

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
OURAY COUNTY, COLORADO, APPROVING
THE CONSOLIDATED SERVICE PLAN FOR
CORNERSTONE METROPOLITAN DISTRICT NOS. 1 and 2**

WHEREAS, on July 26, 2004, the Consolidated Service Plan for Cornerstone Metropolitan District Nos. 1 and 2 (the "Districts") was submitted to the Board of County Commissioners of Ouray County, Colorado (the "BOCC"), pursuant to Sections 32-1-202(1) and 32-1-202(2) of the Colorado Revised Statutes; and

WHEREAS, pursuant to Section 32-1-204 of the Colorado Revised Statutes, the BOCC held a public hearing on said Consolidated Service Plan on August 30, 2004; and

WHEREAS, pursuant to Section 32-1-204(1) of the Colorado revised Statutes, notice of said public hearing was duly published in the "Ouray County Plaindealer," a newspaper of general circulation within the boundaries of the Districts, on Friday August 6, 2004, and was mailed to the owners of record of all property located within the Districts, as such owners of record are listed in the records of the Ouray County Assessor, the Colorado Division of Local Government, and to the governing body of all municipalities or special districts that levied an *ad valorem* tax on the real property constituting the Districts within the preceding tax year and which has boundaries within a 3-mile radius the Districts' boundaries; and

WHEREAS, the BOCC has considered the Service Plan, testimony and other evidence presented to it at said public hearing; and

WHEREAS, the BOCC hereby finds that the Consolidated Service Plan should be approved as provided herein, pursuant to Section 32-1-203(1) of the Colorado Revised Statutes; and

WHEREAS, the BOCC further finds that it is in the best interests of the citizens and taxpayers of Ouray County, Colorado to enter into an Intergovernmental Agreement with the Districts for the purpose of assigning the relative rights and responsibilities between Ouray County and the Districts with respect to the Districts' functions, operations, and obligations;

NOW THEREFORE, it is hereby **RESOLVED** by the Board of County Commissioners of Ouray County, Colorado as follows:

1. **THAT:** the evidence presented to the BOCC at said public hearing was extensive and complete, all relevant and pertinent facts, matters and issues were submitted, and all interested parties were heard or had the opportunity to be heard.

2. **THAT** evidence satisfactory to the BOCC of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be served by the Districts; and
- b. The existing service in the area to be served by the Districts is inadequate for present and projected needs; and
- c. The Districts are capable of providing economical and sufficient service to the area within their proposed boundaries; and
- d. The area to be included in the Districts does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis; and
- e. Adequate service is not, and will not be, available to the area through Ouray County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis; and
- f. The Districts' facility and service standards are compatible with the facility and service standards of Ouray County and each municipality which is an interested party under Section 32-1-204(1), C.R.S.; and
- g. The proposal is in compliance with any duly adopted Ouray County, regional or State long-range water quality management plan for the area; and
- h. The creation of the Districts is in the best interests of the area proposed to be served.

3. **THAT** the requirements of Sections 32-1-202(1) and 32-1-202(2) of the Colorado Revised Statutes, relating to the filing of the Service Plan with the BOCC, and the requirements of Section 32-1-204 of the Colorado Revised Statutes, relating to said public hearing on the Service Plan, have been fulfilled and that notice of said public hearing was given in the time and manner required by law.

4. **THAT** the BOCC hereby APPROVES the Consolidated Service Plan as submitted and approves the organization and formation of the Districts as metropolitan districts, political subdivisions and quasi-municipal corporations of the State of Colorado, subject to the limitations contained in the Service Plan and conditioned as follows:

- a. A revised Financing Plan must be submitted to and approved by the BOCC of Montrose County and the BOCC of Ouray County before the Districts will be allowed to issue any "Debt," as defined in the Service Plan. Approval or disapproval of the service plan will be at the complete discretion of the Counties of Montrose and Ouray.

5. **THAT** this Resolution shall be filed in the records of Ouray County Clerk and Recorder and submitted to the Districts legal representative for the purpose of filing a Petition for Organization in a District Court having proper jurisdiction.

6. **THAT** any and all prior Resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded and shall be of no further force or effect.

Adopted this ____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Tom Hollenbeck, Chairman

Michelle Nauer, Clerk and Recorder

Don Batchelder, Vice-Chairman

By: _____

Linda Munson-Haley,
Deputy Clerk of the Board

William Ferguson, Member