



Jennifer Gruber Tanaka
Shareholder

303-858-1800
JTanaka@wbapc.com

September 19, 2022

VIA E-MAIL AND U.S. MAIL
MHyman@crgov.com

Michael J. Hyman, Esq.
Town of Castle Rock
Office of the Town Attorney
Town Hall, 100 N. Wilcox St.
Castle Rock, Colorado 80104

RE: Town Appointment of Board Members to the Boards of Directors for Dawson Ridge Metropolitan District Nos. 1 and 5

Dear Mr. Hyman:

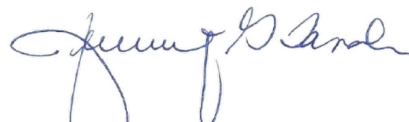
It has come to our attention that the Boards of Directors (the “Boards”) for Dawson Ridge Metropolitan District Nos. 1 and 5 (the “Districts”) are vacant as the terms for the directors expired and no director candidates submitted self-nomination and acceptance forms for the May 2022 regular election. Title 32 provides a process for the reconstitution of boards in these instances. As such, we are petitioning the Town Council of the Town of Castle Rock to reconstitute the Boards by appointing the following individuals, who are or will be qualified and willing eligible electors before October 4, 2022, to the Boards at the Town Council’s meeting:

Andrew Klein
Lawrence P. Jacobson
Jeffrey Jacob Schroeder

Enclosed with this letter is a proposed resolution for consideration. Please let us know if you have any issues or questions regarding this course of action.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON



Jennifer Gruber Tanaka, Esq.

TO: THE TOWN COUNCIL FOR THE TOWN OF CASTLE ROCK, COLORADO

PETITION FOR APPOINTMENT OF BOARD MEMBERS

IN RE THE DAWSON RIDGE METROPOLITAN DISTRICT NOS. 1 AND 5, TOWN OF CASTLE ROCK, COLORADO

COMES NOW, Andrew Klein, Lawrence P. Jacobson, and Jeffrey Jacob Schroeder, each eligible electors (collectively, the “Petitioner”) of Dawson Ridge Metropolitan District Nos. 1 and 5 (each a “District” and collectively, the “Districts”), by and through the undersigned counsel, hereby petitions the Town Council (“Town Council”) of the Town of Castle Rock, Colorado to appoint Board members to the Districts’ Boards of Directors (each a “Board”, and collectively, the “Boards”).

AS GROUNDS THEREFOR, Petitioner states as follows:

1. The Town Council approved the Amended and Restated Service Plan for the Districts on September 6, 2022.
2. The Districts are statutory special districts governed by what is known as the Special District Act, §§ 32-1-101, *et seq.*, C.R.S.
3. The Districts are located entirely within the Town of Castle Rock, State of Colorado and was organized for the purpose of providing the basic infrastructure of public improvements needed to implement the planned unit development as approved by the Town of Castle Rock within the proposed District area including water facilities, sewer facilities, irrigation water facilities, storm drainage facilities, traffic and safety controls and devices, street improvements, park and recreation services, and transportation services to an area commonly known as the Dawson Trails development in the Town of Castle Rock.
4. Section 1-1-104(42), C.R.S., effective until July 1, 2022, states that Regular Special District Elections are held on the Tuesday succeeding the first Monday of May in every even-numbered year, held for the purpose of electing members to the board of special districts.
5. The Districts are each governed by a five member Board of Directors. Currently all five seats on each Board of Directors are vacant as the terms for the directors expired and no director candidates submitted self-nomination and acceptance forms for the May 2022 regular election.

6. Section 32-1-808(2)(a)(I), C.R.S., permits an individual to be qualified as an eligible elector if a vacancy exists on the board of directors of a special district and, within ten days of the publication of notice of such vacancy, no otherwise qualified eligible elector files a letter of interest in filling such a position with the Board.

7. A Notice of Vacancy was published in the *Douglas County News Press* on September 15, 2022, and as of September 26, 2022, no otherwise qualified eligible electors have filed a letter of interest in filling such vacant positions. A copy of the Proof of Publication for the Notice of Vacancy is attached hereto as **Exhibit A** and incorporated by reference.

8. Purchase and Sale Agreements requiring the Purchaser to pay property taxes in District Nos. 1 and 5 were recently, or will be before October 4, 2022, entered into by and between the Seller and the following individuals, each of whom are registered to vote in the State of Colorado:

- a. Andrew Klein
- b. Lawrence P. Jacobson
- c. Jeffrey Jacob Schroeder

9. Pursuant to Section 32-1-905, C.R.S., the Town Council has jurisdiction to appoint individuals to serve on the Boards of Directors from a pool of duly qualified and willing candidates.

10. The following individuals are duly qualified and willing to serve on each of the District's Board of Directors for District Nos. 1 and 5: Andrew Klein, Lawrence P. Jacobson, and Jeffrey Jacob Schroeder.

11. Andrew Klein is registered to vote in the State of Colorado. Mr. Klein is, or will be, qualified to serve on the Boards by being obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the Districts. His address is as follows:

1 Cherry Lane Drive,
Englewood, CO 82705

12. Lawrence P. Jacobson is registered to vote in the State of Colorado. Mr. Jacobson is, or will be, qualified to serve on the Boards by being obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the Districts. His address is as follows:

6270 South Carson Street,
Centennial, CO 80111

13. Jeffrey Jacob Schroeder is registered to vote in the State of Colorado. Mr. Schroeder is, or will be, qualified to serve on the Boards by being obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the Districts. His address is as follows:

9 Mountain Cedar Lane
Littleton, CO 80127

14. Each of the above persons is, or will be before October 4, 2022, eligible to serve on the Boards of Directors by reason of being obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the Districts, by being the spouse or civil union partner of an individual with such tax obligations, or by ownership of property situated within the boundaries of the Districts.

