



## ICENOGLE SEAVER POGUE

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January 31, 2023

Division of Local Government  
1313 Sherman Street, Room 521  
Denver, Colorado 80203  
*Via E-Filing*

Douglas County Clerk and Recorder  
301 Wilcox Street  
Castle Rock, Colorado 80104  
*Via Email: [clerk@douglas.co.us](mailto:clerk@douglas.co.us)*

State of Colorado  
Office of the State Auditor  
1525 Sherman St., 7<sup>th</sup> Floor  
Denver, Colorado 80203  
*Via Email: [osa.lg@state.co.us](mailto:osa.lg@state.co.us)*

**Re: Hunting Hill Metropolitan District**

To Whom It May Concern:

Enclosed for your files on the Hunting Hill Metropolitan District, Douglas County, Colorado, is a Third Amendment to Service Plan for Hunting Hill Metropolitan District and the approving resolution issued by the Board of County Commissioners of Douglas County on January 24, 2023.

Should you have further questions or need additional information, please contact our office.

Sincerely,

ICENOGLE SEAVER POGUE  
A Professional Corporation

s/ Alicia J. Corley

Alicia J. Corley

/AJC

Enclosures

cc: Jennifer L. Ivey (via electronic mail)

**THIRD AMENDMENT TO  
SERVICE PLAN  
FOR  
HUNTING HILL METROPOLITAN DISTRICT  
DOUGLAS COUNTY, COLORADO**

Prepared by:

Icenogle Seaver Pogue, P.C.  
4725 South Monaco Street, Suite 360  
Denver, Colorado 80237

As approved by Douglas County  
January 24, 2023

## **I. INTRODUCTION**

The Service Plan dated August 29, 2007 (the “**Service Plan**”) for the Hunting Hill Metropolitan District (the “**District**”) was approved by the Douglas County Board of County Commissioners (“**Douglas County**”) on September 12, 2007 pursuant to Resolution No. R-007-142, which was recorded with the Douglas County Clerk and Recorder (the “**Clerk and Recorder**”) on September 12, 2007 at Reception No. 2007072874. The District was organized by Order of the District Court in Douglas County on November 20, 2007, which was recorded with the Clerk and Recorder on November 21, 2007 at Reception No. 2007091069. The District was organized to finance public improvements for the benefit of the residents, property owners, and taxpayers of the District.

The Service Plan was amended by the First Amendment to Service Plan for Hunting Hill Metropolitan District (the “**First Amendment**”), which was approved by Douglas County on July 30, 2013 pursuant to Resolution No. R-013-084 and recorded with the Clerk and Recorder on July 31, 2013 at Reception No. 2013063483. The Service Plan was further amended by the Second Amendment to Service Plan for Hunting Hill Metropolitan District (the “**Second Amendment**”), which was approved by Douglas County on October 9, 2018 pursuant to Resolution No. R-018-105 and recorded with the Clerk and Recorder on October 12, 2018 at Reception No. 2018062523.

This Third Amendment to Service Plan for Hunting Hill Metropolitan District (the “**Third Amendment**”) is intended to be read in conjunction with the Service Plan, the First Amendment, and the Second Amendment.

The Board of Directors of the District (the “**Board**”) is requesting that Douglas County approve this Third Amendment to allow the Board to adjust its mill levies when there are changes in the method of calculating assessed valuation, so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes

The current Service Plan, as amended, provides “*A maximum mill levy of forty-five (45) mills shall be imposed to support debt service and a maximum mill levy of twenty-five (25) mills shall be imposed to support operations and maintenance of District facilities and services, provided, however, that the maximum mill levy for the District inclusive of the combined mills dedicated to debt service and mills dedicated to the operation and maintenance of the District shall be sixty (60) mills; provided, however, that in the event of legislation implementing changes in the ratio of actual valuation to assessed valuation for residential real property, pursuant to Article X, section 3(1)(b) of the Colorado Constitution, on or after January 1, 2008, the mill levy limitations provided herein will be increased or decreased as to all taxable property in the District to reflect such changes so that, to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2008, are neither diminished nor enhanced as a result of such changes (“Gallagher Adjustment”).*”

