

RESOLUTION NO. 1625

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN APPROVING A PLAN FOR THE EXCLUSION OF PROPERTY FROM THE PLEASANT VIEW WATER AND SANITATION DISTRICT**


WHEREAS, the City of Golden has initiated legal proceedings in Jefferson County District Court in Case No. 05CV3052 to exclude certain territory within the City from the Pleasant View Water and Sanitation District ("exclusion proceedings"); and

WHEREAS, the Pleasant View Watershed Sanitation 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 "A" 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.

Adopted on the 1<sup>st</sup> day of December, 2005.

  
CJ Baroch  
Charles J. Baroch  
Mayor

ATTEST:

Dominique Fauble, Deputy  
Susan M. Brooks, MMC  
City Clerk

APPROVED AS TO FORM:

James A. Windholz for JAW  
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 1<sup>st</sup> day of December, A.D., 2005.

(SEAL)

ATTEST: Dominique Fauble, Deputy  
Susan M. Brooks, City Clerk of the City of Golden, Colorado

DISTRICT COURT, JEFFERSON COUNTY STATE OF COLORADO 100 Jefferson County Parkway Golden, Colorado 80401-6002	<b>▲ COURT USE ONLY ▲</b>
<b>PETITIONER:</b> The City of Golden, Colorado, through its governing body, The City Council of The City of Golden  <b>RESPONDENTS:</b> The Board of Directors of the Pleasant View Metropolitan District, and the Taxpaying Electors of the Pleasant View Metropolitan District, as a class.	
<p style="text-align: center;"><b>WINDHOLZ &amp; ASSOCIATES</b></p> <p style="text-align: center;">David S. Williamson, #8530          1650 38<sup>th</sup> Street, Suite 103W          Boulder, CO 80301</p> <p>Telephone: 303-443-3100          Attorney for Petitioner, City of Golden</p> <p style="text-align: center;"><b>COLLINS &amp; COCKREL, P.C.</b></p> <p style="text-align: center;">Paul Cockrel, #1964          380 Union Boulevard, Suite 400          Denver, CO 80228</p> <p>Telephone: 303-986-1551          Attorney for Respondent, Pleasant View Board          #16889</p>	Case No.: 05CV3063  Division: 11
<b>STIPULATED PLAN FOR EXCLUSION OF PROPERTY</b>	

Petitioner, City of Golden, Colorado, through its governing body, the City Council for the City of Golden ("Golden"), and Respondent, the Board of Directors of the Pleasant View Metropolitan District ("Pleasant View Board"), by and through their respective undersigned counsel, hereby submit 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).

Golden and the Pleasant View Board agree as follows:

1. The allegations of the Petition are true. The territory sought to be excluded from the Pleasant View Metropolitan District is appropriately 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 as a residential community.
3. The Pleasant View Metropolitan District provides recreation, fire and emergency

rescue services. However, the property sought to be excluded is currently receiving like services from the City of Golden.

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

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

6. The Pleasant View Metropolitan District shall have no obligation or liability of any nature with respect to provision of fire protection and recreation services to the area sought to be excluded after the date of this plan.

7. There are no facilities to be transferred in conjunction with the exclusion. The City of Golden presently has sufficient 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. The Pleasant View Metropolitan District does not currently have any outstanding bonded indebtedness.

10. To assist the Pleasant View Metropolitan District in providing services to the remaining portions of the District after exclusion, Golden agrees to pay to the Pleasant View Metropolitan District a one time payment as follows:

a. If the exclusion, as requested in the Petition, is effective on or before January 1, 2006, Golden will pay to the District the sum of \$3339.34, payable on the 8<sup>th</sup> day of January 2006; or

b. If the exclusion, as requested in the Petition, is not effective prior to January 1, 2006, but becomes effective on or before January 1, 2007, Golden shall pay to the Pleasant View Metropolitan District the sum of \$3339.34, less an amount equal to the property tax revenues received by the Pleasant View Metropolitan District by reason of the inclusion of the territory in the District for Calendar year 2006. Such an amount shall be payable to the Pleasant View Metropolitan District when the Court Order directing exclusion becomes final and is not subject to appeal. The amount of the payment shall be based upon an estimate of the 2006 tax revenues and shall be adjusted when the 2006 taxes are finalized.

11. The parties request that this Plan be approved by the Court and be incorporated into an exclusion order. Each party will bear their own legal expenses and costs.

Dated this \_\_\_\_\_ day of November 2005.

COLLINS & COCKREL, P.C.

WINDHOLZ & ASSOCIATES

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Paul Cockrel

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David S. Williamson