

Local Improvement District (LID) Procedural Guide



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Sample Forms & Notices (Contact Douglas County for copies of additional sample forms and notices not listed)

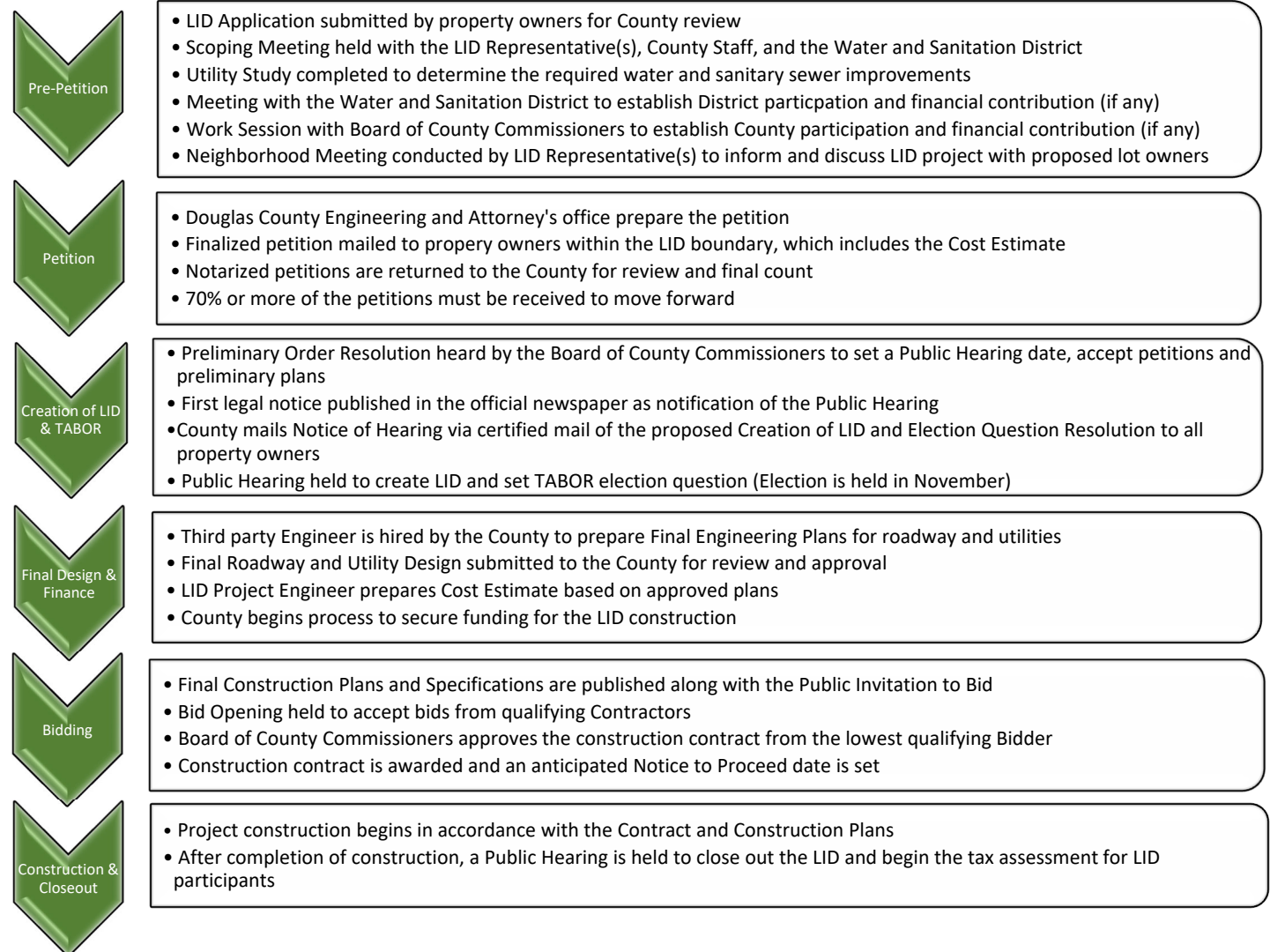
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What is a Local Improvement District (LID)?

A Local Improvement District (LID) allows property owners to construct and share the cost of one-time capital improvements for public storm drainage, roadway, water system, and sanitary sewer improvements. Funding to complete the LID project is obtained by the County and repaid via the use of property tax special assessments on a per-lot basis by the property owners who participate in the LID. The assessment will remain attached to the property until the term of the assessment is completed or the principal is paid in full. Property owners will repay the assessment within a term of 10 years with interest and a 1% County Treasurer collection fee.

Note: This Procedural Guide supplements the Douglas County LID Policy.

LID Process Overview



Pre-Petition

- 1) Eligible property owners, (as stated in the Local Improvement District County Policy), interested in forming a Local Improvement District (LID) must complete and submit a LID Application to Douglas County Public Works, Engineering Division. The completed LID Application will include the following:
 - a) One property owner will be established as the LID Representative as a point of contact for future communications
 - b) List of property owners within the proposed LID boundary and their contact information
 - c) Boundary Map outlining the proposed properties to be included with the LID
- 2) County staff will schedule a scoping meeting with the Water and Sanitation District (District) in which the LID is located, the LID Representative, and any other necessary stakeholders to discuss the proposed LID. The purpose of the scoping meeting is to develop a Project Information Sheet and address the following:
 - a) The LID boundary is determined by Douglas County and the District based on necessary roadway and utility connections. *Note: Any proposed paving project must connect to an existing paved road that is maintained by the County, to provide continuity of travel and maintenance.*
 - b) Water and sanitary sewer requirements
 - c) Roadway and drainage improvement requirements
 - d) The order of magnitude and estimated range of costs associated with the LID
 - e) Overview of the process and time frames based on the complexities of the LID. *Note: More complex LID projects could require a multi-year design and construction process.*
- 3) A Utility Study (generally) prepared by the District Engineer is completed for the water and sanitary sewer improvements. The Utility Study will determine if utilities can be provided to the lots within the proposed LID.
The Utility Study is paid for by LID lot owners.
 - a) The District or County may require Preliminary Construction Plans be submitted for review based on the complexity of the water and sanitary sewer improvements defined in the Utility Study. **LID lot owners are responsible for costs associated with the Preliminary Construction Plans should they be required.**



The Utility Study will determine if utilities can be provided to the lots within the proposed LID. If it is determined that utilities cannot be provided to the designated lots, the LID process ENDS.

Utilities can be provided



LID Process Continues

Utilities can NOT be provided



LID Process Ends

Pre-Petition

- 4) The County and District will prepare Preliminary Cost Estimates. The Preliminary Costs Estimate will outline the estimated cost for final engineering design, surveying, construction management, testing, and the construction of roads, drainage, water, sanitary sewer, electric, gas and other required improvements. If permits outside of the County and/or District are required, the cost of additional permits will be included in the Preliminary Cost Estimate as well.
- 5) The District staff and the District Board will meet to determine if they will provide any financial participation for the final design, construction management and/or testing of the water and sanitary sewer improvements.
- 6) County staff will schedule a work session with Board of County Commissioners (BOCC) and LID Representative to discuss the proposed LID and determine if the County is willing to provide staff resources and/or financial participation for any portion of the final design, surveying, construction management and/or testing. The following information will be required for the work session:
 - a. LID Boundary Map
 - b. Utility Study
 - c. Preliminary Construction Plans (if required by County or District)
 - d. Preliminary Cost Estimates
 - e. A determination from the District disclosing if they will provide financial participation
 - f. A determination by County staff stating whether the proposed LID project will require a multi-year timeline to complete construction due to project complexities
 - g. Financing options and viability (if available)
- 7) The LID Representative will initiate a neighborhood information meeting. County staff will assist the LID Representative in preparing the meeting notification that will be sent to property owners within the proposed LID. The notification will include a description of the proposed LID project, a copy of the Project Information Sheet and details on the meeting location, date, and time. The purpose of the meeting is to notify eligible LID lot owners of the process and costs associated with moving forward with the LID.



During the neighborhood information meeting a majority of the eligible LID lot owners must agree to move forward with the LID Petition process.

Agree



LID Process Continues

Disagree



LID Process Ends

Petition Process

The Petition for the Creation of a LID is a formal request to the Board of County Commissioners (BOCC) to move forward and form a Local Improvement District. If there is sufficient interest within the LID boundary to proceed, County Staff will begin the Petition Process.

1. Per lot Assessment Cost Estimate is prepared
2. Parcel ownership of the lots within the Boundary Map is verified
3. Engineering and Attorney staff will prepare the Petition using the Petition Template

No Later than April 15th

4. County staff will send a cover letter, Petition, LID Boundary Map, and Preliminary Cost Estimate to all LID property owners for signature.
 - a. A Minimum of 70% of petitions must be returned
 - b. The petition must be signed and notarized to count as a “YES” vote
 - c. All owners on the property deed must be in support of the LID and sign the petition to be considered a “YES” vote
 - d. A petition not returned is counted as a “NO” vote



Petitions are due back to the County by: JUNE 1st

Following the return of LID petitions, Douglas County will determine if 70% of the petitions were received and notify LID property owners of the results no later than June 15th.

70% (or greater) Petitions Returned



LID Process Continues

Less than 70% Returned



LID Process Ends

If 70% of the petitions are returned, a business meeting with the Board of County Commissioners is held to accept the petitions, set a Public Hearing date for the Creation of the LID and Election Question. For the process and timeline see next section.

Creation of LID & TABOR Election

Last Business Meeting in June

Preliminary Order Resolution heard by the Board of County Commissioners at a Regular Business Meeting to:

- Accept LID Petitions
- Adopt the Preliminary Plans, Specifications, Cost Estimate, Boundary Map, and a Schedule of the Approx. Assessments
- Set Public Hearing for the Creation Resolution and Election Question Resolution for the LID
- Schedule a Public Hearing (**Generally the 1st hearing in August**) for the Creation of the LID and TABOR Election Question



No later than 30 days before the
1st Hearing in August

Notice of Public Hearing for the Creation of the LID and the Election Question Resolution must be advertised in the official newspaper and be mailed via certified mail to the LID property owners thirty (**30**) days before the Public Hearing date.



No later than 55 days before the
November election

Public Hearing before the Board of County Commissioners for the approval of:

- LID Creation Resolution
- Election Question Resolution and TABOR Notice (Notice of Election to Increase Debt)

*Note: The Public Hearing must be held a minimum of **fifty-five (55)** days prior to the date of the general election in November.*



Creation of LID & TABOR ELECTION

Following Public Hearing to
Approve the Creation of LID,
Election Question and
TABOR Notice

- The general election is held on the first Tuesday in November. During this time mail-in ballots are mailed to all Colorado registered voters within the LID Boundary by the County Election Staff. *Note: Out-of-state owners not registered as Colorado voters will not receive a ballot.*
- Once the election is over, the Elections team will send a Vote Summary to Engineering Staff outlining the voting results of the LID.

A simple majority of ballots determines the outcome of the LID election.

51% or more Vote "YES"



LID Process Continues

Less than 51% Vote "Yes"



LID Process Ends

Final Design & Finance Acquisition

Engineering Design

1. Following the election process, the final design must be prepared. Either the County will assist the LID Representative to contract with an engineering company or the County will contract with an engineering company to prepare the final design, which will be reviewed and approved by the County and other agencies as required. The costs associated with the final design is determined at the Pre-petition phase.
2. Final design includes design of the roadway, water, and sanitary sewer improvements. Each of these design aspects are then combined to produce the Final Construction Plans, Specifications, and the Engineer's Cost Estimate. *Note: additional engineering plans may be required based on the complexity of the LID.*
3. The local gas and electric companies are responsible for the design and construction of their gas and electric main lines in conjunction with the Engineering Design. Any fees associated with the design and installation of gas and electric utilities will be included in the total cost of the LID.

Financing

1. The County Finance Department will send out RFPs (Request for Proposals) to financial institutions for financing.
2. The Finance and Treasurer's office will review the proposals received and select a financial institution.
3. Finance, the Treasurer's Office, and County Engineering will coordinate and begin the process of submitting the documentation required for the financial institution's review of the loan/bonding application.
 - a. The County Engineering team will obtain an appraisal per the financial institution's requirements.
4. Based on the financial institution's underwriting determination, a conditional approval or denial will be provided to the County concerning the loan/bonding application.

If conditional approval is not granted from the financial institution and financing is not secured, the LID process ENDS.

Conditional Approval



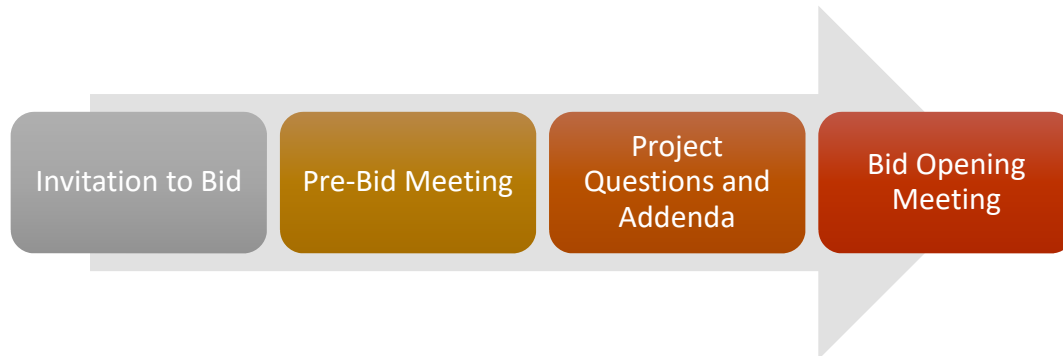
LID Process Continues

Financing Denial



LID Process Ends

Construction Bidding



With financing for the LID project secured, the County Project Engineer will begin the bidding process to obtain bids from qualified Contractors to construct the LID. The Bid process takes approximately 2 months to award the contract and obtain a Notice to Proceed.

- 1) Finalized Construction Plans, Specifications, Engineer's Estimate, and any applicable soil/geotechnical reports are provided to the Engineering Support Specialist by the Project Engineer assigned to the LID for the creation of the Bid Documents.
- 2) The Engineering Support Specialist will generate bid documents and assemble a bid package for the LID.
- 3) Public Invitation to Bid and Legal Notice is published. The notification is intended to inform qualified contractors of the project, verify project requirements, and confirm dates of applicable procurement-related meetings/ events.
 - a. Legal notice of the Public Invitation to Bid is published in the official newspaper.
 - b. A Publication is created in Rocky Mountain Bid Net for electronic notification of the Public Invitation to Bid.
- 4) Pre-Bid Meeting takes place and is open to the public for Contractors and Sub-Contractors to attend. During this time Contractors have the opportunity to inquire about project specifics to determine their interest in placing a Bid for the project.
- 5) The last day for questions relating to the Project are due to the Engineer one week before the scheduled Bid Opening Meeting.
- 6) The Engineer will release Project Addenda as needed at least 72 hours before the Bid Opening Meeting.
- 7) Bid Opening Meeting is conducted with Project Engineer, Engineering Support Specialist, County Purchasing Agent, and Contractors.
 - a. The apparent lowest bidder is announced following the reading of all received bids. Award Notice is also uploaded to Rocky Mountain Bid Net.
 - b. The apparent lowest bid is then reviewed for compliance with construction specifications.

Construction Bidding

Should the lowest Bidder return a bid for services that is higher than the total agreed upon assessment (as stated in the LID Election) the LID Process ENDS.

Lowest bid is lower



LID Process Continues

Lowest bid is higher



LID Process Ends

Construction & Close Out

Following the acceptance of the lowest bid the construction contract is awarded, construction is completed and the assessment for repayment of the LID is applied to the Owners.

Contracts and Construction

1. The Engineering Support Specialist will complete the Contacts and have them approved by the Douglas County Attorney's Office. *Note: Separate contracts may be issued for various types of work required through the LID and construction process. Example: Surveying, testing, construction management and construction.*
2. The Contracts are sent to the Contractor/Consultants for signatures.
3. Once the signed Contacts are returned, the Engineering Programs Coordinator will process the Contracts for the approval of the BOCC.
4. A Pre-Construction Meeting is held with the Contractors and Douglas County Engineering staff.
5. Construction begins. (Construction period will vary depending on the size and complexity of the project).

Close Out

1. Once construction is completed, including the mainline gas and electric utilities, and the final LID costs are known, the Engineer can begin the close out process.
2. During a regularly scheduled Business Meeting, the Project Engineer will submit a Resolution to the BOCC to Approve the Estimated Whole Cost of the Local Improvement District and the Costs to be Assessed to Each Parcel; and Setting a Date for the Public Hearing.
3. After approval by the BOCC at the Business Meeting, a Notice of Apportionment and Public Hearing (legal notice) is prepared and published in a newspaper of general circulation in the County. The notice shall be published in TWO issues and a minimum of 30 days prior to the Public Hearing.
4. Owners are notified via certified mail of the Notice of Apportionment and Public Hearing and the estimated per parcel whole cost of the improvements to be assessed. Owners must submit written complaints or objections to the Board of County Commissioners and filed in the Office of the County Clerk and Recorder, within 20 days of the Publication of the Notice.
5. The Public Hearing is held. The Project Engineer presents for BOCC consideration a Resolution Assessing a share of the whole costs of improvement in the LID to each lot or tract of land in the District; and prescribing the manner for collection and payment of the assessments.
6. During the Public Hearing, the BOCC sets the final assessments and closeout the LID, so that collection of the assessment can start of the following tax year statement.
7. After the Public Hearing, Property Owners will have two payment options:
 - a. Prepayment of the final assessment in full during the thirty (30) days after the Public Hearing. Prepayment in full will include the mandatory Treasurer's collection fee of 1%.
 - b. If full payment is not received by the Treasurer Department within thirty (30) days, the first special assessment payment, including interest and collection fee, will be billed with, and due with, the property taxes for the property in January of the following year. The total assessment will be pro-rated on the annual property tax statement over a ten (10)-year period, plus interest and collection fees.
8. Bill of Sale is completed for BOCC approval to transfer ownership of the water and sanitary sewer improvements to the appropriate Water and Sanitation District (Perry Park).

LID Application & Sample Boundary Map



Department of Public Works
Engineering Division
100 Third Street
Castle Rock, CO 80104
303.660.7490

Local Improvement District (LID) Application

LID Representative Information

Full Name: _____ Date: _____
Last First M.I.

Mailing Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Lot Address: _____
Street Address

City State ZIP Code

Email: _____ Phone: _____
Water and Sanitation District: _____

Proposed LID Boundary Map is attached: ☐ Yes ☐ No

SUBMISSION OF THE LID APPLICATION DOES NOT GUARANTEE THE APPROVAL OF THE LID.

FOR DETAILED INFORMATION REGARDING THE LID APPROVAL PROCESS PLEASE SEE THE DOUGLAS COUNTY LID POLICY AND LID PROCEDURAL GUIDE. MORE INFORMATION IS ALSO AVAILABLE ONLINE AT <https://www.douglas.co.us/public-works/local-improvement-districts/>

Provide the names, lot addresses, and email addresses of lot interested lot owners within the proposed LID boundary.

Lot Owner Name: _____ Email: _____

Lot Address: _____

Mailing Address _____

Lot Owner Name: _____ Email: _____

Lot Address: _____

Mailing Address _____

Local Improvement District (LID) Application

Continued

SUBMISSION OF THE LID APPLICATION DOES NOT GUARANTEE THE APPROVAL OF THE LID.

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Provide the names, lot addresses, and email addresses of interested lot owners within the proposed LID boundary. This page may be printed multiple times to include additional Lot Owners.

Lot Owner

Name: _____ Email: _____

Lot Address: _____

Mailing
Address _____

Lot Owner

Name: _____ Email: _____

Lot Address: _____

Mailing
Address _____

Lot Owner

Name: _____ Email: _____

Lot Address: _____

Mailing
Address _____

Lot Owner

Name: _____ Email: _____

Lot Address: _____

Mailing
Address _____

Lot Owner

Name: _____ Email: _____

Lot Address: _____

Mailing
Address _____

Local Improvement District (LID) Application

Continued

SUBMISSION OF THE LID APPLICATION DOES NOT GUARANTEE THE APPROVAL OF THE LID.

FOR DETAILED INFORMATION REGARDING THE LID APPROVAL PROCESS PLEASE SEE THE DOUGLAS COUNTY LID POLICY AND LID PROCEDURAL GUIDE. MORE INFORMATION IS ALSO AVAILABLE ONLINE AT <https://www.douglas.co.us/public-works/local-improvement-districts/>

Provide the names, lot addresses, and email addresses of lot interested lot owners within the proposed LID boundary.

