

DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO 100 Jefferson County Parkway, Golden, Colorado 80419 Telephone: 303-271-6215	DATE FILED: April 7, 2023 2:29 PM FILING ID: B7753BA1F5C5C CASE NUMBER: 2005CV3044 <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p style="text-align: center;">IN RE: THE ORGANIZATION OF FOSSIL RIDGE METROPOLITAN DISTRICT NO. 1, CITY OF LAKEWOOD, JEFFERSON COUNTY, COLORADO</p>	Case No. 2005 CV 003044 Division: 1
<p><i>Attorneys for Interested Party Solterra LLC:</i></p> <p>Neil L. Arney, #27860 Mia K. Della Cava, #39861 KUTAK ROCK LLP 1801 California St., Suite 3000 Denver, CO 80202 Telephone: 303-297-2400 neil.arney@kutakrock.com mia.dellacava@kutakrock.com</p> <p>Daniel Calisher, #28196 Lawrence G. Katz, #32724 FOSTER GRAHAM MILSTEIN & CALISHER, LLP 360 South Garfield Street, Sixth Floor Denver, Colorado 80209 Telephone: 303-333-9810 calisher@fostergraham.com lkatz@fostergraham.com</p>	<p style="text-align: center;">SUPPLEMENT TO AMENDED AFFIDAVIT OF ANASTASIA URBAN IN SUPPORT OF MOTION PURSUANT TO C.R.S. § 32-1-207(3)(a) TO ENJOIN A MATERIAL MODIFICATION TO THE SERVICE PLAN AND ENFORCE MANDATORY OBLIGATIONS OF SERVICE PLAN</p>

I, Anastasia Urban, hereby state and affirm as follows:

1. I am a professional engineer and currently hold the title Project Manager for Brookfield Properties Development, LLC, which is an affiliate of Solterra LLC.

2. I am familiar with and have knowledge regarding the Solterra development within the boundaries of Fossil Ridge Metropolitan District No. 1, Fossil Ridge Metropolitan District No. 2, and Fossil Ridge Metropolitan District No. 3 (collectively “FRMD”).

3. The statements herein are true and correct based upon my personal knowledge, or where indicated, upon information and belief.

4. I provide this supplemental affidavit in support of Solterra’s Motion Pursuant to C.R.S. § 32-1-207(3)(a) to Enjoin a Material Modification to the Service Plan and to Service Plan and Enforce Mandatory Obligations of the Service Plans filed herewith. If required to do so, I will testify as set forth herein.

5. There was an error in my Amended Affidavit at paragraph 28. The reference to Filing 19 should be to Filing 21. So, paragraph 28 of my Amended Affidavit should read as follows: “The manager of Green Mountain represented to me that the sanitary sewer construction plans for Filing 21 were acceptable and that he was only waiting on board approval to sign.”

6. Attached as Exhibit H is a true and correct copy of a print-out from the webpage www.solterra-connect/sewer-information.html. This is a section of the Solterra Community website that deals with the Fossil Ridge Metropolitan Districts (“FRMD”) and specifically relating to the water and sanitary sewer services provided by FRMD. This webpage provides that FRMD owns the wastewater located within the Solterra Community and that FRMD provides wastewater services through an agreement with Green Mountain.

7. Attached as Exhibit I is a true and correct copy of a map printed from the City of Lakewood (the “City”) website showing the “Sewer District Boundaries” for such districts within the City. Area “11” on the map shows the Solterra Community, and according to the City of

Lakewood, the sewer service provider for the Solterra Community is FRMD.

8. Attached as Exhibit J is a true and correct copy of a service area map printed from the Green Mountain website www.greenmountainwater.org. This map shows that Green Mountain identifies the entire Solterra Community, including Filings 18, 20, and 21, as part of its service area.

