

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
SETTING THE DATE OF A PUBLIC HEARING CONCERNING THE
ORGANIZATION OF THE CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE
AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT AND
ORDERING PUBLICATION AND MAILING OF THE NOTICE OF HEARING
TO ELECTORS OF THE PROPOSED DISTRICT**

WHEREAS, C.R.S. § 31-25-604(1) provides that the organization of a general improvement district shall be initiated by a petition signed by not less than thirty percent (30%) or 200 of the electors of the proposed district, whichever is less; and

WHEREAS, representatives of the Cherry Hills East and Southmoor Vista neighborhood have presented to the City Clerk and the City Council of the City of Cherry Hills Village, Colorado, a petition (the "Petition") for the organization of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District (the "District"); and

WHEREAS, the Petition includes the information required by C.R.S. § 31-25-604(2); and

WHEREAS, the City Clerk has certified that the Petition is signed by not less than 30% of the electors of the proposed District; and

WHEREAS, specifically, the City Clerk has certified that the Petition is signed by 70% of the current electors of the proposed District; and

WHEREAS, as set forth in the Petition, the primary purpose of the District will be to remove poles and bury an existing overhead utility line (the "proposed improvements"); and

WHEREAS, the City Council hereby accepts the certificate of the City Clerk and deems the Petition filed as of the date of this meeting in accordance with applicable law; and

WHEREAS, in response to the Petition the City Council desires to schedule and conduct a public hearing to determine whether the Petition has been duly signed and presented in conformity with Part 6 of Article 25 of Title 31, C.R.S.; and

WHEREAS, if the Petition is deemed sufficient following the conclusion of the hearing, the City Council may, by ordinance duly adopted, proceed to order that the question of organization of the District and such other matters as the City Council deems appropriate, including but not limited to, the issuance of bonds or other matters for which voter approval is required under section 20 of Article X of the Colorado Constitution be submitted to electors of the proposed District at an election held for that purpose; and

WHEREAS, C.R.S. § 31-25-605 requires the filing of a bond or cash deposit in an amount deemed sufficient by the City Council to pay all expenses connected with the proceedings in case the organization of the District is not effected; and

WHEREAS, representatives of the proposed District have submitted a cash deposit to the City in the amount of ten thousand dollars (\$10,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO THAT:

Section 1. A public hearing concerning the organization of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District and the financing of the proposed improvements shall be held on Tuesday, June 15, 2021 at 6:30 p.m. in City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado, 80113. The City Council finds and determines that such date is not less than twenty (20) days nor more than forty (40) days after the date upon which the Petition is deemed to have been filed.

Section 2. Notice of the pendency of the Petition, the purposes and boundaries of the District, and the time and place of the public hearing shall be given by the City Clerk by publication once a week in three consecutive weekly editions of *The Villager*, a newspaper of general circulation in the District, as required by C.R.S. § 31-25-606(1) and in accordance with the requirements of C.R.S. § 31-25-602(4) The City Clerk shall also cause a copy of the notice to be given by mail to each elector of the proposed District at his or her last known address, as disclosed

by the tax and official voter registration records of Arapahoe County, as required by C.R.S. § 31-25-606(1). The notice to be published and mailed shall be in substantially the same form attached to this Resolution as **Attachment A**.

Section 3. In accordance with the requirements of C.R.S. § 39-1-110(1)(a), the City Clerk is hereby directed to notify the Assessor and the Board of County Commissioners of Arapahoe County of the filing of the Petition and the boundaries of the District.

Section 4. The City Council hereby confirms that the \$10,000 cash deposit submitted by representatives of the proposed District is sufficient, but reserves the right to require the deposit of additional cash to cover expenses of the City, as authorized by C.R.S. § 31-25-605.

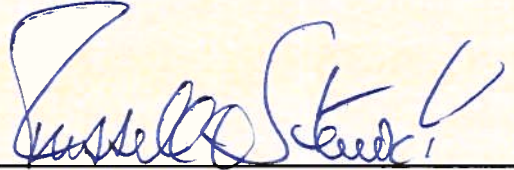
Section 5. Should any one or more sections or provisions of the Resolution be judicially determined invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions hereof, the intention being that the various sections or provisions hereof are severable.

