

WHEN RECORDED RETURN TO:
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DISTRICT COURT, COUNTY OF ADAMS, STATE OF COLORADO 1100 Judicial Center Drive Brighton, CO 80601 303-659-1161	Combined Court, Adams County, CO CERTIFIED to be a full, true & correct copy of the original in my custody JAN - 9 2007 DATED BY <i>[Signature]</i> Deputy ▲ COURT USE ONLY ▲ Case Number: 06CV1264 Div.: C Ctrm.: 504
PETITIONER: IN RE THE ORGANIZATION OF THE LAKES METROPOLITAN DISTRICT NO. 4	
BY THE COURT	
ORDER AND DECREE CREATING DISTRICT AND ISSUING CERTIFICATES OF ELECTION	

935

THIS MATTER comes before the Court on the Motion for Order and Decree Creating District and Issuing Certificates of Election, filed by the Petitioners in regard to the organization of The Lakes Metropolitan District No. 4 (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 proposed District, one time, in compliance with law.
2. That a majority of the votes cast at the election held on November 7, 2006, 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 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 proposed District:

<u>FOR</u> the Organization of the District	<u>VOTES CAST</u> <u>8 (eight)</u>
<u>AGAINST</u> the Organization of the District	<u>0 (zero)</u>

4. That all of the provisions of law, and more particularly all of the requirements of Title 32, Article 1, Part 3, Colorado Revised Statutes, have been complied with, met and performed, in the organization of the District.

5. 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.

6. That the District shall be known as "The Lakes Metropolitan District No. 4," the corporate name as designated in the Petition filed with this Court.

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

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

9. 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>
Julie Draguns	Until the next regular election
Paula J. Lindamood	Until the next regular election
Perry A. Cadman	Until the second regular election
Gene W. Myers	Until the second regular election
Michael A. Richardson	Until the second regular election

10. That the interest of the District and the public interest and necessity demand the incurrence of indebtedness to carry out the objectives 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 street, park and recreation, water, sanitation, transportation, mosquito control and safety protection improvements;

(b) the estimated principal amount of the debt to be authorized is not greater than \$80,000,000 for street improvements; \$80,000,000 for park and recreation improvements; \$80,000,000 for water improvements; \$80,000,000 for sanitation improvements; \$80,000,000 for transportation improvements; \$10,000,000 for mosquito control improvements; \$80,000,000 for safety protection improvements; \$5,000,000 for operations and maintenance costs; \$80,000,000 for refunding purposes; and \$80,000,000 for 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 the debt is fifteen percent (15%) per annum.

11. Said 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 Brighton, 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 appended hereto as **Exhibit B**.

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) Certified copies of this Order and Decree Creating District and the District's Service Plan to the Clerk and Recorder of Adams County, Colorado and to the Division of Local Government ("DLG"); and

(b) A copy of the District map to the County Assessor and DLG.

DONE IN COURT this 9 day of January, 2007.

BY THE COURT:



Judge

EXHIBIT A
Legal Description

**LEGAL DESCRIPTION
THE LAKES METROPOLITAN DISTRICT NO. 4**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 20 WHENCE THE SOUTHWEST CORNER OF SAID SECTION 20 BEARS SOUTH 89°56'52" WEST 2649.35 FEET, ALL BEARINGS HEREON ARE BASED ON THIS LINE;

THENCE NORTH 83°09'16" WEST 1327.78 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89°39'23" WEST 268.45 FEET;

THENCE NORTH 00°25'33" WEST 163.16 FEET;

THENCE NORTH 89°38'53" EAST 267.29 FEET;

THENCE SOUTH 00°49'58" EAST 163.20 FEET TO THE **POINT OF BEGINNING**.

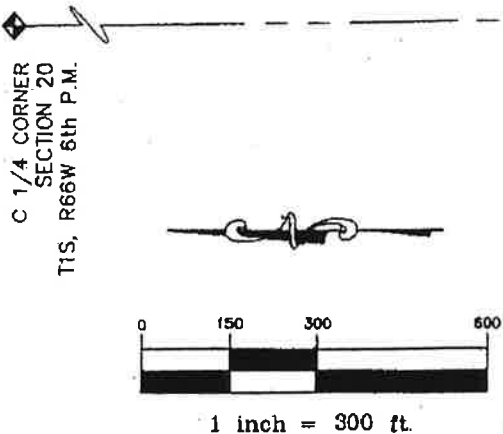
CONTAINING 1.003 ACRES (43,710 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST, JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

THE ABOVE AND FOREGOING DESCRIBES A SURFACE ESTATE ONLY. EXPRESSLY EXCLUDED FROM THIS LEGAL DESCRIPTION ARE ANY ESTATES BELOW THE SURFACE INCLUDING OIL, GAS AND OTHER MINERALS (INCLUDING SAND AND GRAVEL) AND ANY RELATED RIGHTS OF SURFACE USE.