Lot Owner

Name: _____ Email: _____

Lot Address: _____
Mailing Address _____

Lot Owner

Name: _____ Email: _____

Lot Address: _____
Mailing Address _____

Lot Owner

Name: _____ Email: _____

Lot Address: _____
Mailing Address _____

Disclaimer and Acknowledgement

By signing below, you acknowledge the following:

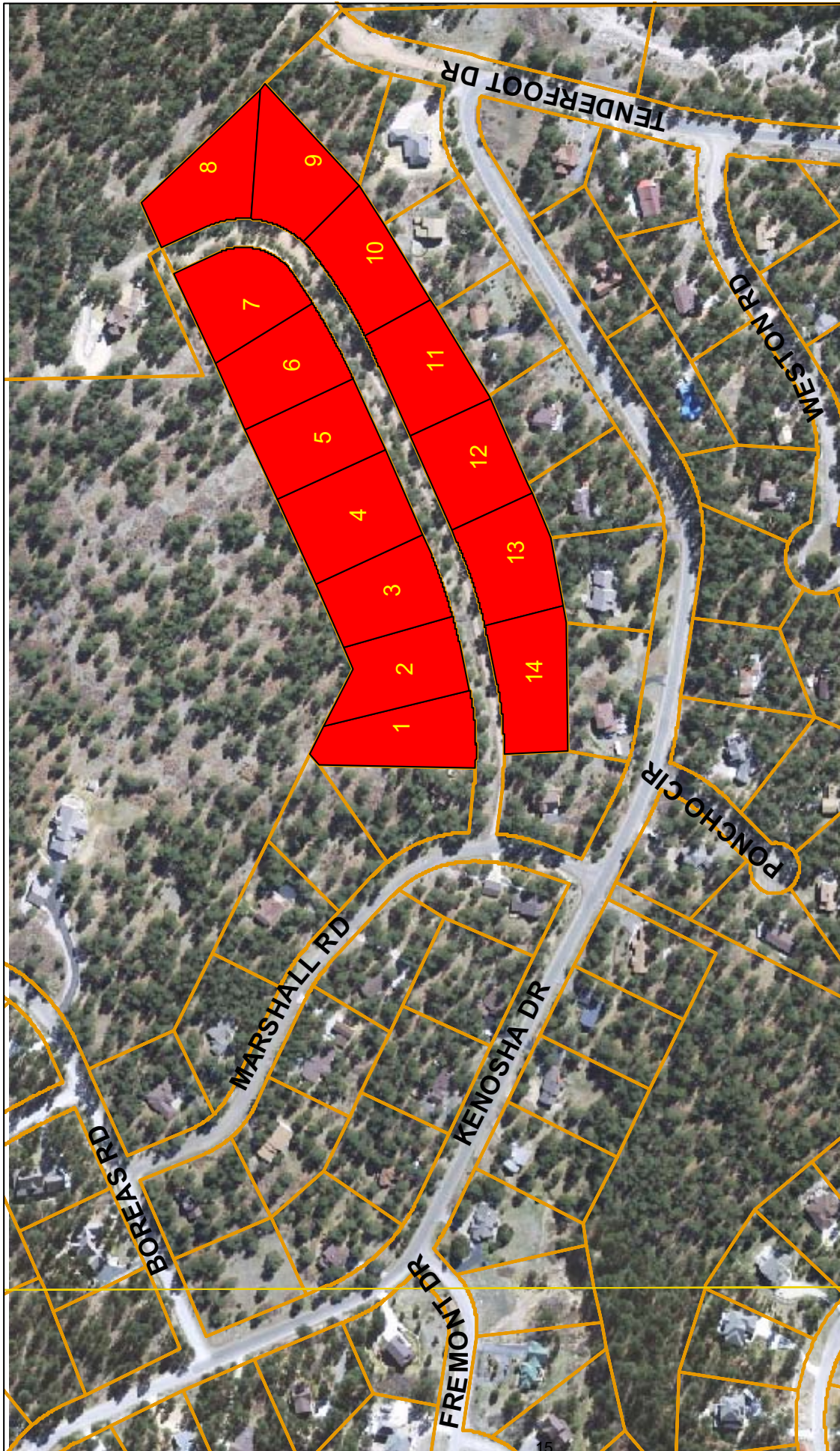
1. The LID applicant signee will take on the role of LID Representative, acting as a point of contact for future communications.
2. As the LID Representative your contact information will be posted publicly on the Douglas County website on the LID information page.
3. To the best of your knowledge, the information provided herein is correct.
4. Submission of the LID application does **not** guarantee the approval of the proposed LID project.
5. In order for this application to be complete, it must be accompanied by a **proposed LID Boundary Map**.
6. Douglas County Engineering services will review your submission and follow up within 7-10 business days.

LID

Representative

Signature: _____ Date: _____

To submit the Application and **required Proposed LID Boundary Map** please email engineering@douglas.co.us



DISCLAIMER
 All data and information ("Products") contained herein are for informational purposes only. Although such Products are believed to be accurate at the time of publication, Douglas County does not warrant that such Products are error free. Douglas County provides these Products "as is" without any express or implied warranties of title or implied warranties of merchantability or fitness for a particular purpose. Douglas County shall not be liable for any direct, indirect, incidental, special or consequential damages arising out of the use of such Products, or the inability to use such Products or out of any breach of any warranty. The user acknowledges and agrees that the use of such Products is at the sole risk of the user.

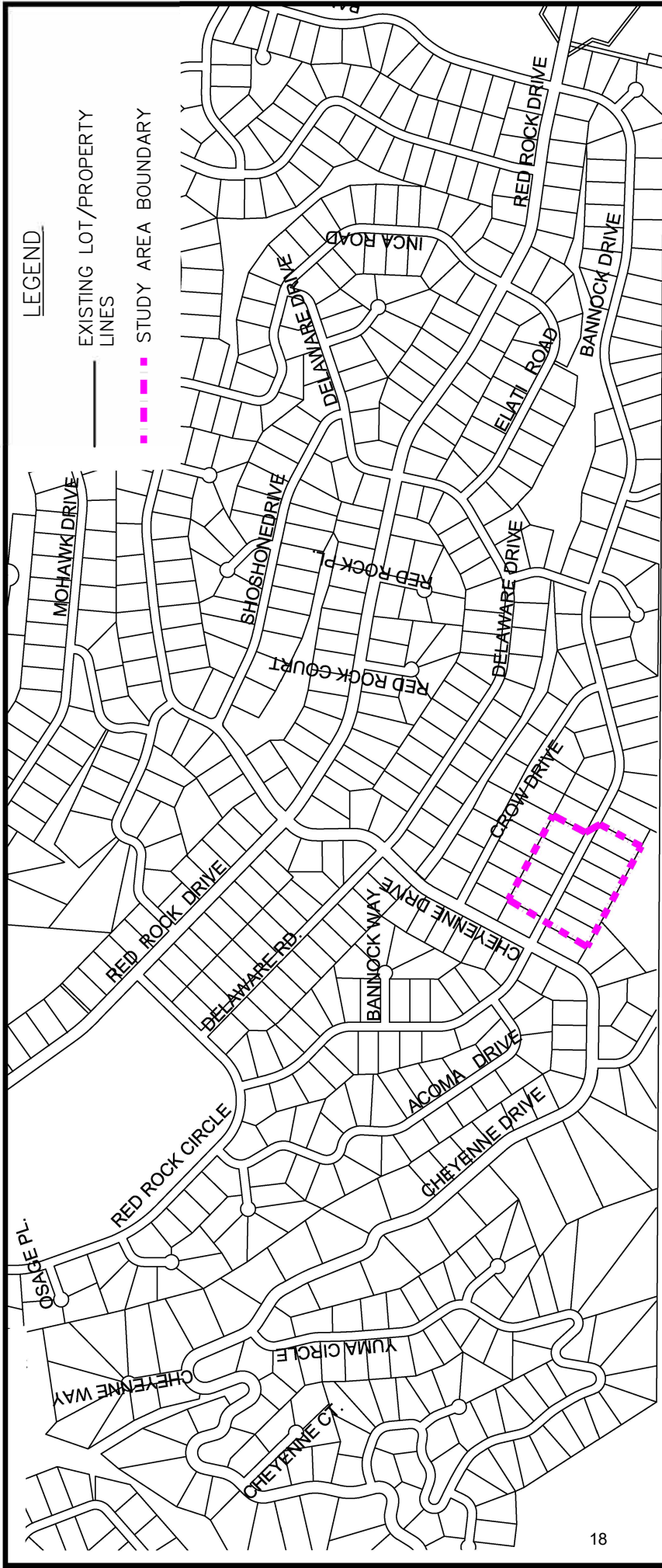
General questions about this or any other Douglas County GIS products, including errors, omissions, corrections and/or updates, should be directed to the Douglas County GIS Division at (303) 660-7416.

Poncho Road - Sageport

- Legend**
- Major Roads
 - Other Roads
 - Railroads
 - Parcels
 - Municipalities
 - Schools

LID Sample Forms

Sample Utility Study







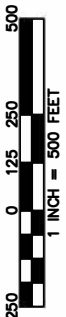
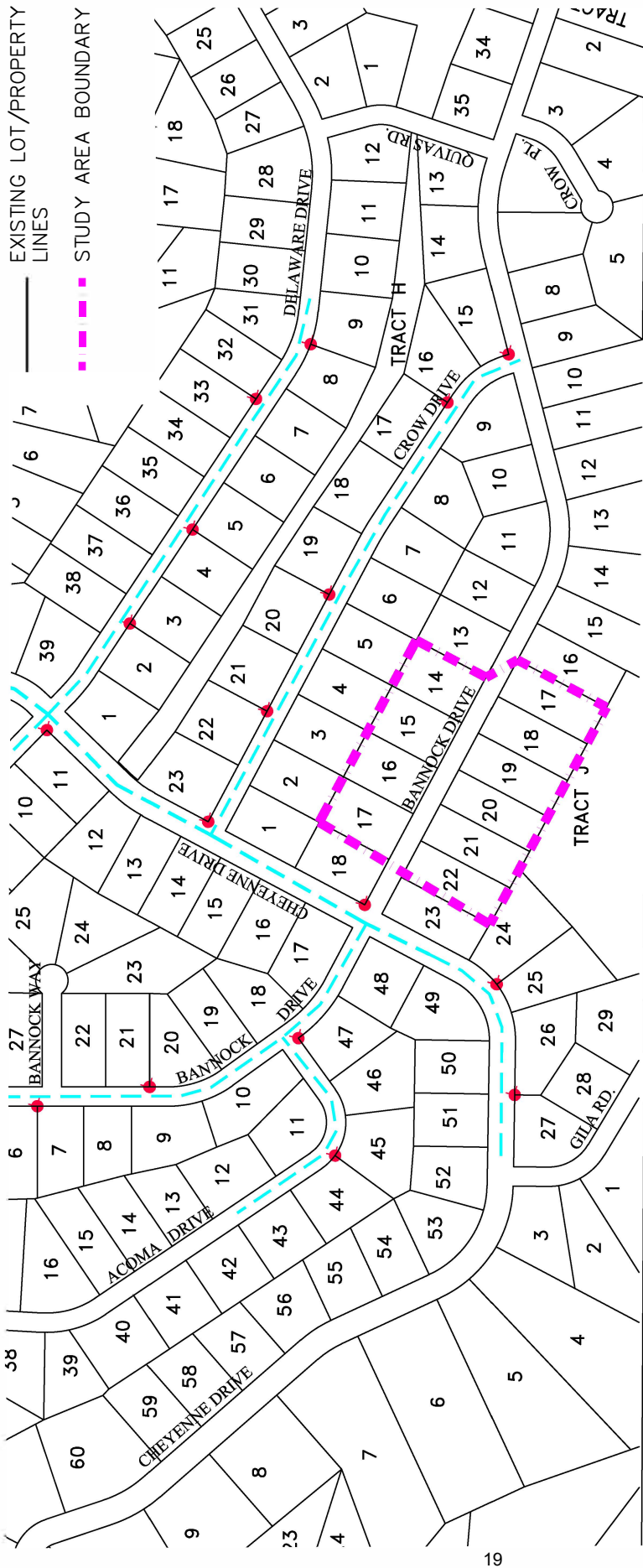
SAMPLE

FIGURE A – VICINITY MAP OF STUDY AREA – PERRY PARK WEST

PERRY PARK WATER AND SANITATION DISTRICT	
BANNOCK DRIVE FEASIBILITY STUDY	
FIGURE A - VICINITY MAP OF STUDY AREA	
JOB NO.	DATE

