

**The Amended and Restated Service Plan
for the
Indian Mountain Metropolitan District**

(Formerly Indian Mountain Recreation and Park District)

Submitted by

Board of Directors
Indian Mountain Recreation and Park District
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Submitted to

Board of County Commissioners
Park County, Colorado
November 12, 2012

Approval Date

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List of Acronyms Used in this Petition

- IM: Indian Mountain Subdivision in Park County
- IMRPD: Indian Mountain Recreation and Park District
- IMPOA: Indian Mountain Property Owner's Association
- BOCC: Park County Board of County Commissioners
- District: Indian Mountain Metropolitan District

Preface

The IMRPD Board of Directors is petitioning the Park County Board of County Commissioners (BOCC) to amend and restate the District's 1972 Service Plan.

On June 9, 2012, the IMRPD Board voted unanimously to initiate the petition process after consultation with the following:

- Park County Attorney,
- Colorado Department of Local Affairs,
- Colorado Special District Association,
- Headwater Authority of the South Platte,
- Colorado Division of Water Resources,
- Indian Mountain Property Owner's Association, and the
- District's legal counsel at Collins, Cockrel and Cole.

The rationale for this petition follows:

1. The 1972 Service Plan is today impractical, unrealistic, and misleading to the current and future property owners in the Indian Mountain subdivision. The 1972 plan called for a down-hill ski complex, 18-hole executive golf course, snowmobile and equestrian trails, and fishing ponds. The 1972 Service Plan does not reflect the current services, activities, and facilities provided by the District.
2. The 1972 Service Plan has no reference to the need for managing, protecting and conserving the District's 450 acres of parklands, forests, open space, grasslands, wetlands, ponds, waterways, and wildlife habitat.
3. The 1972 Service Plan does not accurately reflect the community's desires for the services, activities, and facilities to be provided by the District. Appendix 3 contains data from several recent community surveys.
4. The 1972 Service Plan is not consistent with and is disconnected from the court order that formed the IMRPD (11th Judicial District, Civil Action No. 4062, June 30, 1975) with regard to the water storage and transfer assets associated with the District. Furthermore, the Service Plan does not recognize that the District manages two ponds, two dams, wetlands, and a section of the Tarryall Creek on its property.

5. The Indian Mountain community does not now own or administer the court decreed water augmentation plan governing the 2,500 lots (i.e., wells) in the subdivision. The IM water augmentation plan is owned and administered by the original developer of the Indian Mountain subdivision, who is now doing business as Indian Mountain Corporation. In the event of non-compliance with the augmentation plan, the Division of Water Resources has informed the community that all consequences, including the shutdown of the residential wells in IM, would accrue to the community, not the current owner of the plan of augmentation.

Appendix 7 contains an October 11, 2012, from the District Engineer of the Colorado Division of Water Resources validating the situation facing the Indian Mountain community.

The social and economic harm to the 2,200 IM property owners of such consequences would be significant, as would the associated loss of tax revenue to Park County. Therefore, the District is seeking alternative ways to assure full compliance with the plan of augmentation including the option for the District to own and manage the IM water augmentation plan for the community. Appendix 4 contains the court decreed IM water augmentation plan.

6. The IMRPD shares in the governance of the Indian Mountain subdivision with the Indian Mountain Property Owner's Association (IMPOA). IMPOA is a Colorado non-profit, 501 C (4) corporation formed in 1985 by concerned property owners in the subdivision. IMPOA is uniquely and distinctly disadvantaged from other HOAs in Colorado, in that it is a voluntary organization of IM property owners with no authority for covenant compliance or to obligate property owners for any fees or charges.

The most significant concern to IMPOA's nearly 700 members is the control and the sufficiency of water augmentation resources to assure the availability of well permits for the 2,500 lots in the subdivision. IMPOA supports this petition to change IMRPD to a metropolitan district and to update the associated service plan to enable the community to own and administer the IM water augmentation plan. Appendix 5 contains the resolutions from the IMRPD and IMPOA Board of Directors.

I. Amended and Restated Service Plan

Section I is formatted to address the minimum requirements for the types of information that a service plan must contain. (C.R.S. 32-1-202(2)).

