

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

**Resolution No. 2017-04-01**

**AMENDED AND RESTATED RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
PAINT BRUSH HILLS METROPOLITAN DISTRICT**

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

WHEREAS, the Paint Brush Hills Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for El Paso County, Colorado, and after approval of the District’s eligible electors at an election; and

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

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

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

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

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

WHEREAS, the District incurs certain direct and indirect costs associated with the provision of the Services in order that the Services may be properly provided, the property within

and without the District maintained, and that the health, safety and welfare of the District, its users and its inhabitants may be safeguarded (collectively, the “Service Costs”); and

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

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

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

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

WHEREAS, pursuant to § 32-1-1001(2)(a)(I), C.R.S., on March 6, 2017, the District provided the required (30) days’ notice by mailing the notice separately to each customer of the District’s services as set forth on the billing rolls of the District; and

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

WHEREAS, on November 19, 2015, the Board adopted Resolution Number 2015-11-06 Resolution of the Board of Directors of Paint Brush Hills Metropolitan District Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities, which was recorded in the real property records of the El Paso County Clerk and Recorder’s Office on December 3, 2015, at Reception No. 215130544, which was amended and restated by that certain Amended and Restated Resolution of the Board of Directors of the Paint Brush Hills Metropolitan District Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities, dated February 18, 2016, which was recorded in the real property records of the El Paso County Clerk and Recorder’s Office on February 23, 2016, at Reception No. 216017724, and which was amended and restated by that

certain Amended and Restated Resolution of the Board of Directors of the Paint Brush Hills Metropolitan District Concerning the Imposition of Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities, dated April 14, 2016, which was recorded in the real property records of El Paso County Clerk and Recorder's Office on June 3, 2016, at Reception No. 216060144 (the "Prior Fee Resolution"), and the Board desires to adopt this Resolution to amend and restate the Prior Fee Resolution in its entirety. Any fees, rates, tolls, penalties or charges due under the Prior Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

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

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

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

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

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

"**Due Date**" means the date by which the Fees and Charges are due, which Due Date is reflected on the Schedule of Fees.

"**End User**" means any third-party homeowner or tenant of any homeowner occupying or intending to occupy a Residential Unit or a Commercial Unit.

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

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

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

“Residential Unit” means each residential dwelling unit (including, without limitation, condominiums, townhomes, and any other attached dwelling unit and detached single family dwelling units) located within the District Boundaries which has been Transferred to an End User.

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

## 2. THE FEES AND CHARGES.

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

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

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

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

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

iv. Any Transfer made and delivered without consideration for the purpose of: confirming, correcting, modifying or supplementing a Transfer

previously made; making minor boundary adjustments; removing clouds of title; or granting easements, rights-of-way or licenses.

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

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

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

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

d. The revenues generated by the Fees and Charges will be accounted for separately from other revenues of the District, specifically *ad valorem* property tax revenues, if applicable. The revenue from Fees and Charges will be used solely for the purpose of paying Costs, and, if *ad valorem* property tax revenues are available, may not be used by the District to pay for general administrative costs of the District. This restriction on the use of the Fees and Charges revenue shall be absolute and without qualification.

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

3. WATER TAP FEE & SEWER TAP FEE. A Water Tap Fee and a Sewer Tap Fee are hereby established and imposed upon each Residential Unit and each Commercial Unit within the District Boundaries in the amounts set forth in the Schedule of Fees and Charges.

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

5. PAYMENT. Payment for all fees, rates, tolls, penalties, charges, interest and attorney fees shall be made by check or equivalent form acceptable to the District, made payable to "Paint Brush Hills Metropolitan District" and sent to the address indicated on the Fee Schedule. The District may change the payment address from time to time and such change shall not require an amendment to this Resolution.

