

Board of Directors of GJWW&SD

Re: Dissolution of the District

Several weeks ago I met with Dan Wilson, City Attorney, to discuss the potential annexation of the District. Since that meeting I have reviewed the statutes on annexation and dissolution of districts and I have put together this memo for the next meeting of the Board of Directors. That meeting is now scheduled for \_\_\_\_\_, at my office.

The City is seeking to annex the GJWW&SD in its entirety. At this time it does not appear that the City has a POA from all property owners and so the matter will probably need to go to an election. I assume there is sufficient support in the District to carry the election and the area will be annexed.

The District is currently assessed:

GJFD:	7.599 mills
GJ Drainage:	3.520
Ute:	2.000
GJW&SD:	50.450
Mesa County:	30.138
Dist. #51:	56.030
Co. River:	<u>.429</u>
Total:	150.166

Upon annexation, the GJFD mill levy would be dropped and the City mill levy of 8.967 would be added for a difference of 1.368 mills. Based on last years assessed valuation, the added tax collected from the entire District would be approximately \$3,180.00.

It is the intent of the City to annex the District and to "dissolve" the District at the same time. The District is dissolved under the statute but remains in tact until the entire bonded indebtedness is paid in full. The statute provides in section 32-1-707 (2) (c) that the present board would be dissolved and would be replaced by the City Council who would continue to serve as the Board. There are provisions in the dissolution plan to provide for methods of paying off the debt and the plan can probably place limitations on the amount of money that can be assessed (from a total of all rates, fees, tolls and charges) annually.

I believe the monthly service fees should be reduced to the amount charged by the City for all City residents. This would also result in a change in the monthly standby fees. The offset in

expenditures may be sufficient to allow this type of reduction in income. (The money collected for standby fees cannot exceed 50% of the amount collected for monthly service charges. The City rate is about \$11.00 per month which means the District would need to reduce its current standby fee to no more than \$5.50 per month per parcel instead of the \$8.00 per month amount now being assessed.)

Since the City will be managing the District, I think it is important to establish a plan that will ensure that the City does not unfairly burden the District in the payment of debt. The savings will come primarily from no further legal payments to me of about \$4000.00 per year. Most of the remaining expenses will remain for the District.

For your information, the following is a summary of the appropriate statutes governing the dissolution of Districts:

32-1-701 Majority of Bd. files petition for dissolution with the District Court.

32-1-702(1) Petition requirements

1. describe property
2. map of district
3. current financial statement
4. plan for disposal of assets
5. plan for payment of debt
6. are services to be continued and how
7. will the present board or a portion of the board stay in office  
-may provide for City to be board.

702(3) Plan must show there are financial obligations and specifically provide that the district will continue in existence to such extent as is necessary to adequately provide for the payment of such financial obligations and bonds.

702(4) Plan must provide that services are to be continued by City and incorporate an agreement with the City for the assumption of the services. The agreement must provide for the operation and maintenance of the system, provisions for service, rates, and charges, and acquisition of the facilities. May include for provision of certification of mill levies.

703 - Upon filing petition with the court, notice shall be given by publication reciting the fact that a petition for dissolution has been filed & reciting the financial provision set for per 702(3) and service provisions of 702(4). The notice shall specify a time & place for a hearing to be held within 50 days for interested parties to attend.

704(4) The court makes an initial determination as to the adequacy of payment of debt, that the petition meets the

requirements of part 7, and that an adequate plan exists for continuance of services. At that time, the court orders an election to be held on the question of dissolution.

705 A Notice of the election is published along with a summary of the plan. The election date must be not less than twenty nor more than forty days after the first date of publication.

707(2) When the district continues in existence, the court may provide that all or certain directors of the board remain in office to perform duties under the plan. Such directors are not subject to re-election and all vacancies on the board are filled by appointment by the court. Subsection (c) provides :

If the special district being dissolved lies entirely within the corporate limits of a municipality and such municipality is providing the same services within the area of the special district being dissolved, the court shall order that the governing body of such municipality shall serve as the board of the special district to perform the duties specified in this section.

DISTRICT COURT, COUNTY OF MESA, STATE OF COLORADO

Case No. 81 CV 71

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PETITION FOR DISSOLUTION OF THE GRAND JUNCTION WEST WATER AND  
SANITATION DISTRICT

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In the Matter of the Petition of the  
BOARD OF DIRECTORS OF THE GRAND JUNCTION WEST WATER AND SANITATION  
DISTRICT

For the dissolution of the  
GRAND JUNCTION WEST WATER AND SANITATION DISTRICT

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COMES NOW the Board of Directors of the Grand Junction  
West Water and Sanitation District, by and through the undersigned  
counsel, and respectfully petitions and alleges as follows:

1. On April 14, 1992, the Board of Directors met at a  
properly noticed meeting and determined that it is in the best  
interests of the Grand Junction West Water and Sanitation District  
(District) that it be dissolved.

2. The District is located generally within an area  
bounded on the south by U.S. Highway 6 & 50, on the west and north  
by Interstate 70, and on the east by the section line which would  
be 23 1/4 Road.

Attached to this Petition is a map depicting the area  
described above.

3. All of the property in the District has been duly  
annexed to the City of Grand Junction, Colorado, pursuant to  
Ordinance No. 2555, adopted on January 8, 1992, effective February  
9, 1992.

4. The Petitioner represents that, pursuant to 32-1-  
702 (3) (b) CRS, a plan and agreement for payment of financial  
obligations of the District has been developed and is attached  
hereto and incorporated by this reference.

The plan (entitled "Agreement") provides that:

(a) the City will guarantee the outstanding bonded  
indebtedness, which guarantee constitutes a subordinate lien;

(b) the present members of the Board of Directors  
shall resign upon entry of an Order from this Court approving this  
plan of dissolution and the City Council of the City of Grand  
Junction shall serve as the Board of Directors for the District  
until such time as the debt of the District is fully paid;

(c) the City Council, sitting as the Board of the District, will certify a mill levy, which together with District revenues will be sufficient to pay bond payments as the same come due and other expenses of the District;

(d) the District will continue for the limited purpose of paying its outstanding financial obligations and outstanding bonds to be paid in accordance with their present payment term; and


(e) all assets of the District shall be turned over to the City and the City will hereafter maintain, own and operate the sanitation system of the District on the same basis as the City operates other City lines within the 201 sanitation system for the benefit of all City users of the system. There has not been a water system owned nor operated by the District.

5. The Petitioner has attached to this petition the current financial statement of the District.

RESPECTFULLY SUBMITTED this 24 day of July, 1992.

GRAND JUNCTION WEST WATER & SANITATION DISTRICT

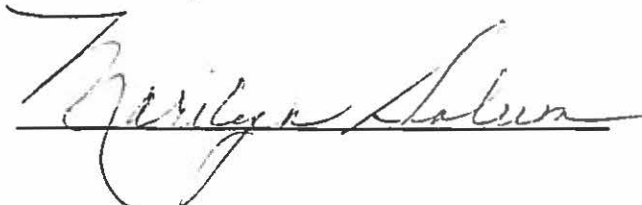
By

  
Larry B. Beckner  
Attorney for the District  
P.O. Box 220  
Grand Junction, Colorado 81502  
Telephone: 245-4300  
Registration No. 8090

CERTIFICATE OF MAILING

I hereby certify that on the 24 day of July, 1992, a true and correct copy of the foregoing Petition for Dissolution of the Grand Junction West Water and Sanitation District was placed in the United States mail, first class postage prepaid, addressed to the following named person:

Dan E. Wilson  
City of Grand Junction  
250 North 5th Street  
Grand Junction, Colorado 81501





DISTRICT COURT, COUNTY OF MESA, STATE OF COLORADO  
Case No. 81 CV 71

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ENTRY OF APPEARANCE  
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In the Matter of the Petition of the  
BOARD OF DIRECTORS OF THE GRAND JUNCTION WEST WATER AND SANITATION  
DISTRICT

For the dissolution of the  
GRAND JUNCTION WEST WATER AND SANITATION DISTRICT  
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COMES NOW, Dan E. Wilson, City Attorney, and hereby enters  
his appearance on behalf of the City of Grand Junction in the  
above captioned action.

Respectfully submitted this 20<sup>th</sup> day July, 1992.

CITY OF GRAND JUNCTION



\_\_\_\_\_  
Dan E. Wilson, #08533  
City Attorney  
City of Grand Junction  
250 North Fifth Street  
Grand Junction, CO 81501  
(303) 244-1505

CERTIFICATE OF MAILING

I, Jean Johnson, hereby certify that I mailed a copy of the attached document via the U.S. Mail, postage prepaid, this 30th day of July, 1992 addressed to: Larry B. Beckner, Robb, Beckner, Achziger & Nugent, P.O. Box 220, Grand Junction, CO 81502.

Jean R. Johnson



RETURN TO  
LARRY B. BECKNER

CERTIFICATE OF MAILING

I hereby certify that on the 5<sup>th</sup> day of August, 1992, a true and correct copy of the foregoing Notice of Dissolution for Grand Junction West Water & Sanitation District was placed in the United States mail, first class postage prepaid, addressed to the following:

City of Grand Junction  
Attn: Dan Wilson, City Attorney  
250 North 5th Street  
Grand Junction, Colorado 81501

Board of Mesa County Commissioners  
750 Main Street  
Grand Junction, Colorado 81501

*The Daily Sentinel*  
*P.O. Box 668*  
*GJ, CO 81502*

*Betty L. Thomson*

RETURN TO  
LARRY B. BECKNER

DISTRICT COURT, COUNTY OF MESA, STATE OF COLORADO

Case No. 81 CV 71

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ORDER OF ELECTION

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In the Matter of the Petition of the  
BOARD OF DIRECTORS OF THE GRAND JUNCTION WEST WATER AND SANITATION  
DISTRICT

For the dissolution of the  
GRAND JUNCTION WEST WATER AND SANITATION DISTRICT

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THIS MATTER came before this Court for hearing upon a Petition of Dissolution filed by the Board of Directors of the Grand Junction West Water & Sanitation District. After proper publication of Notice of Hearing, a hearing was held before this Court on the 20<sup>th</sup> day of Aug, 1992. Present representing the City of Grand Junction was Dan E. Wilson, City Attorney, and present representing the District was Larry B. Beckner. After reviewing the Petition and hearing the presentations of counsel, the Court FINDS:

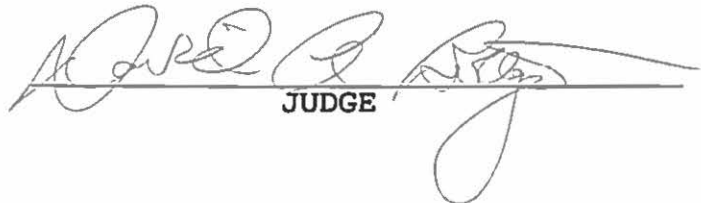
1. The District's financial obligations and outstanding bonds will be adequately provided for in that the District will remain in effect for the limited purpose of timely paying the District debt and the City Council of the City of Grand Junction will assume the duties of the District Board of Directors for that purpose;

2. The Petition for Dissolution meets the requirements of CRS 32-1-701, et seq.

3. An adequate Plan for continuation of services exists.

THEREFORE, IT IS HEREBY ORDERED that an election shall be held within the boundaries of the Special District on the question of the dissolution of the District. IT IS FURTHER ORDERED that notice of such election shall be given by publication with the first of three publications to be published at least twenty (20) days before the date of the election. Said notice shall be given pursuant to CRS 32-1-705. Said election shall be held on October 6, 1992.

DATED this 20<sup>th</sup> day of AUGUST, 1992.

  
JUDGE

STATE OF COLORADO

County of Mesa )  
                          ) ss.

Nancy Ketchum

being duly sworn, says that I am... Legal Secretary..... of  
The Daily Sentinel a daily newspaper, published and duly printed in Grand  
Junction, Colorado in said County and State; that said newspaper has a general  
circulation in said County and has been continuously and uninterruptedly  
published therein, during a period of at least fifty-two consecutive weeks next  
prior to the first publication of the annexed notice; that said newspaper is a  
newspaper within the meaning of the act of the General Assembly of the State  
of Colorado, entitled "An Act to regulate the printing of legal notices and  
advertisements," and amendments thereto; that the notice of which the an-  
nexed is a printed copy taken from said newspaper, was published in said  
newspaper, and in the regular and entire issue of every number thereof, once a  
..... week..... for..... 3..... successive..... weeks.....; that said notice  
was so published in said newspaper proper and not in any supplement thereof,  
and that first publication of said notice as aforesaid, was on  
the..... 15..... day of..... September....., 19..... 92....., and the last, on  
the..... 29..... day of..... September....., 19..... 92.....

Nancy Ketchum

NOTICE OF SPECIAL ELECTION  
TO WHOM IT MAY CONCERN, and particularly to the electors  
of the Grand Junction West Water & Sanitation District of  
Mesa County, Colorado.  
NOTICE IS HEREBY GIVEN that an election will be held on  
Tuesday, the 6th day of October, 1992, between the hours of  
7:00 o'clock a.m. and 7:00 o'clock p.m. The Board of  
Directors of the District has designated the following polling  
place within the District: Western Slope Auto, 2264 U.S.  
Highway 6 & 50, Grand Junction, Colorado.  
At said election, the electors of the District shall vote to  
determine if the District should be dissolved in accordance  
with the Plan of Dissolution approved by the Mesa County  
District Court on August 20, 1992.  
NOTICE IS FURTHER GIVEN that an elector of said District  
for the purpose of said election is a person registered to vote  
pursuant to the "Colorado Election Code of 1980" and (1)  
who has been a resident of the District for not less than  
thirty-two (32) days, or (2) who, or whose spouse, owns  
taxable real or personal property within the District, whether  
said person resides within the District or not; or a person  
who is obligated to pay taxes under a contract to purchase  
taxable property within the District shall be considered an  
owner of taxable property for the purpose of qualifying as an  
elector.  
NOTICE IS FURTHER GIVEN that applications for absent  
voter's ballots may be filed with the Secretary of the District,  
Robert Matticks, at P.O. Box 220, 850 Valley Federal Plaza,  
Grand Junction, Colorado, until 4:00 o'clock p.m. on the  
Friday immediately preceding the election.  
GRAND JUNCTION WEST WATER &  
SANITATION DISTRICT  
By: Robert Matticks, Secretary  
Published: September 15, 22, 29, 1992

Subscribed and sworn to before me, this..... 30<sup>th</sup>..... day of..... September....., 19..... 92.....

.....  
My Commission expires 8-6-95  
.....

Printer's Fee \$.....

DISTRICT COURT, COUNTY OF MESA, STATE OF COLORADO

Case No. 81 CV 71

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MOTION FOR ENTRY OF ORDER OF DISSOLUTION OF DISTRICT

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In the Matter of the Petition of the  
BOARD OF DIRECTORS OF THE GRAND JUNCTION WEST WATER AND SANITATION  
DISTRICT

For the dissolution of the  
GRAND JUNCTION WEST WATER AND SANITATION DISTRICT

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The Board of Directors of the Grand Junction West Water & Sanitation District, through its attorneys Robb, Beckner, Achziger, Nugent & McInnis, hereby moves this Court to enter its Order dissolving the District in accordance with the Plan of Dissolution. As grounds therefor, IT IS STATED:

1. On August 20, 1992, this Court approved the Plan of Dissolution submitted by the Board of Directors of Grand Junction West Water & Sanitation District. Said plan was also approved by the City of Grand Junction.

2. On August 20, 1992, this Court entered its Order for an election to dissolve the District in accordance with the Plan.

3. On October 6, 1992, the election was held and attached to this Motion is the Certificate of Election Results of the Special Election and the Judges' Certificate of Election Returns showing that 4 qualified voters voted in favor of the Resolution and there were no votes in opposition.

4. For purposes of accounting, it is beneficial to the District and to the City of Grand Junction to dissolve the District effective December 31, 1992, and to allow the City of Grand Junction to assume the role of the Board of Directors of said District as of January 1, 1993.

5. Submitted to the Court along with this Motion is an Order of Dissolution providing that the District will be dissolved in accordance with the Plan effective December 31, 1992.

6. All statutory requirements for the dissolution of the District have now been met and it is requested that the Court enter the attached Order of Dissolution.

RESPECTFULLY SUBMITTED this 4 day of December, 1992.

ROBB, BECKNER, ACHZIGER, NUGENT  
& McINNIS

By

  
Larry B. Beckner

P.O. Box 220

Grand Junction, Colorado 81502

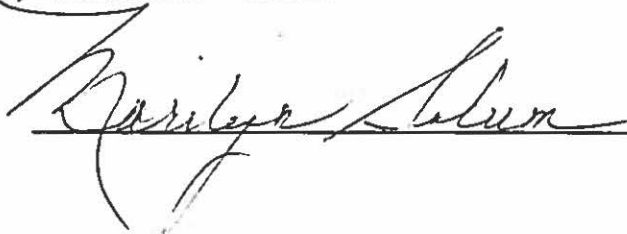
Telephone: (303) 245-4300

Registration No. 8090

#### CERTIFICATE OF MAILING

I hereby certify that on the 4 day of December, 1992, a true and correct copy of the foregoing Motion for Entry of Order of Dissolution of District was placed in the United States mail, first class postage prepaid, addressed to the following named person:

Dan Wilson  
City Attorney  
250 North 5th Street  
Grand Junction, Colorado 81501



*Special*  
**CERTIFICATE OF ELECTION RESULTS OF THE REGULAR ELECTION**  
HELD Oct 6, 1972

Land & Water District Area County, Colorado

For each candidate elected to office:

	Name	Address	Length of Term
1.			
2.			
3.			

For each question submitted:  
(Attach copy of ballot question)

Number of votes for: 7

Number of votes against 0

(Signed)

*Robert M. [Signature]*  
Director  
*[Signature]*  
Director  
*Sam E. Carnes*  
Director

*Laura Beckner*  
Contact Person for District  
P.O. Box 220  
Business Address  
*Ar. Jct. G 21502*  
Telephone Number  
245-4300

\_\_\_\_\_  
Director

(Signed) *Robert M. [Signature]*  
Secretary

Post at the regular meeting place of the Board.

Prepare and deliver a Certificate of Election to those candidates receiving the highest number of votes.

Deposit one copy with the Clerk and Recorder of each county in which the special district is located.

Send one copy to: Division of Local Government  
1313 Sherman Street, Room 521  
Denver, CO 80203

Ballot Stub No. \_\_\_\_\_

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Ballot Stub No. \_\_\_\_\_

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OFFICIAL BALLOT OF  
GRAND JUNCTION WEST WATER AND SANITATION DISTRICT

OCTOBER 6, 1992 ELECTION

The purpose of this Election is to determine if the District should be dissolved in accordance with the Plan of Dissolution approved by the Mesa County District Court on August 20, 1992.

The Plan of Dissolution provides that:

- a) The City of Grand Junction will guarantee the outstanding bonded indebtedness, which guarantee constitutes a subordinate lien:
- b) The present members of the Board of Directors shall resign upon entry of an Order from the Mesa County District Court approving the Plan of Dissolution and the City Council of the City of Grand Junction shall serve as the Board of Directors for the District until such time as the debt of the District is fully paid:
- c) The City Council, sitting as the Board of the District, will certify a mill levy, which together with District revenues will be sufficient to pay bond payments as the same come due and other expenses of the District:
- d) The District will continue for the limited purpose of paying its outstanding financial obligations and outstanding bonds to be paid in accordance with their present payment term: and
- e) All assets of the District shall be turned over to the City and the City will hereafter maintain, own and operate the sanitation system of the District on the same basis as the City operates other City lines within the 201 sanitation system for the benefit of all City users of the system. There has not been a water system owned nor operated by the District.

If you are in favor of the dissolution of the District under the above Plan, mark the "YES" box below. If you are opposed to the dissolution of the District under the above Plan, mark the "NO" box below.

YES, I favor dissolution under the above Plan.

NO, I do not favor dissolution under the above Plan.

## JUDGES' CERTIFICATE OF ELECTION RETURNS

IT IS HEREBY CERTIFIED by the undersigned, who conducted the election held in the GRAND JUNCTION WEST VARIOUS JURISDICTIONS DISTRICT, on the 6 day of OCT, 1992, that after qualifying by swearing and subscribing to their Oaths of Office, they opened the polls at 7:00 o'clock a.m., and that they kept the polls open continuously until the hour of 7:00 o'clock p.m. on said date, after which they counted the ballots cast for directors of said District and for any questions submitted.

That the number of votes cast, the number of excess ballots, the number of unused ballots, the number of spoiled ballots, and the number of defective ballots were as follows:

Number Votes Cast Ballots	Number Excess Ballots	Number Unused Ballots	Number Spoiled Ballots	Number Defective Ballots
<u>4</u>	<u>16</u>	<u>16</u>	<u>—</u>	<u>—</u>

That the votes cast for Director of said District for a 4-year term were as follows:

Candidate for Director	Number of Votes Received
_____	_____
_____	_____
_____	_____

That the votes cast for Director of said District for a 2-year term were as follows:

Candidate for Director	Number of Votes Received
_____	_____
_____	_____
_____	_____

That the votes cast for and against each question submitted were as follows:

	YES	NO
Ballot Question No. 1	<u>4</u>	<u>0</u>
Ballot Question No. 2	_____	_____
Etc.		

Marie Keithley (Signed)  
Paul M. [unclear] All Judges  
[unclear] of Election

OCT 6, 1992  
Date



DISTRICT COURT, COUNTY OF MESA, STATE OF COLORADO

Case No. 81 CV 71

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RESPONSE TO "MOTION FOR ENTRY OF ORDER OF DISSOLUTION OF  
DISTRICT"  
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In the Matter of the Petition of the  
BOARD OF DIRECTORS OF THE GRAND JUNCTION WEST WATER AND  
SANITATION DISTRICT

For the dissolution of the  
GRAND JUNCTION WEST WATER AND SANITATION DISTRICT  
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City of Grand Junction, by and through its City Attorney,  
joins in moving this Court to enter its Order dissolving the  
District in accordance with the Plan of Dissolution. As  
grounds, the City states:

1. The City agrees with and joins with the Motion for  
Entry of Order of Dissolution of District filed on or about  
December 4, 1992, by the Grand Junction West Water and  
Sanitation District.

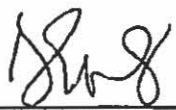
2. The City joins in the statement of the District  
that it is and will be beneficial to the City to dissolve the  
District effective December 31, 1992, and to allow the City of  
Grand Junction to assume the role of the Board of Directors of  
said District as of January 1, 1993.

3. All statutory requirements for the dissolution of  
the District have now been met.

WHEREFORE, the City joins with the District in moving  
for the Court's Order dissolving the District, in accordance  
with the plan, effective December 31, 1992. The Order  
proposed by the District is recommended to the Court for  
signature with the exception that the results as stated in  
line three of the proposed Order are reversed, namely the City  
requests the Court find that four voted in favor of  
dissolution and zero voted against dissolution.

RESPECTFULLY SUBMITTED this 11th day of December, 1992.

CITY OF GRAND JUNCTION

By:   
Dan E. Wilson  
City Attorney  
250 N. 5th Street  
Grand Junction, CO 81501  
(303) 244-1508

CERTIFICATE OF MAILING

I hereby certify that I have mailed a true and correct copy of the foregoing RESPONSE TO "MOTION FOR ENTRY OF ORDER OF DISSOLUTION OF DISTRICT" on this 11th day of December, 1992, by depositing the same in the United states mail, postage prepaid, addressed as follows:

Larry B. Beckner  
c/o Robb, Beckner, Achziger, Nugent & McInnis  
P.O. Box 220  
Grand Junction, CO 81502



DISTRICT COURT, COUNTY OF MESA, STATE OF COLORADO

Case No. 81 CV 71

FILED  
IN DISTRICT COURT  
MESA COUNTY, COLORADO

DEC 7 1992  
RECORDED

JAN 5 1993

ORDER OF DISSOLUTION

In the Matter of the Petition of the  
BOARD OF DIRECTORS OF THE GRAND JUNCTION WEST WATER AND SANITATION  
DISTRICT

*Sheila Reiner*  
Clerk

For the dissolution of the  
GRAND JUNCTION WEST WATER AND SANITATION DISTRICT

A special election was held within the boundaries of the Grand Junction West Water & Sanitation District on October 6, 1992, for the purpose of determining if the District should be dissolved in accordance with the Plan of Dissolution approved by this Court on August 20, 1992. The election was held pursuant to this Court's Order of August 20, 1992. The results of the election have been duly certified to this Court and this Court finds that 0 voted in favor of dissolution and 4 voted against dissolution. A majority of the electors voting at the election approved the question of dissolution.

THEREFORE, IT IS HEREBY ORDERED:

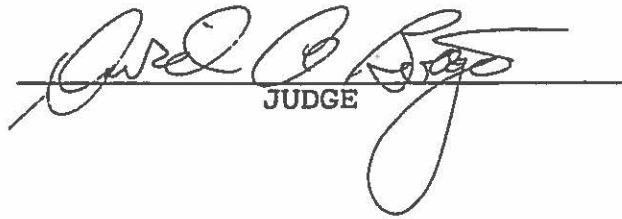
1. The District is hereby dissolved effective December 31, 1992, except for those purposes reserved in the Plan.

2. The District has outstanding financial obligations or outstanding bonds which shall be paid in accordance with their terms. The Board of Directors of the District shall resign their positions and all duties and obligations of the Board shall be assumed by the City Council of the City of Grand Junction effective January 1, 1993. Said City Council shall adopt rates, fees, tolls and charges and shall certify to the Mesa County Board of County Commissioners the amount of revenue to be raised by the annual mill levy against property of the District in amounts necessary to meet the debt requirements of the District and to pay for any operating charges and services of the District, all in accordance with the Plan of Dissolution.

3. Effective January 1, 1993, the City Council of the City of Grand Junction shall assume all ownership of the sewer facilities of the District and shall operate and maintain said facilities for the benefit of District residents and property owners, all in accordance with the Plan of Dissolution.

4. A certified copy of this Order shall be filed with the Mesa County Clerk & Recorder and with the Division of Local Government.

DATED this 5<sup>th</sup> day of JANUARY, 1992<sup>3</sup>.

  
\_\_\_\_\_  
JUDGE