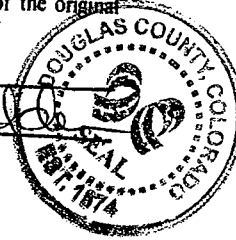


ORDINANCE 08-06

I, Jack Arrowsmith, County Clerk and Recorder
in and for the County of Douglas, State of
Colorado, do hereby certify that the foregoing is
a full, true and correct copy of the original
document recorded in my office.

Date 8-4-08

By *Bruanne E. [Signature]*
Deputy Clerk & Recorder



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OFFICIAL RECORDS
DOUGLAS COUNTY CO
JACK ARROWSMITH
CLERK & RECORDER
RECORDING FEE: \$36.00
7 PGS

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08/04/2008 01:28 PM

**ORDINANCE OF THE CITY COUNCIL
OF
THE CITY OF CASTLE PINES NORTH
IMPOSING AD VALOREM PROPERTY TAXES AND
ELECTING TO RECEIVE THE CITY'S PORTION OF THE COUNTY ROAD AND
BRIDGE FUND IN CASH**

WHEREAS, the City of Castle Pines North (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of sections 31-2-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to section 31-15-302(1)(c), C.R.S., the governing body of a municipality has the power to levy and collect taxes for general and special purposes on real and personal property; and

WHEREAS, Section 20(4) of Article X of the Constitution of Colorado ("TABOR") requires any new tax by the City to have voter approval in advance; and

WHEREAS, at an election duly called and conducted on November 6, 2007 pursuant to an order of the Douglas County District Court, a majority of the electors of the City voting on the question approved the following Ballot Question 2D:

SHALL THE CITY OF CASTLE PINES NORTH BE AUTHORIZED TO INSTITUTE A NEW AD VALOREM PROPERTY TAX, ON ALL PROPERTY TAXABLE BY LAW, RESULTING IN AN INCREASE TO THE CITY OF CASTLE PINES NORTH OF \$600,000 ANNUALLY (ESTIMATED FIRST FISCAL YEAR DOLLAR INCREASE), BEGINNING THE FIRST FISCAL YEAR OF 2008, AND BY WHATEVER ADDITIONAL AMOUNTS ARE PRODUCED EACH YEAR THEREAFTER, WITH SUCH REVENUES TO BE GENERATED FROM A PROPERTY TAX NOT TO EXCEED A RATE OF 4.5 MILLS, TO REPLACE THE CURRENTLY EXISTING LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA) TAX, AND SHALL SUCH INCREASED TAXES CONSIST OF PROPERTY TAXES IMPOSED BY THE CITY THROUGH ORDINANCES ADOPTED FROM TIME TO TIME, SUCH ORDINANCES SUBJECT ONLY TO THE LIMITATIONS CONTAINED IN THE COLORADO AND U.S. CONSTITUTIONS; AND IN CONNECTION THEREWITH AS A VOTER-APPROVED TAX INCREASE, SHALL THE PROCEEDS OF ANY SUCH TAXES, AND INVESTMENT INCOME THEREON, BE RETAINED, COLLECTED, AND SPENT BY THE CITY FOR PUBLIC SAFETY AND LAW ENFORCEMENT BUT WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION

CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUE THAT MAY BE COLLECTED AND SPENT BY THE CITY?

; and

WHEREAS, at an election duly called and conducted on November 6, 2007 pursuant to an order of the Douglas County District Court, a majority of the electors of the City voting on the question approved the following Ballot Question 2E:

SHALL THE CITY OF CASTLE PINES NORTH BE AUTHORIZED TO INSTITUTE A NEW AD VALOREM PROPERTY TAX, ON ALL PROPERTY TAXABLE BY LAW, RESULTING IN AN INCREASE TO THE CITY OF CASTLE PINES NORTH OF \$2,533,333 ANNUALLY (ESTIMATED FIRST FISCAL YEAR DOLLAR INCREASE), BEGINNING THE FIRST FISCAL YEAR OF 2008, AND BY WHATEVER ADDITIONAL AMOUNTS ARE PRODUCED EACH YEAR THEREAFTER, WITH SUCH REVENUES TO BE GENERATED FROM A PROPERTY TAX NOT TO EXCEED A RATE OF 19 MILLS, PROVIDED THAT THE CITY MAY IMPOSE SUCH TAX ONLY IN THE EVENT THAT THE CASTLE PINES NORTH METROPOLITAN DISTRICT REDUCES OR ELIMINATES ITS CURRENT MILL LEVY OF 19 MILLS FOR OPERATIONS PURPOSES, THEN THE CITY MAY IMPOSE A MILL LEVY EQUAL TO THE AMOUNT OF REDUCTION FOR PURPOSES OF PROVIDING WATER AND SANITATION SERVICE, PROVIDED HOWEVER, THAT THE CITY MAY NEVER CHARGE ON ITS RESIDENTS A NON-UNIFORM TAX, AND THE CITY WILL NOT LEVY MORE THAN A TOTAL OF 19 MILLS FOR THE PURPOSES OF WATER AND SANITATION SERVICES, AND SHALL SUCH INCREASED TAXES CONSIST OF PROPERTY TAXES IMPOSED BY THE CITY THROUGH ORDINANCES ADOPTED FROM TIME TO TIME, SUCH ORDINANCES SUBJECT ONLY TO THE LIMITATIONS CONTAINED IN THE COLORADO AND U.S. CONSTITUTIONS; AND IN CONNECTION THEREWITH AS A VOTER-APPROVED TAX INCREASE, SHALL THE PROCEEDS OF ANY SUCH TAXES, AND INVESTMENT INCOME THEREON, BE RETAINED, COLLECTED, AND SPENT BY THE CITY FOR WATER AND SANITATION SERVICES, BUT WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUE THAT MAY BE COLLECTED AND SPENT BY THE CITY?

; and

WHEREAS, the City Council wishes, by this Ordinance, to impose an ad valorem property tax for purposes as authorized by Ballot Question 2D and to approve the imposition of an ad valorem property tax for purposes as authorized by Ballot Question 2E to be imposed only in the event that the Castle Pines North Metropolitan District reduces or eliminates its current mill levy of 19 mills for operations purposes; and

WHEREAS, pursuant to section 31-2-109, C.R.S., “when a municipality incorporates. . . after the time for making the annual assessment for taxation has passed, the governing body of each such city or town may provide, by ordinance or resolution, for the assessment of taxable property within the corporate limits of said city or town. When such assessment is made and approved by the governing body, it may proceed to levy the necessary taxes for the fiscal year, which levy shall be certified by the clerk of such city or town to the county assessor, who shall extend the same upon the tax list of the current year, as required by section 31-20-104”; and

WHEREAS, pursuant to sections 39-1-103 and 39-5-128, C.R.S., county assessors are required to appraise all real and personal property located within the county and to certify the total valuation for assessment of all taxable property located within a city to the city clerk by August 25 of each year; and

WHEREAS, pursuant to section 31-2-105, C.R.S., incorporation of the City was complete when certified copies of papers and record entries were made and filed, as required by section 31-2-103, C.R.S., and officers of the City were elected and qualified, as provided in section 31-2-104; and

WHEREAS, the City Council of the City was elected on, and all papers and record entries were made and filed by, February 12, 2008; therefore, the City was incorporated after the August 25, 2007 deadline for assessment of property and before the August 25, 2008 deadline for assessment of property; and

WHEREAS, the City Council has or hereby does provide for the assessment of property within the City in order to levy a property tax pursuant to section 31-2-109, C.R.S.; and

WHEREAS, pursuant to section 43-2-202, C.R.S., Douglas County has established a bridge and road fund; and

WHEREAS, section 43-2-202(2), C.R.S. provides that “Each municipality located in any county of this state is entitled to receive from the county road and bridge fund of the county wherein it is located an amount equal to fifty percent of the revenue accruing to said fund from extension only of the levy authorized to be made under section 43-2-203 against the valuation for assessment of all taxable property located within its corporate boundaries”, unless the municipality has elected via an agreement with the county to receive its share of the county road and bridge fund in equivalent value of materials furnished or work performed by the county; and

WHEREAS, pursuant to section 43-2-202(3)-(4), C.R.S., if a city elects to receive its share of the county road and bridge fund in cash, the county treasurer is required, on the fifteenth day of each July, October, January, and April, to pay over to city treasurer, the amount to which

the city has become entitled during the preceding three calendar months, which shall be credited to an appropriate fund and shall be used by the city only for construction and maintenance of roads and streets located within its corporate boundaries; and

WHEREAS, the City Council desires by this ordinance to elect to receive its portion of funds from the county road and bridge fund in cash; and

WHEREAS, City Council finds it necessary for the immediate preservation of public health and safety for the City to adopt this Ordinance 08-06 in order to begin receiving revenue as soon as possible to fund municipal expenses of the City, and as such, this Ordinance 08-06 shall be immediately effective as an emergency ordinance pursuant to § 31-16-105, C.R.S..

