

**(TOWN CENTER PARK AND FIRST CREEK PARK)
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 11th DAY OF NOVEMBER 2014.

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

By: _____

Charles Leder, President

EXHIBIT A
Description of Property

**LEGAL DESCRIPTION
GREEN VALLEY RANCH
TOWN CENTER PARK PARCEL**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 15, WHENCE THE SOUTHWEST CORNER OF SECTION 15 BEARS SOUTH 89°31'36" WEST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE NORTH 58°55'14" WEST 1186.49 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ARGONNE WAY AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 38, RECORDED AT RECEPTION NO. 2004057233 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 636.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 14°16'18" WEST;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 8 COURSES:

1. WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°47'54" AN ARC LENGTH OF 153.17 FEET;
2. SOUTH 89°31'36" WEST 102.26 FEET;
3. SOUTH 00°28'24" EAST 4.00 FEET;
4. SOUTH 89°31'36" WEST 383.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 68.00 FEET;
5. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 40°06'59" AN ARC LENGTH OF 47.61 FEET;
6. TANGENT TO SAID CURVE, NORTH 50°21'25" WEST 284.90 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 132.00 FEET;
7. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 5°26'08" AN ARC LENGTH OF 12.52 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE EASTERLY HAVING A RADIUS OF 15.00 FEET;
8. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°26'22" AN ARC LENGTH OF 9.80 FEET TO THE EASTERLY RIGHT-OF-WAY OF ARGONNE STREET, AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 44, RECORDED AT RECEPTION NO. 2002154457 IN SAID OFFICE OF THE CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING 11 COURSES;

1. CONTINUING NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°54'50" AN ARC LENGTH OF 8.88 FEET;
2. NORTH 15°33'39" EAST 41.67 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 132.00 FEET;

3. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°49'07" AN ARC LENGTH OF 36.44 FEET;
4. TANGENT TO SAID CURVE, NORTH 00°15'28" WEST 283.30 FEET;
5. NORTH 89°44'32" EAST 4.00 FEET;
6. NORTH 00°15'29" WEST 182.66 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 4,964.00 FEET;
7. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°23'45" AN ARC LENGTH OF 34.29 FEET;
8. TANGENT TO SAID CURVE, NORTH 00°08'16" EAST 474.66 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 5,036.00 FEET;
9. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°08'19" AN ARC LENGTH OF 12.17 FEET;
10. TANGENT TO SAID CURVE, NORTH 00°00'02" WEST 178.96 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 15.00 FEET;
11. NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC LENGTH OF 23.56 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 51ST STREET, AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 37, RECORDED AT RECEPTION NO. 2003004077 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY AND THE WESTERLY RIGHT-OF-WAY OF CATHAY STREET SHOWN ON SAID PLAT OF GREEN VALLEY RANCH FILING NO. 38, THE FOLLOWING 2 COURSES;

1. TANGENT TO SAID CURVE, NORTH 89°59'58" EAST 623.58 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 744.00 FEET;
2. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°38'30" AN ARC LENGTH OF 1,151.03 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY AND NON-TANGENT TO SAID CURVE SOUTH 90°00'00" WEST 212.97 FEET TO THE NORTHERLY BOUNDARY OF THAT PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED AT RECEPTION NO. 2003139755 IN SAID OFFICE OF THE CLERK AND RECORDER AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 241.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 08°15'36" EAST;

THENCE ALONG NORTHERLY AND WESTERLY BOUNDARY OF SAID PARCEL THE FOLLOWING 8 COURSES;

1. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 60°00'09" AN ARC LENGTH OF 252.39 FEET;
2. NON-TANGENT TO SAID CURVE SOUTH 90°00'00" WEST 183.92 FEET;
3. SOUTH 47°08'09" WEST 52.13 FEET;
4. SOUTH 25°09'29" WEST 123.63 FEET;

5. SOUTH 09°52'05" EAST 207.90 FEET;
6. SOUTH 06°39'19" WEST 77.05 FEET;
7. SOUTH 55°03'19" WEST 116.42 FEET;
8. SOUTH 00°29'03" EAST 75.05 FEET;

