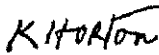


Reception #: D6090532, 08/16/2016 at 01:28 PM, 1 OF 10, Recording Fee \$56.00  
Electronically Recorded Official Records Arapahoe County, CO Matt Crane, Clerk  
& Recorder

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO Court Address: 7325 S Potomac St, Centennial, CO, 80112	
In the Matter of: HIGHLINE CROSSING METROPOLITAN DISTRICT	DATE FILED: August 3, 2016 10:02 AM  △ COURT USE ONLY △ Case Number: 2016CV30736 Division: 204      Courtroom:
<b>Order: Order and Decree Creating District, Issuing Certificates of Election and Releasing Bond</b>	

The motion/proposed order attached hereto: APPROVED.

Issue Date: 8/3/2016



KURT A HORTON  
District Court Judge

COMBINED COURT  
STATE OF COLORADO } ss.  
Arapahoe County.  
CERTIFIED to be a full, true and cor-  
rect copy of the original in my custody.

AUG 16 2016



DATED \_\_\_\_\_ A.D.  
TAMMERA HERIVEL  
Clerk of the Combined Court  
By Dina Dumas Deputy

RECEIVED

SEP 13 2016

<b>DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO</b> Arapahoe County Justice Center 7325 S. Potomac Street Centennial, CO 80112 303-649-6355	
<b>IN RE THE ORGANIZATION OF HIGHLINE CROSSING METROPOLITAN DISTRICT</b>	
BY THE COURT	<b>▲ COURT USE ONLY ▲</b>
	Case Number: 2016 CV 30736  Div.: 204      Ctrm.: ____
<b>ORDER AND DECREE CREATING DISTRICT, ISSUING CERTIFICATES OF ELECTION AND RELEASING BOND</b>	

THIS MATTER comes before the Court on the Motion for Order and Decree Creating District, Issuing Certificates of Election and Releasing Bond filed by the Petitioners in regard to the organization of Highline Crossing Metropolitan District (the "District"). The Court, being fully advised in the premises, hereby FINDS AND ORDERS:

1. That the required Notice of Election was duly published in a newspaper of general circulation in the District, one time, in compliance with law.
2. That a majority of the votes cast at the election held on May 3, 2016, in which the question of organization of the District was submitted to eligible electors, were in favor of organization, and that the election was held in accordance with Articles 1 through 13.5 of Title 1, C.R.S., and Section 20 of Article X of the Colorado Constitution.
3. The following ballots were cast on the question of organization of the District:

	<u>VOTES CAST</u>
<u>FOR</u> the Organization of the District	Four (4)
<u>AGAINST</u> the Organization of the District	Zero (0)

4. That the District shall be and is hereby duly and regularly organized in accordance with the requirements of Article 1 of Title 32, C.R.S.

5. That the District shall be known as "Highline Crossing Metropolitan District," the corporate name as designated in the Petition filed with this Court.

6. That the District is located in the City of Aurora, Arapahoe County, Colorado, as more particularly described in Exhibit A, attached hereto and made a part hereof.

7. That the District shall be a quasi-municipal corporation and a political subdivision of the State of Colorado with all the powers thereof.

8. That the following qualified persons were duly elected as members of the District's first Board of Directors for the indicated terms, and as further shown on the Certificates of Election, to be issued by this Court in accordance with Section 32-1-305.5(5), C.R.S., which Certificates are submitted herewith separate from this order for execution by the Court:

<u>NAME</u>	<u>TERM</u>
No candidate for this office	until the next regular election
No candidate for this office	until the next regular election
Richard Cross	until the second regular election
Michael Bird	until the second regular election
Gary Fantasky	until the second regular election

9. That the Clerk of this Court shall release to Petitioners' Counsel the organizational expenses bond in the amount of \$500.00 in connection with the organization of the District made payable to McGeady Becher P.C., and mailed to McGeady Becher P.C., 450 E. 17<sup>th</sup> Avenue, Suite 400, Denver, CO 80203.

10. That the interest of the District and the public interest or necessity demand the acquisition, construction, installation, or completion of improvements or facilities and the payment of certain costs to carry out the objects and purposes of the District, requiring the creation of a general obligation indebtedness:

(a) The District has the power to provide for the acquisition, construction, installation, and completion of certain:

- (i) Street Improvements
- (ii) Park and Recreation Improvements
- (iii) Water Improvements
- (iv) Sanitation Improvements
- (v) Transportation Improvements
- (vi) Safety Protection Improvements
- (vii) Fire Protection
- (viii) Mosquito Control

- (ix) Television Relay and Translation
- (x) Covenant Enforcement and Design Review Services
- (xi) Security Services;

(b) The estimated principal amount of the indebtedness to be authorized is not greater than Ten Million Dollars (\$10,000,000) for street improvements; park and recreation improvements; water improvements; sanitation improvements; transportation improvements; safety improvements; fire protection; mosquito control; television and relay improvements; security; operating and maintenance expenses; refunding purposes; and Intergovernmental Agreements; and the amount of principal to be incurred does not exceed such amount;

(c) The estimated cost of the improvements to be defrayed out of any state or federal grant is unknown at this time; and

(d) The maximum net effective interest rate to be paid on such indebtedness is eighteen percent (18%) per annum.

