

LA PLATA ARCHULETA WATER DISTRICT

SUNDANCE/FARRADAY SUBDISTRICT NO. 1 RESOLUTION

**A RESOLUTION OF THE LA PLATA ARCHULETA WATER DISTRICT
DIVIDING THE DISTRICT INTO A SUBDISTRICT AREA CONSISTENT WITH
THE SERVICES AND FACILITIES TO BE FURNISHED THEREIN, AND
AUTHORIZING THE LEVY OF TAXES IN ACCORDANCE WITH THE
SERVICES AND FACILITIES FURNISHED TO SUCH AREA; REPEALING
ALL RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING OTHER
MATTERS RELATING THERETO**

WHEREAS, the Board of Directors (the "Board") of the La Plata Archuleta Water District (the "District") has determined that the District provides water service to the entire service area of the District in La Plata County; and

WHEREAS, §32-1-1101(1)(f), C.R.S., authorizes the Board to divide the District into one or more areas consistent with the services, programs, and facilities to be furnished therein; and

WHEREAS, the District's Service Plan provides that it may form one or more subdistricts as provided in the Special District Act to provide for the financing and operation of facilities or services that benefit a portion of the properties within the District; and that subdistricts may be used where an area needs service sooner than the District's capital improvement program can respond and the electors within the proposed subdistrict are willing to impose an additional tax levy on themselves to provide facilities sooner; and

WHEREAS, notice of a public meeting of the Board to consider the division of the District into one subdistrict area consistent with the services and facilities to be furnished therein has been given and published pursuant to §32-1-1101(1.5)(a) and §32-1-103(15), C.R.S., as set forth in the Proof of Publication Exhibit C attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LA PLATA ARCHULETA WATER DISTRICT:

Section 1. Findings and Determinations. The Board hereby finds and determines that:

- a. the area specified in Exhibit A hereto is located entirely within the District's boundaries and shall hereafter be referred to herein as the "Sundance/Farraday Subdistrict No. 1 of the La Plata Archuleta Water District" (hereinafter the "Subdistrict").

- b. the properties included in the Subdistrict will receive expedited water service from the District if a debt question and corresponding mill levy are approved by the eligible electors within the Subdistrict;
- c. the services and facilities for water service within the Subdistrict to be constructed, installed, operated, or maintained are improvements that the District is authorized to provide and justify the division of the District into one subdistrict area designated the Subdistrict;
- d. the District does not expect that the water service facilities to be constructed in the Subdistrict will be facilities that would be of use to other District residents, pursuant to §32-1-1101(1)(f)(I), C.R.S.;
- e. the District has received executed petitions from owners of 44 properties out of a total of 80 properties within the proposed Subdistrict supporting formation of a subdistrict;
- f. there is no single parcel of land having a valuation for assessment constituting twenty-five percent or more of the total valuation of assessment of all real property within the boundaries of the Subdistrict;
- g. there is no single parcel of land owned by a corporate entity and having a valuation for assessment constituting five percent or more of the total valuation of assessment of all real property within the Subdistrict;
- h. the division of the District into the area encompassing the Subdistrict will allow the financing and construction of water improvements, services and facilities which will confer a general benefit on the properties included in the Subdistrict;
- i. the division of the District into the area encompassing the Subdistrict will serve a public use and will promote the health, prosperity, security, and general welfare of the inhabitants of the District and the proposed Subdistrict; and
- j. the proposed Subdistrict should be designated.

These findings and determinations of the Board are final and conclusive on all parties in interest, whether appearing or not.

Section 2. Designation of Sundance/Farraday Subdistrict No. 1 of the La Plata Archuleta Water District. The Board, by this Resolution, hereby finds that it has full jurisdiction under §32-1-1101(1)(f), C.R.S. to adopt this Resolution, that the Subdistrict is hereby designated and shall be known as “Sundance/Farraday Subdistrict No. 1 of the La Plata Archuleta Water District,” by which, in all proceedings, it shall hereafter be known.

Section 3. Subdistrict Boundaries. A Map indicating the preliminary boundaries of the Subdistrict is attached hereto as Exhibit A. The Board may continue to consider Petitions for Inclusion into the Subdistrict, with the final boundaries to be determined and the final Map, as approved by the District’s General Manager, complete by June 30, 2017. The General Manager is expressly authorized to update Exhibit A accordingly.

Section 4. Subdistrict Improvements. Subject to the approval of a ballot issue submitted to the eligible electors in the Subdistrict, it is the intent of the Board to issue general obligation bonds to finance the acquisition and construction of water improvements within the Subdistrict. For the purpose of paying the principal and interest on such bonds, and after taking into consideration other applicable sources of Subdistrict revenue including availability of tap fees, connection fees, monthly service fees and certain investment income, availability of service charges, capital investment fees, and any other sources of revenue that have been appropriated for water expenditures, the Board will fix a different rate of levy for property tax purposes against all of the taxable property within the Subdistrict according to the bonded debt service required to finance the water services and facilities furnished therein.

