



ICENOGLE SEAVER POGUE

July 25, 2024

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

State of Colorado
Office of the State Auditor
1525 Sherman St., 7th Floor
Denver, Colorado 80203
Via Email: osa.lg@state.co.us

Re: Hunting Hill Metropolitan District Fourth Amendment to Service Plan

To Whom It May Concern:

Enclosed for your files on the Hunting Hill Metropolitan District, Douglas County, Colorado, is a Fourth Amendment to Service Plan for Hunting Hill Metropolitan District and the approving resolution issued by the Board of County Commissioners of Douglas County on July 9, 2024.

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

Sincerely,

ICENOGLE SEAVER POGUE
A Professional Corporation

Alicia J. Corley

/AJC

Enclosures

cc: Jennifer L. Ivey (via electronic mail)

FOURTH 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
July 9, 2024

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. The Service Plan was amended again by the Third Amendment to Service Plan for Hunting Hill Metropolitan District (the “**Third Amendment**”), which was approved by Douglas County on January 24, 2023 pursuant to Resolution No. R-23-016 and recorded with the Clerk and Recorder on January 30, 2023 at Reception No. 2023004170.

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

Section I.E of the Service Plan limits the District’s powers to providing public infrastructure improvements and public services for the provision of water services, storm sewers, sanitary wastewater services, street and roadway improvements, traffic and safety control, and mosquito control. The Board of Directors of the District is requesting that Douglas County approve this Fourth Amendment to provide the District the power to finance, design, construct, acquire, install, maintain, and provide for parks and recreation facilities, services, and programs, with the consent of overlapping districts in accordance with § 32-1-107(3), C.R.S.

II. FOURTH AMENDMENT

1. The following subsection is hereby added as Subsection 7 to Section I.E (**Powers**), which will immediately precede the last un-numbered paragraph of Section I.E that begins with “In addition,...”:

Parks and Recreation

7.0. The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and provide for public parks and public recreation centers and

other recreation facilities, services or programs, including, but not limited to, grading, soil preparation, sprinkler systems, fencing, pavilions, playgrounds, playing fields, open space, bike trails, pedestrian trails, pedestrian bridges, picnic areas, common area landscaping, streetscaping, storage buildings and facilities, weed control, paving, decorative paving, outdoor functional and decorative lighting, community events, pet recreation areas, pet waste stations, and other services, programs and facilities, with all necessary and incidental and appurtenant facilities, land and easements, together with extensions and improvements thereto. To finance these parks and recreation facilities, the District also has the authority to establish and enter into agreements with 63-20 corporations or similar entities, issue additional bonds, or enter into a facilities acquisition and advance and reimbursement agreement with the developer of the community to repay a developer advance.

The District's park and recreation powers are limited to the extent that the use of such powers does not duplicate services or facilities provided by either Highlands Ranch Metro District ("**Highlands Ranch Metro**") or South Suburban Parks and Recreation District ("**South Suburban**"). The Boards of Directors of Highlands Ranch Metro and South Suburban have consented, pursuant to C.R.S. § 32-1-107, to the District's power to provide public park and public facilities and services. A copy of Highlands Ranch Metro's resolution and South Suburban's resolution in this regard are attached hereto as **Exhibit 1** and incorporated herein by this reference.

2. The following subsection is hereby added as Subsection F.5 to Section II (Purpose of the District):

F.5 As is more specifically described in Section V of this Service Plan, the District may finance, design, construct, acquire, install, maintain, and provide for public parks and recreation facilities. Highlands Ranch Metro and South Suburban have consented to the District's park and recreation powers as evidenced by the consents attached hereto as **Exhibit 1**.

3. The following subsection is hereby added as the new Subsection 7 to Section V.A (Type of Improvements) and the current Section 7 (Other) is renumbered as Section 8 (Other):

7 Parks and Recreation.

The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and provide for public park and public recreation facilities, services or programs, including, but not limited to, grading, soil preparation, sprinkler systems, fencing, pavilions, playgrounds, playing fields, open space, bike trails, pedestrian trails, pedestrian bridges, picnic areas, common area landscaping, streetscaping, storage buildings and facilities, weed control, paving, decorative paving, outdoor functional and decorative lighting, community events, pet recreation areas, pet waste stations, and other services, programs and facilities, with all necessary and incidental and appurtenant facilities, land and easements, together with extensions and improvements thereto. Provided, however, the District's park and recreation powers are limited to the extent that the use of such powers does not

duplicate services or facilities provided by either Highlands Ranch Metro or South Suburban.

