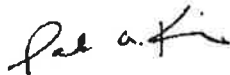


DISTRICT COURT, DOUGLAS COUNTY, COLORADO Court Address: 4000 Justice Way, Castle Rock, CO, 80109-7546	DATE FILED: November 25, 2014 4:26 PM CASE NUMBER: 2014CV31021
In the Matter of: STONE CREEK METROPOLITAN DISTRICT	△ COURT USE ONLY △ Case Number: 2014CV31021 Division: 1 Courtroom:
Order: Order and Decree Creating District, Issuing Certificates of Election and Releasing Bond	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 11/25/2014



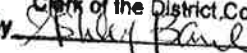
PAUL A KING
District Court Judge

DISTRICT COURT
STATE OF COLORADO }
DOUGLAS COUNTY. } ss.
CERTIFIED to be a full, true and cor-
rect copy of the original in my custody.

DEC 02 2014

CHERYL A. LAYNE

Clerk of the District County

By  Deputy



page 1 of 9

DISTRICT COURT, COUNTY OF DOUGLAS, STATE OF COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 720-437-6200	
PETITIONER: STONE CREEK METROPOLITAN DISTRICT	
BY THE COURT	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> Case Number: 2014CV31021 Div.: 1 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 Petitioner in regard to the organization of Stone Creek 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 proposed District, one time, in compliance with law.
2. That a majority of the votes cast at the election held on November 4, 2014, 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 proposed District:

<u>FOR</u> the Organization of the District	<u>VOTES CAST</u> <u>Three (3)</u>
<u>AGAINST</u> the Organization of the District	<u>Zero (0)</u>

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 "Stone Creek Metropolitan District," the corporate name as designated in the Petition filed with this Court.

7. That the District is located in Douglas County, Colorado, and is more particularly described as follows:

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF SAID SECTION 15, N89°57'57" W A DISTANCE OF 1123.09 FEET TO THE POINT OF BEGINNING;

THENCE S04°35'48"W A DISTANCE OF 334.60 FEET;
THENCE S00°25'18"W A DISTANCE OF 700.93 FEET;
THENCE S00°25'18"W A DISTANCE OF 344.67 FEET;
THENCE S06°48'33"W A DISTANCE OF 557.40 FEET;
THENCE S02°42'42"E A DISTANCE OF 716.97 FEET;
THENCE N89°56'33"W A DISTANCE OF 633.00 FEET;
THENCE N89°56'33"W A DISTANCE OF 3498.31 FEET;
THENCE N00°19'46"E A DISTANCE OF 2647.12 FEET;
THENCE S89°57'57"E A DISTANCE OF 2652.93 FEET;
THENCE S89°57'56"E A DISTANCE OF 1030.41 FEET;
THENCE S89°57'57"E A DISTANCE OF 499.43 FEET TO THE POINT OF BEGINNING

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>
<u>No Candidate for this Office</u>	until the next regular election
<u>No Candidate for this Office</u>	until the next regular election
<u>No Candidate for this Office</u>	until the second regular election
<u>Michael Dane Sanders</u>	until the second regular election
<u>Patrick L. Lyng</u>	until the second regular election

10. That the Clerk of this Court shall release to Petitioner's Counsel the organizational expenses bond in the amount submitted in connection with the organization of the District.

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: water; storm sewer, sanitation and wastewater treatment; street; safety protection; park and recreation; mosquito control; covenant enforcement and design review and security services for the District;

(b) The estimated cost of the indebtedness to be authorized is not greater than Eighteen Million Dollars (\$18,000,000) for water; Eighteen Million Dollars (\$18,000,000) for sanitation; Eighteen Million Dollars (\$18,000,000) for street improvements; Eighteen Million Dollars (\$18,000,000) for safety protection; Eighteen Million Dollars (\$18,000,000) for parks and recreation; Eighteen Million Dollars (\$18,000,000) for mosquito control; Eighteen Million Dollars (\$18,000,000) for transportation improvements; Eighteen Million Dollars (\$18,000,000) for fire protection; Eighteen Million Dollars (\$18,000,000) for television relay and translation system improvements; Eighteen Million Dollars (\$18,000,000) for covenant enforcement and design review; Eighteen Million Dollars (\$18,000,000) for security services; Eighteen Million Dollars (\$18,000,000) for operating and maintenance expenses; Eighteen Million Dollars (\$18,000,000) for refunding purposes; and Eighteen Million Dollars (\$18,000,000) 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 Board of County Commissioners of Douglas County, 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 A**.

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 Douglas 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 County Assessor in each county in which the District or a part thereof extends and with the DLG according to its standards.

DONE IN COURT this ____ day of _____, 2014.

