

RESOLUTION NO. 1895

A RESOLUTION OF THE GOLDEN CITY COUNCIL, CITY OF GOLDEN, COLORADO PERTAINING TO THE EXCLUSION OF CERTAIN ANNEXED PROPERTY FROM THE FAIRMOUNT FIRE PROTECTION DISTRICT

WHEREAS, the City of Golden, by Ordinance No. 431, dated December 10, 1998, annexed certain properties owned by Coors Tech District (the "Property"); and

WHEREAS, the Property was part of the Fairmount Fire Protection District at the time of annexation; and

WHEREAS, pursuant to the Annexation Agreement dated December 10, 1998, and recorded under Reception number F0833086 on March 29, 1999 in the Jefferson County Recorder's Office, the City of Golden and the property owners acknowledged that fire protection services would continue to be provided through the Fairmount Fire Protection District (the "District") for the time being; and

WHEREAS, the Annexation Agreement specifically reserves the City's right to institute future proceedings to exclude the Property from the District; and

WHEREAS, City Council has determined that the City of Golden is now in a position to offer fire protection services for the Property and wishes to avoid duplicating such services, and the expenses to property owners for such duplication; and

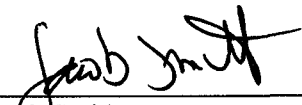
WHEREAS, the City Council determines that it is in the City's best interests to initiate legal proceedings in the District Court in order to obtain an order to exclude said Property from the District.

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

Section 1. The City Attorney is directed and authorized to file with the District Court a Petition to Exclude the Property from the Fairmount Fire Protection District, and any other documents necessary to affect the exclusion process.

Section 2. The City Manager is authorized to undertake negotiations for a Stipulated Exclusion Agreement with the Fairmount Fire Protection District. The City Manager will present the results of such negotiations to the City Council for approval.

Adopted this 11th day of September, 2008.




Jacob Smith
Mayor

Resolution No. 1895



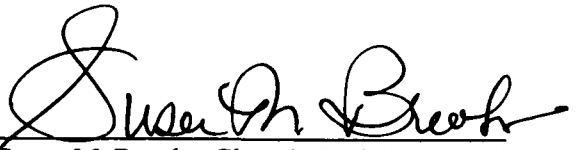

Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:


David S. Williamson
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 business meeting thereof held on the 11th day of August, A.D., 2008.



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

Coors Technology Center Owners Association
PO Box 1348 Golden, CO 80402-1348
(303) 216-2030 hibbertconsult@comcast.net

September 1, 2008

Mayor Jacob Smith and Golden City Council
911 Tenth Street
Golden, CO 80401

Re: Proposed Exclusion of Coors Technology Center from Fairmount Fire Protection District Res 1895

Dear Mayor Smith and Golden City Council:

The Board of Directors of the Coors Technology Center Owners Association ("CTCOA") respectfully requests that the City of Golden ("City") delay any filings related to the proposed Exclusion of Coors Technology Center ("Property") from Fairmount Fire Protection District, until further discussion and evaluation is complete by all involved parties.

The Annexation Agreement, dated December 10, 1998, between the various owners in Coors Technology Center and the City of Golden, acknowledges and allows for the City to exclude the Property from the Fairmount Fire Protection District ("FFPD"), and provide the Property with like services.

The Annexation Agreement also provided that since the City was not providing fire protection services to the Property, that the City would reimburse owners of the Property an amount equal to the real property tax for the Property, which is attributable to the mill levy for the FFPD, through calendar year 2020. The CTCOA Board understands that the City has elected to pursue exclusion at this time for economic reasons, specifically related to the FFPD's increased mill levy from 4.383 mills in 1998 to the current 8.553 mills.

The CTCOA Board has met with both the City of Golden Fire Department and FFPD. The Board believes that both departments have the technical abilities to service the Property. However, the Board requests that the City delay initiation of the proposed exclusion to allow for a creative dialogue between the three affected parties (CTCOA, CITY and FFPD).

Some of the concerns are related to:

- FPD's 2.5 mill capital bond, what is the Property's obligation
- Distance of City services to the Property versus FFPD, especially related to EMS services
- Potential interference with Burlington Northern rail tracks between the Property and City Station No 1

The three affected parties have not met together to "brainstorm" opportunities for servicing the Property, and believe there may be some middle ground for a negotiated agreement.

Thank you for your consideration in this matter.

Sincerely,

Nancy Hibbert, manager CTCOA
CTCOA Board representative