

ORDINANCE NO. 756

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE TOWN OF LARKSPUR, COLORADO AT THE SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1993, AN ORDINANCE APPROVING THE CREATION OF A MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATION; SETTING FORTH SAID ORDINANCE IN FULL; SETTING FORTH THE BALLOT TITLE; AND PROVIDING OTHER DETAILS IN RELATION THERETO

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO as follows:

Section 1: At the special municipal election to be held on Tuesday, November 2, 1993, between the hours of 7:00 a.m. and 7:00 p.m., there shall be submitted to the voters of the Town an ordinance which would approve the creation of a multiple fiscal year financial obligation effective January 1, 1994. The full text of the ordinance to be submitted is as follows:

AN ORDINANCE APPROVING THE CREATION OF A MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATION FOR THE TOWN OF LARKSPUR, COLORADO, TO BECOME EFFECTIVE ON JANUARY 1, 1994

BE IT ORDAINED BY THE PEOPLE, THROUGH THE QUALIFIED ELECTORS OF THE TOWN OF LARKSPUR, COLORADO as follows:

Section 1: *The Town of Larkspur entered into an annexation and development agreement for the Cardenas Annexation, which agreement is dated June 9, 1993. On August 11, 1993, the Town entered into an amendment to the annexation and development agreement, which provides in part that Marvin Cardenas and Shannon Buss, the owners of the property described in the Cardenas Annexation Agreement, agreed to extend Town water and wastewater mains from their existing termini to the northern boundary of the annexed property. The Town agreed to reimburse owners for the cost of extending the Town water and wastewater lines past the Town park to the southern boundary of the annexed property in an amount to be approved by the Town Engineer, not to exceed \$19,000.00. The Town agreed to reimburse Marvin Cardenas and Shannon Buss for the extension of the water and wastewater lines at the rate of 1% of the amount of taxable sales made within the boundaries of the annexed property as reported to the Town on the sales tax reports submitted by all vendors reporting sales made within the boundaries of the annexed property. Reimbursement is to be made quarterly based on calendar quarters until the total amount approved by the Town Engineer is reimbursed to the owners, without interest. The payment for each quarter is to be made not later than 30 days after the end of the quarter. Requirement to make the reimbursement payment shall be subject to the Town actually receiving the sales tax revenue from the sales reported within the annexed property.*

Section 2: The official ballot and the official absentee ballot shall state the substance of the measure and so stated shall constitute the ballot title, designation, and submission clause, and each qualified elector voting at the election shall indicate his or her choice on the measure submitted, which shall be as follows:

SHALL THE TOWN OF LARKSPUR, COLORADO BE PERMITTED TO INCREASE DEBT AND TO CREATE A MULTIPLE-FISCAL YEAR OBLIGATION TO REIMBURSE MARVIN CARDENAS AND SHANNON

BUSS FOR THE EXTENSION OF WATER AND WASTEWATER LINES PAST TOWN OF LARKSPUR PARK IN AN AMOUNT TO BE APPROVED BY THE TOWN ENGINEER, NOT TO EXCEED \$19,000.00, WHICH REIMBURSEMENT SHALL BE AT THE RATE OF 1% OF THE AMOUNT OF TAXABLE SALES MADE WITHIN THE BOUNDARIES OF THE PROPERTY DESCRIBED IN THE CARDENAS ANNEXATION AGREEMENT, AS REPORTED TO THE TOWN ON THE SALES TAX REPORTS SUBMITTED BY ALL VENDORS REPORTING SALES MADE WITHIN THE BOUNDARIES OF THE PROPERTY, EFFECTIVE JANUARY 1, 1994?

FOR THE MEASURE _____ AGAINST THE MEASURE _____

Section 3: If a majority of all the votes cast at the election on the measure shall be for the measure, the measure and the related ordinance shall be deemed to have passed.

Section 4: The election shall be conducted under provisions of the Charter and ordinances of the Town of Larkspur, Colorado, and this ordinance, and all contrary provisions of the statutes of the State of Colorado are hereby superseded.

Section 5: The Town Clerk of the Town of Larkspur, Colorado shall give public notice of the election on such measure:

(a) By causing notice to be published in the Douglas County News-Press, a newspaper of general circulation, one time at least eight (8) days before election day; and

(b) By mailing to "All Registered Voters" at each address within the Town at which a voter is registered no sooner than twenty-five (25) days before the election, and no later than fifteen (15) days before the election, a notice entitled "NOTICE OF ELECTION TO INCREASE DEBT AND TO APPROVE A MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATION."

This notice shall include only:

(1) The election date and hours for voting, the ballot title and text of the measure submitted to the voters, and the office address and telephone number of the Town Clerk;

(2) Two summaries, no more than 500 words each, one for and one against the measure, of written comments filed with the Town Clerk no later than 30 days before the election. No summary shall mention names of persons or private groups, nor any endorsement of or resolutions against the measure to be voted upon. The Town Clerk shall maintain on file and accurately summarize all relevant written comments.

Section 6: The Town Council and the Town Clerk shall take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 7: If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 8: This ordinance is necessary to protect the public health, safety, and welfare of the residents of the Town, and covers matters of local concern.

Section 9: This ordinance shall take effect five (5) days after it is posted, in accordance with Section 3.20 of the Town Charter.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 8th day of September, 1993 and passed by a vote of 7 for, 0 against, and 0 abstentions.

Herminie Busch
Mayor

ATTEST:

Brenda J. Anderson
Town Clerk

I hereby certify that the within Ordinance No. 756 was posted on the bulletin board at the Town Hall of the Town of Larkspur from September 10, 1993 to September 15, 1993

Brenda J. Anderson
Town Clerk