1. Name of the District

The name of the District is changed from Indian Mountain Recreation and Park District to Indian Mountain Metropolitan District.

2. Description of the Services

The vision for the District is to sustain the rural landscape and rural lifestyle of the Indian Mountain subdivision. The District shall manage, protect, and conserve its natural resources responsibly, while affording recreation opportunities for the community to experience and enjoy the natural quiet, solitude, peacefulness, serenity, beauty, and natural resources found in IM. Towards achieving this vision, the District provides the following services for the Indian Mountain community.

Park and Recreation Services. The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and otherwise manage and conserve some 450 acres of parklands, forests, open space, grasslands, wetlands, ponds, waterways, and wildlife habitat for the community, including the District's facilities. The District may implement programs and maintain equipment related to public safety, public access, wildfire mitigation, erosion control, insect and disease control, pond restoration and maintenance, wetland restoration and maintenance, stream bank management, community awareness and education, a regulated burn pit for forest slash, and other natural resource conservation activities.

The District does not envision large-scale built-environments and intensively manicured city park settings, athletic fields, swimming pools, tennis courts, golf courses, bowling alleys and other such highly developed facilities. Rather, the District is focused on sustaining opportunities to experience and enjoy the natural quiet, solitude, peacefulness, serenity, scenic landscapes, beauty, and natural resources found in the Indian Mountain subdivision.

The primary recreation service provided by the District is quality outdoor recreation opportunities for the community. More specifically, the District may provide nature-based, day-use, non-motorized outdoor recreation opportunities. Examples of appropriate outdoor recreation opportunities include, but are not limited to, hiking, walking, wildlife viewing, fishing, picnicking, photography, nature-study, snow-shoeing, cross-country skiing, sledding, sight-

seeing, and those other activities associated with enjoyment of the sights, sounds and smells of nature.

A secondary recreation service provided by the District in several locations includes modest facilities and programs for more active and intensive outdoor and indoor recreation opportunities. Examples include, but are not be limited to, playground apparatus, comfort station (e.g., potable water, toilets, showers, electricity, and phone), picnic pavilion, picnic tables, wildlife viewing stations, benches, small overnight cabin, interpretive signs, fishing stream, Frisbee golf, pasture golf, interpretive kiosks, community center, library, restrooms, parking, interpretive tours and programs, social events, classes and trainings, internet access, and internet-based information.

Water Services. The District shall have the power and authority to finance, design, construct, acquire, install, maintain and provide for potable water and for the maintenance, conservation, and community access to water resources within the District. More specifically, the District may manage two earthen-dams with associated seasonal ponds, wetland corridors, a section along the Tarryall Creek, and seasonal springs and ponds. Management may include, but is not limited to, fencing to control cattle, stream bank stabilization, trail design and relocation, regulatory and interpretive signage, fishery improvements, RV dump station and storage lot, erosion control, pond restoration and maintenance, dam safety and maintenance, community information and education, and controls for appropriate public use and enjoyment.

The District shall have the power and authority to finance, design, construct, acquire, install, maintain and provide services associated with the ownership and administration of the Indian Mountain water augmentation plan, including the plan's water rights, facilities, transfer system, storage reservoirs, access, easements, ditches, gates, and other incidental and appurtenant facilities. The District shall have the power and authority to contract with other private and governmental entities to provide any or all of the services associated with the Indian Mountain water augmentation plan.

Appendix 4 contains the Indian Mountain water augmentation plan. Appendix 7 contains an October 11, 2012, letter from the District Engineer of the Colorado Division of Water Resources describing the situation facing the Indian Mountain community.

3. The District's Financial Plan:

The District's primary source of revenue is a 6.943 mill levy which has been in place for over 10 years. There are no plans to change the current mill levy or otherwise take on additional debt. The 2012 approved operating budget is the most accurate reflection of the District's financial plan.

