

REQUEST FOR CONSENT TO INCLUSION

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

1. Pursuant to the Service Plan for the District, approved by 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.

2. DIA Tech Center, LLC, a Colorado limited liability company (“**DIA Tech Center**”), is the 100% fee owner of approximately 26 acres of property, which property is legally described on **Exhibit A** attached hereto and made of part hereof by this reference (the “**Property**”).

3. DIA Tech Center is in the process of annexing the Property into the City of Commerce City (the “**Annexation**”).

4. 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.

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

6. City Council hereby consents to the inclusion of the Property as reflected by its signature below and by that certain Resolution Consenting To Inclusion adopted by the City Council on _____, 2017 (the “**Resolution**”). Should DIA Tech Center not annex the Property, the Consent and Resolution by City Council shall be null and void.

SIGNATURE PAGES FOLLOW

[SIGNATURE PAGE 1 OF 2 TO REQUEST FOR CONSENT TO INCLUSION]

PETITIONER:

DIA TECH CENTER, LLC, a Colorado limited liability company

By: DIATC, LLC, a Colorado limited liability company, its Manager

By: C. H. Thompson Company, LLC, a Colorado limited liability company, its Manager

By: 

Name: Christopher H. Thompson

Title: Manager

STATE OF COLORADO)
) ss.
COUNTY OF Arapahoe)

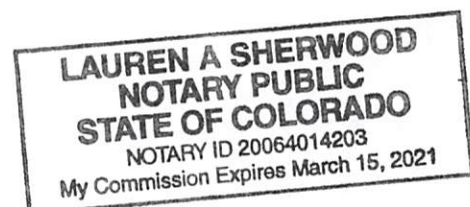
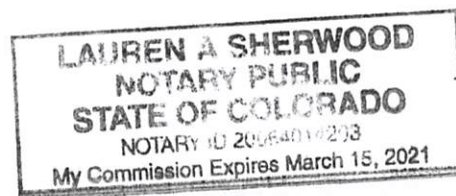
The foregoing instrument was acknowledged before me this 25 day of October, 2017, by Christopher H. Thompson, Manager of C.H. Thompson Company, LLC, which is the Manager of DIATC, LLC, which is in turn the Manager of DIA Tech Center, LLC.

Witness my hand and official seal.

My commission expires: March 15-2021



Notary Public



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

By: 

President

Attest:



Secretary

CONSENT TO INCLUSION

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 _____, 2017.

**CITY OF COMMERCE CITY ,
COLORADO**

By: _____
Mayor

Attest:

City Clerk

APPROVED AS TO FORM: _____, City Attorney

**EXHIBIT A
TO REQUEST FOR CONSENT TO INCLUSION**

Legal Description of the Property

A PARCEL OF LAND BEING THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THE WEST 30 FEET FOR COUNTY ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M., BEARING N 89°31'54" E, AS SHOWN ON THE CITY OF COMMERCE CITY CONTROL DIAGRAM, FROM THE WEST QUARTER CORNER OF SAID SECTION 28, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 14630" TO THE CENTER QUARTER CORNER OF SAID SECTION 28, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 14630", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 28, THENCE N 89°31'54" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST LINE OF THAT ANNEXATION MAP NO. AN-102-89, RECORDED AT RECEPTION NO. B908599, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, ALSO BEING THE EAST LINE OF THE BUCKLEY ROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;

THENCE N 89°31'54" E, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 2620.70 FEET TO A POINT ON THE WEST LINE OF THAT ANNEXATION MAP NO. AN-226-11, RECORDED AT RECEPTION NO. 2012000006487 SAID ADAMS COUNTY RECORDS, ALSO BEING THE CENTER QUARTER CORNER OF SAID SECTION 28;
THENCE S 00°30'19" E. ALONG SAID WEST LINE OF ANNEXATION MAP NO. AN-226-11 AND ALONG THE EAST LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 443.15 FEET TO A POINT ON THE NORTH LINE OF SAID ANNEXATION MAP NO. AN-102-89, AND A POINT ON THE SOUTH LINE OF THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28;
THENCE ALONG THE NORTH AND WEST LINES OF ANNEXATION MAP NO. AN-102-89 THE FOLLOWING TWO (2) COURSES:

1. S 89°31'41" W, ALONG SOUTH LINE OF THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 2620.57 FEET TO A POINT ON A LINE BEING 30.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, ALSO BEING A POINT ON THE EAST LINE OF THE BUCKLEY ROAD RIGHT-OF-WAY;
2. N 00°31'18" W, ALONG THE EAST LINE OF SAID BUCKLEY ROAD RIGHT-OF-WAY, A DISTANCE OF 441.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 26.620 ACRES, MORE OR LESS

EXHIBIT B
TO REQUEST FOR INCLUSION OF PROPERTY

FORM OF PETITION FOR INCLUSION

In accordance with Section 32-1-401(1)(a), C.R.S., the undersigned, DIA Tech Center, LLC, a Colorado limited liability company (the **"Petitioner"**), does hereby respectfully petition the DIATC 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:

7. The land to be included consists of approximately 26 acres, situate in the City of Commerce City, County of Adams, State of Colorado, and is legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the **"Property"**).

8. 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.

9. 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 Adams 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO PETITION FOR INCLUSION]

Signed this ____ day of _____, 20____.

PETITIONER:

DIA TECH CENTER, LLC, a Colorado limited liability company

By: DIATC, LLC, a Colorado limited liability company, its Manager

By: C. H. Thompson Company, LLC, a Colorado limited liability company, its Manager

By: _____

Name: Christopher H. Thompson

Title: Manager

Address of Petitioner:

2 N. Cascade Ave., Suite 1280
Colorado Springs, CO 80903

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Christopher H. Thompson, Manager of C.H. Thompson Company, LLC, which is the Manager of DIATC, LLC, which is in turn the Manager of DIA Tech Center, LLC.

Witness my hand and official seal.

My commission expires: _____

Notary Public

**EXHIBIT A
TO PETITION FOR INCLUSION**

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3. S 89°31'41" W, ALONG SOUTH LINE OF THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 2620.57 FEET TO A POINT ON A LINE BEING 30.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTH THIRD OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, ALSO BEING A POINT ON THE EAST LINE OF THE BUCKLEY ROAD RIGHT-OF-WAY;
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CONTAINING 26.620 ACRES, MORE OR LESS

EXHIBIT B TO FORM PETITION FOR INCLUSION

Resolution from City and County