

RESOLUTION NO. 99-_____

Before the Board of County Commissioners

County of Summit

State of Colorado

DENYING THE SERVICE PLAN FOR THE HIGHLAND METROPOLITAN DISTRICT, A METROPOLITAN DISTRICT INTENDED TO PROVIDE: 1) A SANITARY SEWER COLLECTION AND TRANSMISSION SYSTEM; 2) FLOOD AND SURFACE DRAINAGE FACILITIES AND SYSTEMS; 3) STREET IMPROVEMENTS; 4) TRAFFIC AND SAFETY CONTROLS; 5) OPERATION OF A COMPLETE WATER SUPPLY, STORAGE, TRANSMISSION AND DISTRIBUTION SYSTEM; 6) TELEVISION RELAY AND TRANSLATION SYSTEM; AND 7) MOSQUITO CONTROL (Applicant: Farmer's Korner Incorporated)

Whereas, Farmer's Korner, Inc., filed a service plan for the Highland Metro District in the Office of the Clerk and Recorder on May 17, 1999; and,

WHEREAS, pursuant to the provisions of Title 32 C.R.S., as amended, the Board of County Commissioners of Summit County, Colorado, held a public hearing on the Service Plan of the proposed Highland Metropolitan District on July 12, 1999; and,

WHEREAS, notice of the hearing was duly published in the Summit County Journal, a newspaper of general circulation within the County, on May 21 as required by the Summit County Land Use and Development Code, and Notice was forwarded to the Petitioners and to the governing body of each municipality and special district which levied an ad valorem tax within the next preceding tax year and which has boundaries within a three mile radius of the proposed Districts; and,

WHEREAS, the Board of County Commissioners has considered the Highland Metropolitan District Service Plan and all other testimony and evidence presented at the hearing; and,

WHEREAS, Section 32-1-203(2) C.R.S. states that, "The Board of County Commissioners shall disapprove the service plan unless evidence satisfactory to the board of each of the following is presented:

- a. There is sufficient existing and projected need for organized service to the area to be serviced by the proposed special district.
- b. The existing service in the area to be served by the proposed special district is inadequate for present and projected needs.
- c. The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.
- d. The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis."; and

WHEREAS, Section 32-1-203(2.5) C.R.S. also states that "The Board of County Commissioners may disapprove the service plan if evidence satisfactory to the board of any of the following, at the discretion of the board, is not presented:

- a. 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. The facility and service standards of the proposed special district are compatible with the facility and service standards of each county within which the proposed special district is to be located and each municipality which is an interested party under section 32-1-204(1).
- c. The proposal is in substantial compliance with a master plan adopted pursuant to section 30-28-106, C.R.S.
- d. The proposal is in compliance with any duly adopted county, regional or state long range water quality management plan for the area.
- e. The creation of the proposed special district will be in the best interests of the area proposed to be served."

WHEREAS, the Board of County Commissioners finds that sufficient evidence supporting the proposed Highland Metropolitan District has not been provided and finds in particular, but without limitation, that:

- 1) The Breckenridge Sanitation District and TCI provide adequate central sewer service and television relay and translation system, respectively to the proposed district. There is no indication that Farmer's Korner, Inc. cannot provide the necessary road and drainage improvements as required by the recently approved Highland Meadows PUD; the Highland Meadows Subdivision and the Alpensee #3 Site Plan; a need for organized, governmental service to construct required improvements does not exist.
- 2) The creation of the additional governmental entity to provide all the specified services is not an economical means to provide these services and is contrary to the goals/policies of the Countywide Master Plan and the Regional Water Quality Mngement Plan as stated in the staff report of record. The proposal is not in the best interest of the area in that it will unnecessarily result in the proliferation of a new layer of government and would fragment local government in the Upper Blue Basin.
- 3) The creation of the a new governmental entity, on balance, will not result in a substantial public benefit and is not in the best interests of future inhabitants of the area. The creation of this governmental structure under the sole control of the Farmer's Korner, Inc., would greatly benefit the applicant by providing tax-exempt financing for construction of the already required infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY COLORADO, THAT the proposed Service Plan for the creation of the Highland Metropolitan District is hereby denied.

ADOPTED this 12th day of July, 1999.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: _____
Thomas A. Long, Chairman

ATTEST:

Cheri Brunvand
Clerk and Recorder