

IN THE DISTRICT COURT WITHIN AND FOR
THE COUNTY OF HUERFANO AND STATE OF COLORADO

CIVIL ACTION NO. 4573

Filed in The District Court
County of Huerfano, Colo.

DEC 24 1974

VERNA MAE DUZENACK
Clerk

IN RE THE ORGANIZATION OF THE)
CUCHARAS SANITATION AND WATER)
DISTRICT)
HUERFANO COUNTY, COLORADO)

ORDER AND DECREE
CREATING DISTRICT

THIS MATTER coming before the Court upon the Judge's Certificate of Election Returns, and it appearing that the election, held on the 3rd day of December, 1974, at which there was submitted the matter of the organization of Cucharas Sanitation and Water District, Huerfano County, Colorado, and the election of Directors for such District, was duly held at the time and place and by the Judges of Election specified in the Order of Court entered on the 4th day of November, 1974;

AND IT FURTHER appearing that the required Notice of Election was duly published in compliance with the aforementioned Order and in accordance with the requirements of law; that all of said ballots were cast at said election by electors of the District who were qualified to vote at general elections in this State and who either had been a resident of the District for not less than thirty-two days, or who or whose spouse own taxable real or personal property within the District, whether said person resides within the District or not. The following ballots were cast on the question of organization of the District:

FOR the organization of Cucharas Sanitation Water District	VOTES CAST 89
---	------------------

AGAINST the organization of Cucharas Sanitation and Water District	7
---	---

That the following qualified persons were duly elected
as directors of the District for the indicated terms:

INDEXED

EXHIBIT 1 PAGE 130

RECORDED MICROFILM 6-5689

NAME

TERM

Joseph S. Dunne
Robert S. Pierotti

until the first regular election
until the first regular election

Mars Combes
Dick S. Jameson
George Woodin

until the second regular election
until the second regular election
until the second regular election

AND IT STILL FURTHER APPEARING that all of the provisions

of law, and more particularly all of the requirements of Colorado Revised Statutes 1963, Chapter 89, Article 5, as amended, and Chapter 89, Article 18 (1965 Supplement) as amended, have been complied with, ment and performed, in the organization of said District.

And the Court being fully advised in the premises, it is hereby ORDERED AND DECREED:

That said District has been duly and regularly organized and shall be known as "Cucharas Sanitation and Water District", in Huerfano County, Colorado.

The District is located in Huerfano County, Colorado,

and is described as follows:

Beginning at the Northeast corner of Section 34, Township 30S, R69W of the 6th P.M. Huerfano County, Colorado, and proceeding southerly along the east boundary of S. 34 a distance of 1/4 mile, more or less; thence westerly along a line parallel to the north boundary of S. 34 a distance of 3/4 mile, more or less; thence southerly along a line parallel to the west boundary of S. 34 a distance of 1/2 mile, more or less; thence westerly along a line parallel to the south boundary of S. 34 a distance of 1/4 mile, more or less; thence southerly along the west boundary of S. 34 a distance of 1/4 mile, more or less to the Southwest corner of S. 34; thence easterly along the S. boundary of S. 34 a distance of 1/16 mile, more or less; thence southerly along a line parallel to the east boundary of S. 4., T31S, R60W, of the 6th P.M. Huerfano County, Colorado, a distance of 1/6 mile, more or less; thence westerly along a line parallel to the N. boundary of S. 4 a distance of 1/4 mile, more or less; thence southerly along a line parallel to the E. boundary of S. 4, a distance of 5/16 mile, more or less; thence easterly along a line parallel to the N. boundary of S. 4 a distance of 1/4 mile, more or less; thence southerly along a line parallel to the E. boundaries of S. 4 and S. 9 a distance of 1-1/4 mile, more or less; thence westerly along a line parallel to the S. boundary of S. 9 a distance of 1/4 mile, more or less; thence southerly along a line parallel to the E. boundary of S. 9 a distance of 1/4 mile, more or less; thence easterly along a line parallel to the S. boundary of S. 9 a distance of 1/4 mile, more or less; thence southerly along a line parallel to the east boundary of Sec. 9 a distance of 1/4 mile, more or less to the S. boundary of Sect. 9

thence westerly along the common boundaries of Sect. 8, 9, 16, and 17, a distance of 1 mile, more or less; thence southerly along a line parallel to the east boundary of Sec. 17 a distance of 1/4 mile, more or less; thence westerly along a line parallel to the north boundary of Sec. 17 a distance of 1/4 mile, more or less; thence southerly along a line parallel to the east boundary of Sec. 17 a distance of 1/2 mile, more or less; thence easterly along a line parallel to the north boundary of Sec. 17 a distance of 1/4 mile, more or less; thence northerly along a line parallel to the west boundary of Sec. 17 a distance of 1/4 mile, more or less; thence easterly along a line parallel to the north boundary of Sec. 17 and 16, a distance of 1-1/4 mile, more or less;

