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May 5, 2018

VIA E-MAIL

Mr. R. Martin Ostholthoff Town of Erie Community Development Department P.O. Box 750 Erie, CO 80516

Re: Inclusion of Property - Rex Ranch Metropolitan District

Dear Marty:

As you know, I represent the Rex Ranch Metropolitan District (the "District"). I have been asked to obtain approval from the Town of Erie (the "Town") for the inclusion of property, known as the Gilliland Parcel, into the District's boundaries, see the attached map and legal description. The Gilliland Parcel has an address of 2839 North 119th Street, Erie, Colorado. It is my understanding that annexation into the Town and zoning of the Gilliland Parcel was approved by the Town on February 13, 2018 and recorded with the Boulder County Clerk & Recorder on April 6, 2018 at Reception #03649292. The Gilliland Parcel is bordered by the District on three sides and is anticipated to be developed in conjunction with the property currently within the District's boundaries.

Section V.A.6. of the District's Third Amended and Restated Service Plan provides: "The District shall not include within or exclude from its boundaries any property without the prior written consent of the Town." As such, let this letter serve as a request from the District to obtain written consent from the Town to include the Gilliland Parcel upon the submittal to the District of a petition for inclusion of the Gilliland Parcel from 100% of its owners.

#### COLLINS COCKREL & COLE

Mr. R. Martin Ostholthoff May 5, 2018 Page 2

As the District's general counsel, I am available to discuss any questions that you may have. Please advise when you expect to be able to provide some direction on this matter.

Sincerely,

Matthew P. Ruhland

MPR/

Enclosures

# ALTA/NSPS LAND TITLE SURVEY

## HINES, REX RANCH

LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

### LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH RANGE 69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 26, 446.60 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID SECTION 26; THENCE WEST AT A RIGHT ANGLE 497.80 FEET FROM THE EAST LINE OF SAID SECTION 26: THENCE SOUTH 350 FEET PARALLEL TO THE EAST LINE OF SAID SECTION 26; THENCE EAST 497.80 FEET TO THE EAST LINE OF SAID SECTION 26; THENCE NORTH 350 FEET ALONG THE EAST LINE OF SAID SECTION 26 TO THE TRUE **POINT OF BEGINNING**, EXCEPTING THEREFROM THE EAST 30 FEET AS CONVEYED TO THE COUNTY OF BOULDER BY DEED RECORDED FEBRUARY 10, 1892 IN BOOK 148 AT PAGE 135.

SAID PARCEL CONTAINS 163,641 SQUARE FEET, OR 3.757 ACRES, MORE OR LESS.

### **GENERAL NOTES:**

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY JANSEN STRAWN CONSULTING ENGINEERS, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, JANSEN STRAWN CONSULTING ENGINEERS, INC. RELIED UPON FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 508-F0520726-017-PN8, AMENDMENT NO. 3, EFFECTIVE DATE FEBRUARY 26, 2016 7:00 A.M.

4. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

5. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, ASSUMED TO BEAR SOUTH 89°33'50 WEST, AND IS MONUMENTED AS SHOWN HEREON.

6. BASED ON A REVIEW OF FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 08013C0439J, MAP REVISED DECEMBER 18, 2012, THE SUBJECT PROPERTY IS NOT WITHIN THE 100 YEAR FLOODPLAIN.

7. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE UNITED STATES SURVEY FOOT AS DEFINED BY THE U.S. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S NATIONAL GEODETIC

8. UNDERGROUND UTILITIES: THIS PROPERTY CONTAINS UNDERGROUND FIBER OPTIC, WATER AND TELEPHONE LINES. THESE UNDERGROUND UTILITY LINES WERE MARKED WITH PAINT MARKS ON THE SURFACE BY DIVERSIFIED UNDERGROUND, INC. ON NOVEMBER 14TH, 2016. THE PAINT MARKS WERE THEN SURVEYED BY CONVENTIONAL SURVEY METHODS AND THE LOCATIONS OF THE UNDERGROUND UTILITY LINES ARE SHOWN HEREON. JANSEN STRAWN CONSULTING ENGINEERS ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF THE POSITION OF THESE UNDERGROUND UTILITY LINES. EXCAVATION MAY BE REQUIRED TO OBTAIN MORE ACCURATE LOCATIONS.

9. THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR

10. THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

11. THE TOPOGRAPHY SHOWN HERON WAS PREPARED BY LANDMARK MAPPING, Itd BASED ON OVERFLIGHT PHOTOGRAPHY DATED OCTOBER 18, 2005. GROUND CONTROL WAS PROVIDED BY CARROLL & LANGE, INC. CONTOUR INTERVAL IS ONE FOOT.

VERTICAL DATUM IS BASED ON NGS BENCHMARK STAMPED "WANAKA 1985", A STAMPED NGS DISK SET IN THE TOP OF A 12" ROUND CONCRETE MONUMENT FLUSH WITH THE TOP OF WANAKA DAM, APPROXIMATELY 1 MILE WEST OF LAYFAYETTE, AND 265 FEET WEST OF THE INTERSECTION OF EMMA ST. AND CAPIA DR.

12. BASED ON A REVIEW OF THE FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 099-F0565946-015-PNX, THE FOLLOWING SCHEDULE B-2 EXCEPTIONS ARE NOTED:

**EXCEPTION 10:** THE RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT OR REMOVE HIS ORE SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES THEREBY GRANTED AS RESERVED IN UNITED STATES PATENT NO. 2246 DATED NOVEMBER 15, 1873; AND ANY AND ALL ASSIGNMENTS THEREOF OR INTEREST THEREIN.

(THE DOCUMENT AFFECTS THE SUBJECT PROPERTY. NOT A SURVEY MATTER - NOT ADDRESSED BY THIS

EXCEPTION 11: ANY ASSESSMENT OR LIEN OF NORTHERN COLORADO WATER CONSERVANCY DISTRICT, AS DISCLOSED BY THE INSTRUMENT RECORDED MAY 31, 1967 ON FILM 603 AT RECEPTION NO. 847812; JANUARY 24, 2000 AT RECEPTION NO. 2016280; AND DECEMBER 6, 2002 AT RECEPTION NO. 2367737. (RECEPTION NO. 847812 AFFECTS THE SUBJECT PROPERTY. NOT A SURVEY MATTER - NOT ADDRESSED BY

(RECEPTION NO. 2016280 AND RECEPTION NO. 2367737 DO NOT AFFECT THE SUBJECT PROPERTY.)

EXCEPTION 12: AN OIL AND GAS LEASE FROM ANNA S. HENZE, AS LESSOR(S), TO MARTIN EXPLORATION MANAGEMENT CORP., AS LESSEE(S), DATED NOVEMBER 24, 1981, RECORDED DECEMBER 3, 1981 ON FILM 1186 AT RECEPTION NO. 474821 AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

AFFIDAVIT OF LEASE EXTENSION OR PRODUCTION RECORDED JUNE 22, 1982 AT RECEPTION NO. 499483. DECLARATION OF UNITIZATION RECORDED JUNE 22, 1982 AT RECEPTION NO. 499480. AMENDED DECLARATION OF UNITIZATION RECORDED JULY 23, 1982 AT RECEPTION NO. 504003. RATIFICATION AND RENTAL DIVISION ORDER RECORDED FEBRUARY 13, 1985 AT RECEPTION NO. 00671721. (THE DOCUMENT AFFECTS THE SUBJECT PROPERTY. NOT A SURVEY MATTER - NOT ADDRESSED BY THIS SURVEY.)

**EXCEPTION 13:** AN EASEMENT FOR PIPELINE AND INCIDENTAL PURPOSES GRANTED TO PANHANDLE EASTERN PIPE LINE COMPANY BY THE INSTRUMENT RECORDED APRIL 23, 1984 ON FILM 1299 AT

RECEPTION NO. 616493, LOCATED AND AS SHOWN ON THAT CERTAIN ALTA/ACSM LAND TITLE SURVEY DATED MAY 7, 2014, LAST REVISED MARCH 30, 2016, JOB NO. 7006, AND SIGNED BY THOMAS D. STAAB. (THE DOCUMENT DOES NOT AFFECT THE SUBJECT PROPERTY.)

