

RESOLUTION 93-5

OPHIR COLORADO

A RESOLUTION TO ADOPT THE SERVICE PLAN FOR THE OPHIR VALLEY WILDLIFE AND CONSERVATION DISTRICT FOR SUBMITTAL TO SAN MIGUEL COUNTY

WHEREAS it is in the interest of the Town of Ophir to cooperate with San Miguel County for the purpose of planning and regulating the development of land,

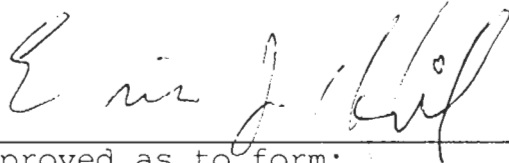
NOW THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR that the attached Service Plan for the Ophir Valley Wildlife and Conservation District is approved and shall be presented to San Miguel County for its consideration.

ADOPTED, this 18th day of May, 1993.

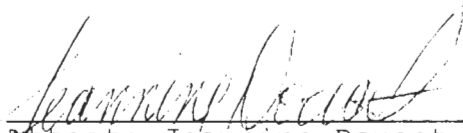


Paul Machado, Town Manager

(TownSeal)



Approved as to form:
Eric James Heil, Town Attorney



Attest: Jeannine Doucet, Town Clerk

SERVICE PLAN FOR THE
OPHIR VALLEY WILDLIFE AND CONSERVATION DISTRICT

A Special District formed pursuant to
Title 32, Colorado Revised Statutes
otherwise known as the "Special District Act"

WHEREAS increased pressure to develop the lands surrounding the Town of Ophir may lead to the degradation of natural values, wildlife habitats, and scenic open spaces in Ophir Valley; and,

WHEREAS the people of Ophir Valley recognize the primal need for open, wild, and scenic places, for quiet and solitude, for primitive outdoor recreational opportunities, and for a clean and safe environment for ourselves and members of the animal kingdom,

WHEREAS the goals of the Ophir Valley Wildlife and Conservation District are compatible with the goals, objectives, and policies of Section 5 of the San Miguel County Comprehensive Development Plan,

WHEREAS Section 2-33 of the San Miguel County Land Use Code states that "It is the policy of the County to promote and encourage the transfer of private inholdings to public ownership..." and that it is the policy to "Favor maintenance of inholdings for open space over the use of inholdings for any developmental purpose...",

WHEREAS the means for promoting the goals of San Miguel County and the Ophir Valley Wildlife and Conservation District is specifically allowed by C.R.S. 32-1-101 et. seq., C.R.S. 29-7-101 et. seq., C.R.S. 30-28-101 et. seq., and 29-20-101 et. seq.

NOW, THEREFORE, THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR DESIRES TO FORM A PARK AND RECREATION DISTRICT AS FOLLOWS:

OPHIR VALLEY WILDLIFE AND CONSERVATION DISTRICT

A Park and Recreation District
formed under the laws of Colorado

I. DESCRIPTION OF THE PROPOSED SERVICES

The Ophir Valley Wildlife and Conservation District ('District') will acquire interests in land, through donation, purchase or by the power of eminent domain, as may be necessary, suitable, or proper for:

A. the preservation or conservation of sites, wild and scenic places, open space, and vistas of scientific, historic, aesthetic, or other public interests;

B. the promotion of primitive recreational opportunities, such as: hiking, backpacking, camping, cross country skiing, horseback riding, birdwatching, and other compatible non-motorized recreational activities;

C. the discouragement or restriction of vehicle access and use in areas deemed to have great natural values or potential for natural values;

D. the reintroduction of fish and wildlife and the protection of existing wildlife and wildlife habitats;

E. the preservation of worthy historical buildings and structures; or,

F. the enforcement of all local, state, and federal environmental laws and the promotion of cleanup and reclamation of all toxic and dangerous mining and milling sites.

The proposed District will not require the physical construction of any facility to accomplish its basic purpose.

II. EXPENSES RELATED TO THE ORGANIZATION AND INITIAL OPERATION OF THE DISTRICT

A. Organization Costs

The following represents the anticipated costs associated with the organization of the District.