Section 6. All prior resolutions or parts thereof inconsistent with this Resolution are hereby rescinded to the extent of said inconsistency.

Section 7. Any reconsideration of this Resolution is hereby waived. This Resolution shall take effect and be in full force immediately after its adoption by the City Council.

Introduced, passed and adopted at the regular meeting of the City Council this 18th day of May, 2021, by a vote of 6 yes and 0 no.

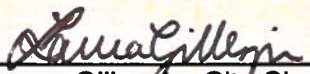
(SEAL)



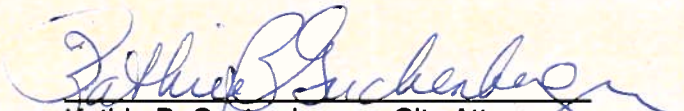
Russell O. Stewart, Mayor

ATTEST:

Approved as to form:



Laura Gillespie, City Clerk



Kathie B. Guckenberger, City Attorney

Attachment A

NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, CONCERNING THE ORGANIZATION OF THE CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT

All electors of the area described below and all persons generally are hereby notified that, pursuant to a petition filed with the City Clerk of the City of Cherry Hills Village, Colorado (the "City"), the City Council will be conducting a public hearing concerning the organization of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District (the "District").

1. Based upon the Petition submitted to the City, the District will contain the following described property: the eleven (11) properties adjacent to the utility line running generally along the rear of the residential lots located on the west side of Southmoor Circle and the rear of residential lots located on the east side of Hudson Parkway, south of East Oxford Avenue and north of East Quincy Avenue:

LOTS 1 THROUGH 3 OF BLOCK 1 CHERRY HILLS EAST 1ST FILING;
LOT 2 UNICORN MEADOWS;
LOT 7 OF BLOCK 3 CHERRY HILLS EAST 3RD FILING; AND
LOT 1 AND LOTS 14 THROUGH 18 OF BLOCK 6 SOUTHMOOR VISTA
CITY OF CHERRY HILLS VILLAGE,
COUNTY OF ARAPAHOE,
STATE OF COLORADO

Commonly known as:

4290, 4284, 4262 and 4248 South Hudson Parkway
5582 and 5600 East Oxford Avenue
5653, 5643, 5633, 5623 and 5607 Southmoor Circle

2. The District will remove poles and bury an existing overhead utility line running along the west side of Southmoor Circle and east side of Hudson Parkway, south of East Oxford Avenue and north of East Quincy Avenue (the "Proposed Improvements").

3. The total estimated cost of the Proposed Improvements is \$120,000.00. It is anticipated that the Proposed Improvements will be financed with the proceeds of general obligation bonds, to be paid from property taxes levied upon the taxable real and personal property within the boundaries of the District in a sufficient rate and amount to pay such bonds, including related administrative and operating/maintenance costs. All property within the District will be subject to the lien of indebtedness created by the general obligation bonds. The amount of the proposed indebtedness is \$120,000.00, but that amount may be increased based upon costs associated with the Proposed Improvements.

4. On Tuesday, June 15, 2021 at 6:30 p.m. in City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado, 80113, the City Council will conduct a public hearing concerning the organization of the District. Following the public hearing, the City Council will consider an ordinance submitting the question of organizing the District and of issuing general obligation bonds and levying property taxes to finance the proposed improvements to the electors of the District at a special election held for that purpose. City staff currently estimates that the special election may be held as part of the November 2, 2021 regular election.

5. All comments concerning the District that are made in person at the public hearing or in writing prior to the public hearing by electors of the District or other members of the public will be heard and determined by the City Council before final action is taken. Said hearing and determination will take place at the meeting referred to above.

6. Pursuant to Colorado State Statutes Section 31-25-602(2)(b), properties owned by entities other than a natural person are permitted to designate a natural person to serve as an elector for the owner. Such designation shall be in writing and filed with the City Clerk. Only one such person may be designated by an owner.

Dated this ____ day of _____, 2021.

Laura Gillespie, City Clerk

Published on: _____, _____, and _____