

**SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT**

**RESOLUTION NO. 2024-07**

**RESOLUTION AND ORDER OF EXCLUSION**

(Castle Cliffs Estates)

**WHEREAS**, South Metro Fire Rescue Fire Protection District (“South Metro”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

**WHEREAS**, West Douglas County Fire Protection District (“West Douglas”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

**WHEREAS**, the Board of Directors of South Metro has determined that it is beneficial to exclude the real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) from South Metro pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., on the condition that the Property thereafter immediately be included within West Douglas; and

**WHEREAS**, on initial approval of this Resolution it is anticipated that by Resolution No. 2024-001 dated October 16, 2024 (“Inclusion Resolution”), West Douglas will agree to include the Property into West Douglas immediately after the effective date of the Court’s Order excluding the Property from South Metro, which Inclusion Resolution will be filed with the District Court of Douglas County, Colorado, as required by Section 32-1-501(4)(a)(II)(B), C.R.S., and thereafter West Douglas will provide the same services to the Property as provided by South Metro; and upon final approval of this Resolution a copy of the approved Inclusion Resolution will be and is attached hereto as Exhibit B and incorporated herein by this reference; and

**WHEREAS**, the mill levy assessed by West Douglas against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 8.35 mills. The mill levy assessed by South Metro against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 9.250 mills. West Douglas’s mill levy is equal to or less than the mill levy assessed by South Metro, and as a result, no election for the exclusion of the Property from South Metro and inclusion of the Property into West Douglas is required pursuant to Section 32-1-501(4)(c)(I), C.R.S.; and

**WHEREAS**, South Metro has no outstanding obligations related to capital improvements which will remain obligations of the property owners within its boundaries until paid; and

**WHEREAS**, the Board of Directors, having reviewed all relevant information related thereto, hereby determines that:

A. The exclusion of the Property will be in the best interests of all of the following: (i) the Property itself; (ii) South Metro; and (iii) the counties in which South Metro is located;

B. The relative costs and benefits to the Property justify exclusion from South Metro and inclusion within West Douglas;

C. The ability of South Metro to provide economical and sufficient service to both the Property to be excluded and all of the properties within South Metro's boundaries are the same;

D. South Metro is able to provide services to the Property, but the costs of providing services by West Douglas will be less than the cost of providing services solely by South Metro;

E. There will be no effect on employment and other economic conditions in South Metro and surrounding area if this Resolution is or is not finally adopted;

F. There will be no economic impact on the region or on South Metro, surrounding area, or the state as a whole if this Resolution is or is not finally adopted;

G. There are no economically feasible alternative services available except from West Douglas;

H. There will be no additional cost levied on other property within South Metro as a consequence of the exclusion; and

I. South Metro currently has no outstanding bonded indebtedness for which the Property is liable.

**WHEREAS**, on initial approval of this Resolution it is anticipated that letter notification of the public hearing of the Board of Directors to consider final adoption of this Resolution will be mailed to the fee owners of 100% of all the real property proposed to be excluded, as listed on the records of the County Assessor, not more than 45 days and no less than 30 days prior to such public hearing, pursuant to Section 32-1-501(1.5)(b)(I), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm such notice was provided as anticipated and required, as set forth in Exhibit C; and

**WHEREAS**, upon initial approval of this Resolution it is anticipated that the Board will provide notice of the public hearing to consider final adoption of this Resolution by publication in the Douglas County News-Press in Douglas County, a newspaper of general circulation within South Metro, pursuant to Section 32-1-501(2), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm that such

notice was published as anticipated and required and a copy of the notice will be and is attached hereto as Exhibit C and incorporated herein by this reference; and

**WHEREAS**, the exclusion of the Property was initially considered by the Board of Directors at a meeting held October 7, 2024; and

**WHEREAS**, no person has filed a written objection to this exclusion except as will be noted in the minutes of the public hearing or the minutes of the meeting at which this Resolution is considered for final approval, and any written objection will be and as of final approval of this Resolution has been duly considered by the Board; and

**WHEREAS**, the exclusion of the Property is deemed in the best interest of the health and safety, prosperity, security and general welfare of the Property owners and inhabitants of the Property and of South Metro, and for the orderly and uniform administration of South Metro's affairs.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of South Metro Fire Rescue Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., hereby approves the exclusion of the Property from the boundaries of South Metro Fire Rescue Fire Protection District; and

**IT IS THEREFORE ORDERED** that:

1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from South Metro Fire Rescue Fire Protection District.
2. The boundaries of South Metro Fire Rescue Fire Protection District shall be altered by the exclusion of the Property.
3. Such exclusion shall be contingent upon the District Court of Douglas County, Colorado, in which Court an Order was entered establishing this District, having entered an Order that such real property be excluded from South Metro Fire Rescue Fire Protection District, and thereafter the District Court of Douglas County, Colorado, in which Court an Order was entered establishing West Douglas, immediately order the Property included within South Metro Fire Rescue Fire Protection District, pursuant to Section 32-1-501(4)(b), C.R.S.

The foregoing Resolution and Order of Exclusion was initially adopted by a vote of 7 in favor and 0 against at a meeting of the Board of Directors of South Metro Fire Rescue Fire Protection District, duly called and held on October 7, 2024 at the hour of 6:00 p.m.

South Metro Fire Rescue Fire Protection District

By: James E. Albee  
Jim Albee, Chair

ATTEST:  
Sue Roche  
Sue Roche, Secretary

The foregoing Resolution and Order of Exclusion was finally adopted by a vote of 7 in favor and 0 against at a meeting of the Board of Directors of South Metro Fire Rescue Fire Protection District, duly called and held on November 4, 2024, at the hour of 6:00 p.m.

South Metro Fire Rescue Fire Protection District

By: James E. Albee  
Jim Albee, Chairman

ATTEST:  
Sue Roche  
Sue Roche, Secretary