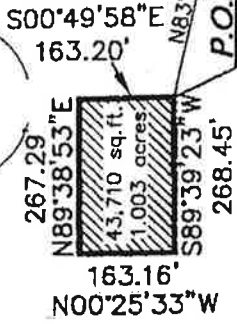


C 1/4 CORNER
SECTION 20
T1S, R66W 6th P.M.

P.O.C.
S 1/4 CORNER
SECTION 20
T1S, R66W 6th P.M.

SW 1/4 SECTION 20
T1S, R66W 6th P.M.

PHASE 4 PARCEL 1



S. LINE SW 1/4 SEC 20
(BASIS OF BEARINGS)

E. 136th AVE.

W 1/4 CORNER
SECTION 20
T1S, R66W 6th P.M.

SW CORNER
SECTION 20
T1S, R66W 6th P.M.

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: P:\21904-02\DWG
DWG NAME: PHASE 4 1 ACRE.DWG
DWG: JLM CHK: JRW
DATE: 08-15-06
SCALE: 1" = 300'



AZTEC CONSULTANTS, Inc.
300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1888 Fax: (303)713-1897

LEGAL EXHIBIT
THE LAKES METROPOLITAN DISTRICT NO. 4
ADAMS COUNTY, COLORADO
JOB NUMBER 21904-02 2 OF 2 SHEETS

EXHIBIT B

Resolution of Approval

CITY OF BRIGHTON, COLORADO

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BRIGHTON, COLORADO
APPROVING THE SERVICE PLANS FOR
THE LAKES METROPOLITAN DISTRICT NO. 1,
THE LAKES METROPOLITAN DISTRICT NO. 2,
THE LAKES METROPOLITAN DISTRICT NO. 3, AND
THE LAKES METROPOLITAN DISTRICT NO. 4

Resolution No. 06-114

WHEREAS, §32-1-204.5, C.R.S., provides that no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of a resolution of approval of the governing body of such municipality; and

WHEREAS, service plans (collectively, the "Service Plans") for Lakes Metropolitan District No. 1, No. 2, No. 3 and No. 4 (collectively, the "Districts") have been submitted to the City Council (the "City Council") of the City of Brighton, Colorado (the "City") by the Districts in compliance with §32-1-204.5, C.R.S., and the City of Brighton, Colorado Special District Service Plan Approval Procedures (the "Policies and Procedures"); and

WHEREAS, the Districts have substantially complied with the Policies and Procedures regarding submission of service plans and the City waives any noncompliance with the Policies and Procedures; and

WHEREAS, the territory of each of the proposed Districts is located wholly within the boundaries of the City; and

WHEREAS, adequate notice has been published and sent to property owners and interested parties of a public hearing of the City Council to review the Service Plans; and

WHEREAS, the City Council has conducted a public hearing on the Service Plans for the Districts and has considered the testimony and evidence presented at the hearing.

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

Section 1. That notice of the public hearing was properly given; that the hearing before the City Council was open to the public; that all interested parties were heard or had the opportunity to be heard; that all relevant testimony and evidence submitted to the City Council was considered and that the City Council has jurisdiction to hear this matter.

Section 2. The City Council makes the following findings:

a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special Districts.

b. The existing service in the area to be served by the proposed special Districts is inadequate for present and projected needs.

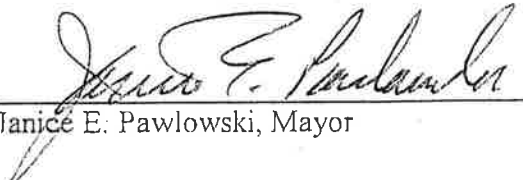
c. The proposed special Districts are capable of providing economical and sufficient service to the area within their proposed boundaries.

d. The area to be included in the proposed special Districts have, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 3. The Service Plans for The Lakes Metropolitan District No. 1, No. 2, No. 3 and No. 4 are hereby approved. Nothing herein limits the City's powers with respect to the Districts, the property within the Districts, or the improvements to be constructed by the Districts. The City's findings are based solely upon the evidence in the Service Plans and such other evidence presented at the public hearing or otherwise submitted to the City, and the City has not conducted any independent investigation of the evidence. The City makes no guarantee as to the financial viability of the Districts or the achievability of the results.

ADOPTED this 5th day of September, 2006.

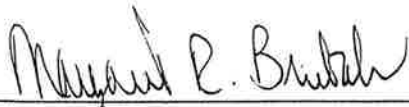
CITY OF BRIGHTON, COLORADO

By: 
Janice E. Pawlowski, Mayor

Attest:

By: 
Gayle Martinez, City Clerk

APPROVED AS TO FORM:


Margaret R. Brubaker, City Attorney