9. To the best of my knowledge, Solterra caused and paid for the installation of sanitary sewer service infrastructure within the Solterra Community. Solterra paid for these public improvements pursuant to a Reimbursement Agreement with FRMD No. 1. Prior to having the sanitary sewer infrastructure installed, Solterra provides the construction plans to Green Mountain, for review and approval to ensure the new infrastructure complies with the requirements for wastewater to flow from the FRMD sewer system to the Green Mountain sewer system. Once installed, my understanding is that FRMD No. 1 owns the system within the FRMD boundaries. Solterra connects its residential units to the FRMD sewer system which in turn is connected to the Green Mountain system for collection of wastewater. Green Mountain then conveys the collected wastewater to Metropolitan Denver Wastewater Reclamation District for processing. (2020 Official Statement, p. 50 attached hereto as Exhibit N (*as defined in paragraph 13 below*)).

10. Attached as Exhibit K is a true and correct copy of FRMD's Joint Resolution Concerning the Adoption of Sewer Rules and Regulations, dated February 12, 2008. This Resolution adopts the rules and regulations of Green Mountain regarding sanitary sewer service as the rules and regulations for each of the FRMD districts. This document was recently produced by FRMD pursuant to a request under the Colorado Open Records Act ("CORA").

11. Attached as Exhibit L is a true and correct copy of FRMD's Joint Resolution

Concerning the Imposition of District Fees, dated 2008. This Resolution sets development and service fees to be imposed by FRMD relating to sanitary sewer service provided to residential units within the boundaries of FRMD. This resolution was recently produced by FRMD in response to a CORA request.

12. Attached as Exhibit M is a true and correct copy of FRMD's Joint Resolution Concerning the Imposition of Various Fees, Rates, Penalties, and Charges for Sanitary Sewer Services and Facilities, dated December 9, 2015. This Resolution sets fees, rates, penalties, and charges imposed by FRMD relating to sanitary sewer service provided to residential units within the boundaries of FRMD. This Resolution was recently produced by FRMD in response to a CORA request.

13. Attached as Exhibit N are true and correct copies of relevant pages from the October 21, 2020 Official Statement supporting the issuance of \$33,105,000 in Fossil Ridge Metropolitan District No. 3 Limited Tax General Obligation Refunding and Improvement Bonds Series 2020 (the "2020 Official Statement"). In the 2020 Official Statement, FRMD defines the "Development" as the entirety of the 390 acres of real property located within the boundaries of FRMD. (Official Statement, pp. 2-3.) This would include Filings 18, 20, and 21. The Official Statement also describes FRMD's understanding as to the status of the Development and indicates that, as of September 15, 2020, there were 1,162 homes that had been constructed and sold to third parties, 2 homes constructed and being used as models, 18 homes under construction, and 171 remaining residential units to be constructed. (*Id.*) These numbers total 1,353 residential units. At paragraph 26 of my Amended Affidavit, I state there will be 1,354 total residential units within the Solterra Community upon completion of Filings 18, 20, and 21. Thus, it appears that FRMD

knew, at least as early as September 2020, what the total residential units would be. In the Official Statement, FRMD also states that “Green Mountain agrees to accept wastewater from District No. 1, which is collected from and generated within the **Development** and does not exceed 1,727 equivalent residential units, pursuant to the terms of the [2014 IGA].” (*Id.*, p. 50.)

Respectfully submitted this 7th day of April, 2023.

s/Anastasia Urban
Anastasia Urban

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

Subscribed, sworn to, and acknowledged before me by Anastasia Urban this ___th day of April, 2023.

Witness my hand and official seal.

My commission expires: _____.

[SEAL]

{ This affidavit has been approved and is in the process of being signed and notarized. }

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of April, 2023, the foregoing **AMENDED AFFIDAVIT OF ANASTASIA URBAN IN SUPPORT OF MOTION PURSUANT TO C.R.S. § 32-1-207(3)(a) TO ENJOIN A MATERIAL MODIFICATION TO THE SERVICE PLAN AND ENFORCE MANDATORY OBLIGATIONS OF SERVICE PLAN** was filed and electronically served upon all counsel of record via Colorado Courts E-Filing and

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s/ Edna Gray _____
Edna Gray