#### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1 HELD MARCH 31, 2021

A Special meeting of the Board of Directors (the "Board") of the Villages at Murphy Creek Metropolitan District No. 1 (referred to hereafter as the "District") was convened on Wednesday, March 31, 2021 at 2:30 p.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in person contact, the District meeting was held by conference call without any individuals (neither District representatives nor the general public) attending in person. The meeting was open to the public via conference call.

#### **ATTENDANCE**

#### **Directors In Attendance Were:**

Richard A. Frank Marc L. Cooper

#### **Also In Attendance Were:**

David Solin; Special District Management Services, Inc.

Paula Williams, Esq.; McGeady Becher P.C.

Daniel Frank; Board Candidate

# DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

<u>Disclosure of Potential Conflicts of Interest</u>: 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. Solin noted that a quorum was present and requested members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at the meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. No additional conflicts were disclosed.

### ADMINISTRATIVE MATTERS

**Agenda**: Mr. Solin reviewed with the Board a proposed Agenda for the District's Special Meeting.

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Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Agenda for the District's Special Meeting was approved, as presented.

<u>Approval of Meeting Location</u>: The Board entered into discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meetings.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board determined that due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in person contact, the District's meeting was held by conference call. The Board further noted that notice of the time, date and conference bridge information was duly posted and that they have not received any objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District's boundaries.

Resolution No. 2021-03-01, Resolution of Intent to Return to Active Status: The Board considered adoption of a Resolution No. 2021-03-01, Resolution of Intent to Return to Active Status.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, Resolution No. 2021-03-01, Resolution of Intent to Return to Active Status, was approved. The Board directed the District's consultants to take all actions associated therewith.

Eligible Governmental Entity Agreement ("EGE") by and between the District and the Statewide Internet Portal Authority of the State of Colorado ("SIPA"): The Board discussed the EGE by and between the District and SIPA.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote unanimously carried, the Board approved the EGE by and between the District and SIPA.

Resolution Establishing Regular Meeting Dates, Times and Location, and Designating Locations and Designating Location for Posting of 24-Hour Notices: The Board discussed Resolution No. 2021-03-02 of the Board of Directors of the Villages at Murphy Creek Metropolitan District No. 1; Establishing Regular Meeting Dates, Time and Location, Establishing District Website and Designating Location for Posting 24-Hour Notices.

Mr. Solin reviewed the business to be conducted in 2021 to meet the statutory compliance requirements. The Board determined to meet on October 28, 2021, at 2:30 p.m., to be held at Centre Communities, Ltd., 7400 East Orchard Road #290-S, Greenwood Village, Colorado 80111.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-03-02 of the Board of Directors of the Villages at Murphy Creek Metropolitan District No. 1; Establishing Regular Meeting Dates, Time and Location, Establishing District Website and Designating Location for posting 24-Hour Notices. A copy of the resolution is attached hereto and incorporated herein.

Resolution No. 2021-03-03 to Obtain Insurance Coverage Through the Colorado Special Districts Property and Liability Pool / Membership in the Special District Association: Mr. Solin reviewed the statutory requirements for insurance coverage with the Board.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-03-03 to obtain insurance coverage through the Colorado Special Districts Property and Liability Pool and authorized membership in the Special District Association.

Agency Services Agreement between the District and T. Charles Wilson Insurance Service: The Board discussed the Agency Services Agreement between the District and T. Charles Wilson Insurance Service.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board approved the Agency Services Agreement between the District and T. Charles Wilson Insurance Service.

§32-1-809, C.R.S. (Transparency Notice) Reporting Requirements, Mode of Eligible Elector Notification for 2021: The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2021.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board determined to post the required transparency notice information on the Special District Association's website.

#### Consideration of Board Appointment After Publication of Notice of Vacancy:

The Board discussed the vacancies on the Board. It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was made on March 18, 2021 in the Aurora Sentinel. No Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

As such, following discussion and upon motion duly made by Director Cooper, seconded by Director Frank to nominate Daniel Frank to fill a vacant Board term and, upon vote, unanimously carried, the Board appointed Daniel Frank to fill a vacancy on the Board of Directors. The Oath of Director was administered.

