

**TIMNATH LAKES METROPOLITAN DISTRICT (“TLMD”) NOS. 4-6**

141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898  
Tel: 303-987-0835 • 800-741-3254  
Fax: 303-987-2032

**NOTICE OF A SPECIAL MEETING AND AGENDA**

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Janis Emanuel	President	2022/May 2022
Robert Bol	Treasurer	2023/May 2023
Theodore Antenucci	Assistant Secretary	2022/May 2022
<b>VACANT</b>		2023/May 2022
<b>VACANT</b>		2023/May 2022
Matt Cohrs	Secretary	

DATE: January 28, 2022

TIME: 10:30 a.m.

PLACE: **VIA ZOOM MEETING**

***IF YOU WOULD LIKE TO ATTEND THIS MEETING, THE LINK IS BELOW.***

<https://us02web.zoom.us/j/87524350805?pwd=L1JWb1RzK2M5c0dPU3k2UG1DbjVzdz09>

**Phone:** 1 (669) 900-6833

**Meeting ID:** 875 2435 0805

**Password:** 773368

**One tap mobile:** +16699006833,,87524350805#

I. ADMINISTRATIVE MATTERS

A. Present disclosures of potential conflicts of interest.

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B. Approve Agenda, confirm location of the meeting and posting of meeting notices, and designate 24-hour posting location.

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C. Review and consider approval of the Minutes of the November 8, 2021 Special Meeting (**TLMD 4-6**) (enclosures).

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D. Discuss status of Districts’ website (**TLMD 4-6**).

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II. PUBLIC COMMENTS

- A. Members of the public may express their views to the Board on matters that affect the District. Comments will be limited to three (3) minutes.
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III. FINANCIAL MATTERS

- A. Review and ratify approval of the payment of claims for the periods ending as follows (**TLMD 6**) (enclosures):

Fund	Period Ending July 31, 2021	Period Ending August 31, 2021	Period Ending Sept. 30, 2021
General	\$ 5,728.80	\$ 5,089.26	\$ 6,034.62
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 5,728.80</b>	<b>\$ 5,089.26</b>	<b>\$ 6,034.62</b>

Fund	Period Ending October 31, 2021	Period Ending Nov. 30, 2021	Period Ending Dec. 31, 2021
General	\$ 8,211.14	\$ 8,417.36	\$ 32,343.35
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 8,211.14</b>	<b>\$ 8,417.36</b>	<b>\$ 32,343.35</b>

Fund	Period Ending January 31, 2022
General	\$ 22,733.32
Debt Service	\$ 7,000.00
Capital Projects	\$ -0-
<b>Total Claims</b>	<b>\$ 29,733.32</b>

- B. Review and accept the unaudited Financial Statements through the period ending \_\_\_\_\_, 2021 and Schedule of Cash Position as of \_\_\_\_\_, 2021 (**TLMD 6**) (to be distributed).
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IV. LEGAL MATTERS

- A. Discuss amending District Fees (Residential) (**TLMD 1 & 3**).
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- B. Discuss potential bond issuance and authorize any necessary actions in connection therewith.
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- C. Review and consider approval of Non-Exclusive Access and Maintenance Agreement between CAC Timnath LLC and Timnath Lakes Metropolitan District No. 6 (**TLMD 6**) (enclosure).
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- D. Discuss matters relating to Akin Lateral Irrigation Ditch Relocation. Authorize any necessary actions in connection therewith.
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V. CAPITAL MATTERS

- A. \_\_\_\_\_

VI. OPERATIONS AND MAINTENANCE

- A. \_\_\_\_\_

VII. COMMUNITY MANAGEMENT

- A. Discuss and consider adoption of Resolution Adopting Rules and Regulations (**TLMD 6**) (to be distributed).
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VIII. OTHER BUSINESS

- A. Discuss status of development (**TLMD 4-6**).
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- IX. ADJOURNMENT **THE NEXT REGULAR MEETING IS SCHEDULED FOR APRIL 20, 2022.**

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TIMNATH LAKES METROPOLITAN DISTRICT NO. 4 HELD NOVEMBER 8, 2021

A Special Meeting of the Board of Directors of the Timnath Lakes Metropolitan District No. 4 (referred to hereafter as "Board") was convened on Monday, the 8<sup>th</sup> day of November, 2021 at 9:00 a.m. via Zoom. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Janis L. Emanuel  
Robert Bol

Following discussion, upon motion duly made by Director Emanuel seconded by Director Bol and, upon vote, unanimously carried, the absence of Director Theodore Antenucci was excused.

##### Also In Attendance Were:

Matt Cohrs; Special District Management Services, Inc.

Paula Williams, Esq., Kate Olson, Esq. and Craig Sorensen; McGeady Becher P.C.

Curtis Bourgoiin; CliftonLarsonAllen LLP

Michael Kuykendall and Nick Montalbano (for a portion of the meeting);  
Catellus Development Corporation

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Cohrs noted that a quorum was present and requested members of the Board 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 the statute. Attorney Williams noted that all Directors' Disclosure Statements have been filed, and that no new conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

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### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Cohrs distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Agenda was approved, as amended.

**Location of Meeting and Posting of Notices:** 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. The Board determined that the meeting would be held by video/telephonic means, and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location of the meeting was duly posted and that the District had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the District boundaries.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol, and upon vote, unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District as least 24 hours prior to each meeting at the following location: at the North side of East Harmony Road on a wood stake 400 feet west of Three Bell Parkway.

**Minutes:** The Board reviewed the Minutes of the November 9, 2020 Special Meeting.

Following discussion, upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, the Minutes of the November 9, 2020 Special Meeting were approved.

**Resignation/Appointment of Secretary:** The resignation of Ms. Finn as Secretary effective as of November 8, 2021, was acknowledged.

The Board considered the appointment of Mr. Cohrs as Secretary. Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed Mr. Cohrs as Secretary to the Board of Directors.

**Resolution No. 2021-11-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** Mr. Cohrs discussed with the Board Resolution No. 2021-11-01;

## RECORD OF PROCEEDINGS

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Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board scheduled regular meetings for 2022 at 1:00 p.m. on January 19, April 20, July 20 and October 20, 2022, such meetings to be held virtually.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-01; Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2022:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2022 and directed staff to post the Transparency Notice on the Special District Association's website.

**Status of District's Website:** Mr. Cohrs reported to the Board on the status of the District's website.

### **PUBLIC COMMENTS**

There were no public comments.

### **FINANCIAL MATTERS**

**2020 Application for Exemption from Audit:** The Board reviewed the 2020 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board ratified the approval of the execution and filing of the Application for Exemption from Audit for 2020.

**2021 Application for Exemption from Audit:** The Board discussed the requirements for an audit.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the Application for Exemption from Audit for 2021.

**2021 Budget Amendment Hearing:** The President opened the public hearing to consider a Resolution to Amend the 2021 Budget and discuss related issues.

## RECORD OF PROCEEDINGS

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It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2021 Budget and the date, time and place of the public hearing 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 discussion, the Board determined that a 2021 Budget Amendment was not needed.

**2022 Budget Hearing:** The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and place of the public hearing 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.