LEGEND

-  EXISTING FIRE HYDRANT
-  EXISTING WATERLINES
INSTALLED BY OTHERS
-  EXISTING LOT/PROPERTY
LINES
-  STUDY AREA BOUNDARY

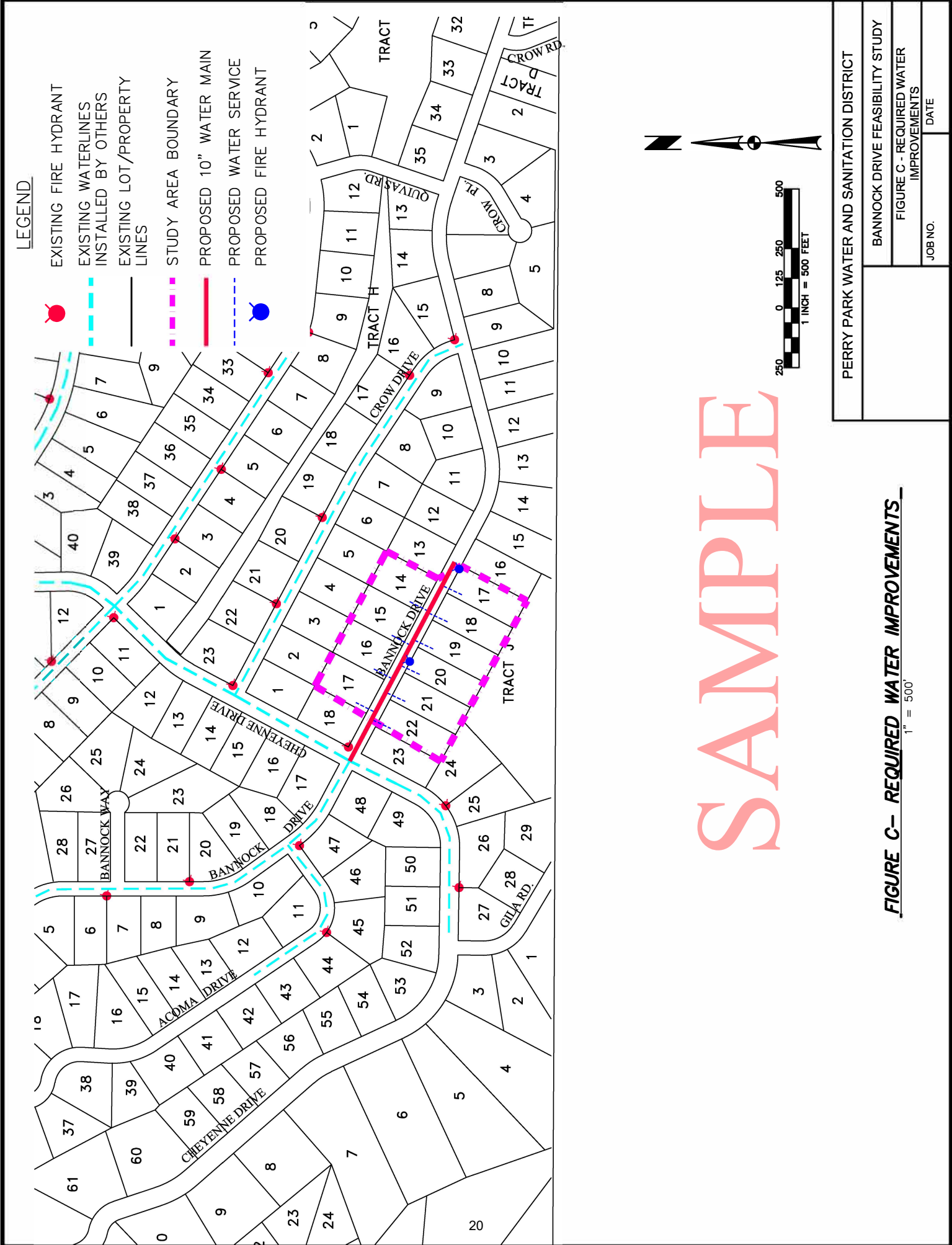


SAMPLE

PERRY PARK WATER AND SANITATION DISTRICT	
BANNOCK DRIVE FEASIBILITY STUDY	
FIGURE B - EXISTING WATER SYSTEM	
JOB NO.	DATE

FIGURE B-- EXISTING WATER SYSTEM

1" = 500'

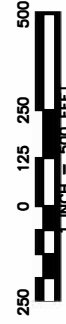
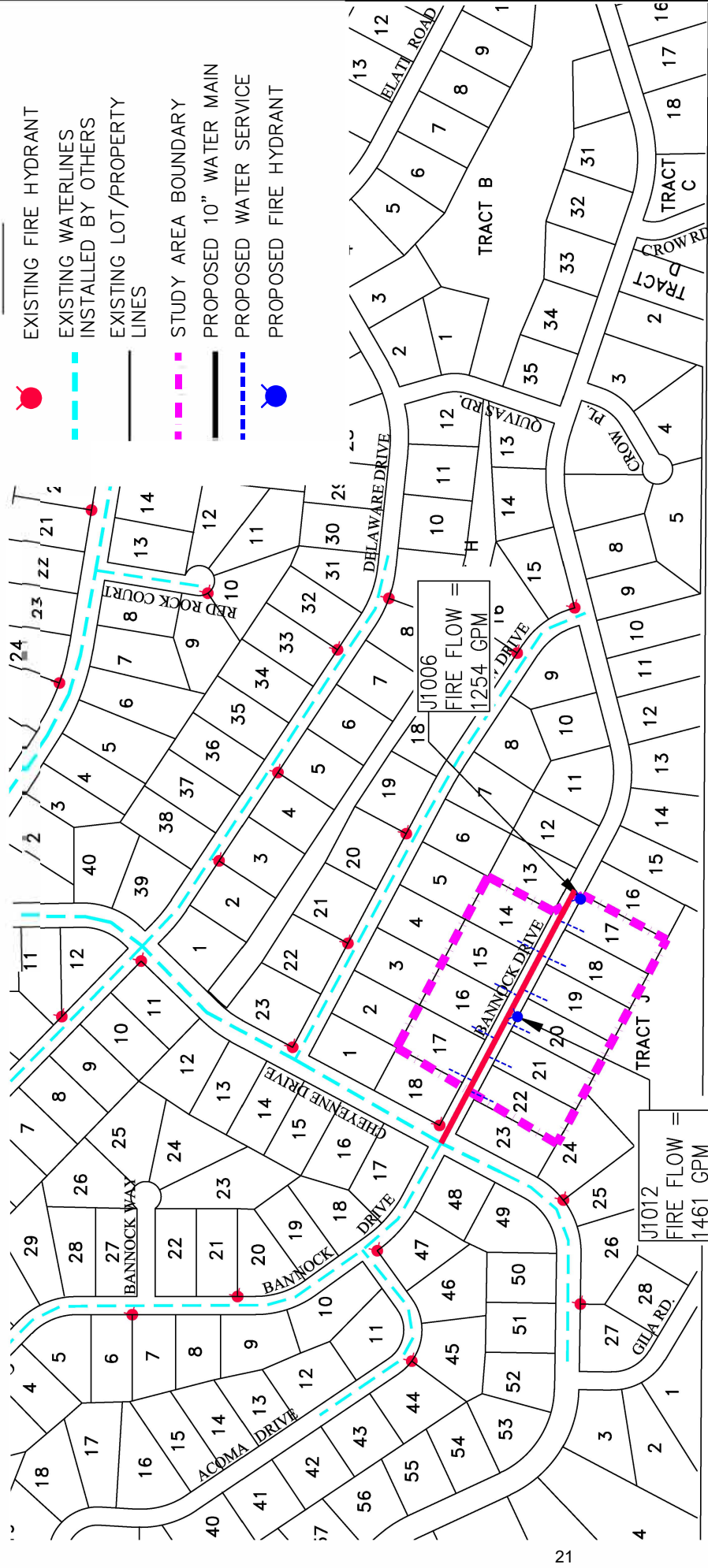


SAMPLE

PERRY PARK WATER AND SANITATION DISTRICT	
BANNOCK DRIVE FEASIBILITY STUDY	
FIGURE C - REQUIRED WATER IMPROVEMENTS	
JOB NO.	DATE

LEGEND

- EXISTING FIRE HYDRANT
- EXISTING WATERLINES
INSTALLED BY OTHERS
- EXISTING LOT/PROPERTY
LINES
- STUDY AREA BOUNDARY
- PROPOSED 10" WATER MAIN
- PROPOSED WATER SERVICE
- PROPOSED FIRE HYDRANT



SAMPLE

PERRY PARK WATER AND SANITATION DISTRICT

BANNOCK DRIVE FEASIBILITY STUDY
FIGURE D - FIRE FLOW AT MAX DAY DEMAND
& AT LEAST 20 PSI RESIDUAL PRESSURE
JOB NO. _____ DATE _____

FIGURE D-- FIRE FLOW AT MAX DAY DEMAND
AND AT LEAST 20 PSI RESIDUAL PRESSURE

1" = 500'

