

DISTRICT COURT, CITY & COUNTY OF DENVER, STATE OF COLORADO  Denver City & County Building 1437 Bannock Street, Room 256 Denver, CO 80202 303-606-2300	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
IN RE EBERT METROPOLITAN DISTRICT	
Evan D. Ela, #23965 Glory S. Schmidt, #58149 Cockrel Ela Glesne Greher & Ruhland, P.C. 44 Cook Street, Suite 620 Denver, Colorado 80206 (303) 218-7200 <a href="mailto:eela@ceglaw.com">eela@ceglaw.com</a> ; <a href="mailto:gschmidt@ceglaw.com">gschmidt@ceglaw.com</a>	Case No. 1983CV5861  Courtroom: ____
<b>MOTION TO SET HEARING ON LEGALITY OF CONSOLIDATION OF SPECIAL DISTRICTS LOCATED IN THE CITY AND COUNTY OF DENVER</b>	

Petitioner, Ebert Metropolitan District (“**Ebert**”), by and through its attorney, Cockrel Ela Glesne Greher & Ruhland, P.C., respectfully files this Motion to Set Hearing on Legality of Consolidation (the “**Motion**”), pursuant to Sections 32-1- 602(2)(c) and (d), C.R.S., and in support thereof states as follows:

1. Ebert is a lawfully organized metropolitan district established by an Order and Decree of this Court dated September 12, 1983 and captioned as Case No. 83CV005861.
2. This Court has continuing jurisdiction of this matter pursuant to Section 32-1-303, C.R.S., as amended.
3. Ebert was organized for the purpose of providing for the financing, acquisition, construction, installation, and completion of certain public improvements.

4. Pursuant to Section 32-1-602(2)(a), C.R.S., on January 15, 2025, Ebert adopted a Resolution approving consolidation with Town Center Metropolitan District (“**TCMD**”, together with Ebert, the “**Districts**”) (“**Consolidation Resolution**”), attached hereto as **Exhibit A** and incorporated herein by reference. TCMD’s territory is adjacent to, overlaps, or lies within one-quarter mile of Ebert’s territory. The service plans of both Districts uniformly authorize provision of the same services. The Districts have operated cooperatively since approximately 2003 through service agreements that have been amended through time. The Districts have determined that, by consolidating into a single district, the services provided by each District can be provided by one consolidated district under the control of electors within the Districts. The Boards of the Districts have also determined that a consolidated district will operate more efficiently and economically, thereby enhancing the delivery of services that promote public health, safety, prosperity, and general welfare of residents at lower overall cost. The District Boards believe that consolidation will better serve the interests of the Districts’ respective residents than continued existence and administration of two separate districts.

5. Pursuant to Section 32-1-602(2)(b), C.R.S., TCMD adopted a Resolution concurring in the consolidation with Ebert (“**Concurring Resolution**”) and delivered the same to Ebert, attached hereto as **Exhibit B** and incorporated herein by reference. Together, the Concurring Resolution and Consolidation Resolution are referred to herein as the “**Resolutions**”.

6. Pursuant to Section 32-1-602, *et seq.*, C.R.S., the Districts entered into a Consolidation Agreement effective January 15, 2025 (the “**Consolidation Agreement**”), attached hereto as **Exhibit C** and incorporated herein by reference. Under the Consolidation

Agreement, the Districts agree to the terms of the consolidation after a finding of legality by this court and a majority approval by electors of the Districts. In accordance with the Consolidation Agreement, the resulting single resident-controlled district will be known as Ebert Metropolitan District (the “**Consolidated District**”).

7. The Boards of Directors of the Districts have determined that it is in the best interests of the Districts that upon the Court’s finding of legality of the consolidation, to move the Court pursuant to Section 32-1-602(2)(e), C.R.S. for an order calling an election in the Districts on the question of consolidation. The District Boards believe that the public health, safety, prosperity, and general welfare of their property owners and residents will be better served by the consolidation.

8. The territory within the Consolidated District will be located entirely within the City & County of Denver, Colorado.

9. Pursuant to Section 32-1-602(2)(c), C.R.S., the Resolutions have simultaneously been filed with the Denver City Council, the governing board of the City and County of Denver.

10. Under Section 32-1-602(2)(d), C.R.S., the Court shall set a time for a hearing not less than 30 days nor more than 40 days after the date of filing this Motion to determine the legality of the proposed consolidation.

WHEREFORE, the District respectfully requests this Court:

1. Set a place, date, and time for a hearing on this Motion on a date not less than 30 days nor more than 40 days after the date of filing this Motion; and

2. Direct counsel for the Ebert District, Cockrel Ela Glesne Greher & Ruhland, P.C., on behalf of the Clerk of the District Court, to provide proper notice of the filing of the Resolutions, the date and time of the hearing on this Motion, and the date fixed for filing petitions objecting to the proposed consolidation (five days prior to the hearing date). Such proper notice shall consist of publication, and written notice to the Denver City Council, and to each party entitled to notice pursuant to Section 32-1-607(6), C.R.S., if any, followed by certification to the Court of completion of such proper notice procedures.

Respectfully submitted this 27<sup>th</sup> day of January 2025.

*E-filed per C.R.C.P. Rule 121*



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Evan D. Ela, #23965  
Glory S. Schmidt, #58149  
*Attorneys for Petitioner*

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 27, 2025, a true and correct copy of the **Motion to Set Hearing on Legality of Consolidation of Special Districts Located in the City and County of Denver** was e-filed and served on all parties of record via the Colorado Courts E-Filing system.

*/s/ Charlotte Rabadi*

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