

## JEFFERSON CENTER METROPOLITAN DISTRICT NO. 2

141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898  
Tel: 303-987-0835 · 800-741-3254  
Fax: 303-987-2032

### NOTICE OF REGULAR MEETING AND AGENDA

| <u>Board of Directors:</u> | <u>Office</u>       | <u>Term/Expiration:</u> |
|----------------------------|---------------------|-------------------------|
| Charles Church McKay       | President/Chairman  | 2023/May 2023           |
| Gregg Bradbury             | Treasurer           | 2023/May 2023           |
| Jeff Nading                | Assistant Secretary | 2022/May 2022           |
| Steve Nading               | Assistant Secretary | 2022/May 2022           |
| Brandon Dooling            | Assistant Secretary | 2023/May 2022           |
| David Solin                | Secretary           |                         |

DATE January 25, 2022 (Tuesday)

TIME: 9:30 A.M.

PLACE: **Zoom Meeting: This meeting will be held via Zoom without any individuals (neither District representatives nor the general public) attending in person. The meeting can be joined through the directions below:**

Join Zoom Meeting

<https://us02web.zoom.us/j/5469119353?pwd=SmtlcHJETFhCQUZEcVBBOGZVU3Fqdz09>

Meeting ID: 546 911 9353

Passcode: 912873

Dial In: 1-253-215-8782 or 1-336-248-7799

#### I. ADMINISTRATIVE MATTERS

- A. Present Disclosures of Potential Conflicts of Interest.
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- B. Approve Agenda, confirm location of the meeting and posting of meeting notices and designate 24-hour posting location.
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- C. Review and approve Minutes of the November 23, 2021 Special Meeting (enclosure).
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#### II. PUBLIC COMMENT

- A. \_\_\_\_\_

III. FINANCIAL MATTERS

A. Review and consider approval of the payment of claims for the period ending December 31, 2021, in the amount of \$7,800.35 and January 25, 2022, in the amount of \$13,400.21 (enclosure).

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B. Discuss status of any amounts due from Mountain Shadows Metropolitan District.

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IV. MANAGEMENT MATTERS

A. Review Water Tracking Report (enclosure).

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V. LEGAL MATTERS

A. Review and consider adoption of Resolution No. 2022-01-01, Resolution Adopting the Capital Improvement Program and Master Infrastructure Plan as Modified by Subsequent Construction Plans (for 2022) (to be distributed).

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B. Conduct Public Hearing to consider inclusion of approximately 0.5 acres of property owned by Cimarron Commercial, LLC, and consider adoption of Resolution No. 2022-01-02, Resolution for Inclusion of Real Property (enclosures – Petition and Resolution).

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VI. OTHER BUSINESS

A. \_\_\_\_\_

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X. ADJOURNMENT **THE NEXT REGULAR MEETING IS SCHEDULED FOR FEBRUARY 22, 2022.**

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE JEFFERSON CENTER METROPOLITAN DISTRICT NO. 2 HELD NOVEMBER 23, 2021

A Special Meeting of the Board of Directors of the Jefferson Center Metropolitan District No. 2 (referred to hereafter as "Board") was convened on Tuesday, November 23, 2021, at 9:30 a.m. This District Board meeting was held by video/telephone conference with all participants attending via video/teleconference. The meeting was open to the public.

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#### ATTENDANCE

#### Directors In Attendance Were:

Charles McKay  
Gregg Bradbury  
Jeff Nading  
Steven Nading  
Brandon Dooling

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

Megan Becher, Esq.; McGeady Becher P.C.

Joy Tatton; Simmons & Wheeler, P.C.

Wes Back and Jesse Peckham; Independent District Engineering Services, LLC

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#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosures of Potential Conflicts of Interest:** The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Solin noted that a quorum was present and requested members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Becher noted that all Directors' Disclosure Statements had been filed and that no additional conflicts were disclosed at the meeting.

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## RECORD OF PROCEEDINGS

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### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Solin distributed for the Board's review and approval a proposed agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Dooling, seconded by Director Steven Nading and, upon vote, unanimously carried, the agenda was approved, as amended.

**Location of Meeting and Posting of Notices:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that the meeting would be held by video/telephonic means, and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location of the meeting was duly posted and that the District had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the District boundaries.

**Minutes:** The Board reviewed the Minutes of the August 24, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director Jeff Nading and, upon vote, unanimously carried, the Minutes of the August 24, 2021 Special Meeting were approved.

