

DISTRICT COURT, GARFIELD COUNTY, COLORADO 109 Eighth Street, Suite 104 Glenwood Springs, Colorado 81601	
IN RE THE ORGANIZATION OF RIVER PARK METROPOLITAN DISTRICT, GARFIELD COUNTY, COLORADO	*COURT USE ONLY*
James P. Collins, Esq. Collins, Cockrel & Cole 390 Union Blvd., Suite 400 Denver, Colorado 80228-1556 Telephone: (303) 986-1551 Facsimile: (303) 986-1755 Attorney Reg. #: 7958	Case No: 04CV38 Div: Ctrm: A
FINDINGS, ORDER AND DECREE CREATING THE RIVER PARK METROPOLITAN DISTRICT	

This matter coming before the Court upon the filing of the Canvass Board's Certificate of Official Abstract of Votes Cast, which document relates to an election held on May 4, 2004, pursuant to the Order for Organizational Election entered by this Court on March 12, 2004, at which election there was submitted to the eligible electors the question of the organization of River Park Metropolitan District ("District"); the election of Directors thereof; ballot issues as required by Article X, Section 20 of the Colorado Constitution, requesting authorization for debt and tax increases, and authorization to collect, retain and spend all revenues generated; and a ballot question requesting the elimination of Director term limitations imposed by Article XVIII, Section 11 of the Colorado Constitution. Now this Court, having considered the documentary evidence and being fully advised in the premises, does hereby FIND:

1. That the question of the organization of the District, the election of Directors thereof, and appropriate ballot issues and ballot question were duly submitted to the eligible electors at an election duly held at the time and place specified in the Order for Organizational Election.

2. That the required Notice of Election was duly published in compliance with the Order of Organizational Election and in accordance with all statutory requirements.

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3. That all ballots were cast at the election by eligible electors of the District; and that the Canvass Board has duly certified its election returns to this Court as required by law, which returns show the election results to be as follows:

BALLOT QUESTION A

FOR the Organization of River Park
Metropolitan District: Two (2)

AGAINST the Organization of River Park
Metropolitan District: Zero (0)

BALLOT ISSUE B

FOR an increase in taxes of \$15,000 annually Two (2)

AGAINST an increase in taxes of \$15,000 annually Zero (0)

BALLOT ISSUE C

FOR an increase in debt of \$1,000,000 Two (2)

AGAINST an increase in debt of \$1,000,000 Zero (0)

BALLOT ISSUE D

FOR an increase in debt of \$1,000,000 Two (2)

AGAINST an increase in debt of \$1,000,000 Zero (0)

BALLOT ISSUE E

FOR an increase in debt of \$1,000,000 Two (2)

AGAINST an increase in debt of \$1,000,000 Zero (0)

BALLOT ISSUE F

FOR an increase in debt of \$1,000,000 Two (2)

AGAINST an increase in debt of \$1,000,000 Zero (0)

BALLOT ISSUE G

FOR an increase in debt of \$1,000,000 Two (2)

AGAINST an increase in debt of \$1,000,000 Zero (0)

BALLOT ISSUE H

FOR an increase in debt of \$1,500,000 Two (2)

AGAINST an increase in debt of \$1,500,000 Zero (0)

BALLOT ISSUE I

FOR authorization to collect, retain and spend all revenue generated Two (2)

AGAINST authorization to collect, retain and spend all revenue generated Zero (0)

BALLOT QUESTION J

FOR the elimination of Board member term limits Two (2)

AGAINST the elimination of Board member term limits Zero (0)

4. That a majority of the votes cast at such election were in favor of the organization of the District and all ballot issues and the ballot question submitted.

5. That the results of the election of Directors of the District for 4-year terms to expire May, 2008, were as follows:

<u>Candidates</u>	<u>Votes</u>
Jeffery M. Spanel	2
Claudia J. Nelson	2

6. That the legal description of the boundaries of the District, as set forth in Exhibit A attached hereto and incorporated herein by this reference, is legally sufficient to give notice to all persons of the District's boundaries for all purposes relating to this organization and relating to all other functions or activities of the District.

7. That such election was held in accordance with the provisions of Articles 1 through 13, Title 1, C.R.S., Article 1, Title 32, C.R.S., and all other applicable provisions of law. All of the requirements of Article 1, Title 32, C.R.S., have been complied with, met, and performed in the organization of the District.

The Court being fully advised in this matter, it is therefore ORDERED, ADJUDGED AND DECREED:

8. That this Court has jurisdiction in all matters pertaining to this action as provided by law.

9. That the Canvass Board's Certificate of Official Abstract of Votes Cast filed herein hereby is, in all respects, approved and confirmed.

10. That the District has been, and is hereby declared to be, duly organized and is hereby named, and shall be known as "River Park Metropolitan District."

11. That the District is located within the Town of New Castle, Colorado, and a description of the boundaries of the District, and the territory to be included therein, is attached hereto as Exhibit A. Further, a map of the District, Resolution of the Town Council of the Town of New Castle, Colorado, approving the Service Plan, and a copy of the approved Service Plan are all on file with the Court and are incorporated into this Order and Decree by this reference.

12. That the following are the names of the electors of the District who were elected and are therefore designated to serve on the first Board of Directors of the District:

2-Year Terms to expire May, 2006:	Vacancy Vacancy
4-Year Terms to expire May, 2008:	Jeffery M. Spanel Claudia J. Nelson Vacancy

13. That the District shall be a quasi-municipal corporation and a political subdivision of the State of Colorado with all the powers of a metropolitan district as provided by law; and that the facilities, services, and financial arrangements of the District shall conform as far as practicable to the approved Service Plan and Resolution of Approval of the River Park Metropolitan District Service Plan adopted by the Town Council of the Town of New Castle, Colorado.



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14. That within thirty (30) days after the date hereof, the District shall transmit to the Garfield County Clerk and Recorder a certified copy of this Findings, Order and Decree. The same shall be recorded by the Garfield County Clerk and Recorder and shall be filed with the Division of Local Government, and a map of the District shall be filed with the Garfield County Assessor and Division of Local Government.

15. That the above-named duly elected and designated Board of Directors of the District shall qualify for office and organize such Board in the manner prescribed by law and shall file with the Clerk of this Court their Oaths of Office and individual, schedule, or blanket corporate surety bonds, at the expense of the District, in the amounts and form specified by law.

16. That the members of the Board of Directors of the District and their lawful successors shall hereafter take such actions and proceedings as are necessary for the governance of the District.

17. That the District shall have and exercise, through its duly elected Board of Directors and officers, 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 this 19th day of May, 2004.

BY THE COURT:

T. PETER CRAVEN

 District Court Judge

COMBINED COURT OF GARFIELD COUNTY GLENWOOD SPRINGS, COLORADO	
Certified to be a full, true and correct copy of the original in my custody.	
Dated	<u>5-19-04</u>
	JAMES C. BRADFORD Clerk
By	<u>[Signature]</u> Deputy



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EXHIBIT A

Lot 2, Riverside Park Subdivision, Town of New Castle, Garfield County, Colorado, containing 13.04 acres, as shown on the final plat for Riverside Park Subdivision, recorded in the Office of the Garfield County Clerk and Recorder on 7/12/99 at Reception No. 548663.