

DISTRICT COURT, COUNTY OF EAGLE, COLORADO
Case No. 81CV289

PETITION FOR INCLUSION

IN THE MATTER OF ARROWHEAD METROPOLITAN DISTRICT

The Board of Directors of Arrowhead Metropolitan District, a quasi-municipal corporation of the State of Colorado ("District"), by and through its attorneys, Collins and Cockrel, P.C., respectfully relates unto the Court as follows:

That the Board of Directors of District, at its regular meeting convened on August 15, 1996, at the hour of 3:00 p.m., did, pursuant to notice given as provided by statute, considered the certain acknowledged Petitions of Summit Habitats, Inc., and Evan D. DeMuth for the inclusion of real property within District, and

That at such meeting, the Board of Directors entered an Order for the inclusion of such real property within District, which Order is attached hereto as Exhibit 1 and incorporated herein by this reference.

WHEREFORE, the Board of Directors of Arrowhead Metropolitan District prays that this Court enter an Order declaring that the real property described in the Board's Order, situate in the County of Eagle, State of Colorado, be included in and become a part of District in accordance with Section 32-1-401, C.R.S.

COLLINS & COCKREL, P.C.

By 

James P. Collins, No. 7958
390 Union Boulevard, Suite 400
Denver, Colorado 80228
(303) 986-1551
(800) 354-5941

EXHIBIT 1

DISTRICT COURT, COUNTY OF EAGLE, COLORADO
Case No. 81CV289

ORDER BY BOARD OF DIRECTORS FOR INCLUSION

IN THE MATTER OF ARROWHEAD METROPOLITAN DISTRICT

WHEREAS, there were filed with the Board of Directors of Arrowhead Metropolitan District duly acknowledged Petitions, copies of which are attached hereto as Exhibits A and B and incorporated herein by this reference, signed on behalf of Summit Habitats, Inc., and Evan D. DeMuth, respectively, one hundred percent (100%) fee owners of the hereinafter described real properties, and praying that the Board of Directors include within the District the properties described in said Petitions; and

WHEREAS, the Petitions were heard at an open meeting of the Board of Directors of the District on August 15, 1996, at the hour of 3:00 p.m., at the regular meeting place, 0323 Windemer Drive, Edwards, Colorado, after publication of notice of the filing of such Petitions, and the place, time and date of such meeting, and the names of the Petitioners in the Eagle Valley Enterprise on August 8, 1996, a copy of which proof of publication is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the subject properties are capable of being served by the District facilities; and

WHEREAS, it is deemed to be in the best interests of the District and the taxpaying electors thereof that such Petitions be granted.

IT IS THEREFORE ORDERED that such Petitions be granted as to the real properties described herein; that the boundaries of the District shall be enlarged by the inclusion of the real properties described herein; and that the District Court of Eagle County, Colorado, in which Court an Order was entered establishing this District, be requested to enter an Order that the real properties described herein be included within the District.

I certify that the foregoing Order was unanimously passed at a meeting of the Board of Directors of Arrowhead Metropolitan District, duly called and held on August 15, 1996, at the hour of 3:00 p.m., and that the undersigned is the duly acting and authorized Secretary of the District.

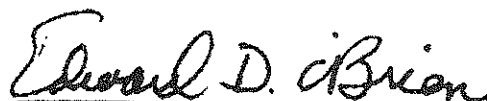

Secretary

EXHIBIT A**PETITION FOR INCLUSION**

IN THE MATTER OF ARROWHEAD METROPOLITAN DISTRICT

TO THE BOARD OF DIRECTORS OF THE DISTRICT:

The undersigned Petitioner, being the fee owner of 100% of the real property hereinafter described, hereby pray that such property be included within the Arrowhead Metropolitan District, as provided by law, and for cause, states:

1. That such property is capable of being served with facilities of the District.
2. That assent to the inclusion of such property in the District is hereby given by the undersigned, who constitutes the fee owner of 100% of such property.
3. That there shall be no withdrawal from this Petition after consideration by the Board, nor shall further objections be filed thereto by the Petitioner.
4. Inclusion Conditions are:
 - a. Payment of all costs of inclusion, which costs are not currently expected to exceed the inclusion fee of \$1,000.
 - b. Extension of main lines necessary to provide service to the property in accordance with District specifications; and dedication of said lines to the District.
 - c. Compliance with the Arrowhead Owners' Association Design Review process. Failure to comply at any time in the future shall result in disconnection from the water system following notice. This condition of inclusion shall run with the land.
5. That the inclusion of such property into the District shall be subject to any and all other terms and conditions established by the Board and accepted by Petitioner, and to all duly promulgated rules, regulations and rates of the District.