THENCE DEPARTING SAID WESTERLY BOUNDARY SOUTH 89°31'36" WEST 21.02 FEET;
THENCE NORTH 00°28'24" WEST 22.67 FEET;
THENCE NORTH 89°51'40" WEST 53.62 FEET;
THENCE NORTH 30°08'54" WEST 108.56 FEET;
THENCE NORTH 50°59'58" EAST 76.73 FEET;
THENCE NORTH 59°16'42" EAST 45.89 FEET;
THENCE NORTH 32°29'43" EAST 27.36 FEET;
THENCE NORTH 00°25'39" EAST 22.99 FEET;
THENCE NORTH 14°11'34" WEST 119.81 FEET;
THENCE NORTH 05°53'18" WEST 106.33 FEET;
THENCE NORTH 05°07'34" EAST 31.82 FEET;
THENCE NORTH 17°09'46" EAST 21.31 FEET;
THENCE NORTH 39°56'23" EAST 33.39 FEET;
THENCE NORTH 09°32'51" EAST 10.42 FEET;
THENCE NORTH 47°30'59" WEST 10.02 FEET;
THENCE NORTH 54°27'39" WEST 48.36 FEET;
THENCE NORTH 75°58'34" WEST 28.96 FEET;
THENCE SOUTH 72°06'42" WEST 63.09 FEET;
THENCE SOUTH 73°57'00" WEST 153.28 FEET;
THENCE SOUTH 68°35'00" WEST 79.58 FEET;
THENCE SOUTH 71°01'06" WEST 51.16 FEET;
THENCE SOUTH 45°47'25" WEST 35.25 FEET;
THENCE SOUTH 25°56'40" WEST 46.18 FEET;
THENCE SOUTH 15°08'01" WEST 48.50 FEET;

THENCE SOUTH 32°03'39" WEST 42.59 FEET;
THENCE SOUTH 20°10'57" WEST 64.34 FEET;
THENCE SOUTH 10°31'23" WEST 76.48 FEET;
THENCE SOUTH 02°51'25" EAST 80.19 FEET;
THENCE SOUTH 13°26'47" EAST 39.57 FEET;
THENCE SOUTH 22°34'11" EAST 50.89 FEET;
THENCE SOUTH 44°05'29" EAST 35.15 FEET;
THENCE SOUTH 61°27'10" EAST 55.60 FEET;
THENCE SOUTH 77°18'27" EAST 37.66 FEET;
THENCE SOUTH 89°59'17" EAST 49.00 FEET;
THENCE NORTH 74°04'33" EAST 53.76 FEET;
THENCE NORTH 56°42'03" EAST 21.74 FEET;
THENCE SOUTH 00°07'03" WEST 110.09 FEET;
THENCE SOUTH 89°29'36" WEST 372.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 21.453 ACRES (934,500. SQ.FT.), MORE OR LESS .

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, P.L.S. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1, LITTLETON, CO. 80122

