

**(FIRST CREEK TRAIL CORRIDOR)**  
**RESOLUTION RESTRICTING THE IMPOSITION OF FEES, RATES, TOLLS,  
CHARGES AND PENALTIES AND THE APPLICATION OF COVENANTS AND  
DESIGN REVIEW STANDARDS BY THE EBERT METROPOLITAN DISTRICT AS  
AN INCENTIVE TO THE CITY AND COUNTY OF DENVER TO ACCEPT  
PROPERTY FOR THE OPERATION AND MAINTENANCE OF PARK SITES AND  
ASSOCIATED IMPROVEMENTS**

**RECITALS**

**WHEREAS**, the Ebert Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado with the authority to provide for public use of real estate and other improvements; and

**WHEREAS**, pursuant to C.R.S. Section 32-1-1001(j) the District has the authority to fix and from time to time increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

**WHEREAS**, within its borders the District owns or otherwise has jurisdiction over the property described in Exhibit A attached hereto and incorporated herein by this reference (“**Property**”), which the District or other title owner thereof is conveying to the City and County of Denver, Colorado (the “**City**”) which has agreed to accept the Property and operate and maintain the same; and

**WHEREAS**, the City, as a condition of such acceptance has requested that the District waive and forever forbear from collecting any and all fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District to be paid by the City at the time dictated in the District’s rules and regulations, and further that the City be exempted from the District’s design review and covenant requirements; and

**WHEREAS**, the District has the authority to take actions and enter into agreements with other political subdivisions of the State of Colorado, including the City, for the purpose of accomplishing goals and objectives that are common to each; and

**WHEREAS**, the Board of Directors of the District (the “**Board**”) has determined, being fully informed and through careful review of the circumstances, that: (1) the City is a tax exempt entity and therefore exempt from the ad valorem taxes of the District; (2) there will be no services, programs, or facilities furnished by the District to the City so long as the Property is held by the City; and (3) there is no basis upon which to levy fees, rates, tolls, penalties, or charges against the Property, nor to apply the District’s covenants or design review requirements; and

**WHEREAS**, the Board has found, and hereby declares, that significant facilities and services are being provided to the Property by the City or its designees to the benefit of all of the taxpayers and residents of the District.

**NOW, THEREFORE**, it being in the best interests of the District, and in furtherance of the health, safety, welfare, and convenience of the District, its inhabitants and taxpayers, the Board of Directors of the Ebert Metropolitan District, City and County of Denver, Colorado, hereby resolves as follows:

1. In recognition of the fact that the District is under no obligation to provide services, facilities and programs to or for the benefit of the Property, in consideration for the City's acceptance of the Property, and for so long as the Property is owned by the City or another public entity designated by the City, the District hereby waives the collection of fees, rates, tolls, penalties, charges or other impositions against the Property, and the District shall not, at any time apply the District's design review and covenant requirements to the Property.

2. The District Manager shall take such actions as may be necessary to document this waiver in the District's records and to provide such documentation to the City as the City may reasonably request.

