

DISTRICT COURT, COUNTY OF ROUTT, STATE OF COLORADO 1955 Shield Drive, Unit 200 Steamboat Springs, CO 80487 970-879-5020	DATE FILED: February 14, 2017 10:10 AM
IN RE THE ORGANIZATION OF SUNLIGHT METROPOLITAN DISTRICT	
BY THE COURT	▲ COURT USE ONLY ▲
	Case Number: 2016CV30102 Div.: 2A Ctrm.:
ORDER AND DECREE CREATING DISTRICT, ISSUING CERTIFICATES OF ELECTION, AND RELEASING BOND	

THIS MATTER comes before the Court on the Motion for Order and Decree Creating District, Issuing Certificates of Election, and Releasing Bond filed by the Petitioners in regard to the organization of Sunlight Metropolitan District (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 District, one time, in compliance with law.
2. That a majority of the votes cast at the election held on November 8, 2016, 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 13.5 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 District:

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

4. That all of the provisions of law, and more particularly all of the requirements of Title 32, Article 1, Part 3, C.R.S., 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 "Sunlight Metropolitan District," the corporate name as designated in the Petition filed with this Court.

7. That the District is located in the City of Steamboat Springs, Routt 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>
LeAllyn Svendsen	until the next regular election
Matthew R. Tredway	until the next regular election
Thomas B. Fox	until the second regular election
Nicolas M. Metzler	until the second regular election
Todd J. Pedersen	until the second regular election

10. That the Clerk of this Court shall release to Petitioners' Counsel the organizational expenses bond in the amount of \$500.00, as submitted in connection with the organization of the District made payable to McGeady Becher P.C., and mailed to McGeady Becher P.C., 450 E. 17th Avenue, Suite 400, Denver, CO 80203.

11. 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 improvements, water improvements, sanitation improvements, safety protection improvements, park and recreation improvements, transportation improvements, mosquito control, fire protection, television relay and translation improvements, security services and covenant enforcement of the District;

(b) The estimated cost of the indebtedness to be authorized is not greater than Twelve Million Dollars (\$12,000,000) for street improvements; Twelve Million Dollars (\$12,000,000) for water improvements; Twelve Million Dollars (\$12,000,000) for sanitation improvements; Twelve Million Dollars (\$12,000,000) for safety protection improvements;

Twelve Million Dollars (\$12,000,000) for park and recreation improvements; Twelve Million Dollars (\$12,000,000) for transportation improvements; Twelve Million Dollars (\$12,000,000) for mosquito control; Twelve Million Dollars (\$12,000,000) for fire protection; Twelve Million Dollars (\$12,000,000) for television relay and translation improvements; Twelve Million Dollars (\$12,000,000) for operating and maintenance expenses; Twelve Million Dollars (\$12,000,000) for refunding purposes; and Twelve Million Dollars (\$12,000,000) for an Intergovernmental Agreement; 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 such indebtedness is eighteen percent (18%) per annum.

12. The 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/Town Council of the City of Steamboat Springs, 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 attached hereto and incorporated herein as

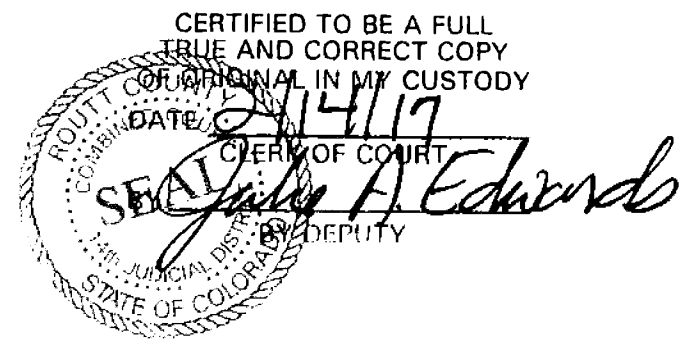
Exhibit B.

13. 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) A certified copy of this Order and Decree Creating District, and a copy of the District's approved Service Plan to the Clerk and Recorder of Routt County, Colorado, and to the Division of Local Government (the "DLG"); and
- (b) A certified copy of the Court's findings and this Order and Decree Creating District to the County Clerk and Recorder in each of the Counties in which the District or a part thereof extends for recording, as provided in Section 32-1-105, C.R.S.; and
- (c) A copy of the District's approved Service Plan to each such County Clerk and Recorder, for retention as a public record for public inspection; and
- (d) A copy of the District's Service Plan, together with a copy of the Court's findings and this Order and Decree Creating District to the DLG; and
- (e) A copy of the District map to the Routt County Assessor in each county in which the District or a part thereof extends and with the DLG according to its standards.

SO ORDERED this 14th day of February 2017.