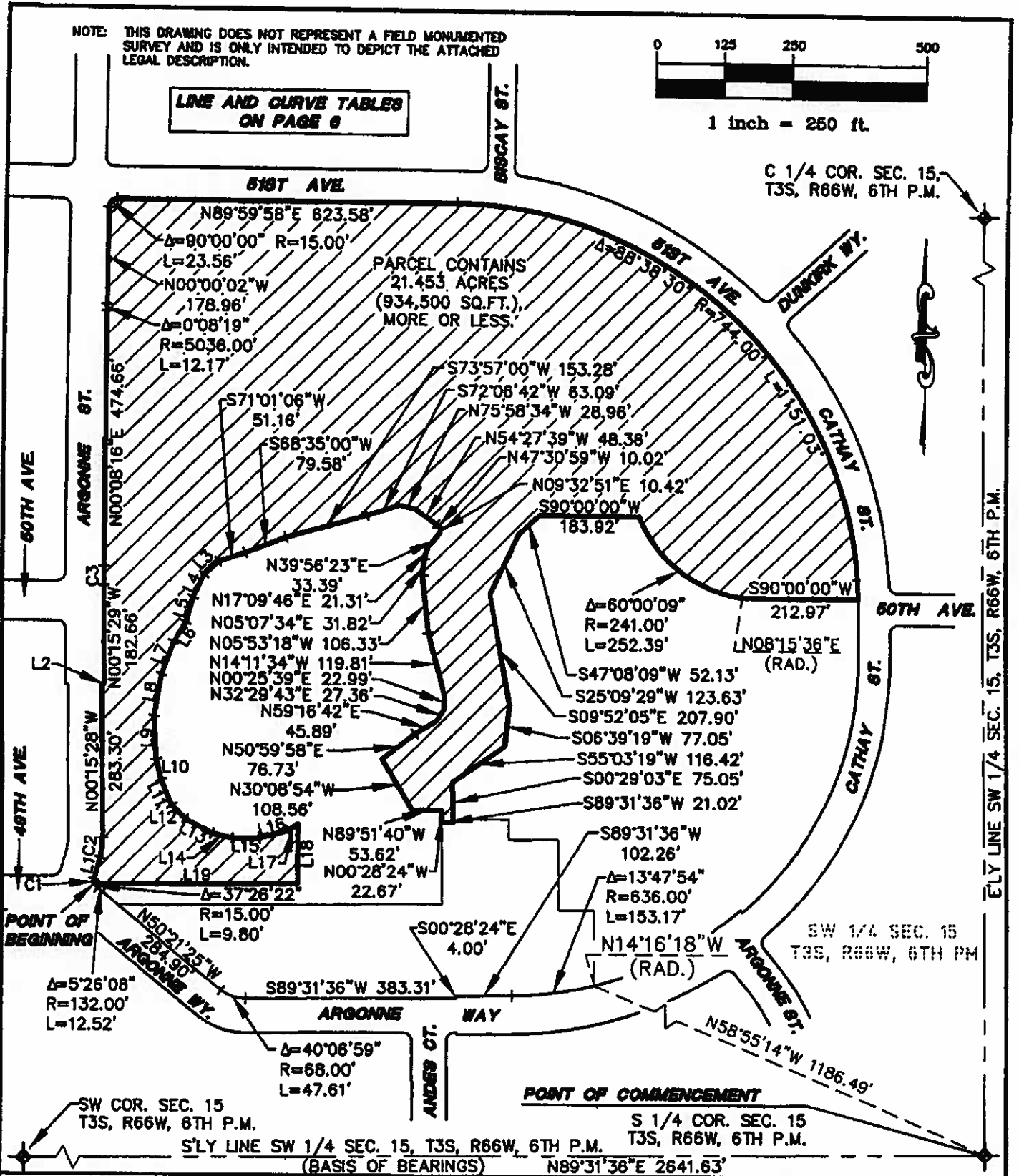
NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

LINE AND CURVE TABLES
ON PAGE 8



1 inch = 250 ft.

C 1/4 COR. SEC. 15,
T3S, R66W, 6TH P.M.



PATH: R 18283-09-1000 RECD
OWN NAME: REMAINDER PARCEL
DW: DBH CHK: DCR
DATE: 04-29-11
SCALE: 1" = 250'



300 East Mineral Ave., Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898
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www.aztecconsultants.com

POINT OF COMMENCEMENT

S 1/4 COR. SEC. 15
T3S, R66W, 6TH P.M.

N89°31'36"E 2641.63'

EXHIBIT

GREEN VALLEY RANCH

CITY AND COUNTY OF DENVER, COLORADO
JOB NUMBER 18303-09 5 OF 6 SHEETS

LINE TABLE		
LINE	BEARING	LENGTH
L1	N15°33'39"E	41.67'
L2	N89°44'32"E	4.00'
L3	S45°47'25"W	35.25'
L4	S25°58'40"W	46.18'
L5	S15°08'01"W	48.50'
L6	S32°03'39"W	42.59'
L7	S20°10'57"W	64.34'
L8	S10°31'23"W	76.48'
L9	S02°51'25"E	80.19'
L10	S13°26'47"E	39.57'
L11	S22°34'11"E	50.89'
L12	S44°05'29"E	35.15'
L13	S61°27'10"E	55.60'
L14	S77°18'27"E	37.66'
L15	S89°59'17"E	49.00'
L16	N74°04'33"E	53.76'
L17	N56°42'03"E	21.74'
L18	S00°07'03"W	110.09'
L19	S89°29'36"W	372.70'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	33°54'50"	15.00'	8.88'
C2	15°49'07"	132.00'	36.44'
C3	0°23'45"	4964.00'	34.29'

PATH: N:\2010-07-2000 FILE
 DWG NAME: REMAINDER PARCEL
 DWG: DBH CHK: DCR
 DATE: 04-29-11
 SCALE: N/A



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LINE AND CURVE TABLES
GREEN VALLEY RANCH
CITY AND COUNTY OF DENVER, COLORADO

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 15 WHENCE THE NORTHWEST CORNER OF SAID SECTION 15 BEARS NORTH 00°15'08" WEST, A DISTANCE OF 2658.97 FEET BETWEEN THE MONUMENTS SHOWN HEREON;

