



GRANTED

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

Roger A. Klein

Roger A. Klein*
District Court Judge

DATE OF ORDER ON ATTACHMENT

FILED Document - District Court
2008CV8900
CO Weld County District Court 19th JD
Filing Date: Jan 20 2009 11:57AM MST
Filing ID: 23374992

DISTRICT COURT, WELD COUNTY, COLORADO

Court Address: P.O. Box 2038
901 9th Avenue
Greeley, Colorado 80632
(970)351-7300

▲ COURT USE ONLY ▲

**IN RE THE ORGANIZATION OF
MORGAN HILL METROPOLITAN DISTRICT NO. 3,**

By the Court:

Case No: 08CV8900

Div: 1 Ctrm:

**ORDER AND DECREE ORGANIZING
MORGAN HILL METROPOLITAN DISTRICT NO. 3
WELD COUNTY, COLORADO
ISSUANCE OF CERTIFICATES OF ELECTION AND RELEASE OF BOND**

This matter comes before the Court on the Motion for Order and Decree Organizing Morgan Hill Metropolitan District No. 3, Issuance of Certificates of Election and Release of Bond (the "Motion") filed by the Petitioner for the organization of Morgan Hill Metropolitan District No. 3 on September 24, 2008. This Court, being fully advised on the premises, hereby FINDS AND ORDERS with respect to the organization of Morgan Hill Metropolitan District No. 3 (the "District"), as follows:

1. That the question of the organization of the District, the election of Directors thereof, along with various taxing, debt and revenue-raising ballot issues and ballot questions were duly submitted to the District's eligible electors by mail ballot election held on November


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WELD COUNTY DISTRICT COURT
JAN 20 2009
11:57 AM
STEVE MORENO
CLERK & RECORDER
Steve Moreno



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4, 2008 (the "Election") at the time and place specified in the Order Calling Election entered by this Court on October 29, 2008.

2. That a majority of the votes cast at the Election were in favor of organizing the District and in favor of all ballot issues and ballot questions submitted.

3. That the Board of Canvassers' Abstract of Returns and the Board of Canvassers' Certificate of Election Results filed with this Court as Exhibit A to the Motion duly certifies the Election returns to this Court as required by law and hereby is, in all respects, approved and confirmed.


4. That the District shall be and is hereby duly and regularly organized in accordance with the requirements of § 32-1-101, *et seq.*, C.R.S.

5. That the District shall be known as "Morgan Hill Metropolitan District No. 3".

6. That the District is located in Weld County, Colorado, as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference. A map of the District shall be filed with the Weld County Assessor and the accuracy thereof updated pursuant to § 32-1-306, C.R.S.

7. That the District shall be a quasi-municipal corporation and political subdivision of the State of Colorado with all the powers thereof in conformity with the Service Plan, as may be amended.

8. Pursuant to § 32-1-306, C.R.S., a certified copy of this Order shall be recorded by the Weld County Clerk and Recorder. A copy of the approved Service Plan for Morgan Hill Metropolitan District No. 3 and the resolution of the Board of Trustees of the Town of Erie


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approving the Service Plan shall be filed with the Weld County Clerk and Recorder to be retained as a public record for public inspection. Additionally, a copy of the Service Plan shall be filed with the Division of Local Government, Department of Local Affairs.

9. A copy of the Service Plan for Morgan Hill Metropolitan District No. 3 and the resolution of the Board of Trustees of the Town of Erie approving the Service Plan were filed with this Court as part of the Petition filed on September 24, 2008. Pursuant to § 32-1-205(2), C.R.S., the Service Plan and approving resolution are incorporated herein by this reference and the same shall be deemed appended to this Order at such time as all other legal procedures for District organization have been complied with.

10. 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, issued by this Court in accordance with § 32-1-305.5(5), C.R.S., which Certificates are filed herewith:

<u>NAME</u>	<u>TERM</u>
Jon R. Lee	to May, 2010
Michael J. Burns	to May, 2010
Lewis G. Holtsclaw	to May, 2012

11. That the Bond of Petitioners in the amount of \$1,000 filed in this action pursuant to § 32-1-302, C.R.S., is hereby released and discharged.

12. 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.

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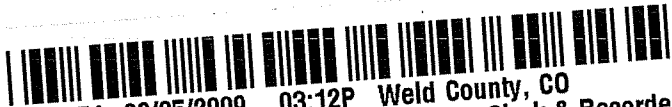
DATE OF ORDER ON ATTACHMENT

13. That the District shall have and exercise, through its Board of Directors and officers in conformity with the Service Plan, as may be amended, 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 IN COURT this ___ day of _____, 2009.

