

## CUNNINGHAM FIRE PROTECTION DISTRICT

### RESOLUTION NO. 2019-05

#### A RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTY INTO SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT (ENTERCOM DENVER, LLC)

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, Entercom Denver, LLC, has petitioned South Metro for the inclusion of real property; 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 property into South Metro Fire Rescue Fire Protection District, as described in the Petition for Inclusion attached hereto as Exhibit A and incorporated herein by this reference.

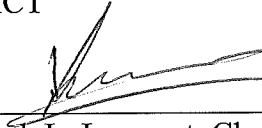
2. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

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

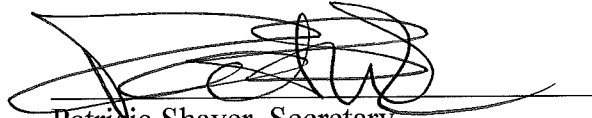
ADOPTED this 20<sup>th</sup> day of February, 2019.

CUNNINGHAM FIRE PROTECTION  
DISTRICT

By

  
Mark L. Lampert, Chairman

Attest:

  
Patricia Shaver, Secretary

**EXHIBIT A**

**PETITION FOR INCLUSION**

# **SOUTH METRO FIRE RESCUE**

## **BOARD AGENDA**

**MEETING DATE:** 2/20/2019

**AGENDA ITEM TYPE:** ACTION ITEM

**SUBJECT:** ORDER BY BOARD OF DIRECTORS OF THE SOUTH METRO FIRE RESCUE  
FIRE PROTECTION DISTRICT FOR INCLUSION OF REAL PROPERTY (ENTERCOM COLORADO, LLC)

**BACKGROUND:** This is one of several lots near C470 and Colorado Blvd. that were not originally within the Littleton Fire Protection District boundaries and therefore not currently within SMFR's district as part of unification. The ENTERCOM COLORADO, LLC property is located at 4700 E. County Line Rd. and currently houses a radio broadcasting facility. The property owner has submitted the attached Petition for Inclusion and has agreed to pay for the costs associated with inclusion. The anticipated revenue, based on 2019 assessed values, is \$6,700. This facility has received emergency services for several years and there are no concerns with SMFR's ability to continue serving.

**RECOMMENDATION:** Staff recommends approval of the order.

**SUBMITTED BY:** Mike Dell'Orfano

**APPROVED BY:** Bob Baker

**ORDER BY BOARD OF DIRECTORS OF THE  
SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT  
FOR INCLUSION OF REAL PROPERTY  
(ENTERCOM COLORADO, LLC)**

**WHEREAS**, there was filed with the Board of Directors of the South Metro Fire Rescue Fire Protection District ("District") a duly acknowledged Petition, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, signed by John Fullam as Marketing Manager/SVP of Entercom Denver, LLC ("Petitioner"), one hundred percent (100%) fee owner of the real property described in the Petition attached hereto, and requesting that the Board of Directors include such property within the District; and

**WHEREAS**, the Petition was heard at an open meeting of the Board of Directors of the District on February 20, 2019, at the hour of 6:00 p.m., at 9195 E. Mineral Avenue, Centennial, Colorado 80112, after publication of notice of the filing of such Petition, and the place, time and date of such meeting, the name of the Petitioner and a general description of the property to be included, in *The Littleton Independent*, *Douglas County News-Press*, and *Golden Transcript* on February 7, 2019, which proofs of publication are attached hereto as Exhibit B and incorporated herein by this reference; and

**WHEREAS**, no objection has been filed to the inclusion of the property into the District; and

**WHEREAS**, the subject property is capable of being served by the District facilities; and

**WHEREAS**, it is deemed to be in the best interests of the District and the taxpaying electors thereof that such Petition be granted.

**IT IS THEREFORE ORDERED** that such Petition be granted as to the real property described herein; that the boundaries of the District shall be enlarged by the inclusion of the real property described herein; and that the Douglas County District Court, in which Court an Order was entered establishing this District, be requested to enter an Order that the real property described herein be included within the District.

