PETITION

FOR THE ESTABLISHMENT OF

THE LARIMER COUNTY SCIENTIFIC AND CULTURAL FACILITIES DISTRICT

WARNING:

IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning."

Summary:

This petition requests electors of Larimer County to create the Larimer County Scientific and Cultural Facilities District and approve a sales and use tax of 0.1 of 1% (estimated first year revenue \$6,646,028) for a period of ten years beginning on January 1, 2017, with such sales tax proceeds being used to fund qualifying non-profit organizations under Section 501 (c) (3) of the Federal "Internal Revenue Code of 1986", as amended, whose primary purpose is to provide for the enlightenment and entertainment of the public through the production, presentation, exhibition, advancement, or preservation of visual arts, performing arts, cultural history, natural history, or natural sciences, including earth, life, or physical sciences, as such terms are defined by the board or shall be an agency of local government that has such primary purpose. Any such facility shall have its principal office within the district, shall conduct the majority of its activities within the state of Colorado, and shall principally benefit the residents of the district.

Text of Proposal:

Section 1. Beginning January 1, 2017, an additional county-wide sales tax in accordance with the provisions of Article 2, Title 29, Colorado Revised Statutes, as amended, is hereby imposed at a rate equal to the rate of one-tenth of one percent (the "Voter- Approved Rate") on the sale of tangible personal property at retail and the furnishing of services in the County, as provided in § 29-2-105(d)(l), Colorado Revised Statutes, as amended, and as is more fully hereinafter setforth.

(a) For the purposes of this sales tax proposal, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the County or to a common carrier for delivery to a destination outside the limits of the County. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, as amended, regardless of the place to which delivery is made. If a retailer has no permanent place of business in the County or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a sales tax imposed by this proposal shall be determined by the provisions of Article 26 of Title 39, Colorado Revised Statutes, as amended, and by rules and regulations promulgated by the State Department of Revenue.

(b) The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, Colorado Revised Statues, as amended.

(c) The tangible personal property and services taxable pursuant to this proposal shall be the same as the tangible personal property and services taxable pursuant to § 39-26-104, Colorado Revised Statutes, as amended, and subject to the same exemptions as those specified in Part 7, Article 26, Title 39, Colorado Revised Statutes, as amended, and further subject to the exemptions for the following:

(1) The exemption for sales of machinery or machine tools specified in Section 39-26-709 (1), C.R.S.;

EXHIBIT A

(2) The exemption for sales of electricity, coal, wood, gas, fuel oil, or coke specified in Section 39-26-715 (I)(a)(II), C.R.S.;

(3) The exemption for sales of food specified in Section 39-26-707 (I)(e), C.R.S.;

(4) The exemption for vending machine sales of food specified in Section 39-26-714 (2), C.R.S.;

(5) The exemption for sales by a charitable organization specified in Section 39-26-718 (I)(b), C.R.S.;

(6) The exemption for sales of farm equipment and farm equipment under lease or contract specified in Section 39-26-716 (2) (b) and (2)(c), C.R.S.;

(7) The exemption for sales of low-emitting motor vehicles, power sources, or parts used for converting such power sources as specified in Section 39-26-719(1), C.R.S.; and

(8) The exemption for sales of pesticides specified in Section 39-26-716(2)(e), C.R.S.

(9) An exemption for sales of aviation fuel.

(d) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax imposed by the County when such sales meet both of the following conditions:

(1) The purchaser is a non-resident of or has his principal place of business outside of the County; and

(2) Such personal property is registered or required to be registered outside the limits of the County under the laws of the State.

(c) The county-wide sales tax shall not apply to the sale of construction and building materials, as the term is used, in § 29-2-109, Colorado Revised Statutes, as amended, if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the County evidencing that a local use tax has been paid or is required to be paid.

(f) The county-wide sales tax will not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of that sought to be imposed by the County. A credit shall be granted against the sales tax imposed by the County with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule county. The amount of the credit shall not exceed the sales tax imposed by the County.

(g) The county-wide sales tax will not apply to the sale of food purchased with food stamps. For purposes of this paragraph, "food" shall have the meaning as provided in 7 U.S.C. § 2012(g) as such section existed on October 1, 1987 or as such section is thereafter amended.