BY THE COURT:

Judge

EXHIBIT A

Resolution of Approval

#2014054982, 09/24/2014 at 09:11:00 AM, 1 OF 4, Rec Fee \$0.00 Douglas County CO
Jack Arrowsmith, Clerk & Recorder

RESOLUTION NO. R-014-098

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION APPROVING THE SERVICE PLAN OF
STONE CREEK METROPOLITAN DISTRICT

WHEREAS, on July 23, 2014, a service plan for the proposed Stone Creek Metropolitan District ("Service Plan") was filed with the Douglas County Clerk and Recorder ("Clerk"), and the Clerk, on behalf of the Board of County Commissioners ("Board"), mailed a Notice of Filing of Special District Service Plan to the Division of Local Government in the Department of Local Affairs on July 23, 2014; and

WHEREAS, on August 18, 2014, the Douglas County Planning Commission recommended denial of the Service Plan to the Board as the property within the boundaries of the proposed Stone Creek Metropolitan District was zoned Agricultural-One (A-1) and Large Rural Residential (LRR); and

WHEREAS, a rezoning application was submitted by the applicants concurrently with the Service Plan, requesting to rezone the property within the boundaries of the proposed Stone Creek Metropolitan District to Planned Development (PD) (the "Rezoning Application"); and

WHEREAS the Rezoning Application was considered and approved by the Board on [September 23], 2014; and

WHEREAS, on September 9, 2014, the Board set a public hearing on the Service Plan for September 23, 2014 ("Public Hearing"), and (1) ratified publication of the notice of the date, time, location and purpose of such Public Hearing, which was published in *The Douglas County News-Press* on August 28, 2014 and (2) caused notice of the date, time and location of the Public Hearing to be mailed on August 28, 2014, to the governing body of the existing municipalities and special districts which have levied an *ad valorem* tax within the next preceding tax year, and which have boundaries within a radius of three miles of the proposed boundaries of the Stone Creek Metropolitan District ("District") and, on August 28, 2014, to the petitioners and property owners, pursuant to the provisions of § 32-1-204(1.5), C.R.S.; and

WHEREAS, on September 23, 2014, a Public Hearing on the Service Plan was opened at which time all interested parties, as defined in § 32-1-204, C.R.S., were afforded an opportunity to be heard, and all testimony and evidence relevant to the Service Plan and the organization of the proposed District was heard, received and considered.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, THAT:

Section 1. The Board does hereby determine that all procedural requirements of §§ 32-1-201, *et seq.*, C.R.S., relating to the Service Plan have been fulfilled and that the Board has jurisdiction in this matter.

{00359372.DOCX v 1 }

Section 2. The Board does hereby find:

- (a) that there is sufficient existing and projected need for organized service in the area to be serviced by the proposed District; and
- (b) that the existing service in the area to be served by the proposed District is inadequate for present and projected needs; and
- (c) that the proposed District is capable of providing economical and sufficient service to the area within the proposed boundaries; and
- (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; and
- (e) that adequate service is not, or will not be, available to the area through Douglas County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis; and
- (f) that the facility and service standards of the proposed District are compatible with the facility and service standards of Douglas County and each municipality which is an interested party under § 32-1-204, C.R.S.; and
- (g) that the proposal is in substantial compliance with the Douglas County Comprehensive Master Plan; and
- (h) that the proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area; and
- (i) that the creation of the proposed District will be in the best interests of the area proposed to be served; and
- (j) that the Service Plan, based upon the statements set forth in the Service Plan and upon all evidence presented at the Public Hearing on the Service Plan, meets all conditions and requirements of §§ 32-1-201, *et seq.*, C.R.S.

Section 3. The Board hereby approves the Service Plan without conditions; provided, however, that such action shall not imply the approval of any land development activity within the proposed District or its service area, or of any specific number of buildable units identified in the Service Plan, unless the Board has approved such development activity as part of a separate development review process.

Section 4. The legal description of the District shall be as provided in Exhibit A, attached hereto and incorporated herein by reference.

Section 5. A certified copy of this resolution shall be filed in the records of Douglas County.

#2014054982, 3 OF 4

PASSED AND ADOPTED this 13 day of Sept, 2014, in Castle Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

BY: 
Roger A. Partridge
Chair

ATTEST:


Melissa Pelletier
Deputy Clerk



#2014054982, 4 OF 4

EXHIBIT A

STONE CREEK METROPOLITAN DISTRICT

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 56 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE S89°57'56"E A DISTANCE OF 1030.41 FEET;
THENCE S89°57'57"W A DISTANCE OF 499.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,962,075.38 SQ. FT. OR 251,655 ACRES, MORE OR LESS.



L. KELLY STEVENSON, PROFESSIONAL LAND SURVEYOR

COLORADO P.L.S. NO. 38231
FOR AND ON BEHALF OF PEAK CIVIL CONSULTANTS, INC
200 W. HAMPDEN AVENUE, SUITE 200
ENGLEWOOD, CO 80110

DATE 11/08/13

