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LARIMER COUNTY
COMBINED COURTS, COLORADO

BY Sheryl K. DeWitt 3/10/2026
DEPUTY CLERK DATE

DISTRICT COURT, LARIMER COUNTY, COLORADO Court Address: 201 La Porte Avenue, Suite 100 Fort Collins, CO 80521 Telephone: (970) 498-6100	 2026 9:36 PM
Petitioner: EAGLE BROOK MEADOWS METROPOLITAN DISTRICTS NOS. 1, 2, AND 3	
	▲ COURT USE ONLY ▲ Case No: 2018CV30899 Div: 3B
ORDER AND DECREE OF CONSOLIDATION	

THIS MATTER comes for consideration by the Court on the Petition for Order and Decree of Consolidation (the "Petition") filed by the Organizational Board of Directors of Eagle Brook Meadows Metropolitan District (the "Consolidated District"). This Court, being fully advised in the premises, hereby FINDS:

1. That the question of the consolidation of Eagle Brook Meadows Metropolitan District No. 1 ("District No. 1"), Eagle Brook Meadows Metropolitan District No. 2 ("District No. 2"), and Eagle Brook Meadows Metropolitan District No. 3 ("District No. 3," and together with District No. 1 and District No. 2, the "Districts"), waiver of term limits for the Consolidated District as provided for in Article XVIII, Section 11 of the Colorado Constitution, waiver of the 5.25% property tax limit for the Consolidated District as provided for in Section 29-1-1704, C.R.S., and ballot issues necessary to implement the provisions of Section 20 of Article X of the Colorado Constitution, were duly submitted to the eligible electors of each of the Districts at elections held on November 4, 2025 (the "Elections"), as specified in the Order Calling Elections on Consolidation entered by this Court on July 22, 2025 (the "Election Order").

2. That the Elections were held in accordance with the Election Order and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S., as supplemented by Section 20 of Article X of the Colorado Constitution, the Uniform Election Code of 1992, as amended, Sections 32-1-801 et. seq., C.R.S., Section 32-1-305.5, C.R.S., and other applicable law.

3. That the Canvass Boards' Abstracts of Returns and Certificates of Election Results for the Elections, filed with this Court as Exhibit A to the Offer of Proof that was filed with the Petition, duly certify the returns of the Elections to this Court as required by law and hereby are, in all respects, approved and confirmed.

4. That a majority of the votes cast at each of the Elections were cast in favor of (i) consolidating the Districts under Ballot Question 6A: Consolidation; and (ii) authorizing the Consolidated District to collect, retain, and spend any and all amounts annually from any revenue source by the Consolidated District as a voter-approved revenue change without limitation as required by Section 20 of Article X of the Colorado Constitution and as set forth in Ballot Issue 6B: De-Brucing (collectively, the "Election Authorizations").

5. That a majority of the votes cast at each of the Elections were not cast in favor of (i) the waiver of term limits for the Consolidated District as provided for in Article XVIII, Section 11 of the Colorado Constitution under Ballot Question 6B: Term Limits, (ii) the waiver of the 5.25% property tax limit for the Consolidated District as provided for in Section 29-1-1704, C.R.S. under Ballot Question 6C: Property Tax Limit Waiver, and (iii) an increase of taxes to pay for the Consolidated District's administration, operations, covenant enforcement, design review, maintenance, and other expenses as required by Section 20 of Article X of the Colorado Constitution and as set forth in Ballot Issue 6A: Operations and Maintenance Mill Levy.

6. That all of the requirements of Title 32, Article 1, Part 6 have been complied with, met and performed in the consolidation of the Districts.

7. That pursuant to Section 32-1-602(2)(f), C.R.S., "approval by a majority of the eligible electors voting in the election within each of the consolidating special districts concerning the consolidation of the special districts ... shall be deemed to conclusively establish the consolidated district against all persons except the state of Colorado which, within thirty-five days after the election, may contest the consolidation or the election in an action in the nature of a writ of *quo warranto*. Otherwise, the consolidation of the districts ... and the organization of the consolidated district shall not directly or indirectly be questioned in any action or proceeding." The State of Colorado did not contest the consolidation or the Elections in an action in the nature of a writ *quo warranto* within thirty-five days after the Elections.

8. That a quorum of the Organizational Board of Directors of the Consolidated District consisting of all of the current members of the Boards of Directors of District No. 1, District No. 2, and District No. 3, convened a public meeting on February 12, 2026, to consider and confirm the selection of the following members as the first Board of Directors of the Consolidated District:

<u>Name</u>	<u>Address</u>	<u>Term</u>
Erich Menzel	5389 Maher Avenue, Loveland CO 80538	May 2027
Roberto Ortiz	5194 Simla Drive, Loveland CO 80538	May 2027
Peter Sankhagowit	5046 Redmesa Avenue, Loveland CO 80538	May 2029
Marcus Baker	1885 Egnar Street, Loveland CO 80538	May 2029
Seth Sinning	5046 Coolidge Avenue, Loveland CO 80538	May 2029

AND the Court, being fully advised in the premises, hereby FINDS, ORDERS AND DECREES:

1. The Court finds that the Electoral Authorizations were approved by a majority of the eligible electors of the Districts.

