

Resolution No. 2024-05-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE DAWSON TRAILS
METROPOLITAN DISTRICT NO. 1**

RESOLUTION OF NECESSITY

May 21, 2024

RECITALS

WHEREAS, Dawson Trails Metropolitan District No. 1 (the “District”) is a special district organized and existing under the provisions of §§ 32-1-101, et seq., C.R.S. and Chapter 11 of the Municipal Code of the Town of Castle Rock;

WHEREAS, the District is authorized and has the responsibility to plan, design, acquire, construct, install, operate, maintain, and finance certain public improvements, including streets, water, sanitary sewer, storm sewer, and park and open space improvements and facilities, in an area situated in and near the Town of Castle Rock, Douglas County, State of Colorado (“Town”);

WHEREAS, the District has determined that, for the property within and served by the District, it must plan, design, acquire, construct, install, develop and maintain utilities including water, storm drainage and sanitary sewer lines and related improvements, such as culverts, manholes/structures and inlets, and detention and retention facilities, along with the development of roadways and related improvements, including Dawson Trails Boulevard to be located west of I-25 running both north and south of Crystal Valley Parkway, that will require fee acquisition of property and utility easements for such public improvements (the “Project”);

WHEREAS, on September 6, 2022, in Resolution No. 22-100, the Board of Trustees of the Town of Castle Rock, Colorado (“Town Board”), approved the Amended and Restated Service Plan (“Service Plan”) for the District and for the Dawson Trails Metropolitan District Nos. 2, 3, 4, 5, 6 and 7 (collectively, with the District, the “Districts”);

WHEREAS, pursuant to the District Maintenance and Administrative Services Agreement entered into by, between, and among the Districts on November 28, 2022, the District serves as the Operating District on behalf of the Districts; and

WHEREAS, as part of the Project, it is necessary for the District to acquire rights of way for street improvements and utility easements on certain properties, as more particularly set forth in **Exhibit A** (the “Subject Properties”);

WHEREAS, pursuant to § 32-1-1001(1)(f), C.R.S., the District has the power to acquire and encumber real property necessary to the functions and/or the operation of the District, including the Subject Properties for the Project;

WHEREAS, pursuant to § 32-1-1004(4), C.R.S., and Colo. Const. art XVI, § 7, the District has the power to acquire rights of way and easements for the Project through the exercise of eminent domain; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the District (the “Board”) that:

1. The Board finds and determines that it is necessary to the public health, safety, and welfare of the property owners and future residents of the Districts for the District to construct and install the Project and it is necessary for the public health, safety and welfare of the property owners and residents of the Districts for the District to acquire rights of way and easements on the Subject Properties, either through negotiation and purchase, or by exercising its power of eminent domain, if the District cannot acquire the rights of way and easements on the Subject Properties by negotiation and purchase.

2. The District and its counsel are authorized to engage in good faith negotiations to acquire the requisite rights of way and easements on the Subject Properties.

3. If attempts by the District to voluntarily acquire rights of way and easements on the Subject Properties are futile, a Notice of Intent to Acquire may be sent to the record holders of interest in the Subject Property pursuant to § 38-1-121(1), C.R.S.

4. The District and its counsel are authorized to retain consultants, including appraiser(s), to determine compensation for the acquisition of the Subject Property.

5. Counsel for the District is authorized and directed to take all necessary legal measures, including initiating condemnation in Douglas County District Court and seeking immediate possession, to acquire rights of way and easements on the Subject Properties.

6. In the event of condemnation, the Board finds and determines that immediate possession of the requisite rights of way and easements on the Subject Properties is necessary and required for the reasons and purposes described above.

7. The legal descriptions of the rights of way and easements on the Subject Properties are subject to review by the District’s legal and engineering consultants and are subject to amendment, including adding temporary construction easement(s); however, any substantial changes will be brought back to the Board for approval.

Adopted this 21st day of May, 2024.

DAWSON TRAILS
METROPOLITAN DISTRICT NO. 1

DocuSigned by:
Lawrence P. Jacobson
Officer of the District

ATTEST:

DocuSigned by:
Jake Schroeder
7FE830F442514BF...

APPROVED AS TO FORM:
Alderman Bernstein

DocuSigned by:
Jody Alderman
5741107509244C
Special Counsel to the District

Exhibit A
Subject Properties

Douglas County Parcel No.*	Owner
2505-150-00-053 2505-150-00-054	SDM Family Corporation
2505-150-00-033	CORE
2505-150-00-032	Christopher S. Nichols and Cali M. Nichols
2505-150-00-031	Paul Chisco Kim and Yong Hui Kim
2505-150-00-030	Nichols Living Trust
2505-150-00-042	Three Oaks Family Partnership LLLP
2505-104-00-002 2505-150-00-001	Burmeister Properties LLLP
2505-104-00-006	Castle Meadows LLC (from Stapleton Family on 11/17/2023)

*As of Douglas County Assessor's Office webpage on 4/29/2024.