

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO

Civil Action No. 96CV120

ORDER AND DECREE ORGANIZING DISTRICT AND ISSUANCE OF CERTIFICATES OF ELECTION

IN RE THE ORGANIZATION OF TABERNASH MEADOWS WATER AND SANITATION DISTRICT, GRAND COUNTY, COLORADO

This matter comes before the Court on the Motion for an Order and Decree Organizing District and for Issuance of Certificates of Election filed by the Petitioners for the organization of the Tabernash Meadows Water and Sanitation District (the "District"). This Court, being fully advised in the premises, hereby FINDS AND ORDERS:

1) That a majority of the votes cast at the election held on November 5, 1996, 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 to 13 of Title 1, C.R.S.

2) That the District shall be and is hereby duly and regularly organized in accordance with the requirements of Title 32, Article 1, C.R.S.

3) That the District shall be known as the "Tabernash Meadows Water and Sanitation District," the corporate name as designated in the Petition filed with this Court.

4) That the District is located in Grand County, Colorado, as more particularly described in Exhibit A attached hereto and made a part hereof.

5) That the District shall be a quasi-municipal corporation and a political subdivision of the State of Colorado with all the powers thereof.

6) 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 Section 32-1-305.5(5), C.R.S., which Certificates are attached hereto as Exhibit B:

<u>NAME</u>	<u>TERM</u>
Robert Yaklich	4 years
Gwendolyn Yaklich	4 years
Steve Morrow	4 years
Cary Morrow	2 years
Robert Lee Morrow	2 years

7) That in accordance with Section 32-1-205 (2) C.R.S., a copy of the approved service plan and the resolution of approval are hereby incorporated by reference in and appended to this order establishing the District.

DONE this 14th day of Nov., 1996.

BY THE COURT:

Richard P. Doucette
 Richard P. Doucette
 District Court Judge



RECEIVED TO BE A FULL
 AND COMPLETE COPY
 OF COURT RECORDS IN CUSTODY
 DATE 11-19-96
K. Chang

EXHIBIT A
(Legal Description)

EXHIBIT A
Legal Description of Proposed District

Parcel I

PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

Township 1 South, Range 76 West of the 6th P.M.
Section 2: Lot 9, Lot 10, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
West $\frac{5}{8}$ ths of the NE $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPT that portion of Lots 9 and 10
described in Book 58 at Page 105

AND EXCEPT the West $\frac{1}{4}$ of Lot 10

ABOVE TRACT ALSO DESCRIBED AS FOLLOWS:

A parcel of land located in Section 2, Township 1 South, Range 76 West of the 6th P.M., more particularly described as follows:

Beginning at the Southeast corner of Lot 9 in said Section 2, also being the Northeast corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2;
thence South 89°40'19" West, 491.96 feet along the South line of said Lot 9;
thence South 0°00'20" West, 1327.14 feet to a point on the South line of said Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 2;
thence South 89°47'25" West, 2136.12 feet along the said South line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2, to the Southwest corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2;
thence North 0°11'23" East, 1,322.75 feet along the West line of said Southeast $\frac{1}{4}$ to a point on the North line of the Southeast $\frac{1}{4}$ of said Section 2;
thence North 89°40'19" East, 327.98 feet along the North line of the Southeast $\frac{1}{4}$ of Section 2, to a point on the West line of the E $\frac{1}{2}$ W $\frac{1}{2}$ of Lot 10;
thence North 0°13'55" East along said West line, 1321.10 feet to a point on the North line of said Lot 10;
thence North 89°29'52" East, 611.77 feet along the North line of said Lot 10 to a point;
thence South 0°21'20" West, 30.01 feet to a point;
thence North 89°29'52" East, parallel with the North line of said Lots 9 and 10, 765.08 feet to a point;
thence North 0°21'20" East, 30.01 feet to a point on the North line of said Lot 9;
thence North 89°29'52" East along the North line of said Lot 9, 925.35 feet to a point on the East line of said Lot 9,
thence South 0°31'32" West, along the East line of said Lot 9, 1323.10 feet to the Point of Beginning.

County of Grand.
State of Colorado.

Parcel II

Tract I, Just Ranch, more particularly described as the Northeast one-quarter (NE $\frac{1}{4}$) Section 2, Township 1 South, Range 76 West of the 6th Principal Meridian, Grand County, Colorado.

