

# INDY OAK TOD METROPOLITAN DISTRICT

141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898  
Tel: 303-987-0835 • 800-741-3254  
Fax: 303-987-2032  
<https://indyoaktodmd.colorado.gov/>

## **NOTICE OF SPECIAL MEETING AND AGENDA**

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Jonnye Phifer	President	2023/May 2023
Judson Connelly	Treasurer	2022/May 2022
John Heikes	Asst. Secretary	2023/May 2023
Kristen Miller	Asst. Secretary	2023/May 2023
Raymond Gilmore	Asst. Secretary	2022/May 2022
Peggy Ripko	Secretary	

DATE: October 18, 2021

TIME: 6:00 P.M.

LOCATION: VIA ZOOM

*Please email Peggy Ripko if there are any issues (pripko@sdmsi.com)*

Join Zoom Meeting

<https://us02web.zoom.us/j/88012066586?pwd=TXVYMHdUZ25nWmU3em1SN3ZRczVhdz09>

Meeting ID: 880 1206 6586

Passcode: 004609

Call-In: 1-253-215-8782

### I. ADMINISTRATIVE MATTERS

- A. Present Disclosures of Potential Conflicts of Interest and confirm quorum.
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- B. Approve Agenda, confirm location of the meeting and posting of meeting notice.
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- C. Review and consider approval of Minutes from the August 16, 2021 Special Meeting (enclosure).
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- D. Consider Regular Meeting dates for 2022 and location (virtual and/or physical) of meetings (suggested dates are February 21, May 16, August 15 and October 17, 2022). Review and consider approval of Resolution No. 2021-10-\_\_\_; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices (enclosure).
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- E. Discuss §32-1-809, C.R.S., Transparency Notice reporting requirements and mode of eligible elector notification (2022 SDA Website).
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II. PUBLIC COMMENTS

- A. \_\_\_\_\_

III. FINANCIAL MATTERS

- A. Approve/Ratify approval of the payment of claims for the period ending October 7, 2021 in the amount of \$45,784.31 (enclosure).
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- B. Review unaudited financial statements for the period ending \_\_\_\_\_, 2021 (to be distributed).
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- C. Consider engagement of Simmons & Wheeler, PC for preparation of 2021 Audit, in the amount of \$ \_\_\_\_\_ (to be distributed).
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- D. Conduct Public Hearing to consider Amendment to 2021 Budget (if necessary) and consider adoption of Resolution to Amend the 2021 Budget and Appropriate Expenditures.
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- E. Conduct Public Hearing on the proposed 2022 Budget and consider adoption of Resolution to Adopt the 2022 Budget and Appropriate Sums of Money and Set Mill Levies for General Fund \_\_\_\_\_, Debt Service Fund \_\_\_\_\_, and Other Fund(s) \_\_\_\_\_ for a total mill levy of \_\_\_\_\_ (enclosures – preliminary AV, draft 2022 Budget, and Resolutions).
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- F. Consider authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.
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- G. Discuss and consider adoption of Resolution No. 2021-10-\_\_ Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan (enclosure).
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- H. Consider appointment of District Accountant to prepare the 2023 Budget, and set the date of the Budget Hearing as October 17, 2022.
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IV. LEGAL MATTERS

- A. Consider adoption of Resolution No. 2021-10-\_\_ ; Resolution Calling a Regular Election for Directors on May 3, 2022, appointing the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of mail ballot election (enclosure). Self-Nomination forms are due by February 25, 2022. Discuss the need for ballot issues and/or questions.
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- B. Discuss status of Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District.
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- C. Review and discuss necessary changes to the Disclosure to Purchasers (enclosure).
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V. COVENANT ENFORCEMENT / DESIGN REVIEW

- A. Discuss status of Limited Amendment to Covenant and Restrictions of Oak Street Townhomes and Pearson Grove (enclosures).
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- B. Discuss parking enforcement and update from Parking Committee.
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- 1. Discuss and consider approval of adding two motorcycle parking spaces at the Oak Street Townhomes in front of the property located at 1098 Oak Circle (enclosures).
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- C. Update from Architectural Review Committee.
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- D. Discuss appeal from 1158 Oak Circle regarding extension of the deck (enclosures).
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- E. Violation Report (enclosure).
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VI. OPERATIONS AND MAINTENANCE MATTERS

A. Landscape Update.

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B. Discuss status of the installation of solar streetlights by the park.

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C. Review and consider approval of proposal from or Hartco, Inc. d/b/a CAM Services for parking lot striping (enclosure) and consider authorizing District Counsel to prepare a Service Agreement for same.

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VII. OTHER MATTERS

A. \_\_\_\_\_

VIII. ADJOURNMENT **THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2021.**

Additional Enclosures:

- Notice of rate increase from Special District Management Services, Inc.

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE INDY OAK TOD METROPOLITAN DISTRICT (THE “DISTRICT”) HELD AUGUST 16, 2021

A Special Meeting of the Board of Directors of the Indy Oak TOD Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, August 16, 2021, at 6:00 p.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held by Zoom. The meeting was open to the public via Zoom.

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**Directors in Attendance Were:**

Jonnye Phifer  
Judson Connelly  
John Heikes  
Kristen Miller  
Raymond Gilmore

**Also, In Attendance Were:**

Peggy Ripko; Special District Management Services, Inc. (“SDMS”)

Elisabeth A. Cortese, Esq. and Suzanne Meintzer, Esq.; McGeady Becher P.C.

Lindsey Smith, Esq.; Winzenburg Leff Purvis & Payne LLP (for a portion of the meeting.)

Diane Wheeler; Simmons & Wheeler, P.C. (for a portion of the meeting.)

**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

Attorney Cortese noted a quorum was present and discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State and to the Board. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. Attorney Cortese noted for the record that no disclosures were made by any members of the Board prior to this meeting as all Board members are residents of the District.

## RECORD OF PROCEEDINGS

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### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Ripko reviewed the proposed Agenda for the District's Special Meeting with the Board.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Connelly and, upon vote, unanimously carried, the Agenda was approved, as amended.

**Meeting Location:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Phifer, seconded by Director Connelly and, upon vote, unanimously carried, the Board determined that due to concerns regarding the spread of COVID-19 and the benefit to the control of the spread of the virus by limiting in-person contact, the Board determined to conduct this meeting via teleconference and encouraged public participation via Zoom. The Board noted that notice of this meeting and teleconference number was duly posted and that it had not received any objections to the meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

**Minutes:** The Board reviewed the Minutes of the May 17, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the Minutes of the May 17, 2021 Special Meeting.

### PUBLIC COMMENTS

There was no public comment.

### FINANCIAL MATTERS

**Claims:** Ms. Wheeler discussed with the Board the payment of claims for the period ending August 16, 2021, in the amount of \$36,917.23.

Following discussion, upon motion duly made by Director Gilmore, seconded by Director Heikes and, upon vote, unanimously carried, the Board ratified approval of the payment of claims for the period ending August 16, 2021, in the amount of \$36,917.23.

**Unaudited Financial Statements:** Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending June 30, 2021.

Following review and discussion, upon motion duly made by Director Gilmore, seconded by Director Heikes and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2021.

## RECORD OF PROCEEDINGS

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### LEGAL MATTERS

**Communication with Century Communities Regarding Extension of Decks and Patios Under Covenants and Restrictions of Oak Street Townhomes and the Covenants and Restrictions of Pearson Grove:** Attorney Cortese provided an update to the Board regarding communication with Century Communities regarding extension of decks and patios under the Covenants and Restrictions of Oak Street Townhomes and the Covenants and Restrictions of Pearson Grove. Attorney Cortese noted that per Century Communities, there is no zoning or set back reason that decks and patios cannot be extended, however, any such plans must be approved by the City of Lakewood.

**Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District:** Attorney Cortese reviewed with the Board an Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board authorized District Counsel to negotiate the Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District and authorized the execution of the Agreement following email review by the Board.

### COVENANT ENFORCEMENT/ DESIGN REVIEW

**Trash Survey:** Ms Ripko discussed with the Board, the results of the trash survey. She noted that 58 households responded and the majority of those were in favor of amending the Covenants to allow for visible trash cans.

**Proposal from Winzenburg Leff Purvis & Payne, LLP to prepare Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes:** Attorney Smith reviewed the proposal from Winzenburg Leff Purvis & Payne, LLP, to prepare Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes and Covenants and Restrictions of Pearson Grove with the Board. Attorney Smith noted authorization from the Declarant under the Covenants and Restrictions of Pearson Grove will need to be obtained prior to moving forward on any amendment to the Pearson Grove Covenants.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Heikes and, upon vote, unanimously carried, the Board approved the proposal from Winzenburg Leff Purvis & Payne LLP, to prepare Amendments to the Covenants and Restrictions of Oak Street Townhomes and, upon Declarant authorization, Pearson Grove.

## RECORD OF PROCEEDINGS

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**Landscape Matters:** Ms. Ripko reported that the landscape walk-throughs were scheduled for August 24, 2021.

**Parking Enforcement:** The Board discussed the ongoing parking concerns and the establishment of a committee to review and update the parking rules. Following discussion, the Board established a Parking Enforcement Committee and appointed Directors Phifer and Connelly to the Committee.

**Architectural Review Committee:** Ms. Ripko provided an update to the Board regarding the Architectural Review Committee.

**Appeal from 1158 Oak Circle Regarding Extension of the Deck:** The Board determined to put this matter on hold pending the covenant amendment. The Board will provide the homeowner with an update.

**Violation Reports:** Ms. Ripko provided an update to the Board regarding the Violation Reports.

### **OPERATIONS AND MAINTENANCE MATTERS**

**Landscape Matters:** Ms. Ripko provided an update as noted above.

**Solar Street Lights by the Park:** The Board entered into discussion regarding the proposals for solar street lights by the park.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the proposal for two (2) AI Solar Street Lights from eLEDing.

**Community Sign for Pearson Grove:** Ms. Ripko reported that the Community sign for Pearson Grove has been installed.

**Proposals for 2022 Landscape Maintenance:** The Board reviewed proposals from Consolidated Divisions Inc. d/b/a CDI Environmental Contractor (“CDI”) and Environmental Designs, inc. (“EDI”), for the 2022 landscape maintenance.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the proposal from EDI for landscape maintenance and authorized the execution of a Change Order to the current Service Agreement for 2022 services.

**Proposals for 2022 Snow Removal:** The Board reviewed proposals from CDI and EDI for the 2022 snow removal.



## RECORD OF PROCEEDINGS

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Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the proposal from EDI for snow removal and authorized the execution of the Service Agreement.

**Gulch Clean-Up:** Ms. Ripko provided an update to the Board regarding the gulch clean-up, stating that the City of Lakewood inspects the area on a regular basis, as required, and it is currently clear of trash.

**Parking Lot Striping:** The Board entered into discussion regarding the parking lot striping. The Board directed Ms. Ripko to obtain proposals.

**Hole In Parking Lot:** The Board entered into discussion regarding the hole in parking lot. The Board directed SDMS to have the hole repaired as soon as possible.

\_\_\_\_\_

### **OTHER BUSINESS**

There is no other business at this time.

\_\_\_\_\_

### **ADJOURNMENT**

There being no further business to come before the Board, upon motion duly made, seconded and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By \_\_\_\_\_  
Secretary for the Meeting

**RESOLUTION NO. 2021 – 10 - \_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE INDY OAK TOD METROPOLITAN DISTRICT  
ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION, AND  
DESIGNATING LOCATION FOR POSTING OF 24-HOUR NOTICES**

A. Pursuant to Section 32-1-903(1.5), C.R.S., special districts are required to designate a schedule for regular meetings, indicating the dates, time and location of said meetings.

B. Pursuant to Section 32-1-903(5), C.R.S., “location” means the physical, telephonic, electronic, or virtual place, or a combination of such means where a meeting can be attended. “Meeting” has the same meaning as set forth in Section 24-6-402(1)(b), C.R.S., and means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.

C. Pursuant to Section 24-6-402(2)(c)(I), C.R.S., special districts are required to designate annually at the board of directors of the district’s first regular meeting of each calendar year, the public place at which notice of the date, time and location of regular and special meetings (“**Notice of Meeting**”) will be physically posted at least 24 hours prior to each meeting (“**Designated Public Place**”). A special district is deemed to have given full and timely notice of a regular or special meeting if it posts its Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

D. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., special districts are relieved of the requirement to post the Notice of Meeting at the Designated Public Place, and are deemed to have given full and timely notice of a public meeting if a special district posts the Notice of Meeting online on a public website of the special district (“**District Website**”) at least 24 hours prior to each regular and special meeting.

E. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., if a special district is unable to post a Notice of Meeting on the District Website at least 24 hours prior to the meeting due to exigent or emergency circumstances, then it must physically post the Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

F. Pursuant to Section 32-1-903(1.5), C.R.S., all meetings of the board that are held solely at physical locations must be held at physical locations that are within the boundaries of the district or that are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the physical location does not exceed twenty (20) miles from the district boundaries unless such provision is waived.

G. The provisions of Section 32-1-903(1.5), C.R.S., may be waived if: (1) the proposed change of the physical location of a meeting of the board appears on the agenda of a meeting; and (2) a resolution is adopted by the board stating the reason for which meetings of the board are to be held in a physical location other than under Section 32-1-903(1.5), C.R.S., and further stating the date, time and physical location of such meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Indy Oak TOD Metropolitan District (the “**District**”), Jefferson County, Colorado:

1. That the provisions of Section 32-1-903(1.5), C.R.S., be waived pursuant to the adoption of this Resolution.

2. That the Board of Directors (the “**District Board**”) has determined that conducting meetings at a physical location pursuant to Section 32-1-903(1.5), C.R.S., would be inconvenient and costly for the directors and consultants of the District in that they live and/or work outside of the twenty (20) mile radius requirement.

3. That regular meetings of the District Board for the year 2022 shall be held on February 14, May 16, August 15 and October 17, 2022 at 6:00 p.m., at the offices of Special District Management Services, Inc., 141 Union Boulevard, Suite 151, Lakewood, Colorado 80228.

4. That special meetings of the District Board shall be held as often as the needs of the District require, upon notice to each director.

5. That, until circumstances change, and a future resolution of the District Board so designates, the physical location and/or method or procedure for attending meetings of the District Board virtually (including the conference number or link) shall appear on the agenda(s) of said meetings.

