

RESOLUTION NO. 32  
SERIES OF 2018

INTRODUCED BY: KATY BROWN  
SECONDED BY: AL BLUM

**A RESOLUTION  
OF THE CITY COUNCIL  
OF THE CITY OF CHERRY HILLS VILLAGE  
CONCERNING THE PROPOSED EXCLUSION OF PROPERTY FROM THE BOUNDARIES  
OF THE CITY OF CHERRY HILLS VILLAGE SANITATION DISTRICT**

**WHEREAS**, the City of Cherry Hills Village Sanitation District (the "District") is a Colorado special district organized under the Special District Act, § 32-1-101 et seq, C.R.S., a quasi-municipal corporation and political subdivision of the State of Colorado formed for the purpose of providing sanitary sewer service to the properties located within its boundaries; and

**WHEREAS**, the District provides service to certain properties located within the boundaries of the City of Cherry Hills Village, a Colorado home rule municipality (the "City"); and

**WHEREAS**, the District has determined certain tracts located within its boundaries and the boundaries of the City, as more specifically identified in the attached **Attachment A** to this Resolution (the "Property"), are public streets and right-of-way tracts that are not capable of receiving sewer service and do not contain any District infrastructure or installations, including, without limitation, sanitary sewer mains; and

**WHEREAS**, § 32-1-502, C.R.S. provides a procedure for the exclusion of real property from a special district within the boundaries of a municipality; and

**WHEREAS**, the Board of Directors of the District has submitted a draft Petition for Exclusion of the Property from the boundaries of the District (the "Petition") to City Council for its review, a copy of which is attached as **Attachment B** to this Resolution; and

**WHEREAS**, the Petition confirms that the District has no outstanding bonds; and

**WHEREAS**, City Council desires to authorize the City Manager and his designee(s) to work cooperatively with the District to obtain approval of the proposed exclusion of the Property from District boundaries by the Arapahoe County District Court, as necessary under § 32-1-502, C.R.S.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF CHERRY HILLS VILLAGE:**

**Section 1.** The City does not object to the proposed exclusion of the Property from the District.

**Section 2.** The Property consists of street and right-of-way tracts located within the City's boundaries.

**Section 3.** Based upon representations made by the District to the City: (a) the District does not have any current or future obligations to provide any services whatsoever to the Property or any portion thereof; and (b) the District does not have any infrastructure or installations situated within the boundaries of the Property, including but not limited to sanitary sewer mains. As a result, the City Council finds that the requirements of §§ 32-1-502(2)(a) and -502(2)(b) and -502(2)(c), C.R.S. are inapplicable to the proposed exclusion of the Property from the boundaries of the District.

**Section 4.** Excluding the Property from the District will not adversely impact the Property or any properties abutting the Property, whether located within or without the boundaries of the City.

**Section 5.** The City Manager or his designee(s) shall be authorized to execute that certain *Affidavit of the City of Cherry Hills Village Regarding a Petition for Exclusion Of Certain Real Property from the City of Cherry Hills Village Sanitation District Pursuant to § 32-1-502*, C.R.S., in substantially the form attached hereto as **Attachment C**, and take such other reasonable steps to cooperate with the District to effect the exclusion of the Property from the boundaries of the District.

**Section 6.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution.

**Section 7.** This Resolution shall be effective immediately upon adoption.

Introduced, passed and adopted at the  
regular meeting of City Council this 12<sup>th</sup> day  
of December, 2018, by a vote of 5 yes 0 no.

(SEAL)

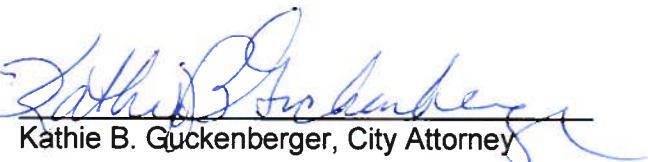


Laura Christman, Mayor

ATTEST:

  
Laura Gillespie, City Clerk

APPROVED AS TO FORM:

  
Kathie B. Guckenberger, City Attorney

**ATTACHMENT A****Legal Descriptions of the Property**

Exclusion

EXHIBIT "A"

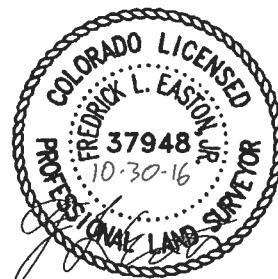
EXCLUSION FOR CHERRY HILLS VILLAGE SANITATION DISTRICT

Part of Section 11, T5S, R68W of the 6<sup>th</sup> Principal Meridian, City of Cherry Hills Village, Arapahoe County, Colorado.

An exclusion of the following described tract of land:

Those public rights-of way lying within CHERRY'S BROADWAY GARDENS, as depicted on that subdivision plat recorded in Book A-2, Page 27, in the Arapahoe County Clerk & Recorder's Office, being described as follows:

BEGINNING at the southwest corner of the east 1/2 of Block 24;  
Thence southerly, along the southerly extension of the west line of said east 1/2, to the north line of Block 25;  
Thence easterly, along the north line of said Block 25, to the northwest corner of Block 26;  
Thence easterly and southerly, along the north and east lines of said Block 26, to the southeast corner of said Block 26;  
Thence easterly, to the southwest corner of Block 27;  
Thence northerly and easterly, along the west and north lines of said Block 27, to the northwest corner of Block 28;  
Thence easterly and southerly, along the north and east lines of said Block 28, to the southeast corner of said Block 28;  
Thence easterly, to the southwest corner of Block 29;  
Thence northerly and easterly, along the west and north lines of said Block 29, to the northwest corner of Block 30;  
Thence easterly and southerly, along the north and east lines of said Block 30, to the southeast corner of said Block 30;  
Thence easterly, to the southwest corner of Block 31;  
Thence northerly and easterly, along the west and north lines of said Block 31, to the northwest corner of Block 32;  
Thence easterly, along the north line of said Block 32, to the northeast corner of said Block 32;