**Resolution No. 2021-11-01, Resolution Establishing Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices:** The Board considered Resolution No. 2021-11-01, Resolution Establishing Regular Meeting Dates, Time, and Location and Designating Location for Posting of 24-Hour Notices.

Mr. Solin reviewed the business to be conducted in 2022 to meet the statutory compliance requirements. Following discussion, the Board determined to meet on the fourth Tuesday of every month at 9:30 a.m. Meetings will be held virtually.

Following review, upon motion duly made by Director Bradbury, seconded by Director Jeff Nading and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-01, Resolution Establishing Regular Meeting Dates, Time, and Location and Designating Location for Posting of 24-Hour Notices.

**Section 32-1-809, C.R.S., Reporting Requirements, Mode of Eligible Elector Notification for 2022:** The Board discussed Section 32-1-809, C.R.S., reporting requirements and mode of eligible elector notification for 2022.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Bradbury, seconded by Director Jeff Nading and, upon vote, unanimously carried the Board determined to post the required transparency notice information to the Special District Association's website and the District's website.

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### PUBLIC COMMENT

There were no public comments.

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### FINANCIAL MATTERS

**Claims:** The Board considered ratification of the payment of claims for the period beginning August 19, 2021 through November 17, 2021, in the amount of \$102,581.13.

Following discussion, upon motion duly made by Director Jeff Nading, seconded by Director Bradbury and, upon vote, unanimously carried, the Board ratified the payment of claims, as presented.

**Bill.com:** The Board discussed Bill.com.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director Steven Nading and, upon vote, unanimously carried, the Board acknowledged the conversion to utilize Bill.com for accounts payable processing and designated Director Steven Nading and Director Bradbury as authorized parties to review and approve invoices.

**Unaudited Financial Statements:** Ms. Tatton reviewed with the Board the unaudited financial statements for the period ending September 30, 2021.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director Steven Nading and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending September 30, 2021.

**Amounts Due from Mountain Shadows Metropolitan District ("MSMD"):** Ms. Tatton reported to the Board that there is presently a small amount due from MSMD to the District. No action was taken by the Board.

**2021 Audit:** The Board discussed preparation of the 2021 Audit by Fiscal Focus Partners LLC.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director Steven Nading and, upon vote, unanimously carried, the Board approved the engagement of Fiscal Focus Partners

## RECORD OF PROCEEDINGS

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LLC to prepare the 2021 Audit, for a maximum fee increase of 5% over the previous year.

**2021 Budget Amendment Hearing:** The President opened the public hearing to consider an amendment to the 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider an amendment to the 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. There were no comments from the public in attendance and the public hearing was closed.

It was determined that no amendment to the 2021 Budget was required.

**2022 Budget Hearing:** The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

Ms. Tatton reviewed the estimated 2021 expenditures and the proposed 2022 expenditures. It was noted that no mill levy would be certified.

Following discussion, the Board considered the adoption of Resolution No. 2021-11-02 to Adopt the 2022 Budget and Appropriate Sums of Money. Upon motion duly made by Director Bradbury, seconded by Director Steven Nading and, upon vote, unanimously carried, the Resolution was adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies (zero mill levy) was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2021. Mr. Solin was authorized to transmit the Certification of Mill Levies (zero mill levy) to the Board of County Commissioners of Jefferson County not later than December 15, 2021. Mr. Solin was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022. A copy of the adopted Resolution is attached to these minutes and incorporated herein by this reference.

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill

## RECORD OF PROCEEDINGS

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Levy Certification form (zero mill levy) for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director Steven Nading and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form (zero mill levy) for certification to the Board of County Commissioners and other interested parties.

**Preparation of the 2023 Budget:** Following discussion, upon motion duly made by Director Bradbury, seconded by Director Steven Nading and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget and set the date for the public hearing for the November 22, 2022 Board meeting.

### **MANAGEMENT MATTERS**

**Water Tracking Report:** Mr. Solin reviewed the status of water allocations and facilities fees billing and collection with the Board.

### **LEGAL MATTERS**

**Resolution to Call the May 3, 2022 Regular Directors' Election:** The Board discussed the upcoming election and Resolution No. 2021-11-03 to Call the May 3, 2022 Regular Directors' Election.

Following discussion, upon motion duly made by Director Bradbury, seconded by Director Jeff Nading and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-03 to Call the May 3, 2022 Regular Directors' Election, appoint David Solin as the Designated Election Official and authorize him to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

### **OTHER BUSINESS**

The Board discussed the December 28, 2021 Board meeting. The Board determined to cancel the December 28, 2021 Board meeting.

### **ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director Jeff Nading, seconded by Director Bradbury and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting

**JEFFERSON CENTER METROPOLITAN DISTRICT NO. 2**

**January 2022 Invoices**

| Vendor                  | Invoice # | Date       | Amount in USD           | Expense Account | Account Number | Department |
|-------------------------|-----------|------------|-------------------------|-----------------|----------------|------------|
| City of Arvada          | 179022    | 10/11/2021 | 10,511.88               | Stormwater IGA  | 7105           | 1          |
| Simmons & Wheeler, P.C. | 32192     | 12/31/2021 | 1,230.04                | Accounting      | 6170           | 1          |
| Simmons & Wheeler, P.C. | 31937     | 11/30/2021 | <u>1,658.29</u>         | Accounting      | 6170           | 1          |
|                         |           |            | <u><u>13,400.21</u></u> |                 |                |            |

**December 2021 Invoices**

| Vendor                      | Invoice #   | Date       | Amount                 | Expense Account   | Account Number | Department |
|-----------------------------|-------------|------------|------------------------|-------------------|----------------|------------|
| McGeady Becher P.C.         | 760510      | 11/30/2021 | 2,799.00               | Legal             | 6750           | 1          |
| Simmons & Wheeler, PC       | 31825       | 10/31/2021 | 977.35                 | Accounting        | 6170           | 1          |
| Special District Management | 96150       | 11/30/2021 | 677.00                 | Management fees   | 6100           | 1          |
| Colorado Spec Dist P&L      | POL-0010866 | 12/17/2021 | 2,572.00               | Prepaid insurance | 1380           | 1          |
| T Charles Wilson            | 10713       | 12/21/2021 | <u>775.00</u>          | Prepaid insurance | 1380           | 1          |
|                             |             |            | <u><u>7,800.35</u></u> |                   |                |            |



**CONDENSED SOURCES & USES**  
As of 1/21/22

| <b>Project Water</b>   |                 |
|------------------------|-----------------|
| Sources                | Acre Feet       |
| Pre - 12/2/19          | 1,869.24        |
| 2020 Exercised Options | 92.47           |
| Options to Exercise    | -               |
| <b>Total Sources</b>   | <b>1,961.71</b> |

| <b>Pre - December 2, 2019 Summary</b> |                   |                         |       |          |                   |             |                        |             |        |                  |             |                |
|---------------------------------------|-------------------|-------------------------|-------|----------|-------------------|-------------|------------------------|-------------|--------|------------------|-------------|----------------|
| <b>SOURCES</b>                        |                   | <b>RESIDENTIAL USES</b> |       |          |                   |             | <b>COMMERCIAL USES</b> |             |        |                  |             | <b>BALANCE</b> |
| Existing Agreements                   | Beginning Balance | MSMD                    | CPMD  | ARP      | Total Residential | Unallocated | Beginning              | Allocations | CCLLC  | Total Commercial | Unallocated |                |
| Totals                                | 1869.24           | 200.00                  | 36.00 | 1,039.01 | 1,275.01          | -           | 594.23                 | 54.50       | 363.05 | 417.55           | 176.68      |                |

**Reconciliation to Post 12/2/19 - JCMD2**

**Reconciliation to Post 12/2/19 - CCLLC**

|                                      |                 |
|--------------------------------------|-----------------|
| Ending Balance 12/2/19               | 176.68          |
| Less Restricted Beginning Commercial | <u>(150.00)</u> |
| Unrestricted Available               | <u>26.68</u>    |
| Plus Options Exercised               | 85.05           |
| Plus Options to be Exercised         | <u>7.42</u>     |
| Net Unrestricted Available           | <u>119.15</u>   |