Public Notices	\$ 400.00
Copying	\$ 600.00
Legal Fees	\$2,000.00
Certified Mailings	\$ 200.00
Postage	\$ 250.00
Official Notices	\$ 100.00
Telephone	\$ 150.00
Office Supplies	\$ 500.00
Landowners Informative Letter/Brochure	\$ 300.00

Total organization costs \$4,500.00

The District will receive the necessary funds for the organization expenses from the Town of Ophir's reserve fund. Additional organizational funds may be received by donation to the District.

B. Operating Costs

The operating costs of the District include the costs associated with the determination of property interests eligible for acquisition by the District and the monitoring of acquired property interests. These costs may include appraisal fees, soil and water samples, land surveys, and engineering studies.

The cost of preparing the appropriate conservation easements for land interest donations is estimated to be from \$150.00 to \$300.00 which may be born by the donor.

Land acquisitions and purchases will be financed through donations or the sale, or trade, of town lots owned by the Town of Ophir in the Town of Ophir. All sales, or trades, of Town of Ophir town lots must be reviewed by the Ophir Planning and Zoning Commission and approved by the General Assembly.

Any monies received from the sale of town lots shall be used exclusively for the purchase of land or property interests within the District boundaries, unless otherwise by the General Assembly of the Town of Ophir and authorized at an annual meeting of the members of the District.

It is not anticipated that the District will incur any indebtedness or levy any taxes.

III. DISTRICT BOUNDARIES

The proposed District shall encompass the Howards Fork River Watershed east of Highway 145, including the Town of Ophir. A map of the proposed District boundaries is attached as exhibit 'A.'

IV. CHARTER, CRITERION, AND STANDARDS FOR OPERATION

The proposed Charter for the District is attached as exhibit 'B.' The proposed criterion and standards for acquisition and acceptance of land interests is attached as exhibit 'C.'

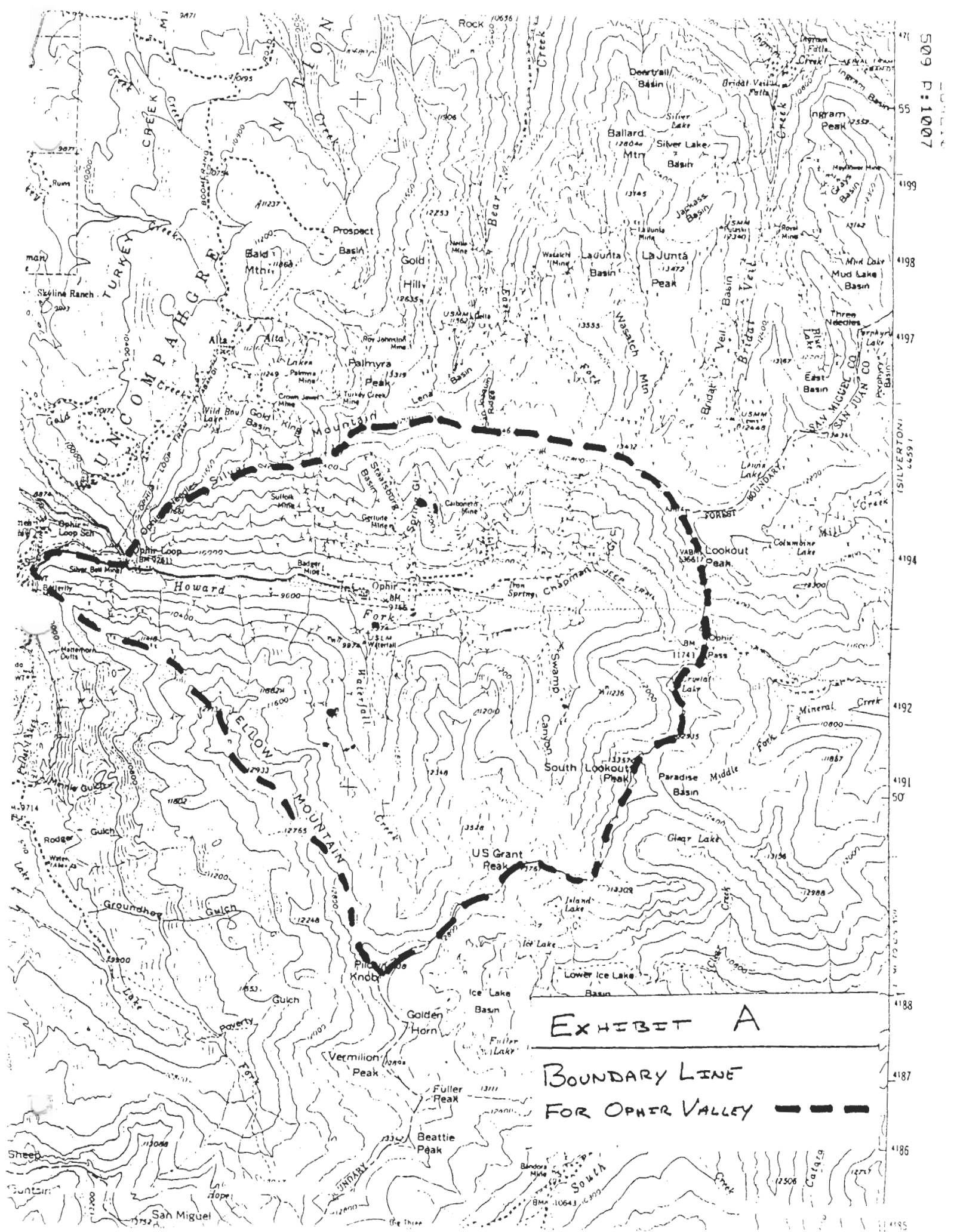


EXHIBIT A
 BOUNDARY LINE
 FOR OPHIR VALLEY

[EXHIBIT 'B']

OPHIR VALLEY WILDLIFE AND CONSERVATION DISTRICT CHARTER

A PARK AND RECREATION DISTRICT
FORMED UNDER THE LAWS OF COLORADO

ARTICLE I. - Membership

Section 1. Qualifications. All residents over eighteen (18) years of age and private property owners within the boundaries of the Ophir Valley Wildlife and Conservation District, (hereinafter 'District') shall be members of the District.

Section 2. Annual Meeting. The Annual Meeting of the members for the purpose of electing directors and transacting other business which may properly come before the meeting shall be held in the first quarter of each year at a time and at a place within the boundaries of the Ophir Valley Conservation District.

Section 3. Special Meeting. Special meetings of the members may be called at any time by the President, by the Board of Directors, or by petition in writing signed by not fewer than 25% of the members of the District and filed with the Secretary.

Section 4. Voting. At any meeting of the members, the members present shall constitute a quorum. Each member shall one vote.

Section 5. Notice. No fewer than thirty (30) days prior to each meeting, notice shall be mailed, postage prepaid, to all members at their addresses listed in the records of the District setting forth the date, time and place of such meeting and indicating the nature of business to be transacted at such meeting. No notice of the time, place or purpose of any meeting need be given to any member who, in writing, executed and filed with the records of the meeting before or after the holding thereof, waives such notice or attends the meeting.

ARTICLE II. - Board of Directors

Section 1. General Powers. The property, affairs, and activities of the District shall be managed by the Board of Directors consisting of five (5) members. The powers of the Board of Directors shall include the authority to accept, transfer, and encumber property and interests in property and the authority to hire and fire any necessary staff or contractors.

Section 2. Elections. Directors shall be elected by the members at the Annual Meeting and each director shall serve until a successor is elected and qualified. Any member of the District that desires to run for election shall submit a nominating petition to the secretary on a form to be supplied by the secretary prior to the annual meeting or may be nominated for election by another member at the annual meeting.

Section 3. Terms of Office. The first Board of Directors shall serve as follows: two directors shall serve until they or their successors are elected and qualified at the next regular District election occurring in any year following that in which the District was organized, and the three directors with the most votes shall serve until they or their successors are elected and qualified at the second regular District election after organization. The basic term of office for directors, after the original terms as stated above, is four years. The terms of members of the Board of Directors shall expire on a rotating basis, with no more than three (3) of the director's terms expiring at any one time.

Section 4. Removal. Any officer or director may be removed by affirmative vote of a majority of the current directors on the Board of Directors for failure to participate, non-performance of duties, or other cause deemed sufficient by the Board.

Section 5. Vacancies. In case of a vacancy, the remaining directors may elect a successor for the remainder of the vacant term.

Section 6. Call and Notice. The Board of Directors shall meet on call by the President or on written request filed with the Secretary by three or more directors. The Secretary shall give full and timely notice to all members of the District by publishing notice of the time, place and date of each meeting in some newspaper of general circulation in the district not later than the third day before the day set for the meeting. No notice of the time, date, place or purpose of any meeting need be given to any director who, in writing executed and filed with the records of the meeting either before or after the holding thereof, waives such notice or who attends the meeting.

Section 7. Annual Meeting. The Annual Meeting of the Board of Directors shall be held at the same place and on the same date as the Annual Meeting of members and at such time as the Board of Directors shall determine by resolution. Notice of the time, date and place of the Annual Meeting of the Board of Directors shall be given in the manner set forth in Section 6. All meetings shall be governed by Robert's Rules of Order. The Board of Directors shall keep minutes of its meetings and a full account of its transactions.

Section 8. Quorum and Voting. At every meeting of the Board, a quorum shall consist of three directors currently serving on the Board of Directors. Unless otherwise specified in this Charter, the majority vote of those persons actually present at a meeting at which there is a quorum will prevail on all matters. There shall be no voting by proxy.

Section 9. Compensation. Directors shall receive no compensation for their services as such but may, by resolution of the Board of Directors, be allowed reimbursement for their expenses actually and reasonably incurred on behalf of the District.

Section 10. Informal Action by Directors. Any action of the Directors may be taken without a meeting if a consent in writing setting forth the action taken is signed by all Directors and filed with the minutes of the District.

Article III - Officers and Committees

Section 1. Officers. The officers of the District shall be a President, Vice-President, Secretary and Treasurer. All officers shall be Directors and shall be elected by the Board of Directors at its Annual Meeting or whenever a vacancy occurs. Each officer shall serve until a successor is elected and qualified. The Board of Directors may, from time to time, appoint other officers as it deems necessary.

Section 2. Powers and Duties.

a. The President's powers and duties shall include:

(1) Being the executive officer and overseeing the carrying out of programs.

(2) Presiding at all meetings of the members of the Board of Directors.

(3) Signing or endorsing checks, drafts, and notes in conjunction with the Treasurer.

(4) Presenting an annual report to the members at the Annual Meeting or designating a representative to present said report.

(5) Signing all contracts and other instruments authorized by the Board.

b. The Vice President's duties shall include:

(1) Performing the duties of the office of the President upon the absence or disability of the President.

(2) Assisting the President upon the President's request.

c. The Secretary's duties shall include:

(1) Keeping minutes of all meetings of the membership, the Board of Directors and the Executive Committee.

(2) Maintaining a file of the official documents and records of the District as directed by the Board.

(3) Mailing notices of all meetings of the membership, the Board of Directors, and the Executive Committee.

d. The Treasurer's duties shall include:

(1) Collecting and receiving all monies due.

(2) Acting as custodian of these monies and depositing them in a bank designated by the Board of Directors.

(3) Disbursing the District monies in accordance with the budget or upon order of the Board and signing checks together with the President and/or other authorized officers.

(4) Maintaining books and ledgers as directed by the Board.

(5) Preparing monthly financial statements and presenting such statements to the Board on request.

(6) Preparing an annual financial statement to report to the membership at the Annual Meeting of the membership.

(7) Performing such other functions as may be incident to the office.

(8) Providing a bond to protect the District.

Section 3. Committees. The Board of Directors may appoint such other committees as it deems necessary to implement the purposes of the District. At least one member of the Board of Directors shall be a member of any committee formed by the Board. The Board of Directors may authorize committees to exercise any powers of the Board.

Article IV - Financial Affairs

Section 1. Fiscal Year. The fiscal year of the District shall end on December 31 of each year.

