

STATE OF COLORADO)
)
COUNTY OF SUMMIT)

The Board of County Commissioners of Summit County, Colorado, met in regular session in full conformity with law and the rules of the County, at the County Courthouse, in Breckenridge, Colorado, the regular meeting place thereof on Tuesday, July 23, 2019, at 1:30 p.m.

The following members were present constituting a quorum:

Chairman:	Thomas Davidson
Commissioner:	Karn Stiegelmeier
Commissioner:	Elisabeth Lawrence

Also Present:

Deputy Clerk to the Board:	Lori Dwyer
Assistant County Manager:	Bentley Henderson
County Attorney:	Jeffrey L. Huntley

Thereupon Commissioner Davidson introduced and moved the adoption of the following resolution, which was then read by title, sufficient copies of the full resolution having previously been made available to the Board of County Commissioners and to the public:

RESOLUTION NO. 20019-_____

Before the Board of County Commissioners

County of Summit

State of Colorado

PRELIMINARY ORDER CONCERNING THE PROPOSED PEAK 7 LOCAL IMPROVEMENT DISTRICT, SUMMIT COUNTY, COLORADO; ACKNOWLEDGING THE PETITIONS OF PROPERTY OWNERS REGARDING THE INITIATION OF A LOCAL IMPROVEMENT DISTRICT; ADOPTING PRELIMINARY PLANS AND SPECIFICATIONS; REQUIRING COST ESTIMATES AND A MAP, AND AN APPROXIMATE ASSESSMENT SCHEDULE; DESCRIBING MATERIALS; DETERMINING TIME FOR PAYMENT OF ASSESSMENTS AND NUMBER OF INSTALLMENTS; DESCRIBING PROPERTY TO BE ASSESSED; SETTING THE DATE OF A PUBLIC HEARING; AND ORDERING PUBLICATION AND MAILING OF NOTICE OF HEARING TO OWNERS OF PROPERTY TO BE ASSESSED

WHEREAS, pursuant to part 6 of article 20 of title 30, Colorado Revised Statutes, as amended (the "Act"), the Board of County Commissioners (the "Board") of Summit County, Colorado (the "County") has received petitions (the "Petitions") from affected property owners in the area (the "Petitioners") of the proposed Peak 7 Local Improvement District, Summit County, Colorado (the "District") requesting that the Board initiate proceedings for the creation of the District for the purpose of acquiring, constructing and installing certain improvements including, without limitation, subgrade preparation, drainage improvements, shouldering with aggregate base course, placement and preparation of road base and installation of hot bituminous pavement generally in accordance with the following table:

ROAD NAME	PAVEMENT DEPTH	PAVEMENT WIDTH
American Way Section 1 (Blue Ridge to Lone Hand)	4"	20-ft
American Way Section 2 (Blue Ridge to Ski Hill)	5"	22-ft
Lone Hand Way	4"	20-ft
Ski Hill Road (USFS Boundary to Discovery)	5"	22-ft
Ski Pole Ct	4"	20-ft
Ski Tip Rd	4"	20-ft
Glory Hole Dr	4"	20-ft
Thunderhead Rd	4"	20-ft
Prospector Cir	4"	20-ft
Protector Cir	4"	20-ft
Quartz Cir	4"	20-ft
Pine Cir	4"	20-ft
Brook St	4"	20-ft

Skicrest	4"	20-ft
Burro	4"	20-ft
Sitzmark	4"	20-ft
Discovery	4"	20-ft
Twin Pines Ct	4"	20-ft
Shadows Dr	4"	20-ft
Adams Way	4"	20-ft
Timber Way	4"	20-ft
Protector Pl	4"	20-ft

Which roads are located in the County, as more particularly described in the form of notice set forth herein and constituting a part hereof (the "Notice"), in the specifications and the attached plans and report completed by CTL Thompson, Inc., and other incidental and necessary improvements, to the extent moneys are available (all of such improvements, the "Improvements") within the proposed District, and to assess the cost thereof against the properties specially benefited thereby; and

WHEREAS, the Petitioners constitute the owners of property to be assessed for more than one-half of the entire cost of the Improvements estimated by the Board to be assessed within the District; and