Section 5. Notification to Board of County Commissioners. The Board shall provide notification, in the form attached hereto as Exhibit B, of a division of the District into an area consistent with the water services to be provided and the designation of the Subdistrict to the Board of County Commissioners of La Plata County, Colorado (the “BOCC”). The Board’s action on this Resolution shall not be a material modification of the District’s Service Plan in accordance with the terms and provisions of the District’s Service Plan. Notification shall also be given to the BOCC in accordance with §32-1-207(3)(b), C.R.S. that the debt of the Subdistrict shall be treated separately from the debt of the District and shall not be treated as debt of the District or count against the District’s approved debt limit, if the eligible electors of the Subdistrict approve the mill levy and the debt question at an election.

Section 6. Severability. If any section, subsection, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or

provision shall in no manner affect any remaining provisions of this Resolution, the intent being that the same are severable.

Section 7. Repealer. All orders, resolutions, bylaws, or regulations of the District, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED this 9th day of March, 2017.

LA PLATA ARCHULETA WATER
DISTRICT

By: Richard Lunceford
Richard Lunceford, Chairman

Attest:

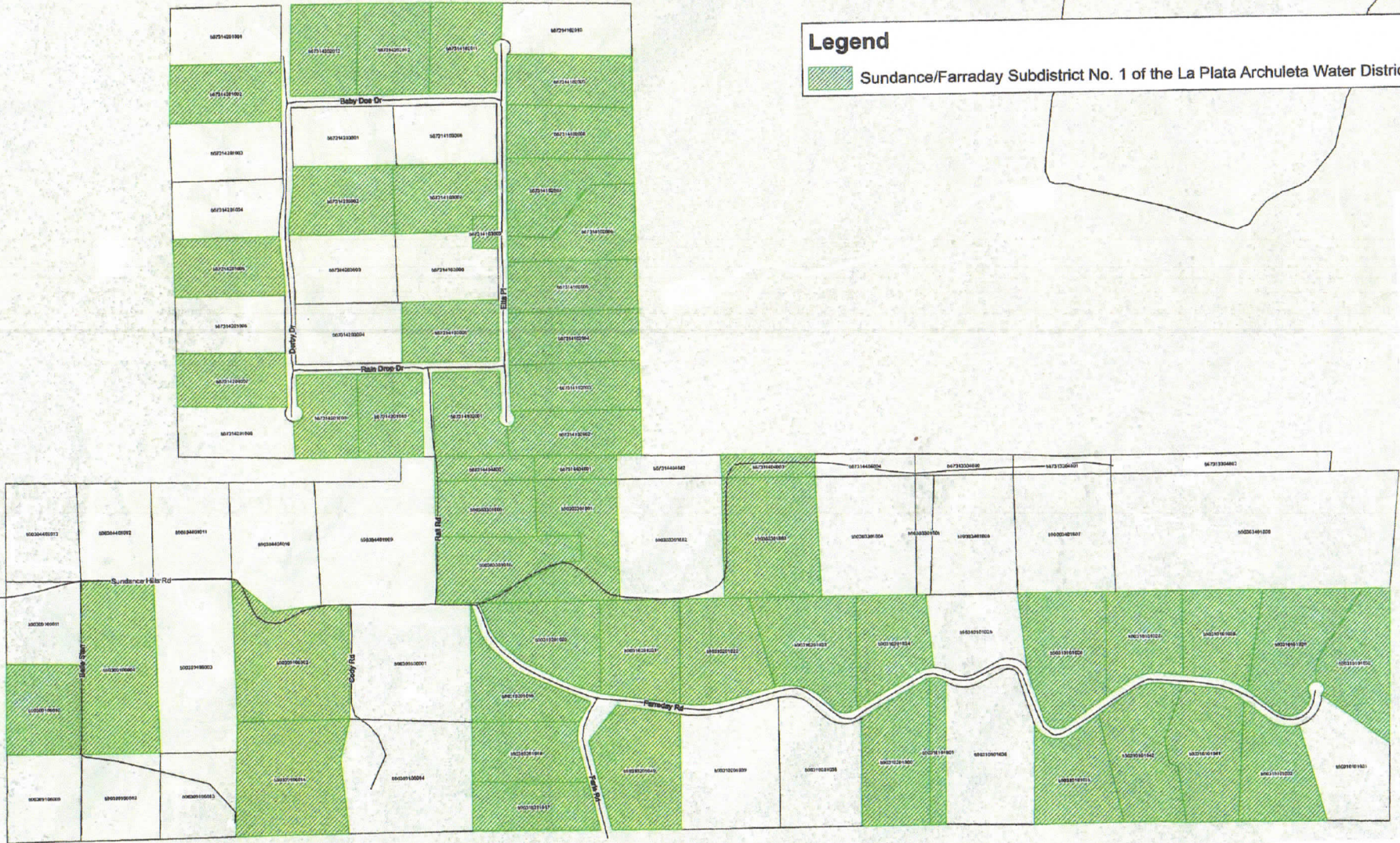
Cheryl Lynn
Cheryl Lynn, Secretary

Sundance/Farraday Subdistrict No. 1 of the La Plata Archuleta Water District

Legend

 Sundance/Farraday Subdistrict No. 1 of the La Plata Archuleta Water District

EXHIBIT A
MAP OF SUBDISTRICT



0

1,500

3,000 Feet

This information is provided as a public service and is not intended to constitute a warranty or any other form of assurance. The user assumes all responsibility for the use of this information. The information is provided "as is" without any warranty of accuracy or completeness. The user should verify the accuracy of the information before using it for any purpose. The information is provided for informational purposes only and should not be used as a basis for any legal or financial decision.

