

CUNNINGHAM FIRE PROTECTION DISTRICT

RESOLUTION NO. 2019-06

A RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTY INTO SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT (EDUCHILDREN, 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, EDUCHILDREN, 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 20th day of February, 2019.

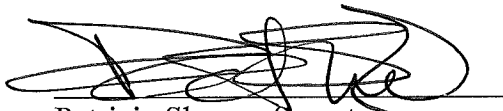
CUNNINGHAM FIRE PROTECTION
DISTRICT

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 (EDUCHILDREN, 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 EDUCHILDREN, LLC property is located at 4015 Siskin Ave. (Lot 2-A 470 Frontage Co, Filing 1 1.538 AM.L) and currently houses the Primrose School at Shadow Canyon daycare facility, constructed in 2005. 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 \$4,700. 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
(EDUCHILDREN, 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, by EDUCHILDREN, 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 Villager*, *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

IN THE MATTER OF SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT

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:

By: _____

Print Name: José A. Emmanuelli

Print Address: 8081 S. Albion St

Centennial, CO 80122

STATE OF COLORADO

)

) ss.

COUNTY OF Douglas

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The foregoing Petition for Inclusion was acknowledged before me this 29th day of November, 2018 by José A. Emmanuelli as Owner of EDUCHILDREN, LLC.

Witness my hand and official seal.

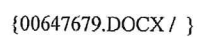
My commission expires:

1/17/2022

Notary Public



LOT 2-A 470 FRONTAGE CO, FILING 1 1.538 AM/L



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