

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE SPRING VALLEY METROPOLITAN DISTRICT NO. 4 HELD JANUARY 7, 2020

A special meeting of the Board of Directors of the Spring Valley Metropolitan District No. 4 (referred to hereafter as the "District"), was convened on Tuesday, the 7th day of January, 2020, at 11:00 A.M., at Colorado Escrow & Title, 10851 South Crossroads Dr., Suite B, Parker, Colorado, 80134. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

James E. Marshall  
Holly Robinson  
Christopher ("CJ") Kirst

Following discussion, upon motion duly made by Director J. Marshall, seconded by Director Kirst and, upon vote, unanimously carried, the absence of Director S. Marshall was excused.

##### Also In Attendance Were:

Lisa Johnson; Special District Management Services, Inc. ("SDMS")

Christopher Brummitt, Esq.; McGeady Becher P.C.

Joy Tatton; Simmons & Wheeler, P.C. (via speakerphone for a portion of the meeting)

#### 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.

Ms. Johnson noted that a quorum was present and requested members of the Board to 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 statute. It was noted that Disclosure Statements have been filed for all directors. No additional conflicts were disclosed.

#### ADMINISTRATIVE MATTERS

Agenda: Ms. Johnson distributed, for the Board's review and approval, a proposed Agenda for the District's special meeting.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director J. Marshall, seconded by Director Kirst and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Approval of Meeting Location:** 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.

Following discussion, upon motion duly made by Director J. Marshall, seconded by Director Kirst and, upon vote, unanimously carried, the Board determined that because there was not a suitable or convenient location within the District's boundaries to conduct this meeting, the meeting would be held at the above-stated time, date and location. The Board further noted that notice of the time, date and location was duly posted and that they have not received any objections to the location or any requests that the meeting place be changed by taxpaying electors within its boundaries.

### **CAPITAL IMPROVEMENTS**

There were no Capital Improvement Matters for discussion by the Board at this time.

### **LEGAL MATTERS**

**Public Hearing on Petitions for Exclusion from Spring Valley Land Investments, LLC Patricia Madison, Stephanie Marie Zinmeister, and MZM Land Investments, LLC for Exclusion of Real Property from the District and Consider Adoption of Resolution No. 2020-01-01 for Exclusion of Real Property:** President J. Marshall opened the public hearing.

It was noted that publication of Notice stating that the Board would consider the exclusion of the property 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.

Following discussion, upon motion duly made by Director Kirst, seconded by Director J. Marshall and, upon vote, unanimously carried, the Board approved the exclusion of the property as described in the Petitions, consisting of approximately 340.37 acres of real property. A copy of Resolution No. 2020-01-01 for Exclusion of Real Property is attached hereto and incorporated herein by this reference.

### **FINANCIAL MATTERS**

There were no Financial Matters for discussion by the Board at this time.

### **OTHER BUSINESS**

There was no other business for discussion by the Board at this time.


## RECORD OF PROCEEDINGS

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### ADJOURNMENT

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

Respectfully submitted,

By:   
Secretary for the Meeting

RESOLUTION NO. 2020-01- 01

RESOLUTION OF THE BOARD OF DIRECTORS OF  
SPRING VALLEY METROPOLITAN DISTRICT NO. 4

RESOLUTION FOR EXCLUSION OF REAL PROPERTY

A. Spring Valley Land Investments, LLC, a Colorado limited liability company, Patricia Madison, an individual, Stephanie Marie Zinsmeister, an individual, and MZM Land Investments, LLC, a Colorado limited liability company (collectively, the “**Petitioners**”), the 100% fee owners of the Property (defined herein) have petitioned the Spring Valley Metropolitan District No. 4 (the “**District**”) for the exclusion from the boundaries of said District of the real property hereinafter described on Exhibit A attached hereto and incorporated herein (the “**Property**”).

B. Public Notice has been published in accordance with Section 32-1-501(2), C.R.S., calling for a public hearing on the request for approval of said Petitions.