6. That the residents and taxpaying electors of the District shall be given an opportunity to object to the meeting(s) physical location(s), and any such objections shall be considered by the District Board in setting future meetings.

7. That the District has established the following District Website, <https://indyoaktodmd.colorado.gov/>, and the Notice of Meeting of the District Board shall be posted on the District Website at least 24 hours prior to meetings pursuant to Section 24-6-402(2)(c)(III), C.R.S. and Section 32-1-903(2), C.R.S.

8. That, if the District is unable to post the Notice of Meeting on the District Website at least 24 hours prior to each meeting due to exigent or emergency circumstances, the Notice of Meeting shall be posted within the boundaries of the District at least 24 hours prior to each meeting, pursuant to Section 24-6-402(2)(c)(I) and (III), C.R.S., at the following Designated Public Place:

a. On a post within the Boundaries of the District.

9. The District President, or his/her designee, is hereby appointed to post the above-referenced notices.

**[SIGNATURE PAGE TO RESOLUTION ESTABLISHING REGULAR MEETING  
DATES, TIME, AND LOCATION, AND DESIGNATING LOCATION FOR 24-HOUR  
NOTICES]**

RESOLUTION APPROVED AND ADOPTED on October 18, 2021.

**INDY OAK TOD METROPOLITAN  
DISTRICT**

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary



Indy Oak TOD  
Claims listing

Process Date	Vendor	Invoice Number	Amount
9/14/2021	Charlotte Salerno	5 21 Tow Reimbursement	255.60
9/14/2021	Environmental Designs, Inc	143087	1,324.59
9/14/2021	Freedom Mailing Service, Inc	40828	45.90
9/14/2021	Fusion Sign & Design	176441	42.00
9/14/2021	McGeady Becher, PC	Jun-21	2,126.00
9/14/2021	Simmons & Wheeler, PC	31150	3,219.20
9/14/2021	Special District Management Service	7 31 21	3,996.54
9/14/2021	Utility Notification Center of CO	221070781	62.04
10/7/2021	Environmental Designs, Inc	Multiple	1,392.59
10/7/2021	Freedom Mailing Service, Inc	41071	43.87
10/7/2021	McGeady Becher, PC	7/31/2021	2,530.00
10/7/2021	Special District Management Service	91928	5,739.07
10/7/2021	Uline	135875969	790.06
10/7/2021	Utility Notification Center of CO	221080784	43.56
10/7/2021	Winzenburg, Leff, Purvis, Payne, LL	8/9/2021	150.00
			<u>21,761.02</u>

Due date	Vendor	Invoice #	Amount
10/31/21	Environmental Designs, Inc	145237	435.60
10/31/21	Environmental Designs, Inc	145626	1,324.59
10/28/21	WIPFLI LLP	1899910	5,000.00
10/03/21	Freedom Mailing Service, Inc	41287	46.48
09/30/21	Simmons & Wheeler, PC	31390	1,331.87
09/30/21	Special District Management Service	93774	5,287.63
09/30/21	Utility Notification Center of CO	221090777	43.56
09/24/21	Environmental Designs, Inc	145122	77.80
09/10/21	Winzenburg, Leff, Purvis, Payne, LL	09/2021	2,330.00
09/08/21	Colorado Special Dist P & L Pool	POL-0007151	450.00
09/02/21	Environmental Designs, Inc	143173	81.90
08/31/21	McGeady Becher, PC	08/31	5,467.50
08/22/21	Environmental Designs, Inc	142561	104.26
08/17/21	Kevin Hough	08/2021	80.00
08/16/21	Michael Wright	08/2021	180.00
08/13/21	Environmental Designs, Inc	142157	240.02
08/07/21	Uline	52999593	790.06
07/28/21	Environmental Designs, Inc	141503	80.50
07/18/21	Environmental Designs, Inc	141184	293.80
06/27/21	Environmental Designs, Inc	140410	230.52
05/21/21	Environmental Designs, Inc	140274	147.20
			<u>24,023.29</u>



Mill levy certifications will only be accepted via e-mail: [MillLevyCertify@jeffco.us](mailto:MillLevyCertify@jeffco.us).

**TO ALL TAXING JURISDICTIONS:**

Pursuant to section 39-5-128, you are hereby notified that, as the clerk of a municipality or secretary of a special district, you must officially certify your agency's mill levy with Jefferson County. To ensure your agency meets the statutory deadline of December 15<sup>th</sup>, **your agency's certification must be submitted via email to [MillLevyCertify@jeffco.us](mailto:MillLevyCertify@jeffco.us) on or before Friday, December 10, 2021.**

Please remember that prior to submitting your agency's mill levy for certification, you are required by statute to formally adopt your annual budget. The necessary forms, along with instructions as to completion, are provided by the Colorado Division of Local Government (DOLA) and can be found on their website ([www.dola.state.co.us](http://www.dola.state.co.us)). Using these forms will expedite the process to ensure that your agency's mill levy is certified in time for the billing of 2020 property taxes by the Jefferson County Treasurer's office. **As an added safeguard to ensure accurate mill levies are certified, resolution(s) authorizing mill levy amounts must be included with your submission.**

Each taxing authority is responsible for ensuring that the mill levy submitted for certification complies with all applicable state statutes. You are encouraged to utilize the resources made available by DOLA to gain a thorough understanding of the statutes that apply to your agency.

The statutory "5.5% Property Tax Revenue Limit," also known as the "Annual Levy Law" (Section 29-1-301, et seq., C.R.S.), applies to most statutory local governments that levy property taxes, and it restricts the amount of property tax revenue that may be collected each year. This does not apply to home-rule entities unless their charters specify this limit. The local government's limit is calculated by using the information on the Certification of Valuation (CV) sent by the County Assessor each year.

Your agency may also be subject to the provisions specified under Article X, Section 20 of the Colorado State Constitution (Taxpayer's Bill of Rights Amendment). Each agency will be mailed a worksheet prepared by DOLA that shows their calculation for the agency's "5.5% limit." For other worksheets and additional guidance, please refer to DOLA's website or contact their staff at any time for assistance.

The county is required by law to certify the mill levies for all taxing authorities located within its boundaries. We ask for your help in ensuring that your mill levy information is both accurate and timely so that we can efficiently begin compiling the mill levy information.

If your district will not levy property taxes, we ask that you notify the county in writing of this intent. Failure to submit the required information by the established statutory deadline may result in a delay in the billing of your entity's property taxes.

Please contact the Jefferson County Assessor, Data Control Department at 303-271-8628 for valuation or district information questions.

Please submit your mill levy certification and resolution no later than December 10 via e-mail to [MillLevyCertify@jeffco.us](mailto:MillLevyCertify@jeffco.us). To ensure reliable and timely delivery and processing of certifications, **submissions will not be accepted in-person or via postal delivery.**

We appreciate your assistance with this process. If you have any questions, please contact the Jefferson County Strategy, Planning & Analysis Division at 303-271-8520.





**JEFFERSON**  
COUNTY COLORADO  
Assessor

**SCOT KERSGAARD**

Assessor

August 24, 2021

**AUG 27 2021**

OFFICE OF THE ASSESSOR  
100 Jefferson County Parkway  
Golden, CO 80419-2500  
Phone: 303-271-8600  
Fax: 303-271-8616  
Website: <http://assessor.jeffco.us>  
E-mail Address: [assessor@jeffco.us](mailto:assessor@jeffco.us)

INDY OAK TOD METRO  
SPECIAL DISTRICT MANAGEMENT, LISA A  
JOHNSON  
141 UNION BLVD 150  
LAKEWOOD CO 80228

Code # 4437

**CERTIFICATION OF VALUATION**

The Jefferson County Assessor reports a taxable assessed valuation for your taxing entity for 2021 of:

**\$3,454,618**

The breakdown of the taxable valuation of your property is enclosed.

As further required by CRS 39-5-128(1), you are hereby notified to officially certify your levy to the Board of County Commissioners no later than December 15.

CRS 39-1-111(5) requires that this office transmit a notification by December 10 of any changes to valuation made after the original certification.

SCOT KERSGAARD  
Jefferson County Assessor

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**Indy Oak Tod Metropolitan District**  
**Proposed Budget**  
**General Fund**  
**For the Year ended December 31, 2021**

	Actual 2020	Adopted Budget 2021	Actual 06/30/21	Estimate 2021	Proposed Budget 2022
Beginning fund balance	\$ 30,640	\$ 68,377	\$ 81,184	\$ 81,184	\$ 115,448
Revenues:					
Property taxes	134,115	183,719	181,459	183,720	195,569
Specific ownership taxes	10,024	14,763	5,673	11,000	15,711
Fees	77,021	45,000	45,174	60,000	156,480
Interest income	24	50	4,713	5,000	50
Total revenues	<u>221,184</u>	<u>243,532</u>	<u>237,019</u>	<u>259,720</u>	<u>367,810</u>
Total funds available	<u>251,824</u>	<u>311,909</u>	<u>318,203</u>	<u>340,904</u>	<u>483,258</u>
Expenditures:					
Accounting / audit	12,989	12,000	6,539	13,000	15,000
Insurance/SDA dues	3,824	4,000	4,109	4,200	4,500
Legal - general counsel	37,636	45,000	23,356	45,000	55,000
Legal - covenant	-	5,000	-	5,000	5,000
Election	549	-	-	-	10,000
Management	53,696	50,000	26,698	60,000	65,000
Covenant control	-	-	-	-	-
Miscellaneous	2,334	5,000	7,577	8,000	8,000
Common area lights	-	2,000	-	-	2,000
Engineering	14,555	-	-	-	-
Landscape Contract	407	12,000	-	-	18,000
Grounds Contract Extras	-	2,500	2,650	3,500	2,500
Sprinkler Repairs	-	2,000	83	1,000	2,000
Snow Removal	1,245	11,000	2,886	6,000	15,000
Street / sidewalk Repairs	-	2,500	-	-	2,500
Street Sweeping	-	1,000	-	-	1,000
Signage	1,543	500	-	-	500
Perimeter Walls / Fence / railings / retaining walls	-	2,500	-	-	2,500
Pet Waste Pickup	-	1,500	-	-	5,000
Detention Pond Maintenance	-	2,500	-	-	2,500
Gas & Electric	-	3,500	8,350	15,000	3,500
Irrigation water & Sewer	-	7,500	-	-	15,000
Domestic water & Sewer	41,099	25,000	15,051	40,000	107,580
Trash	11,558	7,200	7,574	22,000	29,340
Treasurer fees	2,012	2,756	2,722	2,756	2,934
Reserve	-	40,000	-	-	85,000
Contingency	-	19,744	-	-	10,123
Emergency reserve	-	7,409	-	-	13,781
Total expenditures	<u>183,447</u>	<u>274,109</u>	<u>107,595</u>	<u>225,456</u>	<u>483,258</u>
Ending fund balance	<u>\$ 68,377</u>	<u>\$ 37,800</u>	<u>\$ 210,608</u>	<u>\$ 115,448</u>	<u>\$ -</u>
Assessed valuation		<u>\$ 3,245,283</u>			<u>\$ 3,454,618</u>
Mill Levy		<u>56.611</u>			<u>56.611</u>

**Indy Oak Tod Metropolitan District  
Proposed Budget  
Capital Projects Fund  
For the Year ended December 31, 2021**

	Actual <u>2020</u>	Adopted Budget <u>2021</u>	Actual <u>06/30/21</u>	Estimate <u>2021</u>	Proposed Budget <u>2022</u>
Beginning fund balance	\$ -	\$ 349,302	\$ 349,302	\$ 349,302	\$ 349,302
Revenues:					
Bond issue	3,956,000	-			-
Developer advances	3,870,065	-			-
Interest income	2,000	-			-
Bond proceeds	-	-			-
Developer contributions	-	-	-	-	-
Total revenues	<u>7,828,065</u>	-	-	-	-
Total funds available	<u>7,828,065</u>	<u>349,302</u>	<u>349,302</u>	<u>349,302</u>	<u>349,302</u>
Expenditures:					
Interest expense	-	-	-	-	-
Issuance costs	304,215	-			-
Capital expenditures	3,870,065	-			-
Repay developer advances	2,689,133	-			-
Transfer to Debt Service	615,350	-	-	-	-
Total expenditures	<u>7,478,763</u>	-	-	-	-
Ending fund balance	<u>\$ 349,302</u>	<u>\$ 349,302</u>	<u>\$ 349,302</u>	<u>\$ 349,302</u>	<u>\$ 349,302</u>

**Indy Oak Tod Metropolitan District**  
**Proposed Budget**  
**Debt Service Fund**  
**For the Year ended December 31, 2021**

	Actual <u>2020</u>	Adopted Budget <u>2021</u>	Actual <u>06/30/21</u>	Estimate <u>2021</u>	Proposed Budget <u>2022</u>
Beginning fund balance	\$ 44,648	\$ 690,568	\$ 690,568	\$ 690,568	\$ 599,403
Revenues:					
Property taxes	131,872	180,645	178,424	180,645	192,298
Specific ownership taxes	9,856	14,452	5,579	10,000	15,384
Transfer from Capital Projects	615,350	-	-	-	-
Interest income	1,507	-	111	2,000	-
Total revenues	<u>758,585</u>	<u>195,097</u>	<u>184,114</u>	<u>192,645</u>	<u>207,682</u>
Total funds available	<u>803,233</u>	<u>885,665</u>	<u>874,682</u>	<u>883,213</u>	<u>807,085</u>
Expenditures:					
Bond interest expense Series A bonds	110,687	245,000	88,550	177,100	177,100
Bond interest expense Series B bonds	-	-	-	100,000	10,000
Bond principal	-	-	-	-	-
Treasurer's fees	1,978	2,710	2,676	2,710	2,884
Trustee / paying agent fees	-	-	4,000	4,000	4,000
Total expenditures	<u>112,665</u>	<u>247,710</u>	<u>95,226</u>	<u>283,810</u>	<u>193,984</u>
Ending fund balance	<u>\$ 690,568</u>	<u>\$ 637,955</u>	<u>\$ 779,456</u>	<u>\$ 599,403</u>	<u>\$ 613,101</u>
Assessed valuation		<u>\$ 3,245,283</u>			<u>\$ 3,454,618</u>
Mill Levy		<u>55.664</u>			<u>55.664</u>
Total Mill Levy		<u>112.275</u>			<u>112.275</u>

**RESOLUTION NO. 2021 – 10 - \_\_\_\_**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE INDY OAK TOD METROPOLITAN DISTRICT**  
**TO ADOPT THE 2022 BUDGET AND APPROPRIATE SUMS OF MONEY**

WHEREAS, the Board of Directors of the Indy Oak TOD Metropolitan District (“District”) has appointed the District Accountant to prepare and submit a proposed 2022 budget to the Board at the proper time; and

WHEREAS, the District Accountant has submitted a proposed budget to this Board on or before October 15, 2021, for its consideration; and

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on October 18, 2021, and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

WHEREAS, the Board of Directors of the District has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, as more fully set forth in the budget, including any interfund transfers listed therein, so as not to impair the operations of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Indy Oak TOD Metropolitan District:

1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the Indy Oak TOD Metropolitan District for the 2022 fiscal year.
2. That the budget, as hereby approved and adopted, shall be certified by the Secretary of the District to all appropriate agencies and is made a part of the public records of the District.

3. That the sums set forth as the total expenditures of each fund in the budget attached hereto as **EXHIBIT A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

ADOPTED this 18th day of OCTOBER, 2021.

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Secretary

(SEAL)

EXHIBIT A  
(Budget)

I, Peggy Ripko, hereby certify that I am the duly appointed Secretary of the Indy Oak TOD Metropolitan District, and that the foregoing is a true and correct copy of the budget for the budget year 2022, duly adopted at a meeting of the Board of Directors of the Indy Oak TOD Metropolitan District held on October 18, 2021.

By: \_\_\_\_\_  
Secretary





**RESOLUTION NO. 2021 - 10 - \_\_\_\_**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE INDY OAK TOD METROPOLITAN DISTRICT**  
**TO SET MILL LEVIES**

WHEREAS, the Board of Directors of the Indy Oak TOD Metropolitan District (“District”) has adopted the 2022 annual budget in accordance with the Local Government Budget Law on October 18, 2021; and

WHEREAS, the adopted budget is attached to the Resolution of the Board of Directors to Adopt the 2022 Budget and Appropriate Sums of Money, and such budget is incorporated herein by this reference; and

WHEREAS, the amount of money necessary to balance the budget for general fund expenses from property tax revenue is identified in the budget; and

WHEREAS, the amount of money necessary to balance the budget for debt service fund expenses from property tax revenue is identified in the budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Indy Oak TOD Metropolitan District:

1. That for the purposes of meeting all general fund expenses of the District during the 2022 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

2. That for the purposes of meeting all debt service fund expenses of the District during the 2022 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

3. That the District Accountant of the District is hereby authorized and directed to immediately certify to the County Commissioners of Jefferson County, Colorado, the mill levies for the District as set forth in the District’s Certification of Tax Levies (attached hereto as **EXHIBIT A** and incorporated herein by reference), recalculated as needed upon receipt of the final certification of valuation from the County Assessor in order to comply with any applicable revenue and other budgetary limits.

ADOPTED this 18th day of October, 2021.

\_\_\_\_\_  
Secretary

(SEAL)

**EXHIBIT A**  
(Certification of Tax Levies)



**RESOLUTION NO. 2021-10-\_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF INDY OAK TOD  
METROPOLITAN DISTRICT AUTHORIZING ADJUSTMENT OF THE DISTRICT  
MILL LEVY IN ACCORDANCE WITH THE SERVICE PLAN**

- A. Indy Oak TOD Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado pursuant to Title 32, Colorado Revised Statutes.
- B. The District operates pursuant to its Service Plan approved by the City Council of the City of Lakewood, on September 25, 2017 (the “**Service Plan**”), which provides the District with the authority to impose mill levies on taxable property. Such mill levies will be the primary source of revenue for repayment of debt service, public improvements, and operations and maintenance costs of the District.
- C. The Service Plan authorizes a maximum mill levy of fifty (50) mills for the payment of Debt (“**Maximum Debt Mill Levy,**” as defined in the Service Plan).
- D. Section VI.C.1 of the Service Plan authorizes adjustment of the Maximum Debt Mill Levy in the event that the method of calculating assessed valuation is changed after January 1, 2017 (the “**Baseline Year**”), by any change in law, change in method of calculation, or in the event of any legislation or constitutionally mandated tax credit, cut, or abatement. The Maximum Debt Mill Levy may be increased or decreased to reflect such changes. Such increases or decreases shall be determined by the Board of Directors (the “**Board**”) in good faith (such determination to be binding and final) so that, to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes.
- E. The Service Plan provides that, for purposes of the foregoing, a change in the ratio of actual valuation to assessed valuation shall be deemed to be a change in the method of calculating assessed valuation.
- F. At the time of the Baseline Year, the residential assessment ratio set by the Colorado General Assembly was 7.96%.
- G. In 2017, the Colorado General Assembly (the “**General Assembly**”) passed House Bill 17-1349, which amended Section 39-1-104.2, C.R.S. by setting the ratio of valuation for assessment for real residential property at 7.2% (decreased from 7.96%) for property tax years commencing on and after January 1, 2017, until the next property tax year that the General Assembly determined to adjust the ratio of valuation for assessment for residential real property.
- H. In 2019, the General Assembly passed Senate Bill 19-255, further amending Section 39-1-104.2, C.R.S. by setting the ratio of valuation for assessment for real residential property at 7.15% (decreased from 7.2%) for property tax years commencing on or after January 1, 2019, until the next property tax year that the General Assembly determines to adjust the ratio of valuation for assessment for residential real property.

I. In 2020, the voters of the State of Colorado passed Amendment B, which repealed Article X, Section 3 of the Colorado Constitution (“**Amendment B**”) such that the ratio of valuation for assessment of real property for 2021 and thereafter, unless further amended by the General Assembly or voters of the State, is 7.15%.

J. In compliance with the Service plan, in order to mitigate the effect of the reduction in the ratio of valuation for residential real property as set by the General Assembly for property tax year 2021, the Board determines it to be in the best interest of the District, its residents, users, property owners, and the public, to adjust the Maximum Debt Mill Levy, so that the actual tax revenues to be received by the District are neither diminished nor enhanced as a result of the change in the ratio of valuation for assessment since the Baseline Year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Indy Oak TOD Metropolitan District, City of Lakewood, Jefferson County, Colorado:

1. The Board hereby authorizes the adjustment of the Maximum Mill Levy to reflect that Amendment B set the ratio of valuation for assessment for residential real property to 7.15%, which is a change from the 7.96% ratio of valuation for assessment of residential property as of the Baseline Year.

2. The Service Plan allows for a total mill levy imposition of 55.664 mills for the payment of Debt (the “**Adjusted Debt Mill Levy**”) so that District revenues shall be neither diminished nor enhanced as a result of the ratio of valuation for assessment being set at 7.15% for collection year 2022.

3. The Adjusted Debt Mill Levy shall be reflected in the District’s Certification of Tax Levies to be submitted to the Board of County Commissioners on or before December 15, 2021, for collection in 2022.

**[SIGNATURE PAGE FOLLOWS]**

**[SIGNATURE PAGE TO RESOLUTION AUTHORIZING ADJUSTMENT OF THE  
DISTRICT MILL LEVY IN ACCORDANCE WITH THE SERVICE PLAN]**

RESOLUTION APPROVED AND ADOPTED ON October 18, 2021.

**INDY OAK TOD METROPOLITAN  
DISTRICT**

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President

Attest:

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Secretary

**RESOLUTION NO. 2021-10-\_\_\_\_**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
INDY OAK TOD METROPOLITAN DISTRICT  
CALLING A REGULAR ELECTION FOR DIRECTORS  
MAY 3, 2022**

A. The term of the office of Director Raymond Gilmore shall expire upon the election of his successor at the regular election, to be held on May 3, 2022 (“**Election**”), and upon such successor taking office.

B. The term of the office to which Director Judson Connelly has previously been appointed expires upon his re-election, or the election of his successor at the Election, and upon such successor taking office.

C. In accordance with the provisions of the Special District Act (“**Act**”) and the Uniform Election Code (“**Code**”), the Election must be conducted to elect two (2) Directors to serve until the second regular election, to occur May 6, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Indy Oak TOD Metropolitan District (the “**District**”) of the County of Jefferson, Colorado:

1. Date and Time of Election. The Election shall be held on May 3, 2022, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, Code, and other applicable laws. At that time, two (2) Directors shall be elected to serve until the second regular election, to occur May 6, 2025.

2. Precinct. The District shall consist of one (1) election precinct for the convenience of the eligible electors of the District.

3. Conduct of Election. The Election shall be conducted as an independent mail ballot election in accordance with all relevant provisions of the Code. The Designated Election Official shall have on file, no later than fifty-five (55) days prior to the Election, a plan for conducting the independent mail ballot Election.

4. Designated Election Official. Peggy Ripko shall be the Designated Election Official and is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Act, Code or other applicable laws. The Election shall be conducted in accordance with the Act, Code and other applicable laws. Among other matters, the Designated Election Official shall appoint election judges as necessary, arrange for the required notices of election (either by mail or publication) and printing of ballots, and direct that all other appropriate actions be accomplished.

5. Call for Nominations. The Designated Election Official shall provide Call for Nominations as required under Section 1-13.5-501, C.R.S., as applicable.



6. Absentee Ballot Applications. NOTICE IS FURTHER GIVEN, pursuant to Section 1-13.5-1002, C.R.S., that applications for and return of absentee ballots may be filed with the Designated Election Official of the District, c/o Peggy Ripko, Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, between the hours of 8:00 a.m. and 5:00 p.m., until the close of business on the Tuesday immediately preceding the Election (April 26, 2022).

7. Self-Nomination and Acceptance Forms. Self-Nomination and Acceptance Forms are available and can be obtained from Peggy Ripko, the Designated Election Official for the District, c/o Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, (303) 987-0835 and on the District's website at: <https://indyoaktodmd.colorado.gov/>.

8. Cancellation of Election. If the only matter before the electors is the election of Directors of the District and if, at 5:00 P.M. on March 1, 2022, the sixty-third day prior to the regular election, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with law.

9. Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board of Director's intention that the various provisions hereof are severable.

10. Repealer. All acts, orders and resolutions, or parts thereof, of the Board of Directors which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

11. Effective Date. The provisions of this Resolution shall take effect as of the date adopted and approved by the Board of Directors of the District.

**[SIGNATURE PAGE FOLLOWS]**

**[SIGNATURE PAGE TO RESOLUTION  
CALLING A REGULAR ELECTION FOR DIRECTORS  
MAY 3, 2022]**

RESOLUTION APPROVED AND ADOPTED on October 18, 2021.

**INDY OAK TOD METROPOLITAN  
DISTRICT**

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

**AMENDED AND RESTATED**  
**SPECIAL DISTRICT PUBLIC DISCLOSURE DOCUMENT**  
**DISCLOSURE TO PURCHASERS**

**INDY OAK TOD METROPOLITAN DISTRICT**

Indy Oak TOD Metropolitan District (“**District**”) recorded its Special District Public Disclosure Document Disclosure to Purchasers on August 8, 2018 in the real property records of Jefferson County at Reception Number 2018072510 (“**Public Disclosure Document**”).

The District desires to amend and restate the Public Disclosure Document to provide property owners with general information regarding the District and its operations. This Amended and Restated Special District Public Disclosure Document Disclosure to Purchasers (“**Amended and Restated Public Disclosure Document**”) is intended to provide an overview of pertinent information related to the District and does not purport to be comprehensive or definitive. You are encouraged to independently confirm the accuracy and completeness of all statements contained herein.

This Amended and Restated Public Disclosure Document is intended to amend and restate the Public Disclosure Document in its entirety.

**DISTRICT’S POWERS**

The powers of the District as authorized by Section 32-1-1004, Colorado Revised Statutes (“**C.R.S.**”) and under its Service Plan, as approved by the City Council of the City of Lakewood (the “**City**”) on September 25, 2017 (the “**Service Plan**”), are to plan for, design, finance, acquire, construct, install, relocate, and/or redevelop certain public improvements, including, but not limited to, streets, safety protection, water, sewer, storm drainage, park and recreation improvements, and covenant enforcement and design review services to the District.

**DISTRICT’S SERVICE PLAN**

The District’s Service Plan, which can be amended from time to time, includes a description of the District’s powers and authority. A copy of the District’s Service Plan is available from the Division of Local Government in the State Department of Local Affairs (the “**Division**”).

The District is authorized by Title 32 of the Colorado Revised Statutes to use a number of methods to raise revenues for capital needs and general operations costs. These methods, subject to the limitations imposed by Section 20 of Article X of the Colorado Constitution (“**TABOR**”), include issuing debt, levying taxes, and imposing fees and charges. Information concerning District directors, management, meetings, elections, and current taxes are provided annually in the Notice to Electors described in Section 32-1-809(1), C.R.S., which can be found at the office of General Counsel for the District, on file at the Division, or on file at the office of the Clerk and Recorder of Jefferson County.

## **DEBT AUTHORIZATION**

Pursuant to its Service Plan, the District has authority to issue up to Five Million Dollars (\$5,000,000) of debt to provide and pay for public infrastructure improvement costs.

Any debt issued by the District will be repaid through ad valorem property taxes, from a District imposed debt service mill levy on all taxable property of the District, together with any other legally available revenues of the District.

## **TAXES AND FEES IMPOSED ON PROPERTIES WITHIN THE DISTRICT**

### *Ad Valorem Property Taxes*

The District's primary source of revenue is from property taxes imposed on property within the District, which is generally comprised of non-contiguous property known as "**Pearson Grove Townhomes**" and property known as "**Oak Street Townhomes.**" Along with other taxing entities, the District certifies a mill levy by December 15<sup>th</sup> of each year which determines the taxes paid by each property owner in the following year. The District imposed a total combined Mill Levy of **112.275** mills for tax collection year **2020** (as described below). The total overlapping mill levy for the property within the District for tax collection year **2020** is either (i) **201.658** mills with respect to property located in Pearson Grove Townhomes or (ii) **202.058** mills for property located in Oak Street Townhomes (both mill levies are inclusive of the District's Mill Levy), as described in the "Overlapping Mill Levy" section below.

### *Debt Service Mill Levy*

The maximum debt service mill levy the District is permitted to impose under the Service Plan ("**Debt Mill Levy Cap**") for the portion of any aggregate District's Debt which exceeds fifty percent (50%) of the District's assessed valuation shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt. The Debt Mill Levy Cap may be adjusted due to changes in the statutory or constitutional method of assessing property tax or in the assessment ratio. The purpose of such adjustment is to assure, to the extent possible, that the actual tax revenues generated by the mill levy are neither decreased nor increased, as shown in the example below.

### *Operations Mill Levy*

In addition to imposing a debt service mill levy, the District is also authorized by the Service Plan to impose a separate mill levy to generate revenues for the provision of administrative, operations and maintenance services (the "**Operations and Maintenance Mill Levy**"). The amount of the Operations and Maintenance Mill Levy may be increased as necessary, separate and apart from the Debt Mill Levy Cap. The District imposes an Operations and Maintenance Mill Levy of **56.611** mills for tax collection year **2020** on all taxable property of the District. The District's ability to increase its mill levy for provision of operation and maintenance services without an election is constrained by statutory and constitutional limits.

The developer of Oak Street Townhomes recorded those certain Covenants and Restrictions of Oak Street Townhomes for the property located therein in the real property records of Jefferson County on August 10, 2018, at Reception Number 2018073655 (“**Oak Street Covenants**”). The Oak Street Covenants assign all duties, rights and obligations to enforce the Oak Street Covenants to the District and provide the District with the covenant enforcement and design review services established thereby. The District operates in place of an owners’ association for the townhome units located within Oak Street Townhomes to pay for the costs associated with covenant enforcement and design review services, as well as providing for the operation and maintenance of certain public improvements.

In addition, each townhome unit within Oak Street Townhomes will be subject to an additional fee of approximately \$80 per month/per townhome, which fee is subject to amendment by the District Board of Directors from time to time, to cover the costs associated with potable water and trash/recycling collection.

It is anticipated the developer of Pearson Grove Townhomes will record covenants similar to the Oak Street Covenants upon the property located within Pearson Grove Townhomes. It is further anticipated that the District will operate in place of an owner’s association for the townhome units located within Pearson Grove Townhomes to pay for the costs associated with covenant enforcement and design review services, as well as providing for the operation and maintenance of certain public improvements. It is anticipated that the District will impose a fee on each townhome unit within Pearson Grove Townhomes to cover costs associated with services provide by the District pursuant to the anticipated covenants.

There are several benefits to the use of a metropolitan district as opposed to, or in cooperation with, an owners association, including, but not limited to the following:

(a) Cost Efficiency. Metropolitan districts fund their operations from revenues generated from real property taxes while homeowner’s associations assess dues and collect them from property owners. A metropolitan district can, therefore, operate more efficiently than an owners association as the collection of taxes is significantly more effective than separately billing individual homeowners, and dealing with the collection efforts.

(b) Tax Deduction. Taxes paid to a metropolitan district are deductible from income taxes, in general, while owners association dues are generally not.

(c) Homeowner Savings. Out of pocket expenses for the homeowner are generally significantly less when paid through ad valorem tax as opposed to owners association dues.

(d) Transparency. A metropolitan district is subject to various regulatory requirements that an owners association is not, such as annual reporting of budgets and audited financials; annual audits, or audit exemptions, are required, not just recommended as with an owners association.

**THE FOLLOWING EXAMPLE IS PROVIDED SOLELY FOR THE PURPOSE OF ILLUSTRATION AND IS NOT TO BE INTERPRETED AS A REPRESENTATION OF ANY ACTUAL CURRENT OR FUTURE VALUE INCLUDING, BUT NOT LIMITED TO, ANY ACTUAL VALUE, ASSESSMENT RATIO, OR MILL LEVY.**

**District Property Tax Calculation Example-Reduction in Residential Assessment Ratio**

<b>Tax Collection Year</b>	<b>Actual Value (V)</b>	<b>Assessment Ratio (R)</b>	<b>Assessed Value (AV) [V x R = AV]</b>	<b>Mill Levy<sup>1</sup>/Rate<sup>2</sup> (M)</b>	<b>Amount of District Tax Due [AV x M]</b>
(a) 2020	\$325,000	7.15%	\$23,237.50	112.275/.112275	\$2,608.99
(b) 2021	\$325,000	7.00%	\$22,750.00	114.681/.114681	\$2,608.99

<sup>1</sup> Based on a projected mill levy, not a representation of any actual current or future mill levy

<sup>2</sup> Each mill is equal to 1/1000<sup>th</sup> of a dollar

(a) If in 2020 the Actual Value of the Property is \$325,000, and the Residential Assessment Ratio established by the State Legislature for that year is 7.15%, the Assessed Value of the Property is \$23,237.50 (i.e., \$325,000 x 7.15% = \$23,237.50). If the District certifies a combined debt and operations mill levy of 112.275 mills, it would generate approximately \$2,608.99 in revenue for the District.

(b) If in 2021 the Actual Value of the Property remains at \$325,000, *but if the State Legislature should determine to change the Residential Assessment Ratio for that year to 7.00%*, the Assessed Value would be \$22,750.00 (i.e., \$325,000 x 7.00% = \$22,750.00). Therefore, the District would need to certify a 114.681 mill levy in order to generate the same revenue as in 2020.

**Overlapping Mill Levies**

In addition to the District’s imposed mill levies for debt and operations as described above, the property located within the District is also subject to additional “overlapping” mill levies from additional taxing authorities. The overlapping mill levy **for tax collection year 2020**, for the property within the District, exclusive of the District’s imposed mill levies is either **89.383 mills (Pearson Grove Townhomes)** or **89.783 mills (Oak Street Townhomes)**. Mill levies are certified in December of each year, and generally published by the County by the end of the first quarter.

<b>PEARSON GROVE TOWNHOMES (Taxing Area 7135)</b>	
<b>Taxing Authority</b>	<b>Levy</b>
Jefferson County (2020)	23.332
City of Lakewood (2020)	4.711
Regional Transportation District (2020)	0.000
R-1 School District (2020)	47.075
Urban Drainage & Flood Cont Dist (2020)	0.900
Urban Drainage & Flood C So Plat (2020)	0.097
West Metro Fire Protection – Gen (2020)	12.539
West Metro Fire Protection SUB (2020)	0.729
<b>TOTAL OVERLAPPING MILL LEVY (2020)</b>	<b>89.383</b>
Indy Oak Metropolitan District (2020)	112.275
<b>TOTAL WITH DISTRICT MILL LEVY</b>	<b>201.658</b>

<b>OAK STREET TOWNHOMES (Taxing Area 7843)</b>	
<b>Taxing Authority</b>	<b>Levy</b>
Jefferson County (2020)	23.332
Daniels Sanitation District (2020)	0.265
High View Water District (2020)	0.135
City of Lakewood (2020)	4.711
Regional Transportation District (2020)	0.000
R-1 School District (2020)	47.075
Urban Drainage & Flood Cont Dist (2020)	0.900
Urban Drainage & Flood C So Plat (2020)	0.097
West Metro Fire Protection – Gen (2020)	12.539
West Metro Fire Protection SUB (2020)	0.729
<b>TOTAL OVERLAPPING MILL LEVY (2020)</b>	<b>89.783</b>
Indy Oak Metropolitan District (2020)	112.275
<b>TOTAL WITH DISTRICT MILL LEVY</b>	<b>202.058</b>

*Overlapping Mill Levy Property Tax Calculation Example*

<b>Tax Collection Year</b>	<b>Actual Value (V)</b>	<b>Assessment Ratio (R)</b>	<b>Assessed Value (AV) [V x R = AV]</b>	<b>Mill Levy<sup>1</sup>/Rate<sup>2</sup> (M)</b>	<b>Amount of Total Property Tax Due [AV x M]</b>
<i>Pearson Grove Townhomes</i>					
2020	\$325,000	7.15%	\$23,237.50	201.658/201658	\$4,679.06
<i>Oak Street Townhomes</i>					
2020	\$325,000	7.15%	\$23,237.50	202.058/202058	\$4,695.32

<sup>1</sup> Based on a projected mill levy, not a representation of any actual current or future mill levy

<sup>2</sup> Each mill is equal to 1/1000<sup>th</sup> of a dollar

**THE ABOVE EXAMPLE IS PROVIDED SOLELY FOR THE PURPOSE OF ILLUSTRATION AND IS NOT TO BE INTERPRETED AS A REPRESENTATION OF ANY ACTUAL CURRENT OR FUTURE VALUE INCLUDING, BUT NOT LIMITED TO, ANY ACTUAL VALUE, ASSESSMENT RATIO, OR MILL LEVY.**

*Fees*

In addition to property taxes, the District may also rely upon various other revenue sources authorized by law to offset the expenses of capital construction and district management, operations and maintenance. Pursuant to its Service Plan, the District has the power to assess fees, rates, tolls, penalties, or charges as provided in Title 32 of the Colorado Revised Statutes, as amended.

The District approximates additional fees for calendar year 2020 of \$80.00 per year/per townhome unit located within Oak Street Townhomes to cover the costs associated with potable water and trash/recycling collection. These fees can be amended by Resolution of the District Board of Directors from time to time. As described in the “Operation Mill Levy” section above, it is anticipated

that the District will impose fees on the townhome units located in Pearson Grove Townhomes, as the same can be amended by Resolution of the District Board of Directors.

### **DISTRICT BOUNDARIES**

This Disclosure shall apply to the property within the boundaries of the District, which property is depicted on **Exhibit A** and described on **Exhibit B-1** and **Exhibit B 2**, as attached hereto and incorporated herein by this reference.



## **CONTACT INFORMATION**

Should you have any questions with regard to these matters, please contact:

District Manager:  
Special District Management Services, Inc.  
141 Union Boulevard, Suite 150  
Lakewood, CO 80228  
Phone: 303-987-0835

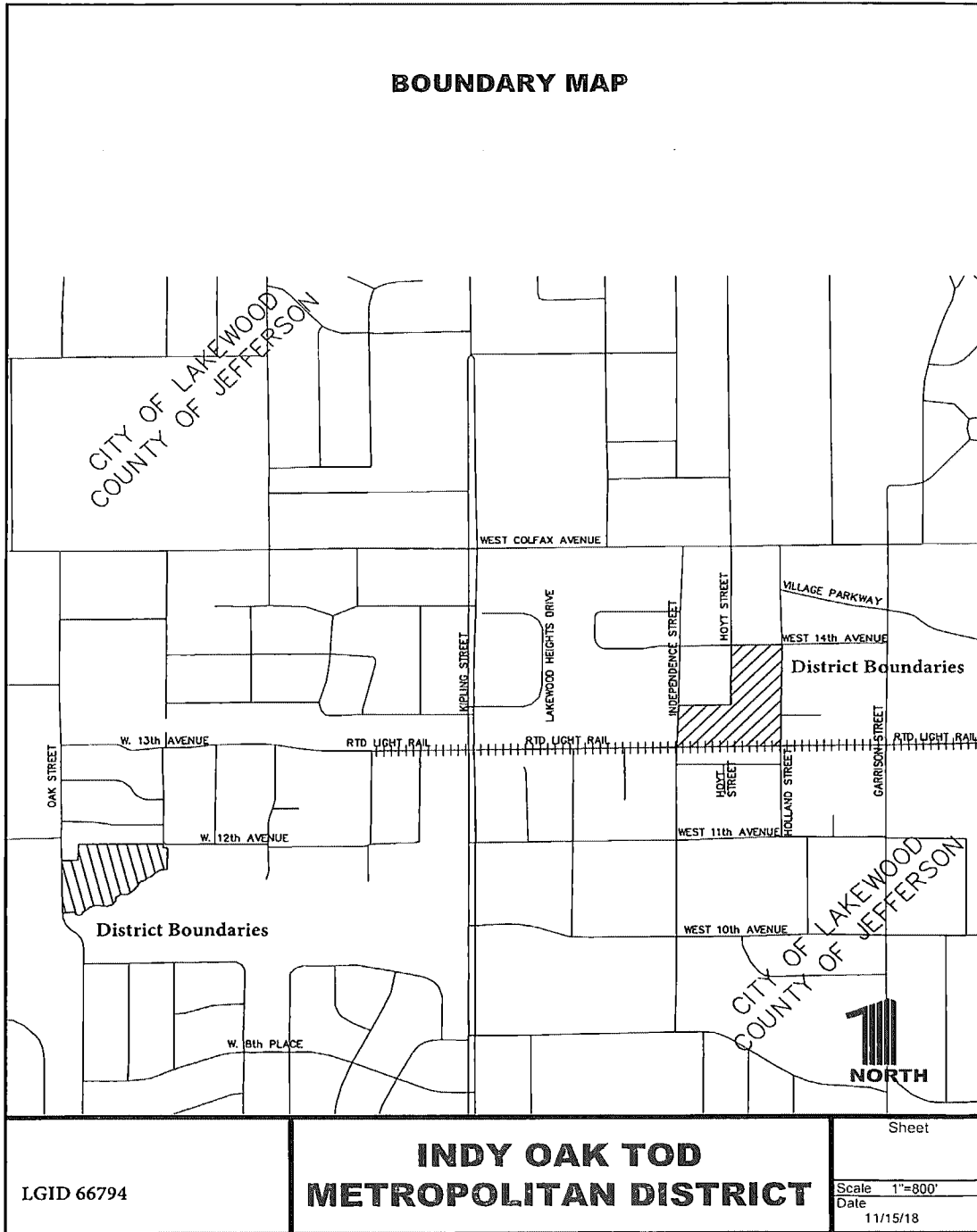
For additional information regarding the District, please visit the District's website at:  
<https://www.colorado.gov/indyoaktodmd>

Pursuant to Section 32-1-809, C.R.S., the District has filed its Transparency Notice with the Special District Association of Colorado and such Transparency Notice can be found at [www.sdaco.org](http://www.sdaco.org).

Dated this 15<sup>th</sup> day of April 2020.

