

RESOLUTION NO. 09-101

INTRODUCED BY:

Councilperson Havercroft

Councilperson Clark

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH, COLORADO, CONDITIONALLY
APPROVING THE FORM OF AN APPLICATION FOR DISSOLUTION
TO BE FILED WITH THE BOARD OF DIRECTORS OF THE
CASTLE PINES NORTH METROPOLITAN DISTRICT**

WHEREAS, the boundaries of the Castle Pines North Metropolitan District (the "District") are wholly contained within the corporate limits of the City of Castle Pines North; and

WHEREAS, the District currently provides certain services within its boundaries, including water service, sanitary and storm sewer service, and park and open space services (collectively, the "Services"); and

WHEREAS, the City is statutorily empowered to provide the Services within its boundaries; and

WHEREAS, the City Council of the City of Castle Pines North (the "City Council") is statutorily empowered to submit an application for dissolution with the Board of Directors of the District pursuant to § 32-1-701(3), C.R.S.; and

WHEREAS, a copy of the proposed Application for Dissolution (the "Application") is attached hereto as **Exhibit A**, and is incorporated herein by reference; and

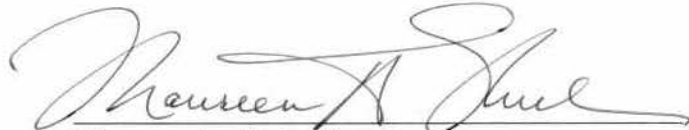
WHEREAS, the present City Council desires to cause the Application to be submitted to the Board of Directors of the District on or before February 1, 2010, following review and approval of the Application by the City Council to be seated in January, 2010.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO:

1. The City Council hereby approves the proposed Application for Dissolution, substantially in the form attached as **Exhibit A**.

2. The Application specifically anticipates that the City will continue to provide the Services within its boundaries following the dissolution of the District, if effected, and anticipates that the District and the City shall enter into an intergovernmental agreement setting forth the terms and conditions of the dissolution.
3. Upon execution by a majority of members of City Council, the City Clerk is hereby instructed to cause a certified copy of the executed Application to be hand delivered to the District offices, located at 7404 Yorkshire Drive, Castle Rock, Colorado 80108.
4. It shall be an express condition to this Resolution that prior to the point at which the Application is executed by members of City Council, this Resolution be considered, ratified and approved by the City Council of the City of Castle Pines North at a regular or special meeting occurring in January, 2010.
5. In the event that the City Council does not consider, ratify or approve this Resolution prior to January 31, 2010, then this Resolution and any conditional approval of the Application shall be null and void, and of no further force or effect.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH the 17th day of December, 2009.


Maureen A. Shul, Mayor

ATTEST:


Janie Berry, City Clerk

By: CARL F. KOLLMAR, DEPUTY CITY CLERK

EXHIBIT A**APPLICATION FOR DISSOLUTION**
filed pursuant to Section 32-1-701(3), C.R.S.

The Castle Pines North Metropolitan District (the “District”) currently provides services to taxpayers and residents within the District’s boundaries, including water service, sanitary and storm sewer service, and park and open space services (collectively, the “Services”).

The City of Castle Pines North (the “City”) was incorporated in 2008, and the City is statutorily empowered under Title 31, C.R.S. to provide the Services.

The boundaries of the District are wholly contained within the corporate boundaries of the City.

The City has submitted this Application for Dissolution (the “Application”) to the Board of Directors of the District (the “Board”) in order to formally open negotiations between the City Council of the City of Castle Pines North (“City Council”) and the Board with respect to how the District may be dissolved in accordance with Section 32-1-701 *et seq.*, C.R.S., and the Services continued within the boundaries of the City by the City.

1. The District is a metropolitan district organized and existing under Article 1 of Title 32, Colorado Revised Statutes (the “Special District Act”).
2. One hundred percent (100%) of the territory located within the boundaries of the District lies within the corporate limits of the City.
3. Section 32-1-701(3), C.R.S. specifically authorizes City Council to file this Application with the Board.
4. Following receipt of this Application, the Board promptly, and in good faith, shall take the necessary steps to dissolve the District in accordance with the procedures set forth in Part 7 of the Special District Act, including but not limited to submitting a petition for dissolution to the Douglas County District Court (the “Court”) within sixty (60) days following receipt of this Application. The petition for dissolution shall be prepared in accordance with the requirements of Section 32-1-702, C.R.S., and shall specifically include the following:
 - a. A plan for dissolution, which shall recite that Section 32-1-702(3)(c) and Section 32-1-702(4)(b)(I), C.R.S. are applicable to the dissolution proceeding.
 - b. A statement that members of City Council shall function as the Board of Directors of the District to the extent that continuation of the existence of the District is necessary pursuant to Section 32-1-702(3)(c), C.R.S.

- c. A statement that members of City Council shall function as the Board of Directors of the Castle Pines North Finance Corporation (the "Corporation"), if the Corporation is to remain in existence, and that the articles of incorporation and the bylaws of the Corporation shall be amended as necessary.
- 5. In accordance with Section 32-1-704(1), C.R.S. the City shall submit to the jurisdiction of the Court by written entry of appearance prior to the hearing on the adequacy of the petition for dissolution.
- 6. In accordance with Section 32-1-701(6), C.R.S., this Application is accompanied by a cash bond in the amount of three hundred dollars (\$300.00).

As set forth in Section 4.a., above, the plan for dissolution submitted by the District shall provide that the Services are to be continued by the City, and shall include an intergovernmental agreement by and between the District and the City containing those elements statutorily required by Section 32-1-702(4)(b)(I), C.R.S. and other provisions deemed necessary by the Parties.

APPROVED this ___ day of _____, 2010, by the CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO:

Jeffrey Huff, Mayor

Darwin Horan, Councilmember

Kim Hoffman, Councilmember

Jennifer Havercroft, Councilmember

Shelley Hamilton-Bruer, Councilmember

John D. Ewing, Councilmember

Doug Gilbert, Councilmember

ATTEST:

City Clerk