11. The District shall be a governmental subdivision of the State of Colorado, and a body corporate and politic with all the powers of a public or quasi-municipal corporation. The facilities, services and financial arrangements of the District shall conform as far as practicable to the approved Service Plan and the Resolution of Approval of the City Council of the City of Aurora, Colorado. The approved Service Plan and Resolution of Approval required by Title 32, Article 1, Part 2, C.R.S., previously filed in the within action, shall be and the same are hereby incorporated by reference in this Order. Pursuant to Section 32-1-205(2), C.R.S., a copy of the Resolution of Approval is attached hereto and incorporated herein as Exhibit D.

12. The Board of Directors shall take such steps and proceedings as the needs of the District require; and in accordance with Section 32-1-306, C.R.S., within thirty (30) days after the date hereof, the District shall transmit the following:

(a) A certified copy of this Order and Decree Creating District, and a copy of the District's approved Service Plan to the Clerk and Recorder of Arapahoe County, Colorado, and to the Division of Local Government (the "DLG"); and

(b) A certified copy of the Court's findings and this Order and Decree Creating District to the County Clerk and Recorder in each of the Counties in which the District or a part thereof extends for recording, as provided in Section 32-1-105, C.R.S.; and

(c) A copy of the District's approved Service Plan to each such County Clerk and Recorder, for retention as a public record for public inspection; and

(d) A copy of the District's Service Plan, together with a copy of the Court's findings and this Order and Decree Creating District to the DLG; and

(e) A copy of the District map to the Arapahoe County Assessor in each county in which the District or a part thereof extends and with the DLG according to its standards.

DONE IN COURT \_\_\_\_\_, 2016.

BY THE COURT:

\_\_\_\_\_  
Judge

Attachment to Order - 2016CV30735

**EXHIBIT A**

Legal Description

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT IT IS THE OWNER OF A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 22 AND CONSIDERING THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 22 TO BEAR NORTH 89°34'54" EAST, WITH ALL BEARINGS HEREON RELATIVE THERETO:

THENCE NORTH 89°34'54" EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 22 A DISTANCE OF 66.41 FEET; THENCE SOUTH 00°25'06" EAST A DISTANCE OF 79.71 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST MISSISSIPPI AVENUE DESCRIBED IN BOOK 6992 AT PAGES 193, 199 AND 205 OF THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

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

13. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02°26'39", A RADIUS OF 5,797.25 FEET, AN ARC LENGTH OF 247.30 FEET AND A CHORD THAT BEARS SOUTH 89°11'47" EAST A DISTANCE OF 247.28 FEET;
14. NORTH 89°34'54" EAST A DISTANCE OF 281.91;

THENCE NORTH 89°34'54" EAST A DISTANCE OF 110.01 FEET;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY-LINE OF EAST MISSISSIPPI AVENUE THE FOLLOWING SEVEN (7) COURSES:

1. NORTH 89°34'54" EAST A DISTANCE OF 245.79 FEET TO A POINT OF CURVATURE;
2. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03°00'05", A RADIUS OF 5,785.00 FEET, AN ARC LENGTH OF 303.04 FEET AND A CHORD THAT BEARS NORTH 88°04'51" EAST A DISTANCE OF 303.01 FEET TO A POINT OF REVERSE CURVATURE;
3. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 93°00'15", A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 40.58 FEET AND A CHORD THAT BEARS SOUTH 46°55'04" EAST A DISTANCE OF 36.27 FEET;
4. NORTH 83°06'08" EAST A DISTANCE OF 60.39 FEET TO A POINT OF CURVATURE;

5. ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 85°54'23", A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 37.48 FEET AND A CHORD THAT BEARS NORTH 42°32'15" EAST A DISTANCE OF 34.07 FEET TO A POINT OF REVERSE CURVATURE;
6. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 00°03'30", A RADIUS OF 5,785.00 FEET, AN ARC LENGTH OF 5.89 FEET AND A CHORD THAT BEARS NORTH 85°27'51" EAST A DISTANCE OF 5.89 FEET TO A POINT OF CURVATURE;
7. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°28'32", A RADIUS OF 5,675.00 FEET, AN ARC LENGTH OF 146.15 FEET AND A CHORD THAT BEARS NORTH 86°10'22" EAST A DISTANCE OF 146.15 FEET;

