

DISTRICT COURT, WELD COUNTY, COLORADO 901 9th Ave / P.O. Box 2038 Greeley, CO 80631 Telephone: 970-475-2400	DATE FILED: April 30, 2020 10:09 AM CASE NUMBER: 2008CV810
<b>IN RE THE MATTER OF HINKLE FARMS METROPOLITAN DISTRICT</b>	<b>▲ COURT USE ONLY ▲</b>
	Case Number: 2008CV810 Division: 4
<b>ORDER GRANTING MOTION TO APPROVE AND RECOGNIZE CHANGE IN NAME OF THE DISTRICT TO THE CLEARVIEW VILLAGES METROPOLITAN DISTRICT</b>	

THIS MATTER having come before the Court by the Petitioner, the Hinkle Farms Metropolitan District (the "District") and their Motion to Approve and Recognize Change in Name of District to the Clearview Villages Metropolitan District, and THE COURT being fully advised in the premises,

HEREBY FINDS that the Motion is GRANTED.

IT IS THEREFORE ORDERED that:

- (1) The District's name change is hereby approved and acknowledged.
- (2) The caption in this case shall be changed to reflect the District's name change.

DATED THIS 30<sup>th</sup> day of April 2020.

BY THE COURT:

  
\_\_\_\_\_  
District Court Judge

**EXHIBIT A**

**LEGAL DESCRIPTION OF DISTRICT BOUNDARIES**

DATE FILED: April 29, 2020 2:46 PM  
FILING ID: 6C1CFDEFEB155  
CASE NUMBER: 2008CV810

# ALTA/NSPS LAND TITLE SURVEY

Of a Parcel of Land,  
Situate in the Northeast Quarter of Section 26, Township 2 North, Range 68 West of the 6th P.M.,  
Town of Frederick, County of Weld, State of Colorado

**PROPERTY DESCRIPTION**

The Northeast Quarter (NE1/4) of Section Twenty-six (26), Township Two (2) North, Range Sixty-eight (68) West of the Sixth P.M., County of Weld, State of Colorado.

Except any portion thereof lying within the boundaries of Filing 3 Final Plat Frederick West Business Center and any property lying South and East of the Centerline of the Canal easement granted to the Northern Colorado Water Conservancy District by Instrument recorded February 16, 1958 as Book 1442, Page 615.

Also except that portion conveyed to St. Vrain School District RE-1J by Deed recorded August 21, 2003 at Reception No. 3097989 and all that portion platted as Minor Subdivision Plat Elementary 21, Frederick recorded June 17, 2004 as Reception No. 3190074.

Also except that portion described in deed recorded October 13, 2009 at Reception No. 3653854.

And except those portions described in deeds recorded September 1, 2015 at Reception No. 4141629 and 4141630.

Said described parcel contains 105.374 Acres, more or less (±).

**BASIS OF BEARINGS AND LINEAL UNIT DEFINITION**

Assuming the North line of the Northeast Quarter of Section 26, T.2N., R.68W., as bearing North 89°44'28" East as monumented as shown on this plat, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2840.34 feet with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

**NOTICE**

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

**SURVEYOR'S CERTIFICATE**

To: BCL Colorado LP  
GIG LLC, a Colorado Limited Liability Company  
Land Title Guarantee Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2018 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 4, 7a, 8, 11, 13 and 16 of Table A thereof. The field work was completed on 2/7/2018

