

EFFECTIVE DATE:

3-17-08

RESOLUTION NO. R2008- 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO RESCINDING AND RE-ENACTING RESOLUTION NO. R83-8 TO REVISE THE DISSOLUTION PROVISIONS RELATING TO HEATHER GARDENS METROPOLITAN DISTRICT TO COMPORT WITH THE AURORA MODEL SERVICE PLAN

WHEREAS, on January 17, 1983, the City Council of the City of Aurora, Colorado (the "City"), adopted Resolution No. R83-8 (the "Original Resolution") approving the organization of Heather Gardens Metropolitan District ("HGMD" or the "District"); and

WHEREAS, on April 6, 1983, HGMD was duly organized by Order and Decree (the "Court Order") of the Arapahoe County District Court following the filing of a Petition for Organization of District dated January 28, 1983 (the "Petition"); and

WHEREAS, for purposes of Sections 32-1-208(1)(a) and (3), C.R.S., the Petition constitutes a "Statement of Purposes ("SOP") for HGMD;" and

WHEREAS, the Original Resolution and Court Order reflect that "it is the intent that after all outstanding indebtedness of the District, bonded or otherwise, has been liquidated, that the District be dissolved in accordance with the laws of the State then in effect;" and

WHEREAS, HGMD's outstanding indebtedness is expected to be repaid in December of 2010; and

WHEREAS, HGMD has requested that the City approve an amendment to the SOP to allow HGMD to continue in existence, after its debt is repaid in 2010, to serve the current and future needs of the HGMD community; and

WHEREAS, the City Council has considered the above request and all testimony and evidence presented to the City Council at the public hearing thereon, including a petition signed by 2,020, or 68%, of the eligible electors of HGMD in favor of its continuation; and

WHEREAS, by adoption of this Resolution, the Original Resolution is rescinded and re-enacted in its entirety; and

WHEREAS, the City Council finds that it is appropriate to designate this Resolution as the SOP for HGMD, in place of the Petition, and make certain other revisions as specifically set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. This Resolution shall constitute the SOP for HGMD in accordance with Section 32-1-208(1)(b), C.R.S., and its adoption shall enable the District to continue to exist after its debt is repaid in 2010.

Section 2. The District is bounded on the south and east by Cherry Creek Dam Spillway; on the west by Interstate Highway 1-225, and on the north by Yale Avenue.

Section 3. The purposes for which HGMD was formed were to acquire certain assets and facilities of Environmental Developers, Inc. ("EDI") to provide park and recreation facilities, and to maintain and improve streets within the District. Specifically, the District was to acquire from EDI free and clear of all encumbrances, the assets within the contiguous boundaries of the District as set forth in Section 4(f) below.

Section 4. A general description of the facilities to be acquired within and for the District shall include the following:

- a. Community center, two swimming pools and two tennis courts;
- b. 9-hole executive golf course;
- c. Maintenance building;
- d. RV lot;
- e. Residential garden plot;
- f. All real and personal property comprising the Heather Gardens Complex, with certain exceptions as set forth in a Letter of Intent Agreement dated October 28, 1982, between EDI and Heather Community Association, together with all incidentals and appurtenances; and
- g. Certain perimeter landscaped properties.

Section 5. General provisions:

- a. All improvement plans of the District shall be subject to the review and approval of the City;
- b. The District shall obtain all necessary permits, and pay all prescribed fees, associated with any and all improvements to be made;
- c. All improvements constructed by the District shall be designed, constructed and warranted in accordance with the standards, specifications and Utility Contracts of the City;
- d. The District shall be allowed to own, operate and maintain land within the District;
- e. The District shall maintain its property according to the standards of the City;
- f. The City shall be the sole provider of public services to the subject property, including water and sanitation services, fire and police protection, street maintenance, zoning and code enforcement, and all other services as the City may provide to the residents of the City;
- g. Adequate notice and disclosure shall be provided to the initial and subsequent purchasers and users of the properties within the proposed District regarding the existence, operations and costs of the District;

- h. The City shall not incur any expense in the formation or operation of the proposed District or its retirement of capital obligations;
- i. The District shall be structured to ensure that the City has the option to exercise control over the operations of the District when organized, as permitted by law;
- j. The District shall not exceed its boundaries or have its powers altered in any way without the prior approval of the City Council of the City;
- k. The District will agree to pay annually to the City and any presently existing or future school districts that have or will have legal authority to assess the properties contained within the District in lieu of taxes the money that would have been paid in taxes on the real and personal property to be acquired by the District when such assessments are computed and presented to the District in a certified form by the taxing body.