Indian Mountain Recreation & Park District

Oct 8, 2011

	Actual 2010 YEAR END	Adopted BUDGET 2011	Estimate 2011 Year End	Approved Budget 2012
BEGINNING BALANCE	322,380	505,137	505,137	92,516
 REVENUE				
Property Taxes (6.943 mills)	138,443	140,000	138,620	138,160
Interest on Property Tax	262	100	210	100
Specific Ownership Tax	12,886	8,000	9,400	9,000
Delinquent Taxes	80	0		
Key Income / RV Storage	531	300	535	300
IREA Refunds/Miscellaneous	0	0	150	100
Lottery Revenue	816	870	850	820
Interest Income	3,407	3,000	875	400
Lodge Rental (75x30)		0	300	2,250
CC Rental		0	120	500
IMPOA reimburse			2995	450
TOTAL REVENUES	\$ 156,425	\$ 152,270	\$ 154,055	\$ 152,080
 Lease-Purchase Loan	 \$ 400,000	 \$ 0	 \$ 0	 0
 EXPENSES				
Total Operating Capital	\$ 878,805	\$ 657,407	\$ 659,192	\$ 244,596
 Operating Expenses				
Appreciation Awards	1000	1000	1000	500
Board Compensation	5300	6000	5700	6000
Business Manager	921	6500	7000	15500
Office Manager		357	357	0
Newsletter	1036	1500	500	500
Supplies	996	3000	1000	1000
Officer Expense Reimbursement.	1230	1000	2300	1000
Postage & Delivery	230	300	120	100
Community Events	2904	4000	4500	4000
Computer & Internet Services		240	240	300
Bank Fee		75	75	75
Training	0	500	0	100
Uncategorized Expenses	708	500	560	500

Subtotal Office	\$ 14,325	\$ 24,972	\$ 23,352	\$ 29,575
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Insurance

Insurance/Bond/Work Comp	3,174	4,000	3,730	3,750
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Maintenance

Maintenance Tech	5171	7000	4000	4000
Janitorial	2805	5000	3600	4000
Outside Maintenance Services	4620	6000	3170	3000
Maintenance-Other	491		1200	2000
Maintenance Supplies	1927	3500	1788	1000
Subtotal Maintenance	\$ 15,014	\$ 21,500	\$ 13,758	\$ 14,000

Professional Fees

Audit Exempt	1020	1200	3400	3400
SDA Dues	373	350	348	350
Bookkeeper	777	800	225	0
Park County Treasurer Fees	4191	4500	4500	4500
Election Costs	267	0	0	15000
Legal Fees	14876	12000	3150	1500
Professional Fees-Other	0	2000	123	150
Subtotal Professional Fees	\$ 21,504	\$ 20,850	\$ 11,746	\$ 24,900

Utilities

Water/HASP	150	400	150	150
Trash	0	0	425	1,200
Electric	2,145	5,000	2,500	3,000
Propane	2,164	5,500	4,300	5,000
Septic	2,774	4,500	3,500	3,000
TV Service			300	750
Telephone/Internet	1,474	3,600	1,500	1,500
Subtotal Utilities	\$ 8,557	\$ 19,000	\$ 12,675	\$ 14,600

Total Operations Expense	\$ 62,574	\$ 90,322	\$ 65,261	\$ 86,825
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CAPITAL PROJECTS

Community Center Construction	1,500	140,000	283,535	0
Lease Purchase Construction	254,200	145,800	145,800	0
Water Well	6,803	0	0	0
Gold Pan Park			2,500	500
Nature Trail Improvements	0	0	0	0
Natural Resource Management		2,000	150	500
Pasture Golf / Archery/Burn Pit	2,366	0	0	1,000
Mt Park Improvements	815	0	2,000	500
Pond Park Improvement	0	19,000	10,000	5,000
Lodge	0	7,500	10,664	2,000
Recreation Hall	0	2,500	0	0

Picnic Pavilion	0	0	1,575	0
RV Storage	0	0	0	0
Signs / Maps	719	4,000	500	0
Total Capital Projects	\$266,403	\$ 320,800	\$ 456,724	\$ 9,500
Community Center				
Lease-Purchase (10yr payback) on \$400,000	44,691	44,691	44,691	44,691
Total OPS/Cap projects/lease	\$ 373,668	\$ 455,813	\$ 566,676	\$ 141,016
RESERVES				
Tabor Reserves 3%	\$ 11,210	\$ 13,674	\$ 17,000	\$ 4,230
Operating Reserves 15%	\$ 9,386	\$ 13,548	\$ 9,789	\$ 13,024
TOTAL RESERVES	\$ 20,596	\$ 27,223	\$ 26,789	\$ 17,254
ENDING BALANCE	\$ 505,137	\$ 201,594	\$ 92,516	\$ 103,580

4. Future facilities and Standards for Construction (A preliminary engineering or architectural survey showing how the proposed services are to be provided).

The District has essentially reached full build-out for its park, recreation and water facilities. There are no planned facilities, infrastructure, or development projects. The focus of the District is on upkeep, restoration and maintenance, and replacement when necessary. Table 1 is a list of the District’s primary facilities along with their age, condition and maintenance schedule.

Table 1. Primary District Facilities

Facilities	Description	Est. Age	Condition (good, fair, poor)	Routine Maintenance	Major Maintenance
Comfort Station	Provides modern toilet and shower facilities, potable water, electricity, phone and information bulletin board	15	good	annual	15 years
Picnic pavilion	Picnic shelter for 10 picnic table and area for barbeque	10	good	annual	20 years
Playground	Small ¼ acre area with children’s playground apparatus.	2	good	annual	10 years
Nature trails	Approximately 4 miles of foot trails with signage, benches and interpretation	20	good	annual	NA
Frisbee golf course	18-hole Frisbee golf course	4	good	annual	10 years
Storage shed	Small 10 x 10’ storage shed for equipment and supplies	15	fair	annual	5 years
Indian Mountain lodge	Small overnight cabin for 6 people, kitchen, storage, heat, electricity, dining and living area, furnished, accessible, porch and railing.		fair	annual	5 years
RV Dump station	Septic tank for RV dumping, non-potable water, drive-through access and signage	15	fair	annual	5 years
Gold pan park	A fenced ½ acre of park area along Tarryall Creek for fishing, wading, and picnicking	1	excellent	annual	5 years
Community Center	3,500 square foot community center with modern toilet and kitchen facilities, District business office, large open meeting space, adjacent outdoor decks, electricity, Wi-Fi, library, television, tables and chairs, file cabinets, interpretive kiosk, signs, displays, and storage	2	excellent	annual	10 years
Seasonal ponds	Two earthen-dams retaining seasonal ponds	30	good	annual	50 years
Burn pit	Seven acres with pit for dumping forest slash and other approved materials managed in cooperation with Jefferson-Como Fire Protection District	30	good	annual	50 years
Pasture golf course	18-hole natural grass/pasture golf course with sand greens and pins	20	fair	annual	NA

