

DISTRICT COURT COUNTY OF WELD, COLORADO Court Address: P.O. Box 2038 901 9th Avenue Greeley, Colorado 80632		DATE FILED: June 4, 2013
Petitioners: SUMMERFIELD METROPOLITAN DISTRICT NOS. 1, 2 And 3, IN THE TOWN OF ERIE, WELD COUNTY, COLORADO		Certified to be a full, true and correct copy of the original in my custody. Dated <u>06-07-13</u> <i>Catherine J. Walker</i> Clerk of the District Court Weld County, Colorado
By the Court:		By <i>J. Anne Brennan</i> Deputy ▲ COURT USE ONLY ▲ Case No: <u>13CV30121</u> Div: 4 Ctrm:
ORDER AND DECREE ORGANIZING SUMMERFIELD METROPOLITAN DISTRICT NO. 2 ISSUANCE OF CERTIFICATES OF ELECTION AND RELEASE OF BOND		

This matter comes before the Court on Petitioners' Motion for Order and Decree Organizing the Summerfield Metropolitan District Nos. 1, 2 and 3, pursuant to § 32-1-305(6), C.R.S., Issuance of Certificates of Election and Release of Bond (the "Motion"). This Court, being fully advised in the premises, FINDS AND ORDERS with respect to the organization of Summerfield Metropolitan District No. 2 (the "District"):

1. That the question of the organization of the District, the election of Directors, along with other ballot issues and ballot questions were duly submitted to the District's eligible electors by mail ballot election held on May 7, 2013 (the "Election") at the time and place specified in the Order Calling Election entered by this Court.
2. That a majority of the votes cast at the Election were in favor of organizing the District and in favor of all ballot issues and ballot questions submitted. The election was held in accordance with Articles 1 to 13 of Title 1, C.R.S.
3. That the Board of Canvassers' Abstract of Returns and the Board of Canvassers' Certificate of Election Results filed with this Court as Exhibit A to the Motion duly certifies the Election returns to this Court as required by law and is in all respects approved and confirmed.

4. That the District is duly and regularly organized in accordance with the requirements of § 32-1-101, *et seq.*, C.R.S.
5. That the District shall be known as "Summerfield Metropolitan District No. 2."
6. That the District is located in Weld County, Colorado, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference. A map of the District shall be filed with the Weld County Assessor pursuant to § 32-1-306, C.R.S.
7. That the District shall be a quasi-municipal corporation and political subdivision of the State of Colorado with all the powers thereof in conformity with its Service Plan, as may be amended.
8. Pursuant to § 32-1-306, C.R.S., a certified copy of this Order shall be recorded by the Weld County Clerk and Recorder. A copy of the approved Service Plan and the resolution of the Town of Erie, Colorado approving the Service Plan shall be filed with the Weld County Clerk and Recorder to be retained as a public record for public inspection. Additionally, a copy of the Service Plan shall be filed with the Division of Local Government, Department of Local Affairs.
9. A copy of the Service Plan and the resolution of the Town of Erie, Colorado approving the Service Plan were filed with this Court as part of the Petition. Pursuant to § 32-1-205(2), C.R.S., the Service Plan and approving resolution are incorporated herein by this reference and the same shall be deemed appended to this Order at such time as all other legal procedures for District organization have been complied with.
10. 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, issued by this Court in accordance with § 32-1-305.5(5), C.R.S., which Certificates are filed simultaneously herewith:

<u>NAME</u>	<u>TERM</u>
Jon R. Lee	to May, 2016
Charles R. Bellock	to May, 2016
Kim L. Lytle	to May, 2016

11. That the Bond of Petitioners in the amount of \$1,000 filed in this action pursuant to § 32-1-302, C.R.S., is hereby released and discharged.

12. That the District shall have and exercise, through its Board of Directors and officers in conformity with its Service Plan, as may be amended, all of the powers and authorities conferred upon metropolitan districts under and by virtue of the provisions of Article 1, Title 32, C.R.S., and all laws relating thereto, and all powers and authorities as may hereafter be conferred by law.