I certify that the foregoing Order was unanimously passed at a meeting of the Board of Directors of the South Metro Fire Rescue Fire Protection District, duly called and held on February 20, 2019, at the hour of 6:00 p.m. and that the undersigned is the duly acting and authorized Chairman of the District.

SOUTH METRO FIRE RESCUE FIRE  
PROTECTION DISTRICT

By: \_\_\_\_\_  
Laura Simon, Chairman

ATTEST:

By: \_\_\_\_\_  
Ronda Scholting, Secretary

**EXHIBIT A TO ORDER BY BOARD OF DIRECTORS  
(PETITION FOR INCLUSION)**

## PETITION FOR INCLUSION

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IN THE MATTER OF SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT

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TO THE BOARD OF DIRECTORS OF THE DISTRICT:

The undersigned Petitioner, being the fee owner of one hundred percent (100%) of the real property hereinafter described, hereby petitions that such property be included within the South Metro Fire Rescue Fire Protection District, as provided by law, and for cause, states:

1. That such property is capable of being served with facilities of the District.
2. That assent to the inclusion of such property in the District is hereby given by the undersigned, who constitutes the fee owner of one hundred percent (100%) of such property.
3. That there shall be no withdrawal from this Petition after publication of notice by the Board without the consent of the Board, nor shall further objections be filed thereto by the Petitioner.
4. That the inclusion of such property into the District shall be subject to any and all terms and conditions established by the Board and accepted by Petitioner, and to all duly promulgated rules, regulations and rates of the District.
5. That the property owned by Petitioner and sought to be included in the District is described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

PETITIONER:

ENTERCOM COLORADO, LLC

By: 

Print Name:

John Fullam

Print

Address:

4700 South Syracuse St.  
Denver Colorado

80237

STATE OF COLORADO

COUNTY OF

Denver

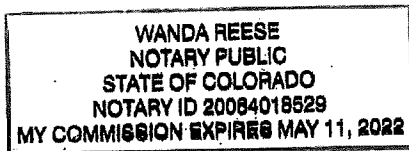
)  
) ss.  
)

The foregoing Petition for Inclusion was acknowledged before me this 29 day  
of January, 2019 by John Fulham as  
Market Manager / SVP of Entelcom Denver.

Witness my hand and official seal.

My commission expires:

5/11/2022



Wanda Reese  
Notary Public

**EXHIBIT A**  
**(LEGAL DESCRIPTION OF PROPERTY TO BE INCLUDED)**

A parcel of land located in the N  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 6, Township 6 South, Range 67 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, being more particularly described as follows, to-wit:

Beginning at a point which is 1663.3 feet West and 502.0 feet South of the NE corner of said Section 6; thence South, parallel with the West line of said N  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 1010.02 feet to a point on the South line said N  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; thence West along the South line of said N  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 483.0 feet to a point 499.9 feet East of the SW corner said N  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; thence North, parallel with the West line of said N  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 1016.73 feet to a point which is 502 feet South of the North line of said Section 6; thence East, parallel with the North line of said N  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 483.0 feet, more or less, to the point of beginning, together with an easement for ingress and egress being a parcel of land 30 feet in width, the Easterly and Northerly line of said easement described as follows:

Beginning at a point on the South line of the County Road, which point is 2241.3 feet West and 60 feet South of the NE corner of said Section 6; thence South 442 feet along the West line of property described in Deed recorded in Book 158 at Page 32, to the SW corner of said property described in Book 158 at Page 32; thence East 95 feet along the South line of property described in Book 158 at Page 32, to the NW corner of subject property; thence South 500 feet along the West line of subject property, COUNTY OF DOUGLAS, STATE OF COLORADO.

4824-9421-1206, v. 2

2231-6  
T6S, R67W, Sec. 6

**Legend**

- Appraiser Section / Quarter Section
- Subdivision
- Tax District
- Right of Way
- Parcel
- Actual Tax District
- Conservation Easement
- ROW Boundary
- Historical Boundary

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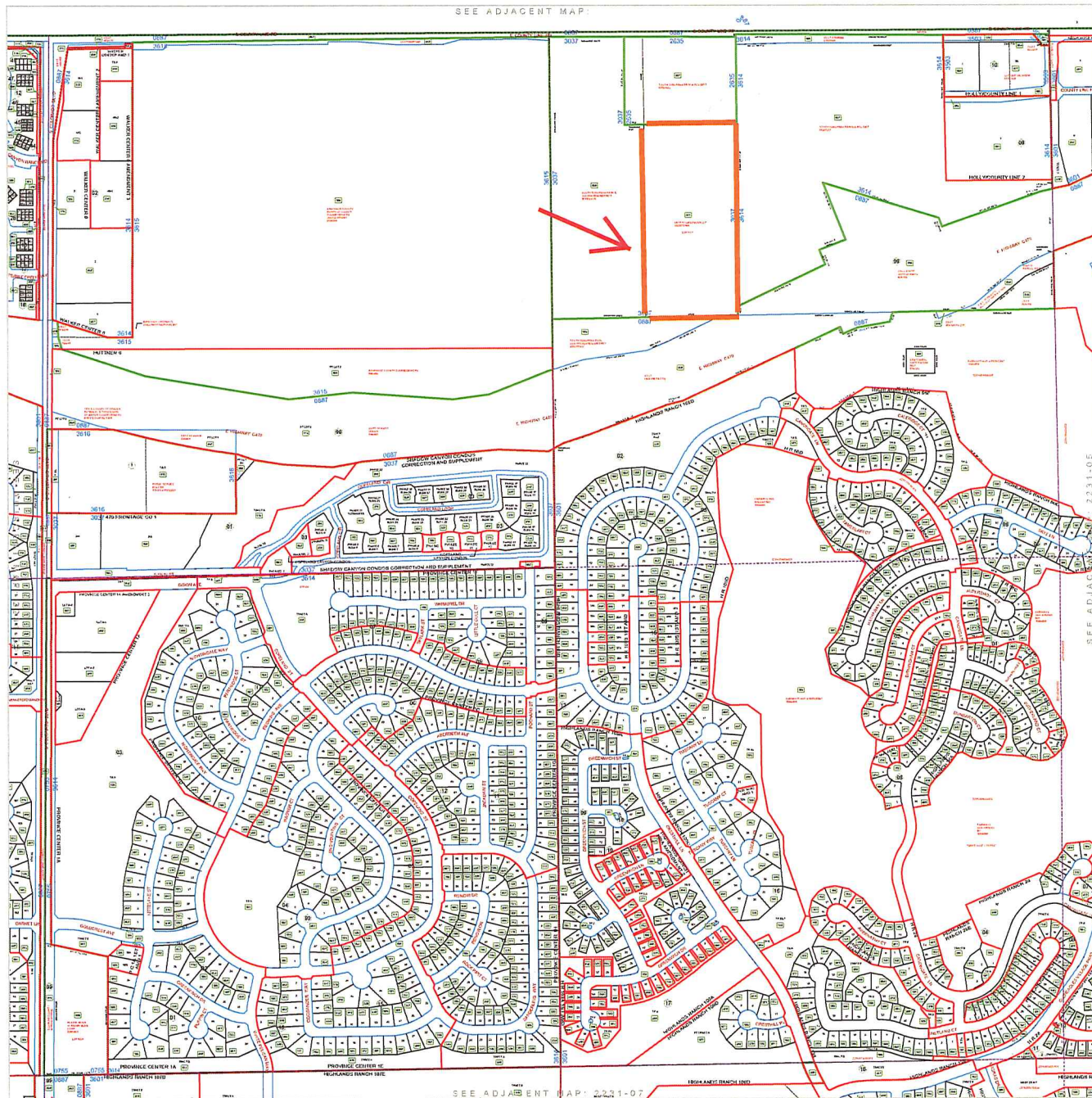


12,480

0 100 200 400 600 800 1,000 Feet

## Caution

This map is not a warranty of any kind. It is a representation of the current state of the land. The map is not a warranty of any kind. It is a representation of the current state of the land. The map is not a warranty of any kind. It is a representation of the current state of the land.



Printed on: 12/18/2018

2231-6  
T6S, R67W, Sec. 6

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**EXHIBIT B TO ORDER BY BOARD OF DIRECTORS  
(PROOFS OF PUBLICATION)**