ROW within Cherry's Broadway Garden

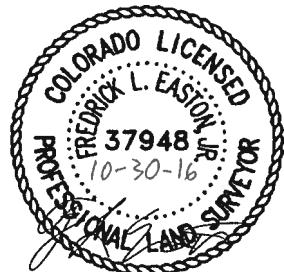
October 30, 2016

REV 0

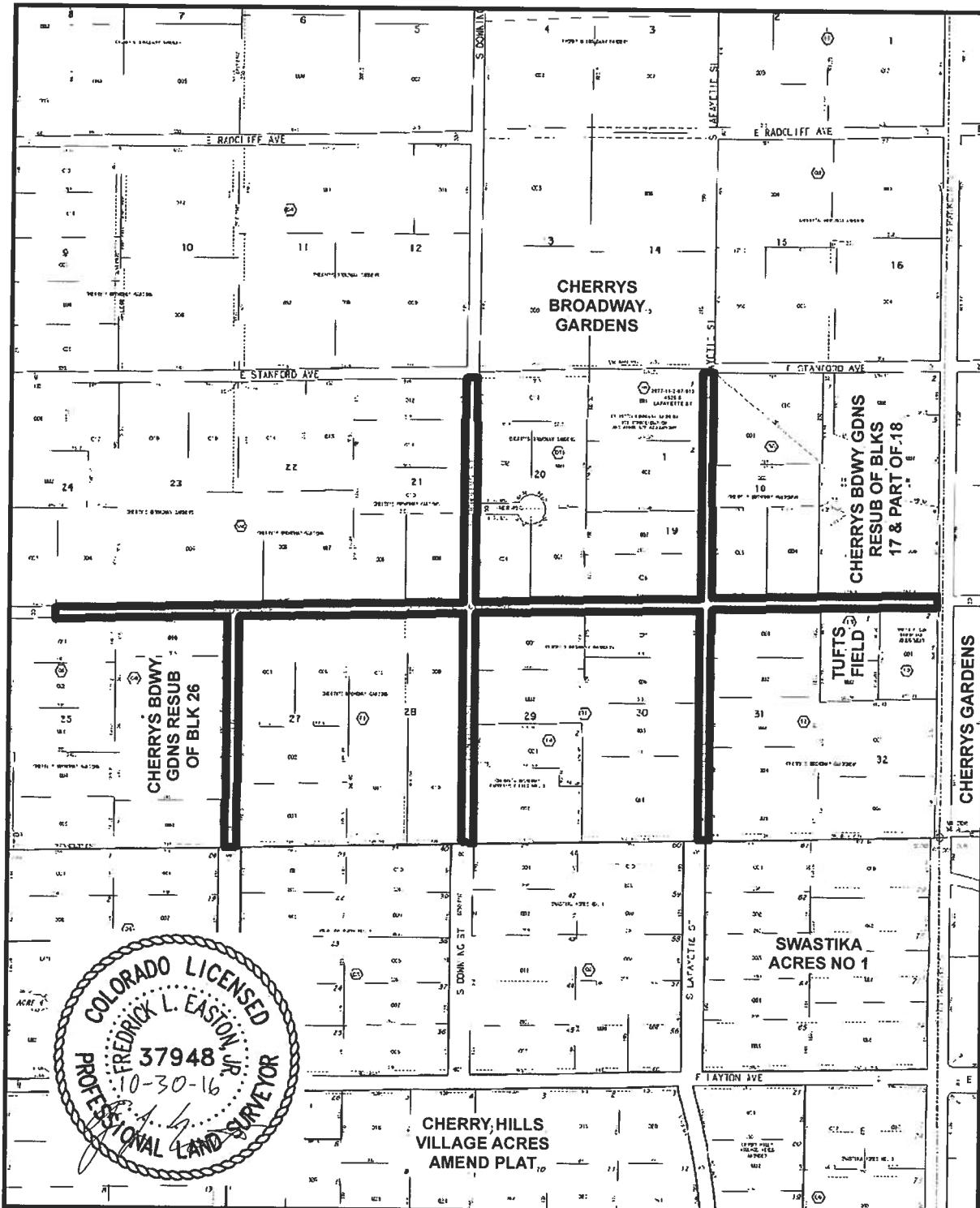
Thence northerly, to the southeast corner of Block 17;  
Thence westerly, along the south line of said Block 17, to the southeast corner of Block 18;  
Thence westerly and northerly, along the south and west lines of said Block 18, to the northwest corner of said Block 18;  
Thence westerly, to the northeast corner of Block 19;  
Thence southerly and westerly, along the east and south lines of said Block 19, to the southeast corner of Block 20;  
Thence westerly and northerly, along the south and west lines of said Block 20, to the northwest corner of said Block 20;  
Thence westerly, to the northeast corner of Block 21;  
Thence southerly and westerly, along the east and south lines of said Block 21, to the southeast corner of Block 22;  
Thence westerly, along the south line of said Block 22, to the southwest corner of said Block 22;  
Thence westerly, to the southeast corner of Block 23;  
Thence westerly, along the south lines of said Block 23 and Block 24, to the POINT OF BEGINNING.

All Blocks referenced above being depicted on said CHERRY'S BROADWAY GARDENS.

PREPARED BY FREDRICK L. EASTON, JR., PLS 37948  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111



# ILLUSTRATION FOR EXHIBIT A



**Farnsworth**  
GROUP

5613 DTC Parkway, Suite 1100  
Greenwood Village, CO 80111  
(303) 692-8838 / (303) 692-0470

CHERRY'S BROADWAY GARDENS  
ROW CHERRY'S  
CITY OF CHERRY HILLS VILLAGE

0 420 N  
Feet

Date: 10/30/2016

Exclusion

EXHIBIT "A"

EXCLUSION FOR CHERRY HILLS VILLAGE SANITATION DISTRICT

Part of Section 11, T5S, R68W of the 6<sup>th</sup> Principal Meridian, City of Cherry Hills Village, Arapahoe County, Colorado.

An exclusion of the following described tract of land:

Those public rights-of way lying within SWASTIKA ACRES NO.I., as depicted on that subdivision plat recorded in the Arapahoe County Clerk & Recorder's Office, being described as follows:

BEGINNING at the southwest corner of Lot 5;

Thence southerly, to the northwest corner of Lot 6;

Thence easterly, along the north lines of said Lot 6 and Lot 15, to the northeast corner of said Lot 15;

Thence southerly, along the east lines of said Lot 15 and Lots 14, 13, 12, and 11, to the southeast corner of said Lot 11;

Thence westerly, along the south lines of said Lot 11 and Lot 10, to the southwest corner of said Lot 10;

Thence southerly, along the southerly extension of the west line of said Lot 10, to the south line of the north 1/2 of the southwest 1/4 of said Section 11

Thence easterly, along said south line, to the southerly extension of the west line of Lot 30;

Thence northerly, along said southerly extension, to the southwest corner of said Lot 30;

Thence Northerly, along the west lines of said Lot 30 and Lots 29, 28, 27, and 26, to the northwest corner of said Lot 26;

Thence easterly, along the north lines of said Lot 26 and Lot 35, to the northeast corner of said Lot 35;

Thence easterly, to the northwest corner of Lot 46;

Thence easterly, along the north lines of said Lot 46 and Lot 55, to the northeast corner of said Lot 55;

Thence easterly, to the northwest corner of Lot 66;



ROW within Swastika Acres No. I

October 30, 2016

REV 0

Thence easterly, along the north lines of said Lot 66 and Lot 75, to the northeast corner of said Lot 75;

Thence southerly, along the east lines of said Lot 75 and Lots 74, 73, 72, and 71, to the southeast corner of said Lot 71;

