

RESOLUTION NO. R-019-087

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

A RESOLUTION CONCERNING THE CREATION AND ORGANIZATION OF DOUGLAS COUNTY LOCAL IMPROVEMENT DISTRICT NO. 18-01 (SAGEPORT 2018); AUTHORIZING AND ORDERING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS THEREIN; AUTHORIZING NOTICE TO CONTRACTORS; PROVIDING FOR NOTICE TO PROPERTY OWNERS OF COMPLETION OF THE IMPROVEMENTS AND DETERMINING THE METHOD OF APPORTIONING ASSESSMENTS TO DEFRAY COSTS THEREOF

WHEREAS, the Board of County Commissioners (the "Board") of Douglas County, Colorado (the "County"), has heretofore by Resolution No. R – 018 – 060 resolved and passed at the Board's regular meeting held on June 26, 2018 and as amended on June 25, 2019, a preliminary order (the "Preliminary Order") adopting preliminary cost estimates with respect to the proposed Douglas County Local Improvement District No. 18-01 (Sageport 2018) (the "District") for the purpose of acquiring, constructing and installing certain water main and lot water improvements, sanitary sewer main and lot sewer improvements, roadway and drainage improvements and natural gas main and electric main improvements described therein (collectively, the "Improvements"), and to assess the cost thereof against the properties specially benefited thereby; and

WHEREAS, notice containing the information required by Section 30-20-601, *et seq.*, Colorado Revised Statutes ("C.R.S."), as amended (the "Act"), pertaining to the District has been duly mailed by first class to all property owners within the District on June 27, 2019 and timely published the News Press on July 4, 2019 and

WHEREAS, the Board has held a public hearing relating to the creation of the District affording all interested persons an opportunity to have complaints and objections heard and determined before final action thereon; and

WHEREAS, all other conditions precedent to the creation of the District and the authorization of the Improvements therein have been fully performed and satisfied.

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

1. The Board hereby finds that notice containing the information required by Section 30-20-603 of the Act has been duly and timely mailed and published in a newspaper of general circulation in the County.

2. Having held a public hearing and heard and considered all complaints and objections made in accordance with the Act, the Board has determined, and does hereby determine, that the Improvements should be constructed, as they are in the best interest of the inhabitants and owners of the property located within the boundaries of the proposed district; the benefits to the properties within the district outweigh the costs; the district will have the ability to provide them to all of the properties within the district in an economical and sufficient manner; and are necessary for the preservation of the public health, safety and welfare.

3. There is hereby created and established within the limits of the County, a local improvement district to be known and designated as "Douglas County Local Improvement District No. 18-01 (Sageport 2018)". The real property to be included within the District shall be each and every buildable lot or parcel listed below:

Lots 6 – 12, Block 6 and Lots 1 – 7, Block 7, Sageport Filing #2

The improvements to be made, as authorized pursuant to the Act, include the construction of water main and lot water improvements, sanitary sewer main and lot sewer improvements, roadway and drainage improvements and natural gas main and electric main improvements on the following roadway (collectively, the "Improvements"):

Poncho Road from existing asphalt roadway at the Marshall Road intersection on the west to the east end of Poncho Road.

Each and every buildable lot or parcel listed below will receive one full assessment for the Improvements within the District:

Lots 6 – 12, Block 6 and Lots 1 – 7, Block 7, Sageport Filing #2

4. The map of the District prepared and filed with the County Public Works – Engineering Department, Engineering Services Division, and previously approved by the Board is hereby approved for the District.

5. The estimates of cost and the schedule of approximate assessments prepared for the District and filed with the County Public Works – Engineering Department, Engineering Services Division, are hereby approved for the District. The District shall be assessed as provided for in the preliminary order, unless otherwise provided by the Board.

6. The construction of the Improvements in and for the District is hereby authorized and ordered and shall proceed under the direction of the Board in accordance with the preliminary plans, specifications, maps and estimates of cost for the District prepared and filed with and approved by the Board.

7. The Board, or its authorized designee, will bid, contract and construct the required water main and lot water service improvements, the sanitary sewer main and lot sewer service improvements, roadway and drainage improvements, and enter into contracts with Black Hills Energy for the construction of the natural gas main improvements and IREA for the construction

of the electric main improvements, and such contracts shall be let and in all other respects comply with the applicable requirements of the Act.

8. The Board hereby finds that the Improvements have been duly ordered after notice duly given and hearing duly held and that such proposal was properly initiated.

9. The Board has determined, and does hereby determine, that the Improvements will confer general benefits upon the County and substantial special benefits upon each buildable lot or parcel of land within the District. The Board has determined, and does hereby determine, that assessments shall hereafter be levied against each buildable lot and parcel specially benefited by the Improvements shown on the schedule of approximate assessments prepared and filed with the County Public Works – Engineering Department, Engineering Services Division, and approved by the County for the District. It is hereby found and determined that the apportionment of the costs of the Improvements are fair and equitable and reflect a reasonable apportionment consistent with and in approximation to the substantial special benefits to be conferred.

10. Upon completion of the Improvements, or upon completion from time to time of any part thereof, and upon acceptance thereof by the Board, or whenever the total cost of the Improvements, or of any part thereof, can be reasonably ascertained, either prior to, during, or subsequent to the construction of the Improvements, the Board will cause to be prepared a statement showing the whole cost of the Improvements, including costs of inspection and collection, and all other incidental costs, the portion thereof to be paid by the County and the portion thereof to be assessed upon each buildable lot or parcel within the District, which statement shall be filed in the office of the County Clerk and Recorder.

11. Upon receipt of said statement, the County Clerk and Recorder shall duly and timely notify all known owners of the property to be assessed by publication once in a newspaper of general circulation in the County, that the Improvements have been, or are about to be, completed and accepted, therein specifying (a) the whole cost of the Improvements, (b) the portion, if any, to be paid by the County, (c) the share apportioned to each buildable lot or parcel within the District, (d) that any complaints or objections which may be made in writing by the property owners to the Board, and filed in the office of the County Clerk and Recorder within 30 days from the publication of such notice, will be heard and determined by the Board before the passage of any resolution assessing the cost of the Improvements, and (e) the date when and place where such complaints or objections will be heard.

12. At the time specified in said notice, the Board shall hear and determine all such complaints and objections and may thereupon make such modifications and changes as may seem equitable and just or may confirm the first apportionment. The Board shall thereupon by resolution assess the cost of the Improvements against each buildable lot and parcel specially benefited by the Improvements.

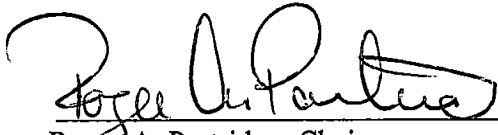
13. The proper County officials and staff are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution and to comply with the requirements of the law.

14. All action heretofore taken by the Board or other County officials not inconsistent herewith directed toward the creation of the District and the construction of the Improvements is hereby ratified, approved and confirmed.

15. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed so as to revive any act, order, resolution, or ordinance, or part thereof, heretofore repealed.

16. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions hereof, the intention being that the various sections or provisions hereof are severable.

ADOPTED AND APPROVED this 13th day of August 2019.



Roger A. Partridge, Chair
Board of County Commissioners



(SEAL)

ATTEST:



Kristin Randlett,
Clerk to the Board