the District for payment of Debt, and shall be determined as follows:

1. For Residential District the Maximum Debt Mill Levy shall be calculated as follows:

(a) The Maximum Debt Mill Levy shall be 30 mills; provided that if, on or after January 1, 2008, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board of the issuing District in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenue generated by the mill levy, as adjusted for changes occurring after January 1, 2008, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

(b) At such time as the Debt to Actual Market Value Ratio within the District is equal to or less than three percent (3%), the Board may request City Council approval for the right to pledge such mill levy as is necessary to pay the Debt service on such Debt, without limitation of rate. At the time of such request, a majority of the members of the Board must consist of homeowners owning property within the District. Once Debt has been determined to meet the above criterion, so that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, such District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in such District's Debt to Actual Market Value Ratio.

2. For Commercial Districts the Maximum Debt Mill Levy shall be calculated as follows:

(a) The Maximum Debt Mill Levy shall be 30 mills; provided that if, on or after January 1, 2008, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board of the issuing District in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenue generated by the mill levy, as adjusted for changes occurring after January 1, 2008, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

To the extent that the Districts are composed of or subsequently organized into one or more sub districts as permitted under Section 32-1-1101, CRS, the term “District” as used in this Section VI.E. shall be deemed to refer to the District and to each such sub district separately, so that each of the sub districts shall be treated as a separate, independent district for purposes of the application of this Section VI.E.

F. Maximum Debt Mill Levy Imposition Term

Residential Districts shall not impose a Debt Service mill levy which exceeds 40 years after the year of the initial imposition of such Debt Service mill levy unless (1) a majority of the Board of Directors of the District imposing the mill levy are residents of such District, and (2) such Board has voted in favor of issuing Debt with a term which requires or contemplates the imposition of a Debt service mill levy for a longer period of time than the limitation contained herein. There shall be no Maximum Debt Mill Levy Imposition Term in Commercial Districts.

G. Debt Repayment Sources

Each District may impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance. The Districts may also rely upon various other revenue sources authorized by law. At the District’s discretion, these may include the power to assess fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(1), CRS, as amended from time to time. In no event shall the debt service mill levy in any District exceed the Maximum Debt Mill Levy or, for a Residential District, the Maximum Debt Mill Levy Imposition Term.

H. Debt Instrument Disclosure Requirement

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Service Plan for the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Service Plan shall be included in any document

used for the offering of the Debt for sale to persons including, but not limited to, a developer of property within the boundaries of the Districts.

I. Security for Debt

No Debt or other financial obligation of any District will constitute a debt or obligation of the City in any manner. The faith and credit of the City will not be pledged for the repayment of any Debt or other financial obligation of any District. This will be clearly stated on all offering circulars, prospectuses, or disclosure statements associated with any securities issued by any District. The Districts shall not utilize the City of Colorado Springs' name in the name of the Districts.

J. Maximum Operating Mill Levy

In addition to the capital costs of the Public Improvements, the Districts will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained. The first year's operating budget is estimated to be \$100,000 which is anticipated to be derived from property taxes and other revenue.

The Maximum Operating Mill Levy for the payment of the Districts' operating and maintenance expenses shall be 10 mills; provided that if, on or after January 1, 2008, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such operating and maintenance expenses may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenue generated by the mill levy, as adjusted for changes occurring after January 1, 2008, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

K. Developer Financial Assurances

The mere existence of the Districts will not be considered a substitute for financial assurances required under applicable City land use ordinances and regulations.

VII. ANNUAL REPORT

A. General

Each District shall be responsible for submitting an annual report to the Director of the City's Budget Department no later than August 1 of each year following the year in which the Order and Decree creating the District has been issued. The Districts may cooperate in the creation and submittal of the report, provided the presentation of information in the report clearly identifies the applicable information pertaining to each District.

B. Reporting of Significant Events

The annual report shall include information as to any of the following:

1. Boundary changes made or proposed to the District's boundary as of December 31 of the prior year.
2. Intergovernmental agreements with other governmental entities, either entered into or proposed as of December 31 of the prior year.
3. Copies of the District's rules and regulations, if any, as of December 31 of the prior year.
4. A summary of any litigation which involves the any District's Public Improvements as of December 31 of the prior year.
5. Status of the District's construction of the Public Improvements as of December 31 of the prior year.
6. A list of all facilities and improvements constructed by the District that have been dedicated to and accepted by the City as of December 31 of the prior year.
7. The assessed valuation of the Districts for the current year.
8. Current year budget including a description of the Public Improvements to be constructed in such year.
9. Audit of the Districts' financial statements for the year ending December 31 of the previous year prepared in accordance with generally accepted accounting principles or audit exemption, if applicable.
10. Notice of any uncured events of noncompliance by the Districts under any Debt instrument, which continue beyond a 90-day period.
11. Any inability of the Districts to pay their obligations as they come due, in accordance with the terms of such obligations, which continue beyond a 90-day period.
12. Copies of any Certifications of an External Financial Advisor provided as required by the Privately Placed Debt Limitation provision.

VIII. DISSOLUTION

Upon an independent determination of the City Council that the purposes for which the Districts were created have been accomplished, the Districts agree to file petitions in the appropriate District Court for dissolution pursuant to the applicable State statutes. In no event shall a dissolution occur until the Districts have provided for the payment or discharge of all of its outstanding indebtedness and other financial obligations as required pursuant to State statutes.

IX. DISCLOSURE TO PURCHASERS

The Districts will use reasonable efforts to assure that all developers of the property located within the Districts provide written notice to all purchasers of property in the Districts

regarding the Maximum Debt Mill Levy, as well as a general description of the Districts' authority to impose and collect rates, fees, tolls and charges. The form of notice shall be substantially in the form of Exhibit E hereto; provided that such form may be modified by the Districts so long as a new form is submitted to the City prior to modification. Within 90 days of District formation, the Districts will record the approved Disclosure form with the El Paso County Clerk and Recorder against all property included in the District and provide a copy to the City Clerk's Office.

X. CONCLUSION

It is submitted that this Service Plan for the Districts, as required by Section 32-1-203(2), CRS, and Section 122-35 of the City Code, establishes that:

1. There is sufficient existing and projected need for organized service in the area to be serviced by the Districts;
2. The existing service in the area to be served by the Districts is inadequate for present and projected needs;
3. The Districts are capable of providing economical and sufficient service to the area within its proposed boundaries;
4. The area to be included in the Districts does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
5. Adequate service is not, and will not be, available to the area through the City or County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
6. The facility and service standards of the Districts are compatible with the facility and service standards of the City within which the special district is to be located and each municipality which is an interested party under Section 32-1-204(1), C.R.S.;
7. The proposal is in substantial compliance with a comprehensive plan adopted pursuant to the City Code;
8. The proposal is in compliance with any duly adopted City, regional or State long-range water quality management plan for the area; and
9. The creation of the Districts is in the best interests of the area proposed to be served.

Susemihl, McDermott & Cowan, P.C.

EXHIBIT A

LEGAL DESCRIPTION

CANYON CREEK METROPOLITAN DISTRICT NO.1

Street Address:
1605 S TEJON ST

Schedule No: **6419314012**

Description:
LOT 4 BLK 2 MADDOCKS ADD IVYWILD

EXHIBIT A

LEGAL DESCRIPTION

CANYON CREEK METROPOLITAN DISTRICT NO.2

Street Address:

132 E NAVAJO AVE

Schedule No:

6419308014

Description:

LOT 6 BLK 1 WILLIAMSONS ADD IVYWILD

EXHIBIT A

LEGAL DESCRIPTION

CANYON CREEK METROPOLITAN DISTRICT NO.3

1 Street Address:
1501 S TEJON ST Schedule No: **6419308026**

Description:
LOT 1, W 15.00 FT OF LOT 2 BLK 3 BROOKSIDE, TOG WITH
VAC ALLEY ADJ, EX AS FOLS, BEG AT NW COR SD LOT 1, TH
N 88<02'54" E ALG N LN 30.86 FT,
S 23<03'33" W 76.57 FT, TH N 00<42' W ALG W LN SD LOT
1 69.41 FT TO POB, EX PT CONV TO CITY

2 Street Address:
1503 S TEJON ST Schedule No: **6419308011**

Description:
N 75 FT OF LOT 1 BLK 1 WILLIAMSONS ADD IVYWILD

3 Street Address:
TEJON PL Schedule No: **6419314020**

Description:
A TRACT IN SE4SW4 SEC 19-14-66 AS FOLS, BEG AT A PT
ON S LN OF SE4SW4 330 FT W FROM SE COR THEREOF, RUN W
ON SD LN 295 FT, ANG R 82<35' NLY 122.4 FT, TH ANG R
119< SELY 339.5 FT M/L TO POB 30

4 Street Address:
1607 TEJON PL SCHEDULE NO: **6419314028**

Description:
NLY 96.0 FT OF LOT 1 BLK 2 WILLIAMSONS ADD IVYWILD

5 Street Address:
1607 TEJON PL Schedule No: **6419314029**

Description:
LOT 1 EX N 96.0 FT BLK 2 WILLIAMSONS ADD IVYWILD

6 Street Address: **1619 TEJON PL** Schedule No: **6419314021**

Description:

TRACT IN SE4SE4SW4 SEC 19-14-66 AS FOLS, BEG AT S4 COR OF SEC 19, TH N ON C/L OF SD SEC 264 FT, ANG L 91< WLY 630 FT, ANG L 89< SLY 25 FT FOR POB, TH CONT S ON LAST COURSE 119 FT, ANG L PARA TO S LN OF SD SEC 125.51 FT, ANG L 89< NLY 125 FT, TH ANG L 91< WLY 125 FT TO POB 6

7 Street Address: **1620 TEJON PL** Schedule No: **6419314022**

Description

TRACT IN SE4SW4 SEC 19-14-66 AS FOLS, BEG AT PT ON W LN OF NEVADA AVE 50 FT W + 114 FT N OF SE COR OF SW4, TH ANG L 91< WLY 352.49 FT FOR POB, TH ANG R 91< NLY 150 FT, ANG L 91< WLY 227.51 FT, ANG L 89< SLY 25 FT, E 125 FT PARA TO 2ND COURSE, S 125 FT PARA TO FIRST COURSE, TH E PARA TO 2ND COURSE 102 FT TO POB 24