IV. EFFECT OF FOURTH AMENDMENT

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

EXHIBIT 1

Highlands Ranch Metropolitan District and South Suburban Parks and Recreation District Consent to Overlapping Service



March 18, 2024

62 West Plaza Drive
Highlands Ranch, Colorado 80129

303-791-0430 - Telephone
303-791-3290 - Financial / Customer Service - Fax
www.highlandsranch.org

Jennifer L. Ivey
Icenogle, Seaver, and Pouge, P.C.
4725 South Monaco Street, Suite 360
Denver, Colorado 80237

RE: Hunting Hill Metropolitan District Service Plan

Dear Ms. Ivey,

At its February 27, 2024 meeting, the Board of Directors of the Highlands Ranch Metropolitan District considered and approved the Hunting Hill Metropolitan District's request pursuant to Section 32-1-107, C.R.S. to consent to the addition of the parks and recreation power to the Hunting Hill Metropolitan District's Service Plan provided that the any such park and recreation improvements do not duplicate or interfere with the improvements or facilities constructed or planned by Highlands Ranch Metropolitan District.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie Stanley".

Stephanie Stanley
General Manager

**South Suburban Park and Recreation District
Resolution # 2024-09**

**A RESOLUTION CONSENTING TO THE OVERLAP OF
DISTRICT BOUNDARIES WITH THE HUNTING HILL
METROPOLITAN DISTRICT**

WHEREAS, Section 32-1-107(2), C.R.S. provides that no special district may be organized wholly or partly within an existing special district providing the same service; and

WHEREAS, Section 32-1-107(3)(b)(IV), C.R.S. provides that an overlapping special district may be authorized to provide the same service as the existing special district if, among other requirements, the Board of Directors of the special district consents to the overlapping special district providing the same service; and

WHEREAS, the boundaries of the Hunting Hill Metropolitan District (the “District”) and South Suburban Park and Recreation District (“South Suburban”) overlap; and

WHEREAS, the Service Plan of the District, as amended (“Service Plan”) does not provide the details with regard to the location or specifications of the park and recreation improvements and programming to be provided; and

WHEREAS, South Suburban desires to consent to the District providing such other park and recreation activities as the Service Plan may allow, subject to the conditions set forth herein; and

WHEREAS, it is believed that such services, will not duplicate or interfere with any other improvements or facilities already constructed or now planned to be constructed within South Suburban; and

WHEREAS, South Suburban consents to the Service Plan of the District, and the overlapping services to be provided by the District, subject to the conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the South Suburban Park and Recreation District as follows:

Pursuant to Section 32-1-107(3)(b)(IV), C.R.S., South Suburban Park and Recreation District hereby consents to the Service Plan of the District and to

Resolution # 2024-09

District possessing certain park and recreation powers and authority to serve the property, residents and taxpayers within the proposed boundaries of the District, subject to the following conditions:

1. The District shall have the authority to design, construct, acquire, finance, operate and maintain all pedestrian ways, passive open space, landscaping, bike paths and all necessary, incidental and appurtenant facilities, land and easements within its boundaries in its sole discretion (the "Pre-Approved Park and Rec Improvements").
2. The District shall not apply for any grants or other funds from the Great Outdoors Colorado (GOCO), receive any monies from the Colorado Conservation Trust Funds, receive grants from County Sales Tax programs, or any other funds available from or through governmental or non-profit entities, for which South Suburban is eligible to apply, or compete with South Suburban for any other funding sources, except pursuant to an Intergovernmental Agreement with South Suburban.
3. The District shall have the authority to design, construct, acquire, finance, operate and maintain parks and recreational improvements other than any improvements connected to South Suburban facilities.
4. Prior to the construction, acquisition, financing or operation and maintenance of any improvements connected to or ultimately to be owned by South Suburban ("Additional Park and Rec Improvements"), the District shall be required to submit the plans and specifications for such Additional Improvements (the "Described Additional Improvements") to South Suburban together with a written request for approval from South Suburban as to the ability of the District to proceed with the construction, acquisition, financing and/or operation and maintenance of the Described Additional Improvements (the "Request Submittal"). South Suburban shall have seventy-five (75) days from the date of receipt of the Request Submittal to object in a writing delivered to the District if South Suburban determines it does not consent to the District proceeding to provide the Described Additional Improvements or if South Suburban determines it is appropriate for the District and South Suburban to enter into an Intergovernmental Agreement prior to the initiation of construction of the Described Additional Improvements. If such an objection is delivered by South Suburban to the District, then the District shall have no authority to proceed with the

