

JUN 15 2000

DISTRICT COURT, SUMMIT COUNTY, COLORADO

Civil Action No. 99-CV-236

JANICE L. REED, CLERK

BY _____
DEPUTY

CERTIFIED COPY OF RESOLUTION

IN THE MATTER OF ALPENSEE WATER DISTRICT
SUMMIT COUNTY, COLORADO

COMES NOW, Lori Cutunilli, the President of the ALPENSEE WATER DISTRICT, and certifies that at a special meeting of the Board of Directors of the District, held Tuesday, May 16, 2000 at 6:30 p.m., at the offices of Farmer's Korner Mobile Home Park, 16195 Highway 9, Breckenridge, Summit County, Colorado the following resolution was adopted, to-wit:

"WHEREAS, Travis Smith, Laurence E. Smith, Teri and Joseph E. Dismont, Jr., Kevin R. Smith, Farmers Korner, Inc., Lori A. and Michael E. Cutunilli have petitioned the Alpensee Water District for the exclusion of property from said District; and

"WHEREAS, public notice has been published in accordance with law, calling for a public hearing on the prayer of said Petition, proof of which is attached hereto as Exhibit A; and

"WHEREAS, based upon the petition, the written comments submitted to the Board and presented at the public hearing, the verbal comments made at the public hearing, and such other evidence as was presented to the Board and made part of the record in this proceeding, the Board has found and does hereby find, relative to the grant or denial of the petition for exclusion, and in accordance with the criteria set forth in Section 32-1-501(3), C.R.S. that:

- (a) (I) Exclusion is in the best interests of the property seeking exclusion.
- (II) Exclusion is in the best interests of the Alpensee Water District.
- (III) Exclusion is in the best interests of the County of Summit in which the Alpensee Water District is located.
- (b) The relative cost and benefit to the property seeking exclusion of the provision of the Alpensee Water District's services shows that the cost outweighs the benefit to said property.
- (c) The ability of the Alpensee Water District to provide economical and sufficient service to the property seeking exclusion will be unchanged by the exclusion. The ability of the Alpensee Water District to provide economical and sufficient service to all of the properties within the District's boundaries will be unchanged by the exclusion.
- (d) The Alpensee Water District is able to provide services at a reasonable cost compared to the cost which would be imposed by other entities in the surrounding area to provide similar services in the surrounding area.
- (e) The effect of denying the petition will have a negligible effect on employment and other economic conditions in the Alpensee Water District and surrounding area.

(f) The effect of denying the petition will have a negligible effect on the economy of the region, the Alpengsee Water District, the surrounding area and the state as a whole.

(g) Economically feasible alternative service will be available.

(h) The additional cost to be levied on other property within the special district if the exclusion is granted will be insignificant.

"WHEREAS, the Board, after considering the evidence and all of the factors and findings set forth above, has determined and does hereby determine that the property in whole (as described herein) should be ordered excluded from the Alpengsee Water District.

"NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District shall, and hereby does order the exclusion of the land described herein from the boundaries of the Alpengsee Water District. The Board of Directors of the District shall, and hereby does further order that the land and property described herein shall hereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the District and interest thereon existing immediately prior to the effective date of the exclusion order. The Board of Directors of the District shall, and hereby does further order that in its discretion it may establish, maintain, enforce and from time to time, modify service charges, tap fees, and other rates, fees, tolls and charges, upon residents or users in the area of the District as it existed prior to the exclusion to supplement the proceeds of tax levies in the payment of the outstanding indebtedness and the interest thereon. The names and addresses, owners of said property, and legal description of the property to be excluded are as follows:

Petitioner: Travis Smith
Address: 1698 Teller Street, Lakewood, CO 80215
Legal Description: Lot 26, Alpengsee Subdivision Filing No. 1, Summit County

Petitioner: Laurence E. Smith
Address: 5031 W. 69th Loop, Westminster, CO 80030
Legal Description: Lot 26, Alpengsee Subdivision Filing No. 1, Summit County

Petitioner: Teri and Joseph E. Dismont, Jr.
Address: 575 County Road 980, Breckenridge, CO 80424
Legal Description: Lots 27 & 28, Alpengsee Subdivision Filing No. 1, Summit County

Petitioner: Kevin R. Smith
Address: 575 County Road 980, Breckenridge, CO 80424
Legal Description: Lots 22 & 25, Alpengsee Subdivision Filing No. 1, Summit County

Petitioner: Farmers Korner, Inc.
Address: P.O. Box 1653, Frisco, CO 80443
Legal Description: Lots 20 & 32, Alpengsee Subdivision Filing No. 1, Summit County

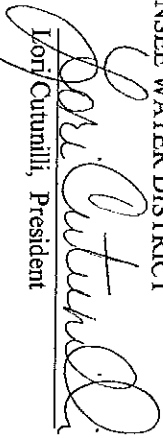
Petitioner: Lori A. and Michael E. Cutunilli
Address: 580 County Road 980, Breckenridge, CO 80443
Legal Description: TR 6-78, Sec 01, Qtr 1, Acres 1.360, Alpengsee Subdivision Filing No. 1, Summit County

"FURTHER, the description of the property ordered excluded is provided in Exhibit A hereto and incorporated herein by this reference."

