

**LORETTO HEIGHTS METROPOLITAN DISTRICT NOS. 1-5  
LORETTO HEIGHTS PROGRAMMING METROPOLITAN  
DISTRICT**

141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898  
Tel: 303-987-0835 • 800-741-3254  
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<https://lorettoheightsdistricts.com/>

NOTICE OF REGULAR MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Mark J. Witkiewicz	President	2025/May 2025
Otis C. Moore, III	Treasurer	2027/May 2027
Andrew R. Klein	Assistant Secretary	2025/May 2025
Paige C. Langley	Assistant Secretary	2027/May 2027
Megan Waldschmidt	Assistant Secretary	2025/May 2025
	Secretary	

DATE: July 24, 2023

TIME: 2:00 p.m.

PLACE: **Zoom Meeting: This meeting will be held via Zoom without any individuals (neither District representatives nor the general public) attending in person. The meeting can be joined through the directions below:**

Zoom information:

<https://us02web.zoom.us/j/86267550643?pwd=V3RnRGRtWkRyUlZZc1VMWTJFZjFHdz09>

Meeting ID: 862 6755 0643

Passcode: 987572

One tap mobile

+17193594580,,86267550643#,,,,\*987572# US

+13462487799,,86267550643#,,,,\*987572# US (Houston)

I. ADMINISTRATIVE MATTERS

A. Present disclosures of potential conflicts of interest.

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B. Confirm quorum; confirm location of meeting and posting of meeting notice; approve agenda.

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- C. Acknowledge resignation of Ann Finn as Secretary to the Board and consider appointment of Peggy Ripko as Secretary to the Board.
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II. CONSENT AGENDA – These items are considered to be routine and will be approved and/or ratified by one motion. There will be no separate discussion of these items unless a Board Member so requests, in which event, the item will be removed from the Consent Agenda and considered on the Regular Agenda.

- Review and consider approval of the May 22, 2023 special meeting minutes (enclosures – **LHMD 1-5, LHPD**).
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III. PUBLIC COMMENTS

- A. Members of the public may express their views to the Board on matters that affect the Districts. Comments will be limited to three (3) minutes.
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IV. FINANCIAL MATTERS

- A. Review and ratify approval of the payment of claims (to be distributed – **LHMD 1**).
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- B. Review and accept the updated Schedule of Cash Position (to be distributed–**LHMD 1**).
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V. CAPITAL/CONSTRUCTION MATTERS

- A. Review and consider approval of Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 15, prepared by Schedio Group LLC (“Report No. 15”) (to be distributed).
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- B. Consider acceptance of verified public improvement costs pursuant to Report No. 15 (**LHMD 1-4**).
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- C. Consider approval of reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 15 (**LHMD 1**).
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- D. Discuss status of the Loretto Heights Infrastructure Project (the “Project”) (**LHMD 1**).
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VI. LEGAL MATTERS

- A. Review and consider ratification of approval of Service Agreement for Electric Distribution by and between Loretto Heights Metropolitan District No. 1 and KPS Electric, effective May 8, 2022 (to be distributed – **LHMD 1**).
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- B. Discuss and consider approval of Independent Professional Engineer’s Letter and Verification of Costs Regarding Select Electrical Work from Schedio Group LLC (enclosure – **LHMD 1**).
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- C. Conduct Public Hearing on the Petition for Exclusion of real property owned by ACM Loretto VI LLC out of the boundaries of the Loretto Heights Programming Metropolitan District and consider adoption of Resolution No. 2023-07-\_\_ for the Exclusion of Real Property (enclosure – Petition and Resolution – **LH PD**).
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VII. OTHER BUSINESS

- A. \_\_\_\_\_
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VIII. ADJOURNMENT **THE NEXT REGULAR MEETING IS SCHEDULED FOR AUGUST 28, 2023.**

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 1 HELD MAY 22, 2023

A Regular Meeting of the Board of Directors of the Loretto Heights Metropolitan District No. 1 (referred to hereafter as the "Board") was convened on Monday, May 22, 2023, at 2:00 p.m. The District Board meeting was held via Zoom. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Mark J. Witkiewicz  
Otis C. Moore, III  
Paige Langley

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the absences of Director Andrew R. Klein and Director Megan Waldschmidt were excused.