2. That the Consolidated District has been duly and regularly established and shall be known as “Eagle Brook Meadows Metropolitan District,” of the City of Loveland, County of Larimer, State of Colorado.

3. That the Consolidated District shall be a quasi-municipal corporation and political subdivision of the State of Colorado and shall have and exercise all of the rights, powers, and authorities of a metropolitan district which are granted by the provisions of Article 1, Title 32, C.R.S., and all laws relating thereto, and all powers and authorities as may hereafter be conferred by law, as may be limited by the “Consolidated Service Plan for Eagle Brook Meadows Metropolitan District Nos. 1, 2, and 3” as approved by the City of Loveland City Council on September 18, 2018, as the same may be amended from time to time (the “Service Plan”). The Service Plan will constitute the service plan of the Consolidated District and the Consolidated District shall have all the powers of a metropolitan district as authorized by the Service Plan. The Consolidated District shall conduct itself in accordance the Consolidation Agreement by and among the Districts that is on file with the Court in these proceedings (the “Consolidation Agreement”).

4. That the names and addresses and terms of the first Board of Directors of the Consolidated District shall be as set forth in the Court’s findings above. Under the authority of the Clerk of the Court, the Designated Election Official shall provide a certificate of appointment to the Directors appointed.

5. That pursuant to the Consolidation Agreement and Section 32-1-607(2), C.R.S., the Consolidated District is the successor in interest to District No. 1, District No. 2, and District No. 3, and as such:

- a. The Consolidated District shall immediately become the party responsible for all obligations of the Districts; excepting, however, the obligations associated with the outstanding bonds issued by District No. 3 as set forth in the Consolidation Agreement.
 - b. The Consolidated District shall immediately become the owner of and entitled to receive, hold, sue for, and collect all moneys, funds, taxes, levies, assessments, fees, and charges and all property and assets of any kind or nature owned, leased, or claimed by or due to the Districts, including specifically but without limitation the right to receive the proceeds that result from the certification of tax levies for collection by any of the Districts in the property tax collection year of 2026. Therefore, all of the Districts' rights and assets including, but not limited to, operational reserves, emergency reserves, cash assets, real property, water rights, personal property and appurtenances are now the property of the Consolidated District. The Treasurer for the County of Larimer is hereby directed to collect and remit directly to the Consolidated District the above-referenced tax levy proceeds as received, and the Consolidated District is hereby ordered to pay or account for any lawful abatements and refunds associated with property tax levies of the Districts.
 - c. The Consolidated District shall appropriately document or otherwise provide for the change in ownership and any contractual obligations of the Districts, and shall notify the respective interested parties of the succession of the Consolidated District.
6. That the Districts shall continue to exist as corporate entities until the date of recording of this Order, for the purpose of carrying out such tasks and matters that are to occur pursuant to the Consolidation Agreement. Should matters arise after the date of recording of this Order that require "winding up" actions or efforts on the part of the Districts, the Consolidated District is hereby authorized and obligated to take such actions, make such efforts and execute such documents as may be necessary and reasonable to accomplish the same.
7. That the area to be included within the boundaries of the Consolidated District shall be the combined total area of the Districts as exists immediately prior to the date of recording of this Order. The Consolidated District will lie entirely within the boundaries of the City of Loveland, Larimer County, Colorado. The legal description and map of the area that comprises the Consolidated District are more particularly described in this Order and incorporated herein as follows:

**EAGLE BROOK MEADOWS METROPOLITAN DISTRICT
LEGAL DESCRIPTION AND MAP:**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRICIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT D, EAGLE BROOK MEADOWS FIRST SUBDIVISION, AS SHOWN ON THE PLAT THEREOF, RECORDED AT THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER UNDER RECEPTIONS NUMBER 20060089602:

THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 470.00 FEET. AN ARC LENGTH OF 56.34 FEET, A CENTRAL ANGLE OF 6°52'06", AND A CHORD THAT BEARS S86°21'56"W A DISTANCE OF 56.31 FEET

THENCE N02°53'43"W A DISTANCE OF 111.41 FEET;

THENCE N87°06'17"E A DISTANCE OF 46.59 FEET;

THENCE S07°54'39"E A DISTANCE OF 111.11 FEET TO THE **POINT OF BEGINNIING**.

SAID PARCEL CONTAINS 0.13 ACRES (5,746 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN USE OR OF RECORD.

