RESOLUTION NO. R-018-_____

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

PRELIMINARY ORDER CONCERNING 2023 BANNOCK DRIVE LOCAL IMPROVEMENT DISTRICT, DOUGLAS COUNTY, COLORADO; REGARDING THE INITIATION OF A LOCAL IMPROVEMENT DISTRICT; ADOPTING PRELIMINARY PLANS, SPECIFICATIONS, AND COST ESTIMATES; REQUIRING A MAP OF PROPERTY TO BE ASSESSED AND AN APPROXIMATE ASSESSMENT SCHEDULE; DESCRIBING MATERIALS; SETTING THE DATE OF A PUBLIC HEARING; AND ORDERING PUBLICATION AND MAILING OF NOTICE OF HEARING TO OWNERS OF PROPERTY TO BE ASSESSED

WHEREAS, pursuant to part 6 of article 20 of title 30, Colorado Revised Statutes, as amended (the "Act"), the Board of County Commissioners (the "Board") of Douglas County, Colorado (the "County") has received petitions from the property owners representing more than half of the estimated costs to be burdened by any assessment (the "Petitioners") of the proposed 2023 Bannock Drive Local Improvement District, Douglas County, Colorado (the "Proposed District"); and

WHEREAS, the Board is required to initiate proceedings for the creation of the Proposed District for the purpose of acquiring, constructing and installing certain improvements including, without limitation (1) water mains and lot water service improvements ("Water Improvements"), (2) sanitary sewer main and lot sewer service improvements, ("Sewer Improvements"), (3) the roadway and drainage improvements, ("Roadway Improvements"), (4) natural gas mains by Black Hills Energy ("Gas Improvements") and (5) electrical mains by CORE Electric ("Electrical Improvements") in portions of Perry Park Filing 5, located in the County, as more particularly described in the form of Notice set forth herein and constituting a part hereof (the "Notice"), and other incidental and necessary improvements, to the extent moneys are available (collectively, the "Improvements") within the Proposed District, and to assess the cost thereof against the properties specially benefited thereby; and

WHEREAS, the Board has received a request by property owners within the boundary of the Proposed District, and intends to proceed with the formation of the Proposed District; and

WHEREAS, there has been prepared and filed with the County Clerk and Recorder preliminary cost estimates relating to the Improvements; and

WHEREAS, it is necessary that a preliminary order be made, adopting preliminary estimates, describing the materials to be used or stating that one of several specified materials shall be chosen, determining the number of installments and time at which the cost of the Improvements shall be payable, describing the property to be assessed for the cost of the Improvements, and requiring an estimate of cost and a map by the County Public Works –

Engineering staff, and adopting a schedule showing the approximate amounts to be assessed upon the several lots or parcels of property within the Proposed District; and

WHEREAS, this Resolution shall constitute the preliminary order required by the Act.

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

Section 1. The preliminary estimate of cost, a map of the Proposed District, and schedule of approximate assessments prepared and filed are hereby adopted and approved by the Board for use in the construction of the Improvements within the Proposed District.

Section 2. The nature and location of the Improvements to be made in the Proposed District and the materials to be used in constructing the Improvements shall be generally as stated in the form of the Notice that appears below. The boundaries of the Proposed District shall be as set forth in the form of the Notice.

Section 3. The assessments to be levied for the Improvements shall be due and payable within 30 days after the final adoption of an assessing resolution (the "Assessing Resolution") by the Board assessing the cost of the Improvements against the property in the Proposed District. However, all such assessments may be paid, at the election of the owner, in ten annual installments of principal, interest and County Treasurer's collection fee. The first of said installments shall be due and payable not more than two years from the date of the Assessing Resolution, as determined in and by the Assessing Resolution. The entire cost shall therefore be payable within ten years of the first installment date. The times of payment of installments and interest thereon shall be the same as the times of payment for installments of property taxes. The rate of interest on unpaid and deferred installments shall be finally determined by the Board and set forth in the final Assessing Resolution.

Section 4. The property to be assessed for the cost of the Improvements shall be the property specially benefited thereby as more particularly described in the form of the Notice. The Board hereby determines that the method of assessing and allocating the probable costs of the Improvements as described in the Notice reflects the benefits, which accrue to each lot, parcel or tract of land, on an equitable basis.

Section 5. A public hearing concerning the creation of the Proposed District and the construction of the Improvements therein shall be held on Tuesday, August 27, 2024, at 2:30 p.m. at the County Philip S. Miller Building, 100 Third Street, Castle Rock, Colorado.

Section 6. Notice of the intention of the Board to create a local improvement district pursuant to the state statues and to construct the Improvements therein and of a public hearing thereon shall be given by the County Clerk by publication once in the *Douglas County News Press*, a newspaper of general circulation in the County, at least 30 days prior to the date of the hearing, as required by law. In addition, the Notice, being a brief written synopsis of the Improvements, shall be mailed by first-class mail to each property owner to be assessed for the cost of the Improvements who is included within the Proposed District. The mailed Notice shall

be made on or about the date of publication of the notice of the hearing. The Notice shall be in substantially the following form:

[Form of Notice]

N O T I C E

OF HEARING ON THE PROPOSED CREATION OF 2023 BANNOCK DRIVE LOCAL IMPROVEMENT DISTRICT, DOUGLAS COUNTY COLORADO, FOR THE PURPOSE OF CONSTRUCTION OF CERTAIN IMPROVEMENTS

All owners of real estate and property hereinafter described, and all persons generally are hereby notified that the Board of County Commissioners of Douglas County, Colorado (the "County") has adopted preliminary cost estimates for certain improvements to be acquired, constructed and installed within a proposed local improvement district in the County, to be known as 2023 Bannock Drive Local Improvement District, Douglas County, Colorado (the "Proposed District").