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Megan Becher, Esq. and Jon Hoistad, Esq.; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

Ted Laudick; Silverbluff Companies, Inc.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: 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. It was noted that a quorum was present, and Attorney Hoistad requested members of the Board disclose any potential conflicts of interest regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Hoistad noted that Directors' Disclosure Statements were filed for all Directors by the statutory deadline. No additional conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

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**ADMINISTRATIVE MATTERS**

**Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the Authority's Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Meeting Location/Manner and Posting of Meeting Notice:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that the meeting would be held via video/telephonic means and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted, and that the Board had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxing electors within the District's boundaries.

**May 2, 2023 Election:** Ms. Finn discussed the results of the May 2, 2023 Regular Election. Ms. Finn noted that Director Waldschmidt was elected to a two-year term and Director Moore and Director Langley were each elected for four-year terms.

**Appointment of Officers:** Upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Mark Witkiewicz
Treasurer	Otis Moore, III
Secretary	Ann E. Finn
Assistant Secretary	Andrew R. Klein
Assistant Secretary	Paige C. Langley
Assistant Secretary	Megan Waldschmidt

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**CONSENT AGENDA** The Board considered the following actions:

- Review and consider approval of the March 20, 2023 and April 12, 2023 Special Meeting Minutes.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the above Consent Agenda items/actions.

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## RECORD OF PROCEEDINGS

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**PUBLIC COMMENT** There were no public comments.

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**FINANCIAL  
MATTERS**

**Claims:** Ms. Ross reviewed with the Board the payment of claims for the period beginning March 21, 2023 through May 17, 2023, in the amount of \$169,390.58.

Following review, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

**Cash Position Statements:** Ms. Ross reviewed with the Board the schedule of cash position statements for the period beginning March 31, 2023, updated as of May 10, 2023.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board accepted the schedule of cash position statements.

**2022 Audit:** Ms. Ross reviewed with the Board the draft 2022 Audit.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved the 2022 Audit and authorized execution of the Representations Letter, subject to final legal review and receipt of an unmodified opinion letter from the auditor.

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**CAPITAL/  
CONSTRUCTION  
MATTERS**

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14:** The Board discussed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14 ("Report No. 14"), dated May 19, 2023, prepared by Schedio Group LLC, for the amount of \$188,692.27.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved Report No. 14.

**Verified Public Improvement Costs Pursuant to Report No. 14:** The Board discussed the verified public improvement costs pursuant to Report No. 14.

## RECORD OF PROCEEDINGS

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Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board accepted the verified public improvement costs pursuant to Report No. 14.

**Reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 14:** The Board discussed the reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 14.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and upon vote, unanimously carried, the Board acknowledged the reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 14.

**Status of Loretto Heights Infrastructure Project:** Mr. Laudick provided an update to the Board on development within the District.

**Service Agreement for DSST Sign Storage between the District and Davinci Sign Systems, Inc.:** The Board reviewed the Service Agreement for DSST Sign Storage between the District and Davinci Sign Systems, Inc.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved the Service Agreement for DSST Sign Storage between the District and Davinci Sign Systems, Inc.

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### **LEGAL MATTERS**

**Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver:** The Board reviewed the Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver.

## RECORD OF PROCEEDINGS

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Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved the Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver, subject to comments and final legal review.

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**OTHER BUSINESS** There was no other business at this time.

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

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting



## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 2 HELD MAY 22, 2023

A Regular Meeting of the Board of Directors of the Loretto Heights Metropolitan District No. 2 (referred to hereafter as the "Board") was convened on Monday, May 22, 2023, at 2:00 p.m. The District Board meeting was held via Zoom. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Mark J. Witkiewicz  
Otis C. Moore, III  
Paige Langley

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the absences of Director Andrew R. Klein and Director Megan Waldschmidt were excused.

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Megan Becher, Esq. and Jon Hoistad, Esq.; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

Ted Laudick; Silverbluff Companies, Inc.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: 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. It was noted that a quorum was present, and Attorney Hoistad requested members of the Board disclose any potential conflicts of interest regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Hoistad noted that Directors' Disclosure Statements were filed for all Directors by the statutory deadline. No additional conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

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**ADMINISTRATIVE MATTERS** **Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the Authority's Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Meeting Location/Manner and Posting of Meeting Notice:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that the meeting would be held via video/telephonic means and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted, and that the Board had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxing electors within the District's boundaries.

**May 2, 2023 Election:** Ms. Finn discussed the results of the May 2, 2023 Regular Election. Ms. Finn noted that Director Waldschmidt was elected to a two-year term and Director Moore and Director Langley were each elected for four-year terms.

