

**A RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO  
TO CONSENT TO THE INCLUSION OF A 1-ACRE PARCEL OF LAND INTO THE  
CORNERSTONE METROPOLITAN DISTRICT NO. 2**

**WHEREAS**, on November 1, 2004, the Board of County Commissioners of Ouray County, Colorado ("Board") adopted Resolution No. 2004-055 approving the Consolidated Service Plan for Cornerstone Metropolitan Districts Nos. 1 and 2 ("Districts"); and

**WHEREAS**, pursuant to Section V.A.4 of the Service Plan, and Section 4 of an Intergovernmental Agreement dated November 1, 2004, the Districts are required to obtain written approval from Ouray County prior to including any property into the boundaries of the Districts' Service Area; and

**WHEREAS**, the Districts have requested from the Board the written approval contemplated by the Service Plan and the Intergovernmental Agreement to include that property described in Exhibit "A" to this Resolution into the boundaries of the Cornerstone Metropolitan District No. 2; and

**WHEREAS**, the owner of the property to be included has agreed to, and acknowledged, such inclusion and the Board has reviewed the Petition for inclusion and the request from the Cornerstone Metropolitan District No. 2 to include such property into the boundaries of the Districts' Service Area; and

**WHEREAS**, such inclusion will not affect or modify any of the development and density stipulations contained within the Development Agreement entered into between Ouray County and Cornerstone Montrose, LLC on July 19, 2004 and as amended on April 25, 2004.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:**

- 1. The request to include a 1-acre parcel of land, as described in Exhibit "A", into the boundaries of the Cornerstone Metropolitan District No. 2 is approved and the Chair is authorized to sign the form of Acknowledgement and the form of Consent, which are attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF NOVEMBER 2008.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:

\_\_\_\_\_  
K. Keith Meinert, Chair

\_\_\_\_\_  
Don Batchelder, Vice Chair

\_\_\_\_\_  
Michelle Nauer, Clerk and Recorder  
By: Linda Munson-Haley, Deputy Clerk of the Board

\_\_\_\_\_  
Heidi M. Albritton, Commissioner Member

**EXHIBIT A**  
The Property

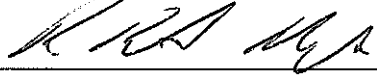
PROPERTY DESCRIPTION FOR A PARCEL OF LAND SITUATED IN SECTION 11 TOWNSHIP 46 NORTH, RANGE 10 WEST, NEW MEXICO PRINCIPAL MERIDIAN, COUNTY OF OURAY, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point which the Southeast Corner of Section 11 bears S65°40'22"E a distance of 286.90'; thence S89°49'03"W a distance of 259.70'; thence N49°40'02"E a distance of 432.32'; thence S00°22'02"E a distance of 205.59'; thence S44°07'22"W a distance of 102.24' to the point of beginning, and containing 1.00 acres.

**ACKNOWLEDGEMENT**  
(Eldred Parcel Inclusion)

Received this 1<sup>st</sup> day of DECEMBER, 2008, from White, Bear & Ankele Professional Corporation, a letter requesting consent to the inclusion of certain real property within the boundaries of Cornerstone Metropolitan District No. 2, pursuant to Section V.A.4 of the Consolidated Service Plan dated April 25, 2005, and Section 4 of the Intergovernmental Agreement dated November 1, 2004, by and among Montrose County, Ouray County, Cornerstone Metropolitan District No. 1 and the District.

**OURAY COUNTY, COLORADO**

By:   
Printed Name: K. KEITH MEINERT  
Title: CHAIR, BOCC

**CONSENTS TO INCLUSION  
OF REAL PROPERTY  
(Eldred Parcel Inclusion)**


Montrose County, Colorado hereby consents this \_\_\_\_ day of \_\_\_\_\_, 200\_ to the inclusion of the real property described in the petition attached hereto as Exhibit 1 into the boundaries of Cornerstone Metropolitan District No. 2. The County hereby acknowledges that this consent is provided in compliance with Section V.A.4 of the Consolidated Service Plan dated April 25, 2005, and Section 4 of the Intergovernmental Agreement dated November 1, 2004, by and among Montrose County, Ouray County, Cornerstone Metropolitan District No. 1 and the District.

**MONTROSE COUNTY, COLORADO**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Ouray County, Colorado hereby consents this 1<sup>st</sup> day of DECEMBER, 2008 to the inclusion of the real property described in the petition attached hereto as Exhibit 1 into the boundaries of Cornerstone Metropolitan District No. 2. The County hereby acknowledges that this consent is provided in compliance with Section V.A.4 of the Consolidated Service Plan dated April 25, 2005, and Section 4 of the Intergovernmental Agreement dated November 1, 2004, by and among Montrose County, Ouray County, Cornerstone Metropolitan District No. 1 and the District.

**OURAY COUNTY, COLORADO**

By:   
Printed Name: K. KEITH MEINERT  
Title: BOCC CHAIR

**EXHIBIT 1**

**PETITION FOR THE INCLUSION OF REAL PROPERTY  
INTO THE BOUNDARIES OF  
CORNERSTONE METROPOLITAN DISTRICT NO. 2  
(Eldred Parcel)**

---

**TO: CORNERSTONE METROPOLITAN DISTRICT NO. 2  
MONTROSE & OURAY COUNTIES, COLORADO**

Pursuant to and in accordance with the provisions of § 32-1-401, *et seq.*, C.R.S., the undersigned Petitioner hereby respectfully requests that Cornerstone Metropolitan District No. 2 (the "District"), by and through its Board of Directors, include the real property described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), into the boundaries of the District, subject to the conditions described herein.

The Petitioner hereby represents and warrants to the District that it is the one hundred percent (100%) fee owner of the Property and that no other person, persons, entity or entities own an interest therein except as beneficial holders of encumbrances, if any.

The Petitioner acknowledges that upon entry of an Order by the District Court in and for the County of Ouray, State of Colorado, including the Property into the boundaries of the District, the Property shall be liable for any and all taxes, assessments, or other obligations of the District.

The Petitioner further acknowledges that the District is not required to enlarge or extend its current facilities to serve the Property, and that any such enlargement or extension shall be made by the District's Board of Directors, in its sole discretion, as a governmental function in the interest of public health, safety and welfare.

The Petitioner also 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.

**Petitioner:** Cornerstone Montrose LLC  
a Delaware limited liability company  
c/o Hunt Realty Investments, Inc.  
1900 N. Akard  
Dallas, Texas 75201

*[Remainder of page intentionally left blank]*