THENCE NORTH 50°00'38" EAST, A DISTANCE OF 1039.01 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF ELMENDORF DRIVE, AS SHOWN ON GREEN VALLEY RANCH FILING NO. 37, PER PLAT RECORDED AT RECEPTION NO. 2003004077 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTHWESTERLY RIGHT-OF-WAY, NORTH 00°15'08" WEST, A DISTANCE OF 450.04 FEET;

THENCE SOUTH 89°44'52" WEST, A DISTANCE OF 104.63 FEET;

THENCE NORTH 00°15'08" WEST, A DISTANCE OF 567.25 FEET;

THENCE NORTH 72°57'54" EAST, A DISTANCE OF 38.86 FEET;

THENCE SOUTH 59°17'32" EAST, A DISTANCE OF 48.54 FEET;

THENCE SOUTH 23°40'53" EAST, A DISTANCE OF 298.86 FEET;

THENCE SOUTH 56°19'38" EAST, A DISTANCE OF 201.15 FEET;

THENCE SOUTH 21°29'50" EAST, A DISTANCE OF 91.78 FEET;

THENCE SOUTH 31°09'07" EAST, A DISTANCE OF 168.42 FEET;

THENCE SOUTH 58°49'05" EAST, A DISTANCE OF 86.01 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF SAID ELMENDORF DRIVE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1101.50 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 50°46'56" EAST;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

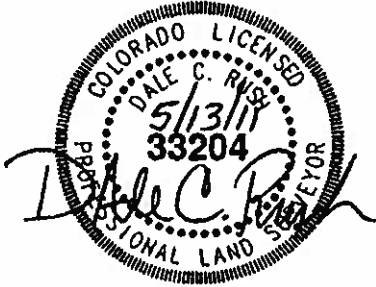
1. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°17'12" AN ARC LENGTH OF 24.74 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1,038.50 FEET;

2. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°22'00" AN ARC LENGTH OF 550.41 FEET TO THE POINT OF BEGINNING.

**PROPERTY DESCRIPTION
(CONTINUED)**

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

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN STREET, SUITE 201, LITTLETON, CO 80122

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 NW 1/4 SEC. 15
REC. NO. 20074052062

UNPLATTED

N72°57'54"E 38.86'

S59°17'32"E 48.54'

UNPLATTED

N00°15'08"W 567.25'

S23°40'53"E 298.86'

S56°19'38"E 201.15'

S21°29'50"E 91.78'

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

S58°49'05"E 86.01'

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

S89°44'52"W 104.63'

N00°15'08"W 450.04'

S31°09'07"E 186.42'

S50°46'56"E (RAD.)

Δ=01°17'12"
R=1101.50'
L=24.74'

POINT OF BEGINNING

Δ=30°22'00" R=1038.50' L=550.41'

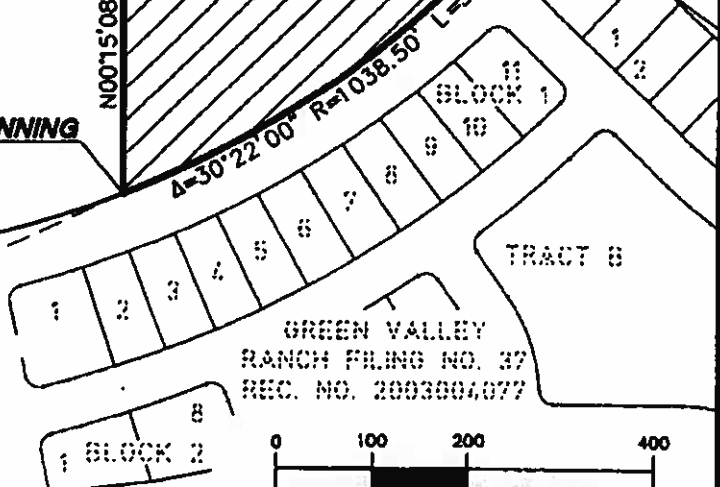
ELMENDORF DRIVE
(REC. NO. 2003004077)

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'



2000 S. Lincoln St., Suite 201
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Phone: (303)713-8800
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EXHIBIT
TOWER-ELMENDORF PROJECT
CITY AND COUNTY OF DENVER, COLORADO
JOB NUMBER 19311-01 3 OF 3 SHEETS