As the Gallagher Amendment was repealed by Colorado voters (Amendment B) the Board is, arguably, unable to increase or decrease the mill levy limitations to account for changes in the method of calculating assessed value “*so that, to the extent possible, the actual tax revenues*

*generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes.”* The proposed amendment would clarify that the District is authorized to adjust the mill levy limitations based on changes in the method of calculating assessed valuation, even though those changes are not based on the Gallagher Amendment.

The District seeks to make these changes in accordance with Service Plan Section X, Modification of Service Plan.

## **II. THIRD AMENDMENT**

1. Section VI.C of the Service Plan (Identification of District Revenue) is hereby amended and restated in its entirety to read as follows:

The District will impose a mill levy on all taxable property in the District as a primary source of revenue for repayment of debt service and for operations and maintenance. Additional District revenues earmarked for debt service may derive from fees and other sources of revenue provided for by statute. The anticipated revenue from these fees is detailed in the Financing Plan, **Exhibit G**.

A maximum mill levy of forty-five (45) mills shall be imposed to support debt service and a maximum mill levy of twenty-five (25) mills shall be imposed to support operations and maintenance of District facilities and services, provided, however, that the maximum mill levy for the District inclusive of the combined mills dedicated to debt service and mills dedicated to the operation and maintenance of the District shall be sixty (60) mills; provided, however, that in the event that on or after January 1, 2008, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut, or abatement, the mill levy limitation applicable to such debt and operating and maintenance expenses may be increased or decreased to reflect such changes, such increases or decreases to be

determined by the Board in good faith so that to the extent possible, the actual tax revenue generated by the mill levy are neither diminished nor enhanced as a result of such changes (“Mill Levy Adjustment”). For purposes of the foregoing, a change in the ratio of actual valuation and any constitutional or legislative changes in the actual value against which the assessment rate is applied shall be deemed to be a change in the method of calculating assessed valuation.

An initial mill levy of not more than five (5) mills will produce sufficient revenue to support operation and maintenance of District facilities and services.

The mill levy for debt service and the mill levy for operations and maintenance shall each be restricted to their respective purposes.

The District anticipates imposing facility fees of approximately one thousand five hundred dollars (\$1,500.00) per residential unit resulting in approximately six hundred twenty-seven thousand dollars (\$627,000) in revenue to support debt service.

2. The term “Gallagher Adjustment” shall be replaced with the term “Mill Levy Adjustment” throughout the Service Plan.

3. The last sentence of Section VI.E of the Service Plan (Operation of the District) is hereby amended to correct the reference to the Service Plan section contained therein to read as follows:

Operating and maintenance costs may be financed by the Organizer, by user fees collected by the District, and/or a maximum mill levy of twenty-five (25) mills imposed to support operations and maintenance of District facilities and services; provided, however, that the maximum combined mill levy for the

District including debt service and operations and maintenance shall not exceed a total of sixty (60) mills, subject to adjustment as set forth in Section VI.C.

**IV. EFFECT OF THIRD AMENDMENT**

Except as specifically amended as set forth above, all other provisions of the Service Plan, as amended by the First Amendment and the Second Amendment, shall remain in full force and effect. To the extent there are any inconsistencies between this Third Amendment and either the Service Plan, the First Amendment, or the Second Amendment, this Third Amendment shall control. This Third Amendment shall be effective on the date of the effective date of Douglas County's Resolution approving this Third Amendment.