Mr. Bourgoiu reviewed the estimated 2021 expenditures and the proposed 2022 expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2021-11-02 to Adopt the 2022 Budget and Appropriate Sums of Money and Resolution No. 2021-11-03 to Set Mill Levies (General Fund at 50.000 mills, for a total mill levy of 50.000 mills). Upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2021. Mr. Cohrs was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Larimer County not later than December 15, 2021. Mr. Cohrs was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022. Copies of the adopted Resolutions are attached to these minutes and incorporated herein by this reference.

**DLG-70 Mill Levy Certification:** Mr. Bourgoiu discussed with the Board the DLG-70 Mill Levy Certification form.

Following discussion, upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 mill levy

## RECORD OF PROCEEDINGS

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certification form, for certification to the Board of County Commissioners and other interested parties.

**2023 Budget Preparation:** The Board discussed the preparation of the 2023 Budget.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget. The Board determined to hold the public hearing to consider adoption of the 2023 Budget on October 20, 2022.

**Master Service Agreement with CliftonLarsonAllen LLP:** The Board reviewed the Master Service Agreement with CliftonLarsonAllen LLP.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the Master Service Agreement with CliftonLarsonAllen LLP.

### **LEGAL MATTERS**

**Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6:** The Board reviewed the Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board ratified approval of the Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6.

**First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC, Weekley Homes, LLC, and Lennar Colorado, LLC:** The Board reviewed the First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC, Weekley Homes, LLC, and Lennar Colorado, LLC.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board acknowledged the First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC, Weekley Homes, LLC, and Lennar Colorado, LLC and authorized all actions in connection therewith concerning Timnath Lakes Metropolitan District No. 6's enforcement thereof.



## RECORD OF PROCEEDINGS

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**Resolution(s) of the Boards of Directors of Timnath Lakes Metropolitan District Nos. 4-6 Regarding the Amendment to the Imposition of District Fees (Residential):** The Board deferred discussion.

**First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests:** The Board reviewed the First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted the First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests.

**Potential Bond Issuance:** Mr. Kuykendall updated the Board on a potential bond issuance. No action was taken by the Board.

**Resolution to Call the May 3, 2022 Regular Directors' Election:** Attorney Williams discussed with the Board the upcoming election and Resolution No. 2021-11-04 Calling the May 3, 2022 Regular Directors' Election.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-04 Calling the May 3, 2022 Regular Directors' Election, appointed Mr. Cohrs as the Designated Election Official, and authorized him to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

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**CAPITAL MATTERS** There were no capital matters.

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**OTHER MATTERS** **Current Development:** The Board discussed the status of development within the District.

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## RECORD OF PROCEEDINGS

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

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

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TIMNATH LAKES METROPOLITAN DISTRICT NO. 5 HELD NOVEMBER 8, 2021

A Special Meeting of the Board of Directors of the Timnath Lakes Metropolitan District No. 5 (referred to hereafter as "Board") was convened on Monday, the 8<sup>th</sup> day of November, 2021 at 9:00 a.m. via Zoom. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Janis L. Emanuel  
Robert Bol

Following discussion, upon motion duly made by Director Emanuel seconded by Director Bol and, upon vote, unanimously carried, the absence of Director Theodore Antenucci was excused.

##### Also In Attendance Were:

Matt Cohrs; Special District Management Services, Inc.

Paula Williams, Esq., Kate Olson, Esq. and Craig Sorensen; McGeady Becher P.C.

Curtis Bourgouin; CliftonLarsonAllen LLP

Michael Kuykendall and Nick Montalbano (for a portion of the meeting);  
Catellus Development Corporation

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Cohrs noted that a quorum was present and requested members of the Board 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 the statute. Attorney Williams noted that all Directors' Disclosure Statements have been filed, and that no new conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

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### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Cohrs distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Agenda was approved, as amended.

**Location of Meeting and Posting of Notices:** 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. The Board determined that the meeting would be held by video/telephonic means, and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location of the meeting was duly posted and that the District had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the District boundaries.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol, and upon vote, unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District as least 24 hours prior to each meeting at the following location: at the North side of East Harmony Road on a wood stake 400 feet west of Three Bell Parkway.

**Minutes:** The Board reviewed the Minutes of the November 9, 2020 Special Meeting.

Following discussion, upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, the Minutes of the November 9, 2020 Special Meeting were approved.

**Resignation/Appointment of Secretary:** The resignation of Ms. Finn as Secretary effective as of November 8, 2021, was acknowledged.

The Board considered the appointment of Mr. Cohrs as Secretary. Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed Mr. Cohrs as Secretary to the Board of Directors.

**Resolution No. 2021-11-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** Mr. Cohrs discussed with the Board Resolution No. 2021-11-01;

## RECORD OF PROCEEDINGS

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Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board scheduled regular meetings for 2022 at 1:00 p.m. on January 19, April 20, July 20 and October 20, 2022, such meetings to be held virtually.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-01; Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2022:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2022 and directed staff to post the Transparency Notice on the Special District Association's website.

**Status of District's Website:** Mr. Cohrs reported to the Board on the status of the District's website.

### **PUBLIC COMMENTS**

There were no public comments.

### **FINANCIAL MATTERS**

**2020 Application for Exemption from Audit:** The Board reviewed the 2020 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board ratified the approval of the execution and filing of the Application for Exemption from Audit for 2020.

**2021 Application for Exemption from Audit:** The Board discussed the requirements for an audit.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the Application for Exemption from Audit for 2021.

**2021 Budget Amendment Hearing:** The President opened the public hearing to consider a Resolution to Amend the 2021 Budget and discuss related issues.

## RECORD OF PROCEEDINGS

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It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2021 Budget and the date, time and place of the public hearing 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 discussion, the Board determined that a 2021 Budget Amendment was not needed.

**2022 Budget Hearing:** The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and place of the public hearing 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.

Mr. Bourgoiu reviewed the estimated 2021 expenditures and the proposed 2022 expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2021-11-02 to Adopt the 2022 Budget and Appropriate Sums of Money and Resolution No. 2021-11-03 to Set Mill Levies (General Fund at 50.000 mills, for a total mill levy of 50.000 mills). Upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2021. Mr. Cohrs was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Larimer County not later than December 15, 2021. Mr. Cohrs was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022. Copies of the adopted Resolutions are attached to these minutes and incorporated herein by this reference.

**DLG-70 Mill Levy Certification:** Mr. Bourgoiu discussed with the Board the DLG-70 Mill Levy Certification form.

Following discussion, upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 mill levy

## RECORD OF PROCEEDINGS

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certification form, for certification to the Board of County Commissioners and other interested parties.

**2023 Budget Preparation:** The Board discussed the preparation of the 2023 Budget.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget. The Board determined to hold the public hearing to consider adoption of the 2023 Budget on October 20, 2022.

**Master Service Agreement with CliftonLarsonAllen LLP:** The Board reviewed the Master Service Agreement with CliftonLarsonAllen LLP.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the Master Service Agreement with CliftonLarsonAllen LLP.

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### **LEGAL MATTERS**

**Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6:** The Board reviewed the Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board ratified approval of the Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6.

**First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC, Weekley Homes, LLC, and Lennar Colorado, LLC:** The Board reviewed a First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC, Weekley Homes, LLC, and Lennar Colorado, LLC.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board acknowledged the First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC, Weekley Homes, LLC, and Lennar Colorado, LLC and authorized all actions in connection therewith concerning Timnath Lakes Metropolitan District No. 6's enforcement thereof.