Resolution # 2024-09

Described Additional Improvements until such time as the objections of South Suburban have been addressed to South Suburban's satisfaction or until the District and South Suburban have entered into an Intergovernmental Agreement regarding the Described Additional Improvements. If no such written objection is received by the District within the seventy-five (75) day period, South Suburban shall be deemed to consent and the District shall have the authority to proceed with the Described Additional Improvements.

PASSED, APPROVED AND ADOPTED this 13th day of March, 2024, by the Board of Directors of the South Suburban Park and Recreation District, by a vote of 4 for and 0 against.

South Suburban Park and Recreation
District, by:

DocuSigned by:

Pam Eller

D994ADDAE6400...

Pam Eller, Vice Chairman

ATTEST:

DocuSigned by:

Peter J. Barrett

BC81BCBAE42C4EE

Peter J. Barrett, Secretary

Legal compliance approval

DocuSigned by:

Jennifer King

090614099A4345A...

RESOLUTION NO. R-024-079

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

**A RESOLUTION APPROVING THE FOURTH 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, on January 24, 2023, the Board adopted Resolution No. R-23-016 approving the Third Amendment to Service Plan for Hunting Hill Metropolitan District; and

WHEREAS, the current Service Plan, as amended, limits the District's powers to providing public infrastructure improvements and public services for the provision of water services, storm sewers, sanitary wastewater services, street and roadway improvements, traffic and safety control, and mosquito control; and

WHEREAS, the District is requesting an amendment to its Service Plan to provide the District the power to finance, design, construct, acquire, install, maintain, and provide for parks and recreation facilities, services, and programs, with the consent of overlapping districts in accordance with Section 32-1-107(3), C.R.S; and

WHEREAS, on April 30, 2024, a Fourth Amendment to Service Plan for Hunting Hill Metropolitan District ("Fourth Amendment") was filed with the Douglas County Clerk and Recorder ("Clerk"), to provide the District the power to finance, design, construct, acquire, install, maintain, and provide for parks and recreation facilities, services, and programs, with the consent of overlapping districts in accordance with Section 32-1-107(3), C.R.S; and

WHEREAS, the Clerk, on behalf of the Board, mailed a Notice of Filing of Special District Service Plan regarding the Fourth Amendment to the Division of Local Government in the Department of Local Affairs on May 10, 2024; and

WHEREAS, on June 3, 2024, the Douglas County Planning Commission recommended approval of the Fourth Amendment to the Board; and

WHEREAS, on June 25, 2024, the Board set a public hearing on the Fourth Amendment for July 9, 2024 ("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 June 13, 2024; and (2) mailing notice of the date, time and location of the Public Hearing on June 10, 2024 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 June 10, 2024, 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 July 9, 2024, a Public Hearing on the Fourth 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 Fourth 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 Fourth Amendment have been fulfilled and that the Board has jurisdiction in the matter.


Section 2. The Board does hereby find that the Fourth Amendment, based upon the statements set forth in the Fourth Amendment, this resolution, and upon all evidence presented at the Public Hearing on the Fourth Amendment, meets all conditions and requirements of Sections 32-1-201, *et seq.*, C.R.S., and the County's Service Plan Review Procedures.

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


Section 4. A certified copy of this resolution shall be filed in the records of Douglas County.

PASSED AND ADOPTED this 9th day of July 2024, in Castle Rock, Douglas County, Colorado.

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

DocuSigned by:

BY: E5CD14592431405...
Chair 90a46a49-a672-4181-b377-e879eee6f212

ATTEST:

DocuSigned by:

BY: 466E3E33F08249D...
Deputy Clerk Hayley Hall