C. No written objections were filed by any person in the District to the Petitions.

D. The Board of Directors has taken into consideration all of the factors set forth in Section 32-1-501(3), C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SPRING VALLEY METROPOLITAN DISTRICT NO. 4, ELBERT COUNTY, COLORADO:

1. The Board of Directors finds that:
  - (a) exclusion of the Property is in the best interests of the Property to be excluded;
  - (b) exclusion of the Property is in the best interests of the District;
  - (c) exclusion of the Property is in the best interests of the county or counties in which the District is located;
  - (d) the relative costs to the Property to be excluded from the provision of the District’s services exceed the benefits of the Property remaining within the District’s boundaries;
  - (e) under its current service plan the District does not have the ability to provide economical and sufficient service to both the Property seeking exclusion and all of the properties located within the District boundaries;
  - (f) the District does not have the ability to provide services to the Property to be excluded at a reasonable cost compared with the cost which would be imposed by other entities in the surrounding area providing similar services;

(g) denying the petition may have a negative impact on employment and other economic conditions in the District and surrounding areas;

(h) denying the petition may have a negative economic impact on the region and on the District, surrounding area and State as a whole;

(i) an economically feasible alternative service may be available; and

(j) it should not be necessary for the District to levy any additional costs on other property within the District if the Petition for Exclusion is granted.

2. The Board of Directors of the District shall and hereby does, order that the Petitions for Exclusion be granted and the Property be excluded from the boundaries of the District subject to Petitioners paying the costs associated with processing the petitions and requesting the court enter the Order for Exclusion, and recording thereof.

3. The Board of Directors of the District shall and hereby does further acknowledge and resolve that in accordance with Section 32-1-503, C.R.S., the Property described herein shall be obligated to the same extent as all other property within the District with respect to and shall be subject to the levy of taxes for the payment of that proportion of the outstanding indebtedness of the District and interest thereon existing immediately prior to the effective date of the Order for Exclusion (“**Outstanding Indebtedness**”).

4. The Board of Directors of the District shall and hereby does further order that, in accordance with Section 32-1-503(1), C.R.S., upon the effective date of the Order excluding the Property, the Property shall not be subject to any property tax levied by the Board of Directors of the District for the operating costs of the District.

5. The Board of Directors of the District shall and hereby does further resolve that in its discretion it may establish, maintain, enforce and, from time to time, modify service charges, tap fees, and other rates, fees, tolls and charges, upon residents or users in the area of the District as it existed prior to the exclusion, including the Property, to supplement the proceeds of tax levies in the payment of the Outstanding Indebtedness and the interest thereon.

The names and addresses of the Petitioners of one hundred percent (100%) of the Property and the legal description of said Property are as follows:

Petitioner: Spring Valley Land Investments, LLC  
Address of Petitioner: 9591 East Hidden Hill Lane  
Lone Tree, Colorado 80124

Legal Description of the Property: Approximately 231.56 acres of land legally described on **Exhibit A-1** and incorporated herein by this reference.

Petitioner: Patricia Madison  
Address of Petitioner: 2516 Eileen Way  
Parker, Colorado 80138

Legal Description of the Property: Approximately 36.110 acres of land legally described on Exhibit A-2 and incorporated herein by this reference.

Petitioner: Stephanie Marie Zinsmeister  
Address of Petitioner: 12007 S. Meander Way  
Parker, Colorado 80138

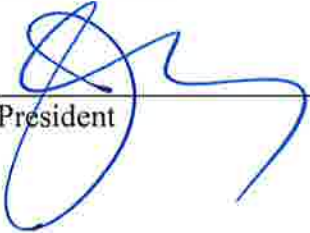
Legal Description of the Property: Approximately 36.420 acres of land legally described on Exhibit A-3 and incorporated herein by this reference.

Petitioner: MZM Land Investments, LLC  
Address of Petitioner: 9591 E. Hidden Hill Lane  
Lone Tree, Colorado 80124

Legal Description of the Property: Approximately 36.280 acres of land legally described on Exhibit A-4 and incorporated herein by this reference.

APPROVED AND ADOPTED January 7, 2020.