EXCEPTION 14: ANY ASSESSMENT OR LIEN OF LONGMONT FIRE PROTECTION DISTRICT, AS DISCLOSED BY THE INSTRUMENT RECORDED APRIL 29, 1985 ON FILM 1351 AT RECEPTION NO. 00685397 AND SEPTEMBER 3, 1985 ON FILM 1370 AT RECEPTION NO. 00710155. ORDER CHANGING NAME OF DISTRICT RECORDED MAY 6, 1991 AT RECEPTION NO. 001101399.

(THE DOCUMENT AFFECTS THE SUBJECT PROPERTY. NOT A SURVEY MATTER - NOT ADDRESSED BY THIS

EXCEPTION 15: TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE NOTICE OF GENERAL DESCRIPTION OF AREA SERVED BY PANHANDLE EASTERN PIPE LINE COMPANY CONCERNING UNDERGROUND FACILITIES RECORDED JUNE 25, 1986 ON FILM 1415 AT RECEPTION

(THE DOCUMENT AFFECTS THE SUBJECT PROPERTY. NOT A SURVEY MATTER - NOT ADDRESSED BY THIS

EXCEPTION 16: TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE NOTICE OF OIL AND GAS INTERESTS AND SURFACE USE RECORDED JANUARY 23. 2001 AT RECEPTION NO.

(AFFECTS THE SUBJECT PROPERTY - THE DOCUMENT SHOWS POTENTIAL OIL AND GAS FACILITIES AREAS. - AS SHOWN HEREON)

EXCEPTION 17: TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT AS SET FORTH BELOW:

RECORDING DATE: OCTOBER 23, 2007

RECORDING NO.: RECEPTION NO. 2890878

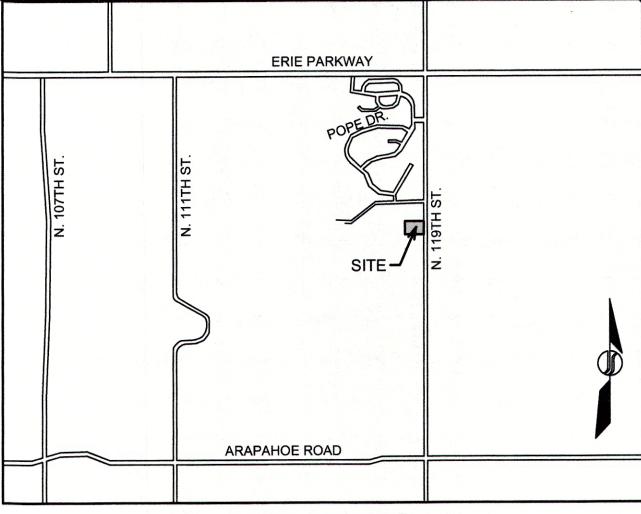
(THE DOCUMENT AFFECTS THE SUBJECT PROPERTY. NOT A SURVEY MATTER - NOT ADDRESSED BY THIS

**EXCEPTION 18:** TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE REQUEST FOR NOTIFICATION (MINERAL ESTATE OWNER) AS SET FORTH BELOW:

RECORDING DATE: DECEMBER 21, 2007

RECORDING NO.: RECEPTION NO. 2900941

(THE DOCUMENT AFFECTS THE SUBJECT PROPERTY, NOT A SURVEY MATTER - NOT ADDRESSED BY THIS



**VICINITY MAP** 

#### SURVEYOR'S CERTIFICATION

TO: HT FLATIRON LP, A DELAWARE LIMITED PARTNERSHIP, ROBERT THAINE GILLILAND II AND FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(a), 7(b1) 8, 9,11, 12, 13 AND 14 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON NOVEMBER 21ST, 2016.

DATE OF PLAT OR MAP: 11/22/2016

THOMAS D. STAAB, PLS COLORADO PLS NO. 25965

FOR AND ON BEHALF OF JANSEN STRAWN CONSULTING ENGINEERS, INC.