CCLLC Held Balance 363.05

| <b>Post - 12/2/2019 Allocations</b> |                              |                         |                 |           |                        |                        |                       |                 |                        |                 |             |                           |            |                  |               |                      |                 |                                 |
|-------------------------------------|------------------------------|-------------------------|-----------------|-----------|------------------------|------------------------|-----------------------|-----------------|------------------------|-----------------|-------------|---------------------------|------------|------------------|---------------|----------------------|-----------------|---------------------------------|
| <b>SOURCES</b>                      |                              | <b>RESIDENTIAL USES</b> |                 |           |                        |                        | <b>COMERCIAL USES</b> |                 |                        |                 |             |                           |            |                  |               |                      | <b>BALANCE</b>  |                                 |
| Sources                             | Unrestricted Including CCLLC | Whisper Village         | Taylor Morrison | Allocated | Unrestricted Available | IGA Restricted Balance | Kentro Retail 1       | Kentro Retail 2 | SCL - Candelas Medical | Whisper Village | Arvada Fire | Freedom Street Restaurant | Z&N Retail | Total Commercial | Not Allocated | Combined Allocations | CCLLC Available | Restricted Commercial Available |
| Allocations JCMD2                   | 119.15                       | 33.00                   | 86.15           | 119.15    | -                      | 150.00                 | 2.50                  | 2.50            | 2.50                   | 15.00           | 2.50        | 2.50                      | 2.50       | 30.00            | 120.00        | 149.15               | -               | 120.00                          |
| Allocations CCLLC                   | 363.05                       | -                       | 224.85          | 224.85    | 138.20                 | -                      | -                     | -               | -                      | -               | -           | -                         | -          | -                | -             | 224.85               | 138.20          | -                               |

**COMMERCIAL WATER ALLOCATION COMMITMENTS**  
As of 1/21/22

| User   | Final Tap Size | Final Allocation | Final Letter Date | Preliminary Tap Size | Preliminary Allocation | Preliminary Letter Date | Available Balance (AF) |
|--|----------------|------------------|-------------------|----------------------|------------------------|-------------------------|------------------------|
| <b>Pre-12/2/19 Allocations</b>               |                |                  |                   |                      |                        |                         |                        |
| <b>Final Allocations</b>                     |                |                  |                   |                      |                        |                         | <b>594.23</b>          |
| Yenter                                       | 1.00           | 1.25             |                   |                      |                        |                         | 592.98                 |
| Plains End                                   | 2.00           | 4.00             |                   |                      |                        |                         | 588.98                 |
| Candelas Parkway Irrigation                  | 1.00           | 1.25             |                   |                      |                        |                         | 587.73                 |
| King Soopers                                 | 2.00           | 4.00             | 3/20/2019         |                      |                        |                         | 583.73                 |
| King Soopers Gas Station                     | 0.75           | 0.75             | 3/20/2019         |                      |                        |                         | 582.98                 |
| King Soopers Retail Center                   | 2.00           | 4.00             | 3/20/2019         |                      |                        |                         | 578.98                 |
| Sautter Arvada School                        | 1.00           | 1.25             | 3/20/2019         |                      |                        |                         | 577.73                 |
| 7-11   | 1.00           | 1.25             | 3/20/2019         |                      |                        |                         | 576.48                 |
| Starbucks                                    | 1.00           | 1.25             | 3/20/2019         |                      |                        |                         | 575.23                 |
| Three Creeks Elementary                      | 3.00           | 7.50             | 3/20/2019         |                      |                        |                         | 567.73                 |
| Whisper Creek Station - Arvada PD            | 1.00           | 1.25             | 3/20/2019         |                      |                        |                         | 566.48                 |
| Candelas Point Retail (Block 1, Lot 3)       | 1.50           | 2.50             | 3/29/2019         |                      |                        |                         | 563.98                 |
| Candelas Point Retail (Block 1, Lot 4)       | 1.50           | 2.50             | 3/29/2019         |                      |                        |                         | 561.48                 |
| Chase Bank                                   | 1.00           | 1.25             | 4/5/2019          |                      |                        |                         | 560.23                 |
| First Bank                                   | 1.00           | 1.25             | 7/30/2019         |                      |                        |                         | 558.98                 |
| Wendy's                                      | 1.00           | 1.25             | 7/30/2019         |                      |                        |                         | 557.73                 |
| Wild Grass Lot 3 (Bldg. A)                   |                |                  |                   | 1.50                 | 2.50                   | 4/11/2019               | 555.23                 |
| Wild Grass Lot 3 (Bldg. B)                   |                |                  |                   | 1.50                 | 2.50                   | 4/11/2019               | 552.73                 |
| Wild Grass Lot 3 (Bldg. C)                   |                |                  |                   | 2.00                 | 4.00                   | 4/11/2019               | 548.73                 |
| Wild Grass Lot 3 (Bldg. D)                   |                |                  |                   | 2.00                 | 4.00                   | 4/11/2019               | 544.73                 |
| Indiana Plaza                                |                |                  |                   | 1.00                 | 1.25                   | 4/19/2019               | 543.48                 |
| Primrose School                              |                |                  |                   | 1.50                 | 2.50                   | 4/25/2019               | 540.98                 |
| Les Schwab                                   |                |                  |                   | 1.00                 | 1.25                   | 8/16/2019               | 539.73                 |
| Total  |                | <u>36.50</u>     |                   |                      | <u>18.00</u>           |                         |                        |
| <b>Initial Allocation Not Included</b>       |                |                  |                   |                      |                        |                         |                        |
| Cimarron Commercial LLC                      |                |                  |                   |                      | 363.05                 |                         | 176.68                 |
| <b>Post-12/2/19 Allocations</b>              |                |                  |                   |                      |                        |                         |                        |
| Beginning Balance                            |                |                  |                   |                      |                        |                         | 150.00                 |
| Kentro Retail 1                              |                |                  |                   | 1.50                 | 2.50                   | 10/7/2009               | 147.50                 |
| Kentro Retail 2                              |                |                  |                   | 1.50                 | 2.50                   | 10/7/2019               | 145.00                 |
| Candelas Medical - SCL                       |                |                  |                   | 1.50                 | 2.50                   | 10/7/2019               | 142.50                 |
| Whisper Village Commercial (TBD)             |                |                  |                   |                      | 15.00                  |                         | 127.50                 |
| Arvada Fire                                  |                |                  |                   | 1.50                 | 2.50                   | 3/19/2021               | 125.00                 |
| Freedom Street Restaurant                    |                |                  |                   | 1.50                 | 2.50                   | 6/3/2021                | 122.50                 |
| Z&N Retail                                   |                |                  |                   | 1.50                 | 2.50                   | 1/1/2022                | 120.00                 |
| Total  |                |                  |                   |                      | <u>30.00</u>           |                         |                        |
| <b>Total Acre Feet Remaining Unallocated</b> |                |                  |                   |                      |                        |                         | <b>120.00</b>          |

| Tap Size | AF    | Ratio |
|----------|-------|-------|
| 0.625    | 0.50  | 1.0   |
| 0.750    | 0.75  | 1.5   |
| 1.000    | 1.25  | 2.5   |
| 1.500    | 2.50  | 5.0   |
| 2.000    | 4.00  | 8.0   |
| 3.000    | 7.50  | 15.0  |
| 4.000    | 12.50 | 25.0  |
| 6.000    | 25.00 | 50.0  |

**RESIDENTIAL WATER ALLOCATION COMMITMENTS**  
**As of 1/21/22**

| User                        | Acre Feet             | Available<br>Balance (AF) |
|-----------------------------|-----------------------|---------------------------|
| <b>Pre-12/2/19</b>          |                       |                           |
|                             |                       | <b>1275.01</b>            |
| Canyon Pines                | 36.00                 | <b>1239.01</b>            |
| Mountain Shadows            | 200.00                | <b>1039.01</b>            |
| Arvada Residential Partners | <u>1039.01</u>        | <b>0.00</b>               |
| Total                       | <u><u>1275.01</u></u> |                           |
| <b>Post-12/2/19</b>         |                       |                           |
|                             |                       | <b>389.73</b>             |
| Whisper Village             | 33.00                 | <b>356.73</b>             |
| Taylor Morrison             | 308.00                | <b>48.73</b>              |
| Taylor Morrison             | <u>3.00</u>           | <b>45.73</b>              |
| Total                       | <u>344.00</u>         |                           |

## PETITION FOR INCLUSION

In accordance with Section 32-1-401(1)(a), C.R.S., the undersigned, Cimarron Commercial, LLC, a Colorado limited liability company (the “**Petitioner**”), does hereby respectfully petition the Jefferson Center Metropolitan District No. 2 (the “**District**”), acting by and through its Board of Directors (the “**Board**”), for the inclusion of certain real property into the boundaries of the District, subject to the conditions described herein (the “**Inclusion**”).

The Petitioner represents to the District as follows:

1. The land to be included consists of approximately 0.5 acres, situate in the City of Arvada, Jefferson County, State of Colorado, and is legally described on Exhibit A attached hereto and incorporated herein by this reference (the “**Property**”).
2. The Petitioner is the fee owner of one hundred percent (100%) of the Property and no other person(s), entity or entities own(s) an interest in the Property except as beneficial holder(s) of encumbrances.
3. The Petitioner hereby assents to the inclusion of the Property into the boundaries of the District and to the entry of an Order in the Jefferson County District Court, including the Property into the boundaries of the District (the “**Order for Inclusion**”). The Petitioner acknowledges that from and after the entry of the Order for Inclusion, the Property shall be liable for taxes, assessments, or other obligations of the District, including its proportionate share of existing bonded indebtedness of the District, subject to the conditions and limitations set forth herein.
4. The Petitioner acknowledges that the District is not required to enlarge or extend its facilities beyond those currently existing, and all such enlargements or extensions are undertaken in the exercise of discretion as a governmental function in the interest of public health, safety and welfare.
5. The Petitioner acknowledges that acceptance of this petition by the District does not constitute any assurance from the District that the Property can be served by the District and acknowledges that there shall be no withdrawal of this Petition from consideration by the Board after publication of notice of the hearing therefore, without the Board’s consent.
6. The Petitioner agrees that the Board may, in its sole and absolute discretion, require the Petitioner to enter into an inclusion agreement prior to inclusion of the Property into the District.
7. The Petitioner agrees that it will pay, or cause to be paid, the costs incurred by the District for the Inclusion if this Petition is accepted, including the costs of publication of appropriate legal notices and legal fees and costs incurred by the District in connection with the Inclusion of the Property.

The Petitioner hereby requests that the Board approve the Inclusion of the Property into the boundaries of the District, and that the District file a motion for an order to be entered in the District Court, County of Jefferson, State of Colorado, including the Property into the boundaries

of the District such that, as of the effective date of the Order for Inclusion, the Property shall be subject to all of the taxes and charges imposed by the District, and the Property shall be liable for its proportionate share of existing bonded indebtedness of the District.

Signed January 14, 2022.

**[SIGNATURE PAGES FOLLOW]**

[SIGNATURE PAGE 1 OF 2 TO PETITION FOR INCLUSION]

PETITIONER:

CIMARRON COMMERCIAL, LLC,  
a Colorado limited liability company

By: CIMARRON HOLDING COMPANY, LLC, a  
Colorado limited liability company, its Managing  
Member

By: *Charles C. McKay*  
Charles C. McKay, Manager

By: *Gregg A. Bradbury*  
Gregg A. Bradbury, Manager

By: *Jeffrey L. Nading*  
Jeffrey L. Nading, Manager

Address of Petitioner:

20009 Highway 72  
Arvada, CO 80007

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Jefferson )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January,  
2022, by **Charles C. McKay**, as Manager of Cimarron Holding Company, LLC, a Colorado  
limited liability company, Managing Member of Cimarron Commercial, LLC, a Colorado  
limited liability company.

Witness my hand and official seal.

My commission expires: 10-21-2024

DEBRA EISENHAND  
Notary Public  
State of Colorado  
Notary ID # 2008035906  
My Commission Expires 10-21-2024

*Debra Eisenhand*  
Notary Public

[SIGNATURE PAGE 2 OF 2 TO PETITION FOR INCLUSION]

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Jefferson )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January, 2022, by **Gregg A. Bradbury**, as Manager of Cimarron Holding Company, LLC, a Colorado limited liability company, Managing Member of Cimarron Commercial, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 10-21-2024

DEBRA EISENHAND  
Notary Public  
State of Colorado  
Notary ID # 2008035906  
My Commission Expires 10-21-2024

[Signature]  
Notary Public

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Jefferson )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January, 2022, by **Jeffrey L. Nading**, as Manager of Cimarron Holding Company, LLC, a Colorado limited liability company, Managing Member of Cimarron Commercial, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 10-21-2024

DEBRA EISENHAND  
Notary Public  
State of Colorado  
Notary ID # 2008035906  
My Commission Expires 10-21-2024

[Signature]  
Notary Public

**EXHIBIT A**

Legal Description of Property



**CANDELAS PARCEL P2**  
**SHEET 1 OF 2**

**LAND DESCRIPTION:**

A PARCEL OF LAND BEING A PORTION OF TRACT 7 AS RECORDED AT RECEPTION NUMBER 2006056358, SITUATED IN THE EAST HALF OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, S00°38'53"E A DISTANCE OF 2639.63 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 21, S89°25'34"W A DISTANCE OF 1322.54 FEET TO THE EAST ONE-SIXTEENTH CORNER, SAID POINT ALSO BEING ON THE WESTERLY LINE OF SAID TRACT 7; THENCE ALONG SAID WESTERLY LINE, S00°26'54"E A DISTANCE OF 521.06 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 7 ALSO BEING A POINT ON THE NORTHERLY LINE OF UNION PACIFIC RAILROAD AS DESCRIBED BY C.E.O. DEED NUMBER 67; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT 7 ALSO BEING SAID NORTHERLY LINE OF THE UNION PACIFIC RAILROAD, 110.12 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2915.00 FEET, A CENTRAL ANGLE OF 02°09'52" AND A CHORD WHICH BEARS S87°53'55"E A DISTANCE OF 110.11 FEET THE POINT OF BEGINNING;  
THENCE N00°26'54"W A DISTANCE OF 177.36 FEET;  
THENCE S67°21'57"E A DISTANCE OF 155.09 FEET;  
THENCE S00°26'54"E A DISTANCE OF 129.14 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID TRACT 7 ALSO BEING SAID NORTHERLY LINE OF THE UNION PACIFIC RAILROAD;  
THENCE ALONG SAID SOUTHERLY LINE OF TRACT 7 ALSO BEING SAID NORTHERLY LINE OF THE UNION PACIFIC RAILROAD, 143.24 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2915.00 FEET, A CENTRAL ANGLE OF 02°48'55" AND A CHORD WHICH BEARS N85°24'31"W A DISTANCE OF 143.22 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.500 ACRES (21,781 SQ. FT.), MORE OR LESS.

ALL LINEAL UNITS ARE IN U.S. SURVEY FEET.

**BASIS OF BEARING:**

BEARINGS ARE BASED ON THE EASTERLY LINE OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR S00°38'35"E AND BEING MONUMENTED BY A FOUND 3-1/4" BRASS CAP IN CONCRETE AND ILLEGIBLE AT THE NORTHEAST CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS #13155 AT THE EAST QUARTER CORNER.

PREPARED BY: STEPHEN HUDGENS  
REVIEWED BY: RICHARD A. NOBBE, P.L.S.  
FOR AND ON BEHALF OF  
MARTIN/MARTIN CONSULTING ENGINEERS, INC.  
12499 WEST COLFAX AVENUE  
LAKEWOOD, COLORADO 80215  
DECEMBER 17, 2021



**CANDELAS PARCEL P2**

SHEET 2 OF 2

**STATE HIGHWAY 72**  
(100' ROW BK. 68, PG. 14)

NON-EXCLUSIVE ESMT.  
(REC. #F1247388)  
RELINQUISHMENT OF SURFACE RIGHTS  
(REC. #F1300127)  
PSCO ESMT (REC. #F1247392 & #2013112693  
& #2013112694)

**POINT OF COMMENCEMENT**  
NE COR. SEC. 21,  
T2S, R70W, 6TH P.M.  
FOUND REBAR W/  
3-1/4" BRASS CAP  
IN CONC. ILLEGIBLE

E1/16 COR. SEC. 21,  
T2S, R70W, 6TH P.M.  
FOUND REBAR W/  
2-1/2" ALUM. CAP  
PLS #28285  
IN CONC. BASE

WESTERLY LINE OF SEC. 21,  
T2S, R70W, 6TH P.M.  
(BASIS OF BEARINGS)  
S00°38'53"E 2639.63'

SOUTHERLY LINE OF THE NORTHEAST QUARTER OF SEC. 21, T2S, R70W, 6TH P.M.  
S89°25'34"W 1322.54'

UNPLATTED  
OWNER: TEBO  
PARTNERSHIP, LLLP

TRACT 7  
(REC. #2006056358)

E1/4 COR. SEC. 21,  
T2S, R70W, 6TH P.M.  
FOUND REBAR W/  
3-1/4" ALUM. CAP  
PLS #13155

100' UTIL. ESMT.  
(REC. #2013103082)

S67°21'57"E 155.09'

**CANDELAS PARCEL P2**  
21,781 S.F.  
0.500 AC.

S00°26'54"E 129.14'

N00°26'54"W  
177.36'

FOUND  
REBAR  
W/ CAP  
ILLEGIBLE

$\Delta=2°09'52"$   
R=2915.00'  
L=110.12'  
CH=S87°53'55"E  
110.11'

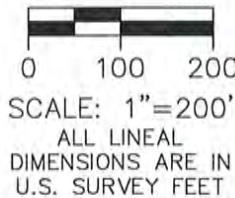
**POINT OF BEGINNING**

$\Delta=2°48'55"$   
R=2915.00'  
L=143.24'  
CH=N85°24'31"W  
143.22'

**UNION PACIFIC RAILROAD**  
(C.E.O DEED NO. 67)

DRAWING LOCATION: \\mcm\civil\martin\local\civil\LOVATO\21.0881-Candelas Parcel P2.dwg

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.



DECEMBER 17, 2021

**MARTIN/MARTIN**  
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
303.431.6100 MARTINMARTIN.COM

**RESOLUTION NO. 2022-01-02**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
JEFFERSON CENTER METROPOLITAN DISTRICT NO. 2**

**RESOLUTION FOR INCLUSION OF REAL PROPERTY**

A. Cimarron Commercial, LLC, a Colorado limited liability company, the one hundred percent (100%) fee owner of the Property (hereinafter defined) has petitioned Jefferson Center Metropolitan District No. 2 (the “**District**”) for the inclusion into the District’s boundaries of the real property hereinafter described (the “**Property**”).

B. Public Notice has been published in accordance with law, calling for a public hearing on the request for approval of said Petition.

C. The statutory requirements of Section 32-1-401(1)(a), C.R.S., for submission of a petition for inclusion to the Board of Directors of the District (the “**Board**”), including a legal description of the Property, a statement that assent to the inclusion of the Property was obtained by the one hundred percent (100%) fee owner thereof and acknowledgment in the same manner as required for conveyances of land, were presented to and have been satisfied and approved by the Board.

D. The District may consider the enlargement or extension of its facilities in the exercise of discretion as a governmental function in the interest of public health, safety and welfare.

E. The District is capable of serving the Property with facilities of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE JEFFERSON CENTER METROPOLITAN DISTRICT NO. 2, CITY OF ARVADA, JEFFERSON COUNTY, COLORADO:

1. That the Board of Directors of the District shall and hereby does order the inclusion of the Property described herein within the boundaries of the District.

2. The name and address of the Petitioner and the legal description of the Property are as follows:

|                        |  |
|------------------------|--|
| Petitioner:            | Cimarron Commercial, LLC   |
| Address of Petitioner: | 20009 Highway 72<br>Arvada, CO 80007   |
| Legal Description:     | Approximately 0.5 acres of land legally described on <u>Exhibit A</u> attached hereto and incorporated herein. |

3. That approval of this inclusion is further subject to the following:

On and after the effective date of this inclusion (which shall be the date of recording of the Court Order approving the inclusion by the Clerk and Recorder of Jefferson County, Colorado, unless otherwise specified in the Court Order), the Property shall be subject to the rules and regulations of the District, and the payment of any and all taxes, fees, rates and charges of the District.

Dated this 25th day of January, 2022.

**JEFFERSON CENTER METROPOLITAN  
DISTRICT NO. 2**

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

**EXHIBIT A**

Legal Description

**CANDELAS PARCEL P2**  
**SHEET 1 OF 2**

**LAND DESCRIPTION:**

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# CANDELAS PARCEL P2

SHEET 2 OF 2

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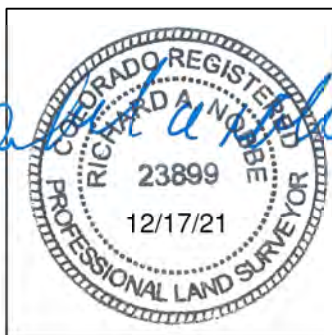
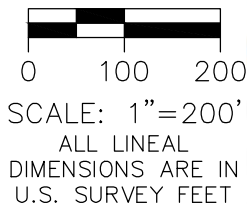
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**CERTIFICATION**

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2022-01-02, Resolution of the Board of Directors of Jefferson Center Metropolitan District No. 2, Resolution for Inclusion of Real Property.

**JEFFERSON CENTER METROPOLITAN  
DISTRICT NO. 2**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Secretary