

# THE AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6 (“DISTRICT”)

8390 E. Crescent Pkwy., Suite 300  
Greenwood Village, CO 80111  
Phone: 303-779-5710  
www.theaurorahighlands.specialdistrict.net

## NOTICE OF SPECIAL MEETING AND AGENDA

**DATE:** October 17, 2024

**TIME:** 1:00 p.m.

**LOCATION:** Via Zoom

**ACCESS:**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83927842723?pwd=NXA3bjc3VVJ2R2RZQjJyWXhMbVBzUT09>

**Meeting ID: 839 2784 2723**

**Passcode: 979737**

**One tap mobile**

**+17193594580, \*979737#**

**Board of Directors**

Matt Hopper  
Carla Ferreira  
Michael Sheldon  
Cynthia (Cindy) Shearon  
Vacant

**Office**

President  
Vice President  
Treasurer  
Assistant Secretary

**Term Expires**

May, 2025  
May, 2025  
May, 2027  
May, 2027  
May, 2027

**I. ADMINISTRATIVE MATTERS**

- A. Present disclosures of potential conflicts of interest and confirm quorum.
- B. Confirm location of meeting and posting of meeting notice. Approve Agenda.
- C. Public Comment.  
Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.
- D. Review and consider approval of minutes from the September 19, 2024 special board meeting (enclosure).

**II. FINANCIAL MATTERS**

**III. LEGAL MATTERS**

- A. Conduct Public Hearing to consider exclusion of approximately 133.1 acres of property owned by Clayton Properties Group, Inc. out of the District boundaries (enclosure – Petition for Exclusion) and consider adoption of Resolution for Exclusion of Real Property (enclosure).

**IV. MANAGER MATTERS****V. CONSTRUCTION MATTERS****VI. OTHER BUSINESS****VII. ADJOURNMENT**

**The next regular meeting is scheduled for November 21, 2024**

**MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF  
THE AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6  
(THE “DISTRICT”)  
HELD  
SEPTEMBER 19, 2024**

A special meeting of the Board of Directors of The Aurora Highlands Metropolitan District No. 6 (referred to hereafter as the “Board”) was convened on Thursday, September 19, 2024 at 1:04 p.m. This District Board meeting was held via Zoom. The meeting was open to the public.

ATTENDANCE

Directors in Attendance Were:

- Matt Hopper, President
- Michael Sheldon, Treasurer
- Cynthia Sheldon, Assistant Secretary

The absence of Director Ferreira was excused.

Also In Attendance Were:

- Denise Denslow, Rachel Alles, Jason Carroll and Jenna Trujillo; CliftonLarsonAllen LLP (“CLA”)
- Elisabeth A. Cortese, Esq., Jon Hoistad, Esq. and Kalen Hilliker, Esq.; McGeady Becher Cortese Williams P.C.
- Matthew Ruhland, Esq.; Cockrel Ela Glesne Greher & Ruhland, P.C.
- Cristina Madrigal and Jerry Jacobs; Timberline District Consulting, LLC (“Timberline”)

ADMINISTRATIVE MATTERS

**Disclosures of Potential Conflicts of Interest:** The Board 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 by Attorney Cortese that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

**Quorum, Confirmation of Meeting Location/Posting of Meeting 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 Hopper, seconded by Director Sheldon and, upon vote unanimously carried, the Board determined that because there was not a suitable or convenient location within the District boundaries to conduct this meeting it was determined to conduct this meeting virtually via Zoom. The Board further noted that notice providing the time, date and audio / video-

## RECORD OF PROCEEDINGS

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conference access for the meeting 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 Hopper, seconded by Director Sheldon and, upon vote unanimously carried, the Agenda was approved.

**Public Comment:** There was no public comment.

**Minutes from the January 24, 2024 Special Board Meeting:** following discussion, upon a motion duly made by Director Hopper, seconded by Director Sheldon and, upon vote unanimously carried, the Board approved the Minutes from the January 24, 2024 Special Board Meeting.

### FINANCIAL MATTERS

None.

