

RESOLUTION No. 2008-022

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO TO DISTRIBUTE MONIES FROM A FUND
DENOTED AS “PARKS & SCHOOLS FUND”**

WHEREAS, by adoption of SB 35, the Colorado Legislature required that subdivision regulations adopted by counties must include, among other things, “dedication of sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. Such provisions may include (a) dedication of such sites and land areas to the county or the public, or, in lieu thereof, payment of a sum of money not exceeding the full market value of such sites and land areas. Any such sums, when required, shall be held by the board of county commissioners for the acquisition of said sites and land areas.”; and

WHEREAS, in keeping with the provisions of SB35, the Board of County Commissioners of Ouray County, Colorado (“Board”) created a “Parks and Schools” fund in 1972 and in 1972 and 1973 the Board of County Commissioners of Ouray County required that new developments pay certain monies to the Parks and Schools fund and said fund currently contains over \$21,000.00, including accrued interest; and

WHEREAS, it has been determined the developers of certain subdivisions in Ouray County paid such funds, as follows:

Neff Subdivision	\$103.48
Elk Meadows	\$1200.00
Hudson Subdivision	\$157.56; and

WHEREAS, the origin of \$297.31 placed in the fund in 1972 is unknown; and

WHEREAS; both the Elk Meadows Subdivision and the Hudson Subdivision are located within the boundaries of Ouray School District R-1; and

WHEREAS, the Neff Subdivision is located within the boundaries of Ouray School District R-2; and

WHEREAS, the current statutory provisions relating to the dedication of parks and schools lands, set forth at C.R.S. §30-28-133(4)(a)(II), state that monies shall be held by the Board and may be used for:

(A) Acquisition of reasonably necessary sites and land areas or for other capital outlay purposes for schools or parks;

(B) For the development of the sites and land areas for park purposes; or

(C) For growth-related planning functions by school districts for educational purposes; and

WHEREAS, given the demands on the local school districts as a result of growth in Ouray County, the Board has determined that the funds currently held in the Parks and Schools fund shall be distributed to the school districts, pro rata, based upon the funds that were originally deposited for the subdivisions in each district; and

WHEREAS, the balance of the funds, the origin of which is unknown, will be retained by Ouray County for park purposes; and

WHEREAS, based upon such formula, the Ouray School District R-1 would be entitled to receive 77 percent of the fund balance in the Parks and Schools fund; Ouray School District R-2 would receive 6 percent of the fund balance and 17 percent will be retained by Ouray County for park purposes; and

WHEREAS, the school districts shall agree to use such funds in accordance with the statutory mandates set forth above;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. The monies currently being held by the Ouray County Treasurer in the Parks and Schools fund shall be distributed as follows:

- 77% Ouray School District R-1
- 6% Ouray School District R-2
- 17% a newly created Ouray County Parks fund

APPROVED THIS ____ DAY OF _____ 2008.

Board of County Commissioners of
Ouray County, Colorado

K. Keith Meinert, Chair

Don Batchelder

Heidi Albritton

ATTEST:

Michelle Nauer
Ouray County Clerk and Recorder
By: Linda Munson-Haley,
Deputy Clerk of the Board