

**CERTIFIED COPY OF RESOLUTION TO APPROVE PETITION FOR INCLUSION
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5**

COMES NOW, the President of the Banning Lewis Ranch Metropolitan District No. 4 (hereinafter referred to as the "District") and certifies that at a meeting of the Board of Directors of the District, held Thursday, August 2, 2018, at NorthTree Ranch House, 6885 Vista del Pico, Colorado Springs, CO 80927, the following resolution was adopted, to-wit:

WHEREAS, the Petitioner has petitioned the District for the inclusion in said District of the land described in the Petition for Inclusion attached hereto as **Exhibit A**; and

WHEREAS, Public Notice has been published in accordance with law, calling for a public hearing on the prayer of said Petition, proof of which is attached hereto as **Exhibit B**; and

WHEREAS, a public hearing was properly noticed for Thursday, August 2, 2018; and

WHEREAS, the area sought to be included into the District is located entirely within the City of Colorado Springs, El Paso County, Colorado, and does not include property within any other county or within any incorporated city, town, or city and county, and, therefore, no notice of the proposed inclusion under Section 32-1-207(2), C.R.S., as amended, is required; and

WHEREAS, the District is not required to enlarge or extend their facilities beyond those currently existing and all such enlargements or extensions are undertaken in the exercise of discretion as a governmental function in the interest of public health, safety and welfare;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District shall, and hereby does, order the inclusion of the land described herein within the boundaries of the Banning Lewis Ranch Metropolitan District No. 5.

The name and address of the owner and the description of said property are as follows:

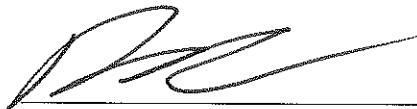
Petitioner/Owner: Clayton Properties Group II, Inc.

Address: 5000 Clayton Road
Maryville, Tennessee 37804

Legal Description: See **Exhibit C** attached hereto.

The foregoing is a true and accurate copy of the action taken by the governing body of the Banning Lewis Ranch Metropolitan District No. 5.

BANNING LEWIS RANCH METROPOLITAN
DISTRICT NO. 5



President

EXHIBIT A
to Resolution
(Petition for Inclusion)

| | | |
|-----------------------------------|---|-------------------------------|
| IN THE MATTER OF THE |) | |
| |) | |
| BANNING LEWIS RANCH METROPOLITAN |) | <u>PETITION FOR INCLUSION</u> |
| DISTRICT NO. 5 |) | |
| |) | |
| CITY OF COLORADO SPRINGS, EL PASO |) | <u>OF LAND</u> |
| COUNTY, COLORADO |) | |

The undersigned hereby respectfully petitions the Banning Lewis Ranch Metropolitan District No. 5 (the "District"), acting by and through its Board of Directors, for the inclusion of the hereinafter described real property into the boundaries of the District, which real property is situate within the City of Colorado Springs, County of El Paso, State of Colorado.

The undersigned hereby consents that the herein described property be included in said District and that an Order may be entered in the District Court in and for the County of El Paso, State of Colorado, including said land into the boundaries of the District, and that from and after the entry of such Order, said land shall be liable for assessments or other obligations of the District.

The undersigned represents to the District that the undersigned is the current record owner of the property hereinafter described and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

The undersigned further represents to the District that the area sought to be included into the District is located entirely within the City of Colorado Springs, County of El Paso, State of Colorado, and does not include property within any other county or incorporated city, town, or city and county, and that no notice of the proposed inclusion under Section 32-1-207(2), C.R.S., as amended, is required.

Acceptance of the Petition shall be deemed to have occurred at that time when the Board of Directors of the District set the date for the public hearing for consideration of the Petition.

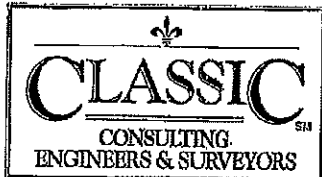
The legal description of the property is as follows, to-wit:

See Exhibit A, Attached Hereto and Incorporated Herein by Reference

The name and address of the petitioner is as follows:

Petitioner/Owner: Clayton Properties Group II, Inc.
 Address: 5000 Clayton Road
 Maryville, Tennessee 37804

Exhibit A
to Petition for Inclusion of Land
Legal Description



619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903

(719)785-0790
(719) 785-0799(Fax)