8 Street Address: **1622 TEJON PL** Schedule No: **6419314019**

Description:

E 52 FT OF S 200 FT OF SW4SE4SW4, TRACT IN SW COR OF SE4SE4SW4 AS FOLS, BEG AT PT 625 FT W OF SE COR OF SW4, ANG R 82<35' NLY 122.4 FT, ANG NWLY TO PT ON W LN OF SD SE4SE4SW4 THAT IS 132 FT NLY OF SW COR THEREOF, RUN SLY TO SD SW COR, TH ELY TO POB SEC 19-14-66 7

9 Street Address: **1627 S TEJON ST** Schedule No: **6419314017**

Description:

PART OF LOTS 9,10 BLK 2 MADDOCKS ADD IVYWILD AS FOLS, BEG AT PT ON W LN OF LOT 10 THAT IS 14 FT N FROM SW COR THEREOF, TH N ALG W LN OF LOTS 9, 10 A DIST OF 52 FT, E PARA TO S LN OF LOT 9 A DIST OF 120 FT, N AT R/A 15 FT, E AT R/A 68.9 FT M/L TO E LN OF SD LOT, S ALG E LN OF LOTS 9, 10 A DIST OF 62.48 FT M/L TO PT 12.8 FT N FROM SE COR OF LOT 10, TH W TO POB

10 Street Address: **109 E BROOKSIDE ST** Schedule No: **6419308007**

Description:

THAT PART OF LOTS 2, 3, 4 BLK 3 BROOKSIDE AS FOLS;
BEG ON N LN OF LOT 2 15.0 FT E OF NW COR OF SD LOT
TH E 113.0 FT ON N LN OF LOTS 2, 3, 4 TO POINT 28.0 FT
E OF NW COR OF SD LOT 4, SWLY 50.0 FT TO POINT 42.0
S OF NW COR OF SD LOT 4, S ON W LN OF LOT 4 TO
POINT 33.0 FT N OF SW COR OF SD LOT 4, SWLY 40.0 FT
TO POINT ON S LN OF SD LOT 3 22.0 FT W OF SE COR OF
SD LOT 3, W 63.0 FT ON S LN OF LOTS 3 AND 2 TO A
POINT 15.0 FT E OF SW COR OF SD LOT 2, TH N 132.0 FT
TO POB

11 Street Address: **119 E BROOKSIDE ST** Schedule No: **6419308006**

Description:

LOT 5, THOSE PARTS OF LOTS 3 AND 4 BLK 3 BROOKSIDE
AS FOLS; BEG AT SE COR OF SD LOT 3, TH W 22.0 FT, NELY
40.0 FT TO INTSEC E LN OF SD LOT 3, N ON E LN TO A
POINT 42.0 FT S OF NW COR OF SD LOT 4, NELY 50.0 FT TO
A POINT 28.0 FT E OF NW COR OF SD LOT 4, ELY ALG NLY
LOT LN OF SD LOT 4 TO NE COR THEREOF, SLY ALG E LN
OF SD LOT 4 TO THE SE COR THEREOF, TH WLY ALG SLY LN
OF SD LOT 4 TO POB

12 Street Address: **121 E BROOKSIDE ST** Schedule No: **6419308005**

Description:

LOT 6 BLK 3 BROOKSIDE

13 Street Address: **125 E BROOKSIDE ST** Schedule No: **6419308004**

Description:

LOT 7 BLK 3 BROOKSIDE

14 Street Address:
131 E BROOKSIDE ST Schedule No: **6419308003**

Description
LOT 8 BLK 3 BROOKSIDE

15 Street Address:
135 E BROOKSIDE ST Schedule No: **6419308002**

Description:
LOT 9 BLK 3 BROOKSIDE
Street Address

16 Street Address:
128 E NAVAJO AVE Schedule No: **6419308021**

Description:
LOTS 2 THRU 5, S 8.0 FT OF VAC ALLEY ADJ TO SD LOTS
EX W 17.1 FT THEREOF BLK 1 WILLIAMSONS ADD IVYWILD

17 Street Address:
43 E RAMONA AVE Schedule No: **6430209004**

Description:
LOT 6 + PART OF LOT 5, BEG AT PT ON N LN OF LOT 5,
THAT IS 43 FT E FROM NW COR OF SD LOT, RUN E ALG
N LN TO NE COR, S ALG E LN TO SE COR THEREOF, ANG
16<42' SWLY 48.63 FT, TH ANG R 114<45' NWLY
148.35 FT TO POB BLK 7 IVYWILD ADD 1

18 Street Address
110 E RAMONA AVE Schedule No: **6430201006**

Description:
PART OF RESERVED TR IVYWILD ADD 1 AS FOLS, BEG AT PT
ON N LN OF RAMONA AVE 300 FT W OF SE COR OF RESERVED
TR, TH WLY ALG SD LN 197.7 FT, NLY TO N LN OF SD TR,
ELY ALG SD LN TO PT 300 FT W OF NE COR OF SD TR,
TH SLY TO POB 4

19 Street Address
114 E RAMONA AVE Schedule No: **6430201005**

Description:

PART OF TR, MARKED RESERVED IVYWILD ADD 1 AS FOLS,
BEG AT PT ON S LN OF SD TR 225 FT W OF SE COR THEREOF,
TH N AT R/A TO N LN OF SD TR, W ALG SD LN 75 FT,
S TO PT ON S LN OF SD TR 75 FT W OF POB, TH E 75 FT
TO POB 3

20 Street Address
125 E RAMONA AVE Schedule No: **6430209024**

Description:

LOT 2 BLK 1 VACATION + REPLAT PORTION OF
LOTS 1 + 2 BLK 2 IVYWILD

21 Street Address
E ST ELMO AVE **6430209029**

Description:

THAT PT OF METZLER AVE VAC BY PLAT 1210 DESC AS FOLS,
BEG AT INTSEC OF METZLER AVE WITH ST ELMO AVE &
RUNNING NLY TO SLY BDRY LN OF LOT 10 IN BLK A OF
SD METZLER SUB, SD PORT OF METZLER AVE IS BOUNDED
ON N BY THE SLY BDRY LN OF SD LOT 10 IN BLK 1,
AND ON E BY WLY BDRY LN OF LOTS 8 & 9 BLK B OF SD
METZLER SUB, AND THE WLY BDRY LN OF LOT 9 AS
EXTENDED NLY TO S BDRY LN OF SD LOT 10, AND ON S
BY N LN OF ST ELMO ON W BY THE WLY EXTERIOR BDRY LN
OF SD METZLERS SUB, EX THAT PT DES AS FOLS,
BET AT SE COR OF LOT 8, TH W ON SLY LN 32.5 FT FOR POB,
CONT WLY ON SD LN 27.5 FT, CONT WLY ON THIS SLY LN OF
LOT 8 EXT 40.0 FT TO SWLY COR OF SD VAC NETZLER AVE,
ANG R 89< NLY 106.12 FT TO POI WITH NLY LN OF LOT 8
EXT WLY 47.95 FT, ANG R 11<38' NELY 106.0 FT,
ANG R 81<3' ELY 30.0 FT TO PT ON WLY LN OF LOT 9,
ANG L 92<42' NLY ON SD WLY LN 5.0 FT TO NW COR OF
LOT 9, ANG R 87<18' ELY 35.0 FT TO POB ON NLY LN OF
SD LOT 15.0 FT W OF NE COR OF LOT 9,
TH ANG R 95<2' SLY 212.32 FT M/L TO POB METZLERS SUB

22 Street Address
116 METZLER ST Schedule No: **6430209015**

Description:
LOTS 8 TO 10 INC, WLY 8 FT OF LOT 7 BLK A
METZLER SUB

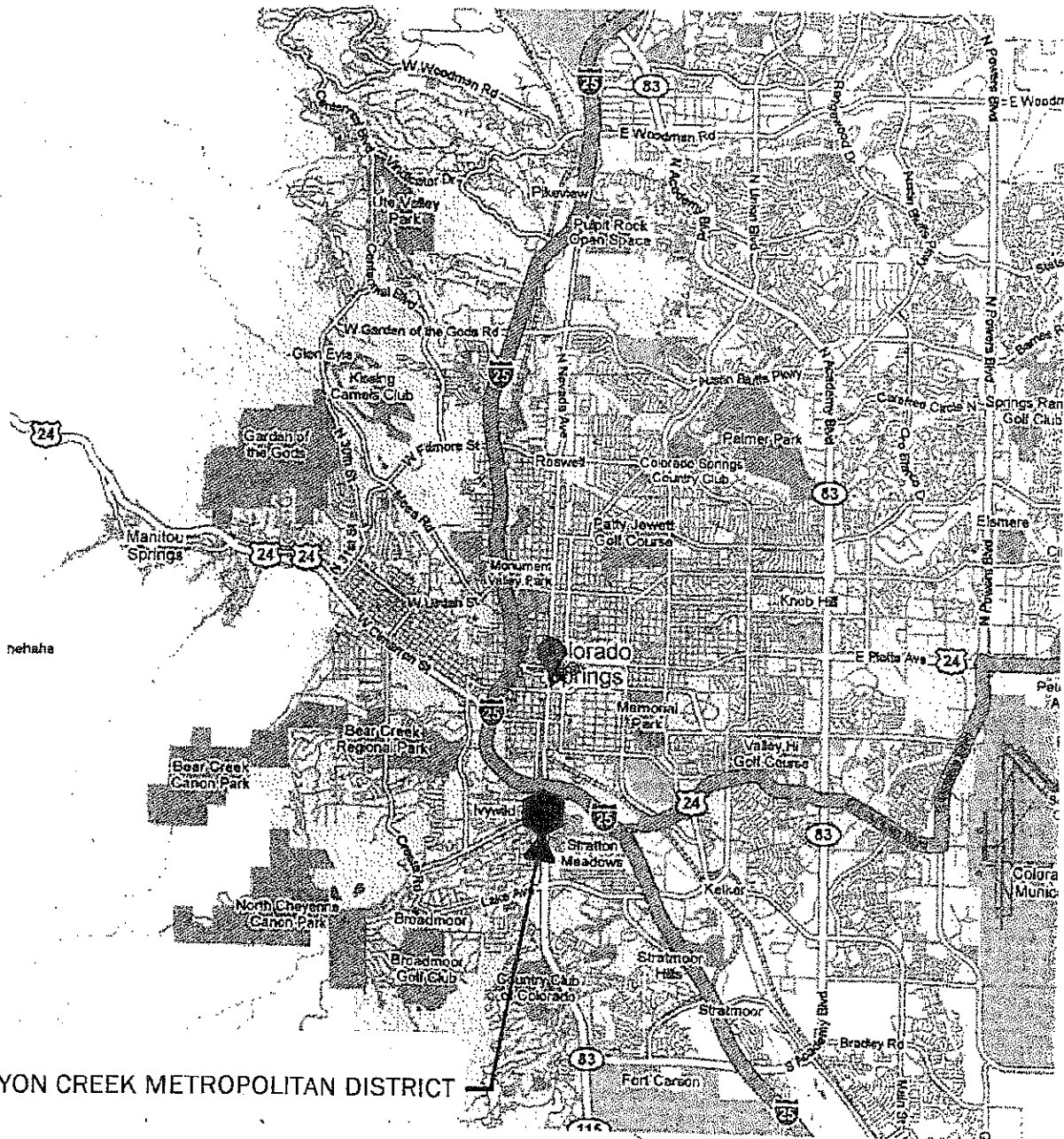
23 Street Address
121 METZLER ST Schedule No: **6430210001**