**Appointment of Officers:** Upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Mark Witkiewicz
Treasurer	Otis Moore, III
Secretary	Ann E. Finn
Assistant Secretary	Andrew R. Klein
Assistant Secretary	Paige C. Langley
Assistant Secretary	Megan Waldschmidt

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**CONSENT AGENDA** The Board considered the following actions:

- Review and consider approval of the March 20, 2023 and April 12, 2023 Special Meeting Minutes.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the above Consent Agenda items/actions.

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## RECORD OF PROCEEDINGS

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**PUBLIC COMMENT** There were no public comments.

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**FINANCIAL  
MATTERS**

**2022 Application for Exemption from Audit:** Ms. Ross discussed with the Board the 2022 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board ratified preparation, execution, and filing of the Application for Exemption from Audit for 2022.

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**CAPITAL/  
CONSTRUCTION  
MATTERS**

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14:** The Board discussed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14 ("Report No. 14"), dated May 19, 2023, prepared by Schedio Group LLC, for the amount of \$188,692.27.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved Report No. 14.

**Verified Public Improvement Costs Pursuant to Report No. 14:** The Board discussed the verified public improvement costs pursuant to Report No. 14.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board accepted the verified public improvement costs pursuant to Report No. 14.

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**LEGAL MATTERS**

**Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver:** The Board reviewed the Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved the Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan

**RECORD OF PROCEEDINGS**

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District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver, subject to comments and final legal review.

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**OTHER BUSINESS**      There was no other business at this time.

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

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 3 HELD MAY 22, 2023

A Regular Meeting of the Board of Directors of the Loretto Heights Metropolitan District No. 3 (referred to hereafter as the "Board") was convened on Monday, May 22, 2023, at 2:00 p.m. The District Board meeting was held via Zoom. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Mark J. Witkiewicz  
Otis C. Moore, III  
Paige Langley

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the absences of Director Andrew R. Klein and Director Megan Waldschmidt were excused.

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Megan Becher, Esq. and Jon Hoistad, Esq.; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

Ted Laudick; Silverbluff Companies, Inc.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosure of Potential Conflicts of Interest:** 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. It was noted that a quorum was present, and Attorney Hoistad requested members of the Board disclose any potential conflicts of interest regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Hoistad noted that Directors' Disclosure Statements were filed for all Directors by the statutory deadline. No additional conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

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**ADMINISTRATIVE MATTERS** **Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the Authority's Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Meeting Location/Manner and Posting of Meeting Notice:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that the meeting would be held via video/telephonic means and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted, and that the Board had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxing electors within the District's boundaries.

**May 2, 2023 Election:** Ms. Finn discussed the results of the May 2, 2023 Regular Election. Ms. Finn noted that Director Waldschmidt was elected to a two-year term and Director Moore and Director Langley were each elected for four-year terms.

**Appointment of Officers:** Upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Mark Witkiewicz
Treasurer	Otis Moore, III
Secretary	Ann E. Finn
Assistant Secretary	Andrew R. Klein
Assistant Secretary	Paige C. Langley
Assistant Secretary	Megan Waldschmidt

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**CONSENT AGENDA** The Board considered the following actions:

- Review and consider approval of the March 20, 2023 and April 12, 2023 Special Meeting Minutes.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the above Consent Agenda items/actions.

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## RECORD OF PROCEEDINGS

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**PUBLIC COMMENT** There were no public comments.

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**FINANCIAL  
MATTERS**

**2022 Application for Exemption from Audit:** Ms. Ross discussed with the Board the 2022 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board ratified preparation, execution, and filing of the Application for Exemption from Audit for 2022.

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**CAPITAL/  
CONSTRUCTION  
MATTERS**

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14:** The Board discussed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14 ("Report No. 14"), dated May 19, 2023, prepared by Schedio Group LLC, for the amount of \$188,692.27.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved Report No. 14.

**Verified Public Improvement Costs Pursuant to Report No. 14:** The Board discussed the verified public improvement costs pursuant to Report No. 14.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board accepted the verified public improvement costs pursuant to Report No. 14.

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**LEGAL MATTERS**

**Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver:** The Board reviewed the Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved the Intergovernmental Agreement Regarding PILOT by and

## RECORD OF PROCEEDINGS

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among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver, subject to comments and final legal review.

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### **OTHER BUSINESS**

There was no other business at this time.

