

**RESOLUTION  
OURAY COUNTY BOARD OF COMMISSIONERS  
OURAY COUNTY, COLORADO**

**RE: Creation of the Loughill Village Local Improvement District for the purpose of paving certain county roads within Loughill Village**

**WHEREAS**, for many years, county roads located within Loughill Village have faced ever increasing use, resulting in increased damage to the roadways and requiring increased maintenance; and

**WHEREAS**, such increased use has, or soon will, reach the maximum traffic capacity of roads which lack a permanent hard surface and therefore the County must consider paving the roads within Loughill Village in order that the roads continue to be able to handle the expanding traffic load and thereby maintain the ability to provide essential government services including the provision of fire, ambulance and other emergency services; and

**WHEREAS**, representatives of the Citizens' Road Committee of the Loughill Village Home and Property Owners' Association have submitted to the Board of County Commissioners a detailed plan whereby the property owners who must use the roads in Loughill Village would undertake to pave the principal county roads located within Loughill Village largely at the expense of those whose properties are served by said roads; and

**WHEREAS**, after carefully reviewing all of the information presented, the Board of County Commissioners believes that the paving of the principal roadways within Loughill Village not only is inevitable but would be immediately advantageous to the local residents and likely would reduce future road maintenance costs to the County; and

**WHEREAS**, the Board of County Commissioners therefore deem it advisable to create a Local Improvement District pursuant to C.R.S. 30-20-603(2)(a) for the express and sole purpose of paving certain principal County roads within Loughill Village;

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Ouray County as follows:

1. The Loughill Village Local Improvement District ("the District") is hereby created as authorized by C.R.S. 30-20-603(2)(a) and C.R.S. 30-20-603(1)(a).

2. The District shall consist of the following subdivisions, tracts and lots (all of which are shown on the attached map of the proposed Loughill Village Local Improvement District which map is hereby adopted as the official map of the District):

- Loughill Village, Unit I, excluding Block A, Lot 18, but including the Shernoff boundary Adjustment;
- Loughill Village, Unit II, including the Piper Boundary Adjustment;
- Loughill Village, Unit IV, excluding Lots 74 and 75, but including Cluster Lot 48 - lots 1 - 10 (also known as "The Enclave at the Edge"), Cluster Lot 22 - units 1 - 11 (also known as "The Retreat on Loughill Mesa"), Cluster Lot 12 and Cluster Lot 54;
- Bennett;

- Calbeck;
  - Meadow Estates, all existing housing units but excluding Lots 2 and 3;
  - Flying K;
  - Keller Hills, including the Cary Boundary Adjustment;
  - Loghill Crest Tracts 1, 4, 7, 32;
  - Ponderosa Crest;
  - Pinyon Peak;
  - Pinyon Peak, phase II;
  - Silverhorn;
  - Sunridge;
  - Kirby Exemption;
  - Waterview;
  - Waterview Knolls;
  - NW1/4NE1/4 29-46-8, parcel 4255-292-00-063;
  - SW1/4NE1/4 29-46-8, parcel 4255-292-00-035;
  - Part of NE1/4SE1/4 29-46-8, parcel 4255-293-00-060;
  - SE1/4SE1/4 29-46-8, parcel 4255-293-00-065;
  - Stapleton Limited PUD;
  - Tract 6 in 5-45-8, parcel 4305-052-00-011;
  - NE1/4NW1/4 29-46-8, merged with Tract A, Kirby Exemption, parcel 4255-292-00-036;
- Together with any subsequent subdivisions of any property contained within the District or other lot splits and/or boundary adjustments therein. Lots designated exclusively as green belt or open space on which all development is prohibited are excluded from the District. For purposes of the assessment of any fees by the District, each lot and each separate housing unit in the case of multiple dwelling units on a lot shall each count as a separate unit and as such shall be separately assessed.

3. The purpose of the District is to install asphalt paving on the principal County roads within the District. Specifically, it is intended that after the County repairs existing County roads in a capital outlay for materials, such as contracted aggregate crushing, culverts, etc., not to exceed \$55,000 without the prior approval of the Board of County Commissioners so that they are ready to be prepared for paving, the District will provide all necessary engineering, paving preparation and install asphalt paving approximately twenty-four feet (24') in width on approximately 3.3 miles of Ponderosa Drive beginning at the end of the existing pavement and twenty-four feet (24') in width on Canyon from its intersection with Ponderosa to its intersection with Juniper and not less than twenty feet (20') in width on the remainder of Canyon and Juniper as well as Pine and Tower Drives. At present, the District does not plan to pave cul-de-sacs or other less traveled roads within the District.

