

**THE AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6,
F/K/A FIRST CREEK RANCH METROPOLITAN DISTRICT (“DISTRICT”)**

8390 East Crescent Parkway, Suite 300
Greenwood Village, CO 80111
Phone: 303-779-5710

www.firstcreekbranchmd.org

<https://theaurorahighlands.specialdistrict.net/>

NOTICE OF A SPECIAL MEETING AND AGENDA

DATE: June 21, 2022
TIME: 3:00 P.M.
LOCATION: Construction Trailer (formerly Information Center)
3900 E. 470 Beltway
Aurora, CO 80019

THIS DISTRICT BOARD MEETING WILL ALSO BE ACCESSIBLE BY VIDEO ENABLED WEB CONFERENCE. IF YOU WOULD LIKE TO ATTEND THIS MEETING, PLEASE JOIN THE VIDEO ENABLED WEB CONFERENCE VIA ZOOM AT:

To attend via Zoom Videoconference use the below link:

Join Zoom Meeting

<https://us02web.zoom.us/j/82495692355?pwd=c0VMTnhVOTRLOnh5NWNOYTBvM0tEdz09>

ACCESS:

Meeting ID: 824 9569 2355
Passcode: 621138
One tap mobile
1-346-248-7799,*621138

<u>Board of Directors</u>	<u>Office</u>	<u>Term Expires</u>
Matt Hopper		May, 2025
Carla Ferreira		May, 2025
Michael Sheldon	Treasurer	May, 2023
Vacant	Assistant Secretary	May, 2023
Cynthia (Cindy) Shearon	Assistant Secretary	May, 2023
Denise Denslow	Secretary	N/A

I. ADMINISTRATIVE MATTERS

- A. Present disclosures of potential conflicts of interest.
- B. Confirm quorum, location of meeting and posting of meeting notices. Approve Agenda.
- C. Discuss results of the cancelled May 3, 2022 Regular Directors’ Election (enclosure).
- D. Consider appointment of officers:
 President _____
 Treasurer/Assistant Secretary _____
 Secretary _____
 Asst. Secretary _____
 Asst. Secretary _____
- E. Public Comment. Matters not specifically included on the Agenda may be addressed. As a courtesy to others, comments shall be limited to three minutes per person.

II. CONSENT AGENDA

Consent Agenda – These items are considered to be routine and will be ratified by one motion. There will be no separate discussion of these items unless a board member so requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda.

- Review and consider approval of the April 27, 2022 Special Meeting Minutes (enclosure).

III. LEGAL MATTERS

- A. Review and consider adoption of a Resolution Appointing a Representative to The Aurora Highlands Community Authority Board (enclosure).
- B. Conduct Public Hearing to consider the exclusion of approximately 18.49 acres of property owned by Clayton Properties Group II, LLC from the District boundaries. Consider adoption of Resolution for Exclusion of Real Property (enclosures).

IV. FINANCIAL MATTERS

A. None.

V. MANAGER MATTERS

A. None.

VI. CONSTRUCTION MATTERS

A. None.

VII. OTHER BUSINESS

A. None.

VIII. ADJOURNMENT

The next regular meeting is scheduled for November 3, 2022.

**NOTICE OF CANCELLATION OF REGULAR ELECTION
BY THE DESIGNATED ELECTION OFFICIAL**

NOTICE IS HEREBY GIVEN by the First Creek Ranch Metropolitan District, Adams County, Colorado, that at the close of business on the sixty-third day before the election there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates; therefore, the election to be held on May 3, 2022, is hereby canceled pursuant to Section 1-13.5-513, C.R.S.