Section 2. Bank Accounts. The funds of the District shall be deposited in one or more banks or financial institutions protected by the F.D.I.C. or similar insurance corporation as designated by the Board of Directors. All checks shall be signed by such officer or officers as the Board may from time to time designate.

Section 3. Insurance. The Board of Directors shall secure insurance to protect the District, the Board of Directors and the officers from liability.

Article V - Amendments

This Charter may be amended by a majority vote of the Board of Directors at a meeting at which a quorum is present; provided that notice of the nature of the proposed amendment has been mailed to all members at least fourteen (14) days in advance of the meeting. Such notice shall state the time, date, and place of the meeting and the language of the proposed amendments.

Article VI - Termination

All assests and interests in land held by the District shall transfer to an organization with similar conservation goals upon termination of the District.

[EXHIBIT 'C']

OPHIR VALLEY WILDLIFE AND CONSERVATION DISTRICT

Criteria for Evaluating Land Protection Proposals

The District can offer tax incentives to many people who protect open lands. At the same time, the District also has an ethical and legal obligation to be sure that the open land protection programs result in real public benefits, and that the land protection obligations which the District assumes in perpetuity can be carried out. Therefore, the District evaluates every potential project with great care.

Generally, protecting the scenic values in Ophir Valley means maintaining the undeveloped relatively natural lands that surround the Town of Ophir. Wildlife conservation requires protection of existing wildlife and its habitat and migration routes in the Ophir Valley. Assuring the ability to carry out the District's obligations means that it must be reasonably likely that the restrictions on future land use will not be unduly difficult to enforce.

A. Considerations that contribute to significant public benefit of land protection.

Considerations that tend to establish the significant public benefit of protecting a property include those listed below. Sometimes one factor alone is adequate, sometimes a combination is considered. Each proposal is evaluated on its own merits after careful investigation of the property and its resources.

1. The Property includes important wildlife habitat and/or known wildlife migration routes.
2. The Property buffers wildlife habitat, so that its protection from dense development would diminish impacts on wildlife from dogs, cars, and concentrations of human activities.
3. Much of the Property is visible from major highways, the Town of Ophir, the county road running through Ophir Valley, or from public use areas within the National Forests in the Ophir Valley.
4. The Property is valuable to the Town of Ophir community as open space due to its prominent position in how people perceive their community, such as open fields on the county road running through Ophir Valley.
5. Much of the Property remains in a relatively natural, undisturbed condition.
6. The Property shares a boundary with, or is in close proximity to, the Uncompahgre National Forests in the Ophir Valley.

7. The Property is adjacent to or in close proximity to private land that is already permanently protected or that is likely to be protected in the foreseeable future.

8. The Property is situated such that its development would obstruct or diminish scenic views or would interfere with views across already protected open space.

9. The Property borders or affects the integrity of a significant river, stream, or creek.

10. The Property is of sufficient size that its conservation resources are likely to remain intact, even if adjacent properties are developed.

11. The Property can be acquired with reasonable effort in relation to its value or purpose.

B. Considerations that may preclude District involvement.

The following circumstances may lead to the Board's decision not to pursue a proposed project. Such a decision is not a criticism of the proposal, since the District believes that almost all open space in the Ophir Valley is valuable. Rather, it reflects the Board's conclusion that the proposal does not fall within the specific purposes of the District.

1. The Property's values are primarily scenic, but the Property cannot be readily viewed by the general public.

2. The Property is small, and there is little likelihood of adjacent properties being protected.

3. Adjacent properties are being developed in a way that is likely to significantly diminish the conservation values of the Property in question.

4. The landowner insists on provisions in a conservation easement that the District believes would seriously diminish the Property's primary conservation values.

5. There is reason to believe that an easement would be unusually difficult to enforce, for example, because of multiple or fractured ownerships, dog control problems, fencing restrictions, irregular configurations, etc.

6. The proposed open space is part of a development proposal which, overall, is likely to have significant adverse impacts on conservation resources and which the District cannot therefore endorse.

7. The Property contains difficult pollution or contamination problems that are beyond the ability of the District to address.