### LEGAL MATTERS

**Public Hearing on the Petition for Exclusion of Real Property Owned by Aurora Highlands, LLC:** The Board opened the public hearing to consider the Petition for Exclusion received from Aurora Highlands, LLC requesting the exclusion of real property (approximately 39.3 acres) out of the District boundaries.

It was noted that publication of Notice stating that the Board would consider approving the inclusion of the real property owned by Aurora Highlands, LLC out of the District boundaries 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 review, the Board considered the adoption of the Resolution for Exclusion of Real Property out of the District boundaries as set forth in the Petition. Upon motion duly made by Director Hopper, seconded by Director Sheldon and, upon vote unanimously carried, the Board adopted the Resolution for Exclusion of Real Property.

### MANAGER MATTERS

None.

### CONSTRUCTION MATTERS

None.

### OTHER BUSINESS

None.

**RECORD OF PROCEEDINGS**

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**ADJOURNMENT**

There being no further business to come before the Board at this time, upon a motion duly made by Director Hopper, the Board adjourned the meeting.

Respectfully submitted,

By \_\_\_\_\_  
Secretary for the Meeting

<b>IN THE MATTER OF THE</b>	)	
	)	
<b>THE AURORA HIGHLANDS METROPOLITAN</b>	)	<b><u>PETITION FOR</u></b>
<b>DISTRICT NO. 6 f/k/a FIRST CREEK RANCH</b>	)	<b><u>EXCLUSION OF LAND</u></b>
<b>METROPOLITAN DISTRICT</b>	)	
	)	
<b>COUNTY OF ADAMS</b>	)	

In accordance with Section 32-1-501(1), C.R.S., the undersigned fee owner of real property situated in Adams County, Colorado (the "Petitioner"), does hereby petition the Board of Directors of The Aurora Highlands Metropolitan District No. 6 f/k/a First Creek Ranch Metropolitan District (the "District") that the land hereinafter described be excluded and taken from the District.

The Petitioner represents as follows:

1. The legal description of the property sought to be excluded, all of which lies in the Adams County, State of Colorado is described on Exhibit A, attached and incorporated by this reference (the "Property").
2. The Petitioner, constituting 100% of the owners of the Property herein described and such parcels, if more than one, are contiguous to each other.
3. The Petitioner hereby assents to the exclusion of the Property from the boundaries of the District and the entry of an Order in the District Court, Adams County, Colorado (the "Court"), excluding the Property.
4. The Petitioner has contracted with Aurora 310, LLC, a Colorado limited liability company (the "Purchaser"), for the purchase and sale of the Property. The Purchaser acknowledges this Petition and assents to the exclusion of the Property from the District, and upon closing of the purchase of the Property from Petitioner will be deemed to have affirmed all material statements and representations made in this Petition.
5. The Petitioner agrees that it will pay, or cause to be paid, the fees incurred by the District for the exclusion if this Petition is accepted, including the costs of publication of appropriate legal notices and legals fees and costs incurred by the District in connection with the exclusion of the Property. This Petition is accompanied by a deposit of money sufficient to pay all costs of exclusion proceeds.
6. The undersigned owner acknowledges that the Property described herein, and any taxable property located thereon (whether located there as of the date hereof or at a subsequent time) shall continue to be subject to the levy of taxes and/or fees and rates of the District imposed for the payment of its proportionate share of any indebtedness of the District existing immediately prior to the effective date of any exclusion order issued with respect to such Property, any and all exclusion costs and fees imposed by the District and interest thereon whether accrued or to accrue.
7. Acceptance of the Petition shall be deemed to have occurred at that time when the District sets the date for the public hearing for consideration of the Petition.