The following candidates are declared elected:

Vacant	until the next regular election (May 2, 2023)
Matthew Hopper	until the second regular election (May 6, 2025)
Carla Ferreira	until the second regular election (May 6, 2025)

Dated: March 1, 2022

/s/ Jennifer Pino

Designated Election Official for the
First Creek Ranch Metropolitan District
c/o McGeady Becher P.C.
450 E. 17th Avenue, Suite 400
Denver, Colorado 80203-1254
Phone: 303-592-4380

Published In: *The Sentinel*
Published On: March 24, 2022

RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
THE AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6,
F/K/A FIRST CREEK RANCH METROPOLITAN DISTRICT
("DISTRICT")
HELD
APRIL 27, 2022**

A special meeting of the Board of Directors of the District, County of Adams (referred to hereafter as the "Board") was convened on Wednesday, April 27, 2022 at 3:06 p.m. at the Construction Trailer, 3900 E. 470 Beltway, Aurora, Colorado. The District Board meeting was accessible both in person at the physical meeting location, and via videoconference.

Directors in Attendance Were:

Matt Hopper
Carla Ferreira
Michael Sheldon
Cynthia Shearon

Also in Attendance Were:

MaryAnn McGeady, Esq., Elisabeth A. Cortese, Esq. and Jon Hoistad, Esq.; McGeady Becher P.C.
Denise Denslow and Shauna D'Amato; CliftonLarsonAllen LLP ("CLA")
Jerry Jacobs, Christina Madrigal and Corey Pilato; Timberline District Consulting, LLC
Matthew Ruhland, Esq.; Cockrel Ela Glesne Greher & Ruhland, P.C.
Nicholas English; member of the public

**ADMINISTRATIVE
MATTERS**

Disclosure of Potential Conflicts of Interest: Attorney McGeady discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested 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 the disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors. No new conflicts were disclosed.

Quorum/Confirmation of Meeting Location/Posting of Notice: Director Hopper confirmed a quorum for the special meeting. 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 Sheldon, seconded by Director Ferreira and, upon vote, unanimously carried, the Board determined that because there was not a suitable or convenient

RECORD OF PROCEEDINGS

location within the District boundaries to conduct this meeting it was determined to conduct this meeting at the above-stated location, with participants attending both in person and via videoconference. The Board further noted that notice providing the time, date and location was duly posted and that no objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District's boundaries have been received.

Agenda: The Board considered the proposed Agenda for the District's special meeting. Following discussion, upon motion duly made by Director Sheldon, seconded by Director Ferreira and, upon vote, unanimously carried, the agenda was approved, as presented.

Public Comment: There was no public comment.

CONSENT AGENDA

The Board considered the following actions:

January 20, 2022 Special Meeting Minutes

Following discussion, upon motion duly made by Director Sheldon, seconded by Director Ferreira and, upon vote, unanimously carried, the Board ratified and/or approved of the Consent Agenda items, as presented.

LEGAL MATTERS

District Name Change to The Aurora Highlands Metropolitan District No. 6:

Attorney McGeady updated the Board regarding the status of the District's name change, noting that the Order Granting Petition for Name Change had been granted and recorded with the Adams County Clerk and Recorder earlier that day, and that a Notice relative to same would be published to ensure that any creditors, contractors, or other interested parties are made aware of the change.

Consolidated Second Amended and Restated Service Plan: Attorney McGeady informed the Board that the District's Consolidated Second Amended and Restated Service Plan was approved by the City of Aurora, effective April. 23, 2022.

Intergovernmental Agreement by and between the City of Aurora, Colorado and the District: Attorney McGeady reviewed the Intergovernmental Agreement with the Board. Following discussion, upon a motion duly made by Director Sheldon, seconded by Director Ferreira and, upon vote, unanimously carried, the Board approved the Intergovernmental Agreement by and between the City of Aurora, Colorado and the District.

The Aurora Highlands Community Authority Board ("CAB") Second Amended and Restated Establishment Agreement between and among Aerotropolis Area Coordinating Metropolitan District, The Aurora

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Highlands Metropolitan District No. 1, The Aurora Highlands Metropolitan District No. 2, The Aurora Highlands Metropolitan District No. 3, the District, ATEC Metropolitan District No. 1, ATEC Metropolitan District No. 2 and the CAB: Attorney McGeady presented the CAB Second Amended and Restated Establishment Agreement to the Board.

