

CUNNINGHAM FIRE PROTECTION DISTRICT

RESOLUTION NO. 2019-07

A RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTY INTO SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT (O'REILLY AUTO ENTERPRISES, 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, O'Reilly Auto Enterprises, 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 March, 2019.

CUNNINGHAM FIRE PROTECTION
DISTRICT

By 
Mark L. Lampert, Chairman

Attest:

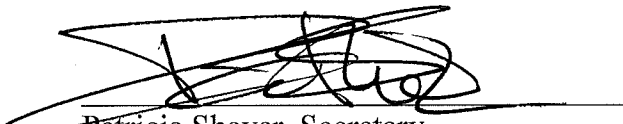

Patricia Shaver, Secretary

EXHIBIT A

PETITION FOR INCLUSION

SOUTH METRO FIRE RESCUE

BOARD AGENDA

MEETING DATE: 3/20/2019

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 (O'REILLY AUTO ENTERPRISES, LLC)

BACKGROUND: This is a parcel near Highway 85 that was not originally within the Littleton Fire Protection District boundaries and therefore not currently within SMFR's district as part of unification. The O'Reilly Auto Enterprises, LLC property is located at 8055 W. Carder Ct. and currently houses an auto parts retail 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 approximately \$3,100. 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
(O'REILLY AUTO ENTERPRISES, 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 O'Reilly Auto Enterprises, 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 March 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 *Douglas County News-Press*, *Littleton Independent* and *Golden Transcript* on March 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 March 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: O'Reilly Auto Enterprises, LLC

Print Name: Brett Diehl

Print 233 S. Patterson Ave.,

Address: Springfield, MO 65802

STATE OF COLORADO

)

) ss.

COUNTY OF DOUGLAS

)

The foregoing Petition for Inclusion was acknowledged before me this 21 day of February, 2019 by Abbey Furlong as Notary of O'Reilly Automotive Inc.

Witness my hand and official seal.

My commission expires:

2-15-22

Abbey D. Furlong
Notary Public

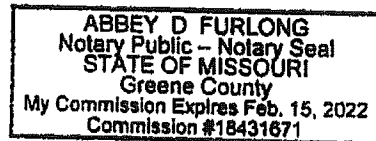


EXHIBIT A
(LEGAL DESCRIPTION OF PROPERTY TO BE INCLUDED)

LEGAL DESCRIPTION OF REAL ESTATE

Littleton, CO (LTD)
8055 W. Center Court
Douglas County
Legal Description
Parcel No. 2229-06D-04-020, R001046 Acct. 8

PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 6, NORTH 89°34'00" WEST A DISTANCE OF 1093 FEET TO THE POINT OF BEGINNING;

THENCE NORTH ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 85 (SOUTH SANTA FE DRIVE NORTH 88°12'00" WEST A DISTANCE OF 200.00 FEET;

THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6, NORTH 89°34'00" WEST A DISTANCE OF 200.00 FEET;

THENCE SOUTH AND PARALLEL WITH SAID WEST RIGHT OF WAY LINE, SOUTH 00°32'00" EAST A DISTANCE OF 200.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 SAID SECTION 6;

THENCE EAST ALONG SAID SOUTH LINE, SOUTH 89°34'00" EAST A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PARCELS OF LAND CONVEYED IN BOOK K AT PAGE 406, BOOK L01 AT PAGE 57 AND BOOK 98 AT PAGE 254,

COUNTY OF DOUGLAS, STATE OF COLORADO,

CONTAINING 39,194 SQUARE FEET OR 0.911 ACRES, MORE OR LESS



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