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### **ADJOURNMENT**

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

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting



## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 4 HELD MAY 22, 2023

A Regular Meeting of the Board of Directors of the Loretto Heights Metropolitan District No. 4 (referred to hereafter as the "Board") was convened on Monday, May 22, 2023, at 2:00 p.m. The District Board meeting was held via Zoom. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Mark J. Witkiewicz  
Otis C. Moore, III  
Paige Langley

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the absences of Director Andrew R. Klein and Director Megan Waldschmidt were excused.

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Megan Becher, Esq. and Jon Hoistad, Esq.; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

Ted Laudick; Silverbluff Companies, Inc.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosure of Potential Conflicts of Interest:** 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. It was noted that a quorum was present, and Attorney Hoistad requested members of the Board disclose any potential conflicts of interest regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Hoistad noted that Directors' Disclosure Statements were filed for all Directors by the statutory deadline. No additional conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

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**ADMINISTRATIVE MATTERS** **Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the Authority's Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Meeting Location/Manner and Posting of Meeting Notice:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that the meeting would be held via video/telephonic means and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted, and that the Board had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxing electors within the District's boundaries.

**May 2, 2023 Election:** Ms. Finn discussed the results of the May 2, 2023 Regular Election. Ms. Finn noted that Director Waldschmidt was elected to a two-year term and Director Moore and Director Langley were each elected for four-year terms.

**Appointment of Officers:** Upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Mark Witkiewicz
Treasurer	Otis Moore, III
Secretary	Ann E. Finn
Assistant Secretary	Andrew R. Klein
Assistant Secretary	Paige C. Langley
Assistant Secretary	Megan Waldschmidt

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**CONSENT AGENDA** The Board considered the following actions:

- Review and consider approval of the March 20, 2023 and April 12, 2023 Special Meeting Minutes.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the above Consent Agenda items/actions.

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## RECORD OF PROCEEDINGS

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**PUBLIC COMMENT** There were no public comments.

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**FINANCIAL  
MATTERS**

**2022 Application for Exemption from Audit:** Ms. Ross discussed with the Board the 2022 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board ratified preparation, execution, and filing of the Application for Exemption from Audit for 2022.

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**CAPITAL/  
CONSTRUCTION  
MATTERS**

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14:** The Board discussed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14 ("Report No. 14"), dated May 19, 2023, prepared by Schedio Group LLC, for the amount of \$188,692.27.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved Report No. 14.

**Verified Public Improvement Costs Pursuant to Report No. 14:** The Board discussed the verified public improvement costs pursuant to Report No. 14.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board accepted the verified public improvement costs pursuant to Report No. 14.

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**LEGAL MATTERS**

**Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver:** The Board reviewed the Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved the Intergovernmental Agreement Regarding PILOT by and

## RECORD OF PROCEEDINGS

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among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver, subject to comments and final legal review.

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### **OTHER BUSINESS**

There was no other business at this time.

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### **ADJOURNMENT**

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

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 5 HELD MAY 22, 2023

A Regular Meeting of the Board of Directors of the Loretto Heights Metropolitan District No. 5 (referred to hereafter as the "Board") was convened on Monday, May 22, 2023, at 2:00 p.m. The District Board meeting was held via Zoom. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Mark J. Witkiewicz  
Otis C. Moore, III  
Paige Langley

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the absences of Director Andrew R. Klein and Director Megan Waldschmidt were excused.

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Megan Becher, Esq. and Jon Hoistad, Esq.; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

Ted Laudick; Silverbluff Companies, Inc.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: 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. It was noted that a quorum was present, and Attorney Hoistad requested members of the Board disclose any potential conflicts of interest regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Hoistad noted that Directors' Disclosure Statements were filed for all Directors by the statutory deadline. No additional conflicts were disclosed at the meeting.

## RECORD OF PROCEEDINGS

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**ADMINISTRATIVE MATTERS**

**Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the Authority's Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Meeting Location/Manner and Posting of Meeting Notice:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that the meeting would be held via video/telephonic means and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted, and that the Board had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxing electors within the District's boundaries.

**May 2, 2023 Election:** Ms. Finn discussed the results of the May 2, 2023 Regular Election. Ms. Finn noted that Director Waldschmidt was elected to a two-year term and Director Moore and Director Langley were each elected for four-year terms.

**Appointment of Officers:** Upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Mark Witkiewicz
Treasurer	Otis Moore, III
Secretary	Ann E. Finn
Assistant Secretary	Andrew R. Klein
Assistant Secretary	Paige C. Langley
Assistant Secretary	Megan Waldschmidt

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**CONSENT AGENDA** The Board considered the following actions:

- Review and consider approval of the March 20, 2023 and April 12, 2023 Special Meeting Minutes.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the above Consent Agenda items/actions.

