

RESOLUTION NO. 16-___

**A RESOLUTION OF THE TOWN OF ERIE AUTHORIZING THE
INCLUSION OF PROPERTY INTO MORGAN HILL METROPOLITAN
DISTRICT NO. 3**

WHEREAS, Morgan Hill Metropolitan District No. 3 (the “**District**”) is a special district organized pursuant to an Order and Decree of the District Court in Weld County and is located entirely within the Town of Erie, Colorado; and

WHEREAS, the Town of Erie approved the Consolidated Service Plan for Morgan Hill Metropolitan District Nos. 1, 2, and 3 (the “**Service Plan**”) on September 23, 2008 in Resolution No. 08-91; and

WHEREAS, pursuant to the Service Plan the District is required to obtain consent from the Town of Erie for inclusion of any property into the District; and

WHEREAS, pursuant to § 32-1-401, et seq., C.R.S., Mary Alice Billings and the Mary Alice Billings Trust (the “**Landowner**”) have requested that certain unincorporated Weld County property which is next to the District be included into the District (the “**Property**”); and

WHEREAS, Morgan Hill Metropolitan District Nos. 1, 2 and 3 will be providing services to the Property in two ways: (i) Pursuant to the Morgan Hill Annexation Agreement by and between Mary Alice Billings, The Mary Alice Billings Trust and The Woolley Family Trust and the Town of Erie, dated June 18, 2008, Section XI. T. 3b, the Districts intend to provide financing for improvements to the intersection of WC 10.5 and County Line, including but not limited to left turn lanes, acceleration and deceleration land and all safety improvements; and (ii) Access to the inclusion Property will be improved as a result of the improvements being made to WC 10.5; and

WHEREAS, although the land to be included is located in unincorporated Weld County, § 32-1-401(1)(a), C.R.S., permits the owners of any land capable of being served by a special district to petition the district for inclusion; and

WHEREAS, the Board of Directors of the District published notice of a public hearing concerning the Inclusion of Real Property (the “**Inclusion**”) in the *Colorado Hometown Weekly* on Wednesday, October 12, 2016; and

WHEREAS, on October 10, 2016, the District sent notice by first class mail of the Inclusion to the Weld County Board of County Commissioners; and

WHEREAS, the Inclusion was heard at a public meeting of the Board of Directors of the District on October 20, 2016, and no written objections were filed; and

WHEREAS, the Board of Directors of the District granted the Inclusion subject to the following conditions: (i) consent to inclusion from the Town of Erie; (ii) no objection to inclusion from Weld County; and (iii) receipt of a certified Order for Inclusion from the Weld County District Court; and

WHEREAS, pursuant to § 32-1-401(1)(b), C.R.S., the failure of Weld County to file a written objection to the Petition shall be taken as assent to the inclusion of the area described; and

WHEREAS, changes in the boundary of the District is not a material modification of the Service Plan pursuant to § 32-1-207(2)(a), C.R.S.; and

WHEREAS, the District seeks consent of the Town of Erie to include the Property, described in **Exhibit A** attached hereto, into the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. The Board of Trustees hereby consents to the inclusion of the Property as described on **Exhibit A** in accordance with the Service Plan for the District.

Section 2. If any part or provision of this Resolution, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Resolution that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Resolution are declared to be severable.

Section 3. This Resolution shall become effective upon the date of adoption provided below.

ADOPTED AND APPROVED THIS 13th DAY OF DECEMBER 2016, BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.

