

CUNNINGHAM FIRE PROTECTION DISTRICT

RESOLUTION NO. 2019-04

**A RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTY
INTO SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT
(DOVE HILL SUBDIVISION)**

WHEREAS, Cunningham Fire Protection District (“Cunningham”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, South Metro Fire Rescue Fire Protection District (“South Metro”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, South Metro and Cunningham Fire have entered into that certain South Metro/Cunningham Fire Rescue Authority Creation and Pre-Unification Agreement dated November 16, 2017 (“Creation Agreement”), which created the South Metro/Cunningham Fire Rescue Authority (“Authority”); and

WHEREAS, pursuant to Section VIII, A., of the Creation Agreement, neither party will include or exclude property pursuant to Parts 4 or 5 of Article 1, Title 32, C.R.S., without the written consent of the other party; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Cunningham Fire Protection District as follows:

1. **Consent to Inclusion.** The Board of Directors of Cunningham Fire Protection District hereby consents to the inclusion of the Dove Hill Subdivision into South Metro Fire Rescue Fire Protection District.

2. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

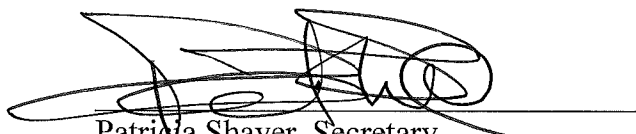
3. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the District Board.

ADOPTED this 20th day of February, 2019.

CUNNINGHAM FIRE PROTECTION
DISTRICT

By 
Mark L. Lampert, Chairman

Attest:


Patricia Shaver, Secretary

SOUTH METRO FIRE RESCUE

BOARD AGENDA

MEETING DATE: 2/20/2019

AGENDA ITEM TYPE: ACTION ITEM

SUBJECT: A resolution initiating an inclusion election of the South Metro Fire Rescue Fire Protection District for property located in the Dove Hill Subdivision

BACKGROUND: This is the first reading and initial approval of the resolution that initiates the process to conduct an election asking voters in the Dove Hill Subdivision to include their property into SMFR. It also designates a public hearing on March 20, 2019 to hear public input on the matter. The election date is anticipated to be May 21, 2019.

RECOMMENDATION: Staff recommends approval of the resolution and to designate (if desired) board representatives to review the flyer that will be sent to addresses in Dove Hill announcing the 3/20/2019 public hearing.

SUBMITTED BY: Mike Dell'Orfano

APPROVED BY: Bob Baker

SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT

RESOLUTION NO. 2019-__

**A RESOLUTION INITIATING AN INCLUSION ELECTION OF THE
SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT FOR
PROPERTY LOCATED IN THE DOVE HILL SUBDIVISION**

WHEREAS, the South Metro Fire Rescue Fire Protection District (hereinafter referred to as “District”) presently provides fire protection, ambulance and emergency medical and rescue services, enforcement of fire prevention codes, hazardous materials response, and other emergency services authorized by statute and typically provided by a fire protection district organized and operated pursuant to Article 1, Title 32, C.R.S. (“Fire Department Services”), to inhabitants within its boundaries; and

WHEREAS, the property described in Exhibit A attached hereto and incorporated herein by this reference (“Dove Hill Subdivision”) is not currently within any fire protection district or fire service organization and including within the District is necessary to obtain needed Fire Department Services from the District and will benefit the Dove Hill Subdivision, its owners, residents, business owners and visitors; and

WHEREAS, owners of some of the property in the Dove Hill Subdivision and the homeowners’ association have expressed their desire that the Dove Hill Subdivision be included within the District and receive Fire Department Services from the District; and

WHEREAS, the Board of Directors of the District has determined that it is beneficial to include the Dove Hill Subdivision into the District pursuant to the provisions of Section 32-1-401(2)(a)(II), C.R.S.; and