1. A description of the boundaries of the Proposed District is as follows and includes generally the real property described herein:

Group A:

Lots 1-3, Block 7, Perry Park Filing 5
Lots 30-35, Block 7, Perry Park Filing 5
Lots 16-18, Block 8, Perry Park Filing 5
Lots 1-12, Block 9, Perry Park Filing 5
Lot 10, Block 10, Perry Park Filing 5
Lots 11-14, Block 11, Perry Park Filing 5
Lots 25-28, Block 12, Perry Park Filing 5

Group B:

Lot 29, Block 7, Perry Park Filing 5
Lots 10-15, Block 8, Perry Park Filing 5

The improvements to be made are as follows and are collectively referred to as the "Improvements":

Construction of water main and lot services, sanitary sewer main and lot services, roadway and drainage improvements by the County, installation of natural gas mains by Black Hills Energy, and installation of electric mains by CORE Electric Cooperative on the following roadways:

Roadway improvements shall consist of subgrade preparation, drainage improvements, shouldering with aggregate base course, or placement of curb and gutter, placement and preparation of road base and the installation of asphalt pavement on the following roadways:

- A portion of Delaware Drive
- Quivas Road from Delaware Drive to Bannock Drive
- A portion of Bannock Drive
- Crow Place
- A portion of Crow Road
- Other roadway connections as required

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

Group A:

Lots 1-3, Block 7, Perry Park Filing 5
Lots 30-35, Block 7, Perry Park Filing 5
Lots 16-18, Block 8, Perry Park Filing 5
Lots 1-12, Block 9, Perry Park Filing 5
Lot 10, Block 10, Perry Park Filing 5
Lots 11-14, Block 11, Perry Park Filing 5
Lots 25-28, Block 12, Perry Park Filing 5

Group B:

Lot 29, Block 7, Perry Park Filing 5
Lots 10-15, Block 8, Perry Park Filing 5

The Improvements described above will be funded from legally available moneys of the County, private placement construction loan or by the issuance of special assessment bonds by the County (the "Financing"). The Financing shall be paid through special assessments imposed against the real property included within the boundaries of the Proposed District and specifically benefited by the Improvements. The estimated total cost of constructing the Improvements, but less the amount expected to be provided by other sources as described in paragraph 5 below, is $10,360,000. The method of assessment shall be as follows:

Each buildable lot and parcel within the boundaries of the Proposed District shall be assessed an equal share of the total cost of the Improvements. The assessment for each buildable lot or parcel for the Improvements is estimated to be **The estimated maximum full per lot assessment is $266,000 for Group A and $226,000 for Group B**. The estimated costs of the Improvements exclude the costs of incidentals, County administration, and general legal expenses. If such assessment is paid in installments, additional costs including interest and additional statutory County Treasurer collection fees will be added to such payments.

2. Assessments shall be payable either within thirty (30) days after publication of the resolution making the assessments on each parcel of land benefited, or in installments payable with interest and statutory County Treasurer collection fees over the term of the Financing, at the election of each property owner. The term of the Financing shall not exceed ten (10) years. If not paid in full within thirty (30) days as described, assessments shall be payable with interest at a rate not to exceed 12% per annum, in ten (10) annual installments.

3. The rate of interest on unpaid and deferred installments shall be determined by the Board of County Commissioners and set forth in the Assessing Resolution. In addition, County collections fees will be charged on full payments and installment payments as State law requires.

4. As shown by the estimates previously prepared and filed with the County Clerk, the probable total cost of the Improvements in the Proposed District, including, without limitation, construction, contingency, design, administration and supervision, and legal is $10,360,000. Of said cost it is estimated that $0 will be paid by the County and the Perry Park Metro District for survey, design, administration, and construction management of the Improvements. **The estimated maximum full per lot assessment is $266,000 for Group A and $226,000 for Group B** will be assessed against the benefited property within the Proposed District.

Upon completion and acceptance of the Improvements or any part thereof, or as soon as the total actual cost thereof can be reasonably ascertained, such cost shall be apportioned to each lot or parcel of land in the Proposed District. Notice of such apportionment shall be given, and a hearing will be held prior to the adoption of the Assessing Resolution, all as provided by law.

5. Not less than 30 days after publication of this Notice, *i.e.* on Tuesday, August 27, 2024, at 2:30 p.m., a resolution creating the Proposed District and authorizing the Improvements will be considered and a public hearing thereon will be held by the Board of County Commissioners at the Philip S. Miller Building, 100 Third Street, Castle Rock, Colorado.

6. An estimate of costs, a map, and a schedule showing the approximate amount to be assessed and all resolutions and proceedings are on file and may be seen and examined by any person interested at the County Department of Public Works – Engineering, Engineering Services Division, 100 Third Street, Castle Rock, Colorado at any time during business hours on or before the date specified in paragraph 6 hereof.

7. Owners of any real property to be assessed may appear before the Board and be heard at the public hearing. All complaints and objections that may be made in writing concerning the Improvements by the owner or owners of any real property to be assessed will be heard and determined by the Board of County Commissioners at the public hearing referred to above, or at some adjournment thereof, before final action thereon.

DATED this day of 2024

/s/

(SEAL)

Deputy Clerk
Douglas County, Colorado

Published in: *Douglas County News Press*
To be published on: Thursday, July 18, 2024

[Forward copy of notice as printed in newspaper to County Attorney]
[End form of Notice]

Section 7. 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 day of 2024

_____

Chair
Board of County Commissioners

(SEAL)

ATTEST:

_____

Clerk to the Board

(Attach Publisher's Affidavit of Publication
of Notice of Public Hearing When Received)