

RESOLUTION NO. 1300

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN
APPROVING A PLAN FOR THE EXCLUSION OF PROPERTY ANNEXED BY
ORDINANCE NO. 1535 FROM A SPECIAL DISTRICT AND AGREEING TO
PROVIDE SPECIFIED SERVICES TO THE EXCLUDED AREA**

WHEREAS, Lone Tree Properties, LLLP, as owner of the real property annexed into the City of Golden by Ordinance No. 1535 (March 8, 2001) has initiated legal proceedings in Jefferson County District Court in Case Number 02-CV-0802 to exclude certain territory within the City, described in Exhibit "A" attached hereto, from the Pleasant View Metropolitan District (hereinafter the "Exclusion Proceedings"); and

WHEREAS, the City Council wishes to agree and acknowledge that it will provide to the territory for which exclusion is sought in the Exclusion Proceedings, the same services which are currently provided by the Pleasant View Metropolitan District; and

WHEREAS, Lone Tree Properties, LLLP, Pleasant View Metropolitan District and the City wish to agree upon an exclusion plan for presentation to the District Court in conjunction with the Exclusion Proceedings.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The "Stipulated Plan for Exclusion of Property" in the form substantially as attached hereto as Exhibit "B" is approved. The City Attorney is authorized to execute such stipulated plan on behalf of the City and submit it to the District Court for approval.

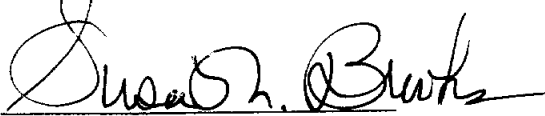
Section 2. The City Council of the City of Golden agrees to provide the services provided by the Pleasant View Metropolitan District to the area described in Exhibit "A" on the effective date of the Exclusion Order of the District Court.

Adopted on the 23 day of May 2002.



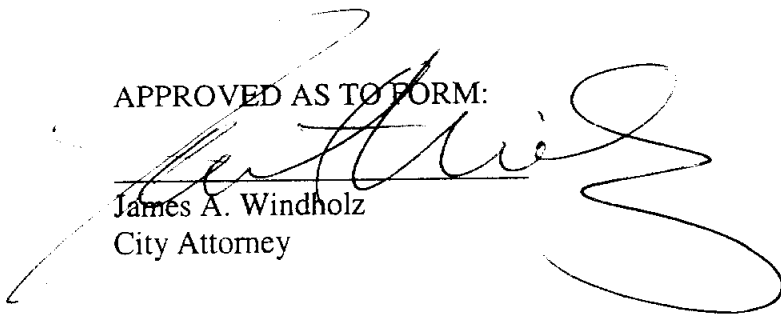
Charles D. Baroch, Mayor

ATTEST:



Susan M. Brooks
City Clerk

APPROVED AS TO FORM:


James A. Windholz
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular meeting thereof held on the 23rd day of May A.D., 2002.

(SEAL)

ATTEST:

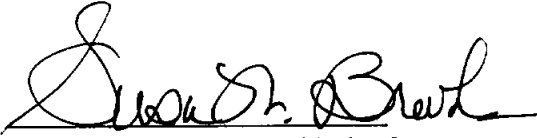

Susan M. Brooks, City Clerk of
The City of Golden, Colorado

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PLEASANT VIEW EXEMPTION SURVEY NO. 1, AMENDMENT NO. 3, BEING LOTS 25 THROUGH 33 INCLUSIVE, BLOCK 5, PLEASANT VIEW, TOGETHER WITH THE WEST ½ OF VACATED NOBLE STREET ADJACENT TO AND ADJOINING SAID LOTS 25 THROUGH 33, INCLUSIVE, AND TOGETHER WITH ALL OF THE VACATED ALLEY ADJACENT TO SAID LOTS 25 THROUGH 33.

AND

LOTS 20 THROUGH 24, INCLUSIVE, BLOCK 6, PLEASANT VIEW, TOGETHER WITH THE WEST ½ OF THE VACATED ALLEY ABUTTING SAID LOTS, AND TOGETHER WITH THE EAST 30 FEET OF VACATED ELM STREET NOW KNOWN AS NOBLE STREET ADJACENT TO LOTS 20, 21, 22, 23, AND 24, BLOCK 6, PLEASANT VIEW AND TOGETHER WITH PORTIONS OF WEST 7TH AVENUE ADJACENT THERETO.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 12, PLEASANT VIEW, THENCE N 00°03'16" E, ALONG SAID EAST LINE EXTENDED NORTHERLY AND ALONG THE EAST LINE OF LOTS 24 THROUGH 16, BLOCK 5, PLEASANT VIEW, A DISTANCE OF 286.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 16; THENCE N 89°50'07" E, ALONG THE NORTH LINE OF SAID LOT 16 EXTENDED EASTERLY AND ALONG THE NORTH LINE OF LOT 33, BLOCK 5 EXTENDED EASTERLY, A DISTANCE OF 172.99 FEET TO A POINT ON THE CENTERLINE OF VACATED NOBLE STREET; THENCE S 00°03'07" W, ALONG SAID CENTERLINE, A DISTANCE OF 100.60 FEET TO A POINT OF INTERSECTION OF THE CENTERLINE OF NOBLE STREET AND THE NORTH LINE OF LOT 20, BLOCK 6, EXTENDED WESTERLY; THENCE N 89°50'21" E, ALONG THE NORTH LINE OF LOT 20, BLOCK 6, EXTENDED WESTERLY AND EXTENDED EASTERLY, A DISTANCE OF 155.00 FEET TO A POINT ON THE CENTERLINE OF SAID VACATED ALLEY IN SAID BLOCK 6; THENCE S 00°02'57" W, ALONG SAID CENTERLINE, A DISTANCE OF 155.77 FEET TO POINT ON THE CENTERLINE OF WEST 7TH AVENUE; THENCE S 89°50'38" W, ALONG SAID CENTERLINE, A DISTANCE OF 165.01 FEET TO A POINT ON THE CENTERLINE OF NOBLE STREET EXTENDED NORTHERLY; THENCE S 00°03'07" W, ALONG SAID EXTENDED CENTERLINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF LOT 48, BLOCK 12, EXTENDED EASTERLY; THENCE S 89°50'38" W, ALONG SAID EXTENDED LINE AND THE NORTH LINE OF LOTS 48 AND LOT 1, BLOCK 12, A DISTANCE OF 175.01 FEET TO THE POINT OF BEGINNING.