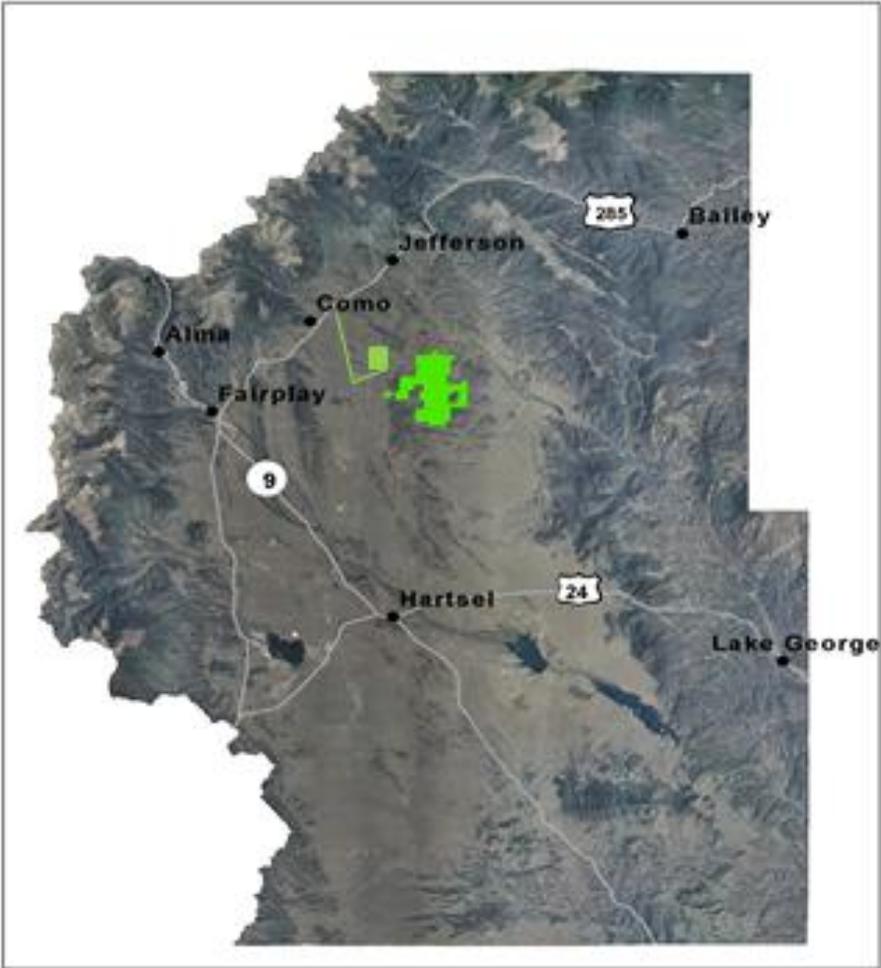
5. Map, Population and Assessed Value of District (A map of the special district boundaries and an estimate of the population and valuation for assessment of the proposed special district).

The District has no plans to acquire land or otherwise change the current boundaries. Within the District there are nearly 2,500 lots owned by nearly 2,200 property owners. It is estimated that 605 property owners have built a house or cabin, of which 150 households are year-around residents. Assuming 2.5 people per family (i.e., property owner), the District provides services to an estimated 5,500 people.

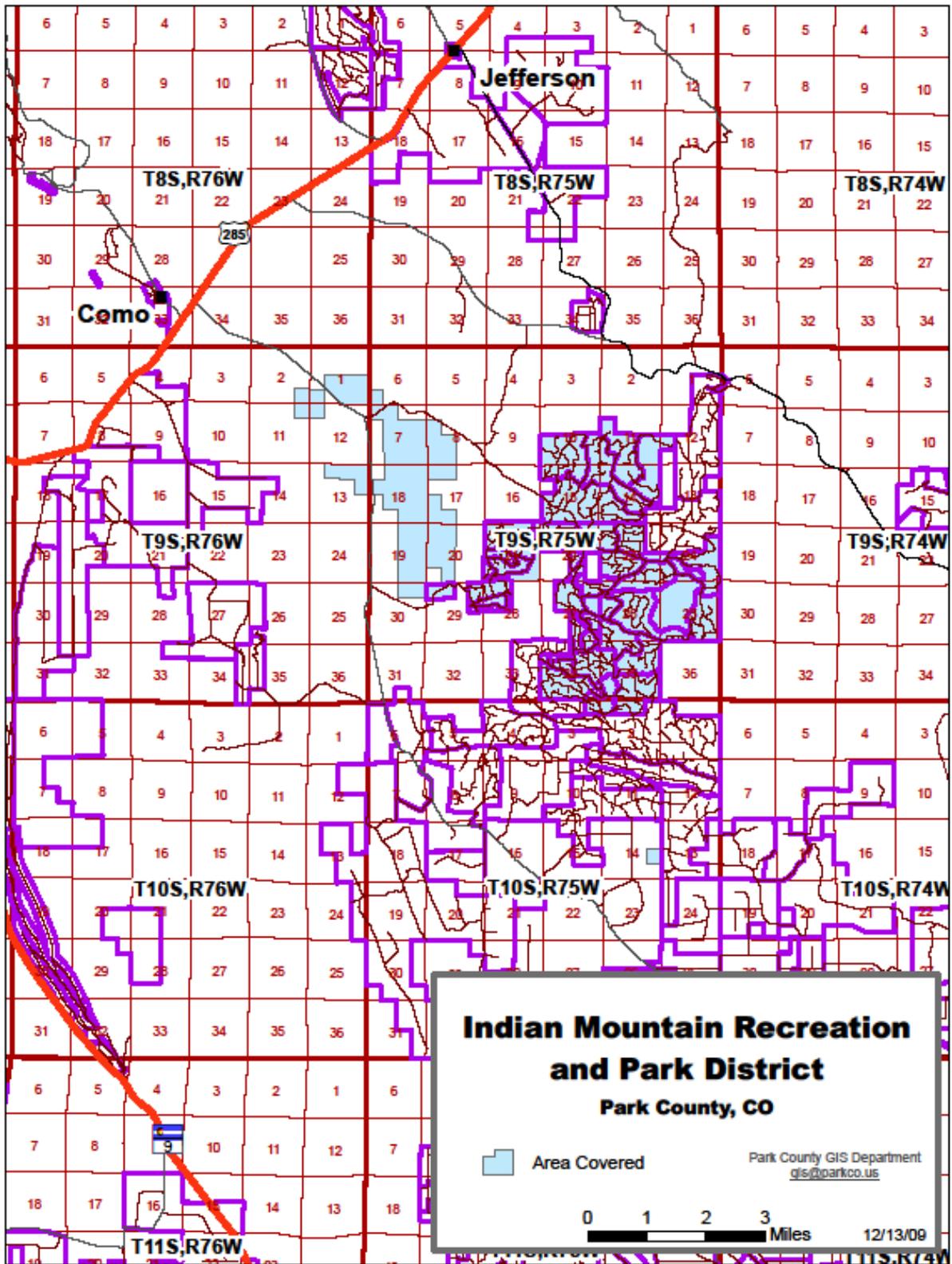
The December 31, 2011, Park County assessed valuation of the District for 2011 was \$20,100,150. The estimated December 31, 2012, Park County assessed valuation for the District is \$19,899,092.