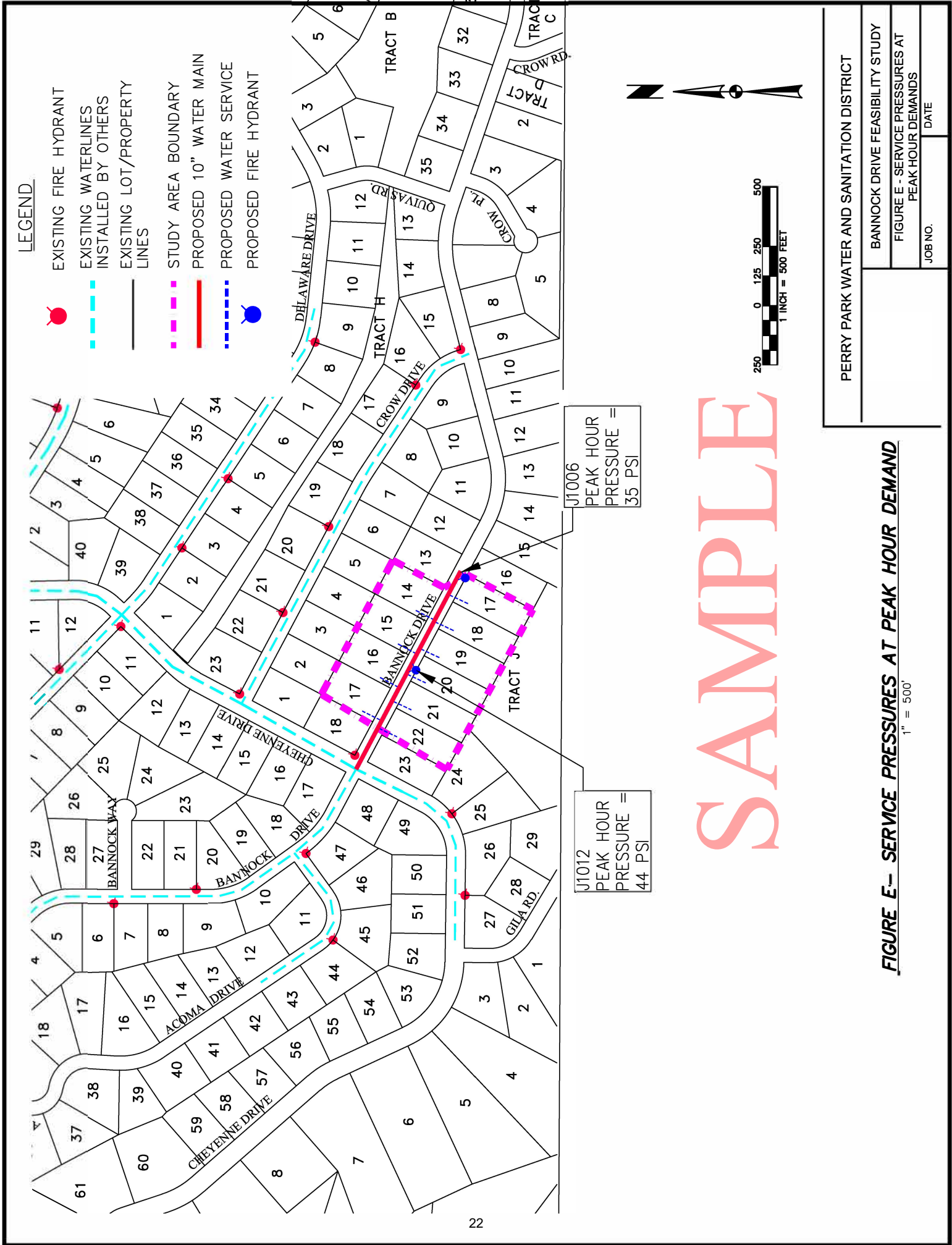
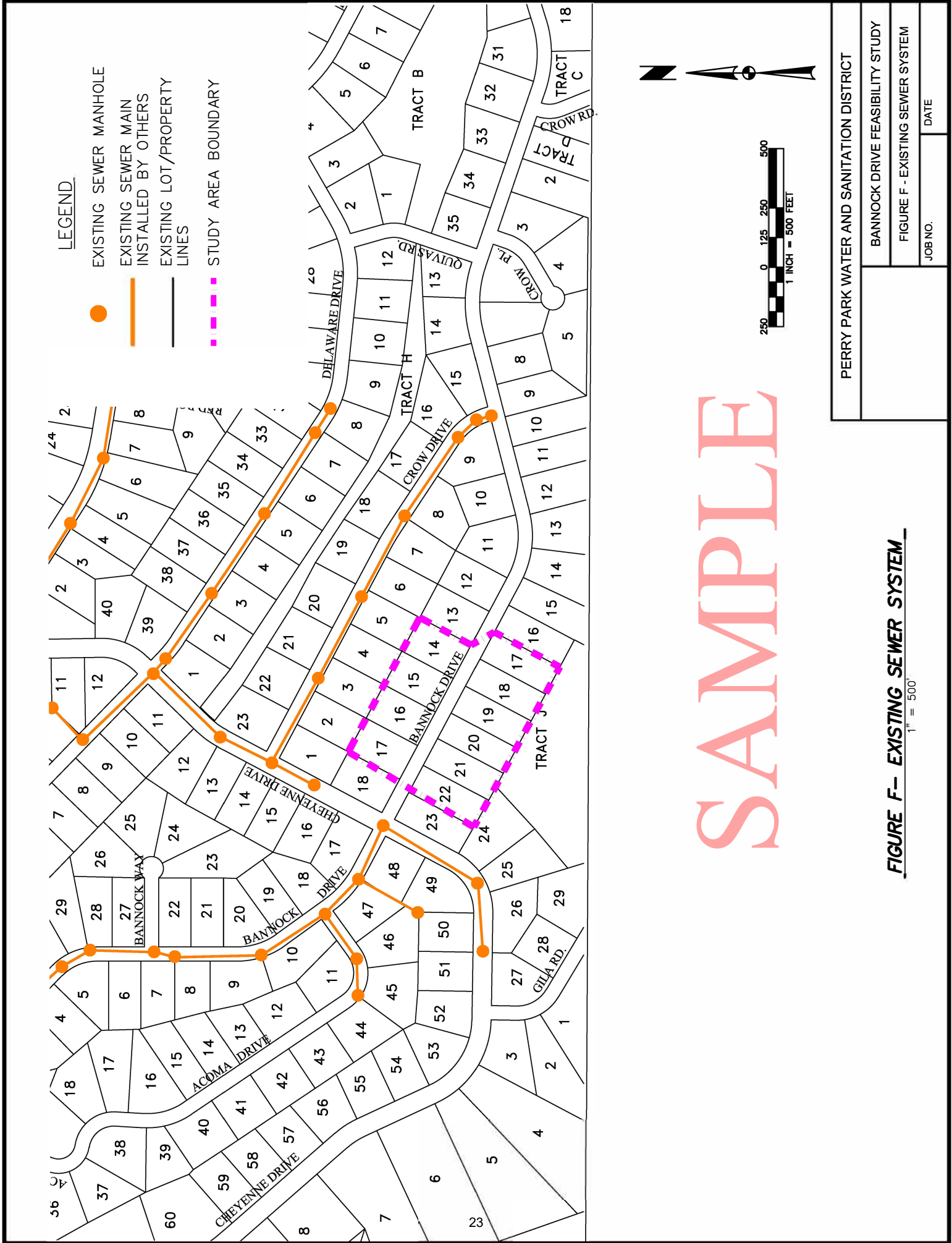


FIGURE E- SERVICE PRESSURES AT PEAK HOUR DEMAND



Petition for Creation of LID

www.douglas.co.us

DATE: **Date**

TO: Property Owner(s)

FROM: **Project Engineer**

SUBJECT: Petition for the Proposed **LID Name** Local Improvement District

ATTACHMENT: LID Costs Estimate and Petition

Several lot owners in the **Subdivision Name** have requested that Engineering staff send out petitions to create a Local Improvement District (LID) regarding construction of water, sanitary sewer, roadway, drainage, gas, and electric improvements (the "Improvements") for **number** lots on **Street**. Attached you will find a petition for the creation of the **LID Name** (Proposed District). The petition will need to be signed by all parties listed on the deed, notarized, and returned to the County at the address listed below to count as a confirmation of your desire ("Yes" vote) to move forward with construction of the Improvements within the Proposed District. Petitions are due by **Day of week, Date** to the following address:

Project Engineer

Douglas County Public Works, Engineering
100 Third Street
Castle Rock, CO 80104

(If a petition is not signed and sent back by **Date** then it counts as a "No vote." A minimum of **typed number totaling 70% of lots included in LID (number)** signed and notarized petitions ("Yes" vote) of **total number of lots included in LID (number)** petitions mailed to the property owners must be returned to count as a majority to move forward with creating the Proposed District.)

The estimated maximum assessment for the Improvements is **\$estimated per lot assessment** per lot for the Proposed District. Only actual final costs will be assessed which could be less than the maximum assessment approved by Petition, see attached LID Costs Estimate for maximum assessment details.

If a **70%** of "Yes" vote petitions are returned signed and notarized, then the County will move forward with creating the Proposed District; and the TABOR election of the Colorado registered voters within the Proposed District on **Date of general election** will approve financing. If this vote passes by simple majority, then construction would take place in **year**. Assessments would be finalized based on actual costs in the fall of **year**. Assessments can be paid lump sum within thirty (30) days of the final assessment public hearing, or over 10 years collected as a special assessment on your property taxes. If you choose to pay for the assessment over the ten-year payback period, interest and Treasurer's collection fee will also be charged.

If the Proposed District moves forward as described above, building permits would likely be issued in early fall of **year**.

Please contact me with any comments, questions, or concerns by phone (303-660-**XXXX**), or by email **engineer email**.

STATE OF COLORADO)
)SS
COUNTY OF DOUGLAS)

**PETITION FOR
CREATION OF LOCAL
IMPROVEMENT DISTRICT**

We, the undersigned, being the owners of the real property which shall be assessed for the entire costs to be assessed within the proposed local improvement district, do hereby petition the Board of County Commissioners (the “Board”) of the County of Douglas, State of Colorado (the “County”), pursuant to Part 6 of Article 20 of Title 30, Colorado Revised Statutes, as amended (the “Act”) for creation of a local improvement district and to order the construction of local improvements hereinafter described (the “Improvements”) within the County and in support of this Petition state as follows:

1. The **name of** the proposed district is the “Douglas County Local Improvement District No. **XX-XX** (**LID Name**)” (the “Proposed District”).

2. A description of the boundaries of the Proposed District is as follows, and includes generally the real property described herein:

Each and every lot or parcel listed below will receive one full assessment for the cost of the Improvements within the Proposed District:

Lots **XX-XX**, Block **X**, **Subdivision Name**, Filing **X**

3. The Improvements to be made, as authorized pursuant to the Act are as follows:

Roadway improvements shall consist of subgrade preparation, drainage improvements, shouldering with aggregate base course, or placement of curb and gutter, placement and preparation of road base and the installation of hot bituminous or Portland cement concrete pavement **quantity** **feet** in width on the following roadways:

- **Street Name** from the intersection with **Street Name** to **North, South, East or West** end.

Water and sanitary sewer line improvements shall consist of the installation of water mains, water service laterals, sanitary sewer mains, sanitary sewer laterals and appurtenances within the same limits as the roadway improvements.

Natural gas and electric improvements shall consist of the installation of natural gas mains by **Company Name** and electric mains by **Company Name** along the same roadway(s) as described above for the roadway improvements.

4. The Improvements described above will be funded from legally available moneys of the County, private placement construction loan or by the issuance of special assessment bonds by the County (the “Financing”). The Financing shall be paid through special assessments imposed against the real property included within the boundaries of the Proposed District and specifically benefited by the Improvements. **The estimated maximum full per lot assessment is \$Cost.**

The method of assessment shall be as follows:

Each lot and parcel within the boundaries of the Proposed District shall be assessed an equal share, as described above, of the total cost of the Improvements. If such assessment is paid in installments, additional costs including statutory County Treasurer collection fees and interest will be added to such payments.

Upon completion and acceptance of the Improvements or any part thereof, or as soon as the total cost thereof can be reasonably ascertained, such cost shall be apportioned to each lot or parcel of land in the Proposed District. Notice of such apportionment shall be given, and a hearing will be held prior to the adoption of the Assessing Resolution, all as provided by law.

Assessments shall be payable either within thirty (30) days after publication of the resolution making the assessments on each parcel of land benefited, or in installments payable with interest and statutory County Treasurer collection fees over the term of the Financing, at the election of each property owner. The term of the Financing shall not exceed ten (10) years. If not paid in full within thirty (30) days as described, assessments shall be payable with interest at a rate not to exceed **interest rate**% per annum, in ten (10) annual installments.

