

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
EBERT METROPOLITAN DISTRICT
SUBDISTRICT NO. 2

WHEREAS, the Ebert Metropolitan District ("District") is a quasi-municipal corporation and political subdivision of the State of Colorado, organized and operating pursuant to Section 32-1-101, et seq., C.R.S.; and

WHEREAS, the District provides services as defined by the District's Service Plan dated May 1983, and subsequent amendments within the boundaries of the District; and

WHEREAS, Section 32-1-1101(1)(f), C.R.S. authorizes the Board of the District to divide the special district into one or more areas consistent with the services, programs, and facilities to be furnished therein; and

WHEREAS, the Board desires to divide the District into one or more areas and to fix different rates of levy for property tax purposes against all the taxable property within the subdistrict of the District according to the services, programs, and facilities furnished or to be furnished therein and desires to pledge such revenues for the repayment of bonds issued by the District to finance services, programs, and facilities furnished or to be furnished within the area from where such revenues are to be collected and further desires to issue such bonds pursuant to the provisions of the Supplemental Public Securities Act, Section 11-57-201, et seq., C.R.S.; and

WHEREAS, Notice inviting all interested persons to appear at a public hearing for consideration of a resolution to create a subdistrict within the District was published, as required by Section 32-1-1101(1.5)(a), C.R.S.; and

WHEREAS, the Board has held such public hearing for consideration of this resolution to create a subdistrict within the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Ebert Metropolitan District of the City and County of Denver, Colorado, that:

1. Pursuant to Section 32-1-1101(1.5)(a), C.R.S., notice of a public hearing for consideration of this resolution to create a subdistrict within the District was published in *The Daily Journal* on December 8, 2003, stating the place, time and date of such meeting, and inviting all interested persons to appear. A copy of the Publisher's Affidavit is attached hereto as **Exhibit A**.
2. Pursuant to Section 32-1-1101(1.5)(a), C.R.S., Director Mussallem opened the public hearing for comment regarding the creation of Ebert Metropolitan District Subdistrict No. 2.
3. There being no public comment, the Board closed the public hearing regarding Ebert Metropolitan District Subdistrict No. 2 on such date.
4. No petition objecting to the creation of the subdistrict by the owners of taxable real and personal property having more than 50% of the total valuation for assessment within the subdistrict was filed with the District prior to the public hearing, in accordance with Section 32-1-1101(1.5)(b), C.R.S.
5. No single parcel of land having a valuation for assessment constituting 25% or more of the total valuation of assessment of all real property within the boundaries of the subdistrict is included in the subdistrict without the written consent of the owner or owners of such real property, in accordance with Section 32-1-1101(1.5)(c), C.R.S.

6. No single parcel of land owned by a corporate entity and having a valuation for assessment constituting five percent or more of the total valuation of assessment of all real property within the boundaries of the subdistrict is included in the subdistrict without the written consent of the owner of such real property, in accordance with Section 32-1-1101(1.5)(c), C.R.S.

7. The District hereby establishes and creates the Ebert Metropolitan District Subdistrict No. 2. The parcels of property comprising the same are listed on Exhibit B, attached hereto and incorporated herein by this reference.

8. The District intends to issue general obligation bonds or other forms of indebtedness and shall assess and pledge the property tax revenue collected from an additional mill levy imposed on the subdistrict, as described in Exhibit B, for repayment of the bonds, pursuant to Section 32-1-1101(1)(f)(III), C.R.S.

9. The District intends to impose additional taxes on the subdistrict, as described in Exhibit B, for payment of operational and maintenance expenses attendant to the services, programs and facilities to be furnished therein pursuant to Section 32-1-1101(1)(f), C.R.S.

10. Pursuant to the requirements of Section 20, Article X of the Colorado Constitution and Section 32-1-1101(1.5)(d) C.R.S., the District shall hold an election and submit ballot issues to the eligible electors within the subdistrict, seeking approval of the bond issuance and additional property tax levy. The form of such ballot issue shall be substantially as is attached as Exhibit C hereto.

