

Filed in District Court
ARAPAHOE COUNTY, COLO.

DEC 21 1956

IN THE DISTRICT COURT IN AND FOR THE

COUNTY OF ARAPAHOE AND STATE OF COLORADO

Civil Action No. 12417

Ruth J. Joss
Clerk

IN THE MATTER OF THE ORGANIZATION OF)	
MANSFIELD HEIGHTS WATER AND SANITATION))	
DISTRICT)	<u>FINDINGS AND ORDER</u>

This matter coming on to be heard on the 24th day of December, 1956, upon the petition heretofore filed in this cause for the organization of the Mansfield Heights Water and Sanitation District, and the Court having heard the testimony of witnesses and the statements of counsel, having considered documentary evidence, and being fully advised in the premises, DOTH FIND:

1. That a petition for the organization of said Mansfield Heights Water and Sanitation District has been signed and filed in the office of a clerk of this Court in conformity with the statute in such case made and provided, and that such petition set forth:

- a. The name of the proposed district, consisting of a chosen name preceding the words "Water and Sanitation District."
- b. A general description of the improvements to be constructed or installed for the district.
- c. The estimated cost of the proposed improvements.
- d. A general description of the boundaries of the district or territory to be included therein with such certainty to enable the property owner to determine whether or not his property is within the district.

e. A prayer for the organization of the district.

2. That the allegations of said petition for organization of the Water and Sanitation District are true.

3. That said petition is signed by more than ten per centum of the taxpaying electors of said proposed district, that it has been conclusively established by the testimony and evidence that said signers are taxpaying electors of the proposed district, as defined by Chapter 89, Article 5, Colorado Revised Statutes, 1953, that there are not more than fifteen taxpaying electors within the boundaries of the proposed district, and that the five signers of said petition are taxpaying electors within the boundaries of said district.

4. That no single tract or parcel of property, containing twenty acres or more, is included in the proposed district without the consent of the owners thereof.

5. That subsequent to the filing of the petition in said matter, and prior to the hearing on said petition, there was filed in this Court a Bond of Petitioners made sufficient to pay all expenses connected with the proceedings in case the organization of the District be not effected, and that such bond and the security thereof have been heretofore approved by this Court as required by law.

6. That no Home Rule Municipal Corporation, and, in fact, no municipality, has territory within the proposed district, and that said proposed district lies wholly within the County of Arapahoe and the State of Colorado.

7. That notice of hearing on said petition has been

given in the manner and form prescribed by law, by publication in The Littleton Independent, a newspaper of general circulation within said proposed district, printed and published at Littleton, County of Arapahoe, Colorado, at least once each week for three consecutive weeks, the first publication being on November 30, 1956, the second being on December 7, 1956, and the last publication being on December 14, 1956, that proof of publication has been filed in this matter, and that a copy of said notice of said hearing has been mailed by United States Registered Mail to the Board of County Commissioners of Arapahoe County, Colorado, and that the Clerk of this Court has duly executed his certificate of said mailing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

That the question of the organization of said Mansfield Water and Sanitation District shall be submitted to the taxpaying electors of the said proposed district at an election to be held for that purpose, which said election shall be held at 4001 SOUTH DEXTER within the boundaries of said proposed district, on SATURDAY, the ZND day of FEBRUARY, 1957. That the polls at said election shall be open from 7:00 o'clock A.M. to 7:00 o'clock P.M. of said day (being at least five consecutive hours between the hours of 7:00 o'clock A.M. and 7:00 o'clock P.M. of said day). That registration pursuant to the general (or any other) statutes is not required and that there shall be no registration for such election. That for the purpose of determining qualifications of electors, the judges may require the execution of an affidavit concerning such qualifications, which affidavit shall be prima facie evidence of the facts stated therein. That otherwise said election shall be held and conducted, as nearly as may be, in the same manner as general elections in this State.

That WALTER A. KOELBEL, MILES V. L. LANZ, and THOMAS J. CARLILE, taxpaying electors of said proposed district, be, and they are hereby appointed to serve as, judges of said election, and that said judges may, if they see fit, appoint one or two persons to serve as clerks of said election.

That at such election, the voters shall vote for or against the organization of said district, and for five taxpaying electors of said district, who shall constitute the Board of Directors of the district, if organized, one director to

act until the first biennial election, two until the second biennial election, and two until the third biennial election. Nominations for directors may be made as provided by Section 89-5-7, Colorado Revised Statutes, as amended.

That the ballots and affidavits used at said election shall be substantially in the following form: