

RESOLUTION NO. 2019 – 2

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH DURANGO SANITATION DISTRICT CONSENTING TO OVERLAPPING SERVICES BY THE ELEVATION PARK METROPOLITAN DISTRICT

WHEREAS, the South Durango Sanitation District (the "Sanitation District") is a special district duly organized pursuant to Article 1 of Title 32, C.R.S., that provides sanitary sewer services within its service area in La Plata County, Colorado pursuant to its approved Service Plan; and

WHEREAS, Section 32-1-1001(h), C.R.S., empowers the Board of Directors of the Sanitation District (the "Sanitation District") to manage, control and supervise the business and affairs of the Sanitation District; and

WHEREAS, Section 32-1-107(2), C.R.S., prohibits the organization of a special district within the boundaries of a special providing the same service; and

WHEREAS, the proposed Elevation Park Metropolitan District ("Metro District") is located within the service area of the Sanitation District; and

WHEREAS, the Metro District is being organized primarily for the purpose of financing public infrastructure; and

WHEREAS, the Service Plan for the Metro District expressly grants the Metro District authorization to provide sanitation services; and

WHEREAS, the Service Plan for the Metro District requires the Metro District to dedicate sanitary sewer infrastructure servicing the property within its boundaries to the Sanitation District for ownership, operation and maintenance pursuant to the Sanitation District's Rules and Regulations; and

WHEREAS, the Sanitation District is willing to consent to the provision of overlapping sanitation services by the Metro District solely for the purpose of financing the design, construction and installation of public sanitation infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SOUTH DURANGO SANITATION DISTRICT:

1. Authorization for Overlapping Sanitation Service. The Sanitation District has reviewed the Service Plan for the Metro District and hereby consents to the grant of overlapping sanitation services by the Metro District solely for the purpose of financing the design, construction and installation of public sanitation infrastructure to be dedicated to the Sanitation District for ownership, operation and maintenance by the Sanitation District pursuant to the Sanitation District's Rules and Regulations.

Service Plan Approval. The Sanitation District has reviewed the provisions of the Metro District's Service Plan and has no comments or objections to the Service Plan, as presented and provided any final resolution of approval of the Service Plan by the Board of County Commissioners of La Plata County, Colorado shall include specific language requiring the dedication to the Sanitation District for ownership, operation and maintenance as set forth herein.

ADOPTED AND APPROVED THIS 15th DAY OF APRIL 2019.

SOUTH DURANGO SANITATION DISTRICT

By: Judith S. Campbell
via President

ATTEST:

By: Jessie Morrison
Secretary