**Appointment of Officers**: The Board entered into discussion regarding the appointment of officers.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the following slate of officers were appointed:

President Daniel Frank
Treasurer Marc Cooper
Secretary David Solin
Assistant Secretary Richard Frank

Engagement of Special District Management Services, Inc. as District Manager: The Board entered into discussion regarding the engagement of Special District Management Services, Inc. as District Manager.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board approved the engagement of Special District Management Services, Inc. as District Manager.

<u>Engagement of First Bank for Banking Services</u>: The Board entered into discussion regarding the engagement of First Bank for Banking Services, and designating all Directors as signers on the account.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board approved the engagement of First Bank for Banking Services, and designated all Directors as eligible signers on the account.

McGeady Becher P.C. Document Retention Policy: Attorney Williams presented to the Board an update to the McGeady Becher P.C. Document Retention Policy.

The Board approved the update and directed a copy of the approved, updated McGeady Becher P.C. Document Retention Policy be attached to the minutes of this meeting. Accordingly, a copy of the updated McGeady Becher P.C. Document Retention Policy is attached hereto and incorporated herein by this reference.

#### **PUBLIC COMMENT**

None.

#### **CONSENT AGENDA**

**Consent Agenda**: The Board considered the following actions:

- Approve the Minutes from the November 16, 2010 Regular Meeting.
- Ratify approval of adoption of Resolutions Calling May 2012, 2014, 2016, 2018 and 2020 Director Elections.
- Ratify approval of preparation, execution and filing of 2010 Application for Exemption from Audit.
- Ratify appointment of the District Accountant to prepare the 2021 Budget.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board ratified and/or approved, as appropriate, the Consent Agenda items.

#### FINANCIAL MATTERS

**<u>2021 Budget Hearing</u>**: The President opened the public hearing to consider the proposed 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of 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 or public comments were received prior to this public hearing. The public hearing was closed.

Following review and discussion, the Board considered the adoption of the Resolution No. 2021-03-04 to Adopt the 2021 Budget and Appropriate Sums of Money. Upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Resolution was adopted, as discussed.

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Mr. Solin was authorized to transmit the Certification of Budget to the Division of Local Government. A copy of the adopted Resolution is attached to these Minutes and incorporated herein by this reference.

**2022 Budget Preparation**: The Board discussed the preparation of the 2022 Budget. Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare the 2022 Budget, and set the date for the budget hearing to be October 28, 2021, at 2:30 p.m., to be held at Centre Communities, Ltd., 7400 East Orchard Road #290-S, Greenwood Village, Colorado 80111.

#### LEGAL MATTERS

<u>Aurora Regional Improvement Authority Agreement</u>: Attorney Williams discussed the status of the Aurora Regional Improvement Authority Agreement. No action was needed at this time.

<u>Operation Funding Agreement between the District and Jewell Developers,</u>
<u>Inc.</u>: Attorney Williams reviewed with the Board an Operation Funding Agreement between the District and Jewell Developers, Inc.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board approved the Operation Funding Agreement between the District and Jewell Developers, Inc., as amended and subject to final Legal review.

Public Hearing on the Inclusion of Approximately 40.206 Acres of Property owned by Harvest & Jewell, LLC: The President opened the public hearing.

It was noted that publication of Notice stating that the Board would consider the inclusion of the property 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, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board approved the inclusion of property as described in the Petition. A copy of Resolution No. 2021-03-05 for Inclusion of Real Property is attached hereto and incorporated herein by this reference.

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Resolution No. 2021-03-06; Resolution Regarding Colorado Open Records Act Requests: Attorney Williams reviewed with the Board Resolution No. 2021-03-06; Resolution Regarding Colorado Open Records Act Requests.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-03-06; Resolution Regarding Colorado Open Records Act Requests.

