

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 6 th Street, Boulder, CO 80302	
Petitioner: BOARD OF DIRECTORS OF THE SUPERIOR/MCCASLIN INTERCHANGE METROPOLITAN DISTRICT, a Colorado special district, v. Respondents: BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, a Colorado municipality; and THE TAXPAYING ELECTORS OF THE SUPERIOR MCCASLIN INTERCHANGE METROPOLITAN DISTRICT, as a class.	▲ COURT USE ONLY ▲
Attorneys: Kendra L. Carberry, #25457 Firm: Hoffmann, Parker, Wilson & Carberry, P.C. Address: 511 16 th Street, Suite 610 Denver, CO 80202 Phone No.: (303) 825-6444 E-mail: klc@hpwclaw.com	Case No.: 2000CV516
PETITION FOR EXCLUSION OF PROPERTY	

Petitioner, the Board of Directors of the Superior\McCaslin Interchange Metropolitan District, a Colorado special district (the "District"), by its attorneys, Hoffmann, Parker, Wilson & Carberry, P.C., pursuant to C.R.S. § 32-1-502, hereby petitions this Court for the exclusion of land more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), from the Superior/McCaslin Interchange Metropolitan District (the "District").

1. Pursuant to C.R.S. § 32-1-502, the District sets forth the following in support of its Petition for Exclusion:

a. The District was organized pursuant to C.R.S. § 32-1-101, *et seq.*, as amended, and its service plan states that the District will provide funding for improvements to the McCaslin Boulevard/U.S. 36 interchange.

b. The District and the Property are located within the boundaries of the Town of Superior, Colorado (the "Town").

c. In its 2014 Petition for Exclusion, the District intended to include the Property, which was undeveloped at the time, but failed to incorporate the Property in its legal description of properties to be excluded.

d. The Town already provides services to the Property and has agreed, by resolution, to continue to provide services to the Property after the effective date of the exclusion order. A copy of the Town's resolution is attached hereto as **Exhibit B** and incorporated herein by this reference.

e. The District does not own or operate any facilities within the District that serve the Property. Therefore, the following information to be considered by the court pursuant to C.R.S. § 32-1-502(2)(c) is immaterial: the fair market value and source of the facilities located within the Property; transfer of facilities necessary to serve the Property; adequacy of facilities retained by the District; and availability of the facilities transferred to the Town for use in the remaining territory of the District.

f. Attached hereto as **Exhibit C** and incorporated herein by this reference is the agreement between the Town of Superior and the Superior/McCaslin Interchange Metropolitan District regarding the disposition of assets and the provision of services to the Property, which contract adopts a single plan pursuant to C.R.S. § 32-1-502(2)(c).

g. The Property was included within the District by district court order dated October 15, 2012. The exclusion of the Property will have no effect on the District's provision of services to other properties within the District or the cost of those services.

h. Pursuant to C.R.S. § 32-1-503(1), the Property will remain liable for its share of the outstanding indebtedness of the District as of the effective date of the exclusion order.

2. Attached hereto as **Exhibit D** and incorporated herein by this reference is a schedule of the District's current outstanding bonded indebtedness. The District's indebtedness in existence on the date of this Petition consists of outstanding bonded debt in the amount of one million, eighteen thousand, sixty-four dollars (\$1,018,064.00). The District's debt is scheduled to mature in 2024.

3. All statutory requirements have been fulfilled.

WHEREFORE, the District respectfully requests this Court to act as follows:


A. To set a date for the hearing on the exclusion, pursuant to C.R.S. § 32-1-502(1)(a);

B. To review the attached documents, as required by C.R.S. § 32-1-502(2)(c); and

C. To order the exclusion of the Property from the District, effective January 1, 2023. A proposed order is filed herewith for the Court's convenience.

DATED this 26th day of July, 2022.

**HOFFMANN, PARKER, WILSON &
CARBERRY, P.C.**

By: 
Kendra L. Carberry, #25457

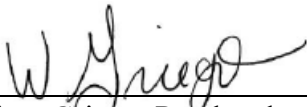
**ATTORNEYS FOR THE
SUPERIOR/MCCASLIN
INTERCHANGE METROPOLITAN
DISTRICT**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of July, 2022, a true and correct copy of the within **PETITION FOR EXCLUSION OF PROPERTY** was filed and served via CCES, electronic mail, and/or U.S. Mail First Class on:

Superior/McCaslin Interchange Metropolitan District
124 East Coal Creek Drive
Superior, CO 80027

Town of Superior
124 East Coal Creek Drive
Superior, CO 80027

/s/ 

William Griego, Paralegal