thence southerly along the east boundary line of Sec. 16 a distance of 1/2 mile, more or less, to the southeast corner of Sec. 16;

thence easterly along the north boundary of Sec. 22 a distance of 1/4 mile, more or less;

thence southerly along a line parallel to the west boundary of Sec. 22 a distance of 1/2 mile, more or less;

thence easterly along a line parallel to the north boundary of Sec. 22 a distance of 3/4 mile, more or less;

thence northerly along the east boundary of Sec. 22 a distance of 1/4 mile, more or less;

thence westerly along a line parallel to the north line of Sec. 22 a distance of 1/4 mile, more or less;

thence northerly along a line parallel to the east boundary of Sec. 22 a distance of 1/4 mile, more or less;

thence westerly along a line parallel to the north boundary of Sec. 22 and south boundary of Sec. 15 a distance of 1/4 mile, more or less;

thence northerly along a line parallel to the east boundary of Sec. 15 a distance of 1/4 mile, more or less;

thence westerly along a line parallel to the north boundary of Sec. 22 a distance of 1/4 mile, more or less;

thence northerly along a line parallel to the west boundary of Sec. 22 a distance of 1/4 mile, more or less;

thence easterly along a line parallel to the south boundary of Sec. 3 a distance of 1/4 mile, more or less;

thence northerly along a line parallel to the west boundary of Sec. 3 a distance of 1/4 mile, more or less;

thence easterly along a line parallel to the north boundary of Sec. 3 a distance of 1/2 mile, more or less;

thence westerly along a line parallel to the north boundary of Sec. 15 a distance of 1/4 mile, more or less;

thence northerly along the west boundaries of Sec. 15, 10 and 3 a distance of 1-3/4 mile, more or less;

thence easterly along a line parallel to the south boundary of Sec. 3 a distance of 1/4 mile, more or less;

thence northerly along a line parallel to the west boundary of Sec. 3 a distance of 1/4 mile, more or less;

thence easterly along a line parallel to the north boundary of Sec. 3 a distance of 1/4 mile, more or less;

thence northerly along a line parallel to the east boundary of Sec. 3 a distance of 1/2 mile, more or less;

thence easterly along the north boundary line of Sec. 3, T31S, R69W, and the south boundary of Sec. 34, T30S, R69W, a distance of 3/16 mile, more or less;

thence easterly along the south boundary of Sec. 35, a distance of 1/32 mile, more or less;

thence north-north easterly along an irregular line following a ridge forming the east boundary of the district a distance of 1-1/16 mile, more or less; to the north boundary line of Sec. 35;

thence westerly along the north boundary of Sec. 35 to the northwest corner of Sec. 35 a distance of 21/32 mile, more or less; to the point of beginning.

And a parcel of land in Section 8 and Section 9 of Township 31S., R. 60W. of the 6th P.M., Huerfano County, Colorado, described as follows:

Apont of beginning on the east boundary of section 8, a distance of 1/3 mile, more or less, from the northeast corner of Section 8. From the point of beginning westerly along a line parallel to the north boundary of Section 8, a distance of 1/4 mile, more or less; thence southerly along a line parallel to the east boundary of Section 8, a distance of 1/2 mile, more or less; thence easterly along a line parallel to the south boundary of Section 8, a distance of 1/2 mile, more or less; thence northerly along a line parallel to the west boundary of Section 9, a distance of 1/2 mile, more or less; thence westerly along a line parallel to the north boundary of Section 9, a distance of 1/4 mile, more or less, to the point of beginning.

Said District shall be a governmental subdivision of the State of Colorado, and a body corporate with all the powers of a public or quasi-municipal corporation; that the facilities, services and financial arrangements of the District shall conform as far as practicable to the approved Service Plan and Resolution of Approval, of the Board of County Commissioners of Huerfano County, Colorado. The approved Service Plan and Resolution of Approval required by Chapter 89, Article 18, Colorado Revised Statutes 1963, (1965 Supplement) previously filed in the within action shall be and the same are hereby incorporated by reference in and appended to this Order.

The Board of Directors shall take such steps and proceedings as the needs of the District require; and that within thirty (30) days after the date hereof, the Clerk of this Court shall transmit to the County Clerk and Recorder of Huerfano County, Colorado, and to the County Assessor of said County, true and correct copies of this Order and Decree, with the Resolution of Approval appended hereto, for filing in their offices. Notice of the completion of the organization of the District shall be filed in duplicate and recorded with the County Clerk and Recorder of Huerfano County, and a certified duplicate copy of said Notice filed with the Division of Local Government of the State of Colorado.

Done this 24th day of December, 1974.

BY THE COURT:



Judge

STATE OF COLORADO)
)
COUNTY OF HUERFANO)

ss.