"RESOLVED, this 16th day of May, 2000."

ALPENSEE WATER DISTRICT

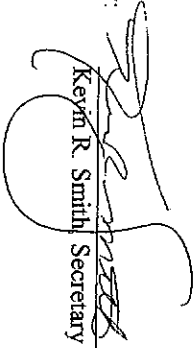
By:


Lori Cutunilli, President

(SEAL)

ATTEST:

By:


Keyin R. Smith
Secretary

Breckenridge/Summit County Journal
Proof of Publication

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NOTICE OF EXCLUSION

NOTICE IS HEREBY GIVEN that there have been filed with the Board of Directors of Alpengsee Water District of Summit County, Colorado, on or about May 9, 2000, petitions praying for the exclusion of certain lands from such District.

1. The name and address of the petitioners and the description of the property, all of which are located in Summit County, Colorado, mentioned in such petition are as follows:

Petitioner: Travis Smith
Address: 1698 Teller Street, Lakewood, CO 80215

Legal Description: Lot 26, Alpengsee Subdivision Filing No. 1

Petitioner: Lawrence E. Smith
Address: 5031 W. 69th Loop, Westminster, CO 80030

Legal Description: Lot 26, Alpengsee Subdivision Filing No. 1

Petitioner: Teri and Joseph E. Diamond, Jr.
Address: 575 County Road 980, Breckenridge, CO 80424

Legal Description: Lots 27 & 28, Alpengsee Subdivision Filing No. 1

Petitioner: Kevin R. Smith
Address: 575 County Road 980, Breckenridge, CO 80424

Legal Description: Lots 22 & 25, Alpengsee Subdivision Filing No. 1

Petitioner: Farmers Korner, Inc.
Address: P.O. Box 1653, Frisco, CO 80443
Legal Description: Lots 20 & 22, Alpengsee Subdivision Filing No. 1

Petitioner: Lori A. and Michael E. Cutunilli
Address: 580 County Road 980, Breckenridge, CO 80443

Legal Description: TR 6-78, Sec 01, Qtr 1, Acres 1.360, Alpengsee Subdivision Filing No. 1

2. The prayer of the petitions is that the above properties be excluded from the Alpengsee Water District.

Accordingly, notice is hereby given to all interested persons to appear at a public hearing of the Board of Directors of the District on Tuesday the 16th day of May, 2000 at the hour of 6:30 p.m., at the offices of Farmer's Korner Mobile Home Park, 16195 Highway 9, Breckenridge, Summit County, Colorado, 80424, and show cause in writing, if any they have, why such petitions should not be granted. The failure of any person in the existing District to file a written objection shall be taken as an assent on his part to the exclusion of the areas described in this notice.

ALPENSEE WATER DISTRICT

By: /s/ Kevin R. Smith

No. 338 Published in the Breckenridge/Summit County Journal on May 12, 2000.

State of Colorado
County of Summit ss.

I, Peggy Ryan being duly sworn, depose and say:

1. That they are the agent of the Breckenridge/Summit County Journal newspaper printed and published in the County of Summit, State of Colorado, and has a personal knowledge of all the facts set forth in this affidavit.

2. That the said newspaper is printed and published at regular intervals one time each week on Thursdays and that it has a general circulation in Summit County, Colorado.

3. That the said Breckenridge/Summit County Journal was established and has been printed and published in said county of at least 52 consecutive weeks prior to the first issue containing the said publication, a copy of which is hereto attached.

4. That the said Breckenridge/Summit County Journal is a weekly newspaper of general circulation, and is printed and published in whole or part in the County of Summit in which said publication, a copy of which is hereunto attached.

5. That the said Breckenridge/Summit County Journal is a weekly newspaper qualified to publish legal notices as defined by the Statutes of the State of Colorado.

6. That said newspaper had, prior to January 1, 1969, and has ever since that date, been admitted to the United States mails as second class matter under the provisions of the Act of March 3, 1879, or any amendment thereof.

7. That the said annexed publication was published in the regular and entire edition of the Breckenridge/Summit County Journal, a duly qualified weekly newspaper for that purpose, within the terms and means of the Statutes of the State of Colorado.

8. That the said annexed publication is a full, true and correct copy of the original which was regularly published in each of the regular and entire issues of said newspaper, for 1 successive weeks and the first publication thereof was in the issue dated

May 12 2000
and the last publication was in the issue dated

May 12 2000

Peggy Ryan

Subscribed and sworn to before me this 12th

day of May 2000

Jacqueline [Signature]
Notary Public

My commission expires 7-18-2000

Commission Expires 7-18-2000