**RESOLVED THIS 14<sup>th</sup> DAY OF JANUARY 2015.**

**EBERT METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado**

By: \_\_\_\_\_  
Charles Leder, President

**EXHIBIT A**  
**Description of Property**

**EXHIBIT A**

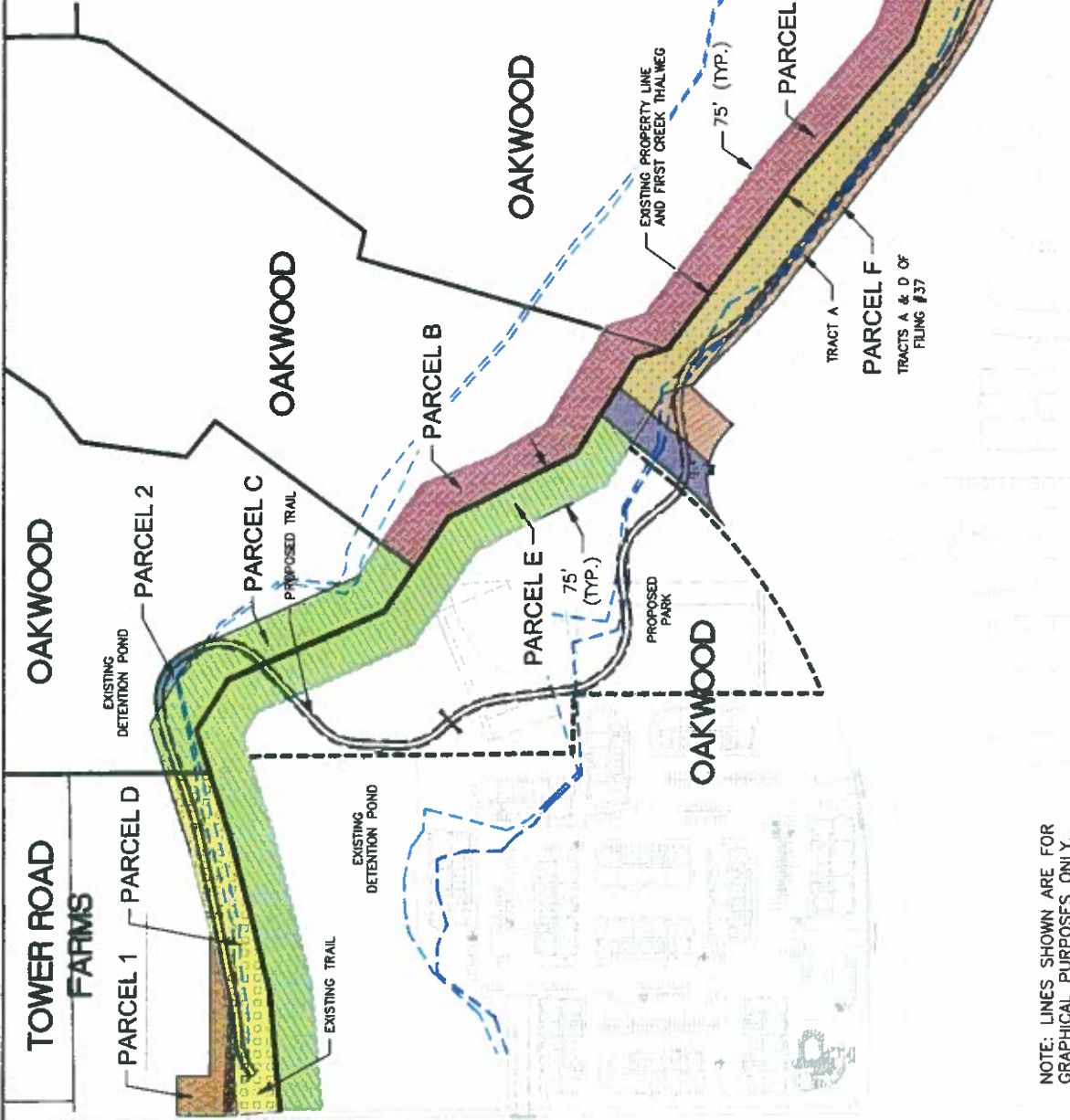
**[Description of Property]**

**The Resolution includes Parcels A, B, C, D, E, F and First Creek Park.**

**An illustration that identifies the Parcels and exhibit of the Park are attached.**

**The surveyors are completing minor revisions to legal descriptions of the Parcels.**

- LEGEND**
- EXISTING TRACT 'E' (CONVEYED TO CITY AND COUNTY OF DENVER, MAINTAINED BY THE TOWN CENTER METROPOLITAN DISTRICT)
  - EXISTING TRACTS 'A', 'B', 'D' (OWNED AND MAINTAINED BY THE TOWN CENTER METROPOLITAN DISTRICT CREATED FOR OPEN SPACE, LANDSCAPING, DRAINAGE AND PUBLIC ACCESS AND USE.)
  - EXISTING R.O.W.
  - PROPOSED 75' TRACT (OAKWOOD) (NEEDED FOR TRAIL)
  - PROPOSED 75' TRACT (OAKWOOD) (NOT NEEDED FOR TRAIL)
  - PROPOSED 75' TRACT (TOWER ROAD FARMS) (NEEDED FOR TRAIL)
  - ADDITIONAL PERMANENT EASEMENT NEEDED FOR TRAIL (OAKWOOD)
  - ADDITIONAL PERMANENT EASEMENT NEEDED FOR (TOWER ROAD FARMS)
  - OAKWOOD EXISTING PROPERTY OWNER



DATE: _____ DRAWN: _____ CHECKED: _____ REVISION: _____ REVISION: _____ REVISION: _____	DATE: AUG-2014 SHEET: _____ OF: _____
URBAN DRAINAGE AND FLOOD CONTROL DISTRICT 	TRAIL EASEMENT EXHIBIT
PHONE: (303) 566-5800 350 UNION BOULEVARD, SUITE 630 LAKEWOOD, CO 80229-1351	FIRST CREEK TRAIL
	OAKWOOD

NOTE: LINES SHOWN ARE FOR GRAPHICAL PURPOSES ONLY.

NW COR. SEC. 15,  
T3S, R66W, 6TH PM

N 1/4 COR. SEC. 15,  
T3S, R66W, 6TH PM

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

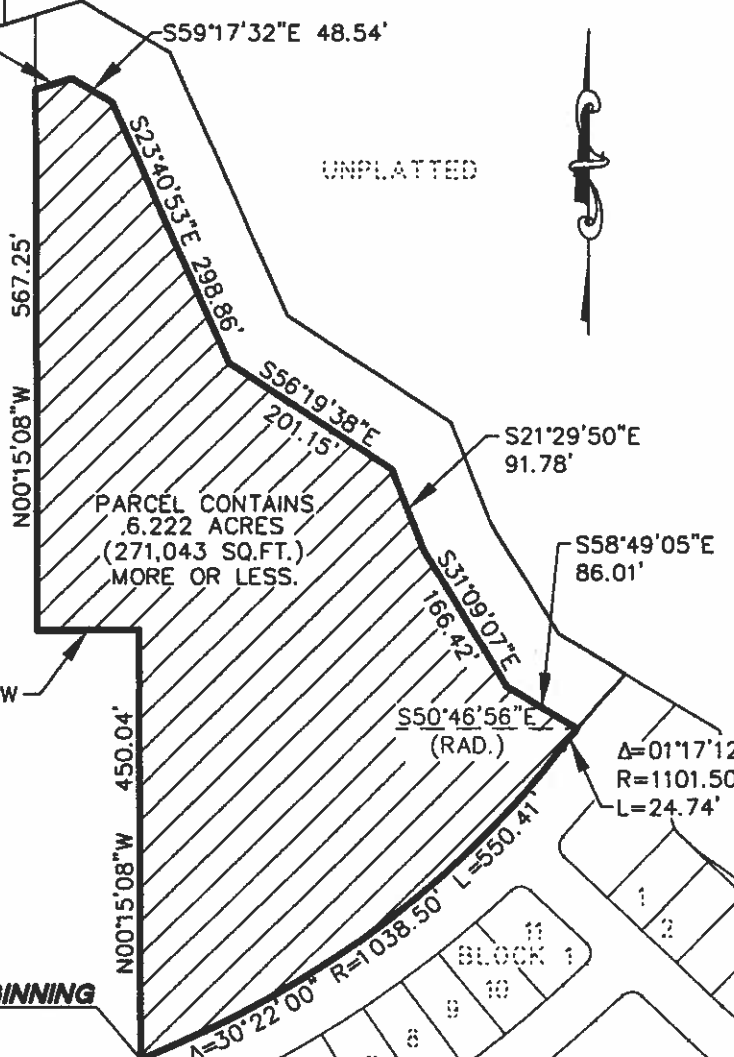
TOWER RD.  
BASIS OF BEARINGS: N00°15'08"W 2658.97'  
W. LINE NW1/4 SEC. 15  
REC. NO. 2004052062

UNPLATTED

N72°57'54"E 38.86'

S59°17'32"E 48.54'

UNPLATTED



PARCEL CONTAINS  
6.222 ACRES  
(271,043 SQ.FT.)  
MORE OR LESS.

UNPLATTED  
NW 1/4 SEC 15  
T3S, R66W 6TH PM

S89°44'52"W  
104.63'

Δ=01°17'12"  
R=1101.50'  
L=24.74'

POINT OF BEGINNING

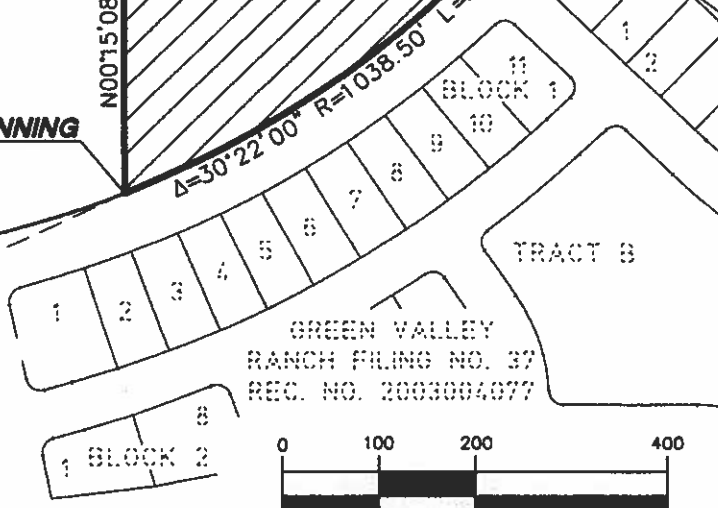
ELMENDORF DRIVE  
(REC. NO. 2003004077)

UNPLATTED

N50°00'36"E  
1039.01'

POINT OF COMMENCEMENT

W 1/4 COR. SEC. 15,  
T3S, R66W, 6TH PM



1 inch = 200 ft.

PATH:	P:\19311-01\DWG
DWG NAME:	PARCEL II
DWG:	DBH CHK: DCR
DATE:	5/13/2011
SCALE:	1" = 200'



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**EXHIBIT**  
**TOWER-ELMENDORF PROJECT**  
**CITY AND COUNTY OF DENVER, COLORADO**  
JOB NUMBER 19311-01 3 OF 3 SHEETS