THENCE SOUTH 00°23'10" EAST A DISTANCE OF 785.09 FEET;  
THENCE NORTH 89°39'34" EAST A DISTANCE OF 195.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH GALENA WAY DESCRIBED IN BOOK 7237 AT PAGES 321, 324 AND 327 OF THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER;  
THENCE SOUTH 00°23'36" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 19.77 FEET;  
THENCE SOUTH 89°39'34" WEST A DISTANCE OF 541.11 FEET;  
THENCE NORTH 00°26'17" WEST A DISTANCE OF 435.55 FEET;  
THENCE SOUTH 89°34'54" WEST A DISTANCE OF 1,135.06 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DAYTON STREET DESCRIBED IN SAID BOOK 6992 AT PAGES 193, 199 AND 205;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID SOUTH DAYTON STREET THE FOLLOWING THREE (3) COURSES:

1. NORTH 03°18'04" EAST A DISTANCE OF 111.37 FEET;
2. NORTH 00°35'38" WEST A DISTANCE OF 214.09 FEET TO A POINT OF CURVATURE;
3. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 92°37'31", A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 40.42 FEET AND A CHORD THAT BEARS NORTH 45°42'45" EAST A DISTANCE OF 36.16 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS AN AREA OF 667,536 SQUARE FEET, OR 15.33 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE SAME INTO LOTS, BLOCKS AND TRACTS AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF **HIGHLINE SUBDIVISION FILING NO. 1**, AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE CITY OF AURORA, COLORADO, FOR THE PERPETUAL USE OF THE PUBLIC, THE STREETS AND EASEMENTS AS SHOWN HEREON AND NOT PREVIOUSLY DEDICATED TO THE PUBLIC.

**EXHIBIT B**

**Resolution of Approval**

EFFECTIVE DATE: 3-21-16

RESOLUTION NO. R2016- 18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE SERVICE PLAN FOR HIGHLINE CROSSING  
METROPOLITAN DISTRICT AND AUTHORIZING THE EXECUTION  
OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND  
THE DISTRICT**

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., as amended, and Section 122-29 of the City Code, a Service Plan (the "Service Plan") for the Highline Crossing Metropolitan District (the "District") has been submitted to the City Council of the City of Aurora, Colorado (the "City"); and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Chapter 122 of the City Code, the City Council held a public hearing on the Service Plan for the District; and

WHEREAS, notice of the hearing before the City Council was duly published in the *Aurora Sentinel*, a newspaper of general circulation within the City, on February 25, 2016, as required by law, and forwarded to the petitioners, others entitled to postcard or letter notice, the Division of Local Government, and the governing body of each municipality and title 32 district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the District; and

WHEREAS, the City Council has considered the Service Plan and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the Service Plan should be approved unconditionally, as permitted by Sections 32-1-203(2) and 32-1-204.5(1)(a), C.R.S., as amended, and Section 122-34(a) of the City Code; and

WHEREAS, the City Council further finds that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement (the "IGA") with the District for the purpose of assigning the relative rights and responsibilities between the City and the District with respect to certain functions, operations, and obligations of the District; and

WHEREAS, Section 10-12 of the City Charter requires a resolution to authorize the execution of intergovernmental agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Council hereby determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 122 of the City Code relating to the filing of the Service Plan for the District have been fulfilled and that notice of the hearing was given in the time and manner required by law.



Section 2. The City Council further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard, and that evidence satisfactory to the City Council of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the District;
- b. The existing service in the area to be served by the District is inadequate for present and projected needs;
- c. The District is capable of providing economical and sufficient service to the area within its proposed boundaries;
- d. The area to be included in the District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area through the City, Arapahoe County, or other existing municipal or quasi-municipal corporations, including other existing title 32 districts, within a reasonable time and on a comparable basis;
- f. The facility and service standards of the District are compatible with the facility and service standards of the City;
- g. The proposed Service Plan is in substantial compliance with the comprehensive plan of the City as adopted pursuant to the City Code;
- h. The proposed Service Plan is in compliance with any duly-adopted City, regional, or state long-range water quality management plan for the area; and
- i. The creation of the District will be in the best interests of the area proposed to be served

Section 3. The City Council hereby approves the Service Plan for the District as submitted.

Section 4. The Mayor and the City Clerk are hereby authorized to execute, on behalf of the City, the IGA in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 5. The District shall not be authorized to incur any bonded indebtedness until such time as the District has approved and executed the IGA.

Section 6. This Resolution shall be filed in the records of the City and a certified copy thereof submitted to the petitioners for the District for the purpose of filing in the District Court of

Arapahoe County.

Section 7. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

RESOLVED AND PASSED this 21st day of March 2016.

  
STEPHEN D. HOGAN, Mayor

ATTEST:

  
JANICK NAPPER, City Clerk

APPROVED AS TO FORM:

  
JACK D. BAJOREK, Assistant City Attorney  
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