WHEREAS, notification of a public hearing on the proposed inclusion was mailed to the property owners within the area proposed to be included within the District by mailing to all addresses and post office box addresses within the area proposed to be included, as listed on the records of the Arapahoe County Assessor, pursuant to Section 32-1-401(3), C.R.S.; and

WHEREAS, the inclusion of the Dove Hill Subdivision was originally considered by the Board of Directors at a meeting held February 20, 2019, notice of the public hearing was published in the *Aurora Sentinel*, *Douglas County News-Press*, and the *Golden Transcript* on March 7, 2019, and the public hearing was held on March 20, 2019, at which time interested persons and municipalities and counties which may be able to provide Fire Department Services to the Dove Hill Subdivision were allowed to show cause in writing why this resolution should not be adopted; and

WHEREAS, no municipality or county has filed a written objection to this inclusion; and

WHEREAS, final approval of the inclusion of the Dove Hill Subdivision into the District must be granted through an election of the electors of the area to be included as directed by the District Court, pursuant to Section 32-1-401(2)(d), C.R.S.; and

WHEREAS, the inclusion of the Dove Hill Subdivision is deemed in the interest of the health and safety, prosperity, security and general welfare of the inhabitants of the District and of the owners of property in the Dove Hill Subdivision, and for the orderly and uniform administration of District affairs; and

WHEREAS, pursuant to Section 32-1-401(2)(d), C.R.S., upon final adoption of the resolution proposing inclusion, the Board of Directors shall make an order to that effect and file the same with the District Court, which shall direct that the question of inclusion be submitted to the eligible electors of the area to be included and that such election shall be held and conducted in the manner provided in Articles 1 through 13.5 of Title 1, C.R.S.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the South Metro Fire Rescue Fire Protection District as follows:

1. Inclusion Election Ordered. The Board hereby orders pursuant to the provisions of Sections 32-1-402(2)(a)(II) and 32-1-402(2)(b), (c) and (d), C.R.S., that the appropriate filings be made with the Clerk of the Douglas County District Court requesting the conduct of an election on May 21, 2019 concerning the issue of inclusion of the Dove Hill Subdivision. Such filings shall request that the Court, pursuant to Section 1-13.5-510, C.R.S., appoint Barb Andrews as the District's Designated Election Official, as defined in Section 1-1-104(8), C.R.S., and order that she set and certify the ballot title and content, in substantially the form attached hereto as Exhibit B pursuant to Section 1-13.5-511, C.R.S., and if a majority of the votes cast at the election are in favor, the Dove Hill Subdivision shall be included in the District.

2. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

3. Effective Date. This Resolution shall take effect and be enforced immediately upon its final approval by the District Board.

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INITIALLY RESOLVED THIS 20th DAY OF FEBRUARY, 2019, IN
CONTEMPLATION THAT ALL ACTIONS RECITED HEREIN TO BE TAKEN AS
OF THE FINAL APPROVAL SHALL BE TAKEN AS OF THE FINAL APPROVAL,
BUT HAVE NOT YET BEEN TAKEN AS OF THE INITIAL APPROVAL.

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT

By _____
Laura Simon, Chair

Attest:

Ronda Scholting, Secretary

FINALLY ADOPTED this 20th DAY OF MARCH, 2019.

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT

By _____
Laura Simon, Chair

Attest:

Ronda Scholting, Secretary

EXHIBIT A
PROPERTY PROPOSED TO BE INCLUDED

All properties within the Dove Hill Subdivision, including

Lots 1 through and including 19,
Block 1,
Dove Hill,
Arapahoe County, Colorado

Lots 1 through and including 30,
Block 2
Dove Hill,
Arapahoe County, Colorado

Tract A

and all bridle paths, roads, streets and street rights-of-way as noted on the plat recorded at
Reception Number 1857031 in the office of the Clerk and Recorder for Arapahoe
County, Colorado

EXHIBIT B

SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT BALLOT QUESTION A:

Shall the following described area become a part of the South Metro Fire Rescue Fire Protection District upon the following conditions?