Description:
LOTS 1 TO 6 INC, E 15 FT OF LOT 7, ELY 4 FT OF LOT 10,
ALL OF LOTS 11, 12 BLK B METZLERS SUB

24 Street Address
1719 S CASCADE AVE Schedule No: **6430209014**

Description:
LOTS 7, 8, LOT 9 EX N 25 FT OF W 56.26 FT, ALSO PART
OF CHEYENNE CRK LY E OF LOT 7 BLK 7 IVYWILD ADD 1

EXHIBIT B



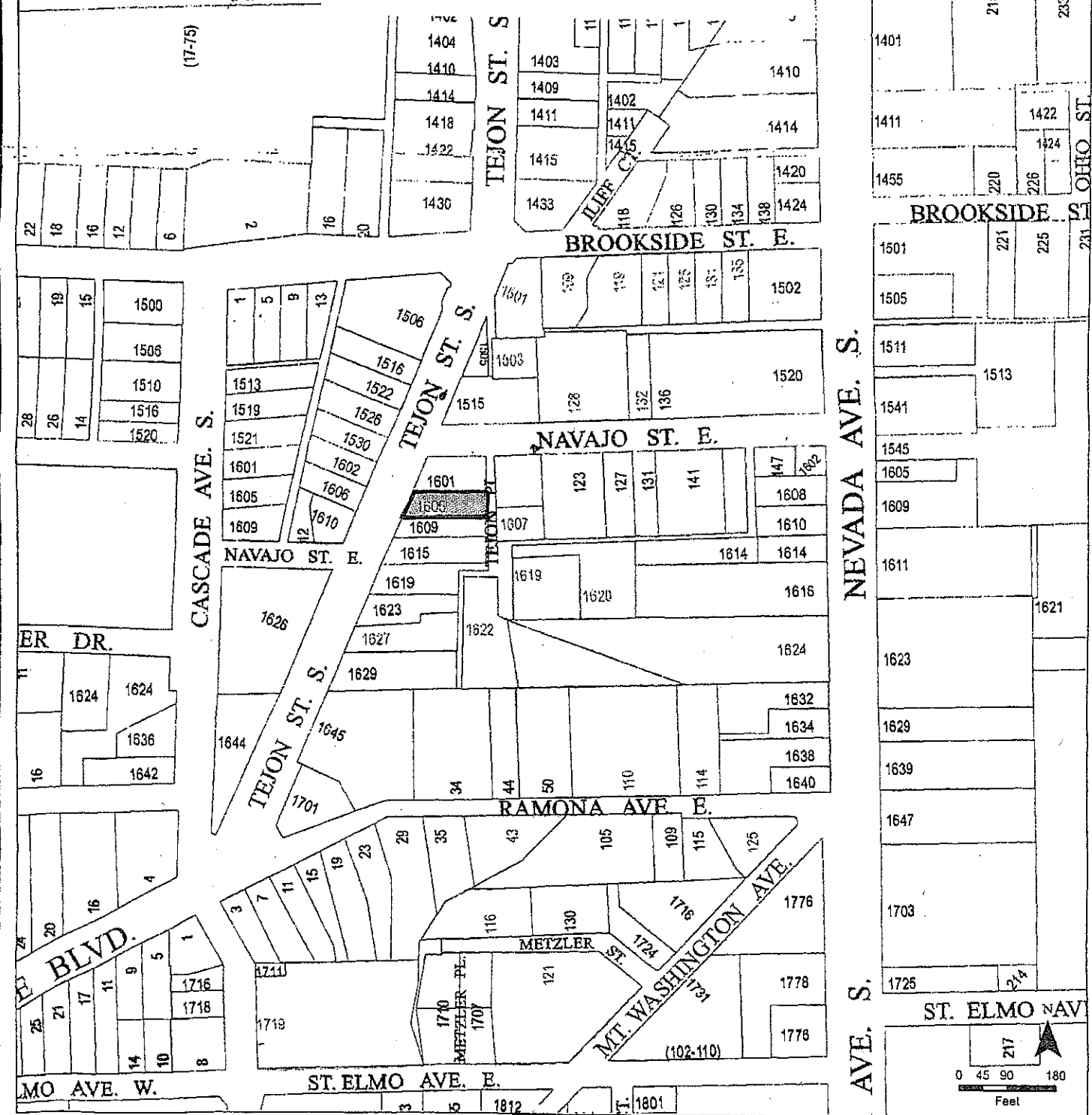
CANYON CREEK METROPOLITAN DISTRICT



