

**RESOLUTION  
BOARD OF COUNTY COMMISSIONERS  
OURAY COUNTY**

**Re: Creation of the Eagle Hill Ranch Local Improvement District for the Purpose of Paving Certain Public Roads within Eagle Hill Ranch Subdivision.**

**WHEREAS**, for many years the public roads located within Eagle Hill Ranch have faced ever increasing use, resulting in increased damage to the roadways and requiring increased maintenance; and

**WHEREAS**, such increased use results in considerable dust being generated and often creates washboard conditions and other surface deterioration which has adverse health and safety effects on those using the roads in Eagle Hill Ranch; and

**WHEREAS**, paving of these roads would eliminate these health and safety hazards and would enhance property values and ensure the ability of the roads within Eagle Hill Ranch to handle the expanding traffic load and thereby maintain the ability to provide essential government services to the residents of Eagle Hill Ranch including the provision of fire, ambulance and other emergency services; and

**WHEREAS**, representatives of the Eagle Hill Ranch Homeowners' Association have submitted to the Board of County Commissioners a plan whereby the property owners who use the roads in Eagle Hill Ranch would undertake to pave those roads at their own expense; and

**WHEREAS**, after carefully reviewing all of the information presented, the Board of County Commissioners believes that the paving of the roadways within Eagle Hill Ranch not only is inevitable but would be immediately advantageous to the health, safety and convenience of local residents and likely would reduce future road maintenance costs; 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), as requested by the residents of Eagle Hill Ranch, for the express and sole purpose of paving the roads within Eagle Hill Ranch;

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

1. The Eagle Hill Ranch 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 all properties located within the Eagle Hill Subdivision in Ouray County, Colorado as shown on the official plat thereof (as recorded in the office of the Ouray County Clerk and Recorder) which plat is hereby adopted as the official map of the District, 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, open space or designated solely for community, public or quasi-public purposes and on which all private residential, commercial or industrial development is prohibited are excluded from the District. For purposes of the assessment of any fees by the District, each lot within the subdivision shall 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 roads within the District. Specifically, it is intended that all necessary preparation of existing roads will be completed by the District at which time the District will install asphalt paving as follows:

<u>Street Name</u>	<u>Length</u>	<u>Width</u> <i>not less than</i>	
Golden Eagle Trail	6336 ft.	16 ft.	35' radius cul-de-sac
Lexington Trail	528 ft.	16 ft.	35' radius cul-de-sac
Quarter Horse Lane	1056 ft.	16 ft.	25' radius cul-de-sac
Sweetwater Drive	528 ft.	16 ft.	35' radius cul-de-sac

The District will provide all necessary engineering for the project. No driveways will be paved but the contractor providing paving may agree separately with individual property owners to pave private driveways at the owners' sole expense in conjunction with the road paving project.

4. So far as may be possible, and as provided by C.R.S. 30-20-603(2)(b), the Eagle Hill Ranch Homeowners' 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, 2005. 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 Eagle Hill Ranch Homeowners' 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 increasing property taxes or assessments to retire such bonds shall be submitted only to the registered electors within the District.
8. The Eagle Hill Ranch Homeowners' 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.). Determination of the amount of such costs shall be made by the County, in consultation with the Eagle Hill Ranch Homeowners' Association, it being the intention of the County that the Association will itself perform as many duties on behalf of the County as possible so as to minimize expenses. To the extent that any such costs are advanced by the County on behalf of the District, the Eagle Hill Ranch Homeowners' 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 Eagle Hill Ranch Homeowners' Association.
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 13th day of June, 2005 by the Board of County Commissioners of Ouray County, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

ATTEST:

\_\_\_\_\_  
Don Batchelder, Chair

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Michelle Nauer, Clerk and Recorder

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Tom Hollenbeck, Vice-Chair

By:

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Linda Munson-Haley,  
Deputy Clerk of the Board

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Heidi Albritton, Member