(h) The county-wide sales tax will not apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants and children, 42 U.S.C. § 1786. For purposes of this paragraph, "food" shall have the same meaning as provided in 42 U.S.C. § 1786 as such section existed on October 1, 1987 or as such section is thereafter amended.

(i) The county-wide sales tax on mobile telecommunications service shall be imposed in accordance with the provisions of the "Mobile Telecommunications Sourcing Act," 4 U.S.C. § §116 to 126, as amended, and, pursuant to Section 117(b) of such act, mobile telecommunications service taxable by the County may be subject to the sales tax on the service only if the customer's place of primary use is within the geographical boundaries of the County. Terms used in this subsection and not defined herein shall have the meanings given in § 29-2-105(1.5), Colorado Revised Statutes, as amended.

j) Any person engaging in the business of selling tangible personal property at retail, or the furnishing of certain services as herein specified, is required to obtain a license therefore, which license shall be granted and issued by a designated official of the County Financial Administration Division. Such license shall be granted upon application stating the name and address of the person desiring such license, the name of such business and location, and such other facts as the said official may reasonably require. In case business is transacted at two (2) or more separate places by one person, a separate license for each place of business shall be required. Each license shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable. Any license may be revoked for cause as provided in § 39-26-103, Colorado Revised Statutes, as

amended, and any amendment thereto enacted before the effective date of this proposal, which provision is incorporated herein by this reference. No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this proposal.

(k) The vendor (retailer) shall not be entitled as collecting agent to withhold a collection fee unless such a fee, and the amount thereof is established by the Board of County Commissioners. If such fee is established, it will be administered as specified in Section 39-26-105, C.R.S. No vendor shall be entitled to the collection fee for any month that the vendor is or remains delinquent.

(1) The sales tax imposed shall be collected, administered and enforced by the Executive Director of the Department of Revenue in the same manner as the collection, administration and enforcement of the State sales tax, as provided by Article 26 of Title 39, Colorado Revised Statutes, as amended.

Section 2. Beginning January 1, 2017, a county-wide use tax in accordance with the provisions of Article 2, Title 29, Colorado Revised Statutes, as amended, is hereby imposed at the Voter-Approved Rate for the privilege of using or consuming in the County any construction and building materials purchased at retail and for the privilege of storing, using, or consuming in the County any motor and other vehicles, purchased at retail on which registration is required. The use tax shall not apply:

(a) to the storage, use, or consumption of any tangible personal property the sale of which is subject to a retail sales tax imposed by the County;

(b) to the storage, use or consumption of any tangible personal property purchased for resale in the County either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;

(c) to the storage, use or consumption of tangible personal property brought into the County by a non-resident thereof for his own storage, use, or consumption while temporarily within the County; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a non-resident to be used in the conduct of a business in this state;

(d) to the storage, use, or consumption of tangible personal property by the United States government, or the State, or its institutions, or its political subdivisions in their governmental capacities only or by religious or charitable corporations in the conduct of their regular religious or charitable functions;

(c) to the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;

(f) to the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule county equal to or in excess of that imposed by the County. A credit shall be granted against the use tax imposed by the County with respect to a person's storage, use, or consumption in the County of tangible personal property purchased in another statutory or home rule county. The amount of the credit shall be equal to the tax paid by the person by reason of the imposition of a sales or use tax of the other statutory or home rule county on the purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this proposal;

(g) to the storage, use, or consumption of tangible personal property and household effects acquired outside of the County and brought into it by a nonresident acquiring residency;

(h) to the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a non-resident of the County and he purchased the vehicle outside of the County for use outside of the County and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside of the County;

(i) to the storage, use or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of this use tax;

(j) to the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into any time prior to the effective date of this use tax; or

(k) to the storage of construction and building materials.

Section 3. The use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant hereto has been paid. The use tax imposed hereby shall be collected by

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the authorized agent of the Department of Revenue in this county. The proceeds of said use tax shall be paid to the County periodically in accordance with an agreement entered into by and between the County and the Department of Revenue.

Section 4. The distribution of all sales and use tax collected by the Director of Revenue, pursuant to this proposal, shall be to the District, which shall expend such moneys as described herein.