Resolution No. 2021-03-07; Resolution Regarding the Retention and Disposal of Public Records and Adopting a Public Records Retention Schedule: Attorney Williams reviewed with the Board Resolution No. 2021-03-07; Resolution Regarding the Retention and Disposal of Public Records and Adopting a Public Records Retention Schedule.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-03-07; Resolution Regarding the Retention and Disposal of Public Records and Adopting a Public Records Retention Schedule.

**OTHER MATTERS** 

The Board discussed imposition of a System Development Fee or Facilities Fee. No action was taken at this time.

The Board discussed District Maintenance and Covenant Control. It was determined that District Maintenance and Covenant Control will be performed through an agreement with the Homeowners Association ("HOA").

ADJOURNMENT

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

Respectfully submitted,

By: richard a. frank
Secretary for the Meeting

#### **RESOLUTION NO. 2021-03-02**

# RESOLUTION OF THE BOARD OF DIRECTORS OF THE VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1 ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION, ESTABLISHING DISTRICT WEBSITE AND DESIGNATING LOCATION FOR POSTING OF 24-HOUR NOTICES

- A. Pursuant to Section 32-1-903, C.R.S., special districts are required to designate a schedule for regular meetings, indicating the dates, time and location of said meetings.
- B. Pursuant to Section 24-6-402(2)(c)(I), C.R.S., special districts are required to designate annually at the board of directors of the district's first regular meeting of each calendar year, the public place at which notice of the date, time and location of regular and special meetings ("Notice of Meeting") will be physically posted at least 24 hours prior to each meeting ("Designated Public Place"). A special district is deemed to have given full and timely notice of a regular or special meeting if it posts its Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.
- C. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., special districts are relieved of the requirement to post the Notice of Meeting at the Designated Public Place, and are deemed to have given full and timely notice of a public meeting, if a special district posts the Notice of Meeting online at a public website of the special district ("**District Website**") at least 24 hours prior to each regular and special meeting.
- D. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., if a special district is unable to post a Notice of Meeting on the District Website at least 24 hours prior to the meeting due to exigent or emergency circumstances, then it must physically post the Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.
- E. Pursuant to Section 32-1-903, C.R.S., all special and regular meetings of the board shall be held at locations which are within the boundaries of the district or which are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty (20) miles from the district boundaries unless such provision is waived.
- F. The provisions of Section 32-1-903, C.R.S., may be waived if: (1) the proposed change of location of a meeting of the board appears on the agenda of a regular or special meeting; and (2) a resolution is adopted by the board stating the reason for which a meeting is to be held in a location other than under Section 32-1-903(1), C.R.S., and further stating the date, time and place of such meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Villages at Murphy Creek Metropolitan District No. 1 (the "**District**"), Arapahoe County, Colorado:

1. That the provisions of Section 32-1-903(1), C.R.S., be waived pursuant to the adoption of this Resolution.

- 2. That the Board of Directors (the "**District Board**") has determined that conducting regular and special meetings pursuant to Section 32-1-903(1), C.R.S., would be inconvenient and costly for the directors and consultants of the District in that they live and/or work outside of the twenty (20) mile radius requirement.
- 3. That regular meetings of the District Board for the year 2021 shall be held on October 28, 2021 at 2:00 p.m., at the offices of Centre Communities, Ltd., 7400 East Orchard Road #290-S, in Arapahoe County, Colorado.
- 4. That special meetings of the District Board shall be held as often as the needs of the District require, upon notice to each director.
- 5. That, until circumstances change, and a future resolution of the District Board so designates, the location of all special and regular meetings of the District Board shall appear on the agenda(s) of said special and regular meetings.
- 6. That the residents and taxpaying electors of the District shall be given an opportunity to object to the meeting(s) location(s), and any such objections shall be considered by the District Board in setting future meetings.
- 7. That the District Board authorizes establishment of a District Website, if such District Website does not already exist, in order to provide full and timely notice of regular and special meetings of the District Board online pursuant to the provisions of Section 24-6-402(2)(c)(III), C.R.S.
- 8. That, if the District has established a District Website, the Notice of Meeting of the District Board shall be posted on the District Website at least 24 hours prior to each regular and special meeting pursuant to Section 24-6-402(2)(c)(III), C.R.S. and Section 32-1-903(2), C.R.S.
- 9. That, if the District has not yet established a District Website or is unable to post the Notice of Meeting on the District Website at least 24 hours prior to each meeting due to exigent or emergency circumstances, the Notice of Meeting shall be posted within the boundaries of the District at least 24 hours prior to each meeting, pursuant to Section 24-6-402(2)(c)(I) and (III), C.R.S., at the following Designated Public Place:
  - (a) On fence post in the northwestern portion of the District
- 10. Special District Management Services, Inc., or its designee, is hereby appointed to post the above-referenced notices.