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

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

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

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

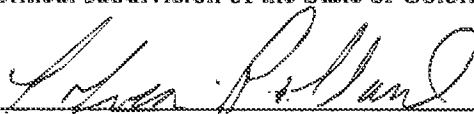
10. THE PROPERTY. This Resolution shall apply to all property within the District's boundaries, including, but not limited to, the property set forth in **Exhibit B**, attached hereto and incorporated herein by this reference, and any additional property included into the District after the date of this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

11. EFFECTIVE DATE. This Resolution shall become effective as of April 20, 2017.

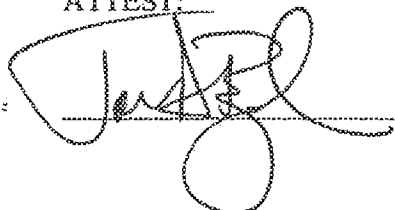
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ADOPTED this 20<sup>th</sup> day of April, 2017.

PAINT BRUSH HILLS METROPOLITAN  
DISTRICT, a quasi-municipal corporation and  
political subdivision of the State of Colorado

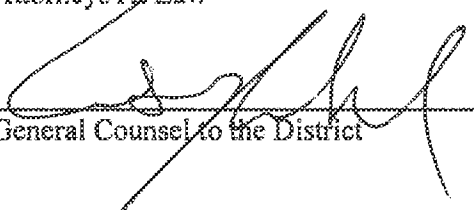
  
\_\_\_\_\_  
Officer of the District

ATTEST:

  
\_\_\_\_\_

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys At Law

  
\_\_\_\_\_  
General Counsel to the District

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

**EXHIBIT A**  
**SCHEDULE OF FEES AND CHARGES**



**EXHIBIT A**  
**SCHEDULE OF FEES AND CHARGES**

Adopted and Approved  
April 20, 2017 to become effective June 1, 2017

**WATER & SEWER TAP FEE**

This fee is a one-time contribution per lot required of new Customers (or existing Customers having change of use) to be used for capital investment in regional facilities and District operations. This fee shall be due at the time of application for service. The Water & Sewer Tap Fee is subject to change at the discretion of the Board. The SFE determination and tap fee for both the water and sewer tap are based on the size of the water tap as set forth below.

<b>Water Tap Size</b>	<b>SFE</b>	<b>Water and Sewer Tap Fee*</b>
3/4"	1	\$19,799.59
1"	2	\$39,599.18
1 1/2"	4	\$79,198.36
2"	8	\$158,396.72
2 1/2"	12	\$237,595.08
3"	16	\$316,793.44

\*As of January 1, 2017. The Water and Sewer Tap Fee shall automatically increase on January 1 of each succeeding year by 5%.

**WATER METER SETTING FEE**

This fee is intended to cover the cost of the District's inspection of the physical tap and of the Customer's Service Line, entering the tap location on the District's as-built drawing set, time and materials associated with the tapping, a builder's use of water and other ancillary services needed in connection with the provision of a new tap by the District.

**WATER METER SETTING FEE SCHEDULE**

<b>Water Line/Meter Size</b>	<b>Fee</b>
3/4"	\$500 (includes labor and materials, and builder water use during the course of construction)

All other sizes billed on a time and materials basis at a cost of \$40 per hour for labor and materials billed at cost.

Monthly Water and Sewer Charges

All Monthly Water and Sewer Charges are determined by the Single-Family Equivalent (SFE) of the Tap Size with the 3/4" Tap Size as the base determinant of one (1) SFE. The SFE Multipliers by Tap Size appears in Table 1.

Table 1

Tap Size	SFE Multiplier
3/4"	1
1"	2
1 1/2"	4
2"	8
2 1/2"	12
3"	16

MONTHLY WATER SERVICE CHARGES:

Tap Size	Water Service Charge
3/4"	\$30.00
1"	\$60.00
1 1/2"	\$120.00
2"	\$240.00
2 1/2"	\$360.00
3"	\$480.00

MONTHLY SEWER COLLECTION FEE:

TAP SIZE	SEWER COLLECTION FEE
3/4"	\$ 6.00
1"	\$ 12.00
1 1/2"	\$ 24.00
2"	\$ 48.00
2 1/2"	\$ 72.00
3"	\$ 96.00

WATER USAGE TIERS:

Water Usage Tiers are set by the Board of Directors based on the ¾” Water Tap Size. The water usage amounts for Water Tap Size greater than ¾” are determined by applying the SFE Multiplier to each Water Usage Tier.

