

Re-recording to add attachment

ORDINANCE NO. 1
Series 2022

December 8, 2021: Introduced as Council Bill 17, Series 2021 by Councilor Randy Weil, seconded by Councilor Afshin Safavi and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

January 4, 2022: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
DECLARING THE ORGANIZATION OF THE CHERRY HILLS VILLAGE
SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT**

WHEREAS, a Petition Regarding Approval of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District, (the "Petition") was previously filed with City Council of the City of Cherry Hills Village (the "City Council"); and

WHEREAS, the Petition states that the estimated cost of the proposed improvements is \$120,000; and

WHEREAS, the estimated cost was determined by the petition representatives based on consultation with Xcel Energy on preliminary designs; and

WHEREAS, on June 15, 2021, the City Council reviewed the Petition and conducted a public hearing on the Petition; and

WHEREAS, by Ordinance 6, Series of 2021 (the "Prior Ordinance"), the City Council called an election to determine the question of the organization of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District (the "District") and appointed a designated elected official for the November 2, 2021 election (the "Election"); and

WHEREAS, the Election was conducted as a mail ballot election coordinated with Arapahoe County in accordance with Sections 3 and 4 of the Prior Ordinance; and

WHEREAS, pursuant to and in accordance with §§ 31-25-601, *et seq.*, C.R.S., §§ 1-1-101 through 1-13-101, *et seq.*, C.R.S., and the Prior Ordinance, the question of the organization of the District was submitted to qualified electors within the District at the Election; and

WHEREAS, pursuant to § 1-10-201, C.R.S., the designated election official caused to be appointed a canvass board for the Election (the "Board of Canvassers"), and the ballots were processed and counted in accordance with the provisions of §§ 1-1-101 through 1-13-101, *et seq.*, C.R.S.; and

WHEREAS, on November 19, 2021, in accordance with § 1-10-203(1), C.R.S., the Board of Canvassers met and surveyed the Election returns, issued a certified statement of results and prepared an official abstract of votes cast; and

WHEREAS, a copy of the Board of Canvassers' Abstract of Votes and a copy of the Board of Canvassers' Certificate of Election Results are attached hereto as **Attachment A** and incorporated herein by this reference; and

WHEREAS, pursuant to § 31-25-607(4)(b), C.R.S. if a majority of the votes cast at the Election are in favor of the organization of the District, the City Council shall adopt an ordinance declaring the District organized; and

WHEREAS, a majority of those votes cast at the Election were in favor of the organization of the District; and

WHEREAS, the boundaries of the District were described with particularity in Attachment A of the Prior Ordinance and are included in **Attachment B** attached hereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council. The City Council further finds that it has continuing jurisdiction over the Petition.

Section 2. The City Council hereby declares the District organized. The District shall have the corporate name specified in the Petition and the Prior Ordinance; specifically, the District shall be known as the "Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District."

Section 3. The District shall be a public or quasi-municipal corporation of the State of Colorado and a body corporate with the limited proprietary powers set for in §§ 31-25-601, et seq., C.R.S.

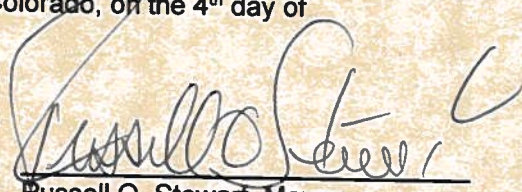
Section 4. Within thirty (30) days after adoption of this Ordinance, the City Clerk shall record a certified copy of this Ordinance with the Arapahoe County Clerk and Recorder's Office, in accordance with the requirement set forth in § 31-25-608, C.R.S.

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

Section 6. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 1, Series 2022, by the City Council
of the City of Cherry Hills Village, Colorado, on the 4th day of
January, 2022.