#### [SIGNATURE PAGE FOLLOWS]

### [SIGNATURE PAGE TO RESOLUTION ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION, ESTABLISHING DISTRICT WEBSITE AND DESIGNATING LOCATION FOR 24-HOUR NOTICES]

RESOLUTION APPROVED AND ADOPTED on March 31, 2021.

#### VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1

By:	richard a. frank	
	President	

Attest:

Assistant Secretary

#### **RESOLUTION NO. 2021-03-04**

### RESOLUTION TO ADOPT BUDGET AND APPROPRIATE SUMS OF MONEY RESOLUTION OF THE BOARD OF DIRECTORS OF

VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1, ARAPAHOE COUNTY, COLORADO, PURSUANT TO SECTION 29-1-108, C.R.S., SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND, ADOPTING A BUDGET AND APPROPRIATING SUMS OF MONEY FOR THE BUDGET YEAR 2021

- A. The Board of Directors of Villages at Murphy Creek Metropolitan District No. 1 (the "**District**") has appointed Special District Management Services, Inc. to prepare and submit a proposed budget to said governing body at the proper time.
- B. Special District Management Services, Inc. has submitted a proposed budget to this governing body on March 31, 2021 for its consideration.
- C. Upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on March 31, 2021, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget.
- D. The budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District.
- E. Whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.
- F. The Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget.
- G. It is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1, ARAPAHOE COUNTY, COLORADO:

- 1. The budget, as submitted, amended, and summarized by fund, is hereby approved and adopted as the budget of the District for the year stated above.
- 2. The budget is hereby approved and adopted, shall be certified by the Secretary of the District to all appropriate agencies and is made a part of the public records of the District.

3. The sums set forth as the total expenditures of each fund in the budget attached hereto as **Exhibit A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

[SIGNATURE PAGE FOLLOWS]

#### [SIGNATURE PAGE TO RESOLUTION TO ADOPT BUDGET AND **APPROPRIATE SUMS OF MONEY**

RESOLUTION APPROVED AND ADOPTED on MARCH 31, 2021.

VILLAGES AT MURPHY CREEK **METROPOLITAN DISTRICT NO. 1** 

By: richard a. frank
President

Attest:

By: Assistant Secretary

#### **EXHIBIT A**

Budget

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#### Villages At Murphy Creek Metrolpolitan District No. 1

### Budget General Fund For The Year Ending December 31, 2021

	2021 Approved	
Beginning Funds Available	\$	-
Revenue		
Property Taxes		-
Specific Ownership Taxes		-
Developer Advance		50,000
Miscellaneous Income		-
Total Revenue		50,000
Total Funds Available	\$	50,000
Expenditures		
Audit/Exemption		1,000
Election		-
Insurance		3,500
Accounting		8,000
Legal		15,000
Management		15,000
Miscellaneous		3,000
Contingency		3,000
Treasurer's Fees		-
Total Expenditures	\$	48,500
Emergency Reserve		1,500
Total Expenditures Requiring Appropriation	\$	50,000
Ending Funds Available	\$	-

