**FRANKTOWN CITIZENS COALITION’S OPPOSITION TO SUNDOWN OAKS PROPOSED METROPOLITION DISTRICT**

**ARE METRO DISTRICTS JUST SCAMS TO PUSH THE FINANCIAL BURDEN DOWN THE ROAD TO RESIDENTS?**

**I. STATUTORY REQUIREMENTS NECESSARY FOR APPROVAL OF METRO DISTRICT**

Colorado statutes delineate ALL the requirements that are necessary to approve a metro district in “**Action on a Service Plan**,”

C.R.S. 32-1-203 (2)

(2) The board of county commissioners ***shall disapprove*** *(Emphasis added)* the Service Plan unless evidence satisfactory to the board of each of the following is present:

(a) There is sufficient existing and projected ***need*** (*emphasis added)* for organized service in the area to be serviced by the proposed special district.

 **A METRO DISTRICT IS DEFINITELY NOT NEEDED.**

**THEREFORE, REQUIRED DOUGLAS COUNTY SERVICE PLAN REVIEW PROCEDURES IN XVIII STATUTORY FINDINGS AND CONCLUSIONS NUMBER 1 AND 5 HAVE ALSO NOT BEEN MET. (SEE ANALYSIS BELOW AT II)**

(b) The existing area to be served by the proposed special district is inadequate for the present and projected needs.

**THE EXISTING AREA IS MORE THAN ADEQUATE FOR PRESENT AND PROJECTED NEEDS.**

**THEREFORE, REQUIRED DOUGLAS COUNTY SERVICE PLAN REVIEW PROCEDURES IN XVIII STATUTORY FINDINGS AND CONCLUSIONS NUMBER 2 HAVE ALSO NOT BEEN MET. (SEE ANALYSIS BELOW AT III)**

(c) The proposed special district is capable of provided economical and sufficient service to the area within its proposed boundaries.

 **THERE IS NOTHING ECONOMICAL ABOUT THE SERVICES**

**THEREFORE, REQUIRED DOUGLAS COUNTY SERVICE PLAN REVIEW PROCEDURES IN XVIII STATUTORY FINDINGS AND CONCLUSIONS NUMBER 3 HAVE ALSO NOT BEEN MET. (SEE ANALYSIS BELOW AT IV)**

(d) The area to be included in the proposed district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

  **THE DISTRICT DOES NOT HAVE THE ABILITY TO DISCHARGE THE PROPOSED INDEBTEDNESS ON A REASONABLE BASIS.**

**THEREFORE, REQUIRED DOUGLAS COUNTY SERVICE PLAN REVIEW PROCEDURES IN XVIII STATUTORY FINDINGS AND CONCLUSIONS NUMBER 4 HAVE ALSO NOT BEEN MET. (SEE ANALYSIS BELOW AT V)**

**II. DEVELOPER MUST PROVE:**

**C.R.S. 32-1-203 (2)(a)**

**(a) There is sufficient existing and projected *need* (*emphasis added)* for organized service in the area to be serviced by the proposed special district.**

 **A METRO DISTRICT IS DEFINITELY NOT NEEDED.**

The Service Plan describing the "Need for the District," page 2, is vague, ambiguous, disingenuous and conclusory. It has no facts or evidence to support any need for a metro district.  There are large developments all over rural Franktown that meet Douglas County's Article 5 (Subdivision and planned Developments) and meet infrastructure requirements, traffic control/safety requirements, deceleration lanes, fire protection requirements, surface drainage requirements, street improvements, parks and recreation, covenant design and enforcement, and television relay and translation **WITHOUT** a metro district.Developer/builders advanced the funds to pay for the infrastructure, including supportive projects outside the district boundary (i.e., sidewalks, intersections, roads, ditches, culverts, water lines, sewer lines, deceleration lanes out onto highways, etc.).  The developer/builders were paid back the costs (and received a handsome profit) of building these infrastructure items with the proceeds from selling the now "developed lot" (connected to the infrastructure and supported by the other improvements inside and outside the district boundary) to homebuilders or homeowners.  By purchasing homes, the homeowners ultimately repaid those costs and profits just as they repaid the costs and paid profits for the person building the home on the developed lot.

**WITH A METRO DISTRICT, IT’S DIFFERENT. IN A METRO DISTRICT THE HOMEOWNER WOULD BE “STUCK” WITH EVER CONTINUING EXTRA TAXES OVER AND ABOVE COUNTY PROPERTY TAXES, EXTRA OPERATION AND MAINTENANCE FEES AND AN EVER BURGEONING DEBT AS THEY ARE IN A METRO DISTRICT. THIS DEBT CONTINUES EVEN AFTER THEY’VE PAID OFF THEIR MORTGAGE!**

**SIGNIFICANT: A SPECIFIC EXAMPLE OF A DEVELOPMENT IN FRANKTOWN CALLED ARROWPOINT ESTATES IS IRREFUTABLE EVIDENCE THAT THIS DEVELOPER/BUILDER’S REQUEST FOR A METRO DISTRICT IS NOT NEEDED. ARROWPOINT ESTATES IS AN ALMOST IDENTICAL, POINT FOR POINT, DEVELOPMENT MIRRORING THE PROPOSED METRO DISTRICT BUT IS NOT A METRO DISTRICT. IT IS VESTED IN BY THE SAME DEVELOPER/BUILDER[[1]](#footnote-1) THAT IS PROPOSING A METRO DISTRICT FOR SUNDOWN OAKS .**

**Arrowpoint Estates Subdivision** is at Hwy 83 and 86 in Franktown.

The very ***SAME VESTED DEVELOPER/BUILDER*** (Northstar Custom Homes) of that Arrowpoint Estates is the very ***SAME VESTED DEVELOPER/BUILDER*** for the development in the proposed Sundown Oaks Metro District.  **It's important to note** that an advertisement for a home in Arrowpoint listed for $2.697 million has an even **lower purchase price** than the advertised homes in the proposed metro district, (1.8 million to 3.5 million for Sundown and 2 million to 4 million for Oak Bluff))[[2]](#footnote-2) but still lists very similar development plans, infrastructure and amenities as Sun down Oaks proposal and Arrowpoint is NOT a metro district! **IN FACT,** the advertisement for Arrowpoint uses, and emphasizes, the fact that there is no metro district to sell the homes. It states: "Arrowpoint Estates is a gated community with ***NO Metro District*** (Emphasis added), low property taxes and deeded water rights."[[3]](#footnote-3) There is no basic difference with Sundown Oaks' plans!

**IT SHOULD BE NOTED THAT o**n June 30, 2025 the president of the FCC II, Inc., Diana Love and the member-at-large of the FCC II, Richard Love, met with the vested Builder/Developer of the proposed Sundown Oaks Metro District, Mr. Steven Gage. When Mr. Gage was asked the reasons for proposing a metro district when the community was against it, Mr. Gage only gave one reason. He responded: “I don’t like metro districts either. But the County has required a deceleration lane at Tanglewood and 86. Of the four estimates I got, $2.4 million was the least amount. If you can get me $800,000, I will pull the request for a metro district.”

Mr. Gage also stated that he “planned to ask $700,000 for some of the large back, five acre lots with a gorgeous view of Pikes Peak.” It appears (See analysis in (d) below) that the prices for the lots and the homes will more than pay for the infrastructure, the home buildings and the turn lane for $2.4 million plus a very large profit over and above ALL the costs.

**IT IS INTERESTING THAT MR. GAGE SAID HE NEEDED A METRO DISTRICT BECAUSE THE COUNTY REQUIRED A DECELERATION LANE ON TO HWY 86. BECAUSE, ON THE COUNTY’S WEBSITE FOR ARROWPOINT ESTATES, THE CONCLUSION OF THE BUILDER/DEVELOPERS’ PROJECT NARRATIVE MAKES CLEAR THAT NO METRO DISTRICT WAS NEEDED EVEN THOUGH A DECELERATION LANE WAS REQUIRED JUST LIKE IN THIS METRO DISTRICT PROPOSAL.**

“*CONCLUSION* Arrowpoint subdivision will provide secluded home sites with quick access to the county road network. Homeowners will enjoy vistas of the Cherry Creek valley as well as some mountain views within their own lots or along the trails within the open space tracts. The Arrowpoint Home Owners Association will be responsible for maintaining the roadway, open space, trails, and drainage facilities within the development. **The developer plans on constructing all of the roads, private and *CDOT turn lane*, [emphasis added] and drainage features in one phase.”[[4]](#footnote-4)**

So even though the Builder/Developer constructed/will construct almost the same scenario for both developments, including a deceleration lane/left turn lane and there’s no metro district in Arrowpoint, and EVEN THOUGH HE IS CHARGING MUCH MORE FOR SOME OF THE SUNDOWN OAKS HOMES, he’s still asking for a metro district for Sundown Oaks. What’s the catch? Money.

**One more very notable point**: The Builder/developer has known about, and showed his intention to apply for, the aforementioned deceleration lane as far back as, at least, 2021, or farther. This is laid out in his engineer’s report to the County[[5]](#footnote-5) as part of the construction for the underlying *development projects*, Sundown Oaks, that was started in 2019. But despite all of this time, he did not apply for a metro district to the County until June 2025, over six years from the start of the development project at Sundown Oaks**. This significant lapse in time between the start of the development project and the application for a metro district appears to show the proposal for a metro district was only an afterthought not a “need.”**

To underscore that evidence, in this proposed metro district, the Developer has not shown that the land within the District cannot/and or will not be sold at a substantial profit to cover the costs of the proposed improvements. The Developer/Builder is currently pre-marketing the fully completed houses and properties within the District between $1.8 million and $4 million.[[6]](#footnote-6) There are 37 home lots planned between the two areas to be developed. The anticipated infrastructure cost is $9,057,551 in the service plan, Exhibit D. That is $244,799[[7]](#footnote-7) per lot to recover 100% of the Developer’s investment. Is that cost, plus a substantial profit, already built into the $1.8 - $4 million anticipated price of the homes? Are the homeowners then going to be obligated to pay a metro tax of $9,009 for the 1.8 million dollar home per year, and $20,020 for the 4 million dollar home per year at the maximum 70 mills levy rate, to reimburse the developer for those SAME costs?

The Developer has provided a cost estimate for the infrastructure, but the Commissioners should require the Developer to also provide an estimate for all costs the Developer will incur such as the cost of the lots, and if the Developer is also the Builder this disclosure should also include the estimated costs of constructing the house on the lot, landscaping, and other costs incurred to fully develop the lot. Then they should be required to disclose how much the homebuilder or home buyer will be expected to pay for the developed lot. Without an estimate of anticipated profit margins apart from any revenue from the metro district, there is no way to determine the need criteria for the proposed metro district. A very large profit here would not be surprising as studies have shown that “developers routinely pay themselves 200 to 1000% profit in metro district development, when the industry average nationwide is 15 – 30% profit.”[[8]](#footnote-8) The Board of Douglas County Commissioners has the authority to require additional disclosures. See below under Board of County Commissioners Authority.

There is no evidence in the service plan showing any need for a metro district. In fact, it is patently obvious, that comparing the facts between Sundown Oaks and Arrowpoint, coupled with the finances (see also (d) below), will completely undermine the service plan's supposed "Need for District.”

**The statute is clear that for ANY approval for a metro district the service plan MUST MEET the statute’s requirements for “NEED.”** **The service plan does not meet that requirement.**

**III. THE BUILDER/DEVELOPER MUST PROVE:**

**C.R.S. 32-1-203 (2)(b)**

**The existing area to be served by the proposed special district is inadequate for the present and projected needs.**

**THE EXISTING AREA IS MORE THAN ADEQUATE FOR PRESENT AND PROJECTED NEEDS.**

**A. NO WATER SYSTEM NEEDED**

Because of the topography and location, water systems cannot even be built at this location!

The service plan, VIII, page 4, requests the "power and authority" to provide services that are *unattainable* in Franktown, e.g.  distribution systems, treatment facilities, etc. The Service Plan then states: “It is anticipated that each individual home within the Project will receive water service from its ***own*** *(emphasis added)* groundwater well.”

**This is the same as Arrowpoint Estates that has no metro district because it’s not needed**. Wells are attainable for every individual home therefore, water systems are NOT needed.

**B. NO SOLID WASTE DISPOSAL FACILITY NEEDED**.

There are numerous private companies in the Franktown area, separate from a metro district, that handle solid waste disposal that homeowners would have, and should have, the ability to choose from instead of being forced to use the metro district’s choice.

**C. NO SANITATION AND WASTEWATER TREATMENT FACILITY NEEDED.**

Only individual septic tanks can be installed to handle this.  Private companies pump out the septic tanks. Because the treatment of wastewater in this area is through septic systems and private company sanitation pumpers, sanitation and wastewater facilities are absolutely not necessary.

Regardless that these are not necessary, nor can they even be built in this area because of the topography, the service plan, still says it "shall have the power and authority . . . to assess tap or other facility FEES (emphasis added)...to transport wastewater to an appropriate wastewater treatment facility." (VIII, page 5) This sentence, as do many throughout the service plan, underscores the developer’s *only* reason for their request for a metro district, *MONEY*, not the need for a metro district.

**The same as no water system needed, this is also the same as Arrowpoint Estates that has no metro district because it’s not needed**. Septic system, i.e. each homeowners on-site wastewater treatment system, are attainable for every individual home, therefore, sanitary sewers and wastewater treatment systems re NOT needed.

**D.  FIRE PROTECTION NOT NEEDED TO BE PROVIDED BY A METRO DISTRICT.** The service plan acknowledges that Franktown Fire Protection District will provide "fire protection services" NOT the metro district. Under “Service to be Provided by Other Government Entities, the service plan states “The Project is located within and fire protection will be provided by the Franktown Fire Protection District.” This is in direct conflict with the service plan’s Executive Summary which states, the “District shall be authorized to provide the following services: fire protection . . .”