WHEREFORE, Petitioner respectfully requests that the Town Council hear this Petition at a duly called public meeting and that an appropriate resolution or motion appointing the above-named individuals to the District's Board of Directors be duly adopted by Town Council.

Respectfully submitted this 19th day of September, 2022.

A handwritten signature in blue ink, appearing to read "Jennifer Gruber Tanaka", is written over a horizontal line.

Jennifer Gruber Tanaka, Attorney for Petitioner
WHITE BEAR ANKELE TANAKA & WALDRON
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

EXHIBIT A
Proof of Publication for the Notice of Vacancy

Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

Dawson Ridge Metro Dist (wba) **
c/o White Bear Ankele
2154 E Commons Ave, Ste 2000
Centennial CO 80122

**AFFIDAVIT OF
PUBLICATION**

State of Colorado }
County of Douglas } ss

This Affidavit of Publication for the Douglas County News Press, a weekly newspaper, printed and published for the County of Douglas, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 9/15/2022, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



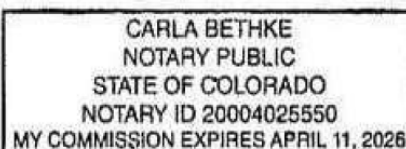
For the Douglas County News-Press

State of Colorado }
County of Arapahoe } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 9/15/2022. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20004025550-179615

Carla Bethke
Notary Public
My commission ends April 11, 2026



Public Notice

**NOTICE OF VACANCY
ON THE BOARDS OF DIRECTORS
OF DAWSON RIDGE METROPOLITAN
DISTRICT NOS. 1-5**

TO WHOM IT MAY CONCERN, and particularly to the electors of the Dawson Ridge Metropolitan District Nos. 1-5 (the "Districts"), Town of Castle Rock, Douglas County, Colorado.

NOTICE IS HEREBY GIVEN, pursuant to Section 32-1-808, C.R.S., that one or more vacancies currently exist on the Boards of Directors of the Districts. Any qualified, eligible elector of the Districts interested in serving on the Boards of Directors for the Districts should file a Letter of Interest with the Boards by 8:00 a.m., on Monday, September 26, 2022.

Letters of Interest should be sent to Dawson Ridge Metropolitan District Nos. 1-5, c/o WHITE BEAR ANKELE TANAKA & WALDRON, 2154 E. Commons Ave., Suite 2000, Centennial, CO 80122.

**DAWSON RIDGE METROPOLITAN DISTRICT
NOS. 1-5**

**By: /s/ WHITE BEAR ANKELE TANAKA
& WALDRON**
Attorneys at Law

Legal Notice No. 942772
First Publication: September 15, 2022
Last Publication: September 15, 2022
Publisher: Douglas County News-Press

Resolution No. 2022-_____

**A RESOLUTION APPOINTING DIRECTORS TO THE BOARDS OF DIRECTORS OF
DAWSON RIDGE METROPOLITAN DISTRICT NOS. 1 AND 5**

WHEREAS, Dawson Ridge Metropolitan District Nos. 1 and 5 (each a “District” and collectively, the “Districts”) are statutory special districts located wholly within the boundaries of the Town of Castle Rock; and

WHEREAS, the Districts operate pursuant to the Districts’ service plan, including the provision of services and facilities related to water, sewer, storm drainage, and streets; and

WHEREAS, the boards of directors for the Districts are entirely vacant and the Districts are unable to take any formal action, which has resulted in the interruption of services provided by the Districts; and

WHEREAS, the Town Council is authorized to appoint individuals to a district’s board of directors if the district’s board of directors is entirely vacant and the failure to appoint a new board will result in the interruption of services that are provided by the district, pursuant to § 32-1-109(2.5), C.R.S.; and

WHEREAS, the Town Council has received requests for appointment to the Districts’ boards of directors from qualified individuals within the Districts; namely, Andrew Klein, Lawrence P. Jacobson, and Jeffrey Jacob Schroeder (“Proposed Directors”); and

WHEREAS, the Town Council finds that appointment of the Proposed Directors will facilitate the Districts’ compliance with local government laws, and allow the Districts to resume services as contemplated by the Districts’ service plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:**

1. Necessity of Appointment. The Town Council determines that failure to appoint qualified individuals to the board of directors for the Districts will result in the continued interruption of District services and the continued District noncompliance with certain state laws pertaining to local governments.

2. Appointment of Directors. Pursuant to § 32-1-905(2.5), C.R.S., the Town Council hereby appoints the following qualified individuals to serve as directors for the Districts for the terms stated herein:

Andrew Klein

Appointed to fill vacancy and to serve until the next election described in paragraph 3 herein for District Nos. 1 and 5.

Lawrence P. Jacobson

Appointed to fill vacancy and to serve until the next election described in paragraph 3 herein for District Nos. 1 and 5.

Jeffrey Jacob Schroeder

Appointed to fill vacancy and to serve until the next election described in paragraph 3 herein for District Nos. 1 and 5.

3. Election. The Districts' boards of directors shall hold a special election to be held on February 7, 2023, to elect directors pursuant to the Special District Act, Article 1 of Title 32, C.R.S., the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S.; and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S.

PASSED, APPROVED AND ADOPTED this 4th day of October, 2022, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of _____ for and _____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Michael J. Hyman, Town Attorney