Section 6. Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file a Petition for Dissolution.

Section 7. A copy of this Resolution shall be filed with the Arapahoe County District Court.

RESOLVED AND PASSED this 17th day of March, 2008.


Edward J. Tauer
EDWARD J. TAUER, Mayor

ATTEST:

Debra Johnson
DEBRA JOHNSON, City Clerk

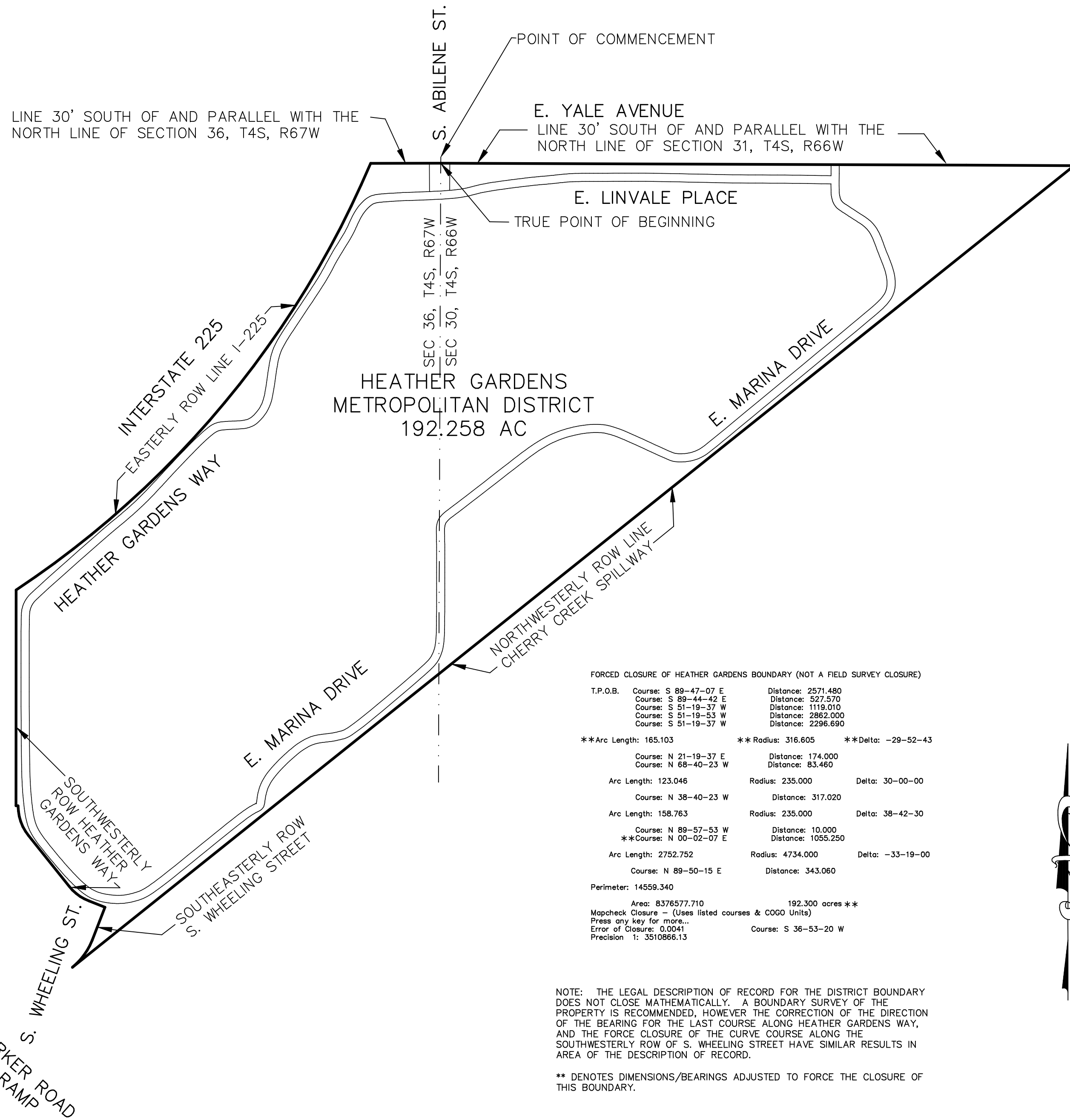
APPROVED AS TO FORM:

[Signature]

Certified to be a full, true & correct copy of the original in my custody on 4/29/08.
Debra Johnson
City Clerk/Records Manager

3 pages

HEATHER GARDENS METROPOLITAN DISTRICT MAP AND LEGAL DESCRIPTION ("PAPER SURVEY ONLY")

**A PART OF SECTION 31, T. 4 S., R 66 W. & A PART OF SECTION 36, T4S, R67W, OF THE 6TH P.M.
CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO**



LEGAL DESCRIPTION OF RECORD AS PROVIDED BY HEATHER GARDENS ASSOCIATION:
A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 4 SOUTH, RANGE 67 WEST, AND IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31, THENCE S00°12'38"W ALONG THE WEST LINE OF SAID SECTION 31, 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE S89°47'07"E, PARALLEL TO THE NORTH LINE OF SAID SECTION 31, 2571.48 FEET; THENCE S89°44'42"E CONTINUING PARALLEL TO SAID NORTH LINE, 527.57 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE CHERRY CREEK SPILLWAY; THENCE ALONG SAID NORTHWESTERLY LINE FOR THE FOLLOWING THREE (3) COURSES: 1) S51°19'37"W, 1119.01 FEET; 2) THENCE S51°19'53"W, 2862.00 FEET; 3) THENCE S51°19'37"W, 2296.69 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH WHEELING STREET; THENCE LEAVING AFOREMENTIONED NORTHWESTERLY RIGHT-OF-WAY LINE OF CHERRY CREEK SPILLWAY AND ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF SOUTH WHEELING STREET, AND ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF *325.00 FEET, A CENTRAL ANGLE OF *30°00'00", AN ARC LENGTH OF *164.93 FEET AND A CHORD BEARING *N36°19'37"E, *163.06 FEET TO A POINT OF *TANGENCY; THENCE N21°19'37"E, 174.00 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HEATHER GARDENS WAY; THENCE N68°40'23"W, 83.46 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF HEATHER GARDENS WAY, HAVING A RADIUS OF 235.00 FEET, A CENTRAL ANGLE OF 30°00'00", AND AN ARC LENGTH OF 123.05 FEET TO A POINT OF TANGENCY; THENCE N38°40'23"W, 317.02 FEET TO A POINT OF TANGENT CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 235.00 FEET, A CENTRAL ANGLE OF 38°42'30", AN ARC LENGTH OF 158.76 FEET, AND A CHORD BEARING OF N19°19'08"W, 155.76 FEET TO A POINT; THENCE LEAVING AFOREMENTIONED SOUTHWESTERLY RIGHT-OF-WAY LINE ON A RADIAL BEARING FROM SAID CURVE N89°57'53"W, 10.00 FEET; THENCE *S00°02'07"W, 1055.25 FEET TO A POINT SITUATED ON A CURVE ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 225; THENCE ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, HAVING A RADIUS OF 4734.00 FEET, A CENTRAL ANGLE OF 33°19'00", AN ARC LENGTH OF 2752.75 FEET, AND A CHORD BEARING OF N39°42'49"E, 2714.13 FEET TO A POINT 30.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 36; THENCE N89°50'15"E, PARALLEL TO SAID NORTH LINE 343.06 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 192.258 ACRES, MORE OR LESS.

(*) DENOTES POSSIBLE MATHEMATICAL ERROR IN CLOSURE

I, DEAN F. GLORSO, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO HEREBY CERTIFY THAT THIS MAP AND LEGAL DESCRIPTION ("PAPER SURVEY") WAS PREPARED BY ME. AND THAT NO FIELD SURVEY WAS PERFORMED AT THIS TIME TO COMPILE THIS INFORMATION.

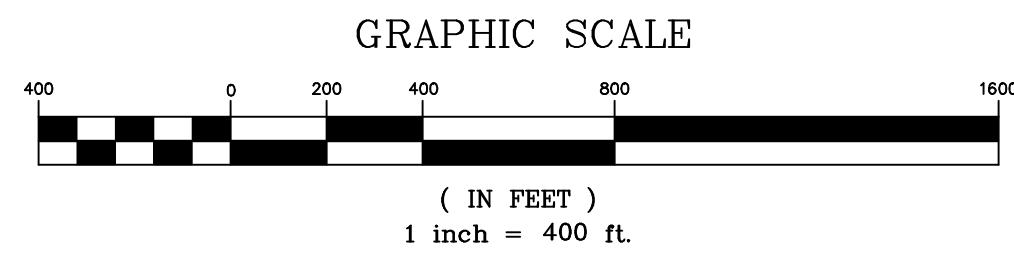
DEAN F. GLORSO, PLS 16109
FOR AND ON BEHALF OF
GLORSO MAPPING SERVICES, LLC

FORCED CLOSURE OF HEATHER GARDENS BOUNDARY (NOT A FIELD SURVEY CLOSURE)

| | | |
|---|----------------------|----------------------|
| T.P.O.B. | Course: S 89-47-07 E | Distance: 2571.480 |
| | Course: S 89-44-42 E | Distance: 527.570 |
| | Course: S 51-19-37 W | Distance: 1119.010 |
| | Course: S 51-19-53 W | Distance: 2862.000 |
| | Course: S 51-19-37 W | Distance: 2296.690 |
| **Arc Length: | 165.103 | **Radius: 316.605 |
| | | **Delta: -29-52-43 |
| | Course: N 21-19-37 E | Distance: 174.000 |
| | Course: N 68-40-23 W | Distance: 83.460 |
| Arc Length: | 123.046 | Radius: 235.000 |
| | | Delta: 30-00-00 |
| | Course: N 38-40-23 W | Distance: 317.020 |
| Arc Length: | 158.763 | Radius: 235.000 |
| | | Delta: 38-42-30 |
| | Course: N 89-57-53 W | Distance: 10.000 |
| **Course: | N 00-02-07 E | Distance: 1055.250 |
| Arc Length: | 2752.752 | Radius: 4734.000 |
| | | Delta: -33-19-00 |
| | Course: N 89-50-15 E | Distance: 343.060 |
| Perimeter: | 14559.340 | |
| Area: | 8376577.710 | 192.300 acres ** |
| Mapcheck Closure - (Uses listed courses & COGO Units) | | |
| Press any key for more... | | |
| Error of Closure: | 0.0041 | Course: S 36-53-20 W |
| Precision | 1: 3510866.13 | |

NOTE: THE LEGAL DESCRIPTION OF RECORD FOR THE DISTRICT BOUNDARY DOES NOT CLOSE MATHEMATICALLY. A BOUNDARY SURVEY OF THE PROPERTY IS RECOMMENDED, HOWEVER THE CORRECTION OF THE DIRECTION OF THE BEARING FOR THE LAST COURSE ALONG HEATHER GARDENS WAY, AND THE FORCE CLOSURE OF THE CURVE COURSE ALONG THE SOUTHWESTERLY ROW OF S. WHEELING STREET HAVE SIMILAR RESULTS IN AREA OF THE DESCRIPTION OF RECORD.

** DENOTES DIMENSIONS/BEARINGS ADJUSTED TO FORCE THE CLOSURE OF THIS BOUNDARY.



| | | |
|--|---|--------------------|
| Glorso Mapping Services, LLC | 3765 Balderas St. Brighton, CO 80014 (303) 755-8300 | |
| HEATHER GARDENS ASSOCIATION HEATHER GARDENS METRO DISTRICT DISTRICT MAP AND LEGAL Sec. 31, T4S, R66W, & Sec. 36, T4S, R67W City of Aurora, Arapahoe County, CO | | DATE: 09/22/2009 |
| | | PROJECT NO: 2180 |
| | | FIELD BOOK NO. n/a |
| DRAWN: DFG | SEP09 | SCALE: 1"=400' |
| CHECK: DFG | 2180Lap2\2180-map.dwg | |
| | | SHEET 1 OF 1 |