**EXHIBIT A**

**District Map**



## **EXHIBIT B-1**

### **Legal Description**

#### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 4 AND CONSIDERING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4, BEING MONUMENTED AS SHOWN HEREON, TO BEAR SOUTH 89°47'15" WEST, 2639.02 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 06°53'41" EAST, A DISTANCE OF 229.08 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OAK STREET AS DESCRIBED BY THAT INSTRUMENT RECORDED IN BOOK 1079, AT PAGE 132, OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER. SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00°37'46" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 335.25 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED IN BOOK 680 AT PAGE 364 OF SAID RECORDS;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARCEL THE FOLLOWING TWO (2) COURSES:

1. NORTH 89°48'59" EAST, A DISTANCE OF 100.01 FEET;
2. NORTH 00°37'46" EAST, A DISTANCE OF 100.01 FEET TO A POINT ON THE SOUTHERLY LINE OF 12TH LANE AND OAK SUBDIVISION RECORDED AT RECEPTION NO. 436343 OF SAID RECORDS;

THENCE NORTH 89°48'59" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 509.77 FEET TO THE WEST LINE OF THAT PARCEL OF LAND CONVEYED TO THE CITY OF LAKEWOOD RECORDED AT RECEPTION NO. 90029005 OF SAID RECORDS;

THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARY OF SAID PARCEL THE FOLLOWING TWO (2) COURSES:

1. THENCE SOUTH 00°37'56" WEST, A DISTANCE OF 25.00 FEET;
2. THENCE NORTH 89°48'59" EAST, A DISTANCE OF 25.00 FEET TO THE WEST LINE OF THAT PARCEL OF LAND CONVEYED TO THE CITY OF LAKEWOOD FOR PARK PURPOSES RECORDED AT RECEPTION NO. 80028979, OF SAID RECORDS;

THENCE SOUTH 00°37'56" WEST ALONG SAID WEST LINE, A DISTANCE OF 137.18 FEET MORE OR LESS, TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND CONVEYED TO THE CITY OF LAKEWOOD FOR PARK PURPOSES RECORDED AT RECEPTION NO. 2016134237, OF SAID RECORDS;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL THE FOLLOWING TWENTY NINE (29) COURSES:

1. THENCE NORTH 89°25'35" WEST, A DISTANCE OF 23.28 FEET;
2. THENCE SOUTH 76°21'32" WEST, A DISTANCE OF 26.64 FEET;
3. THENCE SOUTH 52°12'17" WEST, A DISTANCE OF 68.23 FEET;
4. THENCE SOUTH 72°14'06" WEST, A DISTANCE OF 17.42 FEET;
5. THENCE SOUTH 51°59'14" WEST, A DISTANCE OF 25.91 FEET;

6. THENCE SOUTH 74°39'44" WEST, A DISTANCE OF 18.13 FEET;
7. THENCE SOUTH 45°00'00" WEST, A DISTANCE OF 18.07 FEET;
8. THENCE SOUTH 19°04'52" WEST, A DISTANCE OF 9.93 FEET;
9. THENCE SOUTH 40°39'25" WEST, A DISTANCE OF 49.41 FEET;
10. THENCE SOUTH 57°20'58" WEST, A DISTANCE OF 16.52 FEET;
11. THENCE SOUTH 49°41'20" WEST, A DISTANCE OF 24.74 FEET;
12. THENCE NORTH 84°10'37" WEST, A DISTANCE OF 37.24 FEET;
13. THENCE SOUTH 57°45'00" WEST, A DISTANCE OF 34.41 FEET;
14. THENCE SOUTH 08°54'20" WEST, A DISTANCE OF 26.16 FEET;
15. THENCE SOUTH 45°50'16" WEST, A DISTANCE OF 23.50 FEET;
16. THENCE SOUTH 35°43'08" WEST, A DISTANCE OF 7.78 FEET;
17. THENCE SOUTH 70°27'11" WEST, A DISTANCE OF 31.91 FEET;
18. THENCE NORTH 83°43'51" WEST, A DISTANCE OF 33.02 FEET;
19. THENCE NORTH 85°58'33" WEST, A DISTANCE OF 30.00 FEET;
20. THENCE SOUTH 82°02'18" WEST, A DISTANCE OF 24.61 FEET;
21. THENCE SOUTH 67°25'44" WEST, A DISTANCE OF 17.01 FEET;
22. THENCE SOUTH 48°36'43" WEST, A DISTANCE OF 21.64 FEET;
23. THENCE SOUTH 55°20'11" WEST, A DISTANCE OF 36.20 FEET;
24. THENCE SOUTH 03°58'33" EAST, A DISTANCE OF 7.53 FEET;
25. THENCE SOUTH 61°42'00" WEST, A DISTANCE OF 15.29 FEET;
26. THENCE NORTH 81°43'54" WEST, A DISTANCE OF 23.24 FEET;
27. THENCE NORTH 43°01'42" WEST, A DISTANCE OF 12.90 FEET;
28. THENCE NORTH 22°34'16" WEST, A DISTANCE OF 8.40 FEET;
29. THENCE SOUTH 83°18'53" WEST, A DISTANCE OF 81.29 FEET TO THE POINT OF BEGINNING,

SAID PARCEL CONTAINING A CALCULATED AREA OF 199,207 SQUARE FEET OR 4.573 ACRES, MORE OR LESS.

THE LINEAL UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

I, WILLIAM F. HESSELBACH JR., A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

---

WILLIAM F. HESSELBACH JR., P.L.S. 25369  
FOR AND ON BEHALF OF  
CVL CONSULTANTS OF COLORADO, INC.  
10333 E. DRY CREEK ROAD, SUITE 240  
ENGLEWOOD, CO 80112

**EXHIBIT B-2**

**Legal Description**

Parcel A:

That part of the Northwest Quarter (NW1/4) of Section 3, township 4 South, Range 69 West, described as follows:

The West Half of the South Half (W1/2 S1/2) of the following described tract;  
Beginning at a point on a line drawn at right angles to the North line of the Northwest Quarter (NW1/4) of said Section 3, which point is 687 feet South of a point on said North line of said Northwest Quarter (NW1/4), 1321.9 feet West of the Northeast Quarter of said Northwest Quarter (NW1/4) thence Easterly 662.1 feet to a point 684.2 South of the North line of said Northwest Quarter (NW1/4) thence South 628.4 feet to a point 25 feet North of the center of the railroad right of way; thence Westerly and parallel to said center line of said railroad track 663.5 feet to a point 25 feet North of the center line of said railroad right of way; thence Northerly 625.6 feet to the point of beginning.

LESS AND EXCEPT that portion conveyed to the Regional Transportation District in Warranty Deed recorded March 12, 2010 at Reception No. 2010022354, County of Jefferson, State of Colorado.

TOGETHER WITH THE WEST HALF OF VACATED HOYT STREET ADJACENT THERETO AS VACATED BY ORDINANCE NO. O-2018-1 RECORDED FEBRUARY 26, 2018 AT RECEPTION NO. 2018017167, IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, COLORADO.

Parcel B:

That part of the East Half Southwest Quarter Northeast Quarter Northwest Quarter (E1/2SW1/4NE1/4NW1/4) of Section 3, Township 4 South, Range 69 West, described as follows:  
Beginning at a point 25 feet East of the West line of said E1/2SW1/4NE1/4NW1/4 of Section 3, and 38.5 feet North of the South line of said E1/2SW1/4NE1/4NW1/4, which point is on the East line of Hoyt Street; thence East 141.37 feet; thence North 311.28 feet; thence West 141.2 feet; thence South along the East line of Hoyt Street 310.8 feet to the point of beginning, County of Jefferson, State of Colorado.

TOGETHER WITH THE EAST HALF OF VACATED HOYT STREET ADJACENT THERETO AS VACATED BY ORDINANCE NO. O-2018-1 RECORDED FEBRUARY 26, 2018 AT RECEPTION NO. 2018017167, IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, COLORADO.

A TRACT OF LAND DESCRIBED AS FOLLOWS;

COMMENCING AT A POINT ON A LINE DRAWN AT RIGHT ANGLES TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, WHICH POINT IS 687 FEET SOUTH OF A POINT ON SAID NORTH LINE OF SAID QUARTER SECTION, 1321.9 FEET WEST FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION;

THENCE EASTERLY 662.1 FEET TO A POINT 684.2 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION;

THENCE SOUTH, A DISTANCE OF 211.8 FEET TO A POINT;

THENCE WEST, A DISTANCE OF 165 FEET TO A POINT, WHICH IS THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

RUNNING THENCE WEST, A DISTANCE OF 165 FEET TO A POINT;

THENCE SOUTH, A DISTANCE OF 100 FEET TO A POINT;

THENCE EAST, A DISTANCE OF 165 FEET TO A POINT;

THENCE NORTH, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING,

TOGETHER WITH THE EAST HALF OF VACATED HOYT STREET ADJACENT THERETO AS VACATED BY ORDINANCE NO. O-2018-1 RECORDED FEBRUARY 26, 2018 AT RECEPTION NO. 2018017167, IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, COLORADO.

AND

THAT PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTH LINE OF WEST 14TH AVENUE, WHICH POINT LIES 647.1 FEET NORTH AND 171.1 FEET WEST OF THE SOUTHEAST CORNER OF THE SW 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3;

THENCE WEST ALONG THE SOUTH LINE OF SAID WEST 14TH AVENUE, 134.95 FEET TO THE INTERSECTION OF THE SAID SOUTH LINE OF WEST 14TH AVENUE WITH THE EAST LINE OF HOYT STREET;

THENCE SOUTH ALONG THE SAID WEST LINE OF HOYT STREET, 96.2 FEET TO A POINT;

THENCE EAST 135 FEET TO A POINT WHICH LIES 96.5 FEET SOUTH OF THE POINT OF BEGINNING;

THENCE NORTH 96.5 FEET TO THE POINT OF BEGINNING,

TOGETHER WITH THE EAST HALF OF VACATED HOYT STREET ADJACENT THERETO AS VACATED BY ORDINANCE NO. O-2018-1 RECORDED FEBRUARY 26, 2018 AT RECEPTION NO. 2018017167, IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, COLORADO.

AND

THAT PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,

JEFFERSON COUNTY, COLORADO, WHICH BEGINS AT A POINT WHICH LIES 550.3 FEET NORTH AND 159.8 FEET WEST OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3;  
THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 146.3 FEET TO A POINT ON THE EAST LINE OF HOYT STREET;  
THENCE SOUTH ALONG THE SAID EAST LINE OF HOYT STREET, 100.00 FEET;  
THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 146.5 FEET;  
THENCE NORTH 100 FEET TO THE POINT OF BEGINNING,

TOGETHER WITH THE EAST HALF OF VACATED HOYT STREET ADJACENT THERETO AS VACATED BY ORDINANCE NO. O-2018-1 RECORDED FEBRUARY 26, 2018 AT RECEPTION NO. 2018017167, IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, COLORADO.

ALL IN COUNTY OF JEFFERSON, STATE OF COLORADO.

LIMITED AMENDMENT TO THE COVENANTS AND RESTRICTIONS  
OF  
OAK STREET TOWNHOMES

THIS LIMITED AMENDMENT TO THE COVENANTS AND RESTRICTIONS OF OAK STREET TOWNHOMES (“Amendment”) is made as of the date of recording.

RECITALS

- A. The Covenants and Restrictions of Oak Street Townhomes was recorded on August 10, 2018 at Reception No. 2018073655 in the office of the Clerk and Recorder of Jefferson County, Colorado (“Covenants”).
- B. Pursuant to Article 5, Section 5.6.1, the Covenants may be amended, supplemented, and/or terminated by the affirmative vote or agreement of the Owners of sixty-seven percent (67%) of the Units.
- C. Pursuant to Article 5, Section 5.6.2, no amendment, supplement, or termination of the Covenants is effective without the prior written approval of Century at Oak Street, LLC, the Developer.
- D. Owners desire to revise certain provisions of the Covenants to better reflect the community as-built and the Owners’ actual practices.
- E. Owners representing at least sixty-seven percent of the Units have approved the following amendment, and the Developer provides its written approval of the following Amendment by the Consent recorded therewith.
- F. This amendment has been prepared and determined by the District and by the Owners to be reasonable and not burdensome.

Now therefore, the Owners of Units in Oak Street Townhomes hereby approve the following amendments to the Covenants:

- 1. Article 3, Section 3.11 of the Covenants is deleted in its entirety and replaced with the following:

**Section 3.11. *Restrictions on Trash and Materials.*** No refuse, garbage, trash, lumber, grass, shrubs or tree clippings, plant waste, metal, bulk materials, scrap or debris of any kind shall be kept, stored, or allowed to accumulate on a Unit, except inside a residence, nor shall such items be deposited on a street, unless placed in a suitable, tightly-covered container that is suitably located solely for the purpose of trash or recycling pickup. Further, no trash or materials shall be permitted to accumulate in such a manner as to be visible from any Unit. All equipment for the storage or disposal of such materials shall be kept in a clean



and sanitary condition. No garbage or trash cans or receptacles shall be maintained in a manner contrary to the District's Rules and Regulations. Finally, trash removal services may be subscribed to by the Metropolitan District on behalf of the residents of the Property and, if so, the governing board of the Metropolitan District may determine the scope, frequency, and all other matters, with regard to such trash removal services; and the Owners shall pay their proportionate share of such trash removal services, as determined by the governing board of the Metropolitan District.

2. No Other Amendments. Except as amended herein, the Covenants shall remain in full force and effect.

The undersigned, being the President and Secretary of Indy Oak TOD Metropolitan District certify that Owners of at least sixty-seven percent (67%) of the Units in Oak Street Townhomes approved the foregoing Limited Amendment to the Covenants, and appended to this Amendment is evidence of such approval.

Dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**INDY OAK TOD METROPOLITAN DISTRICT**

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary or Assistant Secretary

LIMITED AMENDMENT TO THE COVENANTS AND RESTRICTIONS  
OF  
PEARSON GROVE

THIS LIMITED AMENDMENT TO THE COVENANTS AND RESTRICTIONS OF PEARSON GROVE (“Amendment”) is made as of the date of recording.

RECITALS

- A. The Covenants and Restrictions of Pearson Grove was recorded on April 27, 2020 at Reception No. 2020045317 in the office of the Clerk and Recorder of Jefferson County, Colorado (“Covenants”).
- B. Pursuant to Article 5, Section 5.6.1, the Covenants may be amended, supplemented, and/or terminated by the affirmative vote or agreement of the Owners of sixty-seven percent (67%) of the Units.
- C. Pursuant to Article 5, Section 5.6.2, no amendment, supplement, or termination of the Covenants is effective without the prior written approval of Century at Pearson Grove, LLC, the Developer.
- D. Owners desire to revise certain provisions of the Covenants to better reflect the community as-built and the Owners’ actual practices.
- E. Owners representing at least sixty-seven percent of the Units have approved the following amendment, and the Developer provides its written approval of the following Amendment by the Consent recorded therewith.
- F. This amendment has been prepared and determined by the District and by the Owners to be reasonable and not burdensome.