Resolution of the Board of Directors of the District Approving the Addition of the District into the CAB and authorizing execution of the Second Amended and Restated Establishment Agreement between and among Aerotropolis Area Coordinating Metropolitan District, The Aurora Highlands Metropolitan District No. 1, The Aurora Highlands Metropolitan District No. 2, The Aurora Highlands Metropolitan District No. 3, the District, ATEC Metropolitan District No. 1, ATEC Metropolitan District No. 2 and the CAB: Following discussion, upon a motion duly made by Director Sheldon, seconded by Director Ferreira and, upon vote, unanimously carried, the Board approved the CAB Second Amended and Restated Establishment Agreement between and among Aerotropolis Area Coordinating Metropolitan District, The Aurora Highlands Metropolitan District No. 1, The Aurora Highlands Metropolitan District No. 2, The Aurora Highlands Metropolitan District No. 3, the District, ATEC Metropolitan District No. 1, ATEC Metropolitan District No. 2 and the CAB and adopted the Resolution Approving the Addition of the District into the CAB and authorized execution of the Second Amended and Restated Establishment Agreement between and among Aerotropolis Area Coordinating Metropolitan District, The Aurora Highlands Metropolitan District No. 1, The Aurora Highlands Metropolitan District No. 2, The Aurora Highlands Metropolitan District No. 3, the District, ATEC Metropolitan District No. 1, ATEC Metropolitan District No. 2 and the CAB.

Amended and Restated Disclosure to Purchasers for Aerotropolis Area Coordinating Metropolitan District, The Aurora Highlands Metropolitan District No. 1, The Aurora Highlands Metropolitan District No. 2, The Aurora Highlands Metropolitan District No. 3, the District, ATEC Metropolitan District No. 1, ATEC Metropolitan District No. 2: Attorney McGeady explained the Service Plan requirement to prepare an updated Disclosure to Purchasers to the Board. Following discussion, the Board directed staff to prepare an Amended and Restated Disclosure to Purchasers for Aerotropolis Area Coordinating Metropolitan District, The Aurora Highlands Metropolitan District No. 1, The Aurora Highlands Metropolitan District No. 2, The Aurora Highlands Metropolitan District No. 3, the District, ATEC Metropolitan District No. 1, ATEC Metropolitan District No. 2 and the CAB, in compliance with requirements of the districts' service plans and to provide the Amended and Restated Disclosure to Purchasers to all builders for distribution and to post same on the District's website.

RECORD OF PROCEEDINGS

Public Hearing on Petition for Exclusion of Approximately 58.990 Acres of Real Property Owned by Aurora Highlands, LLC from the District Boundaries: The President opened the public hearing on the Petition for Exclusion of Real Property.

It was noted that publication of Notice stating that the Board would consider approving the exclusion of the Real Property owned by Aurora Highlands, LLC from the District boundaries was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing. No public comments were received, and the public hearing was closed.

Following discussion, upon a motion duly made by Director Sheldon, seconded by Director Ferreira and, upon vote, unanimously carried, the Board approved the exclusion of approximately 58.990 acres of property owned by Aurora Highlands, LLC from the District boundaries and adopted the Resolution for Exclusion of Real Property.

FINANCIAL
MATTERS

None.

MANAGER
MATTERS

None.

CONSTRUCTION
MATTERS

None.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further items before the Board, upon motion duly made by Director Ferreira, seconded by Director Sheldon and, upon vote, unanimously carried, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

By _____
Secretary for the Meeting

RESOLUTION NO. 2022-06-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6
APPOINTING A REPRESENTATIVE TO
THE AURORA HIGHLANDS COMMUNITY AUTHORITY BOARD**

A. The Aurora Highlands Metropolitan District No. 6 (the “**District**”) is a party to The Aurora Highlands Community Authority Board Second Amended and Restated Establishment Agreement (the “**CABEA**”) approved by the Board of Directors (the “**Board**”) of the District on April 27, 2022.

B. Pursuant to Section 3.4(a)(ii)(2)(a) of the CABEA, the District may appoint one (1) Board member to The Aurora Highlands Community Authority Board (the “**CAB**”).

C. The Board finds and declares that it is in the best interest of the District to appoint a Board Member to the CAB.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Aurora Highlands Metropolitan District No. 6, Adams County, Colorado, that:

1. Incorporation of Recitals. The foregoing recitals are incorporated into and made a substantive part of this Resolution.