AND

LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN: CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 34 WHENCE THE NORTHEAST CORNER OF SAID SECTION BEARS N 89°47'48" E A DISTANCE OF 2657.07 FEET ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION AND CONSIDERING ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE S 0°12'12" E A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING**:

THENCE S 0°16'03" E A DISTANCE OF 1502.89 FEET;
THENCE N 89°47'58" E A DISTANCE OF 611.56 FEET;
THENCE S 0°12'02" E A DISTANCE OF 1120.00 FEET;
THENCE N 89°47'59" E A DISTANCE OF 1117.65 FEET;
THENCE N 3°05'22" E A DISTANCE OF 165.60 FEET;
THENCE N 11°43'02" E A DISTANCE OF 181.43 FEET;
THENCE N 3°27'27" W A DISTANCE OF 247.56 FEET;
THENCE N 9°49'49" E A DISTANCE OF 364.26 FEET;
THENCE N 9°17'25" W A DISTANCE OF 47.41 FEET;
THENCE N 27°14'34" W A DISTANCE OF 106.97 FEET;
THENCE N 2°26'41" E A DISTANCE OF 144.62 FEET;
THENCE N 19°13'40" E A DISTANCE OF 146.69 FEET;
THENCE N 6°17'46" E A DISTANCE OF 214.85 FEET;
THENCE N 24°59'25" E A DISTANCE OF 133.33 FEET;
THENCE N 35°28'05" E A DISTANCE OF 101.65 FEET;
THENCE N 29°26'13" E A DISTANCE OF 379.26 FEET;
THENCE N 45°27'02" E A DISTANCE OF 105.21 FEET;
THENCE N 61°57'09" E A DISTANCE OF 100.63 FEET;
THENCE N 78°48'54" E A DISTANCE OF 179.73 FEET;
THENCE N 38°27'45" E A DISTANCE OF 66.84 FEET;
THENCE N 10°35'27" E A DISTANCE OF 72.55 FEET;
THENCE N 1°02'02" W A DISTANCE OF 224.72 FEET;
THENCE S 89°47'48" W A DISTANCE OF 2547.19 FEET TO THE **POINT OF BEGINNING**.

EXCEPTING THE FOLLOWING DESCRIPTION;

BEGINNING AT THE SOUTHEAST CORNER OF TRACT D, EAGLE BROOK MEADOWS FIRST SUBDIVISION, AS SHOWN ON THE PLAT THEREOF, RECORDED AT THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER UNDER RECEPTIONS NUMBER 20060089602;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS IF 470.00 FEET, AN ARC LENGTH OF 56.34 FEET, A CENTRAL ANGLE OF 5°52'06", AND A CHORD THE BEARS S86°21'56"W A DISTANCE OF 56.31 FEET
THENCE N02°53'43"W A DISTANCE OF 111.41 FEET;
THENCE N87°08'17"E A DISTANCE OF 46.59 FEET;
THENCE S07°54'39"E A DISTANCE OF 111.111 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 102.02 ACRES (4,443,686 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN USE OR OF RECORD.

AND

LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SECTION 34 WHENCE THE NORTH QUARTER CORNER OF SAID SECTION BEARS N 0°16'05" W A DISTANCE OF 2642.91 FEET ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION AND CONSIDERING ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE N 89°47'59" E A DISTANCE OF 610.20 FEET;
THENCE N 0°12'01" W A DISTANCE OF 1120.00 FEET;
THENCE S 89°47'58" W A DISTANCE OF 611.52 FEET;
THENCE S 0°16'05" E A DISTANCE OF 1120.00 FEET TO THE **POINT OF BEGINNING**;

INCLUDING THE FOLLOWING DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF TRACT D, EAGLE BROOK MEADOWS FIRST SUBDIVISION, AS SHOWN ON THE PLAT THEREOF, RECORDED AT THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER UNDER RECEPTIONS NUMBER 20060089602;

THENCE S07°54'39"E A DISTANCE OF 110.00 FEET;

THENCE S87°08'17"W A DISTANCE OF 46.59 FEET;

THENCE N02°53'43"W A DISTANCE OF 108.83 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 275.00 FEET, AN ARC LENGTH OF 37.01 FEET, A CENTRAL ANGLE OF 07°42'37", AND A CHORD THAT BEARS N85°56'40"E A DISTANCE OF 36.98 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 15.81 ACRES (688,716 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN USE OR OF RECORD.

**EAGLE BROOK MEADOWS METROPOLITAN DISTRICT
BOUNDARY MAP**



The Consolidated District shall consist of approximately 117.96 acres. All of the Property is located entirely within Larimer County, Colorado.

8. That the boundaries of District No. 2, as described in that “Order and Decree Organizing Eagle Brook Meadows Metropolitan District No. 2 and Issuance of Certificates,” recorded in the Larimer County Clerk and Recorder on November 30, 2018 at Reception No. 20180072781, and District No. 3, as described in that “Order and Decree Organizing Eagle Brook Meadows Metropolitan District No. 3 and Issuance of Certificates,” recorded in the Larimer County Clerk and Recorder on November 30, 2018 at Reception No. 20180072782, shall continue to exist solely for purposes of allowing the imposition of a debt service mill levy on taxable

properties within District No. 2 and District No. 3's original boundaries for payment of the outstanding bonds issued by District No. 3 in accordance with the Consolidation Agreement.

9. That the Public Official Schedule Bond, including the amounts shown therein, as affixed as Exhibit B to the Petition, is hereby approved.

10. This Order shall be forthwith recorded in the office of the Larimer County Clerk and Recorder and notice of such action shall be given in accordance with the provisions of Section 32-1-105, C.R.S.

March 3, 2026

DONE IN COURT this ____ day of _____, 2026.

BY THE COURT:



District Court Judge