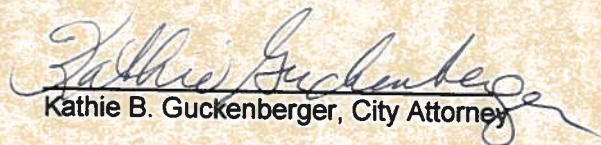
(SEAL)


Russell O. Stewart, Mayor

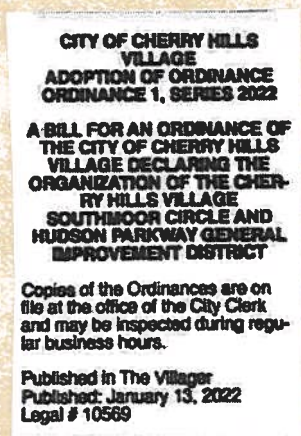
ATTEST:

APPROVED AS TO FORM:


Laura Gillespie, City Clerk


Kathie B. Guckenberger, City Attorney

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ATTACHMENT A
BOARD OF CANVASSERS' ABSTRACT OF VOTES AND
BOARD OF CANVASSERS' CERTIFICATE OF ELECTION RESULTS



**STATE OF COLORADO)
) SS. CERTIFICATION OF ELECTION
ARAPAHOE COUNTY**

I, Joan Lopez, the Arapahoe County Clerk and Recorder, do hereby certify the Official Abstract of Votes Cast attached herein for the 2021 Coordinated Election held in Arapahoe County on the 2nd of November, 2021.

We the undersigned Canvass Board for the 2021 Coordinated Election do hereby certify that:

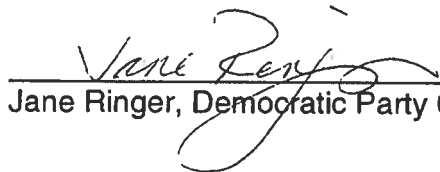
- We have reviewed the post-election risk-limiting audit
- We have reviewed all ballot forms and ballot logs associated with this election
- We have compared the number of ballots counted to the number of ballots cast
- We have reviewed and do hereby certify the results in the Official Abstract of Votes Cast

Witness our hands and seal this 19th of November 2021.


Joan Lopez, Arapahoe County Clerk and Recorder


Jimmy Sengenberger, Republican Party Canvass Board Member




Jane Ringer, Democratic Party Canvass Board Member

Strasburg Fire Protection District No. 8 Ballot Issue 7A (Vote for 1)

	Mail	Provisional	In-Person	Total	
Times Cast	553	0	11	564 / 1,451	38.87%
Undervotes	5	0	0	5	
Overvotes	0	0	0	0	

Candidate	Party	Mail	Provisional	In-Person	Total	
Yes/For		297	0	5	302	
No/Against		251	0	6	257	

Arapahoe Park and Recreation District Ballot Issue 6A (Vote for 1)

	Mail	Provisional	In-Person	Total	
Times Cast	14,459	0	213	14,672 / 41,504	35.35%
Undervotes	250	0	8	258	
Overvotes	1	0	0	1	

Candidate	Party	Mail	Provisional	In-Person	Total	
Yes/For		9,717	0	133	9,850	
No/Against		4,491	0	72	4,563	

Proposed Southmoor Hudson GID Ballot Question 6B (Vote for 1)

	Mail	Provisional	In-Person	Total	
Times Cast	21	0	0	21 / 30	70.00%
Undervotes	0	0	0	0	
Overvotes	0	0	0	0	

Candidate	Party	Mail	Provisional	In-Person	Total	
Yes/For		21	0	0	21	
No/Against		0	0	0	0	

Proposed Southmoor Hudson GID Ballot Issue 6C (Vote for 1)

	Mail	Provisional	In-Person	Total	
Times Cast	21	0	0	21 / 30	70.00%
Undervotes	0	0	0	0	
Overvotes	0	0	0	0	

Candidate	Party	Mail	Provisional	In-Person	Total	
Yes/For		21	0	0	21	
No/Against		0	0	0	0	

Attachment B
Map and Legal Description of Boundaries of Cherry Hills Village
Southmoor Circle and Hudson Parkway General Improvement District

Legal Description:

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

Map of the GID Boundaries:

