

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

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. 3 (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. 3."

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 4<sup>th</sup> DAY OF June, 2013.

BY THE COURT:

Daniel S. Maus  
District Court Judge

EXHIBIT A  
Legal Description for Summerfield Metropolitan District No. 3

**EXHIBIT**

**DISTRICT 3 PARCEL DESCRIPTION:**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 88 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4 FROM WHENCE THE EAST QUARTER CORNER LIES S00°05'46"E, 2,667.67 FEET (BASIS OF BEARINGS);  
 THENCE S00°05'46"E, 1,315.15 FEET ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 4;  
 THENCE S89°54'14"W, 1032.02 FEET;  
 THENCE N63°56'08"W, 38.61 FEET;  
 THENCE N52°27'07"W, 260.14 FEET;  
 THENCE S72°05'50"W, 87.37 FEET;  
 THENCE N00°00'00"E, 273.74 FEET;  
 THENCE N69°32'33"W, 165.06 FEET;  
 THENCE N05°56'02"E, 800.41 FEET TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 4;  
 THENCE N89°37'28"E, 1,409.88 FEET ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING, CONTAINING 41.88 ACRES, MORE OR LESS.

DISTRICT 3  
 SUMMERFIELD  
 WELD COUNTY, COLORADO

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FILE # 1202044 SURVEY LEGAL INSTRUMENT	FILE # 1202044 SURVEY LEGAL INSTRUMENT