BY THE COURT:



Shelley A. Hill

 Shelley A. Hill
 District Court Judge

EXHIBIT A

Legal Description

June 2nd, 2016

Revised July 14th, 2016

Description of a parcel of land located in the SE1/4SW1/4 and the S1/2SE1/4 of Section 6 and in the N1/2NE1/4 of Section 7, T6N, R84W, of the 6th P.M., Routt County, Colorado.

Beginning at the NW corner of the SW1/4SE1/4 of Section 6, from which the S1/4 Corner of said Section 6 bears S 01°13'35" W 1320.00 feet;

Thence N 89°10' 14" E 133.09 feet along the north line of the SW1/4SE1/4 of Section 6 to the True Point of Beginning;

Thence S 01°13'35" W 279.94 feet;

Thence N 89°32'00" W 383.31 feet;

Thence S 30°00'18" W 229.86 feet;

Thence S 01°13'35" W 200.00 feet to the north line of Sunlight Commercial Center, a subdivision as filed by plat with the Routt County Clerk and Recorder appearing at Reception No.75346

Thence S 89°32'00" E 145.47 feet along said north line to the NW corner of Lot 2 of said subdivision;

Thence along the northwesterly boundary of said Lot 2 the following seven (7) calls;

1. Thence S 34°36'48" W 93.13 feet to a point of curvature from which the radius point bears S 55°23' 12" E 184 .00 feet;

2. Thence along said curve to the left a distance of 62.11 feet, with a central angle of 19°20'22", and whose chord bears S 24°56'37" W 61.81 feet;

3. Thence S 15°16'26" W 131 .96 feet to a point of curvature from which the radius point bears N 74°43'33" W 116.00 feet;

4. Thence along said curve to the right a distance of 217.24 feet, with a central angle of 107°18' 10", and whose chord bears S 68°55'31" W 186.86 feet;

5. Thence N 57°25'23" W 52 .78 feet to a point of curvature from which the radius point bears S 32°34'37" W 244.00 feet;

6. Thence along said curve to the left a distance of 56.38 feet, with a central angle of 13°14'24", and whose chord bears N 64°02'35" W 56.26 feet;

7. Thence S 19°20'12" W 68 .00 feet to a point of curvature from which the radius point bears S 19°20'13" W 176.00 feet;

Thence along said curve to the right a distance of 40.67 feet, with a central angle of 13°14' 24" , and whose chord bears S 64°02' 35" E 40.58 feet;

Thence s 57°25' 23" E 52.78 feet to a point of curvature from which the radius point bears N 32°34' 37" E 184.00 feet; Thence along said curve to the left a distance of 269.67 feet, with a central angle of 83°58' 20" , and whose chord bears N 80°35' 1 27" E 246.17 feet;

Thence S 01°28' 36" W 102.63 feet to the north line of a tract of land as described in deed recorded with the Routt County Clerk and Recorder appearing in Book 369 at Page 57;

Thence S 88°31' 24" E 504.47 feet along said north line to the NE corner of said tract of land;
Thence S 01°28' 36" W 358.90 feet to the SE corner of said tract of land;
Thence S 01°28' 36" W 319 .43 feet to the north line of the third parcel of land as described in deed recorded with the Routt County Clerk and Recorder appearing in Book 300 at Page 581;
Thence continuing along the north line of said third described parcel S 86°09' 24" E 635.50 feet to its intersection with the west line of the second parcel of land as described by deed recorded with the Routt County Clerk and Recorder appearing in Book 300 at Page 581;
Said north line being also the south line of a parcel of land as described by deed recorded with the Routt County Clerk and Recorder appearing at Reception No.525861;
Thence N 03°42' 39" E 514.04 feet along an east line of said parcel of land (Reception No.525861) ;
Thence N 03°42' 39" E 49.79 feet along an east line of said parcel of land to the north line of the NW1/4NE1/4 of Section 7;
Thence N 88°14' 19" E 379.33 feet along a south line of said parcel of land and along the south line of the SW1/4SE1/4 to the SE corner of the SW1/4SE1/4 of Section 6;
Said corner being also on the west line of a tract of land as described in deed as filed with the Routt County Clerk and Recorder appearing at Reception No.701157 and more particularly in Exhibit "A";
Thence along the outer boundary of said tract the following seven (7) calls;
1. Thence S 03°14' 01" W 1060.40 feet;
2. Thence N 85°18' 10" E 169.08 feet;
3. Thence N 02°15' 03" E 72.95 feet to a point of curvature from which the radius point bears N 87°44' 57" W 215.00 feet;
4. Thence along said curve to the left a distance of 116.99 feet, with a central angle of 31°10'34", and whose chord bears N 13°20'14" W 115.55 feet;
5. Thence N 28°55' 31" W 62.64 feet;
6. Thence N 03°12'58" E 802.67 feet;
7. Thence N 01°51' 07" E 139.71 feet;
Thence N 01°51'07" E 480.00 feet;
Thence N 88°08'12" W 99.61 feet to the east line of the SW1/4SE1/4 of Section 6;
Thence N 01°51'36" E 680.58 feet along said east line to the NE corner of said SW1/4SE1/4;
Thence S 89°10'14" W 1131.32 feet along the north line of said SW1/4SE1/4 to the True Point of Beginning.