There are three maps of the District: 1. a general vicinity map, 2. a land section map showing District boundaries, and 3. a locational map of the primary facilities. The legal description of the District can be found in the 1975 court decree establishing the District (Appendix 2).

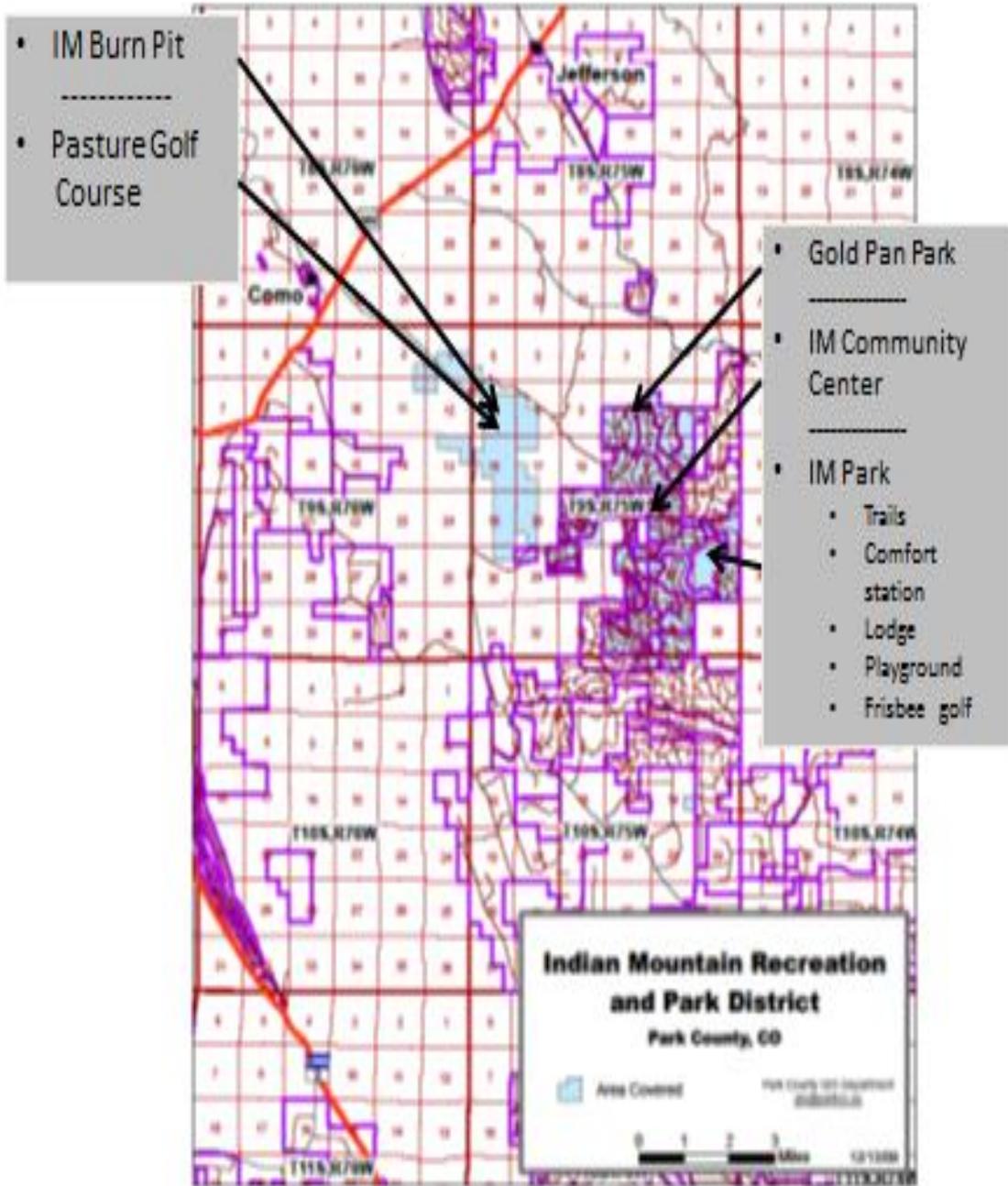
Map 1. General Vicinity Map



Map 2. Section Map of District Boundaries



Map 3. Locational Map with Primary District Facilities



6. Estimated Costs of Acquiring Land and Services Related to Initial Operation (A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of any county within which all or any portion of the proposed special district is to be located, and of municipalities and special districts which are interested parties pursuant to C.R.S. 32-1-204(1)).

The District has essentially reached full build-out for its park, recreation and water facilities. There are no planned facilities, infrastructure, or development projects. The focus of the District is on upkeep, restoration, maintenance, and replacement when necessary.

7. Estimated Costs of Acquiring Land and Services Related to Initial Operation (A general description of the estimated cost of acquiring land, engineering services, legal services, administrative service, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district).

All expenses for the initial organization and operation of the District have been settled.

8. A Description of Any Proposed Agreements (A description of any arrangement of proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision and, if the form contract to be used is available, it shall be attached to the service plan).

There are no current agreements for the performance of the services. In the future, there may be an agreement to secure and administer the Indian Mountain Water Augmentation Plan which is included in Appendix 4.

9. Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in C.R.S. 32-1-203, if applicable, is met.

See Section II.

10. Such additional information as the board of county commissioners may require by resolution on which to base its findings, pursuant to C.R.S. 32-1-203.

Pending BOCC review.

II. Statutory Findings and Conclusions

1. There is sufficient existing and projected need for the organized services to be provided by the proposed District. 32-1-203(2) (a), C.R.S.

The District has been meeting the needs of the community for 40 years. The District's services are very popular, heavily utilized, and appreciated by the IM property owners. The quality of life in the community and property values have benefited from the District's services.

Furthermore, of the nearly 2200 individual property owners, only about 600 have built cabins/homes to date. As the community continues to build out, public demand for the services will grow.

2. The existing service is inadequate for present and projected needs. 32-1-203(2) (b), C.R.S.

The amended and restated service plan does not add, delete or otherwise change the current services being provided to the community, but rather updates and accurately reflects the current services versus what the original 1972 service plan states. Without the District, the present and projected needs would not be met.

The existing services are adequate for the present and projected needs. The only exception is there may be a need and opportunity for the District to secure and administer the Indian Mountain Water Augmentation Plan on behalf of the community.