## RECORD OF PROCEEDINGS

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**Resolution(s) of the Boards of Directors of Timnath Lakes Metropolitan District Nos. 4-6 Regarding the Amendment to the Imposition of District Fees (Residential)**: The Board deferred discussion.

**First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests**: The Board reviewed the First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted the First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests.

**Potential Bond Issuance**: Mr. Kuykendall updated the Board on a potential bond issuance. No action was taken by the Board.

**Resolution to Call the May 3, 2022 Regular Directors' Election**: Attorney Williams discussed with the Board the upcoming election and Resolution No. 2021-11-04 Calling the May 3, 2022 Regular Directors' Election.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-04 Calling the May 3, 2022 Regular Directors' Election, appointed Mr. Cohrs as the Designated Election Official, and authorized him to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

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**CAPITAL MATTERS** There were no capital matters.

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**OTHER MATTERS** **Current Development**: The Board discussed the status of development within the District.

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## RECORD OF PROCEEDINGS

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

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

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TIMNATH LAKES METROPOLITAN DISTRICT NO. 6 HELD NOVEMBER 8, 2021

A Special Meeting of the Board of Directors of the Timnath Lakes Metropolitan District No. 6 (referred to hereafter as "Board") was convened on Monday, the 8<sup>th</sup> day of November, 2021 at 9:00 a.m. via Zoom. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Janis L. Emanuel  
Robert Bol

Following discussion, upon motion duly made by Director Emanuel seconded by Director Bol and, upon vote, unanimously carried, the absence of Director Theodore Antenucci was excused.

##### Also In Attendance Were:

Matt Cohrs; Special District Management Services, Inc.

Paula Williams, Esq., Kate Olson, Esq. and Craig Sorensen; McGeady Becher P.C.

Curtis Bourgouin; CliftonLarsonAllen LLP

Michael Kuykendall and Nick Montalbano (for a portion of the meeting);  
Catellus Development Corporation

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Cohrs noted that a quorum was present and requested members of the Board 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 the statute. Attorney Williams noted that all Directors' Disclosure Statements have been filed, and that no new conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

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### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Cohrs distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Agenda was approved, as amended.

**Approval of Meeting Location:** 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. The Board noted that due to public health concerns regarding the spread of COVID-19, the meeting was also held via teleconference.

Mr. Cohrs reported that notice was duly posted and that no objections to the telephonic manner of the meeting or any requests that the telephonic manner of the meeting be changed by taxpaying electors within the District boundaries have been received.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol, and upon vote, unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District as least 24 hours prior to each meeting at the following location: at the North side of East Harmony Road on a wood stake 500 feet west of Three Bell Parkway.

**Minutes:** The Board reviewed the Minutes of the November 9, 2020 Special Meeting.

Following discussion, upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, the Minutes of the November 9, 2020 Special Meeting were approved.

**Resignation/Appointment of Secretary:** The resignation of Ms. Finn as Secretary effective as of November 8, 2021, was acknowledged.

The Board considered the appointment of Mr. Cohrs as Secretary. Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed Mr. Cohrs as Secretary to the Board of Directors.

**Resolution No. 2021-11-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** Mr. Cohrs discussed with the Board Resolution No. 2021-11-01;

## RECORD OF PROCEEDINGS

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Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board scheduled regular meetings for 2022 at 1:00 p.m. on January 19, April 20, July 20 and October 20, 2022, such meetings to be held virtually.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-01; Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2022:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2022 and directed staff to post the Transparency Notice on the Special District Association’s website.

**Status of District’s Website:** Mr. Cohrs reported to the Board on the status of the District’s website.

**PUBLIC  
COMMENTS**

There were no public comments.

**FINANCIAL  
MATTERS**

**Claims:** The Board reviewed and considered ratifying approval of the payment of claims for the period ending as follows:

Fund	Period Ending January 14, 2021	Period Ending Feb. 16, 2021	Period Ending April 30, 2021
General	\$ 4,078.95	\$ 7,554.73	\$ 5,337.40
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ 516.00	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 4,594.95</b>	<b>\$ 7,554.73</b>	<b>\$ 5,337.40</b>

Fund	Period Ending May 31, 2021	Period Ending June 30, 2021
General	\$ 13,687.36	\$ 1,308.04
Debt Service	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 13,687.36</b>	<b>\$ 1,308.04</b>

Following discussion, upon motion duly made by Director Emanuel and seconded by Director Bol, upon vote unanimously carried, the Board ratified approval of the payment of claims.

## RECORD OF PROCEEDINGS

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**Unaudited Financial Statements and Schedule of Cash Position:** Mr. Bourgouin reviewed with the Board the unaudited financial statements, dated September 30, 2021 and the schedule of cash position, dated September 30, 2021, updated as of November 3, 2021.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board accepted the unaudited financial statements, dated September 30, 2021 and the schedule of cash position, dated September 30, 2021, updated as of November 3, 2021, as presented.

**2020 Application for Exemption from Audit:** The Board reviewed the 2020 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board ratified approval of the execution and filing of the Application for Exemption from Audit for 2020.

**2021 Application for Exemption from Audit:** The Board discussed the requirements for an audit.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the Application for Exemption from Audit for 2021.

**2021 Budget Amendment Hearing:** The President opened the public hearing to consider a Resolution to Amend the 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2021 Budget and the date, time and place of the public hearing 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 discussion, the Board determined that a 2021 Budget Amendment was not needed.

**2022 Budget Hearing:** The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

## RECORD OF PROCEEDINGS

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It was noted that publication of Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and place of the public hearing 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.

Mr. Bourgoiu reviewed the estimated 2021 expenditures and the proposed 2022 expenditures. The Board discussed the mill levy and determined that no mill levy will be certified.

Following discussion, the Board considered the adoption of the Resolution to Adopt the 2022 Budget and Appropriate Sums of Money. Upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, Resolution No. 2021-11-02 was adopted, as discussed, and execution of the Certification of Budget was authorized. Mr. Cohrs was authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022. A copy of the adopted Resolution is attached to these Minutes and incorporated herein by this reference.

**DLG-70 Mill Levy Certification:** Mr. Bourgoiu discussed with the Board the DLG-70 Mill Levy Certification form.

Following discussion, upon motion duly made by Director Emanuel and seconded by Director Bol and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 mill levy certification form (zero mill levy), for certification to the Board of County Commissioners and other interested parties.

**2023 Budget Preparation:** The Board discussed the preparation of the 2023 Budget.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget. The Board determined to hold the public hearing to consider adoption of the 2023 Budget on October 20, 2022.

**Master Service Agreement with CliftonLarsonAllen LLP:** The Board reviewed the Master Service Agreement with CliftonLarsonAllen LLP.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the Master Service Agreement with CliftonLarsonAllen LLP.

## RECORD OF PROCEEDINGS

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### LEGAL MATTERS

**Assignment of Facilities Funding and Acquisition Agreement between Timnath Lakes Metropolitan District No. 1 and Timnath Lakes Metropolitan District No. 6:** The Board reviewed the Assignment of Facilities Funding and Acquisition Agreement between Timnath Lakes Metropolitan District No. 1 and Timnath Lakes Metropolitan District No. 6.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board ratified approval of the Assignment of Facilities Funding and Acquisition Agreement between Timnath Lakes Metropolitan District No. 1 and Timnath Lakes Metropolitan District No. 6.

**Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6:** The Board reviewed the Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board ratified approval of the Cooperation Agreement between the Timnath Development Authority and Timnath Lakes Metropolitan District Nos. 1-6.

**2022 Operation Funding Agreement between Timnath Lakes Metropolitan District No. 6 and CAC Timnath LLC:** The Board reviewed the 2022 Operation Funding Agreement between Timnath Lakes Metropolitan District No. 6 and CAC Timnath LLC

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the 2022 Operation Funding Agreement between Timnath Lakes Metropolitan District No. 6 and CAC Timnath LLC.

**First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC, Weekley Homes, LLC, and Lennar Colorado, LLC:** The Board reviewed the First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC, Weekley Homes, LLC, and Lennar Colorado, LLC.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board acknowledged the First Amendment to Declaration of Architectural, Use and Maintenance Restrictions For Timnath Lakes (Residential) consented by CAC Timnath LLC,

## RECORD OF PROCEEDINGS

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Weekley Homes, LLC, and Lennar Colorado, LLC and authorized all actions in connection therewith concerning Timnath Lakes Metropolitan District No. 6's enforcement thereof.

**Declaration Concerning Disclosures Acknowledgments, Waivers and Construction Defect Dispute Resolution (Residential) by CAC Timnath LLC:** The Board reviewed the Declaration Concerning Disclosures Acknowledgments, Waivers and Construction Defect Dispute Resolution (Residential) by CAC Timnath LLC.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board acknowledged the Declaration Concerning Disclosures Acknowledgments, Waivers and Construction Defect Dispute Resolution (Residential) by CAC Timnath LLC and authorized all actions in connection therewith.

**Resolution(s) of the Boards of Directors of Timnath Lakes Metropolitan District Nos. 4-6 Regarding the Amendment to the Imposition of District Fees:** The Board deferred discussion.

**First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests:** The Board reviewed the First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted the First Amendment to Resolution No. 2020-08-07 Regarding Colorado Open Records Act Requests.

**Potential Bond Issuance:** Mr. Kuykendall updated the Board on the potential bond issuance. No action was taken by the Board.

**Resolution to Call the May 3, 2022 Regular Directors' Election:** Attorney Williams discussed with the Board the upcoming election and Resolution No. 2021-11-03 Calling the May 3, 2022 Regular Directors' Election.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-03 Calling the May 3, 2022 Regular Directors' Election, appointed Mr. Cohrs as the Designated Election Official, and authorized him to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.



## RECORD OF PROCEEDINGS

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**Application for Pipe Line Crossing/Parallel Encroachment Under/Over Properties and Tracks between Timnath Lakes MD No. 6 and OmniTrax Inc.:** The Board reviewed the Application for Pipe Line Crossing/Parallel Encroachment Under/Over Properties and Tracks between Timnath Lakes MD No. 6 and OmniTrax Inc.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the Application for Pipe Line Crossing/Parallel Encroachment Under/Over Properties and Tracks between Timnath Lakes MD No. 6 and OmniTrax Inc., and authorized staff to move forward with the Application.

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**CAPITAL MATTERS** There were no capital matters.

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**OPERATIONS AND MAINTENANCE** **Proposal for Snow Removal Services:** The Board entered into discussion regarding the proposal from Mill Brothers Landscape & Nursery, Inc. for snow removal services.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the proposal from Mill Brothers Landscape & Nursery, Inc. for snow removal services.

**Proposal for 2022 Landscape Maintenance Services:** The Board entered into discussion regarding the proposal from Mill Brothers Landscape & Nursery, Inc. for 2022 landscape maintenance services.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the proposal from Mill Brothers Landscape & Nursery, Inc. for 2022 landscape maintenance services.

**License Agreement:** The Board discussed a potential License Agreement between the District and CAC Timnath LLC.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board directed legal counsel to work with CAC Timnath LLC to prepare the License Agreement.

## RECORD OF PROCEEDINGS

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### COMMUNITY MANAGEMENT

**First Addendum to Management Agreement with Special District Management Services, Inc. for Community Management Services:** The Board reviewed the First Addendum to Management Agreement with Special District Management Services, Inc. for Community Management Services.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the First Addendum to Management Agreement with Special District Management Services, Inc. for Community Management Services.

**Rules and Regulations of Timnath Lakes:** The Board discussed the proposed Rules and Regulations of Timnath Lakes.

Following discussion, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the Board approved the Rules and Regulations of Timnath Lakes, subject to final legal review.

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### OTHER MATTERS

**Current Development:** The Board discussed the status of development within the District.

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Emanuel, seconded by Director Bol and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

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

**Timnath Farms North Metropolitan District No.1**  
**July-21**

<b>Vendor</b>	<b>Invoice #</b>	<b>Date</b>	<b>Due Date</b>	<b>Amount</b>	<b>Expense Account</b>	<b>Account Number</b>
CliftonLarsonAllen LLP	2942964	6/30/2021	6/30/2021	\$4,585.82	Accounting	107000
Special District Management Services, Inc.	Jun-21	6/30/2021	6/30/2021	\$1,142.98	District management	107440
				\$5,728.80		

**Timnath Farms North Metropolitan District No.1**  
**July-21**

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
<b>Disbursements</b>	\$ 5,728.80	-		\$ 5,728.80
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<b>Total Disbursements</b>	\$ 5,728.80	\$ -	\$ -	\$ 5,728.80

Timnath Lakes Metropolitan District  
August-21

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
CliftonLarsonAllen LLP	2968300	7/31/2021	7/31/2021	\$ 1,965.03	Accounting	107000
McGeady Becher P.C	1434W 06/2021	6/30/2021	6/30/2021	\$ 112.35	Legal services	107460
Special District Management Services, Inc.	D4 07/2021	7/31/2021	7/31/2021	\$ 384.00	District management	107440
Special District Management Services, Inc.	D3 07/2021	7/31/2021	7/31/2021	\$ 314.80	District management	107440
Special District Management Services, Inc.	D1 07/2021	7/31/2021	7/31/2021	\$ 1,272.48	District management	107440
Special District Management Services, Inc.	D5 07/2021	7/31/2021	7/31/2021	\$ 328.00	District management	107440
Special District Management Services, Inc.	D6 07/2021	7/31/2021	7/31/2021	\$ 350.00	District management	107440
Special District Management Services, Inc.	D2 07/2021	7/31/2021	7/31/2021	\$ 362.60	District management	107440
				\$5,089.26		

**Timnath Farms North Metropolitan District No.1**  
**August-21**

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
<b>Disbursements</b>	\$ 5,089.26	-	-	\$ 5,089.26
<b>Total Disbursements</b>	<u>\$ 5,089.26</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 5,089.26</u>