5. The undersigned understand and agree that, prior to contracting for or ordering any work to be constructed, a preliminary order shall be made by the Board, adopting preliminary plans and specifications for the work, definitively describing the material to be used, or stating that one of several specified materials shall be chosen (in accordance with the materials described hereinabove) determining the number of installments and time in which the cost of the Improvements shall be payable and the property to be assessed for the same, and requiring an estimate of the cost to be made by the County staff or any similar officer or employee, together with a map of the Proposed District in which the Improvements are to be made, and a schedule showing the approximate amounts to be assessed for the several lots or parcels of property within the Proposed District. Said determination shall be made following a hearing before the Board, held pursuant to the Act.

6. The petitioners acknowledge, represent, and agree that the property proposed to be assessed within the Proposed District will be specially benefited by the Improvements and in consideration of such benefits, consent and agree to the creation of the Proposed District and to the assessment of the property therein.

7. We respectfully request that the Board accept the within Petition, hold all hearings, and perform all acts required by the Act and thereafter authorize the “Douglas County Local Improvement District **No. XX-XX (LID Name)**” hereby petitioned for.

8. Owners of any real property to be assessed may appear before the Board and be heard at the public hearing. All complaints and objections that may be made in writing concerning the proposed Improvements by the owner or owners of any real property to be assessed will be heard and determined by the Board at the public hearing, or at some adjournment thereof, before final action thereon.

Name of Property Owner (s)

Address

Property Description

Lots **XX-XX**, Block **X**, **Subdivision Name**, Filing **X**

SIGNATURE _____

STATE OF _____)

)SS

COUNTY OF _____)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this Da
day of **Month, Year**, by _____.

My Commission expires: _____

Notary Public

(SEAL)

Note: Remove following section if there is only one lot owner

SIGNATURE _____

STATE OF _____)

)SS

COUNTY OF _____)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this
_____ day of _____, by _____.

My Commission expires: _____

Notary Public

(SEAL)

Preliminary Order Resolution

MEETING DATE: Date**STAFF PERSON
RESPONSIBLE:** Engineer**DESCRIPTION:** Resolution concerning the Preliminary Order for the Douglas County Local Improvement District (LID) No. XX-XX, (LID Name), Douglas County Project No. CI XXXX-XXX.**SUMMARY:** Property owners within the proposed LID Name (LID) have requested that the Board of County Commissioner of the County of Douglas create a local improvement district to construct water, sanitary sewer, roadway, drainage, natural gas and electric main improvements.

The County received XX signed petitions from the XX property owners requesting creation of the LID. The Preliminary Order Resolution completes, or orders, the following: sets the LID boundary; adopts preliminary cost estimates; requires a map and approximate assessment schedule be prepared; describes material to be used; determines time of payment of assessments and number of installments; describes the property to be assessed; sets the date and time for the Creation Public Hearing; and orders publication in the News Press and mailing of the notice of public hearing to all property owners to be assessed.

The public hearing, scheduled for XXXX XX, XXXX, will be to hear concerns and objections to the LID, if any, prior to approving the Creation Resolution. Notice will be given to all property owners within the proposed LID through publication in the *News Press* and by first class mail. The Notice requests that property owners attend the Public Hearing or submit comments via letter.

**RECOMMENDED
ACTION:** Approval of the attached Preliminary Order Resolution concerning Local Improvement District No. XX-XX, (LID Name), Douglas County, Colorado.

ATTACHMENT(S): Resolution

Review:

Janet Herman, P.E.

Legal Department

Finance Department

County Administration

Board of County Commissioners

RESOLUTION NO. R-018-_____

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

PRELIMINARY ORDER CONCERNING **LID NAME** LOCAL IMPROVEMENT DISTRICT, DOUGLAS COUNTY, COLORADO; REGARDING THE INITIATION OF A LOCAL IMPROVEMENT DISTRICT; ADOPTING PRELIMINARY PLANS, SPECIFICATIONS, AND COST ESTIMATES; REQUIRING A MAP OF PROPERTY TO BE ASSESSED AND AN APPROXIMATE ASSESSMENT SCHEDULE; DESCRIBING MATERIALS; SETTING THE DATE OF A PUBLIC HEARING; AND ORDERING PUBLICATION AND MAILING OF NOTICE OF HEARING TO OWNERS OF PROPERTY TO BE ASSESSED

WHEREAS, pursuant to part 6 of article 20 of title 30, Colorado Revised Statutes, as amended (the “Act”), the Board of County Commissioners (the “Board”) of Douglas County, Colorado (the “County”) has received petitions from the property owners representing more than half of the estimated costs to be burdened by any assessment (the “Petitioners”) of the proposed **LID Name** Local Improvement District, Douglas County, Colorado (the “Proposed District”); and

WHEREAS, the Board is required to initiate proceedings for the creation of the Proposed District for the purpose of acquiring, constructing and installing certain improvements including, without limitation (1) water mains and lot water service improvements (“Water Improvements”), (2) sanitary sewer main and lot sewer service improvements, (“Sewer Improvements”), (3) the roadway and drainage improvements, (“Roadway Improvements”), (4) natural gas mains by **Company Name** (“Gas Improvements”) and (5) electrical mains by **Company Name** (“Electrical Improvements”) in portions of **District Name Filing No. X** located in the County, as more particularly described in the form of Notice set forth herein and constituting a part hereof (the “Notice”), and other incidental and necessary improvements, to the extent moneys are available (collectively, the “Improvements”) within the Proposed District, and to assess the cost thereof against the properties specially benefited thereby; and

WHEREAS, the Board has received a request by property owners within the boundary of the Proposed District, and intends to proceed with the formation of the Proposed District; and

WHEREAS, there has been prepared and filed with the County Clerk and Recorder preliminary cost estimates relating to the Improvements; and

WHEREAS, it is necessary that a preliminary order be made, adopting preliminary estimates, describing the materials to be used or stating that one of several specified materials shall be chosen, determining the number of installments and time at which the cost of the Improvements shall be payable, describing the property to be assessed for the cost of the Improvements, and requiring an estimate of cost and a map by the County Public Works –

Engineering staff, and adopting a schedule showing the approximate amounts to be assessed upon the several lots or parcels of property within the Proposed District; and

WHEREAS, this Resolution shall constitute the preliminary order required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO:

Section 1. The preliminary estimate of cost, a map of the Proposed District, and schedule of approximate assessments prepared and filed are hereby adopted and approved by the Board for use in the construction of the Improvements within the Proposed District.

Section 2. The nature and location of the Improvements to be made in the Proposed District and the materials to be used in constructing the Improvements shall be generally as stated in the form of the Notice that appears below. The boundaries of the Proposed District shall be as set forth in the form of the Notice.

Section 3. The assessments to be levied for the Improvements shall be due and payable within 30 days after the final adoption of an assessing resolution (the "Assessing Resolution") by the Board assessing the cost of the Improvements against the property in the Proposed District. However, all such assessments may be paid, at the election of the owner, in ten annual installments of principal, interest and County Treasurer's collection fee. The first of said installments shall be due and payable not more than two years from the date of the Assessing Resolution, as determined in and by the Assessing Resolution. The entire cost shall therefore be payable within ten years of the first installment date. The times of payment of installments and interest thereon shall be the same as the times of payment for installments of property taxes. The rate of interest on unpaid and deferred installments shall be finally determined by the Board and set forth in the final Assessing Resolution.

Section 4. The property to be assessed for the cost of the Improvements shall be the property specially benefited thereby as more particularly described in the form of the Notice. The Board hereby determines that the method of assessing and allocating the probable costs of the Improvements as described in the Notice reflects the benefits, which accrue to each lot, parcel or tract of land, on an equitable basis.

Section 5. A public hearing concerning the creation of the Proposed District and the construction of the Improvements therein shall be held on Tuesday, Date, at 2:30 p.m. at the County Philip S. Miller Building, 100 Third Street, Castle Rock, Colorado.

Section 6. Notice of the intention of the Board to create a local improvement district pursuant to the state statues and to construct the Improvements therein and of a public hearing thereon shall be given by the County Clerk by publication once in the *Douglas County News Press*, a newspaper of general circulation in the County, at least 30 days prior to the date of the hearing, as required by law. In addition, the Notice, being a brief written synopsis of the Improvements, shall be mailed by first-class mail to each property owner to be assessed for the cost of the Improvements who is included within the Proposed District. The mailed Notice shall

be made on or about the date of publication of the notice of the hearing. The Notice shall be in substantially the following form:

Notice to Property Owners

Date

Name

Address 1

Address 2

RE: **Name of** Local Improvement District (LID)**Douglas County Project No. CI XX-XXX**

Dear Lot Owner(s):

Enclosed is a Notice of a Public Hearing to create a Local Improvement District (LID) to install water and sewer lines and make roadway and drainage improvements, including hot bituminous pavement within the limits of the **Name of** Local Improvement District in the **Name of** Subdivision. Property owners are urged to read the Notice in its entirety. The Notice will also be published in the Douglas County News-Press on **Thursday, Date**. The Notice contains important information containing the parcels to be included in the District and the estimated cost per parcel.

The Public Hearing to create the LID and set the ballot question for the **Name of** Local Improvement District is scheduled for **Tuesday, Date at 2:30 p.m.** at the Douglas County Philip S. Miller Building. Any complaints or objections may be filed in writing with the County Clerk and Recorder prior to the Public Hearing. The County Commissioners at the public hearing will hear all complaints and objections before a Resolution to create the District is adopted.

Any questions concerning the District may be referred to the Douglas County Engineering Division at 303-660-7490.

Sincerely,

Project Engineer

Douglas County Engineering

Enclosures: Notice of Creation of **Name of** Local Improvement District
Parcel Information Sheet

Creation of LID & TABOR Election Question Resolutions

MEETING DATE: Date**STAFF PERSON
RESPONSIBLE:** Engineer**DESCRIPTION:** Resolutions concerning the Creation and Organization, and Election Question for the Douglas County Local Improvement District (LID) No. XX-XX, (LID Name LID), Douglas County Project No. CI XXXX-XXX

SUMMARY: Property owners within the proposed LID Name (LID) have submitted petitions requesting that the Board of County Commissioner (BOCC) of the County of Douglas create a local improvement district to construct water, sanitary sewer, roadway, drainage, natural gas and electric main improvements within Sageport, Filing #2 subdivision. A Preliminary Order Resolution (RXXXX-XXX) was approved by the BOCC on Preliminary Order Resolution Date that set the date for a public hearing to hear concerns or objections to the proposed LID. Notice of the Public Hearing was given to all property owners within the proposed LID through publication in the News Press and by certified mail. The Notice requested that the property owners attend the Public Hearing or submit comments via letter.

The Creation Resolution authorizes and orders the acquisition, construction and installation of the improvements, authorizes notice to contractors, provides for notice to the property owners of completion of the improvements and determines the method of apportioning assessments to defray the costs of the improvements.

The Election Question Resolution calls for an election on contracting with a private lending institution for financing certain improvements within the LID Name. The election will be held on Election Date. Only property owners that are registered Colorado voters will be sent ballots for the LID question.

www.douglas.co.us

**RECOMMENDED
ACTION:**

Approval of the attached Creation Resolution and Election Question Resolution concerning Local Improvement District No. XX-XX, (LID Name), Douglas County, Colorado.

