

**RESOLUTION OF CONSENT
OF THE BOARD OF DIRECTORS OF THE
SOUTH SUBURBAN PARK AND RECREATION DISTRICT**

WHEREAS, South Suburban Park and Recreation District ("South Suburban") and TrailMark Metropolitan District ("TrailMark") are each political subdivisions of the State of Colorado, formed pursuant to C.R.S. § 32-1-101, *et seq.* – the Colorado Special District Act (the "Special District Act"); and

WHEREAS, pursuant to the Special District Act, the Consent of South Suburban is required for any park or recreation facilities proposed to be constructed by TrailMark; and

WHEREAS, South Suburban originally gave Consent to TrailMark's utilization of park and recreation powers; and pursuant to said Consent, entered into an Intergovernmental Agreement, dated November 11, 1998; which was subsequently amended and restated via Agreement dated December 14, 2005 (the "Consent Agreement" or together the "Consent Agreements"); and

WHEREAS, the Consent Agreement acknowledged all improvements constructed by TrailMark through 2005, and provided in Section 4, in part, that "... *TrailMark agrees . . . any new park and recreation improvements are subject to the reasonable consent of South Suburban.* "; and

WHEREAS, TrailMark has now proposed, with apparent broad community support and to be the subject of a Debt Authorization Election to be conducted in November 2009, the construction of a Community Center and outdoor swimming pool ("Community Center and Swimming Pool"); consisting of a walk-out design with approximately 3,500 square feet on each level; the ground level consisting of a Great Room, restrooms, kitchen, storage, and an elevated walk-out deck, to be utilized as a meeting/party facility; and the lower walk-out level dominated by a fitness facility with locker rooms, which will also include office, conference room and storage facilities; and

WHEREAS, pursuant to the Consent Agreement, TrailMark requests the further Consent from South Suburban for the construction of this Community Center and Swimming Pool; and

WHEREAS, an Impact Study was completed by South Suburban that indicates no negative economic impact upon South Suburban's facilities; and

WHEREAS, South Suburban having considered the materials provided, and having conducted a public hearing on the subject (held July 8, 2009), does make the findings and conclusions provided below.

NOW, THEREFORE, be it resolved by the Board of Directors of the South Suburban Park and Recreation District as follows:

1. Pursuant to the Special District Act and the Consent Agreement referenced above, South Suburban's interest and limitations concerning the withholding of Consent apply to whether such facilities within South Suburban's boundaries might interfere in some way with the Park and Recreation Program conducted by South Suburban.
2. The Board of Directors has reviewed all of the materials provided concerning the proposed Community Center and Swimming Pool, and conducted a public hearing at which all persons were ~~invited~~ ^{allowed} to express views on the proposal.
3. As a result of the review of all materials and testimony received, the Board finds that the proposed Community Center and Swimming Pool will not have any reasonable negative effect upon the Park and Recreation Program of South Suburban.
4. Nothing in the above shall serve to modify the Consent Agreements between South Suburban and TrailMark, which shall remain in full force and effect; and nothing shall commit, or imply a commitment, that South Suburban shall be responsible for any costs of maintenance, operation, or ownership of ~~District~~ ^{TrailMark} facilities.
5. Accordingly, the Consent required by the Special District Act and the Consent Agreement is hereby granted.

THIS RESOLUTION WAS PASSED this 22nd day of July, 2009, by a vote of 4 in favor and 0 opposed.

SOUTH SUBURBAN PARK AND RECREATION DISTRICT

By: Katherine C. Gettner
~~Jerry D. Call, Chairman~~
Katherine C. Gettner, Chair Pro-Tem

ATTEST:

By: Harold L. Neal
Harold L. Neal, Secretary