JOB NO. 2366.40-46
MAY 30, 2018
PAGE 1 OF 3

LEGAL DESCRIPTION: BANNING LEWIS RANCH VILLAGE 3 WEST

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, THE WEST HALF OF SECTION 16 AND THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER 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 WEST QUARTER 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 2646.40 FEET.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING THE NORTHEASTERLY CORNER OF TOY RANCHES ESTATES NO. 2 RECORDED IN PLAT BOOK 0-2 AT PAGE 47, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ALSO AN ANGLE POINT IN THE SOUTHERLY RIGHT OF WAY LINE OF DUBLIN BOULEVARD, AS PLATTED IN BANNING LEWIS RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 205087777, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N00°29'03"W, ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AND THE EASTERLY RIGHT OF WAY LINE OF SAID DUBLIN BOULEVARD, A DISTANCE OF 57.38 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID DUBLIN BOULEVARD; THENCE ON SAID SOUTHERLY RIGHT OF WAY LINE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S03°22'10"E, HAVING A DELTA OF 08°59'18", A RADIUS OF 1923.00 FEET AND A DISTANCE OF 301.67 FEET TO A POINT ON CURVE, SAID POINT BEING THE NORTHEASTERLY CORNER OF TRACT E AS PLATTED IN BANNING LEWIS RANCH FILING NO. 2, RECORDED UNDER RECEPTION NO. 205087778;

THENCE N05°37'08"E, ON THE WESTERLY LINE OF DUBLIN BOULEVARD, AS VACATED BY ORDINANCE 17-95 AND RECORDED UNDER RECEPTION NO. 217156102, A DISTANCE OF 9.00 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE NORTHERLY LINE OF SAID VACATED DUBLIN BOULEVARD;

THENCE ON SAID NORTHERLY LINE OF SAID VACATED DUBLIN BOULEVARD, THE FOLLOWING (4) FOUR COURSES;

- 1) ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S05°37'08"W, HAVING A DELTA OF 03°29'34", A RADIUS OF 1932.00 FEET AND A DISTANCE OF 117.77 FEET TO A POINT OF TANGENT;
- 2) S80°53'19"E, A DISTANCE OF 344.85 FEET TO A POINT OF CURVE;
- 3) ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 09°04'25", A RADIUS OF 5088.00 FEET AND A DISTANCE OF 802.58 FEET TO A POINT OF TANGENT;
- 4) S89°57'43"E, A DISTANCE OF 434.27 FEET;

THENCE S44°57'43"E, A DISTANCE OF 35.00 FEET;
THENCE S00°17'30"W, A DISTANCE OF 258.41 FEET;
THENCE S02°38'31"E, A DISTANCE OF 527.65 FEET;
THENCE S07°17'30"W, A DISTANCE OF 428.94 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 45°17'16", A RADIUS OF 829.00 FEET AND A DISTANCE OF 655.26 FEET TO A POINT OF TANGENT;
THENCE S45°34'46"W, A DISTANCE OF 518.64 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 45°34'46", A RADIUS OF 668.50 FEET AND A DISTANCE OF 531.80 FEET TO A POINT OF TANGENT;
THENCE S00°00'00"E, A DISTANCE OF 821.69 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 37°32'00", A RADIUS OF 686.50 FEET AND A DISTANCE OF 449.71 FEET TO A POINT OF TANGENT;
THENCE S37°32'00"W, A DISTANCE OF 910.99 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 29°59'00", A RADIUS OF 978.50 FEET AND A DISTANCE OF 612.06 FEET TO A POINT OF TANGENT;

THENCE S07°33'00"W, A DISTANCE OF 224.14 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STETSON HILLS BOULEVARD AS PLATTED IN SAID BANNING LEWIS RANCH FILING NO. 1;

THENCE ON SAID NORTHERLY RIGHT OF WAY, THE FOLLOWING (2) TWO COURSES:

1. N85°45'07"W, A DISTANCE OF 104.28 FEET;
2. S07°34'51"W, A DISTANCE OF 9.00 FEET;

THENCE N82°25'09"W, A DISTANCE OF 225.83 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

THENCE N00°14'02"E, ON SAID WEST LINE, A DISTANCE OF 71.48 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 15;

THENCE N00°20'14"E, ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15 AND SAID EASTERLY BOUNDARY OF TOY RANCHES ESTATES FILING NO. 2, A DISTANCE OF 2646.65 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 15;
THENCE CONTINUING N00°20'14"E, ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15 AND SAID EASTERLY BOUNDARY OF TOY RANCHES ESTATES FILING NO. 2, A DISTANCE OF 2646.40 FEET TO THE POINT OF BEGINNING.

CONTAINING A GROSS CALCULATED AREA OF 169.199 ACRES.