Thence westerly, along the south line of said Lot 71, to the Southwest corner of said Lot 71;

Thence southerly, along the southerly extension of the west line of said Lot 71, to the south line of the north 1/2 of the southwest 1/4 of said Section 11;

Thence easterly, along said south line, to the east line of said north 1/2;

Thence northerly, along said east line, to the easterly extension of the north line of Lot 76;

Thence westerly, along said easterly extension, to the northeast corner of said Lot 76;

Thence southerly, along the east line of said Lot 76, to the southeast corner of said Lot 76;

Thence westerly, along the south lines of said Lot 76 and Lot 65, to the southwest corner of said Lot 65;

Thence northerly, along the west lines of said Lot 65 and Lots 64, 63, 62, and 61, to the northwest corner of said Lot 61;

Thence westerly, to the northeast corner of Lot 60;

Thence southerly, along the east lines of said Lot 60 and Lots 59, 58, 57, and 56, to the southeast corner of said Lot 56;

Thence westerly, along the south lines of said Lot 56 and Lot 45, to the southwest corner of said Lot 45;

Thence northerly, along the west lines of said Lot 45 and Lots 44, 43, 42, and 41, to the northwest corner of said Lot 41;

Thence westerly, to the northeast corner of Lot 40;

Thence southerly, along the east lines of said Lot 40 and Lots 39, 38, 37, and 36, to the southeast corner of said Lot 36;

Thence westerly, along the south lines of said Lot 36 and Lot 25, to the southwest corner of said Lot 25;

Thence northerly, along the west lines of said Lot 25 and Lots 24, 23, 22, and 21, to the northwest corner of said Lot 21;

Thence westerly, to the northeast corner of Lot 20;



Thence southerly, along the east lines of said Lot 20 and Lots 19, 18, 17, and 16, to the southeast corner of said Lot 16;

Thence westerly, along the south lines of Said Lot 16 and Lot 5 to the POINT OF BEGINNING.

All Lots referenced above being depicted on said SWASTIKA ACRES NO.I.

PREPARED BY FREDRICK L. EASTON, JR., PLS 37948  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111



ROW within Swastika Acres No. I  
October 30, 2016  
REV 0

# ILLUSTRATION FOR EXHIBIT A



**Farnsworth**  
GROUP

5613 DTC Parkway, Suite 1100  
Greenwood Village, CO 80111  
(303) 692-8838 / (303) 692-0470

SWASTIKA ACRES NO 1  
ROW SWASTIKA 1  
CITY OF CHERRY HILLS VILLAGE

0 450  
N  
Feet  
Date: 10/30/2016

Exclusion

EXHIBIT "A"

EXCLUSION FOR CHERRY HILLS VILLAGE SANITATION DISTRICT

Part of Section 11, T5S, R68W of the 6<sup>th</sup> Principal Meridian, City of Cherry Hills Village, Arapahoe County, Colorado.

An exclusion of the following described tract of land:

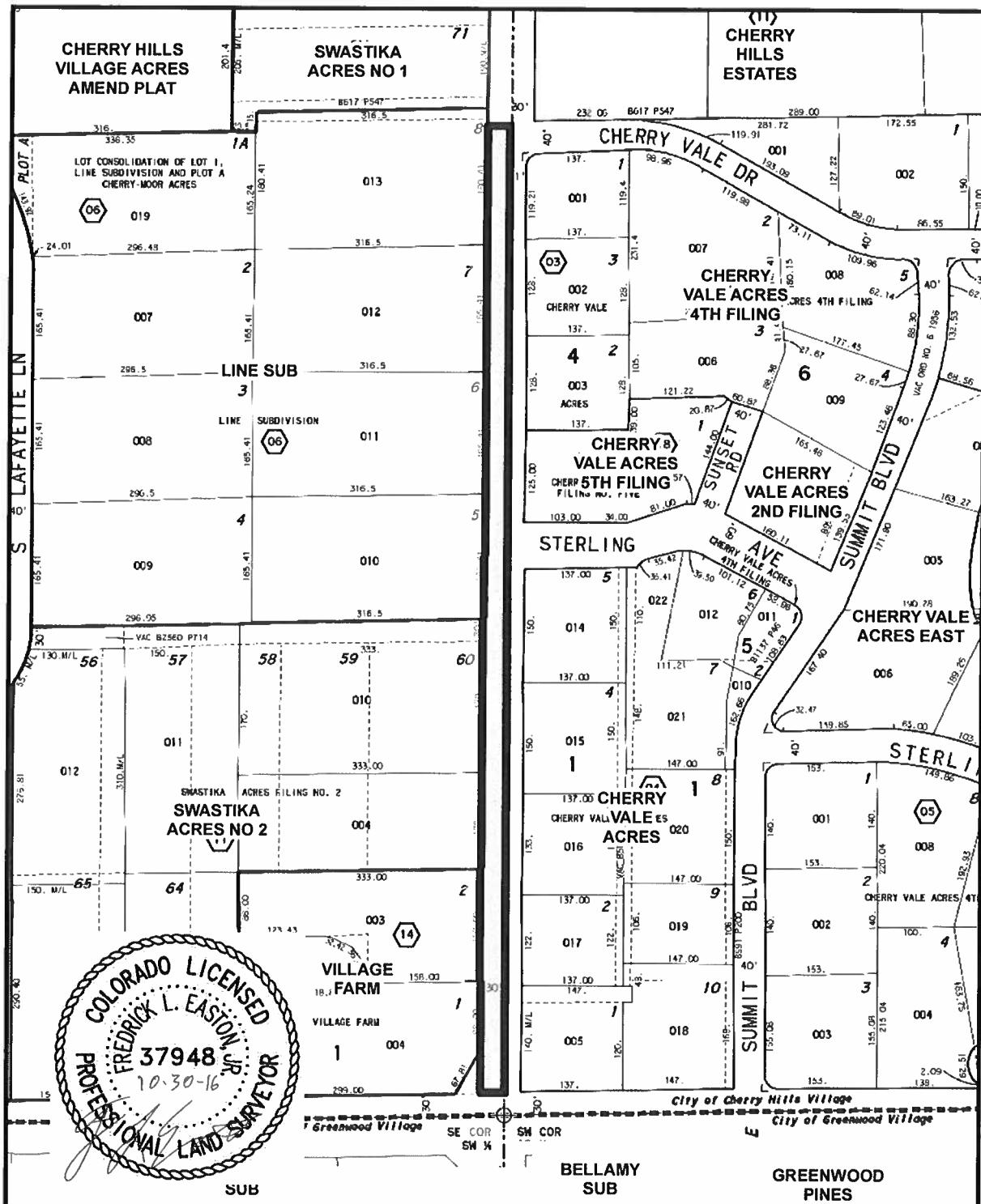
That portion of South Franklin Street lying within SWASTIKA ACRES NO. 2, as depicted on that subdivision plat recorded in Plat Book 11, Page 16, in the Arapahoe County Clerk & Recorder's Office, also being described as the east 30 feet of the south 1/2 of the southwest 1/4 or said section 11, less the south 30 feet thereof.