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, THAT:

Section 1. The City Council hereby provides for the assessment of all taxable property within the corporate limits of the City, in the event that such assessment has not been completed by the date of adoption of this ordinance on second reading.

Section 2. The City Council hereby imposes an ad valorem property tax on all property taxable by law, at a rate not to exceed 4.5 mills for purposes as authorized by Ballot Question 2D. The City Council may pass a resolution each year setting the mill levy rate and levying taxes for such authorized purposes.

Section 3. The City Council hereby approves imposition of an ad valorem property tax on all property taxable by law at a rate not to exceed 19 mills, provided that the City may impose such tax only in the event that the Castle Pines North Metropolitan District reduces or eliminates its current mill levy of 19 mills for operations purposes, then the City may impose a mill levy equal to the amount of reduction for purposes as authorized by Ballot Question 2E; provided however, that the City may never charge on its residents a non-uniform tax, and the City will not levy more than a total of 19 mills for such authorized purposes. The City Council may pass a resolution each year setting the mill levy rate and levying taxes for such authorized purposes, subject to the requirements contained in this Section 3.

Section 4. In the event of any subsequent election duly called and conducted, wherein a majority of the electors of the City vote to approve a question authorizing imposition of an ad valorem property tax on all property taxable by law at a rate not to exceed 9.5 mills, for purposes authorized therein, provided that the City may impose such tax only in the event that the Castle Pines North Metropolitan District reduces or eliminates its current mill levy, then the City may impose a mill levy equal to the amount of reduction for purposes as authorized by such ballot question; provided however, that the City may never charge on its residents a non-uniform tax, and the City will not levy more than a total of 9.5 mills for such authorized purposes. The City Council may pass a resolution each year setting the mill levy rate and levying taxes for such authorized purposes, subject to the requirements contained in this Section 4.

Section 5. The City Council hereby elects to receive its portion of the Douglas County road and bridge fund from Douglas County in cash on a quarterly basis as set forth in

section 43-2-202, C.R.S. The City Council may elect in the future, by either resolution or ordinance in the discretion of the City Council, to receive its portion of the Douglas County road and bridge fund in equivalent value of materials furnished or work performed by the County, per an agreement with the County.

Section 6. The City Council hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health or safety and the same shall be in full force and effect after publication and final passage as provided by law because the City needs to levy ad valorem property taxes approved by this Ordinance on an immediate basis in order to fund the expenses of municipal government.

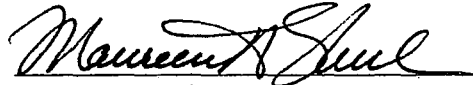
Section 7. Following adoption of this Ordinance on second reading, the City Clerk shall publish this Ordinance in full in the Douglas County News-Press.

Section 8. If any provision of this Ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

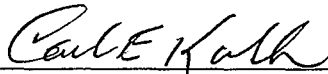
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INTRODUCED, READ, AND PASSED ON FIRST READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 11th day of June, 2008.

READ, PASSED AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, the 30th day of July, 2008.

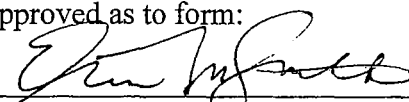

Maureen A. Shul, Mayor

ATTEST:



Carl E. Kollmar, City Clerk

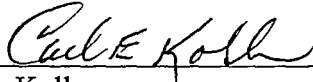
Approved as to form:



Erin M. Smith, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Castle Pines North City Council on June 11, 2008; published in full in the Douglas County News-Press; and finally passed and adopted by the City Council on July 30, 2008.



Carl E. Kollmar
Carl E. Kollmar