**Timnath Farms North Metropolitan District No.1  
September-21**

<b>Vendor</b>	<b>Invoice #</b>	<b>Date</b>	<b>Due Date</b>	<b>Amount</b>	<b>Expense Account</b>	<b>Account Number</b>
CliftonLarsonAllen LLP	2998665	8/31/2021	8/31/2021	\$ 1,077.98	Accounting	107000
McGeady Becher P.C	1434W 07/2021	7/31/2021	7/31/2021	\$ 2,437.03	Legal services	107460
Special District Management Services, Inc.	D1 08/2021	8/31/2021	8/31/2021	\$ 1,031.61	District management	107440
Special District Management Services, Inc.	D2 08/2021	8/31/2021	8/31/2021	\$ 42.00	District management	107440
Special District Management Services, Inc.	D3 08/2021	8/31/2021	8/31/2021	\$ 42.00	District management	107440
Special District Management Services, Inc.	D4 08/2021	8/31/2021	8/31/2021	\$ 28.00	District management	107440
Special District Management Services, Inc.	D5 08/2021	8/31/2021	8/31/2021	\$ 14.00	District management	107440
Special District Management Services, Inc.	D6 08/2021	8/31/2021	8/31/2021	\$ 1,362.00	District management	107440
				\$ 6,034.62		

**Timnath Farms North Metropolitan District No.1**  
**September-21**

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
<b>Disbursements</b>	\$ 6,034.62	-		\$ 6,034.62
<hr/>				
<b>Total Disbursements</b>	\$ 6,034.62	\$ -	\$ -	\$ 6,034.62



**Timnath Farms North Metropolitan District No.1**  
**October-21**

<b>Vendor</b>	<b>Invoice #</b>	<b>Date</b>	<b>Due Date</b>	<b>Amount</b>	<b>Expense Account</b>	<b>Account Number</b>
CliftonLarsonAllen LLP	3029896	9/30/2021	9/30/2021	\$1,614.38	Accounting	107000
Colorado Special Districts Property & Liability Pool C/O McGriff, Seibels & Williams, Inc	POL-0007744	9/8/2021	9/8/2021	\$ 450.00	Prepaid insurance	101255
Colorado Special Districts Property & Liability Pool C/O McGriff, Seibels & Williams, Inc	POL-0007758	9/8/2021	9/8/2021	\$ 450.00	Prepaid insurance	101255
Colorado Special Districts Property & Liability Pool C/O McGriff, Seibels & Williams, Inc	POL-0007775	9/8/2021	9/8/2021	\$ 450.00	Prepaid insurance	101255
Colorado Special Districts Property & Liability Pool C/O McGriff, Seibels & Williams, Inc	POL-0007119	9/8/2021	9/8/2021	\$ 450.00	Prepaid insurance	101255
Colorado Special Districts Property & Liability Pool C/O McGriff, Seibels & Williams, Inc	POL-0007767	9/8/2021	9/8/2021	\$ 450.00	Prepaid insurance	101255
Colorado Special Districts Property & Liability Pool C/O McGriff, Seibels & Williams, Inc	POL-0007772	9/8/2021	9/8/2021	\$ 450.00	Prepaid insurance	101255
McGeady Becher P.C	1434W 08/2021	8/31/2021	8/31/2021	\$ 256.08	Legal services	107460
Special District Management Services, Inc.	D1 09/2021	9/30/2021	9/30/2021	\$ 969.48	District management	107440
Special District Management Services, Inc.	D2 09/2021	9/30/2021	9/30/2021	\$ 99.80	District management	107440
Special District Management Services, Inc.	D3 09/2021	9/30/2021	9/30/2021	\$ 99.40	District management	107440
Special District Management Services, Inc.	D4 09/2021	9/30/2021	9/30/2021	\$ 98.00	District management	107440
Special District Management Services, Inc.	D5 09/2021	9/30/2021	9/30/2021	\$ 98.00	District management	107440
Special District Management Services, Inc.	D6 09/2021	9/30/2021	9/30/2021	\$2,276.00	District management	107440

\$8,211.14

**Timnath Farms North Metropolitan District No.1**  
**October-21**

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
<b>Disbursements</b>	\$ 8,211.14	-		\$ 8,211.14
<hr/>				
<b>Total Disbursements</b>	\$ 8,211.14	\$ -	\$ -	\$ 8,211.14

**Timnath Farms North Metropolitan District No.1  
November-21**

<b>Vendor</b>	<b>Invoice #</b>	<b>Date</b>	<b>Due Date</b>	<b>Amount</b>	<b>Expense Account</b>	<b>Account Number</b>
McGeady Becher P.C	1434W 5-2021	5/31/2021	5/31/2021	\$ 248.34	Legal services	107460
McGeady Becher P.C	1434W 9-2021	9/30/2021	9/30/2021	\$ 3,459.36	Legal services	107460
McGeady Becher P.C	1434W 4-2021	4/30/2021	4/30/2021	\$ 544.83	Legal services	107460
Special District Management Services, Inc.	D5 10-2021	10/31/2021	10/31/2021	\$ 126.00	District management	107440
Special District Management Services, Inc.	D2 10-2021	10/31/2021	10/31/2021	\$ 250.00	District management	107440
Special District Management Services, Inc.	D6 10-2021	10/31/2021	10/31/2021	\$ 2,053.50	District management	107440
Special District Management Services, Inc.	D4 10-2021	10/31/2021	10/31/2021	\$ 126.00	District management	107440
Special District Management Services, Inc.	D1 10-2021	10/31/2021	10/31/2021	\$ 1,377.33	District management	107440
Special District Management Services, Inc.	D3 10-2021	10/31/2021	10/31/2021	\$ 232.00	District management	107440
				\$ 8,417.36		

**Timnath Farms North Metropolitan District No.1**  
**November-21**

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
<b>Disbursements</b>	\$ 8,417.36	-		\$ 8,417.36
<hr/>				
<b>Total Disbursements</b>	\$ 8,417.36	\$ -	\$ -	\$ 8,417.36



**Timnath Farms North Metropolitan District No.1**  
**December-21**

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
<b>Disbursements</b>	\$ 32,343.35	-		\$ 32,343.35
<hr/>				
<b>Total Disbursements</b>	\$ 32,343.35	\$ -	\$ -	\$ 32,343.35

**Timnath Farms North Metropolitan District No.1**  
**January-22**

Vendor	Invoice #	Date	Due Date	Amount in USD	Expense Account	Account Number
CliftonLarsonAllen LLP	3123144	12/31/2021	12/31/2021	\$ 1,969.29	Accounting	107000
McGeady Becher P.C	1434W 11-2021	11/30/2021	11/30/2021	\$ 16,576.75	Legal services	107460
Special District Management Services, Inc.	D6 12-2021	12/31/2021	12/31/2021	\$ 1,204.00	District management	107440
Special District Management Services, Inc.	D3 12-2021	12/31/2021	12/31/2021	\$ 168.00	District management	107440
Special District Management Services, Inc.	DS 12-2021	12/31/2021	12/31/2021	\$ 168.00	District management	107440
Special District Management Services, Inc.	D1 12-2021	12/31/2021	12/31/2021	\$ 2,269.28	District management	107440
Special District Management Services, Inc.	D2 12-2021	12/31/2021	12/31/2021	\$ 196.00	District management	107440
Special District Management Services, Inc.	D4 12-2021	12/31/2021	12/31/2021	\$ 182.00	District management	107440
Umb Bank N.A.	911542	1/10/2022	1/10/2022	\$ 3,000.00	Paying agent fees	207591
Umb Bank N.A.	911540	1/10/2022	1/20/2022	\$ 4,000.00	Paying agent fees	207591
				\$ 29,733.32		

**Timnath Farms North Metropolitan District No.1**  
**January-22**

	<b>General</b>		<b>Debt</b>		<b>Capital</b>		<b>Totals</b>
<b>Disbursements</b>	\$ 22,733.32	\$	7,000.00			-	\$ 29,733.32
<hr/>							
<b>Total Disbursements</b>	\$ 22,733.32	\$	7,000.00	\$	-		\$ 29,733.32



After recording return to:  
McGeady Becher P.C.  
Attn: Paula Williams  
450 E. 17<sup>th</sup> Avenue, Suite 400  
Denver, Colorado 80203

## **NON-EXCLUSIVE ACCESS AND MAINTENANCE EASEMENT AGREEMENT**

**THIS NON-EXCLUSIVE ACCESS AND MAINTENANCE EASEMENT AGREEMENT** (this “**Agreement**”) is entered into as of this \_\_\_\_ day of \_\_\_\_ 2022 (the “**Effective Date**”), by and between **CAC TIMNATH LLC**, a Delaware limited liability company (the “**Grantor**”), and **TIMNATH LAKES METROPOLITAN DISTRICT NO. 6**, a quasi-municipal corporation and political subdivision of the State of Colorado (the “**Grantee**”).