11. The District shall, pursuant to Section 32-1-1101(f)(I), C.R.S., provide Notice of this action to the City and County of Denver, Colorado.

12. This Resolution shall take effect immediately.

ADOPTED AND APPROVED this 10th day of December, 2003.

(SEAL)

EBERT METROPOLITAN DISTRICT

By: 

President

ATTEST:

By: 

Secretary to the Board

Publisher's Affidavit STATE OF COLORADO

I, Al Slatery, of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the Publishing Director of The Daily Journal; that I have personal knowledge of all the facts set forth in this affidavit; that said The Daily Journal is a public newspaper of general circulation having its principal office and place of business situated in said City and County of Denver; that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays; that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly, entitled "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of this Act', approved March 30, 1928, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1928, Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1928 Relating to Legal Notices and Advertisements; to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Repeal the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935; and as amended by an act of said General Assembly, entitled, "An Act Relating to Legal Notices and Advertisements, and Amending Section 4 of Chapter 113, Session Laws of 1931," approved March 25, 1935; and "An Act to Amend and as Amended by the General Assembly, concerning 'Rates for Legal Publications,' 193-1-7 C.S., 1933 as amended, approved May 22, 1971, and effective January 1, 1972," that said newspaper is published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for one day, that the publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 9 day of DECEMBER, A.D. 2003, and that therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above mentioned acts of the General Assembly of the State of Colorado.

Subscribed and sworn to, at the City and County of Denver, State of Colorado, before me, Notary Public, this 9 day of DECEMBER, A.D. 2003. Witness my hand and notarial seal. Karis S. Johnson Notary Public My Commission Expires July 9, 2007

2000 S. Colorado Boulevard, Suite 1, Denver, Colorado 80222

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF A RESOLUTION TO CREATE A SUBDISTRICT WITHIN THE EBERT METROPOLITAN DISTRICT

NOTICE IS HEREBY GIVEN pursuant to Section 32-1-1101(1.5)(a), C.R.S., that the Board of Directors of the Ebert Metropolitan district of the City and County of Denver, Colorado, will hold a public hearing for the purpose of creating a subdistrict for the issuance of bonds and collection of additional property tax levies within the boundaries of the District.

1. The subdistrict proposed to be created by the District is described in Exhibit A attached hereto and incorporated herein by this reference.

2. At the close of the public hearing, the Board of Directors shall act, by adoption of a resolution, to approve or disapprove the proposed creation of a subdistrict. The Board may change the geographical boundaries of such area at the public hearing.

3. Persons having objections to the subdistrict may appear at the public hearing to object to the creation of the proposed subdistrict and proposed additional bounds and levy of additional taxes.

Accordingly, notice is hereby given to all interested persons to appear at a public hearing of the Board of Directors of the Ebert Metropolitan District at the offices of Grimshaw & Harring, P.C., 1700 Lincoln Street, Suite 3800, Denver Colorado, on Wednesday, December 10, 2003, at 7:00 a.m., and state their objections, if any they have, why such resolution should not be adopted.

EBERT METROPOLITAN DISTRICT By: /s/ Dick Leopoldus Secretary to the Board

"Exhibit A" LEGAL DESCRIPTION GREEN VALLEY RANCH FILING NO. 55

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, THE SOUTHEAST QUARTER OF SECTION 15, THE NORTHEAST QUARTER OF SECTION 22, AND THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 22 BEARS SOUTH 89°31'30" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE SOUTH 12°55'57" EAST 588.70 FEET TO THE SOUTHWEST CORNER OF GREEN VALLEY RANCH FILING NO. 31, PER PLAT RECORDED AT RECEPTION NO. 2000156802 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY OF EAST 48TH AVENUE AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 9, RECORDED AT RECEPTION NO. 022874 IN SAID OFFICE OF THE CLERK AND RECORDER AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 66°17'29" WEST 545.45 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 3135 AT PAGE 382 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE EASTERLY AND NORTHERLY LINES OF SAID PARCEL THE FOLLOWING 2 COURSES:

- 1) NORTH 23°42'16" EAST 150.00 FEET;
2) NORTH 86°17'29" WEST 140.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL BEING ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY OF HIMALAYA ROAD AS DESCRIBED IN ORDINANCE NO. 489, SERIES OF 1986, FILED IN THE OFFICE OF THE CITY CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 23°42'16" EAST 150.92 FEET TO THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 22 AND THE SOUTHEASTERLY CORNER OF HIMALAYA ROAD AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 32, RECORDED AT RECEPTION NO. 2001061337 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID HIMALAYA ROAD THE FOLLOWING 2 COURSES:

- 1) NORTH 23°24'43" EAST 48.72 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 760.00 FEET;
2) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°28'50" AN ARC LENGTH OF 192.08 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY AND NON-TANGENT TO SAID CURVE SOUTH 60°51'49" EAST 74.38 FEET;

THENCE NORTH 86°18'28" EAST 191.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 100.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°14'05" AN ARC LENGTH OF 119.09 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 4389.44 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°56'40" AN ARC LENGTH OF 302.18 FEET;

THENCE NON-TANGENT TO SAID CURVE SOUTH 45°14'46" EAST 128.91 FEET TO THE WESTERLY BOUNDARY OF SAID GREEN VALLEY RANCH FILING NO. 31;

THENCE ALONG SAID WESTERLY BOUNDARY SOUTH 23°42'31" WEST 371.60 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 7.847 ACRES (341,865 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

C. REY TENNEY, COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR, P.L.S. 17666 FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

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**LEGAL DESCRIPTION
GREEN VALLEY RANCH FILING NO. 55**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, THE SOUTHEAST QUARTER OF SECTION 15, THE NORTHEAST QUARTER OF SECTION 22, AND THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 22 BEARS SOUTH 89°31'30" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE;

THENCE SOUTH 12°55'57" EAST 568.70 FEET TO THE SOUTHWEST CORNER OF GREEN VALLEY RANCH FILING NO. 31, PER PLAT RECORDED AT RECEPTION NO. 2000156602 IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY OF EAST 48TH AVENUE AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 9, RECORDED AT RECEPTION NO. 022874 IN SAID OFFICE OF THE CLERK AND RECORDER AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 66°17'29" WEST 545.45 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 3135 AT PAGE 382 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE EASTERLY AND NORTHERLY LINES OF SAID PARCEL THE FOLLOWING 2 COURSES:

- 1) NORTH 23°42'16" EAST 150.00 FEET;
- 2) NORTH 66°17'29" WEST 140.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL BEING ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY OF HIMALAYA ROAD AS DESCRIBED IN ORDINANCE NO. 489, SERIES OF 1986, FILED IN THE OFFICE OF THE CITY CLERK AND RECORDER OF SAID CITY AND COUNTY;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 23°42'16" EAST 150.92 FEET TO THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 22 AND THE SOUTHEASTERLY CORNER OF HIMALAYA ROAD AS SHOWN ON THE PLAT OF GREEN VALLEY RANCH FILING NO. 32, RECORDED AT RECEPTION NO. 2001061337 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID HIMALAYA ROAD THE FOLLOWING 2 COURSES:

- 1) NORTH 23°24'43" EAST 48.72 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 760.00 FEET;
- 2) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°28'50" AN ARC LENGTH OF 192.08 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY AND NON-TANGENT TO SAID CURVE SOUTH 60°51'49" EAST 74.38 FEET;

THENCE NORTH 86°18'26" EAST 191.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 100.00 FEET;



THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 68°14'05" AN
ARC LENGTH OF 119.09 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE
NORTHEASTERLY HAVING A RADIUS OF 4389.44 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°56'40" AN
ARC LENGTH OF 302.18 FEET;

THENCE NON-TANGENT TO SAID CURVE SOUTH 45°14'46" EAST 128.91 FEET TO THE WESTERLY
BOUNDARY OF SAID GREEN VALLEY RANCH FILING NO. 31;

THENCE ALONG SAID WESTERLY BOUNDARY SOUTH 23°42'31" WEST 371.60 FEET TO THE TRUE
POINT OF BEGINNING.