I,	Marc Cooper	, hereby certify that I am the duly appointed Secretary of the
Vi	llages at Murphy Cr	eek Metropolitan District No. 1, and that the foregoing is a true and
co	rrect copy of the bud	lget for the budget year 2021, duly adopted at a meeting of the Board of
Di	rectors of the Villag	es at Murphy Creek Metropolitan District No 1 held on March 31, 2021.
	_	

Secretary

#### **RESOLUTION NO. 2021-03-05**

#### RESOLUTION OF THE BOARD OF DIRECTORS OF VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1 FOR INCLUSION OF REAL PROPERTY

- A. Harvest & Jewell, LLC, a Colorado limited liability company, the 100% fee owner of the Property (hereinafter defined) has petitioned the Villages at Murphy Creek Metropolitan District No. 1 (the "**District**") for the inclusion into the District's boundaries of the real property hereinafter described ("**Property**").
- B. Public Notice has been published in accordance with law, calling for a public hearing on the request for approval of said Petition.
- C. The statutory requirements of Section 32-1-401(1)(a), C.R.S., for submission of a petition for inclusion to the Board of Directors of the District ("**Board**"), including a legal description of the Property, a statement that assent to the inclusion of the Property was obtained by the 100% fee owner thereof and acknowledgment in the same manner as required for conveyances of land, were presented to and have been satisfied and approved by the Board.
- D. The District may consider the enlargement or extension of its facilities in the exercise of discretion as a governmental function in the interest of public health, safety and welfare.
  - E. The District is capable of serving the Property with facilities of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1, ARAPAHOE COUNTY, COLORADO:

- 1. That the Board of Directors of the District shall and hereby does order the inclusion of the Property described herein within the boundaries of the District.
- 2. The name and address of the Petitioner and the legal description of the Property are as follows:

Petitioner: Harvest & Jewell, LLC, a Colorado limited

company

Address of Petitioner: 7800 E. Union Avenue, Suite 420

Denver, Colorado 80237

Legal Description: Approximately 40.206 acres of land legally

described on Exhibit A attached hereto and

incorporated herein.

3. That approval of this inclusion is further subject to the following:

On and after the effective date of this inclusion (which shall be the date of recording of the Court Order approving the inclusion by the Clerk and Recorder of Arapahoe County, Colorado, unless otherwise specified in the Court Order), the Property shall be subject to the rules and regulations of the District, and the payment of any and all taxes, fees, rates and charges of the District.

Dated this 31st day of March, 2021.

VILLAGES AT MURPHY CREEK **METROPOLITAN DISTRICT NO. 1** 

By: richard a. frank
President

Attest:

**Assistant Secretary** 

#### **EXHIBIT A**

#### Legal Description

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER B8090223 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER; SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00°02'41" WEST, A DISTANCE OF 2650.64 FEET;

THENCE SOUTH 00°02'41" WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTIER OF SECTION 29, A DISTANCE OF 819.82 TO THE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER D0072972 IN SAID RECORDS;

THENCE, ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER D0072972, THE FOLLOWING FIVE (5) COURSES;

- 1. SOUTH 89°57'19" EAST, A DISTANCE OF 275.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 915.00 FEET;
- 2. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°59'53", AN ARC LENGTH OF 495.03 FEET;
- 3. SOUTH 58°57'26" EAST, A DISTANCE OF 382.62 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 870.00 FEET;
- 4. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°00'41", AN ARC LENGTH OF 470.89 FEET;
- 5. SOUTH 89°58'08" EAST, A DISTANCE OF 200.03 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER B8090223;

THENCE SOUTH 00°01'43" WEST, ALONG SAID EAST LINE, A DISTANCE OF 779.65 FEET;

THENCE NORTH 89°57'16" WEST, A DISTANCE OF 1722.71 FEET TO A POINT ON SAID WEST LINE OF THE NORTHWEST OUARTER;

THENCE NORTH 00°02'41" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1231.55 FEET TO THE POINT OF BEGINNING.

