



GRANTED

The moving party is hereby ORDERED to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

66171V CE
Jeffrey K. Holmes
District Court Judge
DATE OF ORDER INDICATED ON ATTACHMENT

District Court, Elbert County, Colorado
Court Address: 751 Ute Street; P.O. Box 232
Kiowa, CO 80117
Telephone No. (303)-621-2131

FILED Document - District Court
2009 CV 197
Elbert County District Court 18th JD
Filing Date: Nov 21 2009 5:24PM MST
Filing ID: 28169359
Review Clerk: N/A

**IN RE: THE ORGANIZATION OF THE AGATE
FIRE PROTECTION DISTRICT.**

COURT USE ONLY

Case Number: 09 CV 197

Division: Courtroom:

ORDER AND DECREE CREATING DISTRICT

This matter is brought before the Court pursuant to this Court's Order of July 15, 2009, and pursuant to Colorado Revised Statute 32-1-305, 32-1-305.5, and 32-1-306. An election was held on the 3rd day of November, 2009, at which time there was submitted to the eligible electors of the proposed District the matter of the organization of the Agate Fire Protection District, County of Elbert, State of Colorado, the election of Directors for such District and two questions relating to section 20, article X of the Colorado Constitution.

The Elbert County Clerk and Recorder, the designated election official responsible for the conducting of the election, has certified the results of the election, a copy of which has been filed with this Order and Decree. The following ballots were cast on the question of the organization of the Agate Fire Protection District:

VOTES CAST

FOR the organization of the Agate Fire Protection District 87

AGAINST the organization of the Agate Fire Protection District 42

Further, the following qualified persons were duly elected as directors of the Agate Fire Protection District for the indicated terms:

<u>NAME</u>	<u>TERM</u>
JAMES CRAVEN	Until the Next Regular Election
BARRY HOLLEMBEAK	Until the Next Regular Election
LYNDON BURNETT	Until the Second Regular Election
KENT DYSON	Until the Second Regular Election
VICKY L. CRAVEN	Until the Second Regular Election





Further, Ballot Issue 5B concerning the ability of the Agate Fire Protection District to certify and receive an ad valorem mill levy imposed at a rate not to exceed eight mills to be used for the purposes of paying the District's operations, maintenance, and other expenses, as allowed by section 20 of article X of the Colorado constitution, and as more specifically set forth in the ballot issue, passed as follows:

Votes in favor of Ballot Issue 5B: 82

Votes against Ballot Issue 5B: 47

Further, Ballot Issue 5C concerning the ability of the Agate Fire Protection District to collect, retain, and spend the amount of all taxes, grants, and other revenue, income, and payments received by the District without limitation by the revenue and spending limits of section 20 of article X of the Colorado Constitution, and as more specifically set forth in the ballot issue, passed as follows:

Votes in favor of Ballot Issue 5C: 84

Votes against Ballot Issue 5C: 46

Further, the Court finds that all of the provisions of law, and more particularly all of the requirements of Title 32, Article 1, Colorado Revised Statutes, have been complied with, met and performed, in the organization of the District.

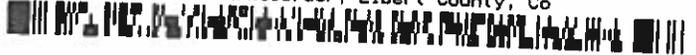
The Court, Therefore, being fully advised, hereby ORDERS AND DECREES that:

The Agate Fire Protection District has been duly and regularly organized and shall be known as "Agate Fire Protection District", County of Elbert, State of Colorado.

The following electors are hereby designated as the first Board of Directors of the Agate Fire Protection District:

JAMES CRAVEN	Until the Next Regular Election
BARRY HOLLEMBEAK	Until the Next Regular Election
LYNDON BURNETT	Until the Second Regular Election
KENT DYSON	Until the Second Regular Election
VICKY L. CRAVEN	Until the Second Regular Election

The mill levy and the ability to retain revenues as more specifically allowed and described in Ballot Issues 5B and 5C are approved in accordance with the wishes of the voters of the Agate Fire Protection District.



The District is located in the County of Elbert, State of Colorado, and contains the real property which is described in Exhibit A, attached hereto and incorporated herein by reference.

The Agate Fire Protection 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.

The Board of Directors shall take such steps and proceedings as the needs of the District require. Within thirty (30) days after the date hereof, the Clerk of this Court shall transmit to the County Clerk and Recorder of the County of Elbert, Colorado, a true and certified copy of this Order and Decree, for filing and recording. Further, the Board shall provide the Elbert County Clerk and Recorder with the approved service plan of the District for retention as a public record for inspection. Further a map of the special district shall be filed with the Elbert County Assessor and a certified copy of this Order, together with a copy of the service plan, shall be conveyed to the Division of Local Government, all in accordance with C.R.S. 32-1-306.

DONE THIS ____ DAY OF _____, 2009.

BY THE COURT

DISTRICT COURT JUDGE