WHEREAS, the Board has received the Petitions, accepts the same, and intends to proceed with the formation of the District; and

WHEREAS, there have been prepared and filed with the Summit County Clerk and Recorder's Office, preliminary plans and specifications relating to the proposed Improvements; and

WHEREAS, pursuant to C.R.S. §30-20-603(5), a preliminary order must be made, adopting preliminary plans and specifications, describing the materials to be used or stating that one of several specified materials shall be chosen, determining the number of installments and time in which the cost of the Improvements shall be payable, describing the property to be assessed for the cost of the Improvements, and requiring an estimate of cost and a map by the County Engineer, and adopting a schedule showing the approximate amounts to be assessed upon the several lots or parcels of property within the proposed District; and

WHEREAS, this Resolution shall constitute the preliminary order required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO:

Section 1. The preliminary plans and specifications, estimate of cost, a map of the proposed District, and schedule of approximate assessments prepared and filed are hereby adopted and approved by the Board for use in the construction of the Improvements within the proposed District.

Section 2. The nature and location of the Improvements to be made in the proposed District, and the materials to be used in constructing the Improvements shall be generally as stated in the form of the Notice which appears below. The boundaries of the District shall be as set forth in Exhibit A and incorporated herein by this reference and the form of the Notice.

Section 3. The assessments to be levied for the Improvements shall be due and payable within 30 days after the final adoption of an assessing resolution (the "Assessing Resolution") by the Board assessing the cost of the Improvements against the property in the District. However, all such assessments may be paid, at the election of the owner, in fifteen annual installments of principal and interest. The first of said installments shall be due and payable not more than two years from the date of the Assessing Resolution, as determined in and by the Assessing Resolution. The entire cost shall therefore be payable within 15 years of the first installment date. The times of payment of installments and interest thereon shall be the same as the times of payment for installments of property taxes. The rate of interest on unpaid and deferred installments shall be finally determined by the Board and set forth in the final Assessing Resolution.

Section 4. The property to be assessed for the cost of the Improvements shall be the property specially benefited thereby as more particularly described in the form of the Notice. The Board hereby determines that the method of assessing and allocating the probable costs of the Improvements as described in the Notice reflects the benefits, which accrue to each lot, parcel or tract of land, on an equitable basis.

Section 5. A public hearing concerning the creation of the District and the construction of the Improvements therein shall be held on Tuesday, August 27, 2019, at 1:30 p.m. at the County Courthouse in Breckenridge, Colorado, which date is not less than 30 days after publication of Notice.

Section 6. Notice of the intention of the Board to create a local improvement district pursuant to the Petitions and to construct the Improvements therein and of a public hearing thereon shall be given by the County Clerk by publication once in the *Summit County Journal*, a newspaper of general circulation in the County, at least 30 days prior to the date of the hearing, as required by law. In addition, the Notice, being a brief written synopsis of the proposed Improvements, shall be mailed by first-class mail to each property owner to be assessed for the cost of the Improvements who is included within the proposed District. The mailed Notice shall be made on or about the date of publication of the notice of the hearing. The Notice shall be in substantially the following form:

[Form of Notice]

NOTICE

OF THE PROPOSED CREATION OF A LOCAL IMPROVEMENT DISTRICT IN SUMMIT COUNTY, COLORADO, TO BE KNOWN AS PEAK 7 LOCAL IMPROVEMENT DISTRICT, SUMMIT COUNTY, COLORADO, FOR THE PURPOSE OF CONSTRUCTING CERTAIN IMPROVEMENTS THEREIN AND OF A PUBLIC HEARING THEREON

All owners of real estate and property hereinafter described and all persons generally are hereby notified that the Board of County Commissioners of Summit County, Colorado (the "County") has adopted preliminary plans and specifications for certain improvements to be acquired, constructed and installed within a proposed local improvement district in the County, to be known as Peak 7 Local Improvement District, Summit County, Colorado (the "Proposed District").