#### **CERTIFICATION**

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2021-03-05, Resolution of the Board of Directors of Villages at Murphy Creek Metropolitan District No. 1, Resolution for Inclusion of Real Property.

VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1

Date:	04 / 01 / 2021	By:	More Com	
			Assistant Secretary	

#### **RESOLUTION NO. 2021-03-06**

### A RESOLUTION OF THE BOARD OF DIRECTORS OF VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1 REGARDING COLORADO OPEN RECORDS ACT REQUESTS

- A. Villages at Murphy Creek Metropolitan District No. 1 (the "**District**") is a quasimunicipal corporation and political subdivision of the State of Colorado and operates pursuant to its Service Plan approved by the City of Aurora, Colorado, on July 24, 2006, as it may be amended and modified from time to time (the "**Service Plan**").
- B. The District maintains certain records of the District that are available for inspection by the public under and in accordance with the laws of the State of Colorado.
- C. The District anticipates that individuals may, from time to time, request the right to inspect and/or copy public records of the District.
- D. The District is authorized under Section 24-72-203, C.R.S., to adopt rules with respect to the inspection and copying of public records of the District.
- E. The District desires to set forth in this Resolution the rules with regard to the inspection and copying of all public records of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Villages at Murphy Creek Metropolitan District No. 1, Arapahoe County, Colorado:

- 1. Special District Management Services, Inc., the District Manager for the District, is hereby designated as the "**Official Custodian**" of the public records of the District, as such term is defined in Section 24-72-202(2), C.R.S. Contact information for the Official Custodian is: Special District Management Services, Inc., 141 Union Blvd., Suite 150, Lakewood, Colorado; Tel. (303) 987-0835; Fax (303)-987-2032.
- 2. Upon request for records transmission by a person seeking a copy of any public record, the Official Custodian shall transmit a copy of the record by United States mail, other delivery service, facsimile, or electronic mail.
- 3. Within the period specified in Section 24-72-203(3)(a), C.R.S., as amended from time to time, the Official Custodian shall notify the record requester that a copy of the record is available, but will only be sent to the requester once the custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the custodian. Upon either receiving such payment or making arrangements to receive such payment at a later date, the Official Custodian shall provide the record(s) to the requester as soon as practicable, but no more than three (3) business days after receipt of, or making arrangements to receive, such payment.

- 4. If the record(s) requested are provided to the record requestor by United States Mail, other delivery service, or by facsimile, the Official Custodian is hereby authorized to charge:
- (a) An amount of twenty-five cents (\$0.25) per standard page, or such other maximum charge as is permitted by law from time to time, for each page of public records copied, to defray the actual cost of providing a copy, printout, or photograph of a public record; and
- (b) The actual cost of providing a copy, printout, and/or photograph of a public record in a format other than a standard page.
- 5. No transmission fees may be charged to the record requester for transmitting public records via electronic mail.
- 6. After the first hour of time expended in connection with the research and retrieval of public records, the Official Custodian is authorized to charge a fee, the maximum of which shall not exceed the fee set forth in Section 24-72-205(6), C.R.S., as amended from time to time, for the costs incurred to review public records requests, prepare documents for inspection, consultation with legal counsel or other consultants regarding such requests, to supervise and coordinate preparation, review and copying of public records, and for actual costs incurred by the Official Custodian, the District, District management, or outside consultants and legal counsel in responding to and complying with public record requests.
- 7. All requests for copies or inspection of public records of the District shall be submitted to the Official Custodian in writing. Such requests shall be delivered by the Official Custodian to the District's legal counsel for review and legal advice regarding the lawful availability of records requested and related matters. The District may, from time to time, designate specific records for which written requests are not required and with respect to which review by legal counsel is not required; i.e., service plans, rules and regulations, minutes, etc. Such designations shall occur in the minutes of the meetings of the District.
- 8. All public records of the District copied and provided to interested persons shall be copied in duplicate by the Official Custodian. The Official Custodian shall retain the original record in the appropriate file, and shall retain the duplicate copies in a separate filing bearing the name of the person to whom copies were provided and the date of such person's request. Copies of duplicate copies of public records of the District shall not be charged to the person requesting the public records, but shall be maintained for record purposes by the Official Custodian.
- 9. All inspections of public records shall take place during regular business hours at the office of the Official Custodian. Public records requests may not preempt or take priority over previously scheduled official District-related business activities.
- 10. No person shall be entitled to remove public records of the District from the Official Custodian's office for inspection, copying, or any other purpose or reason. Public records of the District shall be:

- Subject to inspection in the presence of the Official Custodian or the Official Custodian's designee;
  - Appropriately marked by the person making the request; (b)
  - Copied after receipt of all required charges therefore; and (c)
- Delivered to the person requesting such records at the office of the Official (d) Custodian within the statutory timeframe and after all charges have been paid.

Copies of public records of the District not picked up at the time set aside by the Official Custodian may be destroyed. In the event a person renews the request for the same public records of the District after failing to pick up previously requested copies, they will be charged for the costs of both records requests.

- Only the Official Custodian (or designee of the Official Custodian) may copy public records of the District.
- 2. On behalf of the District, the Official Custodian reserves the right to seek a declaratory judgment, pursuant to Section 13-51-101, et seq. C.R.S., to determine if a large public records request may be exempted from the statutorily required response time.
- The Official Custodian may establish such other reasonable regulations as are not inconsistent with this Resolution or with applicable Colorado law, as established and amended from time to time.

RESOLUTION ADOPTED AND APPROVED on March 31, 2021.

VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1

By: richard a. frank
President

Attest:

**Assistant Secretary** 

#### **RESOLUTION NO. 2021-03-07**

# A RESOLUTION OF THE BOARD OF DIRECTORS OF THE VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1 REGARDING THE RETENTION AND DISPOSAL OF PUBLIC RECORDS AND ADOPTING A PUBLIC RECORDS RETENTION SCHEDULE

- A. Villages at Murphy Creek Metropolitan District No. 1 (the "**District**") is a quasimunicipal corporation and political subdivision of the State of Colorado.
- B. The District recognizes a need for a comprehensive records retention policy and schedule for the District's non-permanent records and the retention of those records that have long-term administrative, fiscal and historical value including, but not limited to those described in Section 24-80-101, C.R.S., as may be amended from time to time ("**Records**").
- C. Under the authority granted by Part 1, Article 80, Title 24, C.R.S, the Colorado State Archives, Division of the Department of Personnel, has created a records retention schedule for Colorado special districts, as may be amended from time to time, for use by special districts, which sets forth a timeline for retaining the Records ("Retention Schedule").
- D. The District desires to set forth in this Resolution the policy with regard to the retention of the Records of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Villages at Murphy Creek Metropolitan District No. 1, Arapahoe County, Colorado:

- 1. The District hereby adopts the Retention Schedule, as the District's minimum standard for the retention of the Records.
- 2. The Official Custodian as defined and designated by the District's Resolution Regarding Colorado Open Records Act Requests, as such resolution may be amended from time to time, shall also maintain a copy of the Retention Schedule on file for review and distribution, as necessary.
- 3. The Official Custodian is hereby authorized to retain the Records in accordance with the Retention Schedule.
- 4. No Records may be destroyed pursuant to the Retention Schedule, so long as such Records pertain to any pending legal case, claim, action or audit involving the District or if the District's general counsel determines such Records should be retained for other purposes. Further, if the Official Custodian is unsure whether any Records should be destroyed, the Official Custodian may contact the District's general counsel for advice, prior to destruction of said Records.
  - 5. Records of the District shall be destroyed using secure methods of destruction.

#### RESOLUTION ADOPTED AND APPROVED on March 31, 2021.

#### **VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1**

By: richard a. frank
President

Attest:

Assistant Secretary



TITLE Villages at Murphy Creek MD Nos. 1 and 2, Approved Documents

FILE NAME Minutes - ...URPH2).pdf and 15 others

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