

SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT

RESOLUTION NO. 2019-03

**A RESOLUTION INITIATING AN INCLUSION ELECTION OF THE
SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT FOR
PROPERTY LOCATED IN THE SHADOW CANYON CONDOMINIUM
DEVELOPMENT**

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 (“Shadow Canyon Condominium Property”), attached hereto and incorporated herein by this reference, 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 Shadow Canyon Condominium Property, its owners, residents, business owners and visitors; and

WHEREAS, owners of some of the Shadow Canyon Condominium Property have expressed their desire that the Shadow Canyon Condominium Property 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 Shadow Canyon Condominium Property into the District pursuant to the provisions of Section 32-1-401(2)(a)(II), C.R.S.; and

WHEREAS, Shadow Canyons Condominiums Association, Inc. owns a parcel of land within the Shadow Canyon Condominium Property which constitutes more than fifty percent (50%) of the Shadow Canyon Condominium Property proposed to be included into the District; and

WHEREAS, prior to final adoption of this Resolution, Shadow Canyons Condominiums Association, Inc. shall consent to the inclusion of the Shadow Canyon Condominium Property into the District; 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 Douglas County Assessor, pursuant to Section 32-1-401(3), C.R.S.; and

WHEREAS, the inclusion of the Shadow Canyon Condominium Property was originally considered by the Board of Directors at a meeting held January 16, 2019, notice of the public hearing was published in *The Villager*, *Douglas County News-Press*, and the *Golden Transcript* on February 7, 2019, and the public hearing was held on February 20, 2019, at which time interested persons and municipalities and counties which may be able to provide Fire Department Services to the Shadow Canyon Condominium Property 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 Shadow Canyon Condominium Property 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 Shadow Canyon Condominium Property 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 the Shadow Canyon Condominium Property, 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 7, 2019 concerning the issue of inclusion of the Shadow Canyon Condominium Property. 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 Shadow Canyon Condominium Property shall be included in the District.

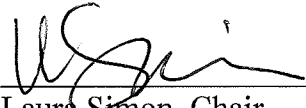
2. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

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

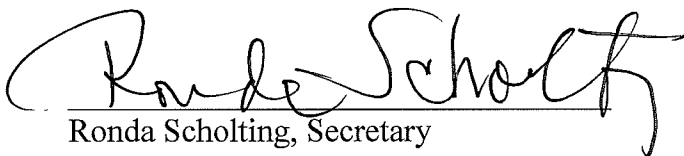
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INITIALLY RESOLVED THIS 16th DAY OF JANUARY, 2019, IN
CONTEMPLATION THAT ALL ACTIONS RECITED HEREIN TO BE TAKEN AS
OF THE FINAL APPROVAL SHALL BE TAKEN AS OF THE FINAL APPROVAL,
BUT HAVE NOT YET BEEN TAKEN AS OF THE INITIAL APPROVAL.

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT


By 
Laura Simon, Chair

Attest:


Ronda Scholting, Secretary

FINALLY ADOPTED this 20th day of February, 2019.

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT

By 
Laura Simon, Chair

Attest:

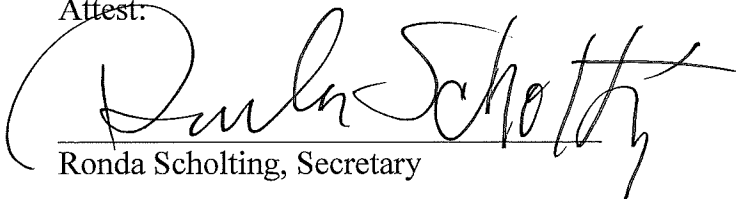

Ronda Scholting, Secretary

EXHIBIT A
PROPERTY PROPOSED TO BE INCLUDED

TRACT A AND LOT 2-C
470 FRONTAGE CO., FILING NO. 1
COUNTY OF DOUGLAS
STATE OF 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:

TRACT A AND LOT 2-C
470 FRONTAGE CO., FILING NO. 1
COUNTY OF DOUGLAS
STATE OF 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.