M I N U T E S

The Board of County Commissioners at Huerfano County, Colorado met in special session at the Huerfano County Courthouse, in Walsenburg, Colorado, being the regular meeting place of the Board, at the hour of 10:00 o'clock A.M., on Wednesday the 17th day of July, 1974.

There were present:

Chairman: J. J. Stimack

Commissioners: Joe Kopine
Joe B. Rodriguez

County Clerk and Recorder: Albert P. Vigil

Absent: NONE

Thereupon the following proceedings, among others were had and taken.

A hearing on the proposed Cucharas Water and Sanitation District was held by the Board of County Commissioners, pursuant to the provisions of Chapter 89, Article 18, Colorado Revised Statutes 1963 (1965 Supplement) and in accordance with a Resolution adopted and approved by the Board on the 5th day of June, 1974.

Thereupon Commissioner Joe Kopine, introduced and moved the adoption of the following Resolution:

Filed In The District Court
County of Huerfano Colo.

AUG 14 1974

VERNA MAE LULLENACK
Clerk

INDEXED

R E S O L U T I O N

WHEREAS, pursuant to the provisions of Chapter 89, Article 18, Colorado Revised Statutes 1963 (1965 Supplement), the Board of County Commissioners of Huerfano County, Colorado, held a public Hearing on the service plan of the proposed Cucharas Water and Sanitation District on the 3rd day of JULY, 1974; and

WHEREAS, Notice of the Hearing was duly published in HUERFANO WORLD, a newspaper of general circulation with the County, on June 13, 20 and 27, 1974 as required by the law and Notice was forwarded to the Petitioner and to the governing body of each municipality and special district which has levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of three miles of the proposed District; and

WHEREAS, the Board has considered the service plan and all other testimony and evidence presented at the Hearing; and

WHEREAS, it appears that the service plan should be approved without condition or modification;

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HUERFANO COUNTY, COLORADO,

1. That the Board of County Commissioners of Huerfano County, Colorado, does hereby determine that all of the requirements of Chapter 89, Article 18, Colorado Revised Statutes 1963 (1965 Supplement) relating to the filing of a service plan for the proposed Cucharas Water and Sanitation District have been fulfilled and that Notice of the Hearing was given in the time and manner required by law.
2. That the service plan of the proposed Cucharas Water and Sanitation District is hereby approved without condition or modification.
3. That a certified copy of this Resolution be filed in the records of Huerfano County and submitted to the Petitioner

for the purpose of filing in the District Court of Huerfano County.

ADOPTED AND APPROVED this 17th day of July,

1974.

(S. E. A. L.)

Albert P. Vigil
Clerk and Recorder

Albert P. Vigil
Chairman, Board of County Commissioners

C E R T I F I C A T E

I, Albert P. Vigil, do hereby certify that the above and foregoing is a true, correct and complete copy of a Resolution adopted by the Board of County Commissioners of Huerfano County, Colorado, at a regular meeting held on the 17th day of July, 1974.

WITNESS my hand and the official seal this 17th day of

July, 1974.

(S E A L)

Albert P. Vigil
County Clerk and Recorder
Huerfano County, Colorado

Commissioner Rodriguez seconded the motion for the passage and adoption of said Resolution.

The question being upon the passage and adoption of said Resolution, the roll was called with the following results:

Those voting AYE:

Commissioners:

J. J. Stimack
Joe Kopine
Joe B. Rodriguez

Those voting NAY:

NONE

Commissioners:

The preceding officer thereupon declared that, a majority of all the Commissioners elected having voted in favor thereof, the motion was carried and the Resolution duly passed and adopted.

After consideration of other matters to come before the Board, on motion made and seconded, the meeting was adjourned.

(S E A L)

ATTEST:

Robert P. Diggs
County Clerk and Recorder

[Signature]
Chairman of Board of County Commissioners

STATE OF COLORADO)
COUNTY OF HUERFANO)

ss.

CLERK'S CERTIFICATE

I, Albert P. Vigil, County Clerk and Recorder of the County of Huerfano, State of Colorado, do hereby certify that the foregoing pages numbered 1 to 5, inclusive, constitute a full and correct copy of the record of proceedings of the Board of County Commissioners of said County, taken at a regular meeting held on the 17th day of July, 1974, so far as said minutes relate to a Resolution, a copy of which is therein set forth; that the copy of the Resolution contained in said minutes is a full, true and correct copy of the original of said Resolution as adopted by the Board of County Commissioners at said meeting; that said original Resolution has been duly signed and approved by the presiding officer of the Board of County Commissioners and myself, as County Clerk and Recorder, and sealed with the corporate seal of said County, and recorded in the Book of Resolutions of said County kept for that purpose in my office.

I further certify that the Chairman and 2 members of the Board of County Commissioners were present at said meeting and that 2 members of said Board voted on the passage of said Resolution as set forth in said minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County at Walsenburg, Colorado, this 17th day of

July, 1974.

(S E A L)

Albert P. Vigil
County Clerk and Recorder