

# STATE OF COLORADO

## DEPARTMENT OF LOCAL AFFAIRS

Division of Local Government  
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### Title 32, Article 1 Special District Notice of Return to Active Status

#### NOTICE IS HEREBY GIVEN by the Board of Directors

of the CHERRY CREEK SOUTH METRO DISTRICT NO. 5 District (65338) (LGID)  
in DOUGLAS County, Colorado

pursuant to subsection 32-1-104(3)(b) C.R.S., the District is no longer an Inactive Special District. The District's Board of Directors adopted a resolution (attached) declaring the return to Active Status at a public meeting held: August 2, 2013

**NOTICE IS FURTHER GIVEN**, pursuant to subsection 32-1-104(3)(b) C.R.S., the Board of Directors shall cause the District to be brought into compliance for the remainder of the fiscal year in which the District returns to Active Status with all legal requirements for which the District has otherwise been exempt while on Inactive Status. The District shall be in compliance with the exempted requirements specified under 32-1-104(5) C.R.S. within ninety days of delivery of this notice.

District Contact Person: Matthew R. Dalton Phone: 303-839-3800

Contact Signature:

Date: 8-2-13

Contact Email Address: dfredette@spencerfane.com  
District Board Chair: Kurt Wolter

District Business Address: c/o Spencer Fane & Grimshaw LLP  
Business Address (cont.) 1700 Lincoln Street, Suite 3800  
Address City/State/Zip: Denver, Colorado 80203

Generally, per C.R.S. 32-1-103(5), Inactive Special Districts shall be exempt from compliance with the provisions of.

- 32-1-104(2) - Annual January 15<sup>th</sup> Contact Filing;
- 32-1-306 - Annual January 1st Map Filing
- 32-1-809 - Annual January 15th Notice to Electors
- 32-1-903 - Meetings
- Title 29, Art 1, Part 1 - Budget Law
- Title 29, Art 1, Part 1 - List of Contracts
- Title 29, Art 1, Part 1 - Audit Law
- Title 39, Art 1, Part 1 - Notices of Boundary Change, Intent to Levy
- Title 39, Art 5, Part 1 - Annual Mill Levy Certification

#### PROCEDURAL INSTRUCTIONS

As directed in 32-1-104(3)(b) C.R.S., by *Certified Mail, Return Receipt Requested* except where electronic filing is required by the receiving entity, file this Notice of Return to Active Status and a copy of the resolution adopted pursuant to 32-1-104(3)(a) C.R.S. with:

- the Board of County Commissioners and the City Council/Town Board of each county and municipality that approved the District's service plan pursuant to section 32-1-204 or 32-1-204.5 C.R.S.;
- the Treasurer, Assessor, and the Clerk and Recorder of the county(ies) in which the District is located;
- the district court having jurisdiction over the formation of the special district;
- the Office of the State Auditor; and
- the Division of Local Government.

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5  
OF INTENT TO RETURN TO ACTIVE STATUS**

WHEREAS, the Cherry Creek South Metropolitan District No. 5 (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to Section 32-1-104(3)(a), C.R.S. (the "Inactive Status Law"), the District has been in inactive status and has filed the requisite notices (the "Notices"); and

WHEREAS, the District has been in inactive status since the filing of the Notices; and

WHEREAS, in accordance with the Resolution adopted by the Board of Directors of the District (the "Board") declaring the District inactive, the Authorized Officer has polled the Board and the majority of the Board has determined the District should return to active status; and

WHEREAS, the Board desires to declare the District's return to active status in the manner required by the Inactive Status Law.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Cherry Creek South Metropolitan District No. 5, Town of Parker, Douglas County, Colorado:

1. The Board hereby declares the District's return to active status and hereby authorizes and directs the notice of return to active status be filed in the form provided by the Division of Local Government (the "Notice of Return to Active Status") evidencing the District's determination to return to active status.

2. As directed in 32-1-104(3)(b) C.R.S., the Notice of Return to Active Status shall be sent by certified mail, return receipt requested except where electronic filing is required by the receiving entity, and a copy of this Resolution to the following entities:

(a) The Board of County Commissioners and the City Council/Town Board of each county and municipality that approved the District's service plan pursuant to section 32-1-204 or 32-1-204.5 C.R.S.;

(b) The Treasurer, Assessor, and the Clerk and Recorder of the county(ies) in which the District is located;

(c) The District Court having jurisdiction over the formation of the special district;

(d) The Office of the State Auditor; and

(e) The Division of Local Government.

3. The Board acknowledges that within 90 days of delivery of the Notice of Return to Active Status, the District is required to be in compliance with all legal requirements for which the District was exempt while in an inactive status.

RESOLVED this 2nd day of August, 2013.

CHERRY CREEK SOUTH METROPOLITAN  
DISTRICT NO. 5

  
Secretary