Tap Size	¾”		1”		1 ½”		2”		2 ½”		3”	
Water Usage Tier	Usage (gals) From	Usage (gals) To	Usage (gals) From	Usage (gals) To	Usage (gals) From	Usage (gals) To	Usage (gals) From	Usage (gals) To	Usage (gals) From	Usage (gals) To	Usage (gals) From	Usage (gals) To
1	0	15,000	0	30,000	0	60,000	0	120,000	0	180,000	0	240,000
2	15,001	25,000	30,001	50,000	60,001	100,000	120,001	200,000	180,001	300,000	240,000	400,000
3	25,001	35,000	50,001	70,000	100,001	140,000	200,001	280,000	300,001	420,000	400,001	560,000
4	35,001	45,000	70,001	90,000	140,001	180,000	280,001	360,000	420,001	540,000	560,001	720,000
5	45,001	55,000	90,001	110,000	180,001	220,000	360,001	440,000	540,001	660,000	720,001	880,000
6	55,001	plus	110,001	plus	220,001	plus	440,001	plus	660,001	plus	880,001	plus

WATER USAGE CHARGES:

Water Usage Tier	Cost per Gallon
1	0.0075
2	0.0115
3	0.0145
4	0.0195
5	0.0245
6	0.0295

LATE CHARGE

\$15.00 plus 12% annual interest rate

UNDERDRAIN FEE

(per property)

\$3.00/per month

LATE CHARGE

\$15.00

12% annual interest rate

COLLECTION FEE

\$25.00

Collection of total past due amount at the property to avoid shut-off

RETURNED CHECK/REVERSED AUTOMATED CLEARING HOUSE (ACH) OR ELECTRONIC FUNDS TRANSFER (EFT) \$30.00 per item or transaction

WATER METER RE-READ FEE \$40.00  
In the event of a customer-disputed water meter read where the customer requests a water meter re-read and the re-read confirms the disputed water meter reading.

STREET LIGHTING FEE  
Scenic View at Paint Brush \$1.60/month  
Hills and Paint Brush Hills  
Filings 13B, 13C, and 13D  
(per property)

INSPECTION FEES  
Service Line / Meter Pit Inspection \$150.00\*  
Meter Inspection \$150.00\*  
Other Inspection \$150.00

\*If inspection takes place as part of the meter setting process, the inspection fees are not in addition to but included in the Water Meter Setting Fee.

REINSPECTION FEE OR RETURN VISIT FEE \$150.00/ hr  
(2 hour minimum)

METER MAINTENANCE SERVICE FEE \$40.00/ hr  
(1 hour minimum)

METER COST (replacement) Current cost to District

WATER TURN ON/TURN OFF \$25.00 each on/off  
(Customer Requested)  
\$50.00 each on/off  
(for non-payment)

SEWER SERVICE \$40.00 / hr  
(1 hour minimum)

## MISCELLANEOUS FEE

### FIRE HYDRANT METER FEES

Meter Assembly Rental Deposit	\$ 2,000 per meter
Meter Rental Fee	\$ 20.00/day
Monthly Fee	\$10.00 / 1,000 gallons

FORMAL INCLUSION HEARING FEE \$ 1,000.00 / application fee  
Plus all costs of publication of notices and engineering and attorneys' fees incurred by District in processing the inclusion

### FORECLOSURE FEE

Plus all costs of engineering and attorneys' fees  
Actual cost

### INCLUSION FEE

Initial Deposit \$10,000.00 (non-refundable)

Incremental Refundable Deposits of \$5,000.00  
For actual time and expenses incurred over the \$10,000 initial deposit, including but not limited to costs of publication of notices and engineering and attorneys' fees

### LIEN FEES

Demand Letter Fee	\$60.00
Notice of Intent to Lien	\$120.00
Lien Fee	\$150.00
Release of Lien Fee	\$150.00

