

4544017 Pages: 1 of 6  
 11/22/2019 02:21 PM R Fee: \$38.00  
 Carly Koppen, Clerk and Recorder, Weld County, CO



Certified to be a full, true and correct copy of the original in my custody.  
 Date: 11/22/2019  
 Richard Erickson  
 Clerk of the Combined Court  
 Weld County, Colorado  
 Deputy

DATE FILED: November 15, 2019 11:16 AM	
DISTRICT COURT, WELD COUNTY, COLORADO	
Court Address: 901 9 <sup>th</sup> Avenue Greeley, Colorado, 80631 Telephone: (970) 475-2400	<b>▲ COURT USE ONLY ▲</b>
<b>Petitioner:</b> ERIE COMMONS METROPOLITAN DISTRICT NO. 3	
<b>By the Court:</b>	Case No: 2019CV030767 Div: 4 Ctrm: _____
<b>ORDER AND DECREE          ORGANIZING THE ERIE COMMONS METROPOLITAN DISTRICT NO. 3,          ISSUANCE OF CERTIFICATES OF ELECTION FOR DIRECTORS,          AND RELEASE OF BOND</b>	

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

1. That the question of the organization of the District, the election of directors thereof, as well as questions necessary to comply with Article X, § 20 of the Colorado Constitution, including requesting authorization for debt and tax increases and to collect, retain, and spend all revenues generated, were duly submitted to the District's eligible electors by independent mail ballot election held on November 5, 2019, as specified in the Order Calling Election on Organization entered by this Court on October 22, 2019 (the "Election").

2. That the Election was properly conducted pursuant to and in accordance with the Colorado Local Government Election Code, §§ 1-13.5-101, *et seq.*, C.R.S., the Uniform Election Code of 1992, §§ 1-1-101, *et seq.*, through 1-13-101, *et seq.*, C.R.S., not in conflict therewith, as provided for in § 1-13.5-106(2), C.R.S., and the Special District Act, §§ 32-1-101, *et seq.*, C.R.S.

3. That a majority of the votes cast at the Election were in favor of the organization of the District and in favor of all ballot issues and ballot questions submitted.

4. That, pursuant to and in accordance with § 32-1-305.5(5), C.R.S., the following qualified persons were duly elected as members of the District's first Board of Directors for the indicated terms, as further shown on the Certificates of Election which are hereby issued simultaneous with this Order:

NAME	TERM
Steve Rane	to May, 2022
Jessica Brothers	to May, 2022
John Lee	to May, 2022

5. That the Canvass Board Statement and 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 hereby is, in all respects, approved and confirmed.

6. That the District shall be and is hereby duly and regularly organized in accordance with the requirements of §§ 32-1-101, *et seq.*, C.R.S. (the "Special District Act").

7. That the District shall be known as "Erie Commons Metropolitan District No. 3".

8. That the District is located in the Town of Erie, Weld County, Colorado, as more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference.

9. That, pursuant to § 32-1-205, C.R.S., a copy of the Service Plan and the resolution of the Board of Trustees of the Town of Erie approving the Service Plan were attached as exhibits to the Petition for Organization filed with this Court on September 18, 2019, are included within the Petitioner's Court record, are incorporated herein by reference, and are deemed appended to this Order.

10. That, pursuant to § 32-1-306, C.R.S., within thirty (30) days after the date of this Order declaring the District organized, a certified copy of this Order shall be transmitted to and recorded by the Weld County Clerk and Recorder (the "Clerk").

11. That, in further compliance with the requirements of § 32-1-306, C.R.S., a copy of the approved Service Plan for the District shall be delivered to the Clerk, to be retained as a public record for public inspection. Additionally, a copy of the Service Plan, together with a copy of this Order, shall be filed with and is available from the Division of Local Government, Department of Local Affairs (the "Division").

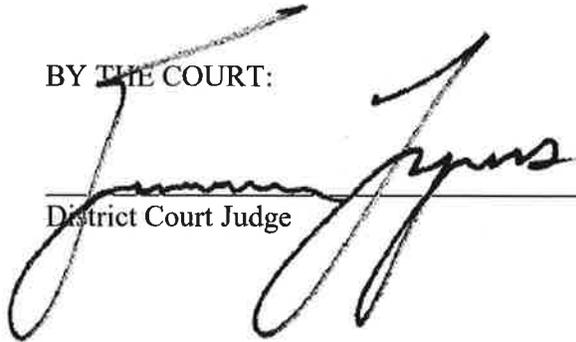
12. That, in further compliance with the requirements of § 32-1-306, C.R.S., a map of the District shall be filed with the Weld County Assessor, the Clerk, and the Division according to the standards of the Division and the accuracy thereof updated annually.