1. A description of the boundaries of the Proposed District is as follows, and includes generally the real property described herein:

Each and every buildable lot or parcel listed below will receive one full assessment for Improvements within the Proposed District, except as noted:

Subdivision	Lot list
BLUE RIDGE AMENDED SUB	Lots A, B, 1, 3, 4, 6, 13A & 13B, 14A & 14B, 15, 16*, 24-24-41
BLUE SKY ESTATES	1, 2*
CRESTWOODS SUB	Lots 1-11 of Block 1; 1-6, and 7* of Block 2
DISCOVERY SUB #1	Lots 1-29
HIGH HEAVENS SUB	Lots 1-10
METES & BOUNDS (ALL)	One acre comprising a part of Section 25, Township 6 South, Range 25 West; a portion of the Beulah and Side Line Lodes; AKA 3292 Ski Hill Rd
MINERS RIDGE SUB #1	Lots 1-5, 6A & 6B, 9-22
PEAK SEVEN WEST SUB	Lots 1-64 **
PINE VISTA	Lots 1-11
PLACER ACRES SUB	Lots 1, 2, 4*, 5-15
PONDEROSA SUB	Lots 1-18
RAINBOW SUB	Lots 1-6 Block A; 1-7 Block B
RIDGE CREST SUB	A-E
SHADOWS NORTH AMENDED SUB	Lots 1, 6*, 8*, 9-14; E 1/2 and W 1/2 of Lot 15; 17-26; 16A & B; 2A & B; 3A & B; 4A & B; 5A 7 B; 7A & B

SHADOWS SUB	Lots 1, 2, 4, 5, 6*, 8, 9, 10R, 11R, 12, 13 of Block 1; 1-15 of Block 2; 1-12 of Block 3; 1-15 of Block 4; and 1-7 of Block 5
SUNCHASER ESTATES	Lots 1-4

* These lots will receive one additional assessment, amounting to two assessments per lot

** Lot 25 of the Peak Seven West Subdivision will receive three additional assessments, for a total of four assessments

The Improvements to be made, as authorized pursuant to the Act, are as follows:

Subgrade preparation, drainage improvements, shouldering with aggregate base course, placement and preparation of road base and the installation of bituminous pavement at 5” depth and 22 feet in width on the following roadways:

Ski Hill Road (CR 3) from the northern USFS boundary south to Discovery Road (CR 901)
American Way (CR 906)

And the installation of bituminous pavement at 4” depth and 20-feet in width on the following roadways:

Lone Hand Way (CR 917)
Ski Pole Court (CR 910)
Ski Tip Road (CR 909)
Glory Hole Drive (CR 921)
Thunderhead Road (CR 908)
Prospector Circle (CR 920)
Protector Circle (CR 907)
Quartz Circle (CR 905)
Pine Circle (CR 941)
Brook Street (CR 940)

Skicrest Lane (CR 904)
Burro Lane (CR 922)
Sitzmark Circle (CR 903)
Discovery Road (CR 901)
Twin Pines Court (CR 902)
Shadows Drive (CR 914)
Adams Way (CR 915)
Protector Place (CR 916)
Timber Way (CR 918)

2. The Improvements described above shall be financed by the issuance of special assessment bonds of the County (the "Bonds"), to be paid from special assessments imposed against the real property included within the boundaries of the Proposed District and specially benefited by the construction and installation of the Improvements. The estimated total cost of constructing the Improvements including bonding cost is **\$6,660,000**. The method of assessment shall be as follows:

Each buildable lot and parcel within the boundaries of the Proposed District shall be assessed an equal share of the total cost of the Improvements. The assessment for each buildable lot or parcel for the Improvements is estimated to be **\$19,704.14**. The estimated cost for Improvements includes the costs of inspection, engineering, surveying, testing, incidentals, interest, Bond issuance expenses and capitalized interest relating to the Bonds, and general legal expenses, and County administration. If such assessment is paid in installments,

additional costs including statutory County Treasurer collection fees will be added to such payments.

