

# **4<sup>th</sup> Amendment**

STATE OF COLORADO,

County of.....Douglas..... } ss.

I, .....Reta A. Crain....., County Clerk and Recorder in and for said County, in the State aforesaid, do hereby certify that the foregoing is a full, true and correct.....xerox copy.....of.....Commissioner Resolution..... as the same appears upon the records of my office.

Given under my hand and official seal, this.....19th.....day of September....., A. D. 19 90, 3:00 o'clock.....P.....M.

.....Wanda W. Bailey, Deputy..... County Clerk and Recorder

THE O. F. HOEKEL CO., DENVER 35504 1-7

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Resolution Number R-990-119

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THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION OF APPROVAL OF THE CASTLE PINES METROPOLITAN DISTRICT FOURTH AMENDED SERVICE PLAN

WHEREAS, Castle Pines Metropolitan District (the "District") was formed on June 14, 1973, with documents filed in the Office of the County Clerk and Recorder of Douglas County, Colorado, and filed with the Clerk of the District Court of Arapahoe County, Colorado, under Civil Action Number 4023; and

WHEREAS, a service plan (the "Service Plan") was approved by the Board of County Commissioners of the County of Douglas, Colorado, on October 25, 1972; and

WHEREAS, on July 3, 1990, a Petition and Modification to the Service Plan was filed with the County Clerk and Recorder of Douglas County, Colorado, together with a Notice of Hearing and a processing fee as specified by law, after which Notice of Public Hearing was duly published as required by law, and the required notices provided to other municipalities, districts, and property owners; and

WHEREAS, the purpose of the modification to the Service Plan is to allow the District to drop the power to provide complete fire and emergency medical services with the exception of the power to provide first response fire and emergency services; and

WHEREAS, a further purpose of the modification to the Service Plan is to implement an August 1990 intergovernmental agreement between the Castle Pines Metropolitan District and the Castlewood Fire Protection District; and

WHEREAS, the Modification to Service Plan was delivered to the Douglas County Planning Commission by the Douglas County Clerk and Recorder; and

WHEREAS, at a meeting of the Douglas County Planning Commission held on August 27, 1990, the Planning Commission studied the Modification to the Service plan and presented its recommendations to the Board of County Commissioners consistent with Part 2 of Article 1 of Title 32, C.R.S.; and

WHEREAS, the Planning Commission's recommendation of approval is subject to conditions, as further modified by the Board of County Commissioners as listed below:

Resolution Number R-990-119  
September 12, 1990

- a. The District Board agrees to work diligently to resolve the problems of overlapping fire protection services with the Castle Rock Fire Protection District and the problem of overlapping water and sanitation services with the Silver Heights Water and Sanitation District. In addition, the district agrees to resolve the overlap of service with the Castle Pines Commercial Metropolitan District #4.
- b. The District Board agrees to only authorize first response service as set forth in Colorado State Statutes and in the intergovernmental agreement between the Castle Pines and Castlewood Districts.
- c. The District Board agrees to explain the status of the \$1,000,000 of previously authorized debt for fire protection. If the debt has not been issued, the District Board agrees to explain how the debt will be removed.
- d. The combined authorized debt of the District shall not exceed \$98,000,000 (or \$99,000,000 depending on the status of the \$1,000,000 discussed above). Any additional general obligation debt will be considered a material modification and must be reviewed by the County according to the procedures outlined in C.R.S. 32-1-207.
- e. Any district boundary changes will be reviewed by the Director of the Department of Planning and Community Development and minor changes may be approved administratively at the discretion of the Director. The Director will refer major changes to the Planning Commission and Board of County Commissioners for review.
- f. After repayment of the district's bonded indebtedness, the district will consider consolidation, merger, or contracting with a regional government, if such regional government has been formed to provide the same services to district residents. Such action would be subject to repayment of additional debt incurred via the district's fair and equitable share of community improvements.
- g. The District Board agrees to provide the County Planning Division with an annual report as specified in C.R.S. 32-1-207(3)(c); and

WHEREAS, the Board of Directors of the District has agreed to each of the conditions of approval of this resolution as set forth in Section 3 below; and

Resolution Number R-990-119  
September 12, 1990

WHEREAS, a public hearing was conducted pursuant to the notice, the recording of which was ordered and accomplished; and

WHEREAS, under the provisions of Sections 32-1-201, et. seq., C.R.S., the Board of County Commissioners is designated as the approving authority and is required to review any Modification to any Service Plan previously approved with references to any changes of a basic or essential nature, and the Commissioners having taken into account the Modification to the Service Plan and the evidence and exhibits submitted at the public hearing; and

WHEREAS, the Commissioners have studied the Modification to the Service Plan and related materials and have determined that the same meet the conditions necessary under the statute for approval and, therefore, have determined to enter and adopt a Resolution of Approval of the Modification to the Fourth Amended Service Plan for the Castle Pines Metropolitan District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO:

Section 1. That the Board of Commissioners of Douglas County, Colorado, does hereby determine that all of the requirements of Section 32-1-201, et. seq., C.R.S., have been met and fulfilled in due time, form, and manner, and that all notices have been given as therein required.