4. So far as may be possible, and as provided by C.R.S. 30-20-603(2)(b), the Loghill Village Home and Property Owners' Association, on behalf of the Board of County Commissioners, shall make reasonable attempts to give notice of the formation of the District to all property owners within the District by regular U.S. mail no later than June 15, 2004. Failure or lack of such notice shall in no way affect the formation of the District.

5. Copies of this Resolution shall be provided to the County Assessor, the County Treasurer and the Division of Local Government in the State Department of Local Affairs as required by C.R.S. 30-20-603(13).

6. On behalf of the District, the Citizens' Road Committee of the Loghill Village Home and Property Owners' Association shall provide the Board of County Commissioners all information needed in order to publish the notice to homeowners required by C.R.S. 30-20-603(6), together

with preliminary plans and specifications for the County's review, as soon as may be convenient. On receipt of such information, together with a draft Notice for Publication complying with C.R.S. 30-20-603(6), the Board of County Commissioners will schedule a hearing at the earliest available date at which to consider whether to adopt a resolution authorizing the construction of the proposed improvements by the District, subject to the right of the public to approve any tax or assessment required to pay for such improvements.

7. All District improvements shall be paid by bonded indebtedness payable by properties located within the District. The questions of whether to issue bonds to pay for road improvements and whether to increase property taxes or assessments to retire such bonds shall be submitted only to the registered electors within the District.

8. The Loghill Village Home and Property Owners' Association, on behalf of the District, shall advance all costs and attorneys' fees incurred by the County in connection with the approval of the District's proposed improvements and the election on the proposed District bonds (including but not limited to engineering costs to prepare specifications and estimates, election costs, publication of notice, etc.) as determined by the County in consultation with the Citizens' Road Committee of the Loghill Village Home and Property Owners' Association. To the extent that any such costs are advanced by the County on behalf of the District, the Loghill Village Home and Property Owners' Association shall reimburse the County for such expenses on behalf of the District. Upon approval by the voters of the bonded indebtedness and mechanism for paying same to construct the improvements, the District shall reimburse the Association for all costs advanced out of revenues collected by the District.

9. All administrative costs and attorneys' fees incurred by the County associated with the management of the District and/or the collection of revenues and payment of expenses, including repayment of bonds, will be borne by the properties within the District. The tax or assessment rate which will be imposed within the District shall be sufficient to fully reimburse the County for all such administrative costs. Determination of the amount of administrative costs shall be made by the County, in consultation with the Citizens' Road Committee of the Loghill Village Home and Property Owners' Association. In the alternative to providing administrative services to the District, the County and the District may contract with the Loghill Village Home and Property Owners' Association to perform all or any part of such administrative work for the County.

10. In the event that all actions necessary to approve and authorize the improvements proposed to be done by the District are not completed by January 1, 2007, this resolution shall automatically be rescinded and the District created hereby shall cease to exist without further action by the Board of County Commissioners.

11. If any provision of this resolution, or if the application of this resolution to any person, entity or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this resolution are to be severable.

12. The Board of County Commissioners of Ouray County hereby declares that this resolution is necessary for the preservation of the public peace, health, safety and welfare and that it therefore shall become effective immediately.

13. In passing this Resolution, the Board of County Commissioners has made every effort to

comply with the requirements of the statutory provisions authorizing the formation of a local improvement district. In the event, despite such effort, this Resolution fails to comply in any non-substantive or technical way with any requirements of the law, such noncompliance may be corrected by supplemental Resolution adopted by the Board of County Commissioners. In the event such a supplemental Resolution is adopted, this Resolution shall be read as though such changes had been incorporated in its original text.

**READ, PASSED AND ADOPTED** this \_\_\_\_ day of May, 2004 by the Board of County Commissioners of Ouray County, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

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Tom Hollenbeck, Chairman

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Don Batchelder, Vice-Chairman

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Michelle Olin, Clerk and Recorder  
By: Linda Munson-Haley,  
Deputy Clerk of the Board

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William Ferguson, Member