TOWN OF ERIE,
a Colorado Municipal Corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy Parker, CMC, Town Clerk

**EXHIBIT A
THE PROPERTY**

EXHIBIT

DISTRICT NO. 3 ADDITION DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 7 FROM WHENCE THE NORTHEAST CORNER LIES N89°42'31"E, 2,627.25 (BASIS OF BEARINGS); THENCE ALONG THE NORTHERLY AND EASTERLY LINE OF MORGAN HILL METROPOLITAN DISTRICT NO. 3 AS DESCRIBED IN ORDER AND DECREE RECORDED 02/05/2009 AT RECEPTION NO. 3603554 THE FOLLOWING TWENTY-TWO COURSES:

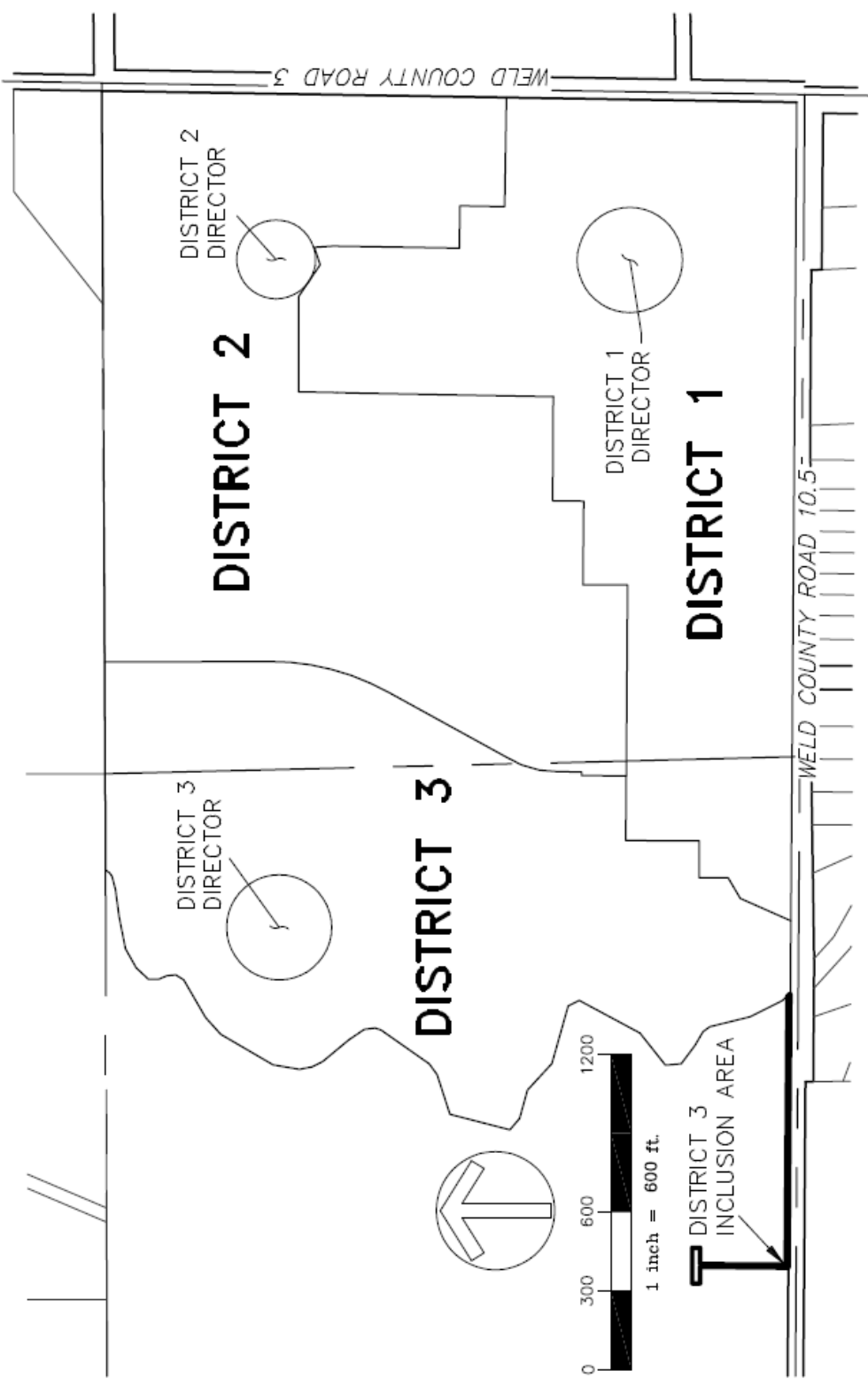
- 1) N89°42'31"E, 424.98 FEET ALONG THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 7;
- 2) S00°15'32"E, 627.97 FEET;
- 3) S02°23'26"W, 79.35 FEET;
- 4) S07°19'17"W, 79.05 FEET;
- 5) S12°14'45"W, 79.05 FEET;
- 6) S17°10'14"W, 79.05 FEET;
- 7) S22°05'42"W, 79.05 FEET;
- 8) S26°57'08"W, 78.03 FEET;
- 9) S28°49'52"W, 514.69 FEET;
- 10) S26°25'52"W, 59.05 FEET;
- 11) S16°26'26"W, 71.15 FEET;
- 12) S05°06'55"W, 71.50 FEET;
- 13) S00°22'56"W, 89.93 FEET;
- 14) N89°51'00"W, 14.03 FEET;
- 15) S00°23'08"W, 170.00 FEET;
- 16) N89°35'02"W, 245.51 FEET;
- 17) S00°19'01"W, 280.00 FEET;
- 18) N89°35'02"W, 140.00 FEET;
- 19) S00°19'01"W, 110.40 FEET;
- 20) S59°30'59"W, 90.75 FEET;
- 21) S23°45'48"W, 210.22 FEET;
- 22) N89°35'04"W, 278.38 FEET ALONG THE NORTHERLY LINE OF WELD COUNTY ROAD 10.5 TO THE POINT OF BEGINNING;