EXHIBIT B
FORM OF NOTIFICATION TO BOARD OF COUNTY COMMISSIONERS

PUBLIC NOTICE
LA PLATA ARCHULETA WATER DISTRICT

Notice is hereby given pursuant to Subsection 32-1-207(3)(b), C.R.S., as amended, that the Board of Directors (the “**Board**”) of the La Plata Archuleta Water District (the “**District**”) has created the “Sundance/Farraday Subdistrict of the La Plata Archuleta Water District” (the “**Subdistrict**”) and that the Board intends to submit a ballot question to the eligible electors of the Subdistrict to issue approximately \$_____ of unlimited tax general obligation bonds or other multiple-fiscal year obligations (the “**Bonds**”), the proceeds of which will finance the costs of extending water main lines to properties in the Subdistrict and other related expenses. The Board received petitions to create the Subdistrict from owners of 44 properties out of a total of 80 properties in the Subdistrict. If approved by the Subdistrict’s voters, the Bonds shall be limited to the principal amount and other terms set forth in the ballot question. The Bonds shall not be subject to the mill levy limit set forth in the Service Plan applicable to District debt, nor shall the Bonds count against the amount of debt which the District is authorized to issue under its Service Plan (of which \$17.5 million remains) so that the District can preserve such debt capacity to finance future transmission and distribution mains, water treatment and other public infrastructure that benefits the District as a whole and not just specific subdivisions. Additional information regarding the Subdistrict, including the Board Resolution creating the Subdistrict, is on file with the District at 255 Ute Street, Ignacio, Colorado.

Any action to enjoin such activity as a material departure from the Service Plan must be brought within 45 days from publication of notice.

BY ORDER OF THE BOARD OF DIRECTORS OF THE LA PLATA
ARCHULETA WATER DISTRICT.

LA PLATA ARCHULETA WATER
DISTRICT

By Richard Lunceford
Richard Lunceford, Chairman

cc: La Plata County District Court
Board of County Commissioners

Published one time on: _____

Published in: Pine River Times

EXHIBIT C
PROOF OF PUBLICATION

STATE OF COLORADO)
) ss.
County of La Plata)

BALLANTINE
COMMUNICATIONS

I, Emily Walters, do solemnly swear that I am the Classified Advertising Representative of the Pine River Times, and that I have personal knowledge of the essential facts stated herein; that the same is a daily newspaper printed in whole, and published in the County of La Plata, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of La Plata for a period of more than twelve months next prior to the first publication of the annexed Legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under a provision of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire editions of said daily newspaper 1 time(s) with the following dates:

Pine River Times: 02/03/17.

In witness whereof I have hereunto set my hand this 3rd day of February, A.D. 2017

Emily Walters

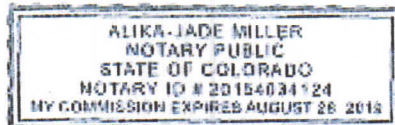
Subscribed and sworn before me, a notary public in and for the County of La Plata, State of Colorado this 3rd day of February, A.D. 2017

Alika Jade Miller

Notary Public
My Commission expires

Aug 28, 2019

(SEAL)



Public Legals

250597
NOTICE OF A PUBLIC MEETING TO CONSIDER A RESOLUTION DIVIDING THE LA PLATA ARCHULETA WATER DISTRICT INTO AREAS CONSISTENT WITH THE SERVICES PROVIDED AND CREATING A WATER SUBDISTRICT

NOTICE is hereby given to all interested persons, and particularly to the property owners and residents of the real property within the Farraday Subdivision, Sundance Hills

Subdivision and Sundance Hills Subdivision No. 2, that the Board of Directors of the La Plata Archuleta Water District will hold a public meeting at the Oxford Grange, 8010 State Highway 172, Ignacio, Colorado, on Wednesday, March 8, 2017, and at 6:00 p.m., to consider adoption of a Resolution Dividing the District into Areas Consistent with the Services Provided, and Authorizing the Levy of Taxes, Fees, and/or Assessments in Accordance with the Services, Programs and Facilities Furnished to Such Areas, which would create a Water Subdistrict pursuant to § 32-1-110(1)(i), C.R.S. for all or a portion of the real property described herein.

All interested persons may appear at such meeting to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS OF THE LA PLATA ARCHULETA WATER DISTRICT
LA PLATA ARCHULETA WATER DISTRICT
By: Cheryl Lynn
Secretary
Published in the Pine River Times February 3, 2017