

District Court, Larimer County, State of Colorado 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 494-3500	<p style="text-align: center;">DATE FILED: November 30, 2018 CASE NUMBER: 2018CV125</p> <p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<p><b>RORY HEATH</b></p> <p>Plaintiff,</p> <p>v.</p> <p><b>CITY OF FORT COLLINS CITY COUNCIL; CITY OF FORT COLLINS; AND ELIZABETH STREET CO. MANAGER, LLC</b></p> <p>Defendants.</p>	
<p><b>ORDER REQUIRING CERTIFICATION OF RECORD</b></p>	

Plaintiff's Amended Complaint contains a request for certain portions of the record be designated on appeal. The Court, having examined the Amended Complaint, and being fully advised in the premises, grants the request for certain portions of the record be designated on appeal.

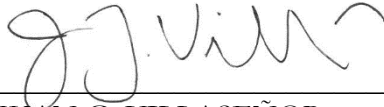
IT IS, THEREFORE, ORDERED THAT:

1. Defendants City of Fort Collins and City of Fort Collins City Council shall file with the Clerk the record of the appeal to such Defendants described in the Amended Complaint. The record shall include:
  - a. all pleadings, applications, evidence, exhibits, and other documents presented to or considered by the City of Fort Collins Planning and Zoning Board on December 14, 2017 and the City of Fort Collins City Council on February 13,

2018;

- b. a transcript of the hearing held on December 14, 2017 before the City of Fort Collins Planning and Zoning Board and the hearing held on February 13, 2018 before the City of Fort Collins City Council as described in the Amended Complaint as well as video recordings of such hearings if the same was recorded;
  - c. the written order issued by City of Fort Collins City Council, any written embodiment of said Defendants' December 14, 2017 and February 13, 2018 decisions that may issue, and any additional and related documents; and
  - d. any correspondence communications between the Defendants and those operating as their agents relating to the items contained in this paragraph 2.
2. Defendants City of Fort Collins and City of Fort Collins City Council shall file a certificate of authenticity with record. The record shall be filed on or before **January 15, 2019**.
3. If Defendants City of Fort Collins and City of Fort Collins City Council wish the Plaintiff to pay the cost of preparing the record, Defendants shall inform the Plaintiff of its estimate for the cost of preparing the record no later than thirty (30) days from the date of this order. Plaintiff shall advance such cost within fourteen (14) days after such notice is provide to the Plaintiff.

**SO ORDERED** on this 30th day of November, 2018.

  
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JUAN G. VILLASEÑOR  
District Court Judge