Containing 54.60 Acres more or less.

EXCEPT THE FOLLOWING DESCRIBED PARCEL;

Description of a parcel of land located in the SE1/4SE1/4 of Section 6 and in the NE1/4NE1/ 4 of Section 7, T6N, R84W, of the 6th P.M., Routt County, Colorado.
Beginning at the SW Corner of the SE1/4SE1/4 of Section 6 from which the S1/4 Corner of Section 6 bears s 88°14'18" W 1250.92 feet;
Thence N 01°51'36" E 139.65 feet along the west line of said SE1/4SE1/4 to the NW corner of that certain tract of land as described in Exhibit A attached to the deed recorded with the Routt County Clerk and Recorder appearing at Reception No.70115;

Thence continuing N 01°51'36" E 139.65 feet along the west line of said SE1/4SE1/4;
Thence S 88°08'12" E 99.61 feet;
Thence S 01°51'07" W 480.00 feet to the NE corner of that certain tract of land as described in Exhibit A attached to the deed recorded with the Routt County Clerk and Recorder appearing at Reception No.70115;

Thence along the easterly boundary line of said tract of land the following five (5) calls;

1. Thence S 01°51'07" W 139.71 feet;
2. Thence S 03°12'58" W 802.67 feet;
3. Thence S 28°55'31" E 62.64 feet to a point of curvature from which the radius point bears s 61°04'29" W 215.00 feet;
4. Thence along said curve to the right a distance of 116.99 feet, with a central angle of 31°10'34", and whose chord bears S 13°20'14" E 115.55 feet;
5. Thence s 02°15'03" W 72.95 feet to the south line of the above said NE1/4NE1/4 of Section 7;

Thence S 85°18'10" W 169.08 feet along said south line to the SW corner of said NE1/4NE1/4 and along the south line of said tract of land to the SW corner of said tract of land;

Thence N 03°14'01" E 1060.40 feet along the west line of said NE1/4NE1/4 and along the west line of said tract of land to the Point of Beginning.

Containing 4.12 Acres more or less.

Net 50.48 Acres more or less.

Bearings are based upon the west line of the SW1/4SE1/4 of Section 6 being S 01°13'35" W.

Proposed metro district boundary. Excluding strip not annexed

This legal description was prepared by R.C. Moon, Colorado Registration No. 13221, at D&D Inc., a Professional Land Surveying and Planning Co., 2145 Resort Drive, Suite 105, Steamboat Springs, CO. 80487-8807 970-879-2715

EXHIBIT B

Resolution of Approval

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 2016-40

**A RESOLUTION APPROVING THE SERVICE PLAN FOR
SUNLIGHT METROPOLITAN DISTRICT**

A. Pursuant to Section 32-1-204.5, C.R.S., as amended, a Service Plan ("**Service Plan**") for the proposed Sunlight Metropolitan District ("**District**") has been submitted to the City Council ("**Council**") of the City of Steamboat Springs, Colorado ("**City**") and a copy thereof attached hereto as Exhibit "A".

B. Pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the Council scheduled a public hearing on the Service Plan for the District on July 19, 2016 and on July 19, 2016 postponed said hearing to August 2, 2016.

C. Notice of the hearing before the Council on July 19, 2016 was duly published in the *Steamboat Pilot and Today*, a newspaper of general circulation within the City, on June 26, 2016, as required by law, and forwarded to the petitioners, others entitled to postcard or letter notice, the Division of Local Government, and the governing body of each municipality and Title 32 Special District that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the District.

D. The Council has considered the Service Plan and all other testimony and evidence presented at the hearing.

E. The Council finds that the Service Plan should be approved unconditionally, as permitted by Sections 32-1-203(2) and 32-1-204.5(1)(a), C.R.S., as amended.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
STEAMBOAT SPRINGS, COLORADO:**

1. The Council hereby determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, relating to the filing of the Service Plan for the District have been fulfilled and that notice of the hearing was given in the time and manner required by law.

2. The Council further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard and that evidence satisfactory to the Council of each of the following was presented:

(a) There is sufficient existing and projected need for organized service in the area to be serviced by the proposed District;

(b) The existing service in the area to be served by the proposed District is inadequate for present and projected needs;

(c) The proposed District is capable of providing economical and sufficient service to the area within the proposed boundaries; and

(d) 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.

3. The Council hereby approves the Service Plan for the District as submitted.

4. This Resolution shall be filed in the records of the City and a copy thereof submitted to the petitioners for the District for the purpose of filing in the District Court of Routt County, Colorado.


5. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

PASSED, ADOPTED AND APPROVED this 2nd day of August, 2016.



Walter Magill, President
Steamboat Springs City Council

ATTEST:



Julie Franklin, CMC
City Clerk

