

**BEFORE THE DEPARTMENT OF STATE
STATE OF COLORADO**

FINAL AGENCY ORDER

**RE: DISMISSAL OF DOUGLAS COUNTY'S APPLICATION TO DECLARE
THE TOWN OF SEDALIA ABANDONED PURSUANT TO § 31-3-201,
C.R.S.**

THIS MATTER having been brought before the Department of State for a determination of abandonment of the town of Sedalia, among other towns in Douglas County, pursuant to § 31-3-201, C.R.S., (2007), and such application for determination of abandonment having been stayed for ninety (90) days at the request of Douglas County, the Secretary of State Mike Coffman ("the Secretary"), upon the expiration of the ninety (90) day period, hereby dismisses Douglas County's application for determination of abandonment as it relates to the town of Sedalia.

The Secretary finds and orders as follows:

Procedural History

1. In a letter dated June 18, 2007, Douglas County, by and through the Douglas County Attorney, formally requested the Secretary to make a determination of abandonment for several cities or towns that once existed in Douglas County. Among the towns listed in this formal request was the town of Sedalia.
2. In a subsequent letter dated June 25, 2007, Douglas County, by and through the Douglas County Attorney, requested that the Secretary "take no action, for a period of ninety days, with regard to the following town: Sedalia." Pursuant to Douglas County's request, the Secretary took no action with regard to Sedalia.
3. As the deadline for the ninety (90) day period (September 22, 2007) approached without word from Douglas County, the Secretary's office contacted the Douglas County Attorney's office via email on September 20, 2007 in an effort to ascertain the county's intent with regard to Sedalia. No response was received.
4. In a letter dated November 29, 2007, The Secretary's office again requested to be notified as to Douglas County's intentions regarding Sedalia. This letter specifically asked Douglas County to inform the Secretary whether the county wishes to withdraw the town of Sedalia from the town abandonment application. No response was received.

Findings of Fact

1. The ninety (90) day stay in determination for abandonment of Sedalia requested by Douglas County expired on September 22, 2007.
2. Douglas County has not responded to the Secretary's repeated requests for notification of the county's intent with regard to the application for abandonment of the town of Sedalia.
3. As of the date of this order, the Secretary remains unaware of Douglas County's intent regarding the town of Sedalia.


Conclusions of Law and Final Order

1. Because the Secretary has not received any correspondence from Douglas County notifying the Secretary as to the county's intent with regard to Sedalia, the Secretary hereby finds that Douglas County has abandoned its application for determination regarding the town of Sedalia.
2. Due to the requirement contained in § 31-3-201, C.R.S. (2007) for the Secretary to act "forthwith," the Secretary hereby dismisses Douglas County's application for determination regarding the town of Sedalia.
3. Nothing in this order shall be construed to prevent Douglas County from resubmitting, at a future date, a new application for determination of abandonment regarding Sedalia. Any future application will begin the Secretary's determination process anew from the date of such application.

WHEREFORE: It is hereby ordered that the findings and conclusions enumerated above are hereby adopted and filed and made an official record of this office and this Order is hereby approved.

Done this 10th day of January, 2007.

COLORADO SECRETARY OF STATE


Mike Coffman

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the above FINAL AGENCY ORDER by transmitting same via facsimile and by placing same in the U.S. Mail, postage prepaid, at Denver, Colorado to:

Mr. Lance J. Ingalls, Esq.
Douglas County Attorney
100 Third Street
Castle Rock, CO 80104
FAX: 303-688-6596

Done this 10th day of January, 2007.



Office of the Secretary of State