**RESOLUTION NO. R-23- 016**

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

**A RESOLUTION APPROVING THE THIRD AMENDMENT TO SERVICE  
PLAN FOR HUNTING HILL METROPOLITAN DISTRICT**

WHEREAS, on September 12, 2007, the Board of County Commissioners of the County of Douglas, Colorado (the "Board") adopted Resolution No. R-007-142 approving the Service Plan for the Hunting Hill Metropolitan District (the "Service Plan"); and

WHEREAS, the Hunting Hill Metropolitan District (the "District") was organized pursuant to an order and decree issued by the District Court in and for Douglas County dated November 20, 2007; and

WHEREAS, on July 30, 2013, the Board adopted Resolution No. R-013-084 approving the First Amendment to Service Plan for Hunting Hill Metropolitan District; and

WHEREAS, on October 9, 2018, the Board adopted Resolution No. R-018-105 approving the Second Amendment to Service Plan for Hunting Hill Metropolitan District; and

WHEREAS, the current Service Plan, as amended, allows the District to increase or decrease the Service Plan's mill levy limitations so that, to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of changes in the ratio of actual valuation to assessed valuation for residential real property, pursuant to Article X, section 3(1)(b) of the Colorado Constitution; and

WHEREAS, the District is requesting an amendment to its Service Plan to clarify that the District is authorized to adjust the mill levy limitations for changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut, or abatement, without specific reference to Article X, section 3(1)(b) of the Colorado Constitution, so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of any such changes; and

WHEREAS, on November 30, 2022, a Third Amendment to Service Plan for Hunting Hill Metropolitan District ("Third Amendment") was filed with the Douglas County Clerk and Recorder ("Clerk"), to clarify that the District continues to be authorized to adjust the mill levy limitations based on changes in the method of calculating assessed valuation, even though those changes are not based on the Gallagher Amendment; and

WHEREAS, the Clerk, on behalf of the Board, mailed a Notice of Filing of Special District Service Plan regarding the Third Amendment to the Division of Local Government in the Department of Local Affairs on November 30, 2022; and

WHEREAS, on December 19, 2022, the Douglas County Planning Commission recommended approval of the Third Amendment to the Board; and

WHEREAS, on January 10, 2023, the Board set a public hearing on the Third Amendment for January 24, 2023 ("Public Hearing"), and ratified (1) publication of the notice of the date, time, location and purpose of such Public Hearing, which was published in the *Douglas County News-Press* on December 29, 2022; and (2) causing notice of the date, time and location of the Public Hearing to be mailed on December 27, 2022, to the governing body of the existing municipalities and special districts which have levied an ad valorem tax within the next preceding tax year and which have boundaries within a radius of three miles of the boundaries of the District and, on December 27, 2022, to the Division of Local Government and to the owners of record of all property within the District as such owners of record are listed on the records of the Douglas County Assessor on the date requested, pursuant to the provisions of Sections 32-1-204(1) and (1.5), C.R.S.; and

WHEREAS, on January 24, 2023, a Public Hearing on the Third Amendment was opened at which time all interested parties, as defined in Section 32-1-204, C.R.S., were afforded an opportunity to be heard, and all testimony and evidence relevant to the Third Amendment was heard, received and considered.

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

Section 1. The Board does hereby determine that the procedural requirements of Sections 32-1-201, *et seq.*, C.R.S., and the County's Service Plan Review Procedures relating to the Third Amendment have been fulfilled and that the Board has jurisdiction in the matter.

Section 2. The Board does hereby find that the Third Amendment demonstrates:

- a) that there is sufficient existing and projected need for organized service in the area to be serviced by the Districts; and
- b) that the existing service in the area to be served by the Districts is inadequate for present and projected needs; and
- c) that the Districts are capable for providing economical and sufficient service to the area within its boundaries; and
- d) that the Districts will have the financial ability to discharge the proposed indebtedness on a reasonable basis as set forth in the Third Amendment; and
- e) that adequate service is not, or will not be, available to the area through Douglas County, or other existing municipal or quasi-municipal corporations, including other existing special districts, within a reasonable time and on a comparable basis; and



f) that the facility and service standards of the Districts are compatible with the facility and service standards of Douglas County and each municipality which is an interested party under § 32-1-204, C.R.S.; and

g) that the Third Amendment is in substantial compliance with the Douglas County Comprehensive Master Plan; and

h) that the Third Amendment is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area; and

i) that the ongoing existence of the Districts is in the best interest of the area being served; and

j) that the Third Amendment, based upon the statements set forth in the Third Amendment and upon all evidence presented at the Public Hearing on the Third Amendment, meets all conditions and requirements of Title 32, Article 1, Part 2, C.R.S., as amended.

Section 3. The Board hereby approves the Third Amendment without conditions.

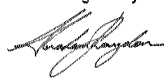
Section 4. The legal description of the District shall be as provided in **Exhibit A**, attached hereto and incorporated herein by reference.

Section 5. A certified copy of this resolution shall be filed in the records of Douglas County.

PASSED AND ADOPTED this 24<sup>th</sup> day of January 2023, in Castle Rock, Douglas County, Colorado.

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

BY:

DocuSigned by:  
  
2322EA9EBA95429...  
Chair  
Abe Laydon

ATTEST:



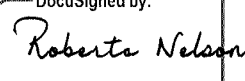
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7DCE6BB0F8A540B...  
BY: \_\_\_\_\_  
County Clerk and Recorder  
Roberta Nelson

EXHIBIT A

(Legal Description)

**LEGAL DESCRIPTION**

TWO PARCELS OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 5, AND THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL A**

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE S00°34'55"E, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 5, A DISTANCE OF 76.80 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD AS RECORDED IN BOOK 159 AT PAGE 397, DOUGLAS COUNTY RECORDS, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING S00°34'55"E, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 5, A DISTANCE OF 114.23 FEET TO A POINT ON THE NORTH LINE OF THE HIGHLINE CANAL AS RECORDED IN BOOK 93 AT PAGE 64, DOUGLAS COUNTY RECORDS; THENCE ALONG SAID NORTH LINE OF THE HIGHLINE CANAL THE FOLLOWING FIVE (5) COURSES:

1. S82°10'57"W, A DISTANCE OF 127.86 FEET;
2. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 19°36'12", A RADIUS OF 892.29 FEET, AND AN ARC LENGTH OF 305.29 FEET;
3. S62°34'45"W, A DISTANCE OF 656.12 FEET;
4. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 08°46'26", A RADIUS OF 1071.47 FEET, AN ARC LENGTH OF 164.08 FEET, AND WHOSE CHORD BEARS S67°06'13"W, A DISTANCE OF 163.92 FEET;
5. S71°23'20"W, A DISTANCE OF 19.21 FEET;

TO A POINT ON THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 434 AT PAGE 655, DOUGLAS COUNTY RECORDS, THENCE N03°04'31"E, ALONG SAID WEST LINE A DISTANCE OF 594.09 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES;

1. N89°47'38"E, A DISTANCE OF 981.31 FEET;
2. S89°34'47"E, A DISTANCE OF 153.50 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 8.442 ACRES OF LAND, MORE OR LESS

**TOGETHER WITH PARCEL B**

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5, THENCE S00°34'55"E, ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 5, A DISTANCE OF 291.83 FEET TO A POINT ON THE SOUTH LINE OF A PARCEL OF LAND RECORDED IN BOOK 134, AT PAGE 110, DOUGLAS COUNTY RECORDS, AND THE SOUTH LINE OF THE HIGHLINE CANAL AS RECORDED IN BOOK 93 AT PAGE 64, DOUGLAS COUNTY RECORDS, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY LINES OF SAID PARCELS THE FOLLOWING SIX (6) COURSES:

1. N82°01'07"E, A DISTANCE OF 256.23 FEET;
2. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 16°31'00", A RADIUS OF 650.63 FEET, AND AN ARC LENGTH OF 187.56 FEET;
3. S81°27'53"E, A DISTANCE OF 282.16 FEET;
4. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 21°59'14", A RADIUS OF 794.87 FEET, AND AN ARC LENGTH OF 305.03 FEET;
5. ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 50°14'09", A RADIUS OF 283.19 FEET, AN ARC LENGTH OF 248.30 FEET, AND WHOSE CHORD BEARS S34°21'35"E, A DISTANCE OF 240.42 FEET;
6. S09°14'30"E, A DISTANCE OF 128.34 FEET;

THENCE CONTINUING ALONG THE EASTERLY LINES OF SAID PARCEL OF LAND RECORDED IN BOOK 134, AT PAGE 110 THE FOLLOWING FIVE (5) COURSES:

1. S76°12'15"W, A DISTANCE OF 40.13 FEET;
2. S09°14'30"E, A DISTANCE OF 188.65 FEET;
3. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 11°44'30", A RADIUS OF 448.06 FEET, AND AN ARC LENGTH OF 91.82 FEET;
4. S20°59'00"E, A DISTANCE OF 378.85 FEET;
5. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 28°23'29", A RADIUS OF 392.89 FEET, AND AN ARC LENGTH OF 194.69 FEET;

TO A POINT ON THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 134, AT PAGE 110; THENCE S89°43'10"W, ALONG SAID SOUTH LINE, A DISTANCE OF 172.24 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY C-470, AS RECORDED IN BOOK 515 AT PAGE 27, DOUGLAS COUNTY RECORDS; THENCE N70°38'46"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1230.63 FEET; THENCE N69°32'38"W, A DISTANCE OF 87.79 FEET A POINT ON THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF

SECTION 5; THENCE CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY C-470, AS RECORDED IN BOOK 483 AT PAGE 195, DOUGLAS COUNTY RECORDS THE FOLLOWING FOUR (4) COURSES:

1. CONTINUING N69°32'38"W, A DISTANCE OF 114.82 FEET;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 03°37'39", A RADIUS OF 5879.58 FEET, AN ARC LENGTH OF 372.25 FEET, AND WHOSE CHORD BEARS N72°01'20"W, A DISTANCE OF 372.18 FEET;
3. N16°09'51"E, A DISTANCE OF 25.00 FEET;
4. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 06°30'25", A RADIUS OF 5904.58 FEET, AN ARC LENGTH OF 670.56 FEET, AND WHOSE CHORD BEARS N77°05'22"W, A DISTANCE OF 670.20 FEET;

TO A POINT OF CUSP, ALSO BEING A POINT ON THE SOUTH LINE OF SAID HIGHLINE CANAL; THENCE ALONG SAID SOUTH LINE THE FOLLOWING FOUR (4) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 07°46'39", A RADIUS OF 1171.47 FEET, AN ARC LENGTH OF 159.02 FEET, AND WHOSE CHORD BEARS N66°36'58"E, A DISTANCE OF 158.90 FEET;
2. N62°34'45"E, A DISTANCE OF 656.58 FEET;
3. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 19°36'12", A RADIUS OF 792.29 FEET, AND AN ARC LENGTH OF 271.08 FEET;
4. N82°10'57"E, A DISTANCE OF 115.16 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 37.267 ACRES OF LAND, MORE OF LESS.

TOTAL AREA OF PARCELS A & B = 45.709 ACRES.

THE BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEING S00°34'55"E BETWEEN A 1-1/2" BRASS CAP AT THE NORTHEAST CORNER AND A 3-1/4" ALUMINUM CAP AT THE EAST ONE QUARTER CORNER.

PREPARED BY: JANET A. CALDWELL, PLS 29027  
 FOR AND ON BEHALF OF THE LUND PARTNERSHIP INC.  
 12265 W. BAYAUD AVE., SUITE 130  
 LAKEWOOD, COLORADO 80228  
 JULY 16, 2007