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**RECORD OF PROCEEDINGS**

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**PUBLIC COMMENT** There were no public comments.  
\_\_\_\_\_

**FINANCIAL MATTERS**

**2022 Application for Exemption from Audit:** Ms. Ross discussed with the Board the 2022 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board ratified preparation, execution, and filing of the Application for Exemption from Audit for 2022.  
\_\_\_\_\_

**CAPITAL/ CONSTRUCTION MATTERS**

**Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 14:** The Board discussed the Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 14 (“Report No. 14”), dated May 19, 2023, prepared by Schedio Group LLC, for the amount of \$188,692.27.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved Report No. 14.  
\_\_\_\_\_

**LEGAL MATTERS**

There were no legal matters at this time.  
\_\_\_\_\_

**OTHER BUSINESS**

There was no other business at this time.  
\_\_\_\_\_

**ADJOURNMENT**

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

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting

## RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
LORETTO HEIGHTS PROGRAMMING METROPOLITAN DISTRICT  
HELD  
MAY 22, 2023**

A Regular Meeting of the Board of Directors of the Loretto Heights Programming Metropolitan District (referred to hereafter as the "Board") was convened on Monday, May 22, 2023, at 2:00 p.m. The District Board meeting was held via Zoom. The meeting was open to the public.

### **ATTENDANCE**

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

Mark J. Witkiewicz  
Otis C. Moore, III  
Paige Langley

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the absences of Director Andrew R. Klein and Director Megan Waldschmidt were excused.

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## RECORD OF PROCEEDINGS

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## RECORD OF PROCEEDINGS

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**PUBLIC COMMENT** There were no public comments.  
\_\_\_\_\_

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Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved Report No. 14.  
\_\_\_\_\_

**LEGAL MATTERS**

There were no legal matters at this time.  
\_\_\_\_\_

**OTHER BUSINESS**

There was no other business at this time.  
\_\_\_\_\_

**ADJOURNMENT**

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

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting



**Date: June 20, 2023**

**To: Board of Directors**

Loretto Heights Metropolitan District No. 1  
c/o Megan Becher  
McGeady Becher, P.C.  
450 E. 17<sup>th</sup> Avenue, Suite 400  
Denver, CO 80203

**From: Schedio Group LLC**

Timothy A. McCarthy, P.E., Owner  
809 14<sup>th</sup> Street, Suite A  
Golden, CO 80401

**Subject: Independent Professional Engineer's Letter and Verification of Costs Regarding Select Electrical Work**

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Dear Board of Directors,

Schedio Group LLC ("Schedio Group") is pleased to present this Independent Professional Engineer's Letter and Verification of Costs, regarding select electrical work, to Loretto Heights Metropolitan District No. 1 ("District").

On March 16, 2023, Schedio Group received an email from the District's Construction Manager requesting a preliminary opinion regarding the public and/or private nature of select electrical work as defined by the scopes of work associated with the following agreements:

- Service Agreement for Electrical Distribution by and Between Loretto Heights Metropolitan District No. 1 and KPS Electric effective May 8, 2022
- Letter from Xcel Energy to Loretto Heights Metropolitan District regarding Job No. 123652657 dated April 16, 2021
- Letter from Xcel Energy to Loretto Heights Metropolitan District regarding Job No. 12608550 dated October 20, 2021.

On April 3, 2023, Schedio Group met onsite with the District's Construction Manager to review the select electrical work. The purpose of the site visit was to become familiar with the details of the select electrical work.

On May 1, 2023, Schedio Group attended a follow-up virtual meeting, which included EG Power Engineering, the project's electrical engineer.

In summary, the select electrical work is requisite due to the existing electrical mainline and meter residing within the recently platted public right-of-way of West Cornell Drive. For West Cornell Drive to be constructed, the existing electrical mainline and meter require relocation. The West Cornell Drive work is defined within the scope of work associated with the following agreement:

- Agreement by and Between Loretto Heights Metropolitan District No. 1 and SMH West LLC executed June 18, 2021

For the new electrical main and meter ("Electrical Power Supply") to serve the existing older buildings ("Electrical Loads"), switchgear, as specified by EG Power Engineering, is required between the new Electrical Power Supply and each of the Electrical Loads.



As the need to perform this select electrical work is a result of the recently platted public right-of-way of West Cornell Drive, Schedio Group hereby determines that the select electrical work is public in nature and therefore costs associated with the select electrical work are eligible to be paid for by the District.