Description of Area:

All properties within the Dove Hill Subdivision, including

Lots 1 through and including 19,
Block 1,
Dove Hill,
Arapahoe County, Colorado

Lots 1 through and including 30,
Block 2
Dove Hill,
Arapahoe County, Colorado

Tract A

and all bridle paths, roads, streets and street rights-of-way as noted on the plat recorded at Reception Number 1857031 in the office of the Clerk and Recorder for Arapahoe County, Colorado

Summary of Conditions:

Unless approved by the voters in advance, the maximum mill levy that may be imposed by South Metro Fire Rescue Fire Protection District is 9.25 mills, exclusive of refunds and abatements.

DOVE HILL HOMEOWNERS ASSOCIATION

RESOLUTION NO. 2019 - _____

**A RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF THE
SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT TO
CONDUCT AN INCLUSION ELECTION FOR THE DOVE HILL SUBDIVISION**

WHEREAS, the Dove Hill Subdivision is an approximately 53 parcel, rural residential area located in Unincorporated Arapahoe County; and

WHEREAS, the Dove Hill Homeowners Association is a Colorado nonprofit corporation in good standing; and

WHEREAS, the South Metro Fire Rescue Fire Protection District ("South Metro Fire") is a quasi-municipal corporation and political subdivision of the State of Colorado authorized to provide and is providing fire protection, ambulance and emergency medical and rescue services, enforcement of fire prevention codes, hazardous materials response, and other emergency services authorized by statute and typically provided by a fire protection district organized and operated pursuant to Article 1, Title 32, C.R.S.; and

WHEREAS, the Dove Hill Subdivision is not located within the boundaries of a fire protection district, municipality, or other emergency service provider; and

WHEREAS, the Board of Directors of the Dove Hill Homeowners Association voted to pursue inclusion into South Metro Fire; and

WHEREAS, based on the number of occupied lots and associated property owners, the most efficient method of inclusion is to conduct an election of the qualified electors of the Dove Hill Subdivision; and

WHEREAS, the Dove Hill Homeowners Association has agreed to formally request, on behalf of the property owners, that an inclusion election be conducted and pay for the associated costs; and

WHEREAS, it is in the best interest of the health and safety of the property and residents within the Dove Hill Subdivision to secure an emergency service provider.

NOW, THEREFORE, BE IT RESOLVED by the Boards of Directors of the Dove Hill Homeowners Association, that:

1. Inclusion Election Requested. The Board hereby requests the South Metro Fire Board of Directors to call for an election for the inclusion of the Dove Hill Subdivision into South Metro Fire.

2. Costs. The Dove Hill Homeowners Association Board of Directors agrees to pay 100% of the costs associated with the proposed inclusion process and conducting the election. The Board shall herewith provide to South Metro Fire a deposit of \$5,000 for the costs of the inclusion and agrees to pay the remaining costs, if applicable, upon completion of the election process and filing of court documents.

3. Order of Inclusion Deadline. The Dove Hill Homeowners Association Board of Directors understands that the final Order of Inclusion issued by the Douglas County District Court will need to be filed by July 1, 2019 in order to allow property tax revenues to be received by South Metro Fire starting January 1, 2020. Should that deadline be missed, resulting in no tax revenues in 2020, then the Board of Directors will pursue a 2020 service agreement with South Metro Fire prior to December 31, 2019 and except as established by such service agreement South Metro shall have no obligation to begin serving the Dove Hill Subdivision until 2021.

4. Effective Date. This Resolution shall take effect immediately.

ADOPTED this 16TH day of January 2019.

DOVE HILL HOMEOWNERS
ASSOCIATION

By Scott Wales
Scott Wales, President

Attest:

Joan Anderson
Joan Anderson, Secretary

CONNECTEXPLORER

Click a location for available imagery.

