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<b>DISTRICT COURT, COUNTY OF DOUGLAS, STATE OF COLORADO</b> Douglas County District Court 7000 Justice Way Castle Rock, CO 80109 303-663-7200	Received in <b>MAY 19 2004</b> Douglas Combined Courts
<b>PETITIONER: IN RE THE ORGANIZATION OF HORSE CREEK METROPOLITAN DISTRICT</b>	
MaryAnn M. McGeady McGEADY SISNEROS, P.C. 1675 Broadway, Suite 2100 Denver, CO 80202 Phone: (303) 592-4380 Fax: (303) 592-4385 E-mail: mmcgeady@mcgeadysisneros.com Atty. Reg#: 12417	<b>▲ COURT USE ONLY ▲</b> Case Number: 04CV500 Div.: 2          Ctrm.: 2
<b>ORDER AND DECREE CREATING DISTRICT</b>	

121.1101  
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THIS MATTER coming for consideration by the Court, and it appearing that the election, held on the 4th day of May, 2004, at which there was submitted the matter of the organization of Horse Creek Metropolitan District, Douglas County, Colorado, the election of Directors for such District, and the submission of the proposition of issuing general obligation bonds or creating other general obligation indebtedness or any question or questions necessary to implement the provisions of Section 20 of Article X of the Colorado Constitution, was duly held as specified in the Order of Court entered on the 28th day of April, 2004.

AND IT FURTHER appearing that the required Notice of Election was duly published in compliance with the aforementioned Order in the Douglas County News-Press, a newspaper of general circulation in the proposed District, one time, in compliance with law; that all of said ballots were cast at said election by eligible electors of the District who were registered to vote pursuant to the "Uniform Election Code of 1992," Articles 1 to 13 of Title 1, C.R.S., and who either had been a resident of the proposed District for not less than thirty days, or who or whose spouse owns taxable real or personal property situated within the boundaries of the proposed District, whether said person resides within the proposed District or not. The following ballots were cast on the question of organization of the proposed District:

	<u>VOTES CAST</u>
<u>FOR</u> the Organization of the District	<u>5</u>
<u>AGAINST</u> the Organization of the District	<u>0</u>

66

That the following qualified persons were duly elected as directors of the District for the indicated terms:

<u>NAME</u>	<u>TERM</u>
Roger Hollard	until the next regular election
Joseph Sewell	until the next regular election
Robert L. Jones	until the next regular election
Gary K. Duke	until the second regular election
Linda Sweetman-King	until the second regular election
Toby P. Terhune	until the second regular election
Darwin A. Horan	until the second regular election

And it still further appearing 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.

And the Court being fully advised in the premises, hereby ORDERS AND DECREES that:

(a) the District has been duly organized and shall be known as "Horse Creek Metropolitan District" in the Town of Parker, Douglas County, Colorado;

(b) the District is located in Douglas County, Colorado, and is more particularly described in Exhibit A attached hereto; and

(c) the interest of the District and the public interest and necessity demand the incurrence of indebtedness to carry out the objects and purposes of the District requiring the creation of a general obligation indebtedness;

(d) the District has the power to provide for the acquisition, construction, installation, and completion of certain improvements: water; sanitation; street and safety protection; and park and recreation;

(e) the estimated cost of the debt to be authorized is not greater than \$1,670,000 in principal amount for water improvements; \$490,000 in principal amount for sewer improvements; \$3,340,000 in principal amount for street improvements; \$5,500,000 in principal amount for intergovernmental agreements; \$5,500,000 for refunding purposes; \$500,000 for operations and maintenance purposes of the District; and the amount of principal to be incurred does not exceed such amount;

(f) no part of the estimated cost of the improvements is to be defrayed out of any state or federal grant; and

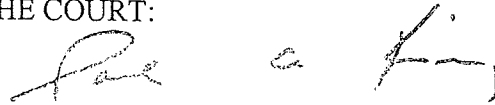
(g) the maximum net effective interest rate to be paid on the debt is 12% per annum.

Said District shall be a governmental subdivision of the State of Colorado, and a body corporate 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 A Resolution To Approve the Service Plan of the Horse Creek Metropolitan District, Town of Parker, Douglas County. The approved Service Plan and Resolution to Approve required by Title 32, Article 1, Part 2, Colorado Revised Statutes, previously filed in the within action shall be and the same are hereby incorporated by reference in this Order.

The Board of Directors shall take such steps and proceedings as the needs of the District require; and that within thirty (30) days after the date hereof, the District shall transmit to the Clerk and Recorder of Douglas County, Colorado, to the Division of Local Government, and to the County Assessor of Douglas County, certified copies of this Order and Decree, with the Resolution to Approve appended hereto as Exhibit B.