District No. 1

EXHIBIT C-1

INITIAL DISTRICT BOUNDARY MAP



El Paso County



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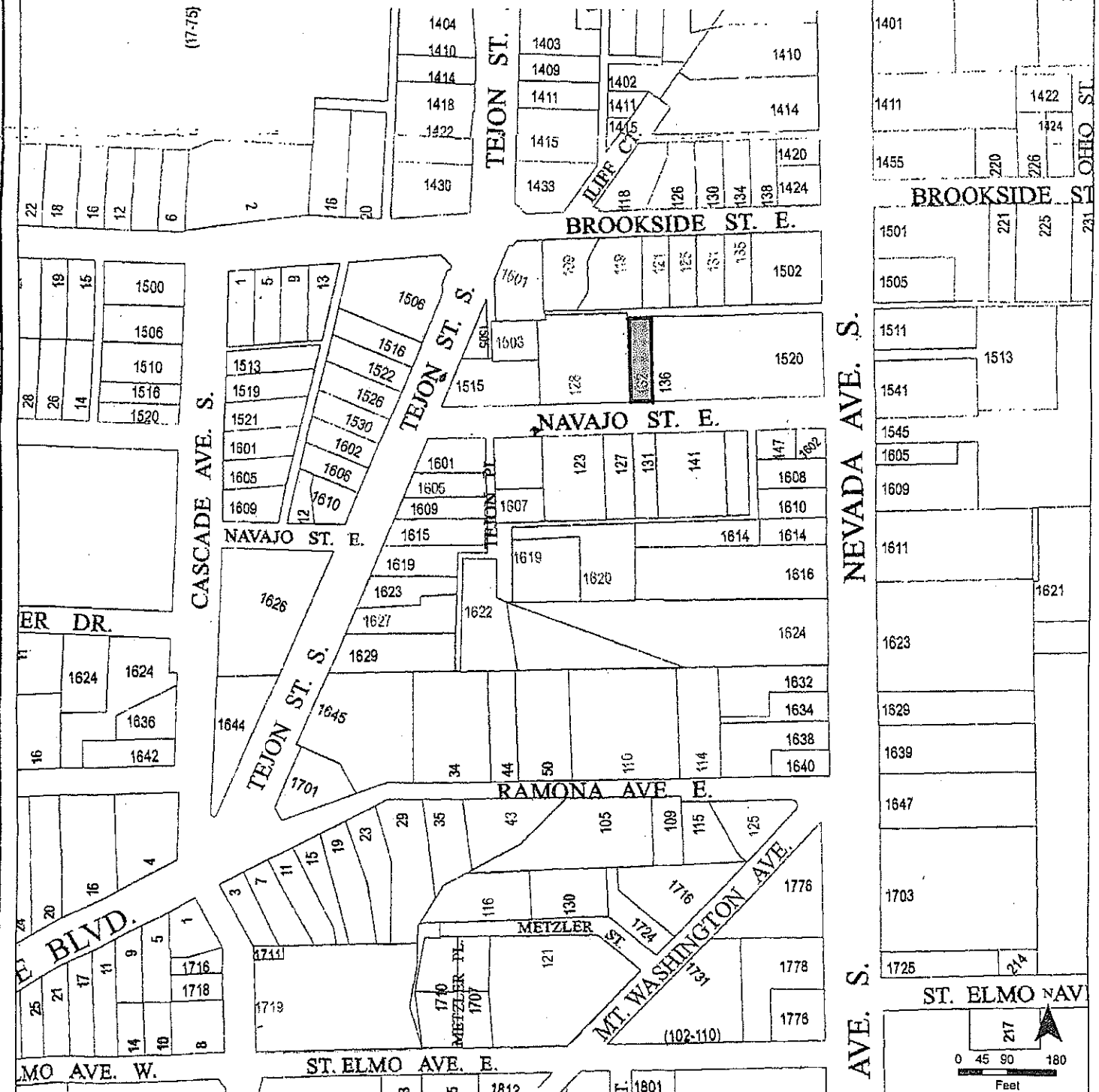
ON THE IVY LLC DEVELOPMENT AREA
CANYON CREEK METROPOLITAN
DISTRICT NO.1

District No. 2

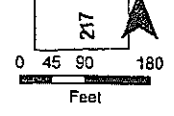
EXHIBIT C-1

MOTOR W/

INITIAL DISTRICT BOUNDARY MAP



NEVADA AVE. S.