Section 5. Except as provided by § 39-26-208, Colorado Revised Statutes, as amended, any use tax imposed shall be collected, enforced and administered by the County.

(a) Any person required by County Building Code to obtain a building permit and the owner of the real property shall be jointly and severally responsible for paying the Lanner County Sales and Use Tax. Prior to the issuance of a building permit, an amount of tax to be held on deposit shall be estimated by determining the building value for permit purposes and multiplying that value by a percentage prescribed by the Planning and Building Services Director. The County through the owner or contractor shall collect this amount. Upon payment of such sales or use tax deposit, the County shall issue a sales or use tax receipt identifying the address for which the purchase is being made and the county building permit number. It shall be the duty of the owner and/or contractor and subcontractors who are hired to do the stated work or any portion thereof to submit a project cost report to the Financial Officer, on forms authorized by the Financial Officer, stating the actual amounts of any purchases of fixtures or any other construction materials and supplies or tangible personal property for such work and to remit any tax due in excess of the sales or use tax deposit. In any case, the general contractor and/or owner will be held liable for the payment of all taxes for such materials.

(b) The owner and/or contractor shall keep and preserve all invoices, receipts and statements showing such purchases of construction materials and supplies and tangible personal property for a period of three (3) years after completion of construction. The County may, within that three-year period, conduct an audit of such records of the owner and/or contractor and any other relevant information to verify the actual cost of the construction materials and supplies and tangible personal property used therein to determine the actual tax due. If the actual tax due is more than that paid by the taxpayer, the Financial Officer shall serve a notice of determination, assessment and demand for payment on the taxpayer notifying him or her of the deficiency which may include penalty and interest.

Section 6. If the majority of the qualified electors voting thereon vote for approval of the county-wide sales and use tax, such county-wide sales and use tax shall be effective throughout the incorporated and unincorporated portions of the County beginning January 1, 2017 and ending on the date provided in the ballot question set forth in Section 7.

Section 7. The county-wide sales and use tax proposal shall be referred to the registered electors of the County at the general election to be held on Tuesday, November 8, 2016 in the ballot question (the title for which is the same as the text of the ballot question) substantially in the form as set forth below with such changes as are determined by the Board of County Commissioners pursuant to § 30-11-103.5, Colorado Revised Statutes, as amended, and as are consistent with the intention of this petition to provide for the establishment and funding, operations and maintenance costs of the Larimer County Scientific and Cultural Facilities District from the sales and use tax authorized hereby, net of expenses in collecting, administering and enforcing such sales and use tax revenues shall be separately accounted for and used solely for the purposes described in the following ballot title and text submitted to the voters and for no other purpose, unless County voters approve a different use at a subsequent election:

SHALL TAXES BE INCREASED \$6,646,028 ANNUALLY (ESTIMATED IN THE FIRST YEAR) OR SUCH GREATER AMOUNT AS IS RAISED IN SUBSEQUENT YEARS WITHIN LARIMER COUNTY, COLORADO BY AN INCREASE OF A ONE-TENTH OF A CENT SALES AND USE TAX GENERATED ON ALL TAXABLE ITEMS; SAID TAX INCREASE TO COMMENCE JANUARY 1, 2017 AND TO EXPIRE ON DECEMBER 31, 2026: AND SHALL THE LARIMER COUNTY SCIENTIFIC AND CULTURAL FACILITIES DISTRICT ("DISTRICT") BE ESTABLISHED PURSUANT TO SECTION 32-13-101 AND FOLLOWING, COLORADO REVISED STATUTES, WHICH DISTRICT SHALL RECEIVE PROCEEDS FROM SAID TAX, AND SHALL SAID DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND SUCH ADDITIONAL REVENUE GENERATED BY SAID TAX, ALONG WITH ALL OTHER AVAILABLE REVENUE, NOTWITHSTANDING ANY APPLICABLE LIMITATIONS ON REVENUES AND EXPENDITURES, INCLUDING THE LIMITATIONS SET FORTH IN ARTICLE X. SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITATIONS IN SECTION 29-1-301, COLORADO REVISED STATUTES OR ANY OTHER LAW IN YEARS 2017 **THROUGH 2026?**