Parcel III

A parcel of land lying North of Highway U.S. 40, West of the Town of Tabernash, Colorado and Southwest of the Denver and Rio Grande Western Railroad and all lying within Lot 4 and Lot 5, Section 1, Township 1 South, Range 76 West of the 6th Principal Meridian, more particularly described as follows:

Beginning at the North Corner of the parcel whence the Northwest Corner of Section 1, Township 1 South, Range 76 West of the 6th P.M. bears North 26053' West, for a distance of 1,616.19 feet; thence South 34012' East, for 565.49 feet, on a long chord of the D & RGW RR right-of-way to a point where said right-of-way intersects the North boundary of Block 3 Town of Tabernash, Colorado; thence South 89047' West, for 362.00 feet, to the Northwest corner of Block 8, Town of Tabernash, Colorado; thence South 00003' West, for 362.00 feet, along the West boundary of Block 8 to a point where said line intersects the North right-of-way line of U.S. Highway 40; thence North 68050' West, for 773.27 feet, along the North right-of-way line of U.S. Highway 40; thence North 55029' East, for 929.06 feet, along the West line of the parcel to a point on the D & RGW RR right-of-way which is also the Point of Beginning.

EXCEPT those portions conveyed by Deed recorded November 24, 1980, in Book 284 at Page 08 and Deed recorded July 8, 1969, in Book 166 at Page 54.

EXHIBIT B

(Certificates of Election)

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO

Civil Action No. 96CV120

CERTIFICATE OF ELECTION FOR ROBERT YAKLICH

IN RE THE ORGANIZATION OF TABERNASH MEADOWS WATER AND SANITATION DISTRICT, GRAND COUNTY, COLORADO

The Court having determined that the election conducted on November 5, 1996, concerning the organization of Tabernash Meadows Water and Sanitation District was held in accordance with Articles 1 to 13 of Title 1, C.R.S. and acting in accordance with Section 32-1-305.5(5), C.R.S., hereby certifies Robert Yaklich as duly elected to the office of Director of Tabernash Meadows Water and Sanitation District for a term of four years.

BY THE COURT:

/s/ Richard P. Doucette *vr*

Richard P. Doucette
District Court Judge

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO

Civil Action No. 96CV120

CERTIFICATE OF ELECTION FOR GWENDOLYN YAKLICH

IN RE THE ORGANIZATION OF TABERNASH MEADOWS WATER AND SANITATION DISTRICT, GRAND COUNTY, COLORADO

The Court having determined that the election conducted on November 5, 1996, concerning the organization of Tabernash Meadows Water and Sanitation District was held in accordance with Articles 1 to 13 of Title 1, C.R.S. and acting in accordance with Section 32-1-305.5(5), C.R.S., hereby certifies Gwendolyn Yaklich as duly elected to the office of Director of Tabernash Meadows Water and Sanitation District for a term of four years.

BY THE COURT:

/s/ Richard P. Doucette /^m
Richard P. Doucette
District Court Judge

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO

Civil Action No. 96CV120

CERTIFICATE OF ELECTION FOR STEVE MORROW

IN RE THE ORGANIZATION OF TABERNASH MEADOWS WATER AND SANITATION DISTRICT, GRAND COUNTY, COLORADO

The Court having determined that the election conducted on November 5, 1996, concerning the organization of Tabernash Meadows Water and Sanitation District was held in accordance with Articles 1 to 13 of Title 1, C.R.S. and acting in accordance with Section 32-1-305.5(5), C.R.S., hereby certifies Steve Morrow as duly elected to the office of Director of Tabernash Meadows Water and Sanitation District for a term of four years.

BY THE COURT:

/s/ Richard P. Doucette *RM*

Richard P. Doucette
District Court Judge

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO

Civil Action No. 96CV120

CERTIFICATE OF ELECTION FOR CARY MORROW

IN RE THE ORGANIZATION OF TABERNASH MEADOWS WATER AND SANITATION DISTRICT, GRAND COUNTY, COLORADO

The Court having determined that the election conducted on November 5, 1996, concerning the organization of Tabernash Meadows Water and Sanitation District was held in accordance with Articles 1 to 13 of Title 1, C.R.S. and acting in accordance with Section 32-1-305.5(5), C.R.S., hereby certifies Cary Morrow as duly elected to the office of Director of Tabernash Meadows Water and Sanitation District for a term of two years.