PREPARED BY FREDRICK L. EASTON, JR., PLS 37948  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111



ROW within Swastika Acres 2  
October 30, 2016  
REV 0

# ILLUSTRATION FOR EXHIBIT A



Exclusion

EXHIBIT "A"

EXCLUSION FOR CHERRY HILLS VILLAGE SANITATION DISTRICT

Part of Section 11, T5S, R68W of the 6<sup>th</sup> Principal Meridian, City of Cherry Hills Village, Arapahoe County, Colorado.

An exclusion of the following described tract of land:

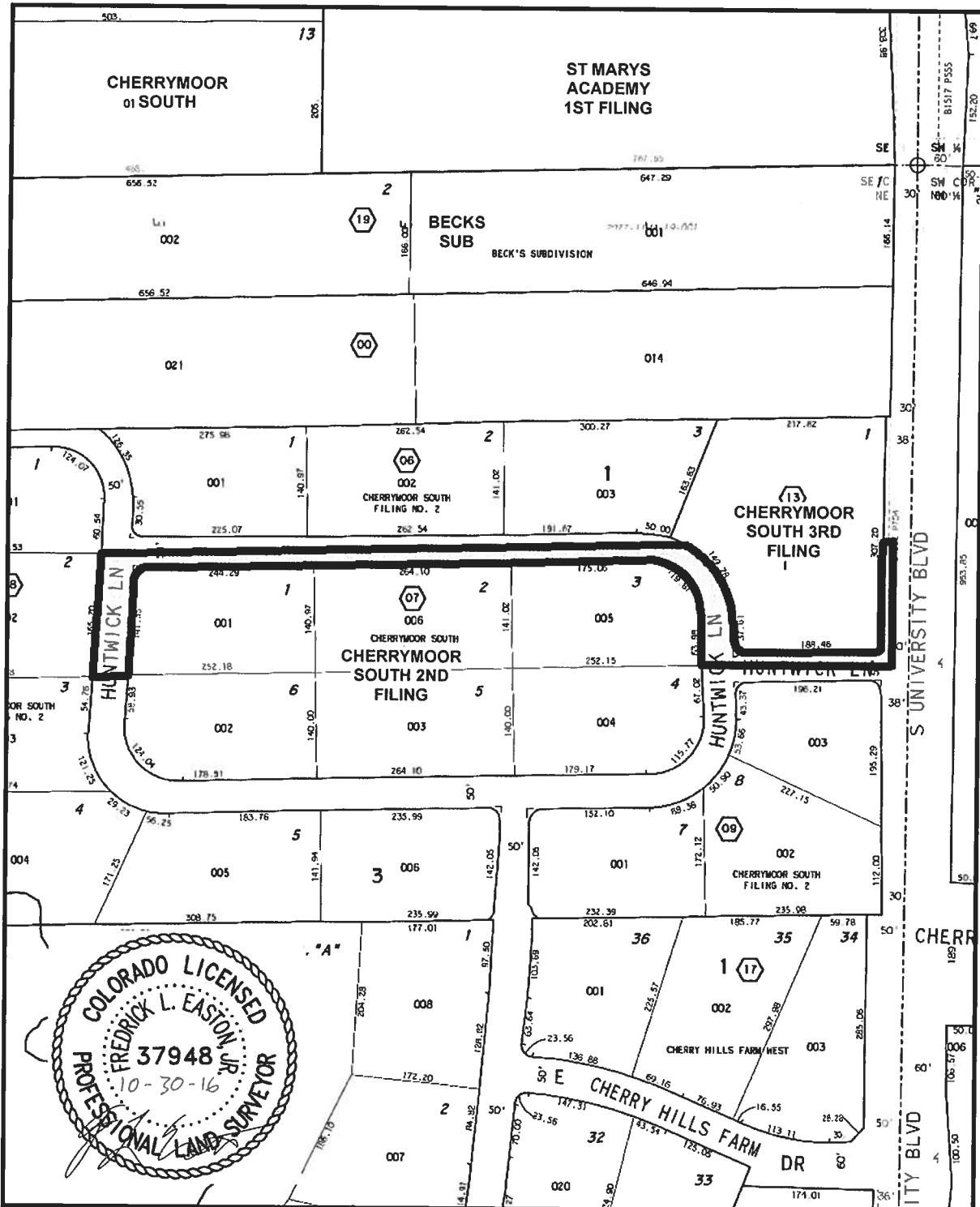
That portion of South Chenango Way, Chenango Avenue, Layton Avenue, (collectively now known as Huntwick Lane), and South University Boulevard, lying within the South half of the South half of the North half of the Northeast quarter of the Southeast quarter of said Section 11.

PREPARED BY FREDRICK L. EASTON, JR., PLS 37948  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111



ROW within Cherrymoor South  
October 29, 2016  
REV 0

## ILLUSTRATION FOR EXHIBIT A



# Farnsworth

5613 DTC Parkway, Suite 1100  
Greenwood Village, CO 80111  
(303) 692-8838 / (303) 692-0470

ROW CHERRYMOOR SOUTH  
ROW CHERRYMOOR  
CITY OF CHERRY HILLS VILLAGE

A scale bar and a north arrow. The scale bar is labeled '0' on the left and '200' on the right, with a line in the middle. Below the scale bar is the word 'Feet'. To the right of the scale bar is a north arrow pointing upwards, with the letter 'N' next to it.

Date: 10/30/2016

Exclusion

EXHIBIT "A"

EXCLUSION FOR CHERRY HILLS VILLAGE SANITATION DISTRICT

Part of Section 11, T5S, R68W of the 6<sup>th</sup> Principal Meridian, City of Cherry Hills Village, Arapahoe County, Colorado.