Section 8. For purposes of State Constitution Article X, §20, the receipt and expenditure of the sales and use tax revenues and earnings from the investment of sales and use tax revenues shall be accounted for, budgeted and appropriated separately from other revenues and expenditures of the County and outside of the fiscal year spending of the County as calculated under Article X, Section 20, and nothing in Article X, Section 20 shall limit the receipt and expenditure in each fiscal year of the full amount of such revenues and proceeds and the earnings thereon, nor shall receipt and expenditure of such revenues and proceeds and the earnings thereon affect or limit the receipt or expenditure of any and all other revenues of the County for any fiscal year.

Section 9. Pursuant to § 29-2-104(5), Colorado Revised Statutes, as amended, the County Clerk and Recorder shall cause to be published the text of this proposal for a county-wide sales and use tax four separate times, a week apart, in the official newspaper of the County and each city and incorporated town within the County.

Section 10. A notice of the adoption of this county-wide sales and use tax proposal by a majority of the registered electors voting thereon shall be submitted by the County Clerk and Recorder to the Executive Director of the Department of Revenue at least 45 days prior to the effective date of such tax, together with a certified copy of this Resolution.

Section 11. The County is authorized to adopt such uniform rules and regulations as may be necessary for the administration and enforcement of this proposal; and that the Board of County Commissioners or their authorized representatives are hereby empowered to enter into and execute on behalf of the County any agreements necessary for the administration and enforcement of this proposal. The Board of County Commissioners may, by amending this proposal, change the procedures of collection of the tax authorized hereunder, vendor fees, and the administration or enforcement of this proposal, but may not add or eliminate exemptions without further voter approval.

Section 12. If any provision of this proposal or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the provisions or applications of this proposal regarding the sales and use tax which can be given effect without the invalid provision or application and to this end, the provisions of this proposal are declared to be severable.

PETITION

To: Board of County Commissioners Larimer County Colorado:

We the undersigned, respectfully request that you establish a Scientific and Cultural Facilities District pursuant to the provisions of 32-13-101 et seq., C.R.S. In support of this petition we state:

- I. This petition has been signed by more than 7,252 eligible electors residing within the proposed district's boundaries.
- II. The governmental unit establishing the Scientific and Cultural District is Larimer County, Colorado upon approval of the electors within the proposed district's boundaries.
- III. The Scientific and Cultural Facilities District shall be known as the Larimer County Scientific and Cultural Facilities District.
- IV. The proposed Larimer County Scientific and Cultural Facilities District shall consist of all property currently within the boundaries of Larimer County, Colorado.
- V. The Scientific and Cultural Facilities District shall be supported by a voter approved sales and use tax of .1 of 1% on all sales within its boundaries subject to stated exclusions.
- VI. It will be necessary for electors to approve this sales and use tax because it was not established by resolution or ordinance and has not been previously approved by the electors.

In addition, we request that you:

a. Certify a question or questions for the ballot at the November 8, 2016 election to form and fund the District with a sales and use tax of .1 of 1% on all items except the exclusions described above collected within the district boundaries in any form necessary or advisable, but substantially as follows:

SHALL TAXES BE INCREASED \$6,646,028 ANNUALLY (ESTIMATED IN THE FIRST YEAR) OR SUCH GREATER AMOUNT AS IS RAISED IN SUBSEQUENT YEARS WITHIN LARIMER COUNTY, COLORADO BY AN INCREASE OF A ONE-TENTH OF A CENT SALES AND USE TAX GENERATED ON ALL TAXABLE ITEMS; SAID TAX INCREASE TO COMMENCE JANUARY 1, 2017 AND TO EXPIRE ON DECEMBER 31, 2026; AND SHALL THE LARIMER COUNTY SCIENTIFIC AND CULTURAL FACILITIES DISTRICT ("DISTRICT") BE ESTABLISHED PURSUANT TO SECTION 32-13-101 AND FOLLOWING, COLORADO REVISED STATUTES, WHICH DISTRICT SHALL RECEIVE PROCEEDS FROM SAID TAX, AND SHALL SAID DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND SUCH