13. That the Petitioner’s Bond filed pursuant to § 32-1-302, C.R.S., is hereby released and discharged and shall be made payable to “White Bear Ankele Tanaka & Waldron” on behalf of the Petitioner for organization depositing the funds with this Court.

14. That the District shall be a metropolitan district, as defined in § 32-1-103(1), C.R.S., and a quasi-municipal corporation and political subdivision of the State of Colorado with all the powers of a metropolitan district available under law and in conformity with the Service Plan, as may be amended, and all powers and authorities as may hereafter be conferred by law. These powers and authorities shall be exercised through the District’s Board of Directors.

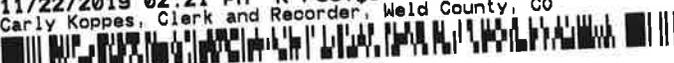
DONE IN COURT this 15 day of November, 2019.

BY THE COURT:



District Court Judge

4544017      Pages: 4 of 6  
11/22/2019 02:21 PM R Fee:\$38.00  
Carly Koppes, Clerk and Recorder, Weld County, CO



**EXHIBIT A  
TO ORDER AND DECREE**

**(Legal Description and Map of District Boundaries)**

# EXHIBIT

**LEGAL DESCRIPTION:**

TWO PARCELS OF LAND LOCATED IN THE NORTH HALF OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 5TH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT 1, BLOCK 1 AND LOT 1, BLOCK 11 OF ERIE COMMONS FILING NO. 5 2ND AMENDMENT

PARCEL 2:

A PORTION OF LOT 1, BLOCK 5 OF ERIE COMMONS FILING NO. 4 DESCRIBED MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH-WESTERLY TANGENT POINT OF THE SOUTHERLY CORNER OF THE INTERSECTION OF ERIE PARKWAY AND BRIGGS STREET;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 THE FOLLOWING THREE COURSES:

- 1) 39.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD BEARING N84°46'24"E, 35.36 FEET;
- 2) S50°13'38"E, 215.00 FEET;
- 3) S54°53'57"E, 52.17 FEET;

THENCE S39°46'24"W, 1,280.24 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 1;

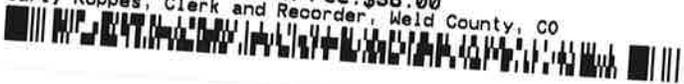
THENCE ALONG THE SOUTHWESTERLY AND NORTHWESTERLY LINE OF SAID LOT 1 THE FOLLOWING THREE COURSES:

- 1) N50°13'23"W, 267.00 FEET;
- 2) 39.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°59'47", AND A CHORD BEARING N05°13'29"W, 35.35 FEET;
- 3) N39°46'24"E, 1,225.97 FEET TO THE POINT OF BEGINNING.