An exclusion of the following described tract of land:

Those public rights-of way lying within HARPER SUB-DIVISION NO. 2, as depicted on that subdivision plat recorded in Book A-2, Page 27, in the Arapahoe County Clerk & Recorder's Office, known as Viking Drive, being described as follows:

BEGINNING at the southwest corner of Lot 1;

Thence southerly, to the northwest corner of Lot 12;

Thence easterly, southeasterly, southerly, southeasterly, and easterly along the south right-of-way line of said Viking Drive, to the northeast corner of Lot 17;

Thence northerly, to the southeast corner of Lot 8;

Thence westerly, northwesterly, and northerly, along the south, southwest, and west lines of said Lot 8 and west line of Lot 7, to the easterly extension of the north line of Lot 9;

Thence westerly, along said easterly extension, to the northeast corner of said Lot 9;

Thence southerly, southwesterly, westerly, northwesterly, and northerly, along a west, northwest, north, northeast, and east right-of-way line of said Viking Drive, to the northwest corner of Lot 11;

Thence northeasterly and easterly, along a southeast and south right-of-way line of said Viking Drive, to the northeast corner of Lot 4;

Thence northerly, along the northerly extension of the east line of said Lot 4, to the north right-of-way line of said Viking Drive;

Thence westerly, southwesterly, southeasterly, and westerly, along the north, northwest, and north right-of-way lines of said Viking Drive, to the POINT OF BEGINNING;



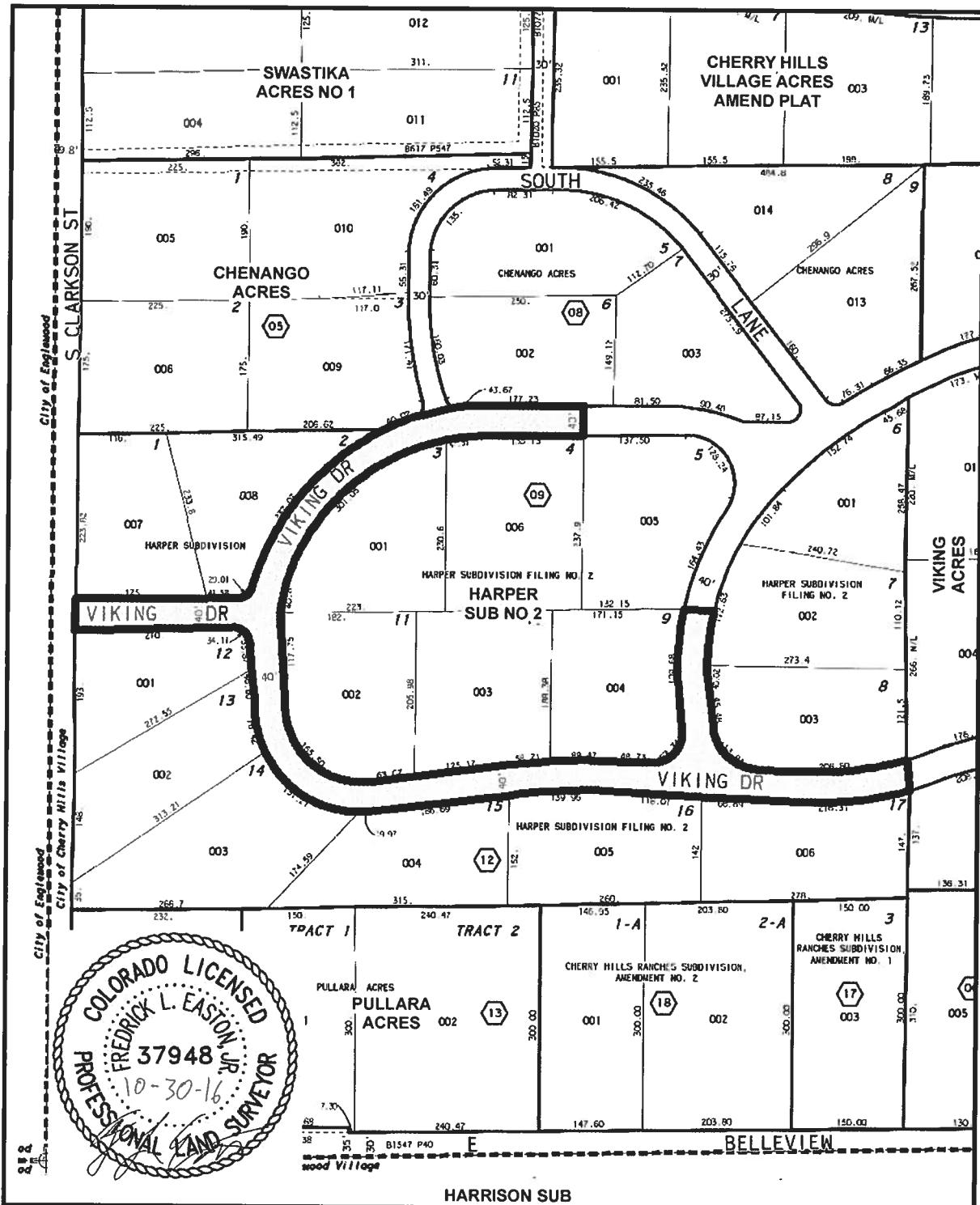
All Lots referenced above being depicted on said HARPER SUB-DIVISION NO.

PREPARED BY FREDRICK L. EASTON, JR., PLS 37948  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111



ROW within Harper Sub-Division  
October 30, 2016  
REV 0

## ILLUSTRATION FOR EXHIBIT A



 Farnsworth  
GROUP

5613 DTC Parkway, Suite 1100  
Greenwood Village, CO 80111  
(303) 692-8838 / (303) 692-0470

HARPER SUBDIVISION FILING NO 2  
ROW HARPER  
CITY OF CHERRY HILLS VILLAGE

A scale bar and a compass rose are positioned in the top right corner of the map. The scale bar shows a distance of 200 feet, with a black bar representing 100 feet and a white bar representing the remaining 100 feet. The compass rose indicates the cardinal directions: North (N), South (S), East (E), and West (W).

Exclusion

EXHIBIT "A"

EXCLUSION FOR CHERRY HILLS VILLAGE SANITATION DISTRICT

Part of Section 11, T5S, R68W of the 6<sup>th</sup> Principal Meridian, City of Cherry Hills Village, Arapahoe County, Colorado.

An exclusion of the following described tract of land:

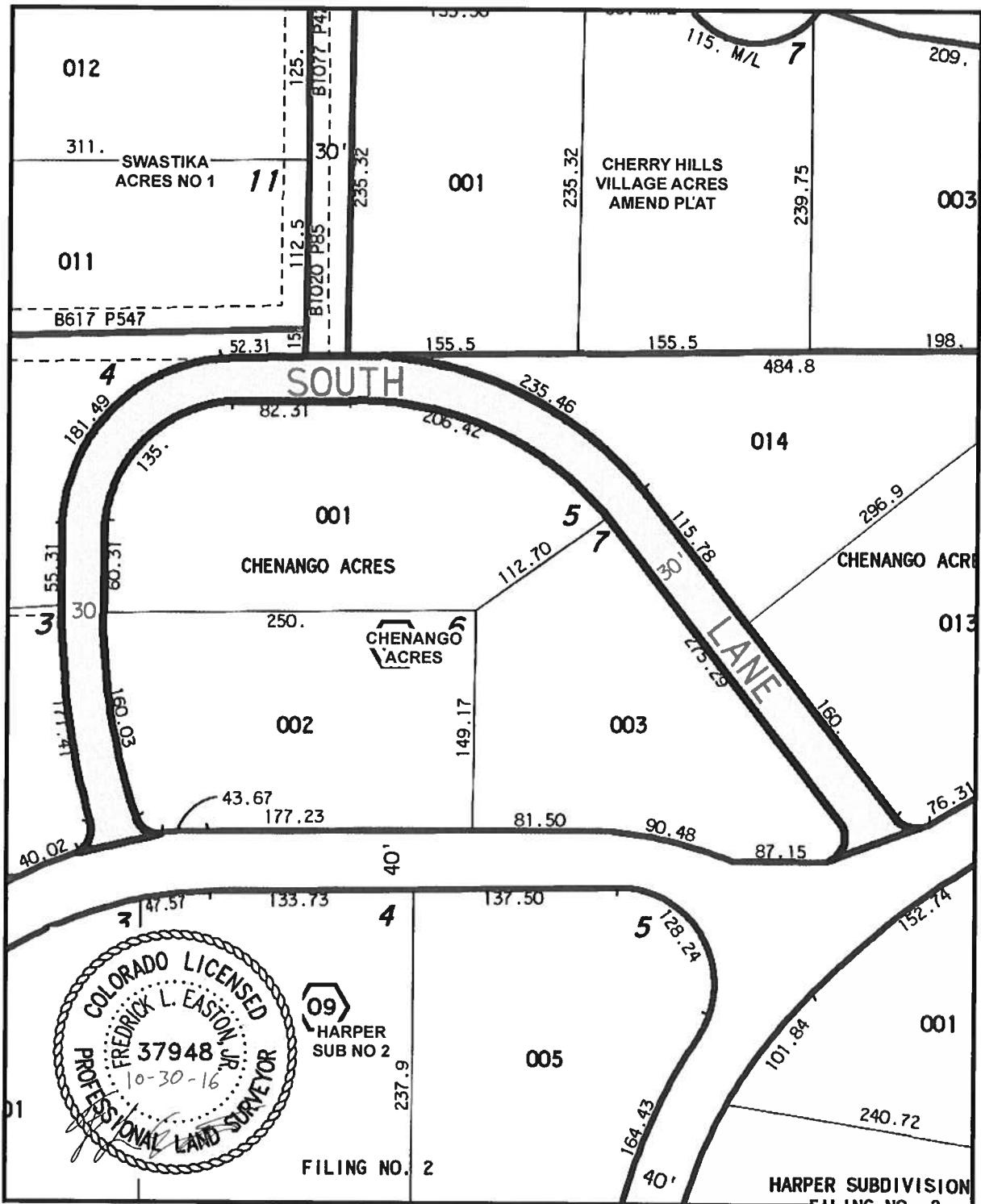
All of South Lane as dedicated on CHENANGO ACRES, as depicted on that subdivision plat recorded in Plat Book 13, Page 13, in the Arapahoe County Clerk & Recorder's Office.

PREPARED BY FREDRICK L. EASTON, JR., PLS 37948  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111



ROW within Chenango Acres  
October 30, 2016  
REV 0

## ILLUSTRATION FOR EXHIBIT A



 Farnsworth

GROUP  
5613 DTC Parkway, Suite 1100  
Greenwood Village, CO 80111  
(303) 692-8838 / (303) 692-0470

CHENANGO ACRES  
ROW CHENANGO  
CITY OF CHERRY HILLS VILLAGE

Date: 10/30/2016

Exclusion

EXHIBIT "A"

EXCLUSION FOR CHERRY HILLS VILLAGE SANITATION DISTRICT

Part of Section 11, T5S, R68W of the 6<sup>th</sup> Principal Meridian, City of Cherry Hills Village, Arapahoe County, Colorado.

An exclusion of the following described tract of land:

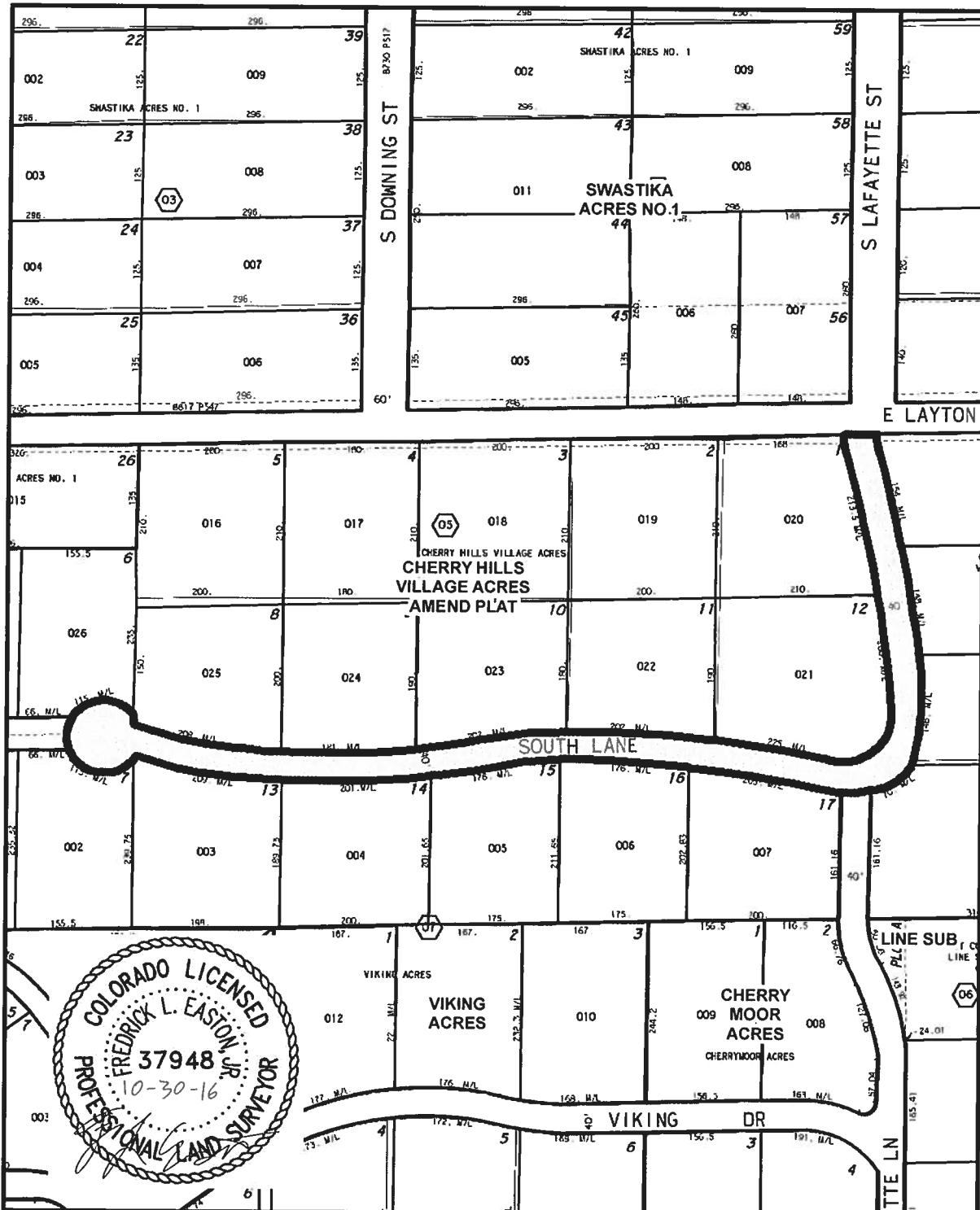
All of South Lane as dedicated on CHERRY HILLS VILLAGE ACRES AMENDED PLAT, as depicted on that subdivision plat recorded in Plat Book 8, Page 53, in the Arapahoe County Clerk & Recorder's Office.

PREPARED BY FREDRICK L. EASTON, JR., PLS 37948  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111



ROW within Cherry Hills Village Acres  
October 30, 2016  
REV 0

## ILLUSTRATION FOR EXHIBIT A



# Farnsworth GROUP

5613 DTC Parkway, Suite 1100  
Greenwood Village, CO 80111  
(303) 692-8838 / (303) 692-0470

CHERRY HILLS VILLAGE ACRES  
ROW CHVA  
CITY OF CHERRY HILLS VILLAGE

A scale bar and a compass rose are positioned in the upper left corner of the map. The scale bar, labeled 'Feet', shows a total length of 200 feet with a midpoint marker. The compass rose indicates a North direction.

Date: 10/30/2016

Exclusion

EXHIBIT "A"

EXCLUSION FOR CHERRY HILLS VILLAGE SANITATION DISTRICT

Part of Section 11, T5S, R68W of the 6<sup>th</sup> Principal Meridian, City of Cherry Hills Village, Arapahoe County, Colorado.

An exclusion of the following described tract of land:

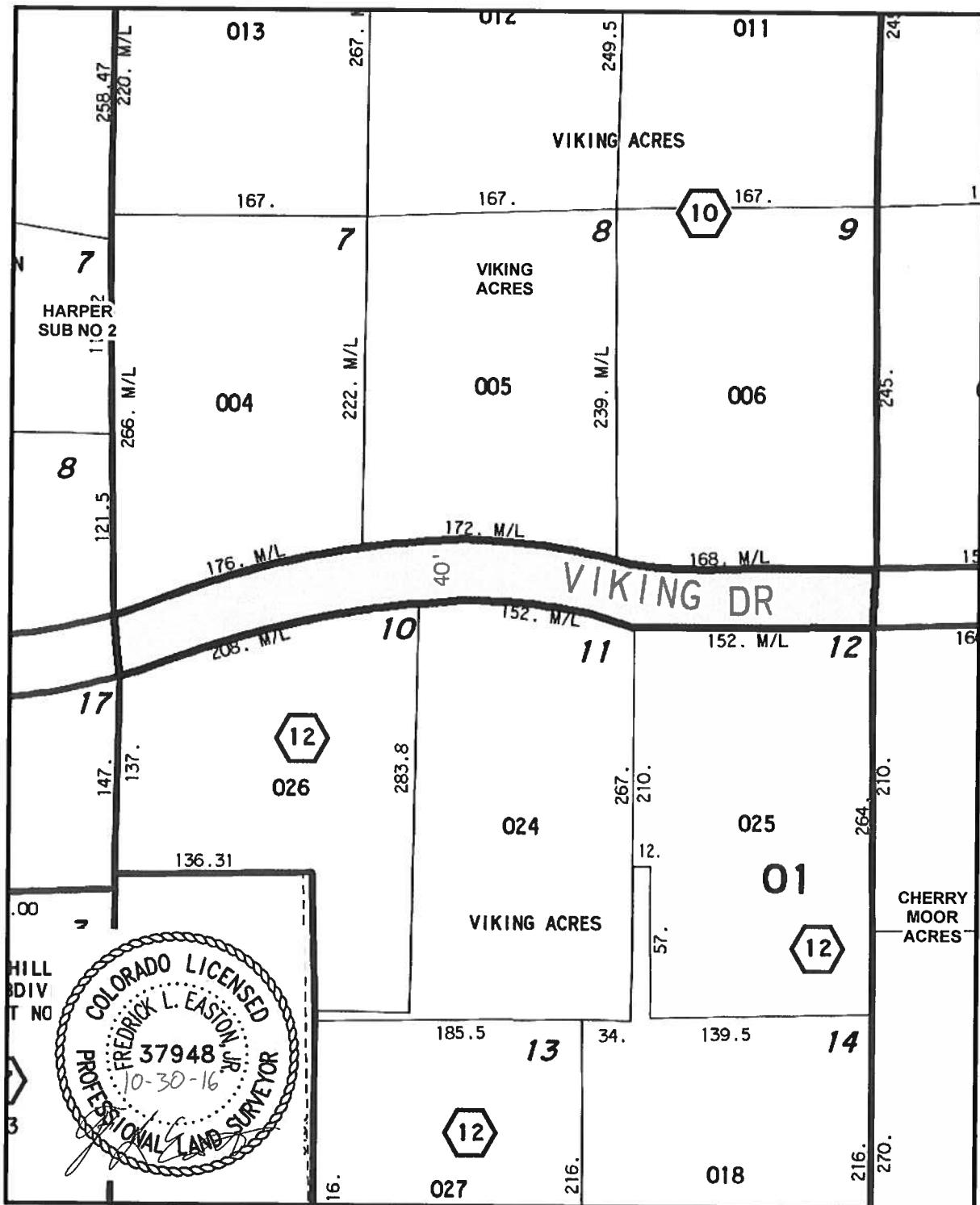
All of Viking Drive lying within VIKING ACRES, as depicted on that subdivision plat recorded in Plat Book 11, Page 16, in the Arapahoe County Clerk & Recorder's Office.

PREPARED BY FREDRICK L. EASTON, JR., PLS 37948  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111



ROW within Viking Acres  
October 30, 2016  
REV 0

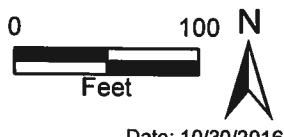
## ILLUSTRATION FOR EXHIBIT A



# Farnsworth

5613 DTC Parkway, Suite 1100  
Greenwood Village, CO 80111  
(303) 692-8838 / (303) 692-0470

VIKING ACRES  
ROW VIKING  
CITY OF CHERRY HILLS VILLAGE



Date: 10/30/2016

**ATTACHMENT B**

Draft Petition for Exclusion Pursuant to § 32-1-502, C.R.S.