**IV. THE BUILDER/DEVELOPER MUST PROVE:**

**C.R.S. 32-1-203(2)(c)**

**The proposed special district is capable of provided economical and sufficient service to the area within its proposed boundaries.**

 **THERE IS NOTHING ECONOMICAL ABOUT THE SERVICES.**

How is charging a resident twice for the cost of the same infrastructure "economical"?

How is financing the cost of the infrastructure through developer advances with high interest rates and then re financing that debt with a second level of debt - paying interest on the interest on the advances where there is no marketplace control or accountability for developer government spending (metro districts) and adding the high cost of management companies, lawyers, consultants, accountants?

How is all this more "economical" than simply adding it to the cost of the home (which is done anyway - see first point)?

**V. THE BUILDER/DEVELOPER MUST PROVE:**

**C.R.S. 32-1-203(2)(d)**

**The area to be included in the proposed district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.**

**THE FINANCIAL DESIGN IN THE SERVICE PLAN SHOWS THAT THE METRO DISTRICT DOES NOT HAVE THE FINANCIAL ABILITY TO DISCHARGE THE PROPOSED INDEBTEDNESS ON A REASONBLE BASIS.[[9]](#footnote-9)**

 **“Colorado metro districts and developers create billions in debt, leaving homeowners with soaring tax bills.”[[10]](#footnote-10)**

**A.** The Service Plan at Section XVIII(4) incorrectly states the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis. As will be shown, the District does not have the financial ability to discharge the debt the Developer proposes to advance. The Financial Plan also clearly shows that the District can only barely afford to pay off a $3.625 million debt. The Service Plan is completely silent on any reasonable basis for discharging the amount of debt allowed by the Service Plan and anticipated by the Developer.

There are also, in general, multiple contradictions and ambiguities scattered throughout the Service Plan. The interest rate on Developer advances changes several times throughout the Service plan. There are multiple references to the debt the District is obligated to pay to the Developer, such as debt limitation, repayment of debt, debt service, debt shall be considered any outstanding bonds, notes, contracts, or other financial obligation of the District, and the interest rate on debt. Yet Exhibit J, Reimbursement Agreement, at number 5, states that the Reimbursement Agreement does not constitute a debt or other financial obligation of the District. Why is this financial obligation suddenly not a debt? The Financial Plan Exhibit F Page 1 shows the property tax revenue is based on a Douglas County residential assessment rate of 6.7%; however, that rate was a temporary rate for the year 2024, and the assessment rate as of 2025 is 7.15%. The revenue that can be obtained through fees and miscellaneous other sources has no limit, and appears to be at the discretion of the District when and how much they chose to inflict on the future home owners. And there is no accounting for the $75,000 annual anticipated organizational and maintenance costs.

**B. COSTS**

The Developer estimates the costs of the infrastructure or public improvements for the District to be $9,057,551. Service Plan Section VIII(B) and Exhibit D.

There is also a litany of administrative, operational, maintenance and organizational costs which include, but are not limited to, legal fees, engineering services, accounting services, bond issuance costs, compliance with state budgeting, audit and reporting costs, other administrative and legal requirements, financial consulting fees, general operations and maintenance costs. See Service Plan Section VIII(B) and Exhibit J (1). Section X(F) estimates the organizational costs for the District for legal, engineering, surveying and accounting services to be $75,000; however they estimate the first year’s operating budget to be $50,000. It is unclear if the other services and costs besides legal, engineering, surveying and accounting are in addition to the estimated $75,000 annual operating expenses.

**C. DEVELOPER ADVANCES AND REIMBURSEMENTS Section XI**

The developer anticipates advancing the funding to the District for both capital and ongoing administrative expenses. The District is obligated to reimburse all the Developer’s advances, which may be repaid from “bond proceeds or other legally available sources of revenue” Section XI, page 10. These other available sources of revenue “may include the power to assess fees, rates, tolls, penalties or charges,” Section X(C). All advances shall count against the maximum allowable debt limit of the Service Plan.

Section XI also states that refinancing of the advances “shall not require County approval.” Do the homeowners have a say in the refinancing of the debt they are responsible for?

The Developer anticipates advancing approximately $9,000,000. However, the cost of the infrastructure alone is $9,057,051. The miscellaneous administrative, operational, organizational and maintenance costs are a minimum of $75,000 annually; however there appears to be no limit on the fees, nor other sources of revenue, that can be assessed.

**D. DEBT**

The maximum debt limit is $10,000,000, which is all financial obligations of the District.

The Service Plan Section X(G) states that the interest rate on any debt is limited to the market rate, yet Section XI states that Developer reimbursements shall not exceed current Bond Buyer GO Index plus 4%. However, Exhibit J, Reimbursement Agreement, states that reimbursements shall be made at the annual rate of 8% simple interest, but shall not exceed the AAA 30-year MMD (Municipal Market Data) index interest rate by more than 400 Base Points. It is unclear at what interest rate the Developer expects to be reimbursed, but at a minimum of 8%.

Even though the Developer expects to advance about $9,000,000, the Financial Plan is based on a total debt for project funds of only $3,625,000. This amount is expected to be acquired through the issuance of 30 year bonds at 6.25% interest. This debt will be repaid by imposing a maximum mill levy on taxable property in the District of 50 mills. The primary source of revenue to support operations and maintenance will be a maximum mill levy of 20 mills. They are imposing an initial levy of 10 mills for operations and maintenance, which leaves another 10 mill levy available to them, which can be assessed at any time. Additionally, the bond yield is at 6.25% interest, yet the Developer is expecting to be reimbursed at the rate of at least 8% interest.

The total bond interest on the $3,625,000 debt is $5,360,808 for a total debt service of $8,985,808. The projected revenue from the 50 mill property tax is $10,470,785. The projected tax revenue for operations and maintenance at 10 mills is $2,838,332. This is assuming that all 37 homes are built, and sold, and the average value of all the homes is the minimum value of $2,200,000, with a consistent 3% growth rate.

Since the Developer anticipates advancing about $9,000,000 for the proposed improvements of the District, yet is only issuing $3,625,000 of debt, that leaves a deficit of $5,375,000. The total debt limit is $10,000,000, which is available at any time with no one’s permission or approval. This would allow for another $6,375,000 of debt. Yet they have maximized the revenue available through the 50 mills property tax levy, which just barely pays off the $3,625,000 debt. They have initial infrastructure costs of $9,057,551 plus an unknown amount of miscellaneous operations and maintenance costs. Despite their claims otherwise, they have no ability to repay any additional debt above the $3,625,000. How do they plan on funding any such additional debt?

Are they planning on using the unlimited fees, rates, tolls, penalties and charges available to them?

The Developer also states that the total anticipated assessed value of the District at full build out is approximately $6,205,653. Service Plan Section VI. The debt limit is $10,000,000. That is a debt to assessed value ratio of approximately 161%, well above what is considered a safe ratio.

**Subordinate Debt** There is also a type of debt that creates even more potential financial disaster. That type of debt is called subordinate debt. Subordinate debt, also known as junior or subordinated debt, is a type of debt that has a lower priority for repayment compared to senior debt.[[11]](#footnote-11)  The catch is that “payments on Subordinate debt **cannot be made** until the General Obligation bonds are paid off.”[[12]](#footnote-12) Subordinate debt is repaid after senior debt. This means it carries more risk for investors, and as a result, it typically has a higher interest rate. Subordinate debt in metro districts is often structured as [cash flow bonds](https://www.google.com/search?cs=0&sca_esv=6d736987b85df9e7&q=cash+flow+bonds&sa=X&ved=2ahUKEwiOgtHr4eCOAxUnFTQIHXRcIKUQxccNegQIPRAB&mstk=AUtExfB__9tlT0nemaItpnRNPaALH15rp2MQgtR3sVsO3G5Qzn3RU_eOFyb0gUVQF3ImQ1RB7mzID7O2-lT_n1XlKcpgrk3Q72EhxMEoDadlbiCMHLG9yqh9xxB2GtTaSH5yxjs&csui=3), meaning principal and interest payments are not scheduled until maturity, and unpaid interest may compound.[[13]](#footnote-13) A big problem for these debts is that investors in subordinate debt face a higher risk of non-payment if the district's revenue is insufficient to cover all debt obligations.  **And if a metro district struggles to repay its debt, it may need to increase taxes on residents to meet its obligations.[[14]](#footnote-14)**

**VI. SECTION 18A, WATER SUPPLY COMPLIANCE IS NECESSARY TO COMPLY WITH THE DOUGLAS COUNTY MASTER PLAN.[[15]](#footnote-15)**

 **THE SERVICE PLAN DOES NOT COMPLY WITH SECTION 18A, THUS, IT DOES NOT COMPLY WITH THE COMPREHENSIVE MASTER PLAN.**

**THEREFORE, REQUIRED DOUGLAS COUNTY SERVICE PLAN REVIEW PROCEDURES IN XVIII STATUTORY FINDINGS AND CONCLUSIONS NUMBER 7 HAVE ALSO NOT BEEN MET. (SEE ANALYSIS HERE)**

The particular part of the zoning regulations that this information is most closely related to would be Section 1503-10 of Section 18A.

The Service Plan states: “The District has met the requirements of Section 18A, Water Supply – Overlay District, of the Douglas County Zoning Resolution, as amended, as described in the Water Supply Plan in Exhibit H. “ In reviewing Exhibit H, the problems with proper augmentation of the Upper Dawson prevent the service plan from meeting the requirements of Section 1503-10 of Section 18A.

Therefore, the service plan has NOT shown that Section 1503-10 of Section 18 A has been met. This Douglas County Zoning Resolution is “intrinsically linked” to and part of the implementation of the Douglas County Comprehensive Master Plan (CMP). “The CMP serves as a basis for regulatory actions, including the zoning regulations. Therefore, the Water Supply Overlay District (Section 18A) helps implement the CMP's goals regarding water conservation and management, [according to the Colorado Division of Local Government](https://dlg.colorado.gov/comprehensive-plans).”[[16]](#footnote-16) Without complying with Section 1503-10, Section 18A, there also is NO compliance with the Douglas County Master Plan.

**IMPORTANT: THE WATER PLAN FOR THE SUNDOWNOAKS DEVELOPMENT IS A SIGNIFICANT PROBLEM FOR BOTH THE DEVELOPMENT AND THE PROPOSAL FOR A METRO DISTRICT**.

The water plan for this development requires augmentation for the Upper Dawson as per law.   Unfortunately, the Service Plan in the Canyon Creek Engineering report, page 1, states that the augmentation is reserved from the Laramie Fox Hills Aquifer (LFHA). See, also, Court Order 95CW288.   That is untenable.  The LFHA is extremely toxic. To use it to augment the Upper Dawson would poison wells in the Upper Dawson.   The developer will need to go back to the water court, which has retained jurisdiction to determine adequacy, for a hearing on the water plan for the development.  That hearing would be necessary in order to prevent the use of the LFHA and to have another adequate aquifer decreed as the only one allowed for use to augment the Upper Dawson.

The reasons are myriad and supported by all of the scientific literature, and corresponding media literature and the reactions of several different municipalities to the problems manifested by water from the LFHA would seem to indicate definitively that this water is, if not sufficiently treated and diluted (but not just diluted), unfit for human consumption. Additionally, in most parts of the Denver Basin (including the Sundown-Oaks development area), LFHA is somewhere between 2500 and 3000 feet below the surface, which would require wells costing considerably over one million dollars each, with pumps equally prohibitive in cost to the average homeowner. This is an absurd choice as part of an augmentation agreement for the Upper Dawson aquifer if Upper Dawson is to be used for human drinking and bathing water.

 LARAMIE-FOX HILLS WATER QUALITY AND ACCESSIBILITY[[17]](#footnote-17)

a) The Laramie-Fox Hills lies in the Denver Basin system of aquifers, and is the deepest of the 4 major aquifers (2 of which may be further subdivided). Its furthest vertical reaches are almost directly under Franktown, at nearly 2400 feet. A well drilled to that depth can easily cost over one million dollars; the pumps alone can be in the hundreds of thousands. This great depth also makes the water physically hot, once acquired.

(b) It is depleting very fast where it is being used. While it does recharge, this process is infinitesimally slow and nowhere near as fast as the use rates – slower than that of all the aquifers above it, from which it is sealed-off by impermeable rock layers. Essentially, once it is gone, it is not replaceable.

c) It is the least potable water of any Denver Basin Aquifer, and the oldest. It is also associated with coal deposits as much as 10 feet thick in the confining rock, which has been extensively mined (over 300 known mines). Heat and bacteria working on the coal form noxious compounds like Hydrogen sulfates and sulfides, methane, and nitrites – all exceeding EPA standards. Manganese, selenium and iron are also present in large quantities, the iron staining clothes; the other metals having other detrimental effects. Hydrogen sulfide is corrosive to iron, steel, copper, brass, and silver cooking utensils. Coffee and cooked food are affected. Ion bases of water softening systems are destroyed, producing black slime. Sulfates can have a strong laxative effect on both people and livestock, leading to dehydration – a special maximum allowable level of 250 mg. per liter. Levels hundreds of times that have been found in L-FH wells.

d) Only 5-10 percent of Elbert and Douglas County wells (as of 2014) were L-FH, used mostly for livestock and industry. Mathematical models devised to show what should be found in many of these wells have not corroborated well with actual findings – it can be far worse.

e) The process of cleaning this water is more difficult than with any other in the Denver Basin. This involves treatment with acids, dilution with water from other aquifers in a continuous process over time. Sometimes, expensive “shock treatment” of wells becomes necessary. Simple chlorination is inadequate.

f) Robson and Banta (1995) describe “putrid odor and little value for most uses, such as drinking water.” Douglas County says, “In the deeper portions of the basin, high water temperatures and sulfur content in the coal beds makes this water less desirable for municipal supply.” Highlands Ranch blends water from other aquifers with the Laramie-Fox Hills (20 % L-FH) but had to build an entire treatment plant to do so which involves adding sodium hypochlorite, ammonia and other chemicals to clear the water of poisons of various kinds, then restore disturbed pH balances with caustic soda. While this is for human consumption, it is very expensive and is only allowed at peak water use times in the middle of summer. The town of Bennett found also that it had to build an entire treatment plant (theirs over 2.5 million dollars in 1990s currency value) and, once again, could only use it sparingly. The town of Castle Rock will reduce development credit to 1/3 of normal if Laramie-Fox Hills water is being proposed as part of a plan due to the “speculative yield and exceptional production and treatment costs of this resource.” If L-FH is “encumbered under a not-non-tributary augmentation plan,” then no development credit will be allowed at all.

g) Laramie-Fox Hills water is proposed to be part of the augmentation plan for the “not-non-tributary “Upper Dawson water at Sundown-Oak which, in turn, is proposed as the subdivision’s primary water supply. To our best knowledge, no test wells have been drilled there to the L-FH which would result in an inadequate well field analysis. Further, there are no L-FH wells in anything like the immediate vicinity. Everything about this part of the proposal is supposition and surmise. In court, that would be called “hearsay.”

h) How exactly could this water practically be considered for its designated purpose when it is the dirtiest, deepest, most expensive to drill, and most difficult to treat and clean?

Therefore, this service plan is NOT credible in order to prove required compliance with 1503-10, Section 18A either as part of an augmentation plan for the use of the Upper Dawson, nor as any sort of back-up for future well failures in the Upper Dawson.

Parenthetically, using maybe the Lower Dawson as a source for the 38,000 gallon cistern offered as a solution to the needs of firefighters who would be charged with protecting the new subdivision might, also, not be a best choice considering the high use rate for this aquifer both in terms of how fast measurements at known sensing stations have seen decreases in the height of its water table as well as its popularity among homeowners in surrounding subdivisions, thus, the needed water court’s review for an adequate augmentation aquifer for the Upper Dawson

**VII. THIS PROPOSED SPECIAL DISTRICT IS NOT IN THE BEST INTERESTS OF THE AREA TO BE SERVED**

**C.R.S. 32-1-203**

2.5) The creation of the proposed special district will be in the best interests of the area proposed to be served.

**THIS PROPOSED METRO DISTRICT IS NOT IN THE BEST INTERESTS OF THE PEOPLE TO BE SERVED.**

**THEREFORE, REQUIRED DOUGLAS COUNTY SERVICE PLAN REVIEW PROCEDURES IN XVIII STATUTORY FINDINGS AND CONCLUSIONS NUMBER 9 HAVE ALSO NOT BEEN MET. (SEE ANALYSIS HERE)**

The Service Plan makes the bold claim that the proposed District is in the best interest of the area to be served and also that the financial agreements are in the best interest of the current and future taxpayers, but is it actually in the future taxpayers best interest to have all this debt burden placed on them before they even purchase property in the District? Who is actually looking out for the future tax payers? **They have no voice in the formation of the proposed District, nor the financial agreements that create the debt that they will ultimately be responsible for repaying**.

 “***Colorado law permits developers to elect themselves to serve on a district’s board of directors, then use that position to approve tens of millions of dollars in public financing for their businesses, and leverage the property taxes on homes they haven’t yet built. No regulations stop these developer-controlled boards from approving arrangements that are financially advantageous to their business, allowing them to finance overly ambitious plans without fear of liability, knowing future homeowners ultimately shoulder the burden.”[[18]](#footnote-18)***

In fact, in this proposed metro district, the future homeowners will be subject to the following exorbitant tax rates for the combination of the district taxes (70 mills maximum) and the County taxes for Franktown (86.184 mill levy):

For the minimum priced 1.8 million dollar home, the district property taxes are $9009. The county property taxes are $11,092, for a total of $20,101 per year.

For the maximum priced $4 million dollar home, the district property taxes are $20,020. The county property taxes are $24,648 for a total of $44,668 per year.

A metro District Board can add these property taxes and any fees (no limit on these in the service plan) to each home even before there are any buyers!

**VIII. ENFORCEMENT OF METRO DISTRICT MISHANDLING:**

A. More often than not, metro districts which are mishandled ***generally have no enforcement for violations***. “Colorado's 2,000+ metropolitan districts remain one of the least regulated forms of government in Colorado. “[[19]](#footnote-19) “The Colorado Division of Local Affairs (DOLA) strengthens local communities by providing resources, funding, and technical assistance in areas like housing, property tax, and community development. DOLA works with local governments and community leaders to enhance governance, address housing challenges, and improve property tax administration,”[[20]](#footnote-20) but it does not have regulatory oversight over metro districts. “There is no state agency or division that has regulatory oversight over metro districts,”[[21]](#footnote-21) so there is no oversight or enforcement for violations of C.R.S. 32, fraud, breached contracts, violations of the service plan, TABOR election violations, misuse of public funds, noncompliance with voter imposed borrowing limits, and ethical violations by Metro Districts and their developers.[[22]](#footnote-22) “Colorado voters passed Amendment 41 which added Article XXIX “Ethics in Government” to the State of Colorado’s constitution. Amendment 41 created the Colorado Independent Ethics Commission (CIEC). . . [But, even though Metro Districts are quasigovernment entities],. . . Per Section 2 of Article XXIX, the definition of “local government” includes counties and municipalities ***but “it excludes special districts created under the Special District Act***”[[23]](#footnote-23)(emphasis added) And A [*Denver Post* investigation](https://www.denverpost.com/2019/12/05/metro-districts-debt-democracy-colorado-housing-development/) into the inner workings of the state’s 1,800 metro districts found a “governmental system that operates without the usual oversight of voters, without the usual restrictions on conflicts of interest, and without the usual checks and balances to ensure communities won’t spiral into insolvency.”[[24]](#footnote-24)

**AN EXAMPLE HAPPENING RIGHT NOW**: Mount Carbon Metro District. A developer in that district has no water connection which leaves the homeowners with no water at all, yet the developer is still selling homes! “Re: More Red Rocks Ranch homeowners left high and dry.  And around the Denver metro area and beyond, a reported 30 prospective Red Rocks Ranch homeowners are living in hotels, Airbnb’s and with family members, waiting to close on new homes that have no water taps to serve them. . . . Mount Carbon Metro District agreed to build the town infrastructure required to meet the development’s needs, but hasn’t yet completed all that work or finished a required update to its intergovernmental agreement with Morrison. . .. David O’Leary, an attorney for Mount Carbon, said in October 2024 that he believed the new IGA would be ready in about a month. ***Nine months later,*** [emphasis added] it remains unfinished and unapproved. . . Meanwhile, Lennar’s Red Rocks website says it is “actively selling” and offering “incredible deals.”[[25]](#footnote-25)