ATTACHMENT(S): Resolutions

Review:

Janet Herman, P.E.

Legal Department

Finance Department

County Administration

Board of County Commissioners

RESOLUTION NO. R-XXX-__

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION CONCERNING THE CREATION AND ORGANIZATION OF DOUGLAS COUNTY LOCAL IMPROVEMENT DISTRICT NO. XX-XX (LID Name); AUTHORIZING AND ORDERING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS THEREIN; AUTHORIZING NOTICE TO CONTRACTORS; PROVIDING FOR NOTICE TO PROPERTY OWNERS OF COMPLETION OF THE IMPROVEMENTS AND DETERMINING THE METHOD OF APPORTIONING ASSESSMENTS TO DEFRAY COSTS THEREOF

WHEREAS, the Board of County Commissioners (the “Board”) of Douglas County, Colorado (the “County”), has heretofore by Resolution No. R – Preliminary Order Resolution Number resolved and passed at the Board’s regular meeting held on Date of Preliminary Order Meeting, a preliminary order (the “Preliminary Order”) adopting preliminary cost estimates with respect to the proposed Douglas County Local Improvement District No. XX-XX (LID Name) (the “District”) for the purpose of acquiring, constructing and installing certain water main and lot water improvements, sanitary sewer main and lot sewer improvements, roadway and drainage improvements and natural gas main and electric main improvements described therein (collectively, the “Improvements”), and to assess the cost thereof against the properties specially benefited thereby; and

WHEREAS, notice containing the information required by Section 30-20-601, *et seq.*, Colorado Revised Statutes (“C.R.S.”), as amended (the “Act”), pertaining to the District has been duly mailed by certified mail to each property owner within the District on Date and timely published in the News Press on Date, and

WHEREAS, the Board has held a public hearing relating to the creation of the District affording all interested persons an opportunity to have complaints and objections heard and determined before final action thereon; and

WHEREAS, all other conditions precedent to the creation of the District and the authorization of the Improvements therein have been fully performed and satisfied.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO:

1. The Board hereby finds that notice containing the information required by Section 30-20-603 of the Act has been duly and timely mailed and published in a newspaper of general circulation in the County.

2. Having held a public hearing and heard and considered all complaints and objections made in accordance with the Act, the Board has determined, and does hereby determine, that the Improvements should be constructed, as they are in the best interest of the inhabitants and owners of the property located within the boundaries of the proposed district; the benefits to the properties within the district outweigh the costs; the district will have the ability to provide them to all of the properties within the district in an economical and sufficient manner; and are necessary for the preservation of the public health, safety and welfare.

3. There is hereby created and established within the limits of the County, a local improvement district to be known and designated as “Douglas County Local Improvement District No. XX-XX (LID Name)”. The real property to be included within the District shall be each and every buildable lot or parcel listed below:

Lots XX – XX, Block XX, Subdivision, Filing X

The improvements to be made, as authorized pursuant to the Act, include the construction of water main and lot water improvements, sanitary sewer main and lot sewer improvements, roadway and drainage improvements and natural gas main and electric main improvements on the following roadway (collectively, the “Improvements”):

- Road to be improved from the intersection with Road to the Direction (N, E, S, W) end Lot XX, Block X

Each and every buildable lot or parcel listed below will receive one full assessment for the Improvements within the District:

Lots XX – XX, Block XX, Subdivision, Filing X

4. The map of the District prepared and filed with the County Public Works – Engineering Department, Engineering Services Division, and previously approved by the Board is hereby approved for the District.

5. The estimates of cost and the schedule of approximate assessments prepared for the District and filed with the County Public Works – Engineering Department, Engineering Services Division, are hereby approved for the District. The District shall be assessed as provided for in the preliminary order, unless otherwise provided by the Board.

6. The construction of the Improvements in and for the District is hereby authorized and ordered and shall proceed under the direction of the Board in accordance with the preliminary plans, specifications, maps and estimates of cost for the District prepared and filed with and approved by the Board.

7. The Board, or its authorized designee, will bid, contract and construct the required water main and lot water service improvements, the sanitary sewer main and lot sewer service improvements, roadway and drainage improvements, and enter into contracts with Gas Provider

for the construction of the natural gas main improvements and **Electric Provider** for the construction of the electric main improvements, and such contracts shall be let and in all other respects comply with the applicable requirements of the Act.

8. The Board hereby finds that the Improvements have been duly ordered after notice duly given and hearing duly held and that such proposal was properly initiated.

9. The Board has determined, and does hereby determine, that the Improvements will confer general benefits upon the County and substantial special benefits upon each buildable lot or parcel of land within the District. The Board has determined, and does hereby determine, that assessments shall hereafter be levied against each buildable lot and parcel specially benefited by the Improvements shown on the schedule of approximate assessments prepared and filed with the County Public Works – Engineering Department, Engineering Services Division, and approved by the County for the District. It is hereby found and determined that the apportionment of the costs of the Improvements are fair and equitable and reflect a reasonable apportionment consistent with and in approximation to the substantial special benefits to be conferred.

10. Upon completion of the Improvements, or upon completion from time to time of any part thereof, and upon acceptance thereof by the Board, or whenever the total cost of the Improvements, or of any part thereof, can be reasonably ascertained, either prior to, during, or subsequent to the construction of the Improvements, the Board will cause to be prepared a statement showing the whole cost of the Improvements, including costs of inspection and collection, and all other incidental costs, the portion thereof to be paid by the County and the portion thereof to be assessed upon each buildable lot or parcel within the District, which statement shall be filed in the office of the County Clerk and Recorder.

11. Upon receipt of said statement, the County Clerk and Recorder shall duly and timely notify all known owners of the property to be assessed by publication once in a newspaper of general circulation in the County, that the Improvements have been, or are about to be, completed and accepted, therein specifying (a) the whole cost of the Improvements, (b) the portion, if any, to be paid by the County, (c) the share apportioned to each buildable lot or parcel within the District, (d) that any complaints or objections which may be made in writing by the property owners to the Board, and filed in the office of the County Clerk and Recorder within 30 days from the publication of such notice, will be heard and determined by the Board before the passage of any resolution assessing the cost of the Improvements, and (e) the date when and place where such complaints or objections will be heard.

12. At the time specified in said notice, the Board shall hear and determine all such complaints and objections and may thereupon make such modifications and changes as may seem equitable and just or may confirm the first apportionment. The Board shall thereupon by resolution assess the cost of the Improvements against each buildable lot and parcel specially benefited by the Improvements.

14. All action heretofore taken by the Board or other County officials not inconsistent herewith directed toward the creation of the District and the construction of the Improvements is hereby ratified, approved and confirmed.

15. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed so as to revive any act, order, resolution, or ordinance, or part thereof, heretofore repealed.

16. Should any one or more sections or provisions of this 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.

ADOPTED AND APPROVED this Day day of Month Year.

Board of County Commissioners

(SEAL)

ATTEST:

Clerk to the Board

RESOLUTION NO. R-XXX - ____

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION CALLING FOR AN ELECTION ON THE ISSUANCE
OF SPECIAL ASSESSMENT BONDS FOR THE PURPOSE OF
FINANCING CERTAIN ROADWAY AND WATER AND SANITARY
SEWER LINE IMPROVEMENTS WITHIN DOUGLAS COUNTY LOCAL
IMPROVEMENT DISTRICT NO. XX-XX (NAME OF LID).**

WHEREAS, the Board of County Commissioners (the "Board") of Douglas County, Colorado (the "County"), has heretofore by Resolution No. R-Preliminary Order Resolution Number resolved and passed at the Board's regular meeting held on Date of Preliminary Order Meeting, a preliminary order (the "Preliminary Order") adopting preliminary plans and specifications with respect to a proposed Douglas County Local Improvement District No. XX-XX (Name of LID), Douglas County, Colorado, for the purpose of acquiring, constructing and installing certain improvements described therein (the "Improvements"), and to assess the cost thereof against the properties specially benefited thereby, all pursuant to petitions received by the County for creation of such local improvement district; and

WHEREAS, the County has heretofore by Resolution No. R-XXX- resolved and passed at the Board's Public Hearing held on Date of this Agenda Item, a resolution creating and establishing within the limits of the County the local improvement district to be known and designated as Douglas County Local Improvement District No. XX-XX (LID Name), Douglas County, Colorado (the "District"); and

WHEREAS, the Board intends to submit the question of use of legally available moneys of the County, private placement construction loan or by issuance of special assessment bonds by the County to the Electors of the District, as "Electors of the District" is defined in Section 30-20-602(2.7)(a), Colorado Revised Statutes ("C.R.S."), at the coordinated election to be conducted on General Election Date (the "Financing Election"), for the purpose of financing certain costs associated with the construction of the Improvements, and costs of issuance of the Bonds or County acquired financing; and

WHEREAS, Article X, Section 20 of the Colorado Constitution requires voter approval of any multiple fiscal year obligation of a local government, unless adequate funds for the payment thereof are irrevocably pledged for the purpose of paying such obligation; and

WHEREAS, voter approval for the contracting of debt by the County is also required by Section 30-20-618, C.R.S.; and

WHEREAS, Section 30-20-619, C.R.S., permits the Board to provide by resolution for the submission of the question of issuing the Bonds to only the Electors of the District eligible to vote on the question; and

WHEREAS, the County has been presented with the form of ballot question by which the Bonds would be authorized, and is responsible for certifying such ballot questions to the election official in the County; and

WHEREAS, the petitioners have requested the County to adopt a resolution authorizing an election to be held with respect to the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO:

1. *Submission of Election Question.* The Board hereby authorizes the submission of the question of issuing the Bonds to the registered electors who are owners of property within, or residents of, the District, at the Bond Election to be conducted on **General Election Date**, by the Douglas County Clerk and Recorder.

2. *Certification of Election Question.* In accordance with Section 1-5-203(3), C.R.S., the Board hereby directs that the following ballot issue be certified herewith to the Douglas County Clerk and Recorder for inclusion in the ballot for said **update to applicable: Bond OR Financing** Election:

SHALL DOUGLAS COUNTY, COLORADO, DEBT BE INCREASED \$COUNTY RESPONSIBILITY WITH A REPAYMENT COST OF \$REPAYMENT AMOUNT AND A MAXIMUM NET EFFECTIVE INTEREST RATE OF INTEREST RATE% BY CONTRACTING WITH A PRIVATE LENDING INSTITUTION FOR THE PURPOSE OF FINANCING CERTAIN ROADWAY, NATURAL GAS, ELECTIC, AND WATER AND SANITARY SEWER MAIN IMPROVEMENTS WITHIN DOUGLAS COUNTY LOCAL IMPROVEMENT DISTRICT NO. XX-XX (LID NAME), AND TO BE PAYABLE SOLELY FROM SPECIAL ASSESSMENTS TO BE LEVIED AGAINST PROPERTY WITHIN SUCH DISTRICT RECEIVING THE SPECIAL BENEFIT OF SUCH IMPROVEMENTS?