DISTRICT COURT, COUNTY OF ARAPAHOE,  
STATE OF COLORADO

Arapahoe County Justice Center  
7325 S. Potomac Street  
Centennial, CO 80112

IN THE MATTER OF THE  
CITY OF CHERRY HILLS VILLAGE  
SANITATION DISTRICT

▲ COURT USE ONLY ▲

**Attorneys for the City of Cherry Hills Village**

Kathie Guckenberger, #42023  
Marcus McAskin, #34072  
Michow Cox & McAskin LLP  
6530 S. Yosemite Street, Suite 200  
Greenwood Village, CO 80111  
Phone Number: 303-459-2725  
FAX Number: 303-459-2726  
E-mail: kathie@mcm-legal.com  
marcus@mcm-legal.com

Case No.:

1974 CV 31862

**AFFIDAVIT OF THE CITY OF CHERRY HILLS VILLAGE REGARDING MOTION  
FOR EXCLUSION OF CERTAIN REAL PROPERTY FROM THE CITY OF CHERRY  
HILLS VILLAGE SANITATION DISTRICT BOUNDARIES PURSUANT TO  
C.R.S. § 32-1-502**

I, Jim Thorsen, being first duly sworn, depose and state as follows:

1. I am the City Manager of the City of Cherry Hills Village, a Colorado home rule municipality (the "City").
2. This proceeding concerns real property presently located within the boundaries of the City of Cherry Hills Village Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District") as fully described on the attached **Exhibit 1** (the "Property").
3. The District is a separate and distinct entity from the City.
4. The City has reviewed the legal descriptions of the Property proposed to be excluded from the boundaries of the District. The Property is within the boundaries of the City.

5. No sewer service is provided to the Property by the District as the Property consists of streets and other public rights-of-way.

6. The District has represented to the City that the District has no facilities whatsoever located within the Property.

7. There are no services required to be provided by the City if exclusion of the Property is granted.

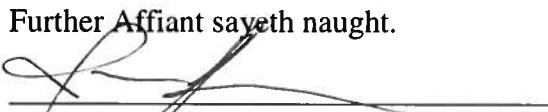
8. The City is not submitting a plan concerning the disposition of assets or continuation of services as the exclusion of the Property will have no effect on the provision of sewer service to the described Property, nor will any assets or facilities of the District be transferred to or accepted by the City.

9. The City Council will not pass a resolution as required by § 32-1-502(2)(a), C.R.S., as there is currently no sewer service being provided by the District to the Property and there is no service to be continued by the City following exclusion of the Property from the boundaries of this District. The City Council has set forth its finding regarding the inapplicability of the § 32-1-502(2)(a), C.R.S. requirement in Resolution No. 32, Series 2018 dated December 12, 2018 (the "Prior Resolution").

10. As set forth in the Prior Resolution, the City Council consents to the exclusion of the Property from the District.

11. The City Council has delegated all necessary and proper authority to me to execute this Affidavit.

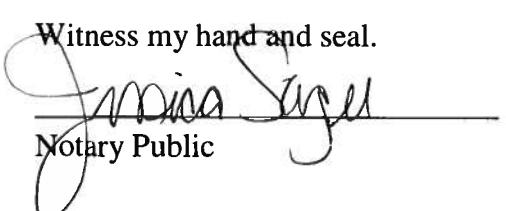
Further Affiant sayeth naught.

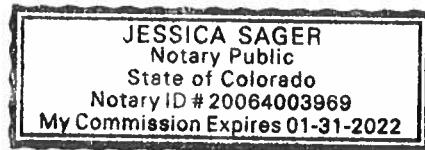
  
Jim Thorsen, City Manager  
City of Cherry Hills Village

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ARAPAHOE )

SUBSCRIBED and sworn to before me by Jim Thorsen as the City Manager of the City of Cherry Hills Village this 13<sup>th</sup> day of December, 2018.

Witness my hand and seal.

  
\_\_\_\_\_  
Notary Public



**ATTACHEMNT C**

Draft Affidavit of the City of Cherry Hills Village

DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO	
Arapahoe County Justice Center 7325 S. Potomac Street Centennial, CO 80112	
IN THE MATTER OF THE CITY OF CHERRY HILLS VILLAGE SANITATION DISTRICT	▲ COURT USE ONLY ▲
<b>Attorneys for the City of Cherry Hills Village</b>  Kathie Guckenberger, #42023 Marcus McAskin, #34072 Michow Cox & McAskin LLP 6530 S. Yosemite Street, Suite 200 Greenwood Village, CO 80111 Phone Number: 303-459-2725 FAX Number: 303-459-2726 E-mail: <a href="mailto:kathie@mcm-legal.com">kathie@mcm-legal.com</a> <a href="mailto:marcus@mcm-legal.com">marcus@mcm-legal.com</a>	Case No.:  1974 CV 31862
<b>AFFIDAVIT OF THE CITY OF CHERRY HILLS VILLAGE REGARDING MOTION FOR EXCLUSION OF CERTAIN REAL PROPERTY FROM THE CITY OF CHERRY HILLS VILLAGE SANITATION DISTRICT BOUNDARIES PURSUANT TO C.R.S. § 32-1-502</b>	

I, Jim Thorsen, being first duly sworn, depose and state as follows:

1. I am the City Manager of the City of Cherry Hills Village, a Colorado home rule municipality (the "City").
2. This proceeding concerns real property presently located within the boundaries of the City of Cherry Hills Village Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District") as fully described on the attached Exhibit 1 (the "Property").
3. The District is a separate and distinct entity from the City.
4. The City has reviewed the legal descriptions of the Property proposed to be excluded from the boundaries of the District. The Property is within the boundaries of the City.

5. No sewer service is provided to the Property by the District as the Property consists of streets and other public rights-of-way.

6. The District has represented to the City that the District has no facilities whatsoever located within the Property.

7. There are no services required to be provided by the City if exclusion of the Property is granted.

8. The City is not submitting a plan concerning the disposition of assets or continuation of services as the exclusion of the Property will have no effect on the provision of sewer service to the described Property, nor will any assets or facilities of the District be transferred to or accepted by the City.

9. The City Council will not pass a resolution as required by § 32-1-502(2)(a), C.R.S., as there is currently no sewer service being provided by the District to the Property and there is no service to be continued by the City following exclusion of the Property from the boundaries of this District. The City Council has set forth its finding regarding the inapplicability of the § 32-1-502(2)(a), C.R.S. requirement in Resolution No. 32, Series 2018 dated December 12, 2018 (the "Prior Resolution").

10. As set forth in the Prior Resolution, the City Council consents to the exclusion of the Property from the District.

11. The City Council has delegated all necessary and proper authority to me to execute this Affidavit.

Further Affiant sayeth naught.

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Jim Thorsen, City Manager  
City of Cherry Hills Village

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ARAPAHOE )

SUBSCRIBED and sworn to before me by Jim Thorsen as the City Manager of the City of Cherry Hills Village this \_\_\_\_\_, 2018.

Witness my hand and seal.

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Notary Public