Petitioner: Clayton Properties Group, Inc.  
Address: 4908 Tower Road  
Denver, CO 80249

Petitioner: Clayton Properties Group, Inc.  
Address: 5000 Clayton Rd.  
Maryville, TN 37804

**PETITIONER:**

CLAYTON PROPERTIES GROUP, INC.,  
a Tennessee corporation

By: [Signature]  
Name: Blake Ayers  
Its: Assistant Secretary

STATE OF Colorado )  
) ss.  
COUNTY OF Denver )

The foregoing Petition for Exclusion was acknowledged before me this 9 day of October 2024, by Blake Ayers as Assistant Secretary of Clayton Properties Group, Inc., a Tennessee corporation, Petitioner.

Witness my hand and official seal.

My Commission Expires: 03/08/2026

(Notary) **SANDRA SHIBLES**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20224009410**  
**MY COMMISSION EXPIRES 03/08/2026**

[Signature]  
Notary Public

**ACKNOWLEDGEMENT**

Aurora 310, LLC, a Colorado limited liability company, as purchaser from Clayton Properties Group, Inc., of the property described in the attached Exhibit A (the "Property") and set forth in the Petition for Exclusion of Land from The Aurora Highlands Metropolitan District No. 6 (f/k/a First Creek Ranch Metropolitan District, the "District") dated October 3, 2024 (the "Petition"), hereby acknowledges and affirms the material statements and representations made in such Petition and assents to the exclusion of the Property from the District pursuant to Section 32-1-501(1), C.R.S.

**Aurora 310, LLC**, Colorado limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Petitioner: Clayton Properties Group, Inc.  
Address: 4908 Tower Road  
Denver, CO 80249

Petitioner: Clayton Properties Group, Inc.  
Address: 5000 Clayton Rd.  
Maryville, TN 37804

**PETITIONER:**

CLAYTON PROPERTIES GROUP, INC.,  
a Tennessee corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing Petition for Exclusion was acknowledged before me this \_\_\_\_ day of October 2024, by \_\_\_\_\_ as \_\_\_\_\_ of Clayton Properties Group, Inc., a Tennessee corporation, Petitioner.

Witness my hand and official seal.

My Commission Expires: \_\_\_\_\_

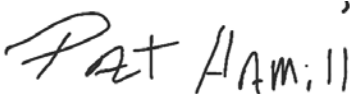
(Notary Seal)

\_\_\_\_\_  
Notary Public

**ACKNOWLEDGEMENT**

Aurora 310, LLC, a Colorado limited liability company, as purchaser from Clayton Properties Group, Inc., of the property described in the attached Exhibit A (the "Property") and set forth in the Petition for Exclusion of Land from The Aurora Highlands Metropolitan District No. 6 (f/k/a First Creek Ranch Metropolitan District, the "District") dated October 3, 2024 (the "Petition"), hereby acknowledges and affirms the material statements and representations made in such Petition and assents to the exclusion of the Property from the District pursuant to Section 32-1-501(1), C.R.S.

**Aurora 310, LLC**, Colorado limited liability company



By: \_\_\_\_\_  
Name: Patrick H. Hamill  
Its: Manager



## EXHIBIT A

## Legal Description of the Property Sought to be Excluded

**AURORA 310 COMMERCIAL (NE 1/4)**

ALL THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL B WITHIN SPECIAL WARRANTY DEED RECORDED DECEMBER 10, 2004 AT RECEPTION NO. 2004001258230, **EXCEPTING THEREFROM**, THAT PORTION OF TIBET ROAD RIGHT-OF-WAY, DESCRIBED IN SPECIAL WARRANTY DEED RECORDED NOVEMBER 16, 2023 AT RECEPTION NO. 2023000064344, BOTH IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER OF ADAMS COUNTY, COLORADO, SITUATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH QUARTER CORNER OF SAID SECTION 13, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF EAST 56<sup>TH</sup> AVENUE, DESCRIBED IN SPECIAL WARRANTY DEED RECORDED MAY 25, 1990 IN BOOK 3677, AT PAGE 359, SAID OFFICIAL RECORDS;