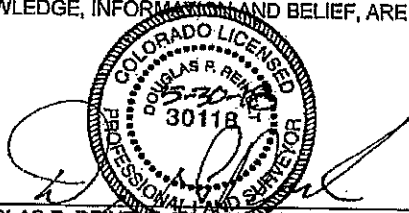
EXCEPTING THAT PORTION OF TRACT E AS PLATTED IN SAID BANNING LEWIS RANCH FILING NO. 2, LYING NORTHERLY OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF VACATED STETSON HILLS BOULEVARD AS VACATED BY ORDINANCE 17-95 AND RECORDED UNDER RECEIPTION NO. 217156102, AND SOUTH OF DUBLIN BOULEVARD AS PLATTED IN SAID BANNING LEWIS RANCH FILING NO.1.

CONTAINING A CALCULATED AREA OF 13.539 ACRES.

CONTAINING A TOTAL NET CALCULATED AREA OF 155.660 ACRES.

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.



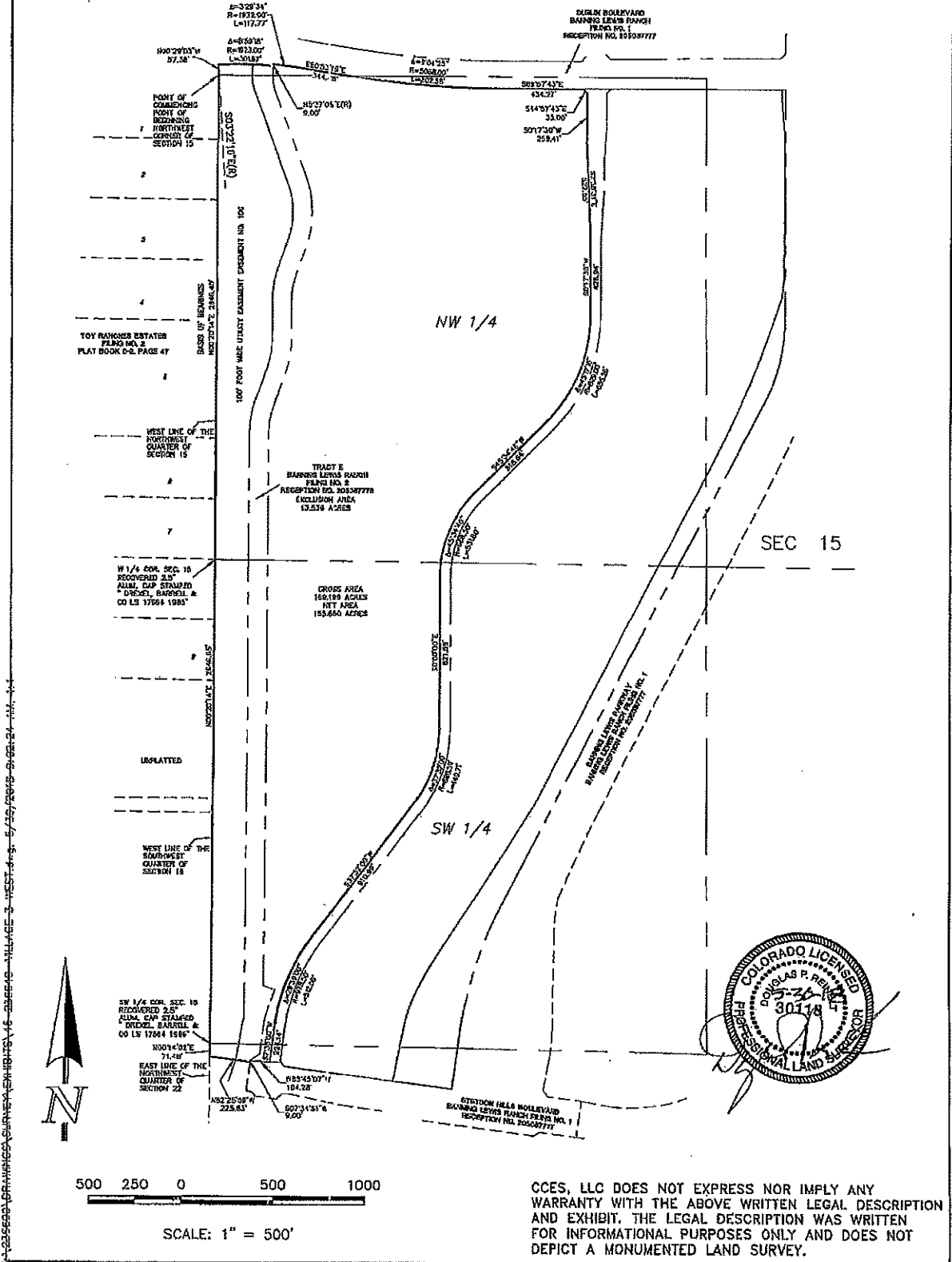
DOUGLAS P. REINELT, LICENSED PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING,
ENGINEERS AND SURVEYORS, LLC

MAY 30, 2018
DATE



BANNING LEWIS RANCH VILLAGE 3 WEST
 JOB NO. 2366.40-45
 SHEET 3 OF 3
 MAY 30, 2018

819 N. Cascade Avenue, Suite 200 (719)785-0783
 Colorado Springs, Colorado 80903 (719)785-0799 (Fax)



CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY.