CONTAINING 7.847 ACRES (341,865 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

C. REY TENNEY,
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR, P.L.S. 17666
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.



EXHIBIT B
DIRECTOR'S PARCEL

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER;
THENCE SOUTH 89°43'59" WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 77.40 FEET, TO THE POINT OF BEGINNING;
THENCE SOUTH 00°16'01" EAST, 150.00 FEET;
THENCE SOUTH 89°43'59" WEST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 270.00 FEET;
THENCE NORTH 00°16'01" WEST, 150.00 FEET TO A POINT ON SAID NORTH LINE;
THENCE NORTH 89°43'59" EAST, ALONG SAID NORTH LINE 270.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 0.930 ACRES (40,500 SQUARE FEET) MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED ON THE WEST END BY A 3 1/4" ALUMINUM CAP PLS # 19003, IN A RANGE BOX AND AS MONUMENTED ON THE EAST END BY A 3 1/4" ALUMINUM CAP, PLS # 17666, IN A RANGE BOX AND ASSUMED TO BEAR S89°43'59" WEST.

PREPARED BY: GEORGE G. SMITH, JR. P.L.S
P.L.S # 19003

ON BEHALF OF: KIRKHAM MICHAEL AND ASSOCIATES
5600 S. QUEBEC STREET # 200 D
ENGLEWOOD, CO. 80111
(303)694-2300



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EXHIBIT C
BALLOT ISSUES CONCERNING ARTICLE X, SECTION 20
OF THE COLORADO CONSTITUTION AS APPLIED TO THE
EBERT METROPOLITAN DISTRICT SUBDISTRICT NO. 2

BALLOT ISSUE NO. 5B
SUBDISTRICT DEBT: STREETS

SHALL EBERT METROPOLITAN DISTRICT SUBDISTRICT NO. 2 DEBT BE INCREASED \$2,000,000, WITH A REPAYMENT COST OF \$8,000,000; AND SHALL SUBDISTRICT NO. 2 TAXES BE INCREASED \$8,000,000 ANNUALLY OR BY SUCH LESSER ANNUAL AMOUNT AS MAY BE NECESSARY TO PAY THE SUBDISTRICT NO. 2 DEBT, (SUCH TAX INCREASE TO BE IN ADDITION TO ANY OTHER TAXES OF THE EBERT METROPOLITAN DISTRICT); SUCH DEBT TO CONSIST OF GENERAL OBLIGATION BONDS OR OTHER MULTIPLE YEAR FINANCIAL OBLIGATIONS, INCLUDING CONTRACTS, ISSUED OR INCURRED FOR THE PURPOSE OF PAYING, REIMBURSING, OR FINANCING ALL OR ANY PART OF THE COSTS OF ACQUIRING, CONSTRUCTING, RELOCATING, INSTALLING, COMPLETING, AND OTHERWISE PROVIDING, WITHIN OR WITHOUT THE BOUNDARIES OF THE DISTRICT'S SUBDISTRICT NO. 2, STREET IMPROVEMENTS INCLUDING CURBS, GUTTERS, CULVERTS, OTHER DRAINAGE FACILITIES, SIDEWALKS, BRIDGES, PARKING FACILITIES, PAVING, LIGHTING, GRADING, LANDSCAPING, FENCES, GATES, SECURITY FACILITIES AND EQUIPMENT, AND OTHER STREET IMPROVEMENTS, TOGETHER WITH ALL NECESSARY, INCIDENTAL, AND APPURTENANT FACILITIES, EQUIPMENT, LAND, AND EASEMENTS, AND EXTENSIONS OF AND IMPROVEMENTS TO SAID FACILITIES, SUCH DEBT TO BEAR INTEREST AT A NET EFFECTIVE INTEREST RATE NOT IN EXCESS OF 12% PER ANNUM, SUCH INTEREST TO BE PAYABLE AT SUCH TIME OR TIMES AND WHICH MAY COMPOUND ANNUALLY OR SEMIANNUALLY AS MAY BE DETERMINED BY THE DISTRICT, SUCH DEBT TO BE ISSUED OR INCURRED AT ONE TIME OR FROM TIME TO TIME, TO BE PAID FROM ANY LEGALLY AVAILABLE MONEYS OF THE SUBDISTRICT NO. 2, INCLUDING THE PROCEEDS OF AD VALOREM PROPERTY TAXES; SUCH TAXES TO CONSIST OF AN AD VALOREM MILL LEVY IMPOSED ON ALL TAXABLE PROPERTY WITHIN THE SUBDISTRICT NO. 2, WITHOUT LIMITATION OF RATE OR WITH SUCH LIMITATIONS AS MAY BE DETERMINED BY THE BOARD, AND IN AMOUNTS SUFFICIENT TO PRODUCE THE ANNUAL INCREASE SET FORTH ABOVE OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, TO BE USED SOLELY FOR THE PURPOSE OF PAYING THE PRINCIPAL OF, PREMIUM IF ANY, AND INTEREST ON THE DISTRICT'S SUBDISTRICT NO. 2 DEBT; AND SHALL THE PROCEEDS OF ANY SUCH DEBT AND THE PROCEEDS OF SUCH TAXES, ANY OTHER REVENUE USED TO PAY SUCH DEBT, AND INVESTMENT INCOME THEREON, BE COLLECTED AND SPENT BY THE SUBDISTRICT NO. 2 AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE SUBDISTRICT NO. 2?