A. Grantor is the owner of certain real property located in Larimer County, Colorado, (the “**Property**”) and within the boundaries of Timnath Lakes Metropolitan District No. 1 (“**District No. 1**”) and Timnath Lakes Metropolitan District No. 3 (“**District No. 3**”).

B. Pursuant to the authority granted to the Grantee by its Service Plan, approved by Town of Timnath on September 10, 2019 as it may be amended from time to time (the “**Service Plan**”), the Grantee intends to construct and/or acquire certain public improvements and provide certain services to benefit properties within its boundaries and/or service area (the “**District Services**”).

C. The Property is governed by Grantee pursuant to that certain Facilities Funding, Construction and Operations Agreement, dated November 9, 2020 (“**FFCOA**”) entered into by the Grantee, Timnath Lakes Metropolitan District No. 1 (“**District No. 1**”), Timnath Lakes Metropolitan District No. 2 (“**District No. 2**”), Timnath Lakes Metropolitan District No. 3 (“**District No. 3**”), Timnath Lakes District No. 4 (“**District No. 4**”) and Timnath Lakes Metropolitan District No. 5 (“**District No. 5**” and together with the Grantee and District No. 1, District No. 2, District No. 3 and District No. 4, the “**Districts**”).

D. In accordance with the FFCOA and other governing documents, Grantee is authorized to construct, install, maintain, and operate public improvements, the Grantee has been engaged by the other Districts to provide for District Services for all of the Districts.

E. Grantee is authorized to construct, install, maintain, and operate public improvements, including but not limited to streets, sidewalks and landscaping and related improvements.

F. Grantor has or will cause certain Improvements (hereinafter defined) to be installed within the Easement Area (hereinafter defined).

G. In order to facilitate the ongoing maintenance of the Improvements by Grantee, Grantor desires to grant to Grantee, and Grantee desires to obtain from Grantor, a non-exclusive, access maintenance easement, as more particularly set forth below.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged by the Grantor, Grantor and Grantee agree as follows:

### **AGREEMENT**

1. Recitals. The above Recitals are true and correct and are incorporated herein by reference.
2. Grant. Grantor hereby grants, bargains, sells, and conveys to Grantee and its successors and assigns a perpetual, non-exclusive, access and maintenance easement (the “**Easement**”), in, to, through, over, under, across all alleyways, parking spaces, right-of-ways, and related improvements presently or hereafter constructed on the Property (collectively, the “**Improvements**”), as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the “**Easement Area**”), to survey, install, construct, use, operate, maintain, repair, replace, landscaping and other related appurtenances thereto located within the Easement Area, as well as to provide snow and ice removal services, subject and pursuant to the terms and conditions set forth herein. Grantee shall have the right to remove objects, landscaping, or other physical improvements made within the Easement Area, to the extent that they interfere with Grantee’s use of the Easement.
3. Limitations on Use of Easement Area by Grantor. Grantor shall not construct or place any structure or building, improvement, or landscaping, whether temporary or permanent, on any part of the Easement Area which will materially interfere with (a) Grantee’s use of the Easement granted hereby, or (b) the discharge of Grantee’s obligations under this Agreement. Additionally, if Grantor violates these restrictions or if Grantor’s gross negligence or intentional misconduct cause damage to the Improvements, Grantor will be liable for the cost to correct such violation or damage.
4. Subjacent and Lateral Support. Grantee shall have and exercise the right of subjacent and lateral support to whatever extent is necessary or desirable for the operation and maintenance of the Improvements. Grantor shall not take any action which would impair the subjacent or lateral support for the Improvements.
5. Access. Grantee and its agents, contractors, successors and assigns, shall have the right of perpetual access, in, to, through, and over the Easement Area, with reasonable notice and for the purposes of granted herein. Grantee and its agents, contractors, successors, and assigns shall access the Easement Area pursuant to any approved access points or areas.
6. Use of the Easement Area. In exercising its rights pursuant to this Agreement, Grantee shall:
  - (a) take all commercially reasonable efforts to cause as little disturbance as is practicable under the circumstances to Grantor’s use and enjoyment of the Property;

(b) maintain, or ensure that any contractors or subcontractors performing work pursuant to the Easement maintain, general liability insurance in commercially reasonable amounts given the work to be performed; and

(c) ensure that no liens attach to the Property as a result of or related to any work performed by Grantee (or its agents, employees, or contractors).

6. Maintenance and Repair. All work done in connection with the installation, maintenance, or repair of any Improvements, shall be performed in a good and workmanlike manner, and such work shall be done expeditiously so as not to unreasonably interfere with or hinder the use and enjoyment of the Easement Area by any person or entity having a right to use the Easement Area.

7. Certain Reserved Rights. Except as otherwise provided in this Agreement, Grantor reserves the rights to use the Easement Area and to grant further easement interests in the Easement Area to other grantees so long as such interests and uses do not materially or unreasonably interfere with the use of Grantee, its successors and assigns as permitted herein.

7. Incorporation. The acceptance of this Easement shall not create any responsibility that does not otherwise exist by operation of law or by separate agreement between Grantor and Grantee for the Grantee to construct, maintain, or repair any Improvements or facilities in or on the Easement Area.

8. Assignment. Grantee shall have the right and authority to assign, in whole or in part, any and all rights to use, and all obligations associated with, the Easement as are granted to and accepted by Grantee herein to any appropriate local governmental entity or to any utility provider.

9. Inurement; Runs with Land; Disclaimer of Joint Venture. Each and every one of the benefits and burdens of this Agreement shall inure to and be binding upon Grantor and Grantee and their respective legal representatives, heirs, administrators, successors and assigns. The rights and responsibilities set forth in this Agreement are intended to be covenants on the Easement Area and the Property and are to run with the land. Nothing in this Agreement shall be construed or deemed to create a partnership, joint venture, or agency relationship between the Grantee and any other person and/or entity.

10. Attorneys' Fees. In the event any party seeks to enforce its rights hereunder through litigation, arbitration, or another legal proceeding, the court or panel shall award to the prevailing party in such litigation, arbitration, or other legal proceeding, as part of its judgment or award, its reasonable attorneys' fees and costs.

11. Section Headings. The section headings contained herein are included for reference purposes only.

12. Governing Law. The terms, covenants and provisions hereof shall be governed by and construed under the applicable laws of the State of Colorado without reference to conflict of laws principles.