EXHIBIT A
[TO PETITION FOR INCLUSION]

PARCEL A (Summit Habitats, Inc. - Owner of Record)

A parcel of land situated in the W1/2 NW1/4 of Section 11 and in the E1/2 NE1/4 of Section 10, in Township 5 South, Range 82 West of the Sixth Principal Meridian, lying southwesterly of the southwesterly right-of-way line of U.S. Highway No. 6 and 24, said parcel is described as follows:

Beginning at a point on the southwesterly right-of-way line of said highway, whence the Section Corner common to Sections 2, 3, 10, and 11 in said Township and Range, bears N07°24'07"E, 859.15 feet; thence S73°22'19"E 177.88 feet along said right-of-way line; thence S17°27'00"W 100.00 feet; thence N17°27'00"E 100.00 feet to a point on said right-of-way line; thence S72°53'19"E 194.09 feet along said right-of-way line; thence S73°20'23"E 117.46 feet along said right-of-way line; thence S16°39'00"W 772.75 feet; thence N73°18'14"W 587.37 feet (N73°05'00"W 589.42 feet deed); thence N16°29'56"E 775.19 feet (N16°39'00"E 772.92 feet deed) to a point on said right-of-way line, the point of beginning, together with any and all water and water rights appurtenant to or used upon or in connection with the above-described property.

The above-described parcel of land contains 10.23 acres, more or less.

PARCEL B (Evan D. DeMuth - Owner of Record)

As recorded in Book 131, Page 287: A parcel of land in the NW1/4 of the NW1/4 of Section 11, Township 5 South, Range 82 West of the Sixth Principal Meridian, which is described as follows:

Beginning at a point on the purposed south right-of-way line of State Highway No. 4, from whence the Northwest corner of Section 11, Township 5 South, Range 82 West of the 6th P.M., bears N4°19'W 909.4 feet; thence S17°27'W 100 feet; thence S72°33'E 100 feet; thence N17°27'E 100 feet; thence N72°33'W 100 feet to the point of beginning,

containing 0.2296 (0.23 deed) acres, more or less.

EXHIBIT B**PETITION FOR INCLUSION**

IN THE MATTER OF ARROWHEAD METROPOLITAN DISTRICT

TO THE BOARD OF DIRECTORS OF THE DISTRICT:

The undersigned Petitioner, being the fee owner of 100% of the real property hereinafter described, hereby pray that such property be included within the Arrowhead Metropolitan District, as provided by law, and for cause, states:

1. That such property is capable of being served with facilities of the District.
2. That assent to the inclusion of such property in the District is hereby given by the undersigned, who constitutes the fee owner of 100% of such property.
3. That there shall be no withdrawal from this Petition after consideration by the Board, nor shall further objections be filed thereto by the Petitioner.
4. Inclusion Conditions are:
 - a. Payment of all costs of inclusion, which costs are not currently expected to exceed the inclusion fee of \$1,000.
 - b. Extension of main lines necessary to provide service to the property in accordance with District specifications; and dedication of said lines to the District.
 - c. Compliance with the Arrowhead Owners' Association Design Review process. Failure to comply at any time in the future shall result in disconnection from the water system following notice. This condition of inclusion shall run with the land.
5. That the inclusion of such property into the District shall be subject to any and all other terms and conditions established by the Board and accepted by Petitioner, and to all duly promulgated rules, regulations and rates of the District.

