

3pg

No fee

\*695114\*

695114 1/3/2013 1:24 PM  
1 of 3 RESOL R\$0.00 D\$0.00

Debra A Green  
Park County Clerk

**PARK COUNTY, COLORADO**  
**BOARD OF COUNTY COMMISSIONERS**  
 Resolution No. ~~2012-01~~  
 2013 *PAW*  
**RESOLUTION REGARDING APPROVAL OF**  
**A SERVICE PLAN AMENDMENT FOR**  
**THE INDIAN MOUNTAIN METROPOLITAN DISTRICT**  
 (f/n/a the Indian Mountain Recreation and Park District)

**WHEREAS**, the Board of County Commissioners of the County of Park, State of Colorado (the "Board"), is vested with administering the affairs of Park County, Colorado, pursuant to state statutes; and

**WHEREAS**, on May 1, 1972, the Board approved the Service Plan for the Indian Mountain Metropolitan Recreation and Park District (the "District") by resolution, pursuant to Article 18, Chapter 89 of the Colorado Revised Statutes 1963, as amended; and

**WHEREAS**, on November 13, 2012, the Board of Directors of the District filed an Amended and Restated Service Plan for the District with the Park County Clerk and Recorder, pursuant to Section 32-1-101 *et seq.*, C.R.S.; and

**WHEREAS**, the proposed Amended and Restated Service Plan authorizes the District to exercise water and park and recreation powers granted to a metropolitan district pursuant to Section 32-1-103(10) C.R.S., and proposes changing the name of the District to Indian Mountain Metropolitan District to reflect this additional authorization and to accurately reflect the services and facilities currently provided by the District; and

**WHEREAS**, pursuant to the provisions of Subsections 32-1-202(1) and 32-1-204(1), C.R.S., the Board scheduled a public hearing on the Amended and Restated Service Plan to be held at 8:30 a.m. on December 13, 2012; and

**WHEREAS**, upon verification of proper notice as required by Section 32-1-204, C.R.S., as noted in the certifications provided by the District and contained in the record, the Board convened a public hearing to consider the Amended and Restated Service Plan, at which time all interested parties, as defined by Section 32-1-204, C.R.S., were afforded an opportunity to be heard and testimony and evidence was received and considered; and

**WHEREAS**, the Board has fully considered the Amended and Restated Service Plan and all testimony and other evidence presented to it in this matter relating to the Amended and Restated Service Plan; and

**WHEREAS**, the Board hereby finds, determines and declares that adoption of this Resolution is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Park County, Colorado;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, STATE OF COLORADO:**

Section 1. The Board finds that satisfactory evidence of each of the following has been presented, pursuant to the requirements of Section 32-1-203(2), C.R.S.:

- A. Need. There is sufficient existing and projected need for organized service in the area served by the District.
- B. Existing Service Inadequate. The existing service in the area served by the District is inadequate for present and projected needs.
- C. District Capable. The District is capable of providing economical and sufficient service to the area within its boundaries.
- D. Area has Financial Capability. The area included in the District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 2. Further, the Board finds that satisfactory evidence of each of the following has been presented, pursuant to the requirements of Section 32-1-203(2.5), C.R.S.:

- A. Adequate Service Not Timely Available. Adequate service is not, or will not be, available to the area through the County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.
- B. Facility and Service Standards Comparable. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is located and each municipality which is an interested party, if any.
- C. Substantial Compliance with Master Plan. The proposal is in substantial compliance with the Park County master plan.
- D. Substantial Compliance with Water Quality Plan. To the extent that it applies, the proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
- E. In Best Interests of Area. The amendment to the Service Plan of the District is in the best interests of the area to be served.

Section 3. The Amended and Restated Service Plan of the District shall be and is hereby approved.

Section 4. The name of the District is changed to Indian Mountain Metropolitan District.

Section 5. The Clerk to the Board is hereby directed to advise the District in writing of this action and to attach a certified copy of this Resolution for the purpose of filing the same with the District Court of Park County.

Section 6. All Resolutions, or parts thereof, in conflict with the provisions hereof, are hereby repealed to the extent of such conflict only.

Section 7. This Resolution, immediately upon its passage, shall be authenticated by the signatures of the Board of County Commissioners and the County Clerk and Recorder and sealed with the corporate seal of the County.

Section 8. This Resolution is necessary for the public health, safety and welfare of the citizenry of the County of Park, State of Colorado.

**MOVED, SECONDED AND PASSED AS OF THE 3rd DAY OF JANUARY, 2013.**

**PARK COUNTY BOARD OF COMMISSIONERS**

By: *Richard F. Hodges*  
Richard F. Hodges, Chairman

**ATTEST:**

*Debra A Green*  
County Clerk