DONE IN COURT 19<sup>th</sup> day of May, 2004.

BY THE COURT:



Judge

DISTRICT COURT  
STATE OF COLORADO } ss.  
Douglas County.

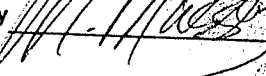
CERTIFIED to be a full, true and correct copy of the original in my custody.

MAY 20 2004

CHERYL A. LAYNE

Clerk of the District County

By



Deputy



**EXHIBIT A**  
(Legal Description)

LEGAL DESCRIPTION  
TOTAL PARCEL LESS THE COMMERCIAL PROPERTY

PART OF THE SOUTH HALF OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 29, WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 29 BEARS NORTH 89°24'37" EAST A DISTANCE OF 2666.72 FEET, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE NORTH 00°12'23" WEST ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 A DISTANCE OF 2687.69 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 29;

THENCE NORTH 89°31'04" EAST ALONG THE NORTHERLY LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 2655.44 FEET TO THE CENTER  $\frac{1}{4}$  CORNER OF SAID SECTION 29 ALSO BEING THE NORTHWEST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN BOOK 1738 AT PAGE 2332, IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARY OF SAID PARCEL DESCRIBED IN BOOK 1738 AT PAGE 2332 THE FOLLOWING EIGHT (8) COURSES:

1. SOUTH 00°26'48" EAST ALONG THE EASTERLY LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1364.23 FEET;
2. THENCE NORTH 89°32'04" EAST A DISTANCE OF 472.40 FEET;
3. THENCE SOUTH 12°51'11" EAST ALONG A LINE NONTANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 296.33 FEET TO A POINT ON SAID CURVE;
4. THENCE ALONG THE ARC OF SAID CURVE TO RIGHT THROUGH A CENTRAL ANGLE OF 47°30'00" AN ARC DISTANCE OF 580.32 FEET, A RADIUS OF 700.00 FEET, A CHORD BEARING OF NORTH 77°53'47" EAST A DISTANCE OF 563.85 FEET;
5. THENCE SOUTH 78°21'13" EAST ALONG A LINE TANGENT WITH THE PREVIOUSLY AND FOLLOWING DESCRIBED CURVES A DISTANCE OF 300.00 FEET;
6. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 24°00'00" AN ARC DISTANCE OF 418.88 FEET, A RADIUS OF 1000.00 FEET, A CHORD BEARING OF NORTH 89°38'47" EAST A DISTANCE OF 415.82 FEET;
7. THENCE NORTH 77°38'47" EAST ALONG A LINE TANGENT WITH THE PREVIOUSLY AND FOLLOWING DESCRIBED CURVES A DISTANCE OF 397.20 FEET;
8. THENCE ALONG THE ARC OF SAID CURVE TO RIGHT THROUGH A CENTRAL ANGLE OF 12°00'00" AN ARC DISTANCE OF 458.32 FEET, A RADIUS OF 2188.30 FEET, A CHORD BEARING OF NORTH 83°38'47" EAST A DISTANCE OF 457.48 FEET TO THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29;

THENCE SOUTH 00°21'13" EAST ALONG SAID EASTERLY LINE OF THE SOUTHEAST QUARTER AND NONTANGENT WITH THE PREVIOUSLY DESCRIBED CURVE A DISTANCE OF 1194.81 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 29;

THENCE SOUTH 89°15'13" WEST ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29 A DISTANCE OF 2639.25 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 29;

THENCE SOUTH 89°24'37" WEST ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 29 A DISTANCE OF 2666.72 FEET TO THE POINT OF BEGINNING.

THE GROSS AREA BEING 234.008 ACRES MORE OR LESS.

EXCEPTING THERE FROM THE FOLLOWING DESCRIBED PARCEL:

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 29, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 29 BEARS SOUTH 89°24'37" WEST A DISTANCE OF 2666.72 FEET, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE NORTH 82°25'41" EAST A DISTANCE OF 527.04 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 53°05'57" WEST A DISTANCE OF 77.99 FEET;  
THENCE NORTH 10°51'05" WEST ALONG A LINE TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 170.63 FEET;  
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 563.43 FEET THROUGH A CENTRAL ANGLE OF 10°27'51" HAVING A RADIUS OF 3085.00 FEET AND A CHORD BEARING NORTH 16°05'00" WEST AND A DISTANCE OF 562.65 FEET;  
THENCE NORTH 21°50'47" EAST ALONG A LINE NON-TANGENT WITH THE PREVIOUSLY DESCRIBED CURVE A DISTANCE OF 15.32 FEET;  
THENCE NORTH 67°44'14" EAST ALONG A LINE NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 288.93 FEET;  
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 17.48 FEET THROUGH A CENTRAL ANGLE OF 21°32'17" HAVING A RADIUS OF 46.50 FEET AND A CHORD BEARING SOUTH 77°57'51" EAST AND A DISTANCE OF 17.38 FEET TO A POINT OF REVERSE CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 136.49 FEET THROUGH A CENTRAL ANGLE OF 110°55'25" HAVING A RADIUS OF 70.50 FEET AND A CHORD BEARING NORTH 57°20'35" EAST AND A DISTANCE OF 116.15 FEET TO A POINT ON A CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 9.00 FEET THROUGH A CENTRAL ANGLE OF 17°11'35" HAVING A RADIUS OF 30.00 FEET AND A CHORD BEARING NORTH 60°09'45" EAST AND A DISTANCE OF 8.97 FEET TO A POINT OF COMPOUND CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 200.37 FEET THROUGH A CENTRAL ANGLE OF 11°48'18" HAVING A RADIUS OF 972.50 FEET AND A CHORD BEARING NORTH 74°39'41" EAST AND A DISTANCE OF 200.02 FEET;  
THENCE SOUTH 08°15'28" EAST ALONG A LINE NON-TANGENT WITH THE PREVIOUSLY DESCRIBED CURVE A DISTANCE OF 107.11 FEET;  
THENCE SOUTH 66°27'14" EAST A DISTANCE OF 195.03 FEET;  
THENCE SOUTH 01°02'54" EAST A DISTANCE OF 790.17 FEET;  
THENCE SOUTH 87°46'51" WEST A DISTANCE OF 547.23 FEET TO THE POINT OF BEGINNING;

CONTAINING 13.803 ACRES MORE OR LESS.

RESULTING IN A NET ACREAGE OF 220.205 ACRES MORE OR LESS.

**EXHIBIT B**  
(Resolution to Approve)

SPONSORED BY COUNCILMEMBER

COUNCILMEMBER'S RESOLUTION

RESOLUTION NO.

04-032

No.

\_\_\_\_\_  
Series of 2004

\_\_\_\_\_  
Series of 2004

**TITLE: A RESOLUTION TO APPROVE THE SERVICE PLAN OF THE HORSE CREEK METROPOLITAN DISTRICT**

WHEREAS, THE TOWN COUNCIL OF PARKER FINDS:

A. That a Service Plan for the organization of the Horse Creek Metropolitan District was filed in the office of the Town Clerk of the Town of Parker; and

B. That pursuant to statute and Town of Parker Municipal Code, the Town Council has authority to review the Service Plan with reference to need, service and economic feasibility; and

C. That the Town Council has reviewed the Service Plan, the evidence and related exhibits, and has determined that the same meets the municipal approval criteria under the Special District Act and Town of Parker Municipal Code, and therefore, has determined to adopt a resolution of approval of the Service Plan for the proposed Horse Creek Metropolitan District.

Upon consideration of the Service Plan for the proposed Horse Creek Metropolitan District, and evidence at the public hearing on the Service Plan, the Town Council does find, determine and declare, as required by Section 32-1-203(2), C.R.S. and Town of Parker Municipal Code, as follows:

A. That there is sufficient existing and projected need for organized service in the area to be serviced by the proposed District;

B. That the existing service in the area to be served by the proposed District is inadequate for present and projected needs;

C. That the proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries;

D. That the area to be included in the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;



E. That adequate service is not or will not be available to the area through the Town or other existing quasi-municipal corporations, including existing Districts, within a reasonable time and on a comparable basis;

F. That the facility and service standards of the proposed District are compatible with the facility and service standards of the Town;

G. That the proposal is in substantial compliance with the Town's master plan;

H. That the proposal is in substantial compliance with the county, regional or state long-range water quality management plan for the area;

I. That the creation of the District will be in the best interests of the area proposed to be served;

J. That the creation of the District will be in the best interests of the residents or future residents of the area proposed to be served;

K. That the proposed service plan is in substantial compliance with Sections 10.11.010 et seq. of the Parker Municipal Code; and

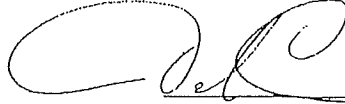
L. That the creation of the District will foster urban development that is remote from or incapable of being integrated with existing urban areas, or place a burden on the Town or adjacent jurisdictions to provide urban services to residents of the proposed District

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council of the town of Parker hereby determines that upon consideration of the Service Plan, and all evidence disclosed at the public hearing on the Service Plan, the Service Plan for the Horse Creek Metropolitan District shall be and the same is hereby approved.


RESOLVED AND PASSED this 5<sup>th</sup> day of April, 2004.

TOWN OF PARKER, COLORADO



~~Gary Lusater~~, Mayor Pro Tem  
David Casiano

ATTEST:

  
Carol Baumgartner, Town Clerk