13. Notices. All notices, demands, requests or other communications to be sent by one Party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the addressee or by courier delivery via FedEx or other nationally recognized overnight air courier service, by electronically-confirmed email transmission, or by depositing same in the United States mail, postage prepaid, addressed as follows:

If to Grantor: CAC Timnath LLC  
29029 Upper Bear Creek Rd., Suite 203  
Evergreen, CO 80439  
Attention: Theodore Antenucci  
Phone: 303- 670-5206  
Email: tantenucci@catellus.com

If to Grantee: Timnath Lakes Metropolitan District No. 6  
c/o Special District Management Services, Inc.  
141 Union Boulevard, #150  
Lakewood, CO 80228  
Attention: Matt Cohrs  
Phone: 720-214-3967  
Email: mcohres@sdmsi.com

With Required Copy to: McGeady Becher P.C.  
450 E. 17<sup>th</sup> Avenue, Suite 400  
Denver, CO 80203-1254  
Phone: 303-592-4380  
Email: legalnotices@specialdistrictlaw.com

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with FedEx or other nationally recognized overnight air courier service, upon electronic confirmation of email transmission, or three (3) business days after deposit in the United States mail. By giving the other Party hereto at least ten (10) days' written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

14. Due Authority; Execution, Enforceability. Each party represents and warrants to the other, as follows: (i) the execution and delivery of this Agreement by such party and the performance and observance of its terms have all been authorized by all necessary actions of such party, (ii) this Agreement has been duly executed and delivered by such party, (iii) this Agreement is in full force and is enforceable against such party in accordance with its terms, (iv) the person or persons executing this Agreement on behalf of such party have been duly authorized to execute and deliver this Agreement on behalf of such party and have the power to bind such party to perform the terms of this Agreement.

**[Signature Pages Follow]**



[Signature Page 2 of 2 to Non-Exclusive Access and Maintenance Easement Agreement]

**GRANTEE:**

**TIMNATH LAKES METROPOLITAN DISTRICT NO. 6**, a quasi-municipal corporation and political subdivision of the State of Colorado

By: \_\_\_\_\_  
Janis Emanuel, President

STATE OF COLORADO )  
 ) ss.  
COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by Janis Emanuel, as President of Timnath Lakes Metropolitan District No. 6, a quasi-municipal corporation and political subdivision of the State of Colorado.

Witness my hand and official seal.

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

My commission expires: \_\_\_\_\_

[ S E A L ]

**EXHIBIT A**

Easement Area

**DISTRICT NO. 1**

AN IRREGULAR PARCEL OF LAND LOCATED IN SECTION 35, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35 TO BEAR N89°40'50"W, AS SHOWN ON THE PLAT OF TIMNATH FARMS FOURTH ANNEXATION TO THE TOWN OF TIMNATH, WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, N00°06'32"E, 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD 38 AND THE NORTHERLY BOUNDARY OF TIMNATH RANCH FOURTH ANNEXATION TO THE TOWN OF TIMNATH;

THENCE ALONG SAID NORTHERLY BOUNDARY OF TIMNATH RANCH FOURTH ANNEXATION TO THE TOWN OF TIMNATH, N89°40'50"W, 2649.28 FEET TO THE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY BOUNDARY, N89°39'13"W, 1942.39 FEET;  
THENCE ALONG THE NORTHERLY AND EASTERLY BOUNDARIES OF TIMNATH RANCH THIRD ANNEXATION TO THE TOWN OF TIMNATH THE FOLLOWING FOUR (4) COURSES:

1. N00°20'47"E, 20.00 FEET;
2. N89°39'13"W, 320.56 FEET;
3. N41°41'13"W, 430.26 FEET;
4. N06°41'36"W, 414.32 FEET;

THENCE ALONG THE BOUNDARY OF THE PROPERTY DESCRIBED IN THE SPECIAL WARRANTY DEED BETWEEN TMNATH FARMS, INC. AND TIMNATH LAND AND CATTLE COMPANY I, LLC RECORDED MAY 24, 2000 AT RECEPTION NO. 2000033822 THE FOLLOWING THREE (3) COURSES:

1. N00°14'31 "E, 910.58 FEET;
2. S89°39'28"E, 335.84 FEET;
3. N00°11'20"E, 131.11 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD;

THENCE N61°21 '13"E, 107.68 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD AND A POINT ON THE BOUNDARY OF THE PROPERTY DESCRIBED IN THE SPECIAL WARRANTY DEED BETWEEN TIMNATH

FARMS INC. AND TIMNATH LAND AND CATTLE COMPANY I, LLC RECORDED MAY 24, 2000 AT RECEPTION NO. 2000033822;

THENCE ALONG SAID BOUNDARY N00°14'31"E, 203.19 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 430.00 FEET AND A CENTRAL ANGLE OF 61°13'03", (THE CHORD OF WHICH BEARS S78°36'38"E, 437.89 FEET) 459.43 FEET;

THENCE S48°00'06"E, 546.04 FEET;

THENCE S50°19'29"E, 686.98 FEET TO A POINT OF CURVE;

THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 899.65 FEET AND A CENTRAL ANGLE OF 19°44'48", (THE CHORD OF WHICH BEARS S60°22'02"E, 308.53 FEET) 310.06 FEET;

THENCE S47°48'33"E, 166.42 FEET TO A POINT ON A CURVE;

THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1035.00 FEET AND A CENTRAL ANGLE OF 23°36'35", (THE CHORD OF WHICH BEARS S78°01'06"E, 423.48 FEET) 426.49 FEET;

THENCE S89°49'23"E, 241.35 FEET;

THENCE S00°10'37"W, 817.57 FEET TO THE POINT OF BEGINNING CONTAINING 3,703,912 SQUARE FEET OR 85.030 ACRES, MORE OR LESS.

THE ABOVE AND FOREGOING DESCRIBES A SURFACE ESTATE ONLY. EXPRESSLY EXCLUDED FROM THIS ARE ANY ESTATES BELOW THE SURFACE INCLUDING OIL, GAS AND OTHER MINERALS (INCLUDING SAND AND GRAVEL) AND ANY RELATED RIGHTS OF SURFACE USE.