THENCE ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER, AND SAID SOUTHERLY RIGHT-OF-WAY, NORTH 89°41'25" EAST, A DISTANCE OF 1123.11 FEET TO THE NORTHWEST CORNER OF PARCEL TK-116 OF THE E-470 PUBLIC HIGHWAY AUTHORITY, DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JANUARY 22, 1996 IN BOOK 4667, AT PAGE 306, IN SAID OFFICIAL RECORDS,

THENCE ALONG THE WESTERLY BOUNDARY OF SAID PARCEL TK-116, THE FOLLOWING 7 COURSES:

1. DEPARTING SAID NORTHERLY LINE OF THE NORTHEAST QUARTER, SOUTH 00°01'29" EAST, A DISTANCE OF 100.00 FEET;
2. SOUTH 86°50'04" EAST, A DISTANCE OF 893.46 FEET;
3. SOUTH 59°49'05" EAST, A DISTANCE OF 90.03 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 908.51 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 81°41'26" EAST;
4. SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°20'42", AN ARC LENGTH OF 132.32 FEET;
5. TANGENT TO SAID CURVE, SOUTH 16°39'16" EAST, A DISTANCE OF 349.92 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1,055.92 FEET;
6. SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°30'43", AN ARC LENGTH OF 285.87 FEET;

7. TANGENT TO SAID CURVE SOUTH 01°08'33" EAST, A DISTANCE OF 1,700.86 FEET TO THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 13;

THENCE DEPARTING SAID WESTERLY BOUNDARY OF PARCEL TK-116 AND ALONG SAID SOUTHERLY LINE, SOUTH 89°40'22" WEST, A DISTANCE OF 2,227.83 FEET TO THE EASTERLY RIGHT-OF-WAY OF TIBET ROAD, DESCRIBED IN SAID SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 2023000064344, IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

1. NORTH 00°07'57" WEST, A DISTANCE OF 43.76 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 25.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 33°55'24" EAST;
2. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55°56'39", AN ARC LENGTH OF 24.41 FEET;
3. SOUTH 89°52'03" WEST, A DISTANCE OF 55.00 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER;

THENCE ALONG SAID WEST LINE, NORTH 00°07'57" WEST, A DISTANCE OF 2,583.36 FEET; TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 133.103 ACRES, (5,797,967 SQUARE FEET), MORE OR LESS.

DANIEL E. DAVIS, PLS 38256  
 COLORADO LICENSED PROFESSIONAL LAND SURVEYOR  
 FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
 300 E. MINERAL AVENUE, SUITE 1  
 LITTLETON, CO 80122

**RESOLUTION NO. 2024-10-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6**

**RESOLUTION FOR EXCLUSION OF REAL PROPERTY**

A. Clayton Properties Group, Inc., a Tennessee corporation (the “**Petitioner**”), the 100% fee owner of the Property (defined herein) has petitioned The Aurora Highlands Metropolitan District No. 6 (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, 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, Inc., a Tennessee corporation
Address of Petitioner:	5000 Clayton Road Maryville, TN 37804 (principal office)
	4908 Tower Road Denver, CO 80249 (local office)
Legal Description of the Property:	Approximately 133.1 acres of land legally described on <b><u>Exhibit A</u></b> and incorporated herein by this reference.

APPROVED AND ADOPTED ON OCTOBER 17, 2024.

**THE AURORA HIGHLANDS  
METROPOLITAN DISTRICT NO. 6**

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

Attest:

\_\_\_\_\_  
Secretary

**EXHIBIT A**  
Legal Description

**AURORA 310 COMMERCIAL (NE 1/4)**

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DANIEL E. DAVIS, PLS 38256  
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 FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
 300 E. MINERAL AVENUE, SUITE 1  
 LITTLETON, CO 80122

**CERTIFICATION**

The undersigned hereby certifies that the foregoing is a true and correct copy of Resolution No. 2024-10-01, Resolution of the Board of Directors of The Aurora Highlands Metropolitan District No. 6, Resolution for Exclusion of Real Property.

**THE AURORA HIGHLANDS METROPOLITAN  
DISTRICT NO. 6**

Date: October 17, 2024

By: \_\_\_\_\_  
Secretary