**SPRING VALLEY METROPOLITAN  
DISTRICT NO. 4**

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

Attest:

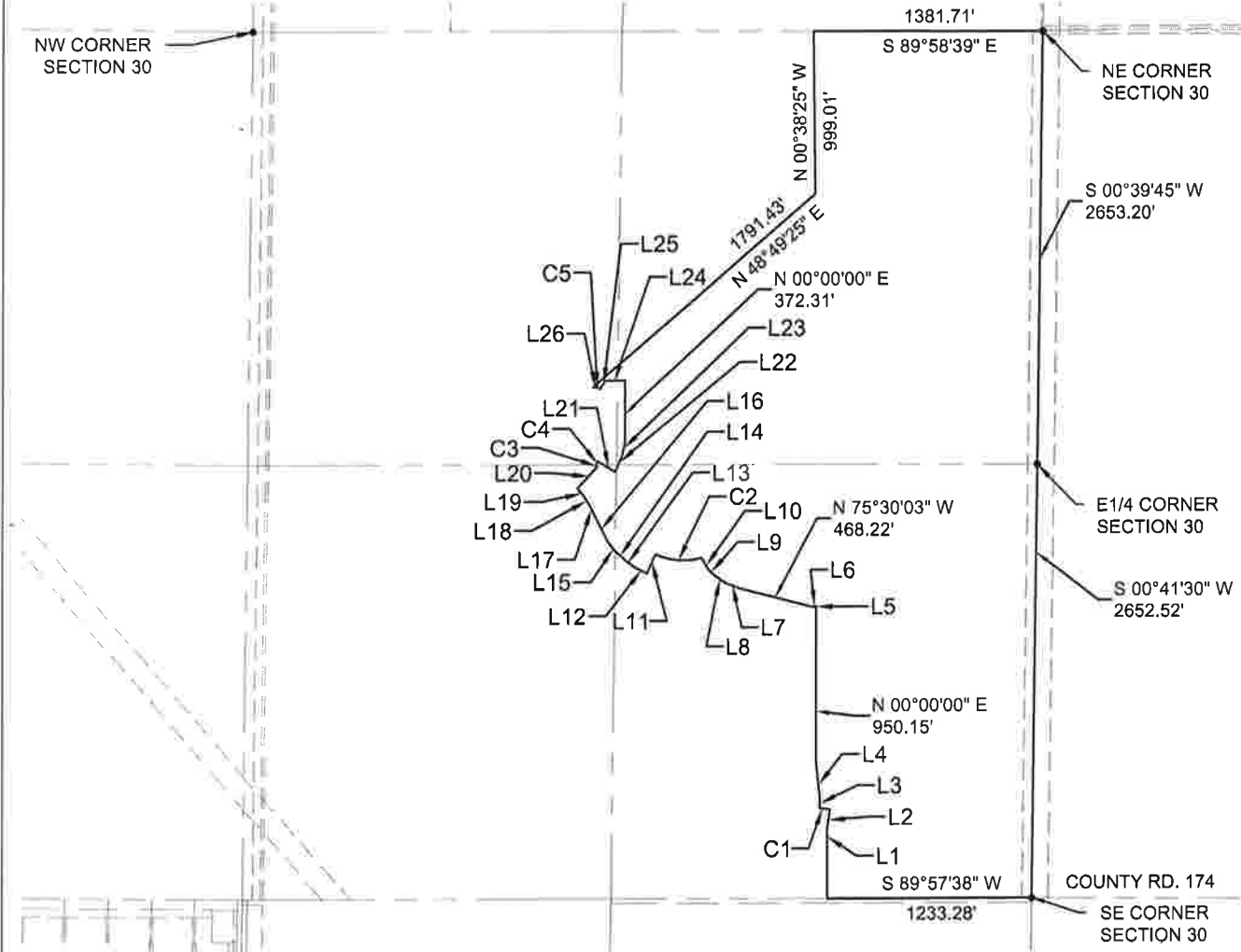
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Secretary

**EXHIBIT A-1**

Legal Description – Spring Valley Land Investment, LLC



# LAYOUT



**CURVE TABLE**

CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	64.17	870.00	4°13'34"	N84°16'17"W	64.16
C2	287.22	430.00	38°16'14"	N85°48'44"W	281.91
C3	20.71	13.19	89°55'39"	N10°34'20"W	18.65
C4	16.75	280.00	3°25'40"	N32°52'48"E	16.75
C5	31.34	57.00	31°30'16"	N74°14'52"W	30.95



SCALE: 1" = 1000'

Project Number: 16006

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**2N Civil, LLC**

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Englewood, CO 80112

Phone 303-925-0544 Fax 303-925-0547  
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**SPRING VALLEY METROPOLITAN  
DISTRICT NO.5**

