

REQUEST FOR CONSENT TO INCLUSION

The undersigned request the Commerce City City Council, Commerce City, Colorado (“**City Council**”), to consent to the inclusion of property within the Service Area of the DIATC Metropolitan District (the “**District**”) as follows:

1. DIA Tech Center, LLC, a Colorado limited liability company (“**DIA Tech Center**”), is currently under contract to purchase approximately 56 acres of property, which property is legally described on **Exhibit A** attached hereto and made of part hereof by this reference (the “**Property**”). Upon the closing of the Property, DIA Tech Center desires to include the Property into the boundaries of the District in order for the Property to receive public services and improvements that may be provided by the District.

2. DIA Tech Center shall submit a Petition for Inclusion to the District in substantially the form shown on Exhibit B attached hereto and made a part hereof by reference.

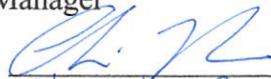
3. Pursuant to the Service Plan for the District, approved by the City Council on December 19, 2011 (the “**Service Plan**”), the District shall not include within its boundaries any property outside the Service Area (as defined in the Service Plan) without the prior written consent of the City Council.

4. City Council hereby consents to the inclusion of the Property upon closing by DIA Tech Center as reflected in that certain Resolution Consenting To Inclusion adopted by the City Council on May 16, 2016 (the “**Resolution**”). Should DIA Tech Center not acquire the Property, the Consent and Resolution by City Council shall be null and void.

**DIA TECH CENTER, LLC, a Colorado
limited liability company**


By: C.H. Thompson Company, LLC
Its: Manager

By: _____



Christopher Thompson
Manager

DIATC METROPOLITAN DISTRICT, a
quasi-municipal corporation and political
subdivision of the State of Colorado

By: 
President Christopher Thompson

Attest:


Secretary Jodie Thompson

As required by the Service Plan, the City Council hereby consents to the inclusion of the
Property into the District, as evidenced by the signature of the City Council set forth below dated
as of _____, 2016.

**CITY OF COMMERCE CITY ,
COLORADO**

By: _____
Mayor

Attest:

City Clerk

APPROVED AS TO FORM: _____, City Attorney

EXHIBIT A

THE SOUTH 1/3 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M., ACCORDING TO THE SURVEY OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 28, RECORDED SEPTEMBER 21, 1962 IN BOOK 1015 AT PAGE 313, WHEREIN SAID TRACT OF LAND IS DENOMINATED AS PARCEL NO. 3; AND THE SOUTH 1/2 OF THE NORTH 2/3 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M., ACCORDING TO THE SURVEY OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 28, RECORDED SEPTEMBER 21, 1962 IN BOOK 1015 AT PAGE 313, WHEREIN SAID TRACT OF LAND IS DENOMINATED AS PARCEL NO. 2; EXCEPT ANY PORTIONS THEREOF LYING WITHIN BUCKLEY ROAD, COUNTY OF ADAMS, STATE OF COLORADO

EXHIBIT B

FORM OF PETITION FOR INCLUSION

In accordance with Section 32-1-401(1)(a), C.R.S., the undersigned, _____, a Colorado _____ (the "**Petitioner**"), does hereby respectfully petition the _____ Metropolitan District (the "**District**"), acting by and through its Board of Directors (the "**Board**"), for the inclusion of certain real property into the boundaries of the District, subject to the conditions described herein (the "**Inclusion**").

The Petitioner represents to the District as follows:

5. The land to be included consists of approximately ____ acres, situate in the County of _____, State of Colorado, and is legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the "**Property**").

6. 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.

7. The Petitioner hereby assents to the inclusion of the Property into the boundaries of the District and to the entry of an Order in the _____ County District Court, including the Property into the boundaries of the District (the "**Order for Inclusion**"). The Petitioner acknowledges that from and after the entry of the Order for Inclusion, the Property shall be liable for taxes, assessments, or other obligations of the District, including its proportionate share of existing bonded indebtedness of the District, subject to the conditions and limitations set forth herein.

8. The Petitioner acknowledges that the District is not required to enlarge or extend its facilities beyond those currently existing and all such enlargements or extensions are undertaken in the exercise of discretion as a governmental function in the interest of public health, safety and welfare.

9. The Petitioner acknowledges that acceptance of this petition by the District does not constitute any assurance from the District that the Property can be served by the District and acknowledges that there shall be no withdrawal of this Petition from consideration by the Board after publication of notice of the hearing therefore, without the Board's consent.

10. The Petitioner agrees that the Board may, in its sole and absolute discretion, require the Petitioner to enter into an Inclusion Agreement prior to Inclusion of the Property into the District.

11. The Petitioner agrees that it will pay, or cause to be paid, the costs incurred by the District for the Inclusion 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 Inclusion of the Property.

12. Pursuant to the District's Service Plan approved by the City of Commerce City City Council on December 19, 2011, a copy of a resolution of the City of Commerce City, approving the Inclusion is attached hereto as **Exhibit B.**

The Petitioner hereby requests that the Board approve the Inclusion of the Property into the boundaries of the District, and that the District file a motion for an order to be entered in the District Court, County of Adams, State of Colorado, including the Property into the boundaries of the District such that, as of the effective date of the Order for Inclusion, the Property shall be subject to all of the taxes and charges imposed by the District, and the Property shall be liable for its proportionate share of existing bonded indebtedness of the District.

Signed this ____ day of _____, 20____.

PETITIONER:

By: _____

Its: _____

Address of Petitioner:

STATE OF COLORADO)

) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A TO FORM PETITION FOR INCLUSION

Legal Description of Property

EXHIBIT B TO FORM PETITION FOR INCLUSION

Resolution from City and County