EXHIBIT B
to Resolution
(Proof of Publication)

Proof of Publication

THE TRANSCRIPT
Colorado Springs, Colorado

STATE OF COLORADO, } ss.
COUNTY OF EL PASO }

I, Amy Sweet, Publisher and Executive Editor, or the undersigned Authorized Agent of the Publisher and Executive Editor, do solemnly swear that I am the Publisher and Executive Editor, or Authorized Agent of the Publisher and Executive Editor of The Transcript; that the same is a tri-weekly newspaper and published in the County of El Paso, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a tri-weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said tri-weekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue of said newspaper dated:

27, JULY, A.D. 2018.

And that the last publication of said notice was in the issue of said newspaper dated:

27, JULY, A.D. 2018.

In witness whereof, I have hereunto set my hand this 27th day of July, A.D. 2018.

Cathy Reilly

Publisher and Executive Editor / Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 27th day of July, A.D. 2018.

Robyn Kirk

Notary Public

ROBYN KIRK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20114063877
MY COMMISSION EXPIRES OCTOBER 5, 2019

NOTICE OF INCLUSIONS
NOTICE IS HEREBY GIVEN that there have been filed with the Boards of Directors of Banning Lewis Ranch Metropolitan No 4 and Banning Lewis Ranch Metropolitan District No 5 of El Paso County, Colorado, two separate petitions praying for the inclusion of certain lands into such Districts

1. The name and address of the petitioner and a description of the properties mentioned in such petitions are as follows:

Petitioner/Owner: Clayton Properties Group II, Inc

Address: 5000 Clayton Road
Maryville, Tennessee 37804

General Description of Property to be Included Into District 4:

A parcel of land being a portion of Section 15 and a portion of the Northwest Quarter of Section 22, Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, consisting of approximately 121.138 acres. A full legal description can be provided upon request.

General Description of Property to be Included Into District 5:

A parcel of land being a portion of the Southwest Quarter of Section 10, the West Half of Section 15 and the Northwest Quarter of Section 22, Township 13 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado, consisting of approximately 155.660 acres. A full legal description can be provided upon request.

2. The prayer of the petitions is that the above properties be included into the boundaries of Banning Lewis Ranch Metropolitan District No 4 and Banning Lewis Ranch Metropolitan District No 5, respectively.

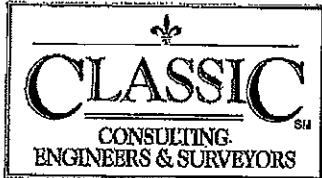
3. The areas sought to be included into Banning Lewis Ranch Metropolitan District Nos. 4 and 5 are located entirely within the City of Colorado Springs, El Paso County, and do not include property within any other county or within any other incorporated city, town, or city and county, and Banning Lewis Ranch Metropolitan District Nos. 4 and 5 currently encompass property in the City of Colorado Springs, El Paso County, and therefore no notice of the proposed inclusion under Section 32-1-207(2), C.R.S., as amended, is required.

Accordingly, notice is hereby given to all interested persons to appear at a special meeting of the Boards of Directors of the Districts at 9:00 a.m. or soon thereafter, on August 2, 2018, at NorthTree Ranch House, 8885 Vista Del Pico, Colorado Springs, CO, and show cause in writing, if any they have, why such petitions should not be granted. The failure of any person in the existing Districts to file a written objection shall be taken as an assent on his part to the inclusions of the properties described in this notice.

BANNING LEWIS RANCH
METROPOLITAN DISTRICT
NOS. 4 & 5

By: */s/ Pat Hrbacek*
Counsel for the District
Publication Date: July 27, 2018
Published in The Transcript
DT33874

EXHIBIT C
to Resolution
(Legal Description)



619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903

(719)785-0790
(719) 785-0799(Fax)

JOB NO. 2366.40-46
MAY 30, 2018
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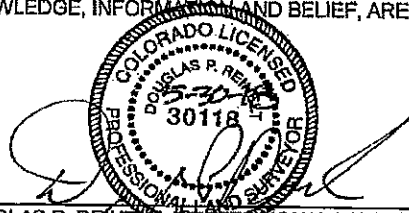
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DOUGLAS P. REINELT, LICENSED PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING,
ENGINEERS AND SURVEYORS, LLC

MAY 30, 2018
DATE