DOMESTIC WATER FACILITIES PARCEL

Drawn By: EPT  
Checked By: EF  
Revisions: 5-8-19



# LEGAL DESCRIPTION

LINE TABLE			LINE TABLE			LINE TABLE		
LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE
L1	N00°00'00"E	424.73	L11	S23°19'23"W	125.00	L21	S58°50'01"E	120.00
L2	N07°50'30"E	120.00	L12	N62°40'34"W	77.44	L22	N23°28'11"E	107.14
L3	N03°36'56"E	60.00	L13	N54°40'30"W	77.44	L23	N10°06'38"E	85.80
L4	S05°39'58"E	222.85	L14	N46°40'25"W	77.44	L24	N90°00'00"W	117.55
L5	N24°16'30"W	9.97	L15	N38°40'21"W	77.44	L25	S31°30'16"W	56.77
L6	S60°31'29"W	15.16	L16	N26°46'41"W	214.82	L26	N90°00'00"W	16.16
L7	N68°40'02"W	89.24	L17	N26°40'14"W	42.43			
L8	N55°04'39"W	88.24	L18	N30°34'24"W	60.00			
L9	N45°19'00"W	39.31	L19	N41°52'28"W	60.00			
L10	N30°56'18"W	85.13	L20	N42°23'11"E	180.00			

A PARCEL OF PROPERTY LOCATED IN SECTION 30, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 30, AND CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 TO BEAR S 00°39'45" W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S 00°39'45" W ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 2653.20 FEET TO THE EAST 1/4 COR OF SAID SECTION 30; THENCE S 00°41'30" W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 30 A DISTANCE OF 2652.52 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE S 89°57'38" W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 30 A DISTANCE OF 1233.28 FEET; THENCE N 00°00'00" E A DISTANCE OF 424.73 FEET; THENCE N 07°50'30" E A DISTANCE OF 120.00 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 870.00 FEET, A LENGTH OF 64.17 FEET AND A DELTA ANGLE OF 4°13'34" (CHORD BEARS N84°16'17"W, 64.16 FEET); THENCE N 03°36'56" E A DISTANCE OF 60.00 FEET; THENCE N 05°39'58" W A DISTANCE OF 222.85 FEET; THENCE N 00°00'00" E A DISTANCE OF 950.15 FEET; THENCE N 24°16'30" W A DISTANCE OF 9.97 FEET; THENCE S 60°31'29" W A DISTANCE OF 15.16 FEET; THENCE N 75°30'03" W A DISTANCE OF 468.22 FEET; THENCE N 68°40'02" W A DISTANCE OF 89.24 FEET; THENCE N 55°04'39" W A DISTANCE OF 88.24 FEET; THENCE N 45°19'00" W A DISTANCE OF 39.31 FEET; THENCE N 30°56'18" W A DISTANCE OF 85.13 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 430.00 FEET, A LENGTH OF 287.22 FEET AND DELTA ANGLE OF 38°16'14" (CHORD BEARS N85°48'44"W, 281.91 FEET); THENCE S 23°19'23" W A DISTANCE OF 125.00 FEET; THENCE N 62°40'34" W A DISTANCE OF 77.44 FEET; THENCE N 54°40'30" W A DISTANCE OF 77.44; THENCE N 46°40'25" W A DISTANCE OF 77.44 FEET; THENCE N 38°40'21" W A DISTANCE OF 77.44 FEET; THENCE N 26°46'41" W A DISTANCE OF 214.82 FEET; THENCE N 26°40'14" W A DISTANCE OF 42.43 FEET; THENCE N 30°34'24" W A DISTANCE OF 60.00 FEET; THENCE N 41°52'28" W A DISTANCE OF 60.00 FEET; THENCE N 42°23'11" E A DISTANCE OF 180.00 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 13.19 FEET, A LENGTH OF 20.71 FEET AND A DELTA ANGLE OF 89°55'39" (CHORD BEARS N10°34'20"W, 18.65 FEET) TO A POINT OF REVERSE CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 280.00 FEET, A LENGTH OF 16.75 FEET AND DELTA ANGLE OF 3°25'40" (CHORD BEARS N32°52'48"E, 16.75 FEET); THENCE S 58°50'01" E A DISTANCE OF 120.00 FEET; THENCE N 23°28'11" E A DISTANCE OF 107.14 FEET; THENCE N 10°06'38" E A DISTANCE OF 85.80 FEET; THENCE N 00°00'00" E A DISTANCE OF 372.31; THENCE N 90°00'00" W A DISTANCE OF 117.55 FEET; THENCE S 31°30'16" W A DISTANCE OF 56.77 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 57.00 FEET, A LENGTH OF 31.34 FEET AND A DELTA ANGLE OF 31°30'16" (CHORD BEARS N74°14'52"W, 30.95 FEET); THENCE N 90°00'00" W A DISTANCE OF 16.16 FEET; THENCE N48°49'25" E A DISTANCE OF 1791.43 FEET; THENCE N 00°38'25" W A DISTANCE OF 999.01 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE S 89°58'39" E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 A DISTANCE OF 1381.71 TO THE POINT OF BEGINNING.