Respectfully,

A handwritten signature in blue ink, appearing to read "Timothy A. McCarthy".

Timothy A. McCarthy, P.E.  
Owner Schedio Group LLC

## PETITION FOR EXCLUSION

In accordance with Section 32-1-501(1), C.R.S., the undersigned, ACM Loretto VI LLC, a Delaware limited liability company (the “**Petitioner**”), does hereby respectfully petition the Loretto Heights Programming Metropolitan District (the “**District**”), acting by and through its Board of Directors (the “**Board**”), for the exclusion of certain real property from the boundaries of the District, subject to the conditions described herein (the “**Exclusion**”).

The Petitioner represents to the District as follows:

1. The land to be excluded consists of approximately 0.01 acres situate in the City and County of Denver, State of Colorado and is legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the “**Property**”), and, at present, constitutes a portion of the District.

2. The Petitioner is the fee owner of one hundred percent (100%) of the Property and no other person(s), entity or entities own(s) an interest in the Property except as beneficial holder(s) of encumbrances.

3. The Petitioner hereby assents to the exclusion of the Property from the boundaries of the District and to the entry of an Order in the District Court, City and County of Denver, State of Colorado (the “**Court**”), excluding the Property from the boundaries of the District. The Petitioner acknowledges that there shall be no withdrawal of the Petition from consideration by the Board after publication of notice of the hearing therefore, without the Board’s consent.

4. The Petitioner agrees that it will pay, or cause to be paid, the fees incurred by the District for the Exclusion if this Petition is accepted, including the costs of publication of appropriate legal notices and legal fees and costs incurred by the District in connection with the Exclusion of the Property.

5. This Petition is accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.

The Petitioner hereby requests that the Board approve the Exclusion of the Property from the boundaries of the District and that the District file a motion with the Court requesting that an Exclusion Order be entered, stating that from and after the effective date of the Exclusion Order, the Property shall not be liable for bonded indebtedness, assessments or other obligations of the District which may be incurred after the effective date of the Order.

Signed July 7, 2023.



EXHIBIT A

DESCRIPTION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO

A PARCEL OF LAND BEING A PORTION OF LOT 2, BLOCK 3, LORETTO HEIGHTS FILING NO. 1 RECORDED AT RECEPTION NO. 2021179359 OF THE RECORDS OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN INTERIOR CORNER ON THE WEST LINE OF SAID LOT 2 FORMED BY THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTH LORETTO WAY AND THE SOUTH RIGHT-OF-WAY LINE OF WEST CORNELL DRIVE; THENCE NORTH 25°43'52" WEST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 31.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 25°43'52" WEST ALONG SAID WEST LINE, A DISTANCE OF 13.31 FEET; THENCE NORTH 64°16'08" EAST, A DISTANCE OF 15.54 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 23.95 FEET, SAID CURVE HAVING A RADIUS OF 30.50 FEET, A CENTRAL ANGLE OF 45°00'00", AND A CHORD WHICH BEARS NORTH 86°46'08" EAST A CHORD DISTANCE OF 23.34 FEET; THENCE SOUTH 70°43'52" EAST, A DISTANCE OF 1.07 FEET TO THE NORTH LINE OF PARCEL C AS DESCRIBED BY THAT AMENDED ORDER FOR INCLUSION RECORDED AT RECEPTION NO. 2022105982; THENCE ALONG SAID NORTH LINE THE FOLLOWING TWO (2) COURSES: 1. SOUTH 19°16'08" WEST, A DISTANCE OF 5.13 FEET; 2. SOUTH 64°16'08" WEST, A DISTANCE OF 34.24 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 431 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF LOT 2, BLOCK 3, LORETTO HEIGHTS FILING NO. 1 RECORDED AT RECEPTION NO. 2021179359 AS BEARING NORTH 25°43'52" WEST AS SHOWN ON SAID PLAT, AND AS DEPICTED ON THE ATTACHED ILLUSTRATION.