Section 2. That upon consideration of the Modification to the Fourth Amended Service Plan for the Castle Pines Metropolitan District, and all of the facts appearing at the public hearing on the Modification to the Service plan, the Commissioners do find, determine, and declare as follows:

a. That there is sufficient existing and projected need for the organized service in the area to be served under the Modification to the Service Plan.

b. That existing service in the area to be served under the Modification to the Service Plan is inadequate for present and projected needs.

c. That no adequate service is, or will be available, to the area through municipal or quasi-municipal corporations within a reasonable time and on a comparable basis.

d. That the District as modified by the Modification to the Service Plan appears to be capable of providing economical and sufficient service to the area within its proposed boundaries.

Resolution Number R-990-119  
September 12, 1990

e. That the area to be included in the District as modified by the Modification to the Service Plan appears to have the financial ability to discharge the proposed indebtedness to be incurred for the purpose of providing service to the area of the District as modified by the Modification to the Service Plan on a reasonable basis.

f. That the facility and service standards of the District as modified by the Modification to the Service plan are compatible with the facility and service standards of the County and municipalities, which are interested parties under Section 32-1-104(1), C.R.S.

g. That the proposal for the Castle Pines Metropolitan District is in substantial compliance with the Douglas County Master Plan adopted pursuant to Section 30-23-110, C.R.S.

Section 3. That upon consideration of the Modification to the Service Plan, and all of the facts disclosed at the public hearing on the Modification to the Service Plan, the Modification to the Service Plan shall be and the same is hereby approved subject to conditions "a through g" as modified by this Board as follows:

- a. The District Board agrees to work diligently to resolve the problems of overlapping fire protection services with the Castle Rock Fire Protection District and the problem of overlapping water and sanitation services with the Silver Heights Water and Sanitation District. In addition, the district agrees to work diligently to resolve the overlap of service with the Castle Pines Commercial Metropolitan District #4 and #5.
- b. The District Board agrees to only authorize first response service as set forth in Colorado State Statutes and in the intergovernmental agreement between the Castle Pines and Castlewood Districts.
- c. The District Board agrees to explain the status of the \$1,000,000 of previously authorized debt for fire protection. If the debt has not been issued, the District Board agrees to explain how the debt will be removed.
- d. The combined voter authorized debt of the District shall not exceed the amount of debt approved in the Castle Pines Third Amended Service Plan. Any additional general obligation debt will be considered a material modification and must be reviewed by the County according to the procedures outlined in C.R.S. 32-1-207.

Resolution Number R-990-119  
September 12, 1990

- e. Any district boundary changes will be referred to the Director of the Department of Planning and Community Development. The application will be submitted to Douglas County prior to or concurrent with the required publication of notice for the District Board hearing. The Director will refer major changes to the Planning Commission and the Board of County Commissioners for review and comment. Minor boundary changes will be defined as inclusions or exclusions of 10 acres or less within the boundaries of the development the District is servicing. Major boundary changes will be defined as inclusions or exclusions of more than 10 acres either inside or outside the boundaries of the development the District is servicing. In addition, within the period of one year, the fourth boundary change and any subsequent boundary change will be considered a major boundary change.
- f. After repayment of the district's bonded indebtedness, the district will consider consolidation, merger, or contracting with a regional government, if such regional government has been formed to provide the same services to district residents. Such action would be subject to repayment of additional debt incurred via the district's fair and equitable share of community improvements.
- g. The District Board agrees to provide the County Planning Division with an annual report as specified in C.R.S. 32-1-207(3)(c).

Section 4. That it is hereby ordered that copies of this resolution be filed in the records of Douglas County, Colorado, and submitted to the District Court of Douglas County, Colorado.

Resolution Number R-990-119  
September 12, 1990

Passed and adopted this 12th day of September, 1990, in Castle Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY: *James R. Sullivan*  
James R. Sullivan  
Chairman

ATTEST:

*Wanda W. Bailey, deputy*  
Reta A. Crain  
Clerk and Recorder