3. Property owners assessed as set forth above will have the option of paying assessments in full within 30 days after the effective date of the final assessing resolution described below (the "Assessing Resolution"). However, all such assessments may be paid, at the election of the property owner, in ten annual installments of principal and interest. The first of such installments shall be due and payable not more than two years from the date of the Assessing Resolution, as shall be determined in and by the Assessing Resolution. The times of payment of installments shall be the same as the times of payment for installments of property taxes. The entire cost shall therefore be payable within 15 years of the first installment date.

4. The rate of interest on unpaid and deferred installments shall be determined by the Board of County Commissioners and set forth in the Assessing Resolution. In addition, County collection fees will be charged on installment payments as the County determines.

5. As shown by the estimates prepared and filed with the County Clerk, the probable total cost of the Improvements in the Proposed District, including, without limitation, construction, contingency, design, administration and supervision, bond underwriting, legal, paying agent, and capitalized interest, is **\$6,660,000**. It is estimated that approximately **\$19,704.14** will be assessed against the benefited property within the Proposed District.

Upon completion and acceptance of the Improvements or any part thereof, or as soon as the total cost thereof can be reasonably ascertained, such cost shall be apportioned to each lot or parcel of land in the Proposed District. Notice of such apportionment shall be given, and a hearing will be held prior to the adoption of the Assessing Resolution, all as provided by law.

6. Not less than 30 days after publication of the Notice, *i.e.* on Tuesday, August 27, 2019, at 1:30 p.m., a resolution creating the Proposed District and authorizing the Improvements will be considered and a public hearing thereon will be held by the Board of County Commissioners at the County Courthouse in Breckenridge, Colorado.

7. An estimate of costs, a map, and a schedule showing the approximate amount to be assessed and all resolutions and proceedings are on file and may be seen and examined by any person interested at the County Courthouse in Breckenridge, Colorado at any time during business hours on or before the date specified in paragraph 6 hereof.

8. Owners of any real property to be assessed may appear before the Board and be heard at the public hearing. All complaints and objections that may be made in writing concerning the proposed Improvements by the owner or owners of any real property to be assessed will be heard and determined by the Board of County Commissioners at the public hearing referred to above, or at some adjournment thereof, before final action thereon.

DATED this ___th day of _____, 2019.

(SEAL)

/s/

Deputy Clerk to the Board

Summit County, Colorado

Published in: *Summit County Journal*
Published on: _____, _____, 2019

Section 7. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions hereof, the intention being that the various sections or provisions hereof are severable.

ADOPTED AND APPROVED this 23th day of July, 2019.

Thomas Davidson, Chairman
Board of County Commissioners

(SEAL)

ATTEST:

Deputy Clerk to the Board

Commissioner _____ moved that the resolution be passed and adopted. The question being upon the passage and adoption of the resolution, the roll was called with the following result:

Those voting YES: Commissioner Davidson
Commissioner Stiegelmeier
Commissioner Lawrence

Those voting NO: none

A majority of the members present having voted in favor of the passage and adoption of the resolution, the Chairman thereupon declared the resolution was duly passed and adopted.

Thereupon, after consideration of other business to come before the Board of County Commissioners the meeting was adjourned.

SUMMIT COUNTY, COLORADO

Thomas Davidson, Chairman
Board of County Commissioners

(SEAL)

ATTEST:

_____,
Deputy Clerk to the Board

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

I, _____, Deputy Clerk to the Board of Summit County, Colorado, do hereby certify that the foregoing pages numbered 1 to ____, inclusive, contain a true and correct copy of the proceedings taken by the Board of County Commissioners of Summit County, Colorado at a regular meeting thereof held on _____, the 23rd day of July 2019, so far as said proceedings relate to a resolution declaring an intention to create a local improvement district, adopting preliminary plans and specifications, approving cost estimates, a map and an approximate

assessment schedule and ordering publication and mailing of a notice thereof, a true and correct copy of which is set forth in full in the proceedings of the Board; that said resolution has been duly authenticated by the signatures of the Chairman of the Board, and myself, as Deputy Clerk to the Board of the County Commissioners, and duly sealed with the corporate seal of the County and recorded in the official records of the County kept in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed the seal of Summit County, this _____ day of _____ 2019.

Deputy Clerk to the Board