2. CAB Board Member Appointment. The Board hereby appoints _____, a current and qualified member of the District’s Board, to serve as the District’s CAB Board Member.

3. Authorizing Actions. The Board hereby authorizes and directs the officers and consultants of the District to provide written notice of the District’s appointment and the name and contact information of the CAB Board Member.

4. Severability. Judicial invalidation of any provision of this Resolution or any paragraph, sentence, clause, or phrase hereof, or the application thereof in any given circumstance, shall not affect the validity of the remainder of this Resolution, which shall be given effect in accordance with the manifest intent hereof.

5. Effective Date. This Resolution shall take effect immediately upon the countersigning of the CABEA by the parties thereto.

APPROVED AND ADOPTED this 21st day of June, 2022.

THE AURORA HIGHLANDS
METROPOLITAN DISTRICT NO. 6

By: _____
President

Attest:

Secretary

IN THE MATTER OF)	
)	
THE AURORA HIGHLANDS)	PETITION FOR EXCLUSION
METROPOLITAN DISTRICT NO. 6)	
)	
CITY OF AURORA)	
ADAMS COUNTY, COLORADO)	

The undersigned fee owner of real property situated in the City of Aurora, Adams County, Colorado, does hereby petition the Board of Directors of The Aurora Highlands Metropolitan District No. 6 (formerly known as the First Creek Ranch Metropolitan District) that the land hereinafter described be excluded and taken from the District.

The Petitioner represents as follows:

1. The undersigned is the fee owner of the real property set forth below and that such parcels, if more than one, are contiguous to each other.
2. The following described land constitutes a portion of The Aurora Highlands Metropolitan District No. 6 (formerly known as the First Creek Ranch Metropolitan District).
3. Acceptance of the Petition shall be deemed to have occurred at that time when the Board of Directors of the District sets the date for the public hearing for the consideration of the Petition.
4. The legal description of the property sought to be excluded, all of which lies in the City of Aurora, County of Adams, State of Colorado, is described in Exhibit A attached hereto and incorporated herein by this reference.
5. The undersigned, constituting 100% of the owners of the land herein described, hereby assents to the exclusion of the same from said District.

Petitioner: Clayton Properties Group II, Inc.

Address: 4908 Tower Road, Denver, CO 80249

[remainder of page intentionally left blank]

**PETITIONER:
CLAYTON PROPERTIES GROUP II, INC.**

By: [Signature]

Name: Bruce Ran

Title: Assistant Secretary

STATE OF COLORADO)
) ss.
COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 15 day of June, 2022, by Bruce Ran, as Assistant Secretary of Clayton Properties Group II, Inc., Petitioner.

Witness my hand and official seal.

My Commission Expires: 01-19-2025



[Signature]
Notary Public

EXHIBIT A**Legal Description of Property to be Excluded**

A PORTION OF LOT 1, BLOCK 1, WINDLER SUBDIVISION RECORDED DECEMBER 27, 1972 AT RECEPTION NO. 984953 IN THE OFFICIAL RECORDS OF ADAMS COUNTY, COLORADO SITUATED IN SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 13, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 13 BEARS NORTH $00^{\circ}06'54''$ WEST A DISTANCE OF 2650.39 FEET, WITH ALL BEARINGS REFERENCED HEREIN:

THENCE NORTH $31^{\circ}49'36''$ EAST A DISTANCE OF 47.26 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING;

THENCE ALONG THE WESTERLY, NORTHERLY, AND EASTERLY BOUNDARIES OF SAID LOT 1 THE FOLLOWING 3 COURSES:

- 1) NORTH $00^{\circ}06'54''$ WEST, A DISTANCE OF 622.05 FEET;
- 2) NORTH $89^{\circ}38'44''$ EAST A DISTANCE OF 1297.66 FEET;
- 3) SOUTH $00^{\circ}10'18''$ EAST A DISTANCE OF 587.98 FEET TO THE NORTHEAST CORNER OF SPECIAL WARRANTY DEED RECORDED ON AUGUST 1, 1996 IN BOOK 4807, PAGE 451, IN SAID RECORDS;

THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARIES OF SAID SPECIAL WARRANTY DEED THE FOLLOWING TWO COURSES:

- 1) SOUTH $85^{\circ}53'42''$ WEST A DISTANCE OF 62.15 FEET;
- 2) SOUTH $00^{\circ}21'03''$ EAST A DISTANCE OF 30.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF EAST 48TH AVE AS SHOWN ON SAID PLAT;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, SOUTH $89^{\circ}38'44''$ WEST A DISTANCE OF 1236.36 FEET TO THE POINT OF BEGINNING.

COUNTY OF ADAMS, STATE OF COLORADO.

RESOLUTION NO. 2022-06-02

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6,
F/K/A FIRST CREEK RANCH METROPOLITAN DISTRICT**

RESOLUTION FOR EXCLUSION OF REAL PROPERTY

A. Clayton Properties Group II, Inc., a Colorado corporation (the “**Petitioners**”), the 100% fee owner of the Property (defined herein) has petitioned The Aurora Highlands Metropolitan District No. 6, formerly known as First Creek Ranch Metropolitan District (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 Petition.

C. No written objection was filed by any person in the District to the Petition.

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 THE AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6, F/K/A FIRST CREEK RANCH METROPOLITAN DISTRICT, ADAMS 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 Petition for Exclusion be granted, and the Property be excluded from the boundaries of the District subject to Petitioner paying the costs associated with processing the petition 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 name and address of the Petitioner and the legal description of said Property are as follows:

Petitioner:	Clayton Properties Group II, Inc., a Colorado corporation
Address of Petitioner:	4908 Tower Road Denver, Colorado 80249
Legal Description of the Property:	Approximately 18.49 acres of land legally described on <u>Exhibit A</u> and incorporated herein by this reference.

APPROVED AND ADOPTED JUNE 21, 2022.

**THE AURORA HIGHLANDS
METROPOLITAN DISTRICT NO. 6,
F/K/A FIRST CREEK RANCH
METROPOLITAN DISTRICT**

By: _____
President

Attest:

Secretary

EXHIBIT A

Legal Description

A portion of Lot 1, Block 1, Windler Subdivision recorded December 27, 1972 at Reception No. 984953 in the Official Records of Adams County, Colorado situated in Southeast quarter of Section 13, Township 3 South, Range 66 West of the Sixth Principal Meridian, more particularly described as follows:

Commencing at the South quarter corner of said Section 13, whence the center quarter corner of said Section 13 bears North 00°06'54" West a distance of 2650.39 feet, with all bearings referenced herein:

Thence North 31°49'36" East a distance of 47.26 feet to the Southwest corner of said Lot 1 and the point of beginning;

Thence along the Westerly, Northerly, and Easterly boundaries of said Lot 1 the following 3 courses:

1) North 00°06'54" West, a distance of 622.05 feet;

2) North 89°38'44" East a distance of 1297.66 feet;

3) South 00°10'18" East a distance of 587.98 feet to the Northeast corner of Special Warranty Deed recorded on August 1, 1996 in Book 4807, Page 451, in said records;

Thence along the Northerly and Westerly boundaries of said Special Warranty Deed the following two courses:

1) South 85°53'42" West a distance of 62.15 feet;

2) South 00°21'03" East a distance of 30.00 feet to the Northerly right-of-way of East 48th Ave as shown on said plat;

Thence along said Northerly right-of-way, South 89°38'44" West a distance of 1236.36 feet to the point of beginning.

County of Adams, State of Colorado.

CERTIFICATION

The undersigned hereby certifies that the foregoing is a true and correct copy of Resolution No. 2022-06-02, Resolution of the Board of Directors of The Aurora Highlands Metropolitan District No. 6, f/k/a First Creek Ranch Metropolitan District, Resolution for Exclusion of Real Property.

**THE AURORA HIGHLANDS METROPOLITAN
DISTRICT NO. 6, F/K/A FIRST CREEK RANCH
METROPOLITAN DISTRICT**

Date: June 21, 2022

By: _____
Secretary