3. *Further Proceedings.* Nothing herein shall be construed as requiring the County to issue the **update to applicable: Bond OR Financing**, and the Board expressly reserves the right to rescind the authorization contained herein in regard to calling the **update to applicable: Bond OR Financing** Election if the Board determines that it is in the best interest of the County and/or the residents of the District to cancel the Bond Election.

4. *Designated Election Official.* The name of the designated election official who will be responsible for conducting the **update to applicable: Bond OR Financing** Election

pursuant to the Uniform Election Code of 1992, as amended (“the Code”), is Sheri Davis, Douglas County Clerk and Recorder.

5. *Conduct of Bond Election.* The Bond Election shall be held, conducted, and the results thereof shall be determined, so far as practicable, in conformity with the provisions of the Code.

ADOPTED AND APPROVED this XX day of Month, Year.

Chair
Board of County Commissioners

(SEAL)

ATTEST:

Clerk to the Board

Assessment Resolution

MEETING DATE: Date**STAFF PERSON
RESPONSIBLE:** Engineer**DESCRIPTION:** Resolution Assessing a Share of the Estimated Whole Cost of Certain Improvements made in the Douglas County, Colorado, Local Improvement District No. XX-XX (LID Name) to Each Lot or Tract of Land in the District; and Prescribing the Manner for the Collection and Payment of the Assessments, Douglas County Project No. CI XXXX-XXX**SUMMARY:** Notice of Apportionment and Public Hearing (Assessment Notice) was mailed to all property owners within the District by certified mail, on the Date notice was mailed, informing them of the Public Hearing regarding the estimated whole cost of improvements being constructed with the District. The Notice was also published in the Douglas County News Press on 1st Publication Date and 2nd Publication Date. Owners within the District have the opportunity at this hearing to present objections to the proposed assessment and provide comments regarding other aspects of the project for the Board's consideration.

Based on the actual whole cost of the improvements accepted by the Board, the assessment is \$Individual Assessment for each lot (\$Individual Assessment prepayment assessment, includes 1.0% Treasurers Collection Fee). The District's property owners have two options for paying the assessments: 1) in full within thirty (30) days of the assessing resolution (prepayment); or 2) installment payments over a period of ten (10) years at an interest rate of interest rate%. Installment payments will also include a 1.0% Treasurer's collection fee.

**RECOMMENDED
ACTION:** Approval of the Resolution assessing the whole cost of certain improvements made in the Douglas County, Colorado, Local Improvement District No. XX-XX (LID Name) to each lot or tract of land in the District; and prescribing the manner for the collection and payment of the assessments.**ATTACHMENT(S):** Resolution

Review:

Janet R. Herman

Legal Department

Finance Department

County Administration

Board of County Commissioners

RESOLUTION NO. R-022-__

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION ASSESSING A SHARE OF THE WHOLE COST OF CERTAIN IMPROVEMENTS MADE IN THE DOUGLAS COUNTY, COLORADO, LOCAL IMPROVEMENT DISTRICT NO. **XX-XX (LID NAME)** TO EACH LOT OR TRACT OF LAND IN THE DISTRICT; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS.

WHEREAS, by Resolution No. **XX**, adopted and approved on **Date of Approval**, the Board of County Commissioners (the “Board”) of Douglas County, Colorado (the “County”) created Douglas County, Colorado, Local Improvement District No. **XX-XX (LID Name)** (the “District”), for the purpose of acquiring, constructing and installing certain improvements as described therein (the “Improvements”); and

WHEREAS, by Resolution No. **Est. Whole Cost Resolution Number**, adopted and approved on **Date of Approval**, the Board accepted the Improvements, together with the statement showing the estimated whole costs of the Improvements (the “Statement”), and the Statement has been duly filed in the office of the County Clerk and Recorder (the “Clerk”); and

WHEREAS, the Clerk caused notice (the “Notice”) to be given in a timely manner by certified mail to each property owner in the District to be assessed for the cost of the Improvements, and by publication in a newspaper of general circulation in the County, of the estimated whole cost of the Improvements, the portion to be paid by the County, the share apportioned to each lot or tract of land within the District, and that the Board would meet to hear and consider complaints and objections to the apportionment, set forth in the Notice published on Thursday, the **X** day of **XX** and the **X** day of **Month, Year**, and that any complaints and objections could be made to the Board (by filing in writing at the office of the Clerk within 20 days of such publication) by the owners of property named in said Notice; and

WHEREAS, complaints and objections of property owners within the District were presented to and heard by the Board at the **this resolution date**, public hearing, whereupon the public hearing was concluded; and

WHEREAS, the Statement sets forth that the estimated whole cost of the Improvements constructed within the District is **Written Amount of Est. Whole Cost (\$XXX)**, which includes certain construction costs, legal fees, engineering costs and bond issuance costs; and

WHEREAS, the portion of the whole cost of the Improvements to be assessed within the District is **Written Amount of Combined Total Assessed Amount (\$XXX)** and the portion of the estimated total cost of the Improvements related to the District to be borne by the County and the Name of District is **Written Amount of Combined County and District Responsibility, (\$XXX)**, including a portion of the costs of engineering, inspection, testing, and right-of-way relating to the Improvements; and

WHEREAS, the Board has determined to apportion the cost of the Improvements to each lot or tract of land in the District, in accordance with the special benefits to be derived by each such lot or tract of land and to assess the cost of the Improvements against those lots or tracts of land in the amount as is more particularly set forth in the Notice.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO:

Section 1. The Board hereby finds that the Notice of the apportionment, the Statement and a public hearing thereon have been duly and properly given and a public hearing for complaints and objections to the Statement has been held as hereinbefore recited.

Section 2. The Board hereby finds and determines that the estimated whole cost of the Improvements, constructed within the District is **Written Amount of Est. Whole Cost (\$XXX)**, which includes certain construction costs, legal fees, inspection costs and collection costs.

The portion of the whole cost of the Improvements to be assessed within the District is **Written Amount of Combined Total Assessed Amount (\$XXX)** and the portion of the estimated total cost of the Improvements related to the District to be borne by the County, and the Name of District, is **Written Amount of Combined County and District Responsibility, (\$XXX)**. The cost to be borne by the County include certain costs for design, engineering, construction management, construction, County administration, general legal expenses, inspection, testing and incidentals relating to the Improvements.

Section 3. The Board hereby finds and determines that the Improvements have conferred general benefits upon the County and also substantial special benefits upon the affected lots or tracts of land within the District. Assessments are to be levied because substantial special benefits have resulted from the Improvements to all of the affected lots or tracts of land within the boundaries of the District, which special benefits are separate and distinct from the general benefits to the County, which will also result therefrom. A number of factors were considered in determining the special benefits conferred upon the lots or tracts of land in the District including, without limitation, increases in the market value of the lots or tracts of land.

Section 4. The apportionment of the estimated whole cost of the Improvements to each lot or tract of land in the District, as set forth in the Statement is hereby approved and confirmed, and said apportionment is declared to be in accordance with the special benefits which each lot

or tract of land in the District has received or will receive by reason of the construction of the Improvements.

The lots within the District to be assessed for a portion of the costs of the Improvements consist of the following lots and parcels within the **subdivision**, as follows:

- Lots **XX-XX**, Block **XX**, Subdivision, Filing **X**

Each lot or tract of land within the District is hereby assessed in the amount of **Written Amount of Individual Assessed Amount (\$XXXX)** for a portion of the cost of the Improvements, all as further set forth in Exhibit A attached hereto and incorporated herein. Assessment amounts include, among other items, Bond issuance expenses.

Section 5. The assessments set forth above shall be due and payable at the office of the County Treasurer without demand, within 30 days after the effective date of this Resolution. Payment within 30 days shall include the total assessed amount with the addition of a mandatory Treasurer's collection fee of 1% totaling **Written Amount of Individual Assessed Amount (\$XXXX)**. All such assessments may also be paid, at the election of the property owner, in installments, with interest in addition to the 1% mandatory Treasurer's collection fee as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in said installments.

Payment of the assessment within such 30-day period or an election to pay the assessment in installments shall be conclusively held and considered as a waiver of any right to question the power or jurisdiction of the County to have the Improvements constructed, the quality of the work done in respect of the District, the regularity or sufficiency of the proceedings with respect to the creation of the District and the approval of the costs of the Improvements and the amount of assessments, the validity or the correctness of the assessments, or the validity of the lien thereof.

Section 6. All installment payments of the assessments shall be payable at the office of the County Treasurer of Douglas County, Colorado, in ten equal annual installments of principal beginning with tax collection year **20XX** and continuing each year thereafter to and including tax collection year **20XX**, the times of payment of such installments being the same as the times of payment for installments of property taxes as specified in Colorado Revised Statutes, Section 39-10-104.5 (2), together with a mandatory Treasurer's collection fee of 1% of the total assessment amount of totaling **Written Amount of Individual Assessed Amount (\$XXXX)**, and interest on the average unpaid principal amount for each assessment year (the first assessment year beginning with the date of this resolution) thereof at the rate of **XX%** per annum, payable on each principal installment date until paid in full. In addition, the owner of any lot or parcel of land assessed hereby and not in default as to any installment of principal and interest may, at any time, pay the whole of the unpaid principal with accrued interest to the date of the next bond

redemption date. Once any owner has elected to pay assessments in installments, such assessments may only be paid or prepaid as described in this section.

Section 7. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal and accrued but unpaid interest to become due and immediately collectible. The whole amount of the unpaid principal and accrued but unpaid interest shall thereafter draw interest as hereinabove provided plus penalty interest at the rate of one percent (1%) per month, or fraction of a month, until the date of tax sale, as provided by law. At any time prior to the date of the tax sale, the owner may pay the amount of all unpaid principal and accrued but unpaid interest with penalty interest at one percent (1%) per month, or fraction of a month, and all costs of collection accrued and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered.

Section 8. All assessments levied against each tract or parcel of land in the District, together with all interest thereon and penalties for default in payment thereof, if any, and all costs in collecting the same shall constitute, from the date of this Resolution, a perpetual lien in the several amounts assessed against each lot or tract of land. Each such lien shall have priority over all other liens excepting general tax liens. The Clerk shall file with her office copies of this Resolution after its final adoption by the Board for recording on the land records of each lot or tract of land assessed within the County as provided by law. In addition, the Clerk shall file copies of this Resolution after its final adoption by the Board with the County Assessor and the County Treasurer. The County Assessor is hereby authorized to create separate schedules for each lot or tract of land assessed within the County pursuant to this Resolution.

Section 9. If any tract or parcel of land in the District is hereafter divided or subdivided into two or more tracts or parcels, the County Manager is hereby authorized and directed to divide the assessment against such tract or parcel in the same proportion that the tract or parcel itself is subdivided into two or more tracts or parcels, and to certify the revised assessments to the County Assessor and the County Treasurer of Douglas County, Colorado.

Section 10. If any one or more sections or parts of this Resolution shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the intention that the various provisions hereof are severable.

Section 11. All acts, order, resolutions, ordinances, or parts thereof, of the County, in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed so as to revive any act, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 12. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this XX day of XXXX 202XX.

Board of County Commissioners Chair

ATTEST:

Deputy Clerk to the Board