PREPARED BY: AARON MURPHY  
PLS 38162  
ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



Plotted: TUE 06/27/23 8:14:52A By: Tom Grubestic Filepath: p:\180702survey\la&v project\ld\_programming removal\_180702.dwg Layout: layout1

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

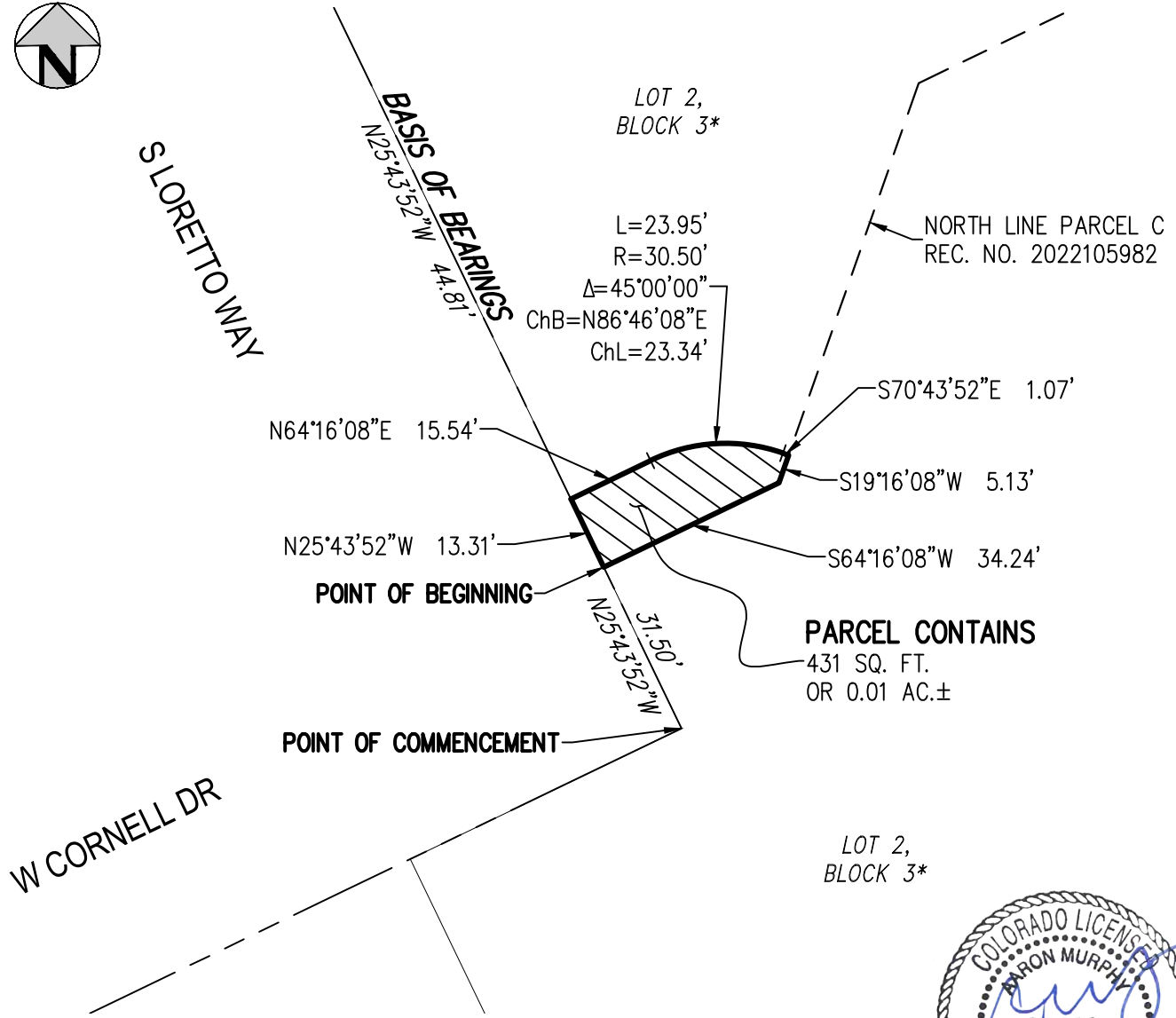
**HKS** HARRIS KOCHER SMITH  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
HarrisKocherSmith.com

DESCRIPTION

PROJECT #:	180702
CHECKED BY:	AWM
DRAWN BY:	TWG
SHEET NUMBER	1
	1 OF 2

# ILLUSTRATION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 4 SOUTH,  
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER,  
STATE OF COLORADO



NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

Plotted: TUE 06/27/23 8:14:52A By: Tom Grubestic Filepath: p:\180702\survey\la&v project\ld\_programming removal\_180702.dwg Layout: layout2

\* = LORETTO HEIGHTS FILING NO. 1  
REC. NO. 2021179359

**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.  
IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

LOT 2,  
BLOCK 3\*



SCALE: 1" = 30'

