

RESOLUTION No. 2023-02

A RESOLUTION AUTHORIZING THE DISTRICT MANAGER TO INITIATE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF EASEMENTS AND REAL PROPERTY INTERESTS NECESSARY FOR PIPELINES, UTILITIES AND INFRASTRUCTURE ASSOCIATED WITH THE NORTHERN DELIVERY SYSTEM PROJECT, SHOULD GOOD FAITH NEGOTIATIONS FOR THE SAME FAIL.

WHEREAS, this Board has the authority on behalf of the District, pursuant to Colorado Statute, to acquire real property, including easements necessary to the function and operation of the District, and, pursuant to C.R.S. §32-1-1004(4), to do so utilizing the power of Eminent Domain to take any property necessary for the function and operation of the District, both with and without the boundaries of the District, including for purposes of infrastructure associated with the delivery of water and water rights, including any and all utilities associated therewith;

WHEREAS, the Triview Metropolitan District has determined that it is necessary to the public health, safety, and welfare to acquire certain property for public purposes, specifically the acquisition of easements and real property interests necessary for pipelines, utilities, and infrastructure associated with the Northern Delivery System Project ("Project"); and

WHEREAS, appraisals of real property prepared by a professional appraisal company experienced in performing appraisals, will be used to determine the fair market value of the property interests to be acquired; and

WHEREAS, the Triview Metropolitan District ("District") has made and will continue to make good faith offers to purchase the necessary property interests on the subject properties; and

WHEREAS, there is an immediate need to acquire the interests to keep the permitting and construction of the Project on schedule;

WHEREAS, the property interests to be acquired are necessary for completion and construction of the Project;

WHEREAS, the District has with the legal authority and power of eminent domain, and may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, if the necessary property cannot be obtained voluntarily, the District is authorized to commence condemnation proceedings to acquire the property interests identified below and to prosecute the proceedings to their conclusion; and

WHEREAS, District Board finds that if acquisition by condemnation of the property described in this resolution is commenced, immediate possession by the District may be

necessary for the public health, safety, and welfare in order to keep the Project on the desired schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS FOR THE TRIVIEW METROPOLITAN DISTRICT:

1. The acquisition of the property interests sought to be acquired for the Project are more fully described in the legal description attached hereto and incorporated herein as Exhibit A ("Property").

2. The acquisition of the Property serves the public purpose of constructing Pipelines, Utilities and other Infrastructure associated with the Northern Delivery System Project for the community, and for ingress, egress and access thereto for purposes of construction, maintenance, repair and operation.

3. The District Manager or his designee is hereby authorized to establish minimum just compensation for acquisition of the Property necessary to build the Project, including as based upon appraisals obtained from qualified professionals.

4. The property is necessary for the Project and there is an immediate need for the Property.

5. The District Manager or his designees are authorized to proceed with negotiations to acquire such Property on the basis of the appraised value, or such higher value as is considered just and necessary to facilitate the acquisition and avoid the necessity of condemnation, but not greater than fair market value for the property to be acquired.

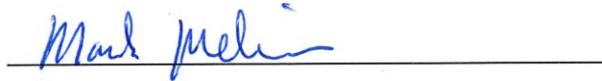
6. The District Manager or his designees are hereby authorized to acquire such Property consistent with applicable law, including the execution of all documents necessary to complete this acquisition.

7. The District Manager is authorized to take all necessary legal measures to acquire the Property, including proceeding with condemnation of the Property against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceedings required to obtain the Property should normal negotiations fail or exceed the time constraints of the overall Project. In the event that acquisition by condemnation is commenced, the District Manager is further authorized to request a grant of immediate possession of the Property.

8. The District Manager or his designee shall be further authorized to incur reasonable costs associated with acquiring the Property, including, without limitations, contractual services, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, attorney and consultant fees, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property.

9. The District Manager or his designee is hereby authorized to call for amendment of the legal description of the Property to be acquired, and the nature of the interests to be acquired, if necessary, in the course of the Project.

THEREFORE, the above resolution and policy regarding acquisition of all real property interests necessary for completion of the Northern Delivery System Project, were established as rules and regulations of the District, and were enacted by the Board of Directors of the District on this 23 day of MARCH, 2023, to be effective immediately.

A handwritten signature in blue ink, appearing to read "Mark Melville", is written over a horizontal line.

Mark Melville, District President

ATTEST:

A handwritten signature in blue ink, appearing to read "James Barnhart", is written over a horizontal line.

James Barnhart, District Secretary