Now therefore, the Owners within Pearson Grove hereby approve the following amendments to the Covenants:

- 1. Article 3, Section 3.11 of the Covenants is deleted in its entirety and replaced with the following:

**Section 3.11. *Restrictions on Trash and Materials.*** No refuse, garbage, trash, lumber, grass, shrubs or tree clippings, plant waste, metal, bulk materials, scrap or debris of any kind shall be kept, stored, or allowed to accumulate on a Unit, except inside a residence, nor shall such items be deposited on a street, unless placed in a suitable, tightly-covered container that is suitably located solely for the purpose of trash or recycling pickup. Further, no trash or materials shall be permitted to accumulate in such a manner as to be visible from any Unit. All equipment for the storage or disposal of such materials shall be kept in a clean

and sanitary condition. No garbage or trash cans or receptacles shall be maintained in a manner contrary to the District's Rules and Regulations. Finally, trash removal services may be subscribed to by the Metropolitan District on behalf of the residents of the Property and, if so, the governing board of the Metropolitan District may determine the scope, frequency, and all other matters, with regard to such trash removal services; and the Owners shall pay their proportionate share of such trash removal services, as determined by the governing board of the Metropolitan District.

2. No Other Amendments. Except as amended herein, the Covenants shall remain in full force and effect.

The undersigned, being the President and Secretary of Indy Oak TOD Metropolitan District certify that Owners of at least sixty-seven percent (67%) of the Units in Pearson Grove approved the foregoing Limited Amendment to the Covenants, and appended to this Amendment is evidence of such approval.

Dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**INDY OAK TOD METROPOLITAN DISTRICT**

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary or Assistant Secretary

**RESOLUTION NO. 2021-\_\_-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDY OAK TOD  
METROPOLITAN DISTRICT ADOPTING AN AMENDMENT TO THE DESIGN  
GUIDELINES AND RULES AND REGULATIONS OF OAK STREET TOWNHOMES**

1. The Indy Oak TOD Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the County of Jefferson, Colorado.
2. The District operates pursuant to its Service Plan approved by the City Council of the City of Lakewood, Colorado on September 25, 2017, as the same may be amended and/or modified from time to time (the “**Service Plan**”).
3. Pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”
4. Century at Oak Street, LLC (the “**Developer**”) caused to be recorded the Covenants and Restrictions of Oak Street Townhomes, recorded August 10, 2018 at Reception No. 2018073655 of the County of Jefferson, Colorado, real property records, as the same may be amended and/or modified from time to time (the “**Covenants**”) applicable to the real property within the District (the “**Property**”).
5. Pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District’s Service Plan, a metropolitan district may provide covenant enforcement within the District if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement and design review entity.
6. The Covenants provide that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property.
7. Pursuant to the Covenants, the District may promulgate, adopt, enact, modify, amend, and repeal rules and regulations concerning and governing the Property and the enforcement of the Covenants.
8. The District has previously provided for the orderly and efficient enforcement of the Covenants by adopting rules and regulations.
9. The District has determined that previously-adopted rules and regulations must be amended to better reflect the community as constructed and the owners’ desired improvements to that community.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE  
INDY OAK TOD METROPOLITAN DISTRICT:

1. The Board of Directors of the District hereby amends the Design Guidelines and Rules and Regulations of Oak Street (“**Design Guidelines and Rules and Regulations**”) as follows :

### **3.16. Decks**

Replacement or extension of existing decks requires approval. Existing decks can only be extended if such extension will not negatively impact structural components of the impacted and adjacent Units, and is located wholly on the Owner’s privately-owned Unit. Owners who desire to extend existing or future decks must submit documentation showing the proposed location, materials, size, and foundation structure. No changes in grading or drainage may be made in the course of deck extension or replacement. All permits and local government approvals are prerequisites to installation or reconstruction of a deck or deck extension. The ARC may deny any application to extend a deck if it determines in the exercise of its reasonable business judgment that such extension does not generally harmonize with existing improvements. Changing existing railings and/or balusters requires approval. Repairs to existing decks with like materials do not require approval, but approval is required for deck replacement or changes to deck materials.

### **3.37 Patios**

Replacement or extension of existing patios requires approval. Existing patios can only be extended if such extension will not negatively impact structural components of the impacted and adjacent Units, and is located wholly on the Owner’s privately-owned Unit. Owners who desire to extend existing or future patios must submit documentation showing the proposed location, materials, size, and foundation structure. No changes in grading or drainage may be made in the course of patio extension or replacement. All permits and local government approvals are prerequisites to installation or reconstruction of a patio or patio extension. The ARC may deny any application to extend a patio if it determines in the exercise of its reasonable business judgment that such extension does not generally harmonize with existing improvements. Changing existing railings and/or balusters requires approval.

2. The Board of Directors declares that the amendments to the Design Guidelines and Rules and Regulations are effective as of \_\_\_\_\_.

3. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

**INDY OAK TOD METROPOLITAN  
DISTRICT**

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary or Assistant Secretary

**RESOLUTION NO. 2021-\_\_-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDY OAK TOD  
METROPOLITAN DISTRICT ADOPTING AN AMENDMENT TO THE DESIGN  
GUIDELINES AND RULES AND REGULATIONS OF PEARSON GROVE**

1. The Indy Oak TOD Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the County of Jefferson, Colorado.
2. The District operates pursuant to its Service Plan approved by the City Council of the City of Lakewood, Colorado on September 25, 2017, as the same may be amended and/or modified from time to time (the “**Service Plan**”).
3. Pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”
4. Century at Pearson Grove, LLC (the “**Developer**”) caused to be recorded the Covenants and Restrictions of Pearson Grove, recorded April 27, 2020 at Reception No. 2020045317 of the County of Jefferson, Colorado, real property records, as the same may be amended and/or modified from time to time (the “**Covenants**”) applicable to the real property within the District (the “**Property**”).
5. Pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District’s Service Plan, a metropolitan district may provide covenant enforcement within the District if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement and design review entity.
6. The Covenants provide that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property.
7. Pursuant to the Covenants, the District may promulgate, adopt, enact, modify, amend, and repeal rules and regulations concerning and governing the Property and the enforcement of the Covenants.
8. The District has previously provided for the orderly and efficient enforcement of the Covenants by adopting rules and regulations.
9. The District has determined that previously-adopted rules and regulations must be amended to better reflect the community as constructed and the owners’ desired improvements to that community.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE  
INDY OAK TOD METROPOLITAN DISTRICT:**

1. The Board of Directors of the District hereby amends the Design Guidelines and Rules and Regulations of Pearson Grove (“**Design Guidelines and Rules and Regulations**”) as follows :

### **3.16. Decks**

Replacement or extension of existing decks requires approval. Existing decks can only be extended if such extension will not negatively impact structural components of the impacted and adjacent Units, and is located wholly on the Owner’s privately-owned Unit. Owners who desire to extend existing or future decks must submit documentation showing the proposed location, materials, size, and foundation structure. No changes in grading or drainage may be made in the course of deck extension or replacement. All permits and local government approvals are prerequisites to installation or reconstruction of a deck or deck extension. The ARC may deny any application to extend a deck if it determines in the exercise of its reasonable business judgment that such extension does not generally harmonize with existing improvements. Changing existing railings and/or balusters requires approval. Repairs to existing decks with like materials do not require approval, but approval is required for deck replacement or changes to deck materials.

### **3.37 Patios**

Replacement or extension of existing patios requires approval. Existing patios can only be extended if such extension will not negatively impact structural components of the impacted and adjacent Units, and is located wholly on the Owner’s privately-owned Unit. Owners who desire to extend existing or future patios must submit documentation showing the proposed location, materials, size, and foundation structure. No changes in grading or drainage may be made in the course of patio extension or replacement. All permits and local government approvals are prerequisites to installation or reconstruction of a patio or patio extension. The ARC may deny any application to extend a patio if it determines in the exercise of its reasonable business judgment that such extension does not generally harmonize with existing improvements. Changing existing railings and/or balusters requires approval.

2. The Board of Directors declares that the amendments to the Design Guidelines and Rules and Regulations are effective as of \_\_\_\_\_.

3. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.



APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

**INDY OAK TOD METROPOLITAN  
DISTRICT**

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary or Assistant Secretary

**OWNER CONSENT FORM**  
**For the**  
**Limited Amendment to**  
**The Covenants and Restrictions of Oak Street Townhomes**

As legal Owner of the property specified below in the Oak Street Townhomes, I have read the proposed **Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes**. By signing this Owner Consent Form, I acknowledge that I have received notice of, and consent to and approve of, the Limited Amendment. I understand that Owner approval of the Limited Amendment will occur through several counterparts and that this is the only document I will sign in approving the Limited Amendment.

This consent and approval is irrevocable and shall remain valid notwithstanding any Owner's disability, death or conveyance of his/her/its Unit prior to the recording of the Limited Amendment. The Limited Amendment must receive approval from Owners of at least sixty-seven percent (67%) of the Units in Oak Street Townhomes, irrespective of the number of eligible electors in my household. Upon receipt of the requisite approvals from Owners, the Board of Directors of the Indy Oak TOD Metropolitan District will record it in the real property records of the Clerk and Recorder for Jefferson County, Colorado.

Unit Address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Name (Please Print)

Unit Address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Name (Please Print)

**Please Return this Completed Owner Consent Form BY NO LATER THAN**  
**October 31, 2021 to:**

Oak Street Townhomes - Indy Oak TOD Metropolitan District  
c/o SDMSI  
Attention: Peggy Ripko  
141 Union Blvd., Ste. 150  
Lakewood, CO 80228-1898  
EMAIL: [pripko@sdmsi.com](mailto:pripko@sdmsi.com)

**OWNER CONSENT FORM**  
**For the**  
**Limited Amendment to**  
**The Covenants and Restrictions of Pearson Grove**

As legal Owner of the property specified below in Pearson Grove, I have read the proposed **Limited Amendment to the Covenants and Restrictions of Pearson Grove**. By signing this Owner Consent Form, I acknowledge that I have received notice of, and consent to and approve of, the Limited Amendment. I understand that Owner approval of the Limited Amendment will occur through several counterparts and that this is the only document I will sign in approving the Limited Amendment.

This consent and approval is irrevocable and shall remain valid notwithstanding any Owner's disability, death or conveyance of his/her/its Unit prior to the recording of the Limited Amendment. The Limited Amendment must receive approval from Owners of at least sixty-seven percent (67%) of the Units in Pearson Grove, irrespective of the number of eligible electors in my household. Upon receipt of the requisite approvals from Owners, the Board of Directors of the Indy Oak TOD Metropolitan District will record it in the real property records of the Clerk and Recorder for Jefferson County, Colorado.

Unit Address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Name (Please Print)

Unit Address: \_\_\_\_\_

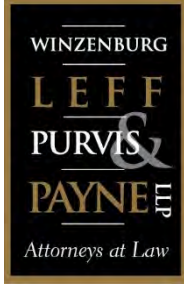
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Name (Please Print)

**Please Return this Completed Owner Consent Form BY NO LATER THAN**  
**October 31, 2021 to:**

Pearson Grove - Indy Oak TOD Metropolitan District  
c/o SDMSI  
Attention: Peggy Ripko  
141 Union Blvd., Ste. 150  
Lakewood, CO 80228-1898  
EMAIL: [pripko@sdmsi.com](mailto:pripko@sdmsi.com)



LINDSAY S. SMITH  
lsmith@wlpplaw.com  
www.cohoalaw.com

August 31, 2021

*Via U.S. Mail*

Homeowner  
Oak Street Townhomes

*Re: Amending Oak Street Covenants*

Dear Homeowner:

I serve as special covenant counsel to the Indy Oak TOD Metropolitan District. The Board of Directors has listened to owner comments regarding our covenant that requires trash cans to be stored out of view. We recognize that this covenant, while intended to ensure that the community presents a neat and well-maintained appearance, is difficult to adhere to due to the size of community garages. Accordingly, the Board asks for your consent to the enclosed amendment to the community covenants. The amendment will allow the Board to adopt reasonable rules and regulations regarding trash can storage, giving the current and future Boards flexibility to ensure that community rules reflect community reality.

This amendment must be approved by owners of 67% of the units in Oak Street Townhomes. Each unit gets one ballot for approval. Your ballot is enclosed. Please return it no later than October 31, 2021, so we can amend the covenants and allow the Board to create rules that make sense for the community and how it operates. Please feel free to attend any Board meeting if you have questions. Thank you for making Oak Street Townhomes a great community!

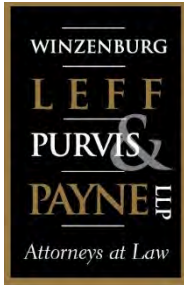
Very truly yours,  
WINZENBURG, LEFF, PURVIS & PAYNE, LLP

LINDSAY S. SMITH



*Focused on Communities*

8020 Shaffer Parkway, Suite 300  
Littleton, Colorado 80127  
303.863.1870  
Fax 303.863.1872



LINDSAY S. SMITH  
lsmith@wlpplaw.com  
www.cohoalaw.com

August 31, 2021

*Via U.S. Mail*

Homeowner  
Pearson Grove

*Re: Amending Pearson Grove Covenants*

Dear Homeowner:

I serve as special covenant counsel to the Indy Oak TOD Metropolitan District. The Board of Directors has listened to owner comments regarding our covenant that requires trash cans to be stored out of view. We recognize that this covenant, while intended to ensure that the community presents a neat and well-maintained appearance, is difficult to adhere to due to the size of community garages. Accordingly, the Board asks for your consent to the enclosed amendment to the community covenants. The amendment will allow the Board to adopt reasonable rules and regulations regarding trash can storage, giving the current and future Boards flexibility to ensure that community rules reflect community reality.

This amendment must be approved by owners of 67% of the units in Pearson Grove. Each unit gets one ballot for approval. Your ballot is enclosed. Please return it no later than October 31, 2021, so we can amend the covenants and allow the Board to create rules that make sense for the community and how it operates. Please feel free to attend any Board meeting if you have questions. Thank you for making Pearson Grove a great community!