**HKS**  
**HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
HarrisKocherSmith.com

ILLUSTRATION

PROJECT #:	180702
CHECKED BY:	AWM
DRAWN BY:	TWG
SHEET NUMBER	2
	2 OF 2



**RESOLUTION NO. 2023-07-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
LORETTO HEIGHTS PROGRAMMING METROPOLITAN DISTRICT FOR  
EXCLUSION OF REAL PROPERTY**

A. ACM Loretto VI LLC, a Delaware limited liability company (the “**Petitioner**”), the 100% fee owner of the Property (defined herein) has petitioned the Loretto Heights Programming Metropolitan District (the “**District**”) for the exclusion from the boundaries of said District of the real property hereinafter described on **Exhibit A** attached hereto and incorporated herein (the “**Property**”).

B. Public Notice has been published in accordance with Section 32-1-501(2), C.R.S., calling for a public hearing on the request for approval of said Petition.

C. No written objection was filed by any person in the District to the Petition.

D. The Board of Directors has taken into consideration all of the factors set forth in Section 32-1-501(3), C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LORETTO HEIGHTS PROGRAMMING METROPOLITAN DISTRICT, CITY AND COUNTY OF DENVER, COLORADO:

1. The Board of Directors finds that:
  - (a) exclusion of the Property is in the best interests of the Property to be excluded;
  - (b) exclusion of the Property is in the best interests of the District;
  - (c) exclusion of the Property is in the best interests of the county or counties in which the District is located;
  - (d) the relative costs to the Property to be excluded from the provision of the District’s services exceed the benefits of the Property remaining within the District’s boundaries;
  - (e) under its current service plan the District does not have the ability to provide economical and sufficient service to both the Property seeking exclusion and all of the properties located within the District boundaries;
  - (f) the District does not have the ability to provide services to the Property to be excluded at a reasonable cost compared with the cost which would be imposed by other entities in the surrounding area providing similar services;
  - (g) denying the petition may have a negative impact on employment and other economic conditions in the District and surrounding areas;

(h) denying the petition may have a negative economic impact on the region and on the District, surrounding area and State as a whole;

(i) an economically feasible alternative service may be available; and

(j) it should not be necessary for the District to levy any additional costs on other property within the District if the Petition for Exclusion is granted.

2. The Board of Directors of the District shall and hereby does, order that the Petition for Exclusion be granted, and the Property be excluded from the boundaries of the District subject to Petitioner paying the costs associated with processing the petition and requesting the court enter the Order for Exclusion, and recording thereof.

3. The Board of Directors of the District shall and hereby does further acknowledge and resolve that in accordance with Section 32-1-503, C.R.S., the Property described herein shall be obligated to the same extent as all other property within the District with respect to and shall be subject to the levy of taxes for the payment of that proportion of the outstanding indebtedness of the District and interest thereon existing immediately prior to the effective date of the Order for Exclusion (“**Outstanding Indebtedness**”).

4. The Board of Directors of the District shall and hereby does further order that, in accordance with Section 32-1-503(1), C.R.S., upon the effective date of the Order excluding the Property, the Property shall not be subject to any property tax levied by the Board of Directors of the District for the operating costs of the District.

5. The Board of Directors of the District shall and hereby does further resolve that in its discretion it may establish, maintain, enforce and, from time to time, modify service charges, tap fees, and other rates, fees, tolls and charges, upon residents or users in the area of the District as it existed prior to the exclusion, including the Property, to supplement the proceeds of tax levies in the payment of the Outstanding Indebtedness and the interest thereon.

The name and address of the Petitioner and the legal description of said Property are as follows:

Petitioner:	ACM Loretto VI LLC
Address of Petitioner:	c/o Westside Investment Partners, Inc. 4100 E. Mississippi Ave., Ste. 500 Glendale, CO 80246
Legal Description of the Property:	Approximately 0.01 acres of land legally described on <b><u>Exhibit A</u></b> and incorporated herein by this reference.

APPROVED AND ADOPTED July 24, 2023.

**LORETTO HEIGHTS PROGRAMMING  
METROPOLITAN DISTRICT**

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

**EXHIBIT A**

Legal Description

**CERTIFICATION**

The undersigned hereby certifies that the foregoing is a true and correct copy of Resolution No. 2023-07-01, Resolution of the Board of Directors of Loretto Heights Programming Metropolitan District, Resolution for Exclusion of Real Property.

**LORETTO HEIGHTS PROGRAMMING  
METROPOLITAN DISTRICT**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Secretary