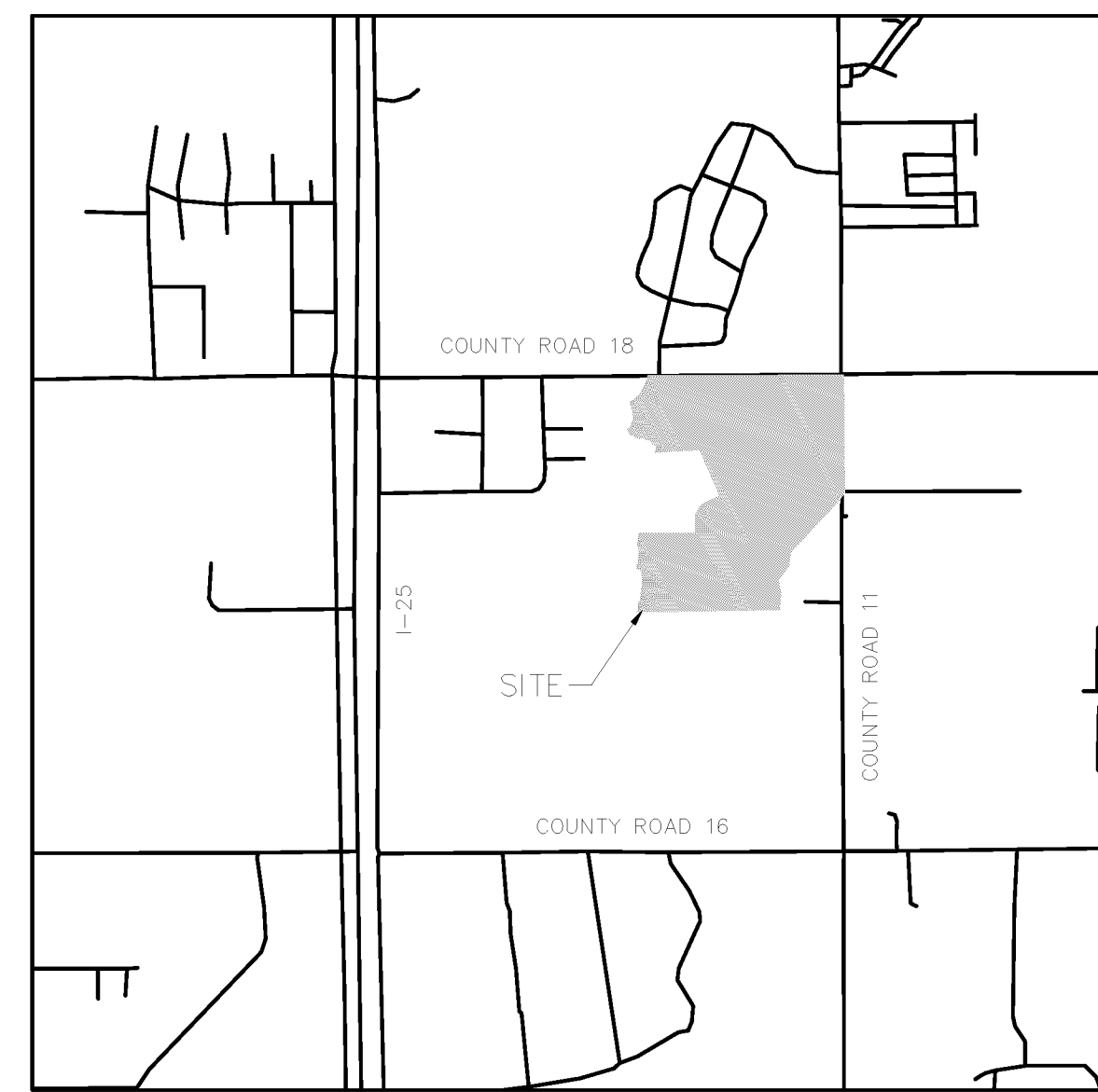
Date of Plat or Map: 5/8/2018



Steven Parks - On Behalf Of King Surveyors  
Colorado Licensed Professional  
Land Surveyor #38348

This survey does not constitute a title search by King Surveyors to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors relied upon Title Commitment Number FCC25157011-5, dated April 25, 2018 at 3:00 P.M., as prepared by Land Title Guarantee Company to delineate the aforesaid information.

That this certificate does not extend to any unnamed parties or the successors and/or assigns of BCL Colorado LP, LLC, GIG LLC, a Colorado Limited Liability Company and Land Title Guarantee Company.



VICINITY MAP  
(NOT TO SCALE)

**SCHEDULE B EXCEPTIONS**

8. Right of Way for County Road 30 feet on either side of section and township lines, as established by the Board of County Commissioners for Weld County, recorded October 14, 1889 in Book 86 at Page 273. (ROW PLOTTED-DEDICATED BY OTHER DOCUMENTS PER BOARD OF COUNTY COMMISSIONERS)
9. Right of proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises as reserved in United States patent recorded December 23, 1885, in Book 51 at Page 33. (NOT PLOTTABLE)
10. All oil, gas, minerals and other mineral rights as reserved in Instrument recorded March 10, 1906, in Book 276 at Page 47, and any and all assignments thereof or interests therein. (NOT PLOTTABLE)
11. Right of Way easement as granted to Northern Colorado Water Conservancy District in Instrument recorded February 16, 1958, in Book 1442 at Page 615. (PLOTTED)
12. Oil and gas lease recorded September 14, 1970 under Reception No. 1554542 in Book 633 and any and all assignments thereof, or interest therein. (NOT PLOTTABLE)
13. Terms, conditions and provisions of affidavit recorded August 05, 1975 at Reception No. 1686390 in Book 744 and re-recorded September 10, 1975 at Reception No. 1660438 in Book 747. (NOT PLOTTABLE)
14. Oil and gas lease recorded February 18, 1971 under Reception No. 1562474 in Book 640 and any and all assignments thereof, or interest therein. (NOT PLOTTABLE)
15. Undivided 18% interest in all oil, gas and other minerals lying in, on or under subject property as conveyed in Instrument recorded November 16, 1973 under Reception No. 1624930 in Book 703. (NOT PLOTTABLE)
16. Right of Way easement as granted to Amoco Production Company in Instrument recorded March 14, 1975, under Reception No. 1658037 in Book 734. (PLOTTED)
17. Terms, conditions and provisions of affidavit recorded March 12, 1976 at Reception No. 1683336 in Book 761 and amended May 28, 1976 at Reception No. 1689762 in Book 766. (NOT PLOTTABLE)
18. Right of Way easement as granted to Panhandle Eastern Pipe Line Co in Instrument recorded June 21, 1976, under Reception No. 1691733 in Book 770. (PLOTTED)
19. Right of Way easement as granted to Amoco Production Company in Instrument recorded June 22, 1976, under Reception No. 1691828 in Book 770. (PLOTTED)
20. Right of Way easement as granted to Panhandle Eastern Pipe Line Co in Instrument recorded October 19, 1976, under Reception No. 1701679 in Book 780. (PLOTTED)
21. Terms, conditions and provisions of surface owners agreement recorded January 17, 1977 at Reception No. 1708875 in Book 787. (NOT PLOTTABLE)
22. Right of Way easement as granted to Union Rural Electric Association Inc in Instrument recorded February 08, 1977, under Reception No. 1710884 in Book 789. (PLOTTED)
23. Right of Way easement as granted to Amoco Production Co in Instrument recorded June 22, 1976, under Reception No. 1757481 in Book 835. (NOT ON SUBJECT PROPERTY)
24. Terms, conditions and provisions of covenant recorded May 09, 1984 at Reception No. 1986232 in Book 1029. (NOT PLOTTABLE)
25. Terms, conditions and provisions of Annexation agreement recorded February 15, 1989 at Reception No. 2170876 in Book 1228 and August 19, 1991 at Reception No. 2259958. (NOT PLOTTABLE)
26. Terms, conditions and provisions of notice recorded January 24, 1991 at Reception No. 2239286 in Book 1288. (NOT PLOTTABLE)
27. ITEM INTENTIONALLY DELETED
28. Any tax, lien, fee, or assessment by reason of inclusion of subject property in the Frederick Area Fire Protection District, as evidenced by Instrument recorded April 26, 1995, under Reception No. 2436111. (NOT PLOTTABLE)
29. Any tax, lien, fee, or assessment by reason of inclusion of subject property in the Carbon Valley Park and Recreation District, as evidenced by Instrument recorded April 14, 1998, under Reception No. 2606145. (NOT PLOTTABLE)
30. Terms, conditions and provisions of notice of right to use surface of lands recorded February 03, 2000 at Reception No. 2747887. (NOT PLOTTABLE)
31. Matters set forth on survey by Rocky Mountain Consultants Inc, Job no. 10-3886-002-02, recorded January 23, 2001 at Reception No. 2820810. (NOT PLOTTABLE)
32. Terms, conditions and provisions of notice of surface use recorded June 07, 2002 at Reception No. 2959212. (NOT PLOTTABLE)
33. Terms, conditions and provisions of easement to Tri-state Generation and Transmission Association, Inc. Recorded February 05, 2003 at Reception No. 3030596. (PLOTTED)
34. Right of Way easement as granted to Tri-state Generation and Transmission Association Inc in Instrument recorded February 05, 2003, under Reception No. 3030597. (PLOTTED-NOT LOCATED ON SUBJECT PROPERTY)
35. Terms, conditions and provisions of notice of right to use surface of lands recorded July 08, 2003 at Reception No. 3081091. (NOT PLOTTABLE)
36. Terms, conditions and provisions of notice of right to use surface of lands recorded July 25, 2003 at Reception No. 3087866. (NOT PLOTTABLE)

**SCHEDULE B EXCEPTIONS (CONT.)**

37. Terms, conditions and provisions of Town of Frederick Ordinance No. 702 recorded August 21, 2003 at Reception No. 3098186. (NOT PLOTTABLE)
38. Terms, conditions and provisions of agreement recorded October 02, 2003 at Reception No. 3112587. (NOT PLOTTABLE)
39. Terms, conditions and provisions of non-exclusive utility easement agreement recorded February 03, 2004 at Reception No. 3150370. (PLOTTED)
40. Terms, conditions and provisions of non-exclusive utility easement agreement recorded May 06, 2004 at Reception No. 3178035. (PLOTTED-NOT ON SUBJECT PROPERTY)
41. Terms, conditions and provisions of compatible development and surface use agreement recorded March 09, 2008 at reception no. 3369247. (PLOTTED)
42. Request for notification of surface development as evidenced by instrument recorded April 21, 2006 under Reception No. 3381153. (NOT PLOTTABLE)
43. Terms, conditions and provisions of map recorded July 02, 2007 at Reception No. 3487437. (NOT PLOTTABLE-INCLUSIVE OF SUBJECT PROPERTY)
44. Request for notification of surface development as evidenced by instrument recorded August 06, 2007 under Reception No. 3495283. (NOT PLOTTABLE)
45. Request for notification of surface development as evidenced by instrument recorded December 21, 2007 under Reception No. 3525288. (NOT PLOTTABLE)
46. Terms, conditions and provisions of surface use agreement recorded May 21, 2008 at Reception No. 3555719. (NOT PLOTTABLE)
47. Right of Way easement as granted to Central Weld County Water District in Instrument recorded August 25, 2008, under Reception No. 3574202. (PLOTTED - TEMPORARY EASEMENT EXPIRED)
48. Right of Way easement as granted to Central Weld County Water District in Instrument recorded August 25, 2008, under reception no. 3574201. (PLOTTED - TEMPORARY EASEMENT EXPIRED)
49. ITEM INTENTIONALLY DELETED
50. Any tax, lien, fee, or assessment by reason of inclusion of subject property in the Hinkle Farms Metropolitan District, as evidenced by Instruments recorded December 4, 2008 at reception no. 3593096, March 11, 2009 at Reception No. 3610191 and December 22, 2014, under reception no. 4070369. (NOT PLOTTABLE)
51. Request for notification of surface development as evidenced by instrument recorded April 16, 2009 under Reception No. 3616963. (NOT PLOTTABLE)
52. Any tax, lien, fee, or assessment by reason of inclusion of subject property in the Northern Colorado Water Conservancy District, as evidenced by instrument recorded September 29, 2010, under Reception No. 3721790. (NOT PLOTTABLE)
53. Request for notification of surface development as evidenced by instrument recorded July 12, 2016 under Reception No. 4218393. (NOT PLOTTABLE)
54. Conveyance of minerals and mineral rights as contained in deed recorded September 23, 2016 at reception no. 4239257 and any and all interests therein or rights thereunder.  
Note: the following notices pursuant to CRS 9-1.5-103 concerning underground facilities have been filed with the clerk and recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property:  
(a) Mountain Bell Telephone Company, recorded October 1, 1981 at Reception No. 1870705.  
(b) Western Slope Gas Company, recorded March 9, 1983 at Reception No. 1919757.  
(c) Associated Natural Gas, Inc., recorded July 20, 1984 at Reception No. 1974810 and recorded October 1, 1984 at Reception No. 1983584 and recorded March 3, 1986 at Reception No. 2132709 and recorded April 10, 1989 at Reception No. 2175917.  
(d) Panhandle Eastern Pipe Line Company, recorded October 1, 1981 at Reception No. 1870756 and recorded June 26, 1986 at Reception No. 2058722.  
(e) Colorado Interstate Gas Company, recorded August 31, 1984 at Reception No. 1979784.  
(f) Union Rural Electric Association, Inc., recorded October 5, 1981 at Reception No. 1871004.  
(g) Western Gas Supply Company, recorded April 2, 1985 at Reception No. 2004300.  
(h) Public Service Company of Colorado, recorded November 9, 1981 at Reception No. 1874084.  
(i) St. Vrain Sanitation District, recorded December 14, 1988 at Reception No. 2164976.  
(j) Panhandle Eastern Pipeline Company, recorded June 26, 1986 at Reception No. 2058722.  
(k) United Power, Inc., recorded January 24, 1991 at Reception No. 2239286.  
(l) Wiggins Telephone Association recorded October 14, 1992 at Reception No. 2306829. (NOT PLOTTABLE)
55. Terms, conditions and provisions of grant of utility easement recorded March 13, 2017 at Reception No. 4285237. (PLOTTED-NO DESCRIPTION FOR UTILITY EASEMENT IN RECORDED DOCUMENT, LOCATION SHOWN BASED ON TEMPORARY CONSTRUCTION EASEMENT)
56. Interest in all oil, gas and other minerals lying in, on or under subject property as conveyed in Instrument recorded December 15, 2017 under Reception No. 4360633 and recorded December 15, 2017 at Reception No. 4360631. (NOT PLOTTABLE)
57. Any facts, rights, interests or claims which may exist or arise by reason of the following facts shown on ALTA/NSPS Land Title Survey certified \_\_\_\_\_ prepared by King Surveyors, Job #2018009ALTA said document stored as our ESI 35561836  
A) fence lines do not coincide with property lines  
B) gas lines outside easements  
C) water lines outside easements  
D) concrete wall outside property  
E) rights of use for roads to oil and gas facilities. (PREVIOUS VERSION OF THIS SURVEY)

**SURVEYOR'S NOTES**

1. Property Address: Vacant land, Frederick, CO (No address posted).
2. No observable evidence of earth moving work, building construction or building additions.
3. Locates provided by Primo Utility Locating Services, LLC.
4. Horizontal datum: Colorado State Plane Coordinates NAD 83(2011) datum. Horizontal control based upon Trimble VRS Network. This drawing is at Modified State Plane. To reduce to State Plane Coordinates, scale at 0.99972814 (1.00027193) about the origin 0,0.

DATE:	5/8/2018
FILE NAME:	2018009ALTA
SCALE:	N/A
DRAWN BY:	CDL
CHECKED BY:	SP

**KING SURVEYORS**  
650 E. Garden Drive | Windsor, Colorado 80550  
phone: (970) 686-5011 | email: contact@kingurveyors.com



DATE:	5/8/2018
SK:	
REVISIONS:	
COGO:	

ALTA/NSPS LAND TITLE SURVEY  
FOR  
BCL COLORADO LP  
9601 KATY FREEWAY  
HOUSTON, TX 77024

PROJECT #  
20180009

**1**  
SHEET 1 OF 3