BY THE COURT:

District Court Judge


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EXHIBIT A

DISTRICT NO. 3 DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 7 FROM WHENCE THE NORTHEAST CORNER LIES N89°42'31"E, 2,627.25 (BASIS OF BEARINGS);
 THENCE N89°42'31"E, 424.98 FEET ALONG THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 7;
 THENCE S00°15'32"E, 627.97 FEET;
 THENCE S02°23'26"W, 79.35 FEET;
 THENCE S07°19'17"W, 79.05 FEET;
 THENCE S12°14'45"W, 79.05 FEET;
 THENCE S17°10'14"W, 79.05 FEET;
 THENCE S22°05'42"W, 79.05 FEET;
 THENCE S26°57'08"W, 78.03 FEET;
 THENCE S28°49'52"W, 514.69 FEET;
 THENCE S26°25'52"W, 59.05 FEET;
 THENCE S16°26'26"W, 71.15 FEET;
 THENCE S05°06'55"W, 71.50 FEET;
 THENCE S00°22'56"W, 89.93 FEET;
 THENCE N89°51'00"W, 14.03 FEET;
 THENCE S00°23'08"W, 170.00 FEET;
 THENCE N89°35'02"W, 245.51 FEET;
 THENCE S00°19'01"W, 280.00 FEET;
 THENCE N89°35'02"W, 140.00 FEET;
 THENCE S00°19'01"W, 110.40 FEET;
 THENCE S59°30'59"W, 90.75 FEET;
 THENCE S23°45'48"W, 210.22 FEET;
 THENCE N89°35'04"W, 278.38 FEET ALONG THE NORTHERLY LINE OF WELD COUNTY ROAD 10.5 TO THE APPROXIMATE CENTERLINE OF THE COTTONWOOD EXTENSION IRRIGATION DITCH;

THENCE NORTH ALONG THE APPROXIMATE CENTERLINE OF SAID COTTONWOOD EXTENSION DITCH THE FOLLOWING THIRTY-NINE COURSES:

- 1) N39°24'29"W, 40.78 FEET;
- 2) N26°38'23"W, 135.20 FEET;
- 3) N13°53'36"W, 158.68 FEET;
- 4) N36°23'43"W, 31.70 FEET;
- 5) N59°52'05"W, 62.16 FEET;
- 6) N53°03'38"W, 85.80 FEET;
- 7) N04°51'35"W, 61.01 FEET;
- 8) N51°35'28"E, 155.73 FEET;
- 9) N28°20'58"E, 261.76 FEET;
- 10) N26°39'54"W, 47.96 FEET;
- 11) N74°15'05"W, 227.61 FEET;
- 12) N47°24'48"W, 137.09 FEET;
- 13) N74°40'43"W, 112.08 FEET;
- 14) N49°11'34"W, 56.76 FEET;
- 15) N14°32'25"E, 235.64 FEET;
- 16) N72°08'01"E, 158.71 FEET;
- 17) N53°54'06"E, 50.99 FEET;
- 18) N34°52'42"E, 225.05 FEET;
- 19) N17°48'58"E, 23.12 FEET;
- 20) N07°00'02"W, 40.81 FEET;
- 21) N33°54'02"W, 71.50 FEET;
- 22) N39°36'41"W, 129.87 FEET;
- 23) N28°48'46"W, 45.48 FEET;
- 24) N10°53'00"W, 47.78 FEET;
- 25) N09°53'00"E, 101.59 FEET;

(CONTINUED)

**MORGAN HILL METROPOLITAN
DISTRICT NO. 3 DESCRIPTION
ERIE, COLORADO**

SCALE	HOR. N/A VERT. N/A		HURST & ASSOCIATES, INC CONSULTING ENGINEERS 4999 Ford Park Circle, Suite 106 Boulder, Colorado 80504 (303) 443-9145
DESIGN/APPR.			
DRAWN BY	BC		
DATE	08/19/08		
FILE	G:\202045\SURVEY\LEGAL\04A-DISTRICTS SHEET 1 OF 2		

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EXHIBIT

DISTRICT NO. 3 DESCRIPTION (CONTINUED):

- 26) N30°12'45"E, 230.36 FEET;
- 27) N47°57'28"E, 85.66 FEET;
- 28) N59°51'01"E, 165.88 FEET;
- 29) N32°03'18"E, 35.53 FEET;
- 30) N05°46'02"W, 34.26 FEET;
- 31) N22°03'27"W, 35.67 FEET;
- 32) N01°16'55"E, 37.91 FEET;
- 33) N43°16'32"E, 62.61 FEET;
- 34) N60°37'03"E, 83.57 FEET;
- 35) N78°42'40"E, 123.21 FEET;
- 36) N82°06'59"E, 105.09 FEET;
- 37) N75°47'10"E, 52.30 FEET;
- 38) N53°02'56"E, 18.25 FEET;
- 39) N28°58'49"E, 15.57 FEET;

THENCE N89°50'02"E, 366.91 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 7 TO THE POINT OF BEGINNING, CONTAINING 67.12 ACRES, MORE OR LESS.

MORGAN HILL METROPOLITAN
DISTRICT NO. 3 DESCRIPTION
ERIE, COLORADO

SCALE HOR. N/A
VERT. N/A

DESIGN/APPR.

DRAWN BY BC

DATE 06/19/08



HURST & ASSOCIATES, INC

CONSULTING ENGINEERS

4990 Front West Circle, Suite 106
Boulder, Colorado 80501 (303) 449-4165

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This document constitutes a ruling of the court and should be treated as such.

Court: CO Weld County District Court 19th JD

Judge: Roger A Klein

**File & Serve
Transaction ID:** 23186855


Current Date: Jan 20, 2009

Case Number: 2008CV8900

Case Name: In the matter of: MORGAN HILL METROPOLITAN DISTRICT NOS 1

Court Authorizer: Roger A Klein

/s/ Judge Roger A Klein


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