PARCEL CONTAINS 9,302,696 SQUARE FEET, 231.56 ACRES MORE OR LESS.

NOTE: THIS EXHIBIT IS ONLY INTENDED TO DEPICT SUBJECT LEGAL DESCRIPTION AND DOES NOT REPRESENT A LAND SURVEY PLAT OR PIN SURVEY.

Project Number: 16006  
J:\Projects\1616000\Draw\Metro District 5 Legal.dwg

**2N Civil, LLC**

6 Inverness Ct. E., Suite 125  
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**SPRING VALLEY METROPOLITAN DISTRICT NO.5**

DOMESTIC WATER FACILITIES PARCEL

Drawn By: EPT  
 Checked By: EF  
 Revisions: 4-29-19



**EXHIBIT A-2**

Legal Description – Patricia Madison



PARCEL A:

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH P.M. COUNTY OF ELBERT, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30 AND CONSIDERING THE NORTH LINE OF THE NORTHWEST 1/4 TO BEAR S89°58'56"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S89°58'56"E ALONG SAID NORTH LINE OF THE NW 1/4 A DISTANCE OF 500.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, S89°58'56"E A DISTANCE OF 750.38 FEET; THENCE S16°44'35"E A DISTANCE OF 2275.62 FEET; THENCE N90°00'00"W A DISTANCE OF 68.72 FEET; THENCE N48°49'25"W A DISTANCE OF 1791.43 FEET; THENCE N00°38'25"E A DISTANCE OF 1000.00 FEET TO THE POINT OF BEGINNING.

PARCEL A CONTAINS 36.11 ACRES MORE OF LESS

11-2

**EXHIBIT A-3**

Legal Description – Stephanie Marie Zinsmeister



PARCEL B:

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH P.M. COUNTY OF ELBERT, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30 AND CONSIDERING THE NORTH LINE OF THE NORTHWEST 1/4 TO BEAR S89°58'56"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S89°58'56"E ALONG THE NORTH LINE OF SAID NW1/4 A DISTANCE OF 1250.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°58'56"E ALONG SAID NORTH LINE A DISTANCE OF 975.43 FEET TO THE NORTH 1/4 CORNER OF SECTION 30; THENCE S89°58'39"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 A DISTANCE OF 404.58 FEET; THENCE S16°34'25"W A DISTANCE OF 2273.12 FEET; THENCE N90°00'00"W A DISTANCE OF 76.04 FEET; THENCE N16°44'35"W A DISTANCE OF 2275.62 FEET TO THE POINT OF BEGINNING.

PARCEL B CONTAINS 36.42 ACRES MORE OF LESS

**EXHIBIT A-4**

Legal Description – MZM Land Investments, LLC



PARCEL C:

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH P.M. COUNTY OF ELBERT, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30 AND CONSIDERING THE NORTH LINE OF THE NORTHWEST 1/4 TO BEAR S89°58'56"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S89°58'56"E ALONG THE NORTH LINE OF SAID NW1/4 A DISTANCE OF 2225.84 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 30; THENCE S89°58'39"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 A DISTANCE OF 404.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S89°58'39"E A DISTANCE OF 757.71 FEET;  
THENCE S00°38'25"E A DISTANCE OF 999.01 FEET;  
THENCE S48°49'25"W A DISTANCE OF 1791.43 FEET;  
THENCE N90°00'00"W A DISTANCE OF 68.90 FEET;  
THENCE N16°34'25"E A DISTANCE OF 2273.12 FEET TO THE POINT OF BEGINNING.

PARCEL C CONTAINS 36.28 ACRES MORE OF LESS