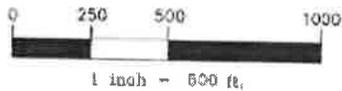
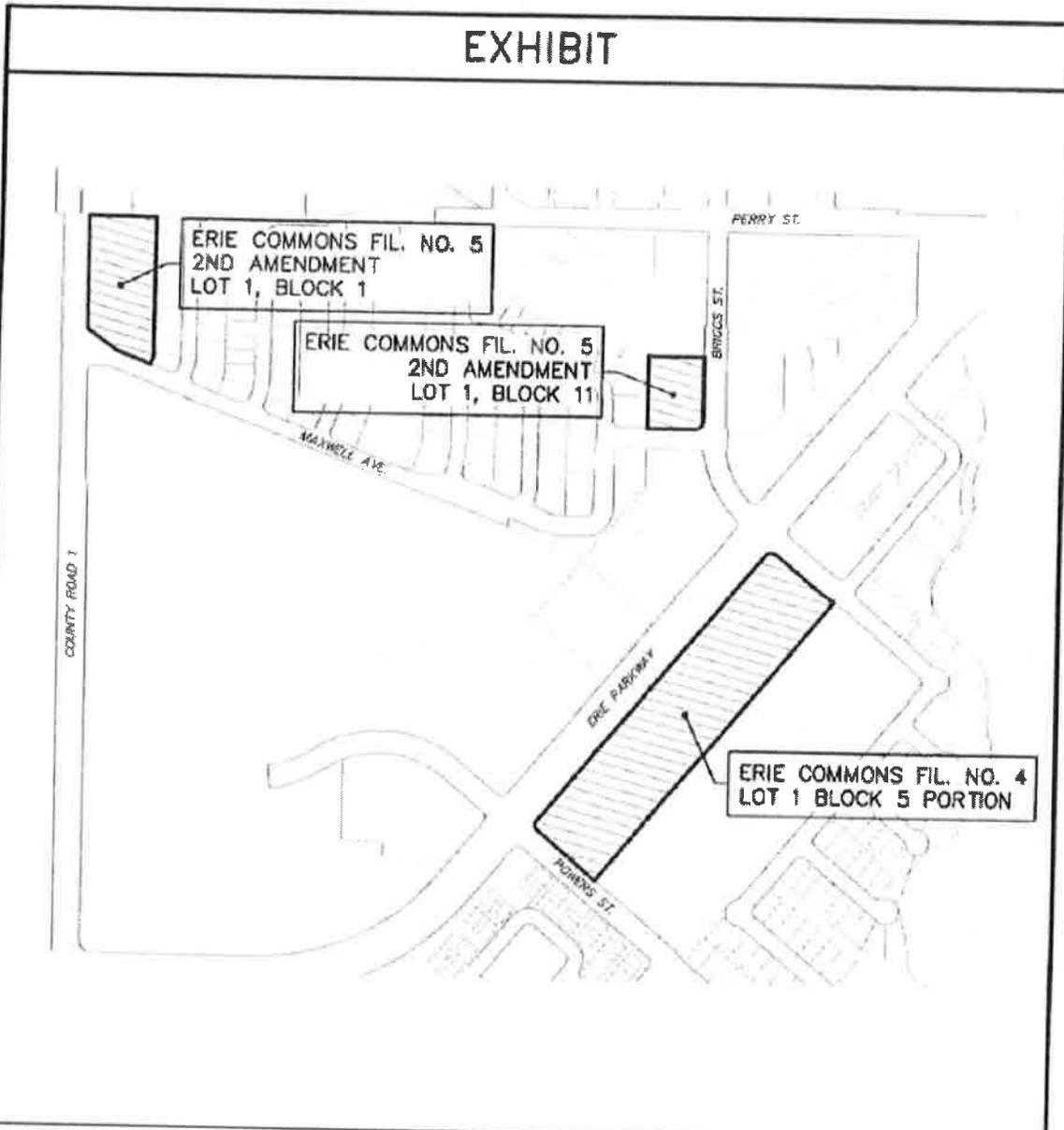
DESCRIPTION PREPARED BY:  
 BO BAIZE, COLORADO PLS 37990  
 FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.

**ERIE COMMONS COMMERCIAL  
 PROPERTIES GROUP 1  
 ERIE, COLORADO**

<b>HURST</b>	1265 S Public Blvd, Suite 8	SCALE HOR. N/A VERT. N/A
	Lafayette, CO 80224	DESIGN/APP.
	303.449.9105	DRAWN BY BO
	WWW.HURST-SURVEYING.COM	DATE 06/25/19
FILE G:\2022\4055\BIRV\5\LEGAL\CD COMM\FINAL DERO		SHEET 1 of 2



# EXHIBIT



NOTE: THIS IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT.  
 THIS EXHIBIT IS ONLY INTENDED TO DEPICT THE ACCOMPANYING DESCRIPTION.

**ERIE COMMONS COMMERCIAL  
 PROPERTIES GROUP 1  
 ERIE, COLORADO**

**HURST**

**CIVIL ENGINEERING  
 PLANNING  
 SURVEYING**

1265 S Public Road, Suite B  
 Lafayette, CO 80126  
 303.449.2405  
[www.hurst-as10c.com](http://www.hurst-as10c.com)

SCALE	HOR. 1" = 300'
	VERT. N/A
DESIGN/APPR	
DRAWN BY	BD
DATE	06/14/19
SHEET	3 OF 2

PLS. C:\202040\SURVEY\LEGAL SEC. COMMERCIAL 0525