



## Legislation Text

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**File #:** 21-481, **Version:** 1

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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, 2022.

**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 District contacted the City and requested the City 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 District and City negotiated the attached Agreement and Joint Plan which complies with Colorado law on property exclusions from special districts. The District and the City have agreed to a two-phase approach to exclude the City annexed properties that currently exist in the District. The first phase, which is included in this Agreement and Joint Plan, includes City

annexed properties in the District that are east of Black Forest Rd. This exclusion will exclude 241 properties. The second exclusion will be accomplished with a second Agreement and Joint Plan in 2022 will then exclude all City annexed properties in the District that are west of Black Forest Rd. The second exclusion will exclude 435 properties.

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Once the exclusion Petition is granted by the court, the property will not be subject to any 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:**

N/A

**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 from residents concerning 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