**B. BECAUSE THERE’S NO STATE ENFORCEMENT, MUNICIPALITIES ARE PROHIBITING OR RESTRICTING METRO DISTRICTS**

 Municipalities dealing with metro district problems are increasing in number. Because of the problems with metro districts for the municipalities, and, especially the homeowners, municipalities across Colorado are either ending metro districts in their municipality or putting significant restrictions on them. Just some examples are:

**1. Pagosa Springs.**

**At a town council meeting, April 29, 2025, “Planning Commission member Mark Weiler begin to open the discussion to the most crucial question: why would the Town want to allow a problematic form of government that can end up doubling the property tax burdens for homeowners?”[[26]](#footnote-26) On June 3. 2025, the city of Pagosa Springs passed a law *prohibiting* metro districts in the town limits.**

**2. Aurora**

“Limits mill levy for debt repayment to 50 mills and sets a maximum term for mill levy imposition at 40 years. Financial Restrictions:

* [Mill Levy Cap](https://www.google.com/search?sca_esv=515b1c31c4468a72&cs=0&q=Mill+Levy+Cap&sa=X&ved=2ahUKEwi3uYG8tNiOAxXBle4BHUjZKUgQxccNegQIDhAB&mstk=AUtExfBln4ZCShcTMOJbXraLKd4y7Du99IG4Uz26oTIQZxRbeRJUThnSMwZkxeamIqppsdbBve5u4M2JvVlOqkMlC6o4csBVjELYM0CossJJY5bXYdT_iCkSCMIqK0QoFPRuT7A&csui=3):

Metro districts are limited to a maximum mill levy of 50 mills for debt repayment, with adjustments allowed for the [Gallagher Amendment](https://www.google.com/search?sca_esv=515b1c31c4468a72&cs=0&q=Gallagher+Amendment&sa=X&ved=2ahUKEwi3uYG8tNiOAxXBle4BHUjZKUgQxccNegQIGxAB&mstk=AUtExfBln4ZCShcTMOJbXraLKd4y7Du99IG4Uz26oTIQZxRbeRJUThnSMwZkxeamIqppsdbBve5u4M2JvVlOqkMlC6o4csBVjELYM0CossJJY5bXYdT_iCkSCMIqK0QoFPRuT7A&csui=3).

* [Mill Levy Term](https://www.google.com/search?sca_esv=515b1c31c4468a72&cs=0&q=Mill+Levy+Term&sa=X&ved=2ahUKEwi3uYG8tNiOAxXBle4BHUjZKUgQxccNegQIExAB&mstk=AUtExfBln4ZCShcTMOJbXraLKd4y7Du99IG4Uz26oTIQZxRbeRJUThnSMwZkxeamIqppsdbBve5u4M2JvVlOqkMlC6o4csBVjELYM0CossJJY5bXYdT_iCkSCMIqK0QoFPRuT7A&csui=3):

The term for imposing a mill levy for debt repayment is capped at 40 years.

* Debt Limitations:

Restrictions are placed on the structure and interest rates of privately placed debt, requiring external financial advice.

* Taxation Oversight:

The [City of Aurora requires](https://www.auroragov.org/residents/neighborhood_resources/metro_districts) developers to provide written notice to homebuyers about the maximum debt mill levy and the district's taxing authority”[[27]](#footnote-27)

**3. Loveland**

“Established [Title 20 of the Loveland Municipal Code](https://www.google.com/search?sca_esv=515b1c31c4468a72&cs=0&q=Title+20+of+the+Loveland+Municipal+Code&sa=X&ved=2ahUKEwis3riOs9iOAxVoIkQIHRs8Jf8QxccNegQIZRAB&mstk=AUtExfBMFBKEijURH1tWh6bjWhXFul-Fzt0j19ac1b5OazgopTqA0v_axcSyaHmwo5dbAYbHPE5953c90UCId6Q66eRBa3omQDOJNvKGssW62HuZ4730QaiFDtol0jAssxFeWS0&csui=3) to regulate metro districts, including 18 requirements for service plans covering taxation, debt management, transparency, and ongoing oversight. . . .amendments to the city's [metro district code](https://www.google.com/search?sca_esv=515b1c31c4468a72&cs=0&q=metro+district+code&sa=X&ved=2ahUKEwjRgoOjttiOAxXDLEQIHY0pAgEQxccNegQIAxAB&mstk=AUtExfDtSWqsJdD1v-x8u1bwT2VeZK12g5bQo9hOwXK4GGOTrJT3tFB-ja8aPCdZLGs8USl0J3MsxZC-nwW5OqJ6uc9UvAp0czjr543crrYnQ3rDyzlXdY6n4bctQcohB_lsFnY&csui=3), including expanded disclosure requirements for homebuyers, mandatory signage in metro district neighborhoods, and the requirement for intergovernmental agreements between metro districts and the city. These changes aim to enhance transparency and accountability for metro districts, addressing concerns about debt management and [mill levies](https://www.google.com/search?sca_esv=515b1c31c4468a72&cs=0&q=mill+levies&sa=X&ved=2ahUKEwjRgoOjttiOAxXDLEQIHY0pAgEQxccNegQIBhAB&mstk=AUtExfDtSWqsJdD1v-x8u1bwT2VeZK12g5bQo9hOwXK4GGOTrJT3tFB-ja8aPCdZLGs8USl0J3MsxZC-nwW5OqJ6uc9UvAp0czjr543crrYnQ3rDyzlXdY6n4bctQcohB_lsFnY&csui=3).

Here's a more detailed breakdown:

* **Disclosure Requirements:**

New amendments require developers to disclose more information to prospective homebuyers, including a notation in online property listings about the property being within a metro district and the potential for additional tax assessments.

* **Signage:**

Mandatory signage will be required in metro district neighborhoods to further alert potential buyers about their status.

* **Intergovernmental Agreements:**

Metro districts will now be required to enter into intergovernmental agreements with the city to ensure better coordination and enforcement of regulations.

* **Ongoing Refinement:**

The city is continuing to refine its metro district policies, including the service plan.”[[28]](#footnote-28)

**4. Fort Collins**

“Key Aspects of Fort Collins Metro District Policies:

* **Transparency and Disclosure:**

The City requires that residents buying homes in a metro district

 understand how it will impact their property taxes, including the mill

 levy and debt term.

* **Public Benefits:**

The city prioritizes metro districts that offer extraordinary public

benefits, such as affordable housing, and may award points to

development proposals meeting certain criteria in areas like housing

 and infrastructure.

* **Council Discretion:**

City Council retains the authority to approve, conditionally approve, or

reject service plans for metro districts on a case-by-case basis.

* **Review Process:**

The city reviews metro district service plans, and there's an automatic

review in two years to assess the policy's effectiveness and make

necessary adjustments.