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City & County Of Denver

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**BALLOT ISSUE NO. 5A
SUBDISTRICT TAXES**

SHALL THE EBERT METROPOLITAN DISTRICT SUBDISTRICT NO. 2 TAXES BE INCREASED \$400,000 ANNUALLY PLUS THE RATE OF INFLATION AND ANNUAL GROWTH, OR BY SUCH LESSER ANNUAL AMOUNT AS MAY BE NECESSARY TO PAY THE SUBDISTRICT NO. 2'S CAPITAL, OPERATIONS, MAINTENANCE, AND OTHER EXPENSES; SUCH TAX INCREASE TO BE IN ADDITION TO ANY OTHER TAXES OF THE DISTRICT AND TO CONSIST OF AN AD VALOREM MILL LEVY IMPOSED ON ALL TAXABLE PROPERTY WITHIN THE SUBDISTRICT NO. 2, WITHOUT LIMITATION OF RATE OR WITH SUCH LIMITATIONS AS MAY BE DETERMINED BY THE BOARD OF DIRECTORS OF THE SUBDISTRICT NO. 2, AND IN AMOUNTS SUFFICIENT TO PRODUCE THE ANNUAL INCREASE SET FORTH ABOVE OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, TO BE USED FOR THE PURPOSE OF PAYING THE SUBDISTRICT NO. 2'S COSTS OF CONSTRUCTING, OPERATING AND MAINTAINING THE IMPROVEMENTS WITHIN AND/OR BENEFITTING THE SUBDISTRICT NO. 2; AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE SUBDISTRICT NO. 2 AS A VOTER-APPROVED REVENUE CHANGE IN 2004 AND IN EACH YEAR THEREAFTER, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION CONTAINED WITHIN EITHER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR WITHIN SECTION 29-1-301, COLORADO REVISED STATUTES?



BALLOT ISSUE NO. 5C

SUBDISTRICT DEBT: REFUNDING AT A HIGHER INTEREST RATE

SHALL EBERT METROPOLITAN DISTRICT SUBDISTRICT NO. 2 DEBT BE INCREASED \$20,000,000, WITH A REPAYMENT COST OF \$80,000,000 AND SHALL SUBDISTRICT NO. 2 TAXES BE INCREASED \$80,000,000 ANNUALLY, (SUCH TAX INCREASE TO BE IN ADDITION TO ANY OTHER TAXES OF THE EBERT METROPOLITAN DISTRICT) FOR THE PURPOSE OF REFUNDING, PAYING, OR DEFEASING, IN WHOLE OR IN PART, BONDS, NOTES, CONTRACTS OR OTHER FINANCIAL OBLIGATIONS OF THE SUBDISTRICT NO. 2; AND SHALL THE SUBDISTRICT NO. 2 MILL LEVY BE INCREASED IN ANY YEAR WITHOUT LIMITATION AS TO RATE BUT ONLY IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT WHEN DUE; SUCH DEBT TO BE EVIDENCED BY GENERAL OBLIGATION BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 12.00%; SUCH DEBT TO BE SOLD IN ONE SERIES OR MORE, ON TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE SUBDISTRICT NO. 2 MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR PREPAYMENT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM; AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND TAX REVENUES BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