BY THE COURT:

/s/ Richard P. Doucette *vr*

Richard P. Doucette
District Court Judge

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO

Civil Action No. 96CV120

CERTIFICATE OF ELECTION FOR ROBERT LEE MORROW

IN RE THE ORGANIZATION OF TABERNASH MEADOWS WATER AND SANITATION DISTRICT, GRAND COUNTY, COLORADO

The Court having determined that the election conducted on November 5, 1996, concerning the organization of Tabernash Meadows Water and Sanitation District was held in accordance with Articles 1 to 13 of Title 1, C.R.S. and acting in accordance with Section 32-1-305.5(5), C.R.S., hereby certifies Robert Lee Morrow as duly elected to the office of Director of Tabernash Meadows Water and Sanitation District for a term of two years.

BY THE COURT:

/s/ Richard P. Doucette v/m

Richard P. Doucette
District Court Judge

**BOARD OF CANVASSERS CERTIFICATE OF ELECTION RESULTS
FOR THE SPECIAL ELECTION
HELD NOVEMBER 5, 1996**

1-11-103 AND 32-1-104(1), C.R.S.

Tabernash Meadows Water and Sanitation District, Grand County, Colorado

Each of the undersigned members of the board of canvassers of the Tabernash Meadows Water and Sanitation District certifies that the following is a true and correct statement of the results of the Special Election for the above-named District, at which time the eligible electors of the District voted as indicated on the attached Judges' Certificate of Election Returns, and as a result of which the eligible electors elected to office the following Directors:

For each candidate elected to office:

Name	Address	Term
1. Gwendolyn R. Yaklich	9135 S. Woodland Dr., Highlands Ranch, CO	4 years
2. Robert Yaklich	105 Meadow Mile, Fraser, CO	4 years
3. Steve Morrow	380 County Road 508, Fraser, CO	4 years
4. Cary Morrow	23526 County Road 50, Fraser, CO	2 years
5. Robert Lee Morrow	106 County Road 803, Fraser, CO	2 years

For each question submitted:

BALLOT ISSUE A:

SHALL TABERNASH MEADOWS WATER AND SANITATION DISTRICT TAXES BE INCREASED \$15,000 ANNUALLY, COMMENCING WITH A TOTAL MILL LEVY NOT TO EXCEED 6.325 MILLS CERTIFIED IN 1996, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED EACH YEAR THEREAFTER FROM A TOTAL MILL LEVY NOT TO EXCEED 6.325 MILLS, FOR THE PURPOSE OF FUNDING ANY LAWFUL EXPENSES OF THE DISTRICT, AND SHALL SUCH REVENUES AND ANY INVESTMENT INCOME THEREON BE COLLECTED AND SPENT AS A VOTER APPROVED REVENUE CHANGE WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW; AND SHALL THE REVENUE FROM SUCH TAXES AND ANY INVESTMENT INCOME THEREON ALSO BE APPROVED FOR 1997 AND EACH YEAR THEREAFTER AS AN INCREASED LEVY UNDER SECTION 29-1-302, C.R.S.?

Number of votes for: 8

Number of votes against: 0

BOARD OF CANVASSERS CERTIFICATE OF ELECTION RESULTS
FOR THE SPECIAL ELECTION
HELD TUESDAY, NOVEMBER 7, 1995
CONTINUED

1-11-103 AND 32-1-104(1), C.R.S.

BALLOT ISSUE B:

SHALL TABERNASH MEADOWS WATER AND SANITATION DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND DEVELOPER CONTRIBUTIONS, RATES, FEES, TOLLS AND CHARGES, AND ANY OTHER REVENUES NOT DERIVED FROM AD VALOREM TAXES IN 1996 AND EACH YEAR THEREAFTER, AND SHALL SUCH REVENUES AND ANY INVESTMENT INCOME THEREON BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

Number of votes for: 8

Number of votes against: 0

BALLOT QUESTION A:

Shall the Tabernash Meadows Water and Sanitation District, Grand County, Colorado, be organized?