El Paso County



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ON THE IVY LLC DEVELOPMENT AREA

CANYON CREEK METROPOLITAN DISTRICT NO.2

District No. 3

EXHIBIT C-1

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MOTOI

INITIAL DISTRICT BOUNDARY MAP

ARVADA ST. E.



El Paso County



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ON THE IVY LLC DEVELOPMENT AREA

CHEYENNE CANYON
METROPOLITAN DISTRICT NO. 3



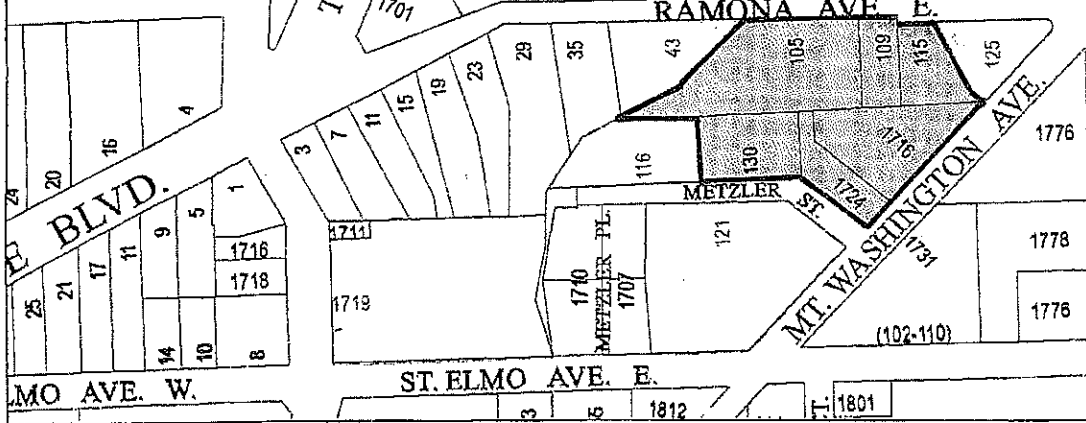
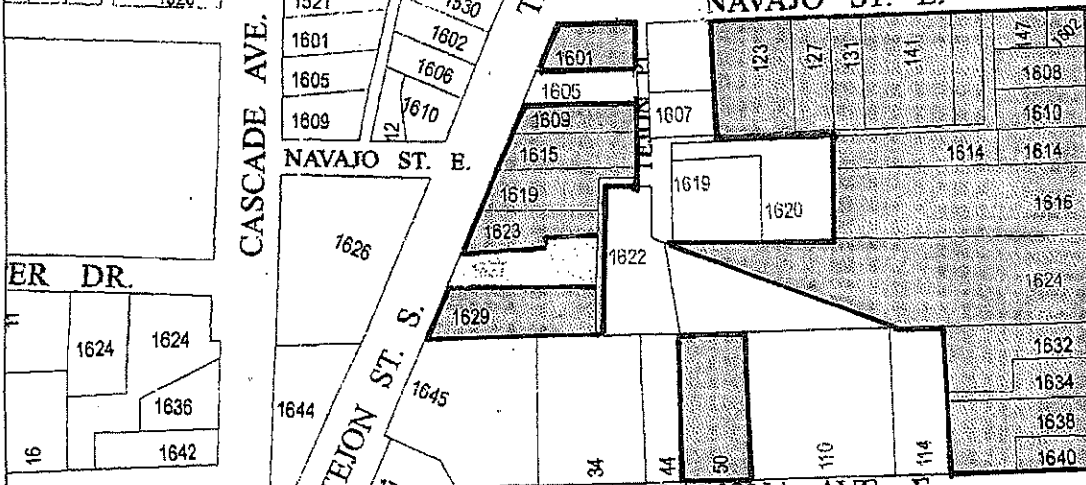
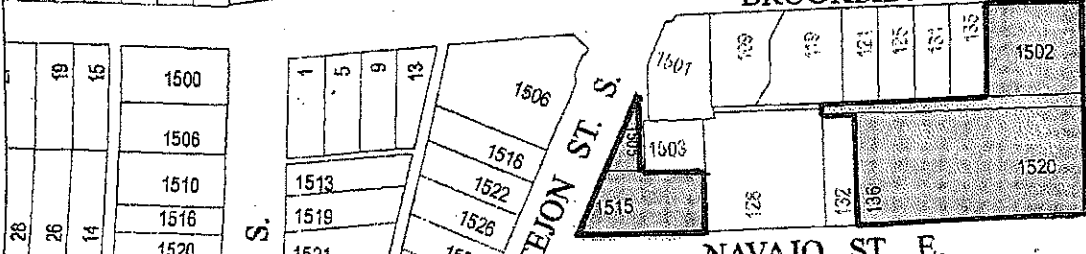
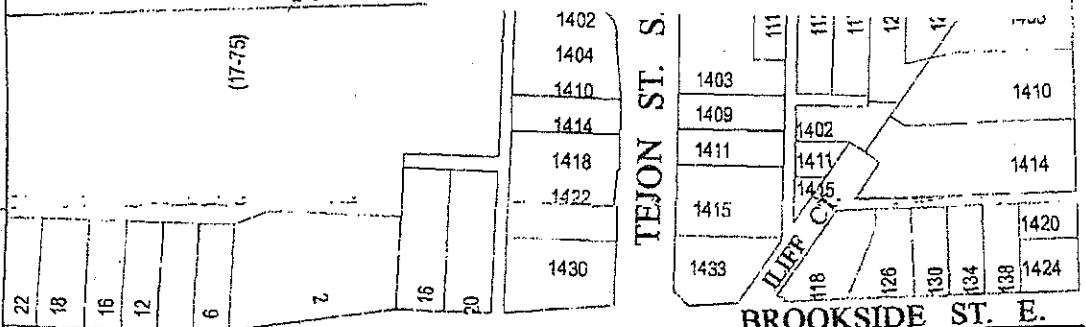
EXHIBIT C-2

