



Legislation Text

File #: 23-598, **Version:** 1

A resolution adopting final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Black Forest Fire Rescue Protection District

Presenter:

Frederick Stein, Public Safety Attorney

Summary:

The resolution authorizes the Mayor to execute the Agreement and Joint Plan between the City and the Black Forest Fire Rescue Protection District (District) to implement a planned court Petition by the City for exclusion of District property (“property”) which has been annexed into the City. The exclusion of the property will be effective on January 1, 2024.

Background:

The City authorized the annexation of property from within the boundaries of the portions of the District. The owners of the property are subject to annexation agreements that contain provisions related to fire protection, which state:

The Owners acknowledge that the Property is located within the boundaries of the Black Forest Fire Rescue Protection District (the “Fire District”) and is subject to the property taxes payable to the Fire District for its services. The Owners further acknowledge that, after annexation of the Property to the City, the Property will continue to remain within the boundaries of the Fire District until such time as the Property is excluded from the boundaries of the Fire District. After annexation of the Property to the City, fire protection services will be provided by the City through its Fire Department and by the Fire District unless and until the Property is excluded from the Fire District. After annexation, the Property will be assessed property taxes payable to both the City and the Fire District until such time as the Property is excluded from the boundaries of the Fire District.

The Owners understand and acknowledge that the Property may be excluded from the boundaries of the Fire District under the provisions applicable to special districts, Article 1 of Title 32 C.R.S., and as otherwise provided by law. Upon request by the City, the person who owns the Property at the time of the City’s request agrees to apply to the Fire District for exclusion of the Property from the Fire District.

The City and the District have agreed to enter into an Agreement and Joint Plan as required under Colorado Revised Statute § 32-1-502(1) in order to facilitate an orderly transition of the fire protection and emergency first response services which are currently provided by both the City and District. The City and the District negotiated the attached Agreement and Joint Plan which complies with Colorado law on property exclusions from special districts. This exclusion from the District includes 952 properties which are located East and South of Vollmer Rd.

Once Council authorizes the Mayor to execute the Agreement and Joint Plan, the City will file court petition in District Court to request court approval of the property exclusion as required by Colorado law. After the District Court grants the City's petition, the property will not be subject to any further property tax levied by the District. The City will be solely responsible for the fire protection and emergency first response services. Both the District and the City have existing mutual aid agreements in place and nothing in the Agreement and Joint Plan will impair or negate the validity or effectiveness of these current mutual aid agreements.

Previous Council Action:

Council has previously approved resolutions that authorized the Mayor to execute an Agreement and Joint Plan between the City and the District to implement a City filed court petition to exclude District property that had been annexed into the City in 2020 (Resolution No. 95-20) and in 2021 (Resolution No. 129-21).

Financial Implications:

There will be some de minus costs for court filing fees, publication fees, and document recording costs that the City will incur as part of the court petition process. There are no additional fire protection financial costs for the City as the City already provides fire protection and emergency first response services to the property.

City Council Appointed Board/Commission/Committee Recommendation:

N/A

Stakeholder Process:

The City has negotiated the attached Agreement and Joint plan with the District. Both the City and the District have received numerous comments in the past from residents supportive of the exclusion of the property which receives fire services from both the City and District.

Alternatives:

N/A

Proposed Motion:

Approve resolution authorizing execution of the Agreement and Joint Plan for the exclusion of property from the District.

N/A