Number of votes for: 8

Number of votes against: 0

BALLOT QUESTION B:

Shall the limitations on terms of office contained in Article XVIII, Section 11 of the Colorado Constitution be eliminated as applied to the terms of office for the directors of the Tabernash Meadows Water and Sanitation District?

Number of votes for: 8

Number of votes against: 0

(Signed) Karen A. B
Designated Election Official

(Signed) Robert J. Galt
Canvasser

T. Edward Icenogle
Contact Person for District

(Signed) _____
Canvasser

5690 DTC Boulevard, #300
Greenwood Village, CO 80111
Business Address

(Signed) _____
Canvasser

(303) 773-1666
Telephone Number

**BOARD OF CANVASSERS CERTIFICATE OF ELECTION RESULTS
FOR THE SPECIAL ELECTION
HELD TUESDAY, NOVEMBER 7, 1995
CONTINUED**

1-11-103 AND 32-1-104(1), C.R.S.

Prepare and deliver a Certificate of Election to those candidates receiving the highest number of votes. Deposit one copy with the Clerk and Recorder of each county in which the special district is located. This must be available for public inspection in the office of the Designated Election Official.

Send one copy to: Division of Local Government
 1313 Sherman Street, Room 521
 Denver, CO 80203

Provide a list of all current directors to the division, including addresses, within 45 dates after the election.

VTABERNAS\MISC\YY151705.116

CANVASSERS ABSTRACT OF VOTES

1-10-203, C.R.S.

For an election held for Tabernash Meadows Water and Sanitation District on November 5, 1996.

Ballots counted for the following candidates:

Candidate	Votes Counted
<u>GWENDOLYN R. YAKLICH</u>	<u>5</u>
<u>ROBERT YAKLICH</u>	<u>8</u>
<u>STEVE MORROW</u>	<u>8</u>
<u>CARY MORROW</u>	<u>8</u>
<u>ROBERT LEE MORROW</u>	<u>8</u>

Ballots counted for and against each ballot issue and ballot question as follows:

BALLOT ISSUE A:

SHALL TABERNASH MEADOWS WATER AND SANITATION DISTRICT TAXES BE INCREASED \$15,000 ANNUALLY, COMMENCING WITH A TOTAL MILL LEVY NOT TO EXCEED 6.325 MILLS CERTIFIED IN 1996, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED EACH YEAR THEREAFTER FROM A TOTAL MILL LEVY NOT TO EXCEED 6.325 MILLS, FOR THE PURPOSE OF FUNDING ANY LAWFUL EXPENSES OF THE DISTRICT, AND SHALL SUCH REVENUES AND ANY INVESTMENT INCOME THEREON BE COLLECTED AND SPENT AS A VOTER APPROVED REVENUE CHANGE WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW; AND SHALL THE REVENUE FROM SUCH TAXES AND ANY INVESTMENT INCOME THEREON ALSO BE APPROVED FOR 1997 AND EACH YEAR THEREAFTER AS AN INCREASED LEVY UNDER SECTION 29-1-302, C.R.S.?

YES

8

NO

0

BALLOT ISSUE B:

SHALL TABERNASH MEADOWS WATER AND SANITATION DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND DEVELOPER CONTRIBUTIONS, RATES, FEES, TOLLS AND CHARGES, AND ANY OTHER REVENUES NOT DERIVED FROM AD VALOREM TAXES IN 1996 AND EACH YEAR THEREAFTER, AND SHALL SUCH REVENUES AND ANY INVESTMENT INCOME THEREON BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

YES	NO
<u>8</u>	<u>0</u>

BALLOT QUESTION A:

Shall the Tabernash Meadows Water and Sanitation District, Grand County, Colorado, be organized?

YES	NO
<u>8</u>	<u>0</u>

BALLOT QUESTION B:

Shall the limitations on terms of office contained in Article XVIII, Section 11 of the Colorado Constitution be eliminated as applied to the terms of office for the directors of the Tabernash Meadows Water and Sanitation District?

YES	NO
<u>8</u>	<u>0</u>

By:

Robert J. Gahler, Canvasser
_____, Canvasser
_____, Canvasser

No later than seven days after the election, the canvassers shall meet survey the returns, issue a certified statement of results, and make out abstracts of votes for each office. The purpose of this canvass is to verify the returns. DO NOT RECOUNT THE BALLOTS.