1320
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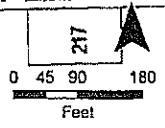
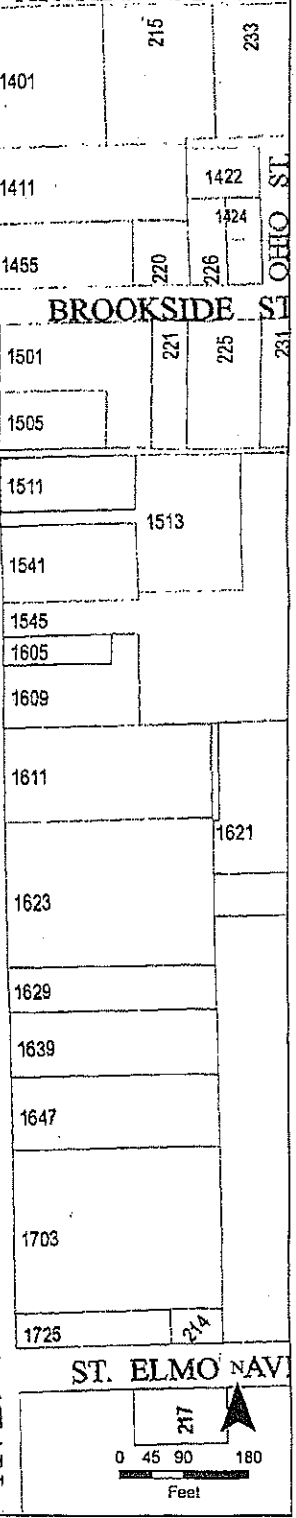
MOTOR

INCLUSION AREA BOUNDARY MAP

ARVADA ST. E.



NEVADA AVE. S.



El Paso County



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ON THE IVY LLC DEVELOPMENT AREA

CHEYENNE CANYON
METROPOLITAN DISTRICT NO. 3



EXHIBIT D

Description of Ongoing Permitted Services to be Provided by the District

Description of Services _____

IGA Required (Yes or No)

Maintenance of parks, open space
creek amenities, entrance features,
street trees, street scapes, and
shuttle transportation

No

EXHIBIT E

NOTICE OF SPECIAL DISTRICT DISCLOSURE

(to be provided to every purchaser of real property within the boundaries of the District)

Name of District(s):	Canyon Creek Metropolitan District No. 1 Canyon Creek Metropolitan District No. 2 Canyon Creek Metropolitan District No. 3
Contact Information for District:	Peter M. Susemihl Susemihl, McDermott & Cowan, P.C. 660 Southpointe, Suite 210 Colorado Springs, CO 80906 719-579-6500
Type of District(s): (i.e. if dual or three districts concept - insert language regarding limited rights of property owners)	Three District concept with the owners/residents of District No. 2 and No. 3 being managed by District No. 1
Identify District(s) Improvements Financed by Proposed Bonds (List by major categories, i.e. Roads – Powers Blvd):	Water, wastewater lines, road, traffic control, drainage.
Identify Services/Facilities Operated/Maintained by District(s):	Landscape, creek amenities, parks, open space, shuttle transportation, street trees, and street scapes
Mill Levy Cap: (Describe Procedure for any Adjustments to Mill Levy Cap) <i>(Note: This District may or may not be certifying a mill levy at the time of your purchase. Please verify by contacting the District.)</i>	30 mills for debt and 10 for operations with a cap of 40 mills in District No. 2 and 50 mills with a 50 mill cap and 10 mills for operations in District No. 3
Authorized Debt of the District(s) per Operating or Service Plan:	\$75,000,000
Voter Authorized Debt per Election:	\$75,000,000
District Boundaries:	See attached maps

<p><u>Sample Calculation of Mill Levy Cap for a Residential Property</u></p> <p>Assumptions: Market value is \$350,000 Mill levy cap is 40 mills</p> <p>Calculation: \$350,000 x .0796 = \$27,860 (Assessed Valuation) \$27,860 x .040 mills = \$1114.40 per year in taxes owed solely to the Special District</p>	<p><u>Sample Calculation of Mill Levy Cap for a Commercial, Office or Industrial Property</u></p> <p>Assumptions: Market value is \$750,000 Mill levy cap is 50 mills plus 10 mills for operations</p> <p>Calculation: \$750,000 x .29 = \$217,500 (Assessed Valuation) \$217,500 x .060 mills = \$13,050 per year in taxes owed solely to the Special District</p>
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