<p>DISTRICT COURT, JEFFERSON COUNTY, GOLDEN, COLORADO 100 Jefferson County Parkway, Golden, Colorado 80401-6002</p>	
<p>PETITIONER: LONE TREE PROPERTIES, LLLP, a Limited Liability Limited Partnership Petitioner,</p> <p>And</p> <p>RESPONDENTS: THE CITY OF GOLDEN, through its governing body, THE CITY COUNCIL OF THE CITY OF GOLDEN; THE PLEASANT VIEW METROPOLITAN DISTRICT, through its governing body, THE BOARD OF DIRECTORS OF PLEASANT VIEW METROPOLITAN DISTRICT, as a class.</p>	<p>▲COURT USE ONLY▲</p>
<p>John G. Canny, Esq. 3560 Evergreen Parkway, Suite 204 Evergreen, Colorado 80439 Telephone: (303) 670-6310 Facsimile: (303) 670-3804 Attorney Reg. #: 3207 Attorney for Petitioner</p> <p>David O'Leary, Esq. Collins, Cockrel & Cole 390 Union Blvd., Suite 400 Denver, Colorado 80228-1556 Telephone: (303) 986-1551 Facsimile: (303) 986-1755 Attorney Reg. #: 26851 Attorney for Respondent Pleasant View Metropolitan District</p> <p>David Scott Williamson, Esq. Windholz & Associates 1650 38th Street, Suite 103W Boulder, Colorado 80301 Telephone: (303) 443-3100 Facsimile: (303) 443-7835 Attorney Reg. #: 8530 Attorney for Respondent City of Golden</p>	<p>Case No: 02CV0802</p> <p>Div: 6 Ctrm:</p>

STIPULATED PLAN FOR EXCLUSION OF PROPERTY

Petitioner, Lone Tree Properties LLLP, by and through its attorney, John G. Canny, and Respondents, The City of Golden, through its governing body, the City Council of the City of Golden; The Pleasant View Metropolitan District, by and through its undersigned counsel, hereby submits this stipulated plan for the disposition of assets and continuation of services to all areas of the Pleasant View Metropolitan District, pursuant to C.R.S. Section 32-1-502(2)(c).

Petitioner and Respondent agree as follows:

1. The Respondent does not contest the allegations of the Petition. The territory sought to be excluded from the Pleasant View Metropolitan District may be excluded under the provision of Section 32-1-502 et. seq. C.R.S.

2. The territory sought to be excluded from the Pleasant View Metropolitan District is currently utilized for commercial purposes.

3. The Pleasant View Metropolitan District provides parks and recreation services and fire and emergency rescue services. The property sought to be excluded shall receive like services from the City of Golden.

4. The quality of fire protection services, including, but not limited to, the fire insurance cost for improvements within the area to be excluded, will not be adversely affected by the exclusion.

5. The Pleasant View Metropolitan District does not currently have any outstanding indebtedness.

6. The Pleasant View Metropolitan District does not have any facilities located within the territory proposed for exclusion.

7. There are no Pleasant View Metropolitan District facilities to be transferred in conjunction with the exclusion. The City of Golden presently has sufficient parks and recreation, fire, and emergency rescue facilities to provide services to the area sought to be excluded.

8. In light of the payments to the Pleasant View Metropolitan District provided by this Plan, the nature and quality of services provided by the Pleasant View Metropolitan District to the remaining territory within the Pleasant View Metropolitan District will not be adversely affected by the exclusion.

9. To assist the Pleasant View Metropolitan District in providing services to the remaining portion of the District after exclusion, Petitioner agrees to pay to the Pleasant View Metropolitan District a one-time payment as follows:

- a. Petitioner will pay to the Pleasant View Metropolitan District the sum of \$2,000.00, plus the District's costs in the amount of \$750.00, payable on the date that the District delivers the signed stipulation to the Petitioner.

b. Pursuant to Section 32-1-502(6), C.R.S., the exclusion shall be effective on January 1, 2003.

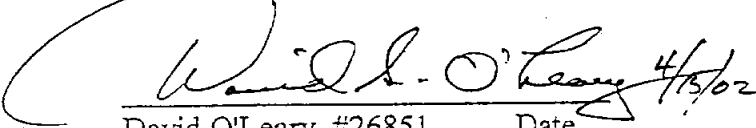
10. The parties request that this Plan be approved by the Court and be incorporated into an exclusion Order.

WINDHOLZ & ASSOCIATES

John G. Canny, #3207 Date
Attorney for Petitioner
3560 Evergreen Parkway #204
Evergreen, Colorado 80439
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David Scott Williamson, #8530 Date
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Boulder, Colorado 80301
Phone: 303-443-3100
Fax: 303-443-7835

COLLINS COCKREL & COLE, P.C.



David O'Leary, #26851 Date
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Pleasant View Metropolitan District
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