3. The proposed District is capable of providing economical and sufficient service. 32-1-203(2) (c), C.R.S.

The District has been operating for 40 years. The District is in good standing with the County, State and its property owners. Its financial records, services, facilities and resources are in good order. The current mill levy is adequate and there are no plans for change.

4. The area to be included within the District boundaries has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis. 32-1-203(2)(d), C.R.S.

Yes, the three year budget presented in the previous section indicates the financial ability to discharge the District's indebtedness, services, and responsibilities, including maintaining fiscal reserves.

5. Adequate service is not, or will not, be available through the county, any existing special districts or municipalities within a reasonable time and on a comparable basis. 32-1-203(2.5)(a), C.R.S.

Indian Mountain is a rural community located 15 miles from Fairplay, Colorado. In contrast to the South Park Recreation and Park District, the Indian Mountain District's park and recreation services are located within the Indian Mountain community and focused on outdoor or nature-based recreation, natural resource settings (forests, grasslands, wetlands, streams), and water resource management. The services provided by the District are distinct and different from any other Park County district or municipality, and such service is not expected to ever be provided for the IM community by another entity.

6. The facility and service standards will be compatible with the County standards. 32-1-203(2.5)(b), C.R.S.

The Board of the District will ensure that all facility and service standards are compatible with Park County standards. This has been the case for the past 40 years and will continue.

7. The proposal is in substantial compliance with the county master plan. 32-1-203(2.5)(c), C.R.S.

Yes, the amended and restated service plan is in full compliance with the county master plan.

8. The proposal is in compliance with any county, regional or state long-range water quality management plan for the area. 32-1-203(2.5)(d), C.R.S.

Yes, the proposal is in compliance with county, regional and state long-range water quality management plans for the area.

9. The creation of the proposed District is in the best interests of the area to be served. 32-1-203(2.5)(e), C.R.S.

Yes, as evidenced by the resolutions in Appendix 5, both the Board of the Indian Mountain Recreation and Park District and the Board of the Indian Mountain Property Owners Association voted unanimously in support of this amendment and restatement.

Furthermore, a community meeting was held in Indian Mountain on September 2, 2012. Over 100 community members were in attendance. There was no opposition to the change expressed at the meeting. Furthermore, only comments in support of the effort were received after the meeting when minutes were emailed to more than 500 IMPOA members and posted on the IMPOA and IMRPD websites.

III. Powers and Responsibilities

The District shall have the power and authority, but is not required, to provide the public improvements and related services within and without the boundaries of the District as such power and authority is permitted by this Amended and Restated Service Plan and described in the Special District Act, C.R.S. Title 32, and other applicable statutes, common law, and the Colorado Constitution, subject to the limitations set forth herein.

1. General Powers

The District shall have the authority to construct, operate, and maintain the services, resources, and facilities as described in Section I.

2. Miscellaneous and Other Statutory Powers

In addition to the powers enumerated above, the Board shall have the power and authority:

- A. To amend this Amended and Restated Service Plan pursuant to § 32-1-207, C.R.S.
- B. Without amending this Amended and Restated Service Plan, the District may defer, forego, reschedule or restructure the financing and construction of the necessary improvements and facilities to better accommodate the pace of growth, resources availability, changes in service area and potential inclusions of property within the District;
- C. To have and exercise all rights and powers necessary or incidental to, or implied from, the specific powers granted to the District in this Amended and Restated Service Plan;
- D. Subject to the requirements of § 32-1-1101(1)(f)(I), C.R.S. and the County's authority to declare such action a material modification of this Amended and Restated Service Plan, the District may create one or more subdistricts at the District's discretion as necessary to appropriately provide authorized services, and to impose the differential fees therefor, in specific areas of the District as determined by the costs to provide such services for such areas. The creation of one or more such subdistricts shall follow the requirements of, and the District shall provide notice of the creation of such subdistrict(s) to the County pursuant to, § 32-1-1101(1)(f)(I), C.R.S.; and
- E. To exercise all other powers that are expressly or impliedly granted to it by Colorado law, if not otherwise limited by the Amended and Restated Service Plan or its conditions of approval.

IV. List of Preparers

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Appendices

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