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**BALLOT ISSUE NO. 5D
IGA**

“SHALL EBERT METROPOLITAN DISTRICT SUBDISTRICT NO. 2 DEBT BE INCREASED \$16,000,000 IN 2004 OR ANY YEAR THEREAFTER WITH A REPAYMENT COST OF NOT MORE THAN \$16,000,000; AND SHALL SUBDISTRICT NO. 2 TAXES BE INCREASED \$400,000 ANNUALLY, SUCH TAX INCREASE TO BE IN ADDITION TO ANY OTHER TAXES OF THE EBERT METROPOLITAN DISTRICT AND TO BE ASSESSED, COLLECTED AND SPENT OR BY SUCH LESSER ANNUAL AMOUNT AS MAY BE NECESSARY TO PAY THE SUBDISTRICT NO. 2 DEBT; SUCH DEBT TO CONSIST OF EXECUTING, DELIVERING AND PERFORMING AN INTERGOVERNMENTAL AGREEMENT (“AGREEMENT”) HAVING A TERM IN EXCESS OF ONE YEAR, TO BE ENTERED INTO BY AND BETWEEN THE SUBDISTRICT NO. 2 AND TOWN CENTER METROPOLITAN DISTRICT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATING, MAINTAINING, OR OTHERWISE PROVIDING SYSTEMS, OPERATIONS, AND ADMINISTRATION FOR THE PURPOSE OF CARRYING OUT THE OBJECTS AND PURPOSES FOR WHICH THE SUBDISTRICT NO. 2 WAS ORGANIZED, TOGETHER WITH ALL NECESSARY, INCIDENTAL AND APPURTENANT PROPERTIES, CAPITAL IMPROVEMENTS, FACILITIES, EQUIPMENT, PERSONNEL, CONTRACTORS, CONSULTANTS, AND COSTS AND ALL LAND, EASEMENTS, AND APPURTENANCES NECESSARY OR APPROPRIATE IN CONNECTION THEREWITH, SUCH COSTS TO BE PAID AT ONE TIME OR FROM TIME TO TIME PURSUANT TO THE AGREEMENT AND TO MATURE OR BECOME PAYABLE IN FULL IN NOT MORE THAN 40 YEARS AFTER THE EFFECTIVE DATE OF THE AGREEMENT, TO BE PAID FROM ANY LEGALLY AVAILABLE MONEYS OF THE SUBDISTRICT NO. 2, INCLUDING THE PROCEEDS OF AD VALOREM PROPERTY TAXES; SUCH TAXES TO CONSIST OF AN AD VALOREM MILL LEVY IMPOSED ON ALL TAXABLE PROPERTY WITHIN THE SUBDISTRICT NO. 2, WITHOUT LIMITATION OF RATE OR WITH SUCH LIMITATIONS AS MAY BE DETERMINED BY THE BOARD, AND IN AMOUNTS SUFFICIENT TO PRODUCE THE ANNUAL INCREASE SET FORTH ABOVE OR SUCH LESSER AMOUNT AS MAY BE DETERMINED PURSUANT TO THE AGREEMENT, TO BE USED SOLELY FOR THE PURPOSE OF PAYING THE AMOUNTS REQUIRED UNDER THE AGREEMENT; AND SHALL THE PROCEEDS OF ANY SUCH TAXES, ANY OTHER REVENUE USED TO PAY SUCH AMOUNTS, AND INVESTMENT INCOME THEREON, CONSTITUTE VOTER-APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE SUBDISTRICT NO. 2 WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE SUBDISTRICT NO. 2?”

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