Very truly yours,  
WINZENBURG, LEFF, PURVIS & PAYNE, LLP

LINDSAY S. SMITH



Focused on Communities

8020 Shaffer Parkway, Suite 300  
Littleton, Colorado 80127  
303.863.1870  
Fax 303.863.1872

**From:** Jonnye Phifer <[jonnye.phifer@gmail.com](mailto:jonnye.phifer@gmail.com)>  
**Sent:** Wednesday, September 29, 2021 2:52 PM  
**To:** Peggy Ripko <[pripko@sdmsi.com](mailto:pripko@sdmsi.com)>  
**Subject:** Fwd: Oak Street Townhomes motorcycle parking`

Peggy:

I am proposing that we add 2 motorcycle parking spaces in front of 1098. The email from the City of Lakewood is below.

Can we address this at the October 18th Board meeting?

Thank you!  
Jonnye

----- Forwarded message -----

**From:** Kara Mueller <[KarMue@lakewood.org](mailto:KarMue@lakewood.org)>  
**Date:** Wed, Sep 29, 2021 at 12:05 PM  
**Subject:** Oak Street Townhomes motorcycle parking`  
**To:** [jonnye.phifer@gmail.com](mailto:jonnye.phifer@gmail.com) <[jonnye.phifer@gmail.com](mailto:jonnye.phifer@gmail.com)>  
**Cc:** Brea Pafford <[BrePaf@lakewood.org](mailto:BrePaf@lakewood.org)>, Shannon Terrell <[ShaTer@lakewood.org](mailto:ShaTer@lakewood.org)>, Mike Whiteaker <[MikWhi@lakewood.org](mailto:MikWhi@lakewood.org)>, Paul Rice <[PauRic@lakewood.org](mailto:PauRic@lakewood.org)>, Toni Bishop <[tonbis@lakewood.org](mailto:tonbis@lakewood.org)>, Roberto Quiroz Jr. <[RobQui@lakewood.org](mailto:RobQui@lakewood.org)>, Shawn DeJong <[ShaDej@lakewood.org](mailto:ShaDej@lakewood.org)>, Garrett Downs <[GarDow@lakewood.org](mailto:GarDow@lakewood.org)>, Ben Mehmen <[BenMeh@lakewood.org](mailto:BenMeh@lakewood.org)>

Hi Jonnye,

Thank you for your inquiry. We have reviewed your parking request to allow motorcycle parking within a bump out of the drive aisle at the Oak Street Townhomes in front of the property located at 1098 Oak Circle. There is a Service and Emergency Vehicle Access (SEVA) easement over the bump out and drive aisle for this development. Property covered with a SEVA easement is intended to remain clear for West Metro Fire Protection District and service and emergency vehicles. We discussed the intent of the bump out with WMFPD and they are alright with motorcycle parking in a portion of the bump out area covered by the SEVA; so long as the turning radius needed for their vehicles remains clear. This would potentially allow for 2 motorcycles to park in the northwest portion of the bump out (see attached exhibit). In order to allow motorcycle parking within a portion of the SEVA easement depicted in the attached exhibit the metropolitan district will need to apply for an administrative revocable license agreement (RLA) with the City.

If the metropolitan district chooses to move forward with the RLA then they will need to submit a formal application to the City with the request and an exhibit showing the location of the two motorcycle parking spaces, including the location of 'motorcycle parking only' signs in front of each of the proposed spaces. The metropolitan district will be responsible for installing and maintaining the parking signs, as well as assuring that motorcycles are parked within the designated portion of the bump out and not within the portion of the SEVA easement necessary for the turning radius of WMFPD and emergency vehicles. The fee for the RLA application is \$250 and the applicant will need to be an authorized

representative for the metropolitan district. The application may be found online at <https://www.lakewood.org/Government/Departments/Planning/Development-Applications>.

Please let me know if you have any questions.

Thank you,

**Kara Mueller**

SENIOR PLANNER

CITY OF LAKEWOOD, COLORADO

303.987.7982

470 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

[Lakewood.org](http://Lakewood.org)

[Facebook](#) | [Twitter](#) | [YouTube](#)





**APPENDIX A: Architectural Review Request Form**

**ARCHITECTURAL REVIEW REQUEST FORM**

FOR OFFICE USE ONLY

Date Received \_\_\_\_\_

Crucial Date \_\_\_\_\_

Oak Street Townhomes  
141 Union Blvd., Suite 150  
Lakewood, CO 80228  
303-987-0835

HOMEOWNER'S NAME(S): LISA REYNOLDS  
ADDRESS: 1158 OAK CIRCLE LAKEWOOD CO 80215  
EMAIL ADDRESS: kauflec@gmail.com  
PHONE(S): 608-669-1669

My request involves the following type of improvement(s):

- Landscaping       Deck/Patio Slab       Roofing       Painting  
 Other:

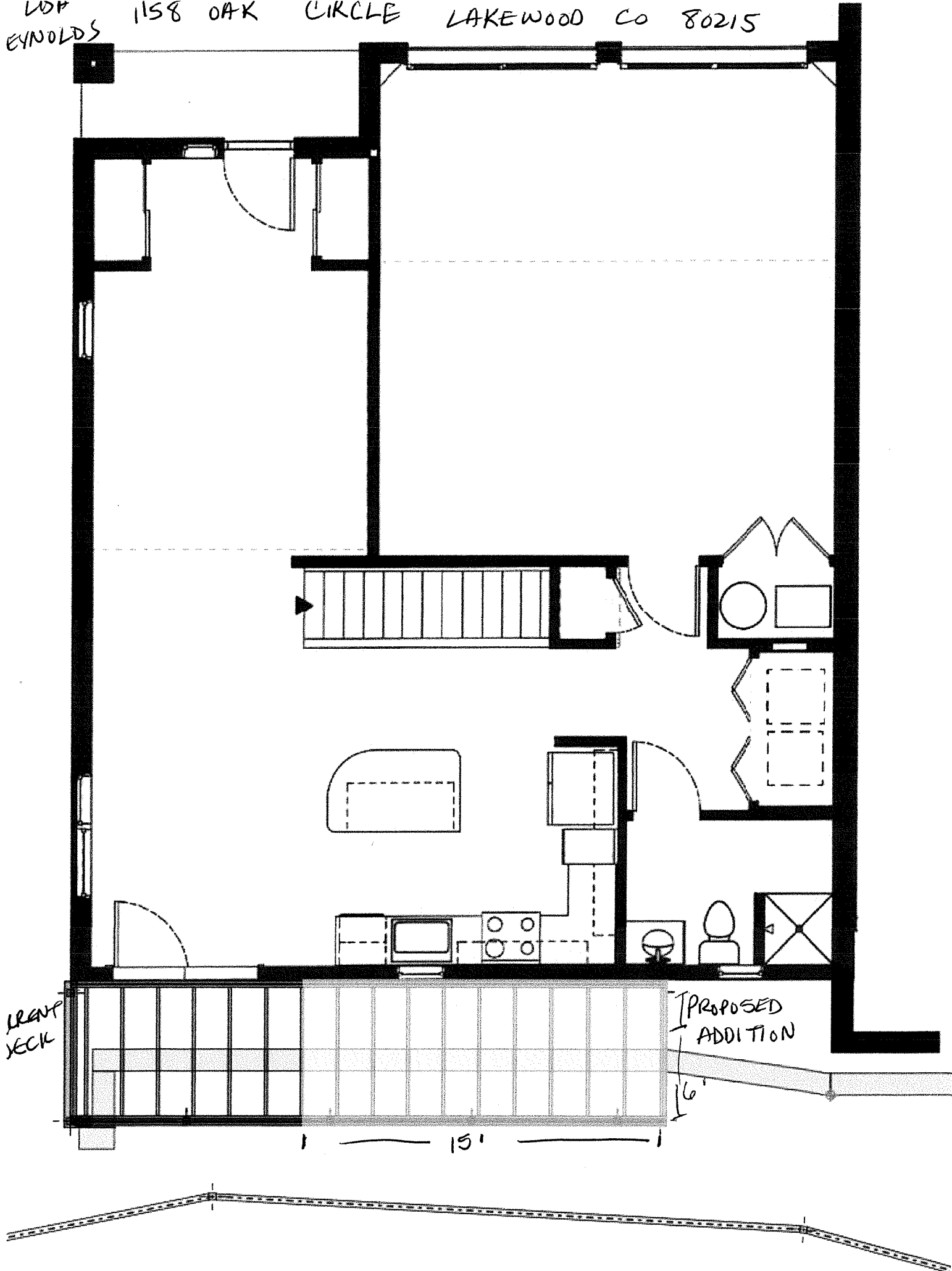
Include two copies of your plot plans, and describe improvements showing in detail what you intend to accomplish (see Article 2 of the Design Guidelines and Rules and Regulations of Oak Street Townhomes. Be sure to show existing conditions as well as your proposed improvements and any applicable required screening. Example: if you will be building a storage shed, be sure to indicate lot size, fence locations, dimensions, materials, any landscape or other screenings, etc. (see the Guidelines for requirement details for your specific proposed Improvement).

I understand that I must receive approval from the ARC in order to proceed with installation of Improvements if Improvements vary from the Guidelines and Regulations or, are not specifically exempt. I understand that I may not alter the drainage on my lot. I understand that the ARC is not responsible for the safety of Improvements, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations, and that I may be required to obtain a building permit to complete the proposed Improvements. The ARC and the members thereof, as well as the District, the Board of Directors, or any representative of the ARC, shall not be liable for any loss, damage or injury arising out of or in any way connected with the performance of the ARC for any action, failure to act, approval, disapproval, or failure to approve or disapprove submittals, if such action was in good faith or without malice. All work authorized by the ARC shall be completed within the time limits established specified below, but if not specified, not later than one year after the approval was granted. I further understand that following the completion of my approved Improvement the ARC reserves to right to inspect the Improvement at any time in order to determine whether the proposed Improvement has been completed and/or has been completed in compliance with this Architectural Review Request.

Date: 5/6/2021 Homeowner's Signature: Lisa Reynolds

LDP  
EYNOLDS

1158 OAK CIRCLE LAKEWOOD CO 80215

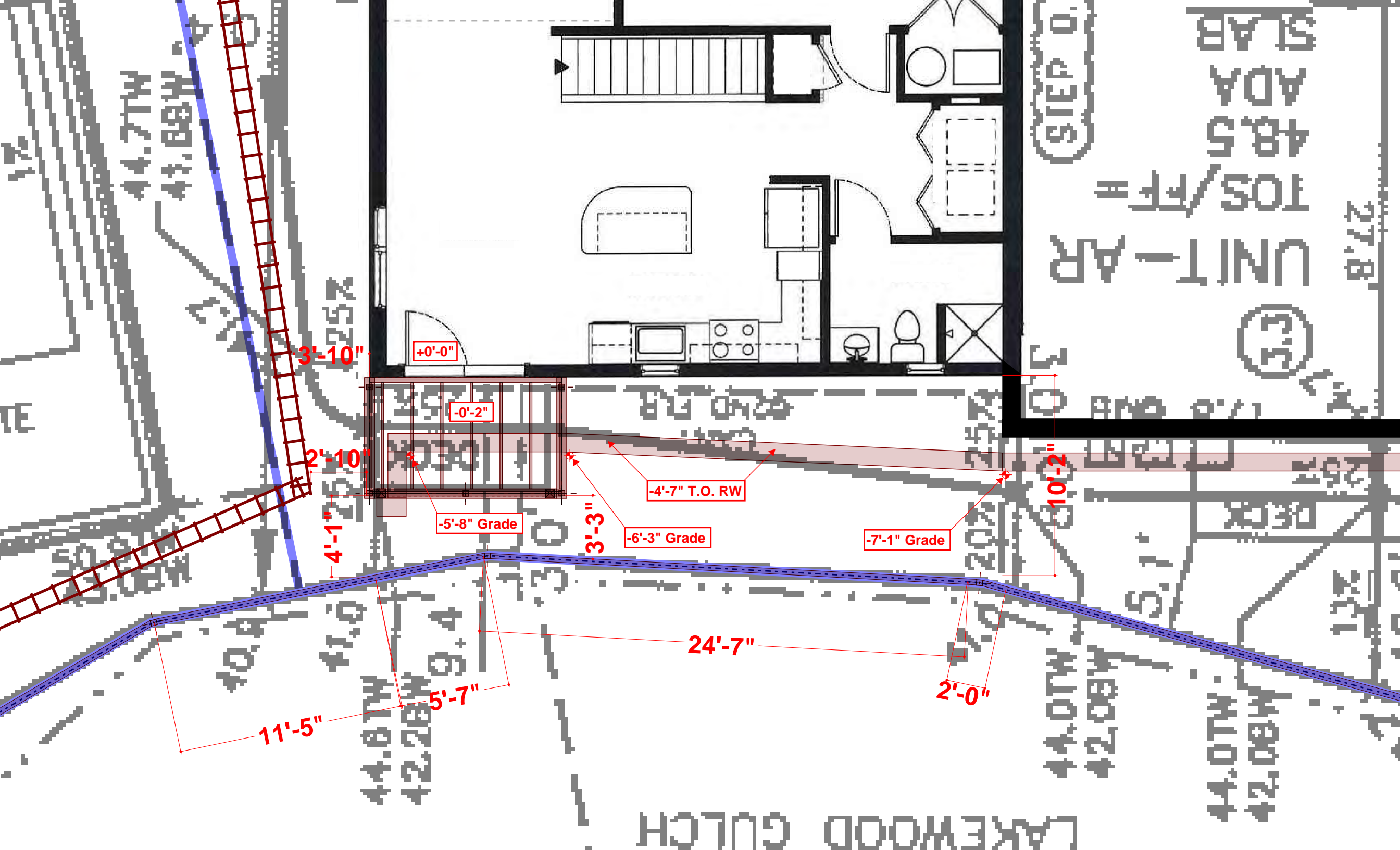


FRONT  
DECK

PROPOSED  
ADDITION

16'

15'



UNIT - AR  
105 / FF #  
48.5  
ADA  
SLAB  
STEP 0.