THENCE CONTINUING N89°35'04"W 1,040.31 FEET ALONG SAID NORTHERLY LINE;
 THENCE N00°24'56"E, 335.27 FEET;
 THENCE N89°59'28"W, 62.51 FEET;
 THENCE N00°00'32"E, 30.00 FEET;
 THENCE S89°59'28"E, 135.01 FEET;
 THENCE S00°00'32"W, 30.00 FEET;
 THENCE N89°59'28"W, 62.51 FEET;
 THENCE S00°24'56"W, 325.34 FEET;
 THENCE S89°35'04"E, 1,021.97 FEET ALONG A LINE PARALLEL WITH AND 10.00 FEET NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF WELD COUNTY ROAD 10.5 TO THE APPROXIMATE CENTERLINE OF THE COTTONWOOD EXTENSION IRRIGATION DITCH AND THE WESTERLY LINE OF WYNDHAM HILL METROPOLITAN DISTRICT NO. 3;
 THENCE ALONG SAID WESTERLY DISTRICT LINE S39°24'29"E, 13.02 FEET TO THE POINT OF BEGINNING, CONTAINING 17,662 SQUARE FEET OR 0.41 ACRES, MORE OR LESS.

DESCRIPTION BY:
 BO BAIZE, COLORADO PLS 37990
 FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.

MORGAN HILL METROPOLITAN DISTRICT NO. 3 INCLUSION DESCRIPTION ERIE, COLORADO		
HURST	2500 Broadway, Suite 8 Boulder, CO 80304 303.449.9105 www.hurst-assoc.com	SCALE HOR: N/A VERT: N/A
	CIVIL ENGINEERING	DESIGN/APPR.
	PLANNING	DRAWN BY BO
	SURVEYING	DATE 11/18/16
FILE: G:\202046\SURVEY\LEGAL\MH DIST 3 WELD AREA INCLUSION		SHEET 1 OF 1

EXHIBIT



NOTE: THIS IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THIS EXHIBIT IS ONLY INTENDED TO DEPICT THE ACCOMPANYING DESCRIPTION.

HURST
CIVIL ENGINEERING
PLANNING
SURVEYING

MORGAN HILL METROPOLITAN
DISTRICTS OVERALL MAP
ERIE, COLORADO

SCALE: HORIZ. 1"=600'
 VERT. N/A

DESIGN/APPR. 2500 Broadway, Suite B
 Boulder, CO 80304

DRAWN BY BO 303.449.9103
 DATE 11/18/16
 www.hurstassoc.com

FILE: G:\2020\645\SURVEY\LEGAL\MH_DIST_3_WELL_AREA_INCLUSION

SHEET 1 OF 1