* **Limitations:**

The maximum mill levy for a metro district is 50 mills, and debt terms

are typically limited to 40 years.”[[29]](#footnote-29)

**5. Commerce City** “Their [municipal code](https://www.google.com/search?sca_esv=515b1c31c4468a72&cs=0&q=municipal+code&sa=X&ved=2ahUKEwis3riOs9iOAxVoIkQIHRs8Jf8QxccNegQIYxAB&mstk=AUtExfBMFBKEijURH1tWh6bjWhXFul-Fzt0j19ac1b5OazgopTqA0v_axcSyaHmwo5dbAYbHPE5953c90UCId6Q66eRBa3omQDOJNvKGssW62HuZ4730QaiFDtol0jAssxFeWS0&csui=3) outlines sanctions for metro districts that violate service plans or applicable laws.” [[30]](#footnote-30)

**6. Berthoud** . . . “has restrictions related to property development, including specific rules for subdivisions, driveways, and public improvements. Additionally, there are regulations for parking, vehicle storage, and even pet control in parks and open spaces.” [[31]](#footnote-31)

**7. Longmont** “Longmont City Council has placed restrictions on the creation of [metro districts](https://www.google.com/search?sca_esv=515b1c31c4468a72&cs=0&q=metro+districts&sa=X&ved=2ahUKEwjk5OCDu9iOAxXskO4BHS4PEOwQxccNegQIAhAB&mstk=AUtExfBjSzkHpptVugw1YmOnnC4-ePWwtQjBejZDIvZY5qroz2UleIaDnELJObvKIr8AypP4qSP6Gx5JjlPukEF1rnRtgsSHW4A-sZ4lybibV8Li_3kuFrRh6QVgctzZrWhAUpE&csui=3), particularly those focused on residential development. These restrictions include limits on the number of residential units in mixed-use developments and require increased oversight by the council. Additionally, Longmont has ordinances regulating activities in commercial areas and addressing noise levels, among other things.”[[32]](#footnote-32)

**IX. COLORADO STATUTES AND CASE LAW ALLOW THE TAKING OF PRIVATE PROPERTY BY METRO DISTRICTS UNDER EMINENT DOMAIN**

(C.R.S. 32-1-1004, C.R.)

Pursuant to certain restrictions by statute, a metro district does have the power of eminent domain. This power gives metro districts the ability to reach OUTSIDE its boundaries and, USING EMINENT DOMAIN A METRO DISTRICT, CAN affect surrounding properties for certain purposes.

The statute reads.

“A metropolitan district may have and exercise the power of eminent domain and dominant eminent domain and, in the manner provided by article 1 of title 38, may take any property necessary to the exercise of the powers granted, both within and *without the special district (Emphasis added)*, only for the purposes of fire protection, sanitation, street improvements, television relay and translator facilities, water, or water and sanitation, except for the acquisition of water rights, and, within the boundaries of the district, if the district is providing park and recreation services, only for the purpose of easements and rights-of-way for access to park and recreational facilities operated by the special district and only where no other access to such facilities exists or can be acquired by other means. A metropolitan district shall not exercise its power of dominant eminent domain within a municipality or the unincorporated area of a county, other than within the boundaries of the jurisdiction that approved its service plan, without *a written resolution approving the exercise of dominant eminent domain* (Emphasis added) by the governing body of the municipality in connection with property that is located within an incorporated area or by the board of county commissioners of the county in connection *with property that is located within an unincorporated area(Emphasis added)*.”

**In 2019 “the Colorado Supreme Court confirmed that the exercise of condemnation authority by a developer-formed metropolitan district constitutes public use, so long as the purpose of the taking is for some public benefit.“[[33]](#footnote-33)** ***Carousel Farms Metropolitan District v. Woodcrest Homes, Inc. “*The Colorado Supreme Court’s decision reverses a Colorado Court of Appeals decision that had stymied many metropolitan districts’ efforts to condemn public right of ways, utility easements, and parks and trails in connection with new development projects.” Thus, if the proposed Metro District is approved, any of these that fit within the statute that Sundown Oaks wishes to use eminent domain to accomplish will now be allowed!**

The question then is; do any of the areas delineated in the proposed metro district fit within the statute? The service plan states at POWERS AND RESPONSIBLITIES, VII, page 5, Parks and Recreation, “The District SHALL [emphasis added] have the power and authority to . . .construct, acquire, install . . . public park and public recreation centers . . .bike trails, pedestrian trails, pedestrian bridges . . . and other services, programs and facilities, . . land and easements, together with extensions and improvements thereto.”

Based on the requested POWERS AND RESPONSIBLITIES service plan request and the case law, IF APPROVED, the proposed metro district can use eminent domain for the taking of private property outside the boundaries of the proposed metro district!

The areas around this proposed metro district are rural residential HOAs and should **NOT** ever be subject to eminent domain from a metro district.

**X. BOARD OF COUNTY COMMISSIONERS AUTHORITY.**

**THE BOARD OF COUNTY COMMISSIONERS HAS THE AUTHORITY TO REQUIRE INFORMATION IN THE SERVICE PLAN, TO APPROVE THE SERVICE PLAN, TO DISAPPROVE THE SERVICE OR TO CONDITIONALLY APPROVE THE SERVICE PLAN.**

Because of the service plan’s significant deficiencies, this service plan should be denied. In the alternative, the Board has authority to request further information.

**1. C.R.S. 32‑1‑202 states:**

2) The service plan shall contain the following:

(h) Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in section 32‑1‑203, if applicable, is met;

(i) Such additional information as the board of county commissioners may require by resolution on which to base its findings pursuant to section 32‑1‑203;

**2. C.R.S.32‑1‑203 STATES:**

1. . . . WITH REFERENCE TO THE REVIEW OF ANY SERVICE PLAN, THE BOARD OF COUNTY COMMISSIONERS HAS THE FOLLOWING AUTHORITY:

(c) To conditionally approve the service plan subject to the submission of additional information relating to or the modification of the proposed service plan.

For the BOCC to accurately assess if the service meets the statutory and County requirements, in addition to the financial disclosures required above, the BOCC should also require the following:

a) The Commissioners should require prior approval of the TABOR election ballot measures, to ensure the following:

(1)The total amount of authorized debt in the TABOR election is no more than the amount of debt authorized in the Service Plan, and preferably no more than the $3,625,000 proposed in their financial plan that can be repaid. If the developer needs to issue more debt, they must come back to the County for permission until the residents begin to arrive and can provide checks and balances on issuing debt they will be obligated to pay.

(2) The TABOR ballots do not eliminate the right of future residents to vote on issuing bond debt and expressly expire in 3

years.

AND:

(3) No fees may be assessed by a board which includes persons affiliated with or receiving any income from the developer without first submitting the question to a vote of the residents who will be paying the fees, and any fees must be re‑approved annually.

(4) The price paid for each developed lot must be confirmed with affidavits from the homebuilder or homeowner.

(5)The Developer must provide monthly documentation of all money received, the source of the income, and the costs paid to any vendor for operations related to the metro district.

(6) Any financial agreement entered into by the developer on behalf of the future residents should expire once the residents begin to arrive, and may only be validated by a ballot measure presented at an election of the residents by more than 10% of home‑owning residents who have no financial interest in such agreement.