+0'-0"

-0'-2"

-4'-7" T.O. RW

-5'-8" Grade

-6'-3" Grade

-7'-1" Grade

11'-5"

5'-7"

24'-7"

2'-0"

10'-2"

3'-10"

2'-10"

4'-1"

3'-3"

44.27W  
47.88W

3

27.8

LAKEWOOD GULCH

44.07W  
42.08W

44.07W  
42.08W

44.07W  
42.28W

40.97W  
41.07W

51

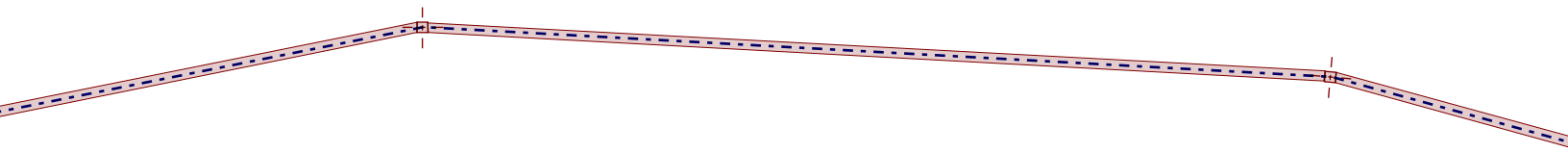
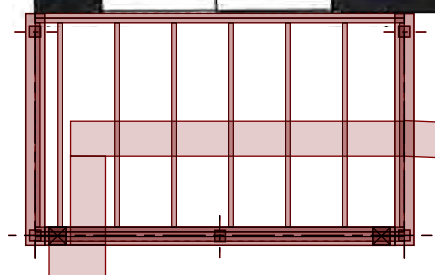
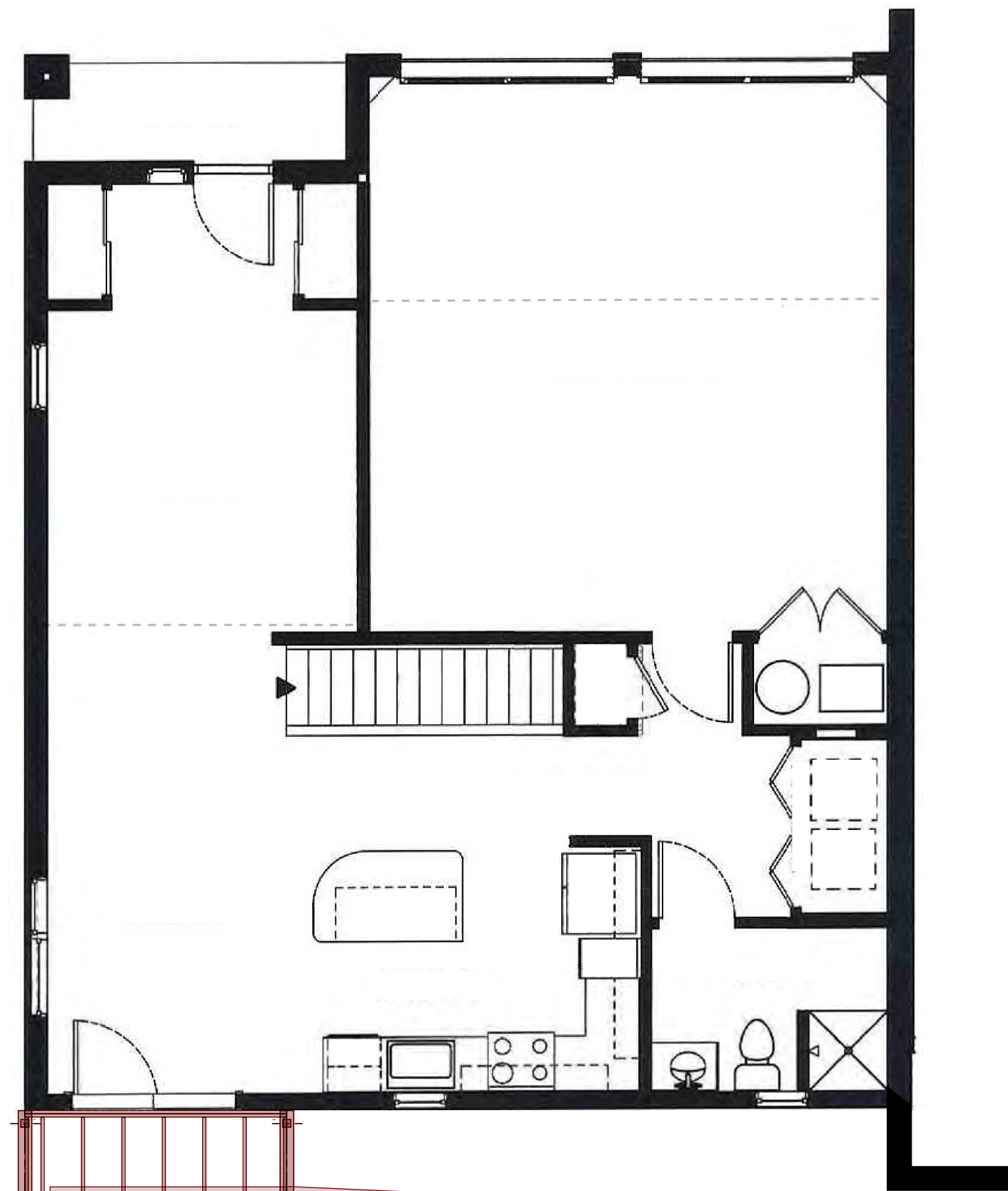
13

TE

BER

2

3



**ARC Action:**

- Approved as submitted
- Approved subject to the following requirements:

Disapproved for the following reasons: per Section 3.16  
Existing decks cannot be extended. Changing existing  
All work to be completed no later than: railings and/or balustrade require approval.

DRC/ARC Signature: [Signature] Date: 5/11/2021

SUBMITTAL FEES- \$50

Refund of \$50  
sent ch 5/11/2021

**From:** Jeremy Sandoval <[jsandoval@sdmsi.com](mailto:jsandoval@sdmsi.com)>  
**Sent:** Tuesday, May 11, 2021 1:57 PM  
**To:** Peggy Ripko <[pripko@sdmsi.com](mailto:pripko@sdmsi.com)>  
**Subject:** FW: landscape request

We received a little push-back from the Indy Oak homeowner regarding the disapproved expansion deck.

What I mentioned was when the Board president wanted to expand their deck, she made the adjustment going from concrete to pavers. So, instead of it being architecture it fell into landscaping. Not really an "exception" (which is what you'll read), but an adjustment.

Anyway, I'll respond by suggesting she brings this up at the next Board meeting which is very soon, May 17<sup>th</sup>. Would it be too late to add this to the agenda? Otherwise, it looks like the next meeting is in August??

**Thanks,**

*Jeremy Sandoval*  
*Community Manager*  
Special District Management Services, Inc.  
141 Union Boulevard, Suite 150  
Lakewood, CO. 80228-1898  
[jsandoval@sdmsi.com](mailto:jsandoval@sdmsi.com)  
Phone: 303-987-0835, Ext. 208

**From:** Lisa Reynolds <[kaufllc@gmail.com](mailto:kaufllc@gmail.com)>  
**Sent:** Tuesday, May 11, 2021 1:26 PM  
**To:** Jeremy Sandoval <[jsandoval@sdmsi.com](mailto:jsandoval@sdmsi.com)>  
**Subject:** Re: landscape request

Hi Jeremy,

You did say there were some exceptions. What are those exceptions? I own the exterior of my townhouse and pay more for insurance because of this. I don't understand if I own the exterior and the deck isn't extending any further towards the creek why this is an issue?

Also we were told repeatedly by Century that we would be allowed to extend our deck after closing. Now it seems like a "bait and switch" situation that the story has changed. I also thought we would have some type of yard and found out that wasn't the case either. All I'm asking for is a bit larger deck. This isn't affecting anyone and no one will even see it.

This would only increase the property value which is a win win for everyone. I bought this unit due to the fact I would be able to have a larger living area. Right now there is no room for a grill, no room for a dining area, and is just tight overall. This is why we live in Colorado to enjoy the outdoors. I really need a larger outdoor space. Please reconsider.

Thank you  
Lisa Reynolds

Sent from my iPhone

On May 11, 2021, at 11:45 AM, Jeremy Sandoval <[jsandoval@sdmsi.com](mailto:jsandoval@sdmsi.com)> wrote:

Good morning Lisa,

After hearing back from the architecture committee I am sorry to say your request for your recent deck extension proposal has been disapproved for the following reason:

**3.16 Decks**

*Existing decks cannot be extended. Changing existing railings and/or balusters require approval.*

Regarding the 3 names and emails you provided me, I learned two of the three are no longer with the company and it seems Maggie is the only one. If you would like to further discuss, you may want to reach out to her using the email you provided me.

The \$50 check you mailed will be mailed back to you today.

**Thanks,**

*Jeremy Sandoval*  
*Community Manager*  
Special District Management Services, Inc.  
141 Union Boulevard, Suite 150  
Lakewood, CO. 80228-1898  
[jsandoval@sdmsi.com](mailto:jsandoval@sdmsi.com)  
Phone: 303-987-0835, Ext. 208

<doc03903820210511113015.pdf>

**Violations Summary**  
 Indy Oak TOD Metropolitan District  
 Period: 1/1/2021 through 10/11/2021

Date: 10/11/2021  
 Time: 6:39 pm  
 Page: 1

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Holiday Decorations</b>				
<b>Closed</b>				
Holiday Decorations: Left Up	Level Courtesy Notice	1		
<b>Total Items / Letters Closed</b>		<b>1</b>	<b>2</b>	
<b>Open</b>				
Holiday Decorations: Installed Early	Level Courtesy Notice	1		
Holiday Decorations: Left Up	Level Courtesy Notice	5		
Holiday Lights: Left Up	Level Courtesy Notice	7		
<b>Total Items / Letters Open</b>		<b>13</b>	<b>13</b>	
<b>Total Holiday Decorations</b>		<b>14</b>	<b>15</b>	<b>12</b>
<b>Maintenance</b>				
<b>Open</b>				
Broken Window	Level Courtesy Notice	8		
<b>Total Items / Letters Open</b>		<b>8</b>	<b>8</b>	
<b>Total Maintenance</b>		<b>8</b>	<b>8</b>	<b>8</b>
<b>Misc</b>				
<b>Open</b>				
Nuisance	Level Courtesy Notice	1		
Objects Stored at House/On Side	Level Courtesy Notice	1		
<b>Total Items / Letters Open</b>		<b>2</b>	<b>2</b>	
<b>Total Misc</b>		<b>2</b>	<b>2</b>	<b>2</b>
<b>Painting</b>				
<b>Closed</b>				
Painting: Garage Door Needs Painting	Level Courtesy Notice	1		
<b>Total Items / Letters Closed</b>		<b>1</b>	<b>2</b>	
<b>Open</b>				
Painting: Garage Door Needs Painting	Level Courtesy Notice	2		
Painting: Garage Door Needs Painting	Level Attorney Notice	1		
<b>Total Items / Letters Open</b>		<b>3</b>	<b>8</b>	
<b>Total Painting</b>		<b>4</b>	<b>10</b>	<b>4</b>
<b>Parking, etc.</b>				
<b>Closed</b>				



**Violations Summary**  
 Indy Oak TOD Metropolitan District  
 Period: 1/1/2021 through 10/11/2021

Date: 10/11/2021  
 Time: 6:39 pm  
 Page: 2

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Parking, etc.</b>				
<b>Closed</b>				
Parking Where Not Permitted	Level Courtesy Notice	1		
<b>Total Items / Letters Closed</b>		<b>1</b>	<b>1</b>	
<b>Open</b>				
Parking Where Not Permitted	Level Courtesy Notice	3		
Parking Where Not Permitted	Level First Notice	1		
Unapproved Dumpster in Driveway	Level First Notice	1		
<b>Total Items / Letters Open</b>		<b>5</b>	<b>4</b>	
<b>Total Parking, etc.</b>		<b>6</b>	<b>5</b>	<b>5</b>
<b>Trash Cans</b>				
<b>Closed</b>				
Trash Cans: Visible	Level Courtesy Notice	1		
<b>Total Items / Letters Closed</b>		<b>1</b>	<b>1</b>	
<b>Open</b>				
Trash Cans: Visible	Level Courtesy Notice	25		
<b>Total Items / Letters Open</b>		<b>25</b>	<b>25</b>	
<b>Total Trash Cans</b>		<b>26</b>	<b>26</b>	<b>26</b>
<b>Total for Indy Oak TOD Metropolitan District</b>		<b>60</b>	<b>66</b>	<b>57</b>



**PROPOSAL SUBMITTED TO:** Special District Management Services, Inc.  
**ADDRESS:** Southlands Metropolitan District No. 2

141 Union Boulevard, Ste 150  
 Lakewood, CO 80228

**CONTACT:** Robert Graham  
**PHONE:** 720-270-9822  
**EMAIL:** rgraham@sdmsi.com

**DATE:** Tuesday, September 14, 2021  
**JOB NAME AND ADDRESS:** Indy Oaks, Oak Street and Oak Circle, Lakewood, CO 80215 / 329356

<b>Striping</b>	<b>\$1,100</b>
Striping	
Per Service price	

Re-Stripe 18' Ft. Stalls 7  
 Re-Stripe Large Hashmark 9'x18' (per) 2  
 Re-Stripe Handi-Blue 2

- Does not include Traffic Permit (if required)
- No Glass Beads in bid
- Water Base Paint only
- Additional Charge to return to additional trips (1 included)
- Additional Charge for additional work.
- All cars must be off lot day of job.
- If all cars not removed - will incur an additional trip charge.
- All landscaping water must be turned off.
  - Water that is not turned off will incur an additional trip charge.
- October-May striping is not guaranteed due to weather

Accepted by;

**SDMS (print name & sign)**

**Date**

Page 1 of 1

**initial** \_\_\_\_\_

Upon signing above, I issue my personal guarantee of payment, which will be remitted upon invoice. Additional charges of 3.5% for credit card usage. All invoices are due and payable upon receipt. In the event the amount of an invoice is not paid within 30 days from the date of the invoice, the account shall be deemed to be in default and Contractor reserves the right to cease any further work until the account is brought current. Any invoice not paid within 30 days from the date of the invoice shall accrue interest at the maximum lawful rate of 1-1/2% per month, not to exceed 19% per annum. Owner/Customer agrees to indemnify the Contractor harmless from any costs or expenses incurred in the collection of the defaulted account, or in any part thereof, including all reasonable attorney fees, court cost, etc.

All services in Denver County subject to Denver County Tax