**LESS AND EXCEPT:**

TRACT G AND TRACT H TIMNATH LANDING FILING NO. 1, ACCORDING TO THE PLAT RECORDED AUGUST 28, 2019 AT RECEPTION NO. 20190051031, COUNTY OF LARIMER, STATE OF COLORADO

AND:

A PARCEL OF LAND BEING A PORTION OF TRACT A AND C, AND A PORTION OF TIMNATH PARKWAY, TIMNATH LANDING FILING NO. 1, IN THE TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO, PER PLAT RECORD AUGUST 28, 2019 AT RECEPTION NO. 20190051031 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 68 WEST, 6TH PRINCIPAL MERIDIAN, SAID TOWN, COUNTY AND STATE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID SOUTHWEST QUARTER;

THENCE ALONG THE EASTERLY LINE OF SAID SOUTHWEST QUARTER, NORTH  $00^{\circ}10'37''$  EAST, 99.34 FEET TO THE NORTHEASTERLY LINE OF THE GREAT WESTERN RAILROAD RIGHT-OF-WAY (100.00' WIDE) AND THE POINT OF BEGINNING;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, NORTH  $50^{\circ}24'42''$  WEST, 2,806.43 FEET TO THE WESTERLY LINE OF SAID TRACT A;

THENCE ALONG SAID WESTERLY LINE, NORTH  $00^{\circ}14'31''$  EAST, 203.19 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 430.00 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $61^{\circ}13'03''$  AN ARC DISTANCE OF 459.43 FEET, THE CHORD OF SAID CURVE BEARS SOUTH  $78^{\circ}36'38''$  EAST, 437.89 FEET;

THENCE TANGENT TO SAID CURVE, SOUTH  $48^{\circ}00'06''$  EAST, 546.04 FEET;

THENCE SOUTH  $50^{\circ}19'29''$  EAST, 686.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 884.66 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $20^{\circ}05'06''$  AN ARC DISTANCE OF 310.12 FEET;

THENCE NON-TANGENT TO SAID CURVE, SOUTH  $47^{\circ}48'33''$  WEST, 166.42 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1035.00 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $23^{\circ}36'34''$ , AN ARC DISTANCE OF 426.49 FEET, THE CHORD OF SAID CURVE BEARS SOUTH  $78^{\circ}01'06''$  EAST, 423.48 FEET;

THENCE TANGENT TO SAID CURVE, SOUTH  $89^{\circ}49'23''$  EAST, 241.27 FEET TO SAID EASTERLY LINE OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID EASTERLY LINE, SOUTH  $00^{\circ}10'37''$  WEST, 748.23 FEET TO THE POINT OF BEGINNING.

CONTAINS 982,990 SQUARE FEET OR 22.5663 ACRES, MORE OR LESS.

AND

**DISTRICT NO. 3**

THAT CERTAIN PORTION OF TRACT C, TIMNATH LANDING FILING NO. 1, IN THE TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO, PER PLAT RECORDED AUGUST 28, 2019 AT RECEPTION NO. 20190051031 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN SECTION 35, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35, WHENCE THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35 BEARS NORTH 00°10'37" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO SAID WESTERLY LINE;

THENCE NORTH 68°01'02" EAST, 184.46 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF E. HARMONY ROAD, AS SHOWN ON SAID PLAT OF TIMNATH LANDING FILING NO. 1 AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY, NORTH 00°19'10" EAST, 57.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 260.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 48°33'08" AN ARC LENGTH OF 220.32 FEET, THE CHORD OF SAID CURVE BEARS NORTH 63°51'52" EAST, 213.79 FEET;

THENCE TANGENT TO SAID CURVE, NORTH 39°35'18" EAST, 362.02 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 375.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°50'02" AN ARC LENGTH OF 110.18 FEET;

THENCE TANGENT TO SAID CURVE, NORTH 22°45'16" EAST, 15.35 TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 15.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85°23'51" AN ARC LENGTH OF 22.36 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 483.50 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°27'30" AN ARC LENGTH OF 383.61 FEET;

THENCE NON-TANGENT TO SAID CURVE, NORTH 01°48'25" WEST, 74.23 FEET;

THENCE NORTH 09°08'45" WEST, 154.74 FEET;  
THENCE NORTH 71°20'27" WEST, 20.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 58.00 FEET;  
THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 63°19'42" AN ARC LENGTH OF 64.11 FEET;  
THENCE NON-TANGENT TO SAID CURVE, NORTH 05°39'38" EAST, 127.64 FEET;  
THENCE NORTH 52°49'29" WEST, 56.42 FEET;  
THENCE NORTH 52°05'47" EAST, 137.46 FEET;  
THENCE NORTH 15°20'55" EAST, 88.68 FEET;  
THENCE NORTH 09°11'17" WEST, 74.65 FEET;  
THENCE NORTH 30°23'57" WEST, 149.96 FEET;  
THENCE SOUTH 82°18'30" WEST, 175.34 FEET;  
THENCE NORTH 29°29'56" EAST, 76.87 FEET;  
THENCE NORTH 11°29'40" EAST, 186.87 FEET;  
THENCE NORTH 43°22'42" WEST, 92.41 FEET;  
THENCE NORTH 55°49'27" WEST, 76.72 FEET;  
THENCE NORTH 68°16'12" WEST, 70.12 FEET;  
THENCE SOUTH 71°32'28" WEST, 108.79 FEET;  
THENCE SOUTH 44°39'38" WEST, 256.27 FEET;  
THENCE SOUTH 89°30'48" WEST, 234.12 FEET;  
THENCE NORTH 04°26'29" EAST, 86.26 FEET;  
THENCE NORTH 20°14'51" EAST, 141.17 FEET;  
THENCE NORTH 04°31'36" EAST, 172.55 FEET;  
THENCE NORTH 11°10'29" WEST, 134.00 FEET;  
THENCE NORTH 18°32'27" WEST, 41.63 FEET;  
THENCE NORTH 22°39'32" WEST, 125.29 FEET;

THENCE NORTH 36°51'01" WEST, 143.83 FEET;

THENCE NORTH 42°56'59" EAST, 124.73 FEET;

THENCE NORTH 06°35'10" WEST, 131.87 FEET;

THENCE NORTH 36°36'40" WEST, 46.73 FEET;

THENCE NORTH 51°48'36" WEST, 267.30 FEET;

THENCE NORTH 39°35'18" EAST, 164.24 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 533.50 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°14'46" AN ARC LENGTH OF 132.65 FEET;

THENCE TANGENT TO SAID CURVE, NORTH 25°20'32" EAST, 36.11 FEET TO THE SOUTHWESTERLY LINE OF THE CITY OF GREELEY WATER LINE EASEMENT RECORDED IN BOOK 203 AT PAGE 154 IN SAID OFFICE OF CLERK AND RECORDER;

THENCE ALONG SAID SOUTHWESTERLY LINE THE FOLLOWING 4 COURSES:

- 1) NORTH 64°38'58" WEST, 90.16 FEET;
- 2) NORTH 63°17'19" WEST, 284.57 FEET;
- 3) NORTH 64°43'58" WEST, 795.27 FEET;
- 4) NORTH 64°22'16" WEST, 174.09 FEET; TO THE EASTERLY RIGHT-OF-WAY OF TIMNATH PARKWAY AS SHOWN ON SAID PLAT OF TIMNATH LANDING FILING NO. 1;

THENCE ALONG THE EASTERLY AND SOUTHEASTERLY RIGHT-OF-WAY OF SAID TIMNATH PARKWAY THE FOLLOWING 3 COURSES:

- 1) SOUTH 00°02'16" WEST, 1245.11 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 885.00 FEET;
- 2) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°33'02" AN ARC LENGTH OF 610.90 FEET;
- 3) TANGENT TO SAID CURVE, SOUTH 39°35'18" WEST, 538.50 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY OF THE GREAT WESTERN RAILROAD, AS SHOWN ON SAID PLAT OF TIMNATH LANDING FILING NO. 1;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, SOUTH 50°24'42" EAST, 2186.03 FEET TO SAID NORTHERLY RIGHT OF-WAY OF E. HARMONY ROAD;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, SOUTH 89°40'50" EAST, 135.03  
TO THE POINT OF BEGINNING.

CONTAINING 5,023,603 SQUARE FEET OR 115.326 ACRES, MORE OR LESS.