**XI. CONCLUSION**

For all the reasons stated above, and as has been shown, the Service Plan has failed to show that a metro district is necessary to serve the future residents of the area. The District does not have the ability to discharge the proposed indebtedness on a reasonable basis, and there is also no evidence that the proposed District is in the best interest of the future residents. Profit alone is definitely NOT sufficient to meet the statutory requirements.

**A. DENIAL OF THE PROPOSED METRO DISTRICT:**

Based on all of the above, the Franktown Citizens’ Coalition respectfully requests that Douglas County deny the developer’s request for the Sundown Oaks Metropolitan District.

**B. FURTHERMORE**, in the interest of ALL of the citizens of Douglas County, the Franktown Citizens’ Coalition requests that the Douglas County Board of Commissioners takes a public position that the creation of anymore metro districts in Douglas County **Will Not** be approved. **Because metro districts at least DOUBLE the homeowners’ tax burden, plus uncontrolled fees, they are not in the best interests of the citizens of Douglas County. “Financing through a metro district is more expensive because in most cases the developer is double dipping . . .” With a metro district “financing there are two loans, two sets of interest and paying interest on interest.”** **[[34]](#footnote-34)** With a position of not approving any more metro districts in Douglas County, the Commissioners will protect their citizens of Douglas County from the over burdensome, financial problems that metro districts create. See a prime example, Exhibit 2, Two Bridges Metro District. Also, supporting this request is the potential damage caused by metro districts clearly explained by John Henderson, a published expert on metro district abuse in his letter to the County included herein.[[35]](#footnote-35)

**Respectfully submitted by,**

FRANKTOWN CITIZENS’ COALITION II, INC., BOARD AND STEERING COMMITTEE

Diana Love, President

Troy Dayton, Vice President

Debra Bowman, Secretary

Hyla Jenks, Treasurer

Richard Love, Member-at-Large

Steering Committee

Malcolm Bedell

Bob Skowron

Kimberly Adams

**XII. EXHIBIT LIST**

**1. Email from the Colorado Department of Local Affairs**

**2. Opposition Letter and timeline from Korin Barr, past President of Twin Bridges Metro District.**

**3. Letter from Charles Wolfersberger LLC, President**

**4. Letter from Chuck Howell, past board member. Fox Hills Metro District**

**5. Letter from John Henderson, founder of Coloradans for Metro District Reform**

**6. Opposition letter from Larry Gable, Wild Point Metro District**

**7. Opposition letter from Dave Delgado, President, Bannockburn HOA**

**8. Opposition Letter from Alan Erickson, President, Fox Glen HOA**

**9. Letter from Bob Speaker, Broker Owner, Keller Williams Action Realty**

**10. Vision Commercial and Residential advertisement, Mr. Steven Gage, Owner**

**11. Vision Commercial and Residential advertisement, Mr. Steven Gage, Owner**

1. Website for Vision Commercial Development and Residential, 2023, Owner Mr. Steve Gage, “Vision is proud to be responsible for the land acquisition of this project. We manage the entitlements and oversaw the infrastructure development. [↑](#footnote-ref-1)
2. Advertised by Vision Commercial Development and Residential, Owner Mr. **Steve Gage.** [↑](#footnote-ref-2)
3. Advertisement for home in Arrowpoint Development, 1555 Arrowpoint Cr., Franktown, Builder and owner, Northstar Custom Homes, Date February 28, 2025,. **Megan Gage** at Brokers Guild Real Estate, Zillow [↑](#footnote-ref-3)
4. Douglas County Planning Pro, SB2020-032 [↑](#footnote-ref-4)
5. “*A left turn deceleration lane for eastbound Highway 86 will be applied for and constructed per CDOT standards*.”

Canyon Creek Engineering, 11-15-21, SB2019-038 [↑](#footnote-ref-5)
6. Advertised by Vision Commercial Development and Residential, Owner Mr. Steve Gage, See Exhibits Nos. 11 & 12 [↑](#footnote-ref-6)
7. It should be noted that in Exhibit 3 from Charles Wolfersberger this calculation is based on the Douglas County Assessor’s valuation of the land at $2, 901, 500. Here we used the developers own valuation of $0. Service plan at VII, page 2. [↑](#footnote-ref-7)
8. See Exhibit 6, John Henderson, founder of Coloradans for Metro District Reform [↑](#footnote-ref-8)
9. Contributed by Debbie Bowman, FCC II, Secretary and Hyla Jenks, FCC II, T+reasurer [↑](#footnote-ref-9)
10. The Denver Post, 6/26/2020 [↑](#footnote-ref-10)
11. AI Overview [↑](#footnote-ref-11)
12. Larry Gable, Wild Point Metro District, Exhibit 6 [↑](#footnote-ref-12)
13. AI Overview [↑](#footnote-ref-13)
14. AI Overview [↑](#footnote-ref-14)
15. Section 1503-10 of Section 18 A. AI Overview [↑](#footnote-ref-15)
16. Colorado Department of Local Affairs, Colorado Division of Local Government., AI Overview [↑](#footnote-ref-16)
17. Contributed by Malcolm Bedell, Franktown, 80116, Is a published paleontologist with training in geology and other hydrology related subjects. [↑](#footnote-ref-17)
18. EDITORIAL: An Unsettling Story About Colorado Metro Districts, Part Two, Bill Hudson, 4/30/2025 [↑](#footnote-ref-18)
19. Wolfersberger, LLC [↑](#footnote-ref-19)
20. Colorado Division of Local Affairs, AI overview [↑](#footnote-ref-20)
21. Colorado Department of Local Affairs, Jacob Miler, Administrative Assistant II, 7/22/2025, See Exhibit No. 1 [↑](#footnote-ref-21)
22. See Exhibit No. 2 [↑](#footnote-ref-22)
23. Wolfersberger, LLC [↑](#footnote-ref-23)
24. The Denver Post, 6/26/2020 [↑](#footnote-ref-24)
25. Colorado Community Media [↑](#footnote-ref-25)
26. EDITORIAL: An Unsettling Story About Colorado Metro Districts, Part Two, Bill Hudson, 4/30, 2025 [↑](#footnote-ref-26)
27. Aurora Metro District restrictions, AI overview [↑](#footnote-ref-27)
28. Loveland Metro District restrictions, AI Overview [↑](#footnote-ref-28)
29. Fort Collins metro ddistrict restrictions, AI overview [↑](#footnote-ref-29)
30. Commerce City metro district restrictions, AI overview [↑](#footnote-ref-30)
31. Berthoud Metro District restrictions, AI overview [↑](#footnote-ref-31)
32. Longmont Metro District restrictions, AI overview [↑](#footnote-ref-32)
33. News and Events, Otten Johnson Robinson Nef and Raganetti, 2019 [↑](#footnote-ref-33)
34. See Exhibit 6, page 2. John Henderson, founder of Coloradans for Metro District Reform [↑](#footnote-ref-34)
35. See Exhibit 6, John Henderson, founder of Coloradans for Metro District Reform [↑](#footnote-ref-35)