

SECTION 9: PETITIONS FOR EXCLUSION FROM DISTRICT

The process for excluding parcels of property from the District is established by Colorado Statute (C.R.S. Sec. 32-1-501).

The following provisions are adopted for implementation of said statute:

General provisions:

1. An application can be made by submittal to the District Board at any meeting of the Board, or by submittal to legal counsel for the District: Klauzer & Tremaine, LLC, 320 Lincoln Avenue, 2nd floor (Wells Fargo Bank building), P. O. Box 774525, Steamboat Springs, CO 80477.
 2. The application must be complete and in proper form. [A copy of the recommended form is attached hereto as **Exhibit A**.]
 3. A deposit in the amount of \$200.00 per property owner (where properties are similar and proximate¹) must be paid and the applicant must agree to pay all of the costs of the exclusion proceedings. The District will track the actual costs incurred -- for administrative staff, for legal, for advertising, and for filing of a court order (if appropriate). If the applicant has over-paid, the amount of overpayment will be refunded. If the applicant has not paid enough to cover such costs, then the applicant will be required to do so before final action is taken on the application by the District. [See **Exhibit C**; Required.]
- 3A. Applications filed on/after August 1, 2016, may be consolidated by the District for consideration of at least 6 applications, shall pay costs (set fee) of \$950, per owner (where properties are similar and proximate). If the owner/applicant wishes to proceed singly the costs (set fee) are \$1900 (2x).

Procedure to be followed:

- A. Upon receipt of a complete application and deposit, counsel will notify the Board and the Board will set a date for the required public hearing and will notify the applicant.
- B. Approximately 45 days prior to the date set for the public hearing, the Board will cause notice of the application to be published in the local newspaper, as provided by statute.
- C. Upon commencement of the public hearing on a specific application, the matter will be announced by the Board and the application described for the record. The Board will then permit the applicant or the applicant's representative to make a presentation in support of the application (Recommended time limit: 5 minutes), and to present any documentary evidence (Recommended that each document be labeled with "Exhibit ____").

¹Properties are considered "similar and proximate" if they are in the same filing and adjacent.

D. The Board will accept any written objections, hear any other public testimony, and receive any other exhibits, either in support or in opposition to the application (Recommended time limit: 3 minutes for each).

E. Upon conclusion of the hearing and completion of the “record” to be considered, the Board shall evaluate the application against the statutorily-required criteria. The Board may, in its discretion, take any of the following steps:

- Upon proper motion, the Board may leave public session and enter into an executive session to obtain advice of counsel on any legal issues related to the application or to the testimony or information that was received;
- Refer the “record” to the District’s counsel or its administrative staff for the drafting of proposed findings for consideration and decision by the Board;
- Consider and discuss the criteria and make its preliminary findings and conclusions as part of the “record” of the proceedings at the time of the public hearing; then direct that an “order” be prepared for approval at the next regular Board meeting.

[If the Board defers making findings and a decision on the application, the Board’s policy is to make its decision at the next regular monthly meeting of the Board.]

F. As noted above, at such time as the Board approves the application, the Board shall direct counsel to prepare an Order for entry by the Board reflecting such. Then, upon receipt of any costs that are due to the District, counsel shall be further directed to file the Board’s Order with the Routt County District Court for entry of an Order by the Court. When such Order is entered, a copy shall be provided to the applicant, to the Routt County Clerk and Recorder’s Office, and to the Routt County Assessor.

Appeal to Board of County Commissioners.

When the Board makes its decision on the application, the applicant or an aggrieved party may appeal the Board’s decision to the Board of County Commissioners. Upon request by the applicant or aggrieved party, the Board will cause the “record” of the proceedings before the District Board to be prepared and the “record” will be then “certified” by a notarized statement from an officer or agent of the District and forwarded to the County. The Board’s policy is to have such record prepared and certified within 60 days, provided that all “costs” have been paid to the District by the applicant, or as appropriate, by the aggrieved party filing the appeal. (By statute, the appeal must be taken within 30 days after the decision.)

The District will retain the “record” on an application for at least 90 days after the District enters its order. Thereafter the “record” may be destroyed or deleted, unless the District has actual notice of ongoing proceedings.

Note: The record to be provided may include a “recording” which may be audio-only, or which may be audio-video of the public hearing. If the applicant wishes to have a written transcript

prepared, the District will work with the applicant to have that accomplished, at the applicant's cost.

Appeal to District Court.

Any decision of the Board of County Commissioners may be appealed to the Routt County District Court, within 30 days of that Board's decision.