### PERMIT FEES:

Water Stub-In Permit	\$100.00
Line Extension Permit	\$250.00
Disconnection or Reconnection Permit	\$600.00

### PLAN REVIEW FEES

Actual Time and expenses incurred by District, and/or \$40/hour for District staff

### AVAILABILITY OF SERVICE FEES

Fee per lot within 100 feet of District water and/or sewer lines 50% of Monthly Water and Sewer Fees

### TRANSFER AND CONSOLIDATION FEES

For transfer or consolidation of ownership of property: per lot \$125.00

TESTING FEES

Any property owner or customer requesting a contaminant testing shall pay the following applicable fee(s) for each of the requested tests, all of which include applicable pick-up and delivery and administrative fees and costs:

Domestic Water Test:	\$165.00
Standard Nutrient Test:	\$168.00
HPC Test:	\$175.00
Total Coliform Test:	\$174.00
Additional Tests:	Based on actual costs

PENALTY FEES/FINES:

Excavation During Non-Excavation Period \$5,000.00 (bond)

December 1 through March 31 of each year. The District may adjust the no-excavation period based on actual weather conditions. The bond is security for repairs which may be required due to damage to the District's existing facilities.

Installation of any non-metered device \$1,000.00 / occurrence

Installation of any device (i.e., "jumper") to allow for circumvention of the District's monitoring or delivery systems shall constitute unauthorized tampering and the use of the District water system shall be subject to a penalty fee. Such fines shall, until paid, constitute a lien upon the subject property, pursuant to § 32-1-1001, C.R.S.

Repair of Broken or Damaged Water Meters, Meter Pits and Curb Stop Boxes 100%<sup>1</sup>

Unauthorized Tampering with District systems or meters: \$2,000.00/incident

Plus actual cost of damage, expense, and loss.

Unauthorized Connection Fee \$ 2 x the then-current tap fee

Plus actual cost of damage, expense, and loss, legal fees, and any other costs incurred in the filing of criminal charges.

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<sup>1</sup>A) If a Customer damages or breaks their water meter, the Customer shall pay 100% of the associated costs for the repair and/or replacement of the water meters, meter pits and curb stop boxes, plus any attorneys' fees incurred to collect associated costs.

B) The District will notify the Customer of the broken or damaged water meters, meter pits and curb stop boxes and the costs of repair and/or replacement. A copy of the invoice for the work will be included with the notice. The Customer will reimburse the costs to the District within thirty (30) days of receipt of the notice.

C) If reimbursement is not received by the District within thirty (30) days of the notice, the costs will be added as a charge to the Customer's water bill for the next billing cycle.

Due Date for all Fees and Charges is the 23rd of the month unless otherwise indicated herein or on an invoice received from the District

PAYMENTS: Payment for each fee shall be made payable to the Paint Brush Hills Metropolitan District and sent to the following address for receipt by the Due Date:  
Paint Brush Hills Metropolitan District  
9830 Liberty Grove Drive  
Falcon, Colorado 80831  
Attn: Leon Gomes

**EXHIBIT B**

**PAINT BRUSH HILLS METROPOLITAN DISTRICT**

**District Boundaries**

**EXHIBIT B**

SECTION 25 AND THE EAST ¼ OF SECTION 26, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M. IN EL PASO COUNTY, COLORADO, EXCEPT THE EASTERLY 30 FEET AND THE SOUTHERLY 60 FEET OF THE EASTERLY 3,222.73 FEET OF SAID SECTION 25, AND EXCEPT THAT PARCEL DESCRIBED IN BOOK 2732 AT PAGE 860 OF THE RECORDS OF SAID EL PASO COUNTY, CONTAINING 944.89 ACRES, MORE OR LESS,

TOGETHER WITH

THE NORTHEAST ¼ SECTION 36, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN IN EL PASO COUNTY, CONSISTING OF 160 ACRES, MORE OR LESS.

FOR A TOTAL OF 1,104.89 ACRES, MORE OR LESS.