DONE IN COURT THIS 4th DAY OF June, 2013.

BY THE COURT:

David J. Maus
District Court Judge

EXHIBIT A

Legal Description for Summerfield Metropolitan District No. 2

EXHIBIT

DISTRICT 2 PARCEL DESCRIPTION:

A PARCEL OF LAND LOCATED IN SECTION 4, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 4;

THENCE N00°02'03"E, 2,682.02 FEET ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 4 (BASIS OF BEARINGS) TO THE WEST QUARTER CORNER;

THENCE N00°01'00"E, 2,614.25 FEET ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 4;

THENCE ALONG THE SOUTHEASTERLY LINE OF THAT PROPERTY RECORDED 12/07/1955 IN BOOK 14736 AT PAGE 528 THE FOLLOWING TWO COURSES:

- 1) N86°36'34"E, 63.60 FEET;
- 2) N80°15'23"E, 106.90 FEET;

THENCE N89°51'27"E, 2,459.80 FEET ALONG THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 4;

THENCE N89°37'29"E, 1,238.46 FEET ALONG THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 4;

THENCE S05°58'02"W, 800.41 FEET;

THENCE S59°32'33"E, 165.06 FEET;

THENCE S00°00'00"E, 272.43 FEET;

THENCE N72°54'55"E, 88.98 FEET;

THENCE S52°27'07"E, 260.14 FEET;

THENCE 95°55'06"E, 38.61 FEET;

THENCE N89°54'14"E, 1,032.02 FEET TO THE EASTERLY LINE OF THE SAID NORTHEAST QUARTER OF SECTION 4;

THENCE S00°05'48"E, 1,352.22 FEET ALONG THE SAID EASTERLY LINE TO THE EAST QUARTER CORNER;

THENCE S00°08'21"E, 2,882.30 FEET ALONG THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 4 TO THE SOUTHEAST CORNER;

THENCE S89°44'56"W, 2,638.67 FEET ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 4 TO THE SOUTH QUARTER CORNER;

THENCE S89°33'41"W, 2,636.43 FEET ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 4 TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THE FOLLOWING:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(CONTINUED)

DISTRICT 2
 SUMMERFIELD
 WELD COUNTY, COLORADO

NAME	2500 Broadway, Suite 8	PHONE	303.448.9100
ADDRESS	Colorado, CO 80504	FAX	303.448.9100
CITY	PALMER	DATE	09/09/12
COUNTY	WELD	BY	101010101
STATE	COLORADO	OF	3

EXHIBIT

DISTRICT 2 PARCEL DESCRIPTION (CONTINUED):

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 4 FROM WHENCE THE SOUTHWEST CORNER LIES S89°33'41"W, 2,636.43 FEET (BASIS OF BEARINGS);

THENCE N26°42'37"W, 1,735.86 FEET TO THE POINT OF BEGINNING;

THENCE S30°05'46"W, 112.21 FEET;

THENCE 93.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 106°33'57", AND A CHORD BEARING S67°06'03"W, 80.16 FEET;

THENCE N75°36'43"W, 134.34 FEET;

THENCE N62°31'23"W, 91.14 FEET;

THENCE 76.85 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 88°03'48", AND A CHORD BEARING N31°55'45"W, 69.51 FEET;

THENCE N00°00'00"E, 107.25 FEET;

THENCE 60.91 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,040.00 FEET, A CENTRAL ANGLE OF 03°21'21", AND A CHORD BEARING N45°26'36"E, 60.00 FEET;

THENCE N43°45'57"E, 217.59 FEET;

THENCE S46°14'03"E, 295.34 FEET;

THENCE S04°44'24"W, 179.59 FEET TO THE POINT OF BEGINNING.

NET ACREAGE OF DISTRICT 2: 590.22 ACRES

DISTRICT 2
 SUMMERFIELD
 WELD COUNTY, COLORADO

2500 Broadway, Suite 0	DATE PREPARED	06/11/13
WINTERBURNING	CREATED BY	DD
303.449.0100	DATE PLOTTED	06/06/13
www.winterburning.com	SHEET	2 of 3