## COUNTY SURVEYOR'S CERTIFICATE

EPOSITED THIS	DAY OF	, 2016, A	ATΜ	I., IN BOOK	OF THE
OUNTY SURVEYOR	R'S LAND SURVEY F	PLAT / RIGHT-OF-WA	Y SURVEYS	AT PAGE	, RECEPTION
O					

COUNTY SURVEYOR

Date: NOVEMBER 22, 2016 Job No.: 7006 ENGINEER / SURVEYOR Sheet JANSEN STRAWN CONSULTING ENGINEERS A WARE MALCOMB Company 45 WEST 2ND AVENUE DENVER, CO 80223 P.303.561.3333

F.303.561.3339

of Date No. Revisions Checked By: Designed By:

#### ALTA/NSPS LAND TITLE SURVEY HINES, REX RANCH LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO SHEET 2 OF 2 - POINT OF COMMENCEMENT – N1/4 COR. SEC 26 FOUND 2-1/2" ALUM. BASIS OF BEARINGS NORTH LINE NE1/4 SEC 26 NE COR. SEC 26 N88°30'50"E 2627.11' FND 2-1/2" ALUM. CAP LS 23501 40' RIGHT-OF-WAY -REC. NO. 2874660 TRACT B **REX RANCH MINOR** SUBDIVISION POINT OF BEGINNING 1.25" ORANGE PLASTIC **CAP PLS 28286** N89°40'21"E - 30.00' (TIE) FOUND -**ALUMINUM CAP** 0.08' WEST **LEGEND** \_\_\_ 37'± -- SECTION LINE **BOUNDARY LINE EXISTING RIGHT-OF-WAY** 1 STORY WOOD ---- MINOR CONTOUR OUTBUILDING 74.4 1380 SQ. FT. 2 STORY -WOOD FRAME OVERHEAD UTILITY LINE SECTION CORNER 1 STORY -WOOD FRAME 1924 SQ. FT. FND NO. 5 REBAR 1.25" ALUM. CAP LS 2152 591 SQ. FT. UNLESS OTHERWISE NOTED /- FLAGSTONE TITLE EXCEPTION IDENTIFIER WATER METER SUBJECT PARCEL WATER SPIGOT 163,641 SQ. FT. UTILITY POLE 3.757 ACRES BUILDING -LIGHT POLE ADDRESS POSTED: TELEPHONE PEDESTAL GATE POST 2839 N. 119TH ST. BOLLARD SANITARY SEWER MANHOLE 1 STORY -WOOD FRAME CONCRETE TRACT B 294 SQ. FT. **REX RANCH MINOR GRAVEL** SUBDIVISION 1 STORY -REC. NO. 2874660 WOOD FRAME BUILDING GARAGE 250 SQ. FT. 1 STORY METAL BUILDING 2095 SQ. FT 30' RIGHT-OF-WAY -**BOOK 148 PAGE 135** FOUND — ALUMINUM CAP 0.15' WEST \$89°39'19"W 467.58' (M) 467.80' (R) FOUND NO. 5 REBAR W/ — 1.25" ORANGE PLASTIC CAP PLS 28286 SCALE: 1" = 30' **REX RANCH MINOR** ORIGINAL GRAPHIC SCALE SUBDIVISION 40' RIGHT-OF-WAY -Scale: 1" = 30' REC. NO. 2874660 REC. NO. 2874660 Date: November 22, 2016 Job No.: 7006 ENGINEER / SURVEYOR Sheet 2 JANSEN STRAWN CONSULTING ENGINEERS A WARE MALCOMB Company 45 WEST 2ND AVENUE DENVER, CO 80223 FOUND 70' WITNESS -COR. TO SE COR. NE 1/4 SEC. 26 W/ 3.25" ALUM. CAP PLS 28286 - SE COR. NE 1/4 NE 1/4 SEC 26 P.303.561.3333 Date

NO MONUMENT FOUND

F.303.561.3339

Designed By:

Checked By: