

WOODMEN HILLS METROPOLITAN DISTRICT

RESOLUTION APPROVING AND RATIFYING AN AGREEMENT WITH MORLEY-BENTLEY INVESTMENTS, LLC, FOR A TANK SITE EASEMENT AGREEMENT
(WITH OPTION TO PURCHASE)
RESOLUTION NO. 2016-01-28-5

WHEREAS, WOODMEN HILLS METROPOLITAN DISTRICT (the "**District**") is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized pursuant to C.R.S. §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, the District's Service Plan was approved by the El Paso Board of County Commissioners in 1995, with further Service Plan amendments approved in 1997 and 2000 (together, the "**Service Plan**"); and

WHEREAS, under the Service Plan, the District has the power to provide water and related delivery facilities for the benefit of the property owners and residents of the District; and

WHEREAS, the District desires to construct, operate and maintain a water storage tank, along with related utilities, pipelines and other facilities, in order to provide such water service to its users (collectively, the "**Water Tank**"); and

WHEREAS, Morley-Bentley Investments, LLC, a Colorado limited liability company (together with its lawful successors and assigns, "**Morley**") has agreed it to enter in that certain Tank Site, Utility and Construction Easement Agreement (With Purchase Option) (the "**Agreement**") so that the District may construct, operate, and maintain the Water Tank on property currently owned by Morley, which the District may purchase at its option; and

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(h), the Board of Directors of the District (the "**Board**") is empowered with management, control, and supervision of all business and affairs of the District; and

WHEREAS, the Board finds that entering into the Agreement is necessary in order for the District to provide adequate water and related delivery facilities; and

WHEREAS, prior to execution, the Board reviewed the proposed Agreement, a copy of which is attached hereto as EXHIBIT A, and believes it is in the best interests of the District to enter into such Agreement; and

WHEREAS, the Agreement was duly considered and approved at a regular meeting of the District on August 27, 2015 (the "**Approval Date**"), but no official resolution was adopted at that time.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT that the attached Agreement between the District and Morley be and is hereby affirmed, ratified and made effective as of the Approval Date; and

Actions taken by any Board member or District staff member relative to negotiation and execution of the Agreement are hereby affirmed, ratified and made effective as official actions of the District as of the Approval Date.

RESOLVED, APPROVED AND ADOPTED THIS 28TH DAY OF JANUARY, 2016.
WOODMEN HILLS METROPOLITAN DISTRICT



Steve Kreps, Vice President

ATTEST:



EXHIBIT A

**TANK SITE, UTILITY AND CONSTRUCTION EASEMENT AGREEMENT
(WITH PURCHASE OPTION)**