EXHIBIT A
[TO PETITION FOR INCLUSION]

PARCEL A (Summit Habitats, Inc. - Owner of Record)

A parcel of land situated in the W1/2 NW1/4 of Section 11 and in the E1/2 NE1/4 of Section 10, in Township 5 South, Range 82 West of the Sixth Principal Meridian, lying southwesterly of the southwesterly right-of-way line of U.S. Highway No. 6 and 24, said parcel is described as follows:

Beginning at a point on the southwesterly right-of-way line of said highway, whence the Section Corner common to Sections 2, 3, 10, and 11 in said Township and Range, bears N07°24'07"E, 859.15 feet; thence S73°22'19"E 177.88 feet along said right-of-way line; thence S17°27'00"W 100.00 feet; thence N17°27'00"E 100.00 feet to a point on said right-of-way line; thence S72°53'19"E 194.09 feet along said right-of-way line; thence S73°20'23"E 117.46 feet along said right-of-way line; thence S16°39'00"W 772.75 feet; thence N73°18'14"W 587.37 feet (N73°05'00"W 589.42 feet deed); thence N16°29'56"E 775.19 feet (N16°39'00"E 772.92 feet deed) to a point on said right-of-way line, the point of beginning, together with any and all water and water rights appurtenant to or used upon or in connection with the above-described property.

The above-described parcel of land contains 10.23 acres, more or less.

PARCEL B (Evan D. DeMuth - Owner of Record)

As recorded in Book 131, Page 287: A parcel of land in the NW1/4 of the NW1/4 of Section 11, Township 5 South, Range 82 West of the Sixth Principal Meridian, which is described as follows:

Beginning at a point on the purposed south right-of-way line of State Highway No. 4, from whence the Northwest corner of Section 11, Township 5 South, Range 82 West of the 6th P.M., bears N4°19'W 909.4 feet; thence S17°27'W 100 feet; thence S72°33'E 100 feet; thence N17°27'E 100 feet; thence N72°33'W 100 feet to the point of beginning,

containing 0.2296 (0.23 deed) acres, more or less.

DISTRICT COURT, COUNTY OF EAGLE, COLORADO
Case No. 81CV286



ORDER OF INCLUSION

IN THE MATTER OF THE ARROWHEAD METROPOLITAN DISTRICT

THIS MATTER coming before the Court upon the filing of an Order of the Board of Directors of Arrowhead Metropolitan District granting the inclusion of certain additional real properties into the District; and it appears to the Court that the properties hereinafter described are capable of being served with facilities of the District and that the fee owners of such properties, Summit Habitats, Inc. and Evan D. DeMuth, filed with the Board of Directors proper Petitions, copies of which has been filed with the Clerk of this Court, praying that such properties be included within the District; and that the Board of Directors on August 15, 1996, at the hour of 3:00 p.m., at 0323 Windemer Drive, Edwards, Colorado, after duly publishing notice of the filing of such Petitions and of the date, place and time of such meeting, and of the names and addresses of the Petitioners in the Eagle Valley Enterprise, a newspaper of general circulation within the District, proof of which publication has been filed with the Clerk of this Court, duly granted such Petitions as to all the real properties therein described, and on such date made and entered an Order to that effect, which Order has been filed with the Clerk of this Court.

IT IS THEREFORE ORDERED that the real properties described on Exhibit A attached hereto and incorporated herein by this reference be included within the Arrowhead Metropolitan District, with the following conditions:

Petitioners agree to comply with the Arrowhead Owners' Association Design Review process. Failure to comply at any time in the future shall result in disconnection from the water system following notice. This condition of inclusion shall run with the land.

DATED this 6th day of Jan, 1997.

BY THE COURT:

/s/ RICHARD H. HART

District Court Judge



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EXHIBIT APARCEL A (Summit Habitats, Inc. - Owner of Record)

A parcel of land situated in the W1/2 NW1/4 of Section 11 and in the E1/2 NE1/4 of Section 10, in Township 5 South, Range 82 West of the Sixth Principal Meridian, lying southwesterly of the southwesterly right-of-way line of U.S. Highway No. 6 and 24, said parcel is described as follows:

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The above-described parcel of land contains 10.23 acres, more or less.

PARCEL B (Evan D. DeMuth - Owner of Record)

As recorded in Book 131, Page 287: A parcel of land in the NW1/4 of the NW1/4 of Section 11, Township 5 South, Range 82 West of the Sixth Principal Meridian, which is described as follows:

Beginning at a point on the purposed south right-of-way line of State Highway No. 4, from whence the Northwest corner of Section 11, Township 5 South, Range 82 West of the 6th P.M., bears N4°19'W 909.4 feet; thence S17°27'W 100 feet; thence S72°33'E 100 feet; thence N17°27'E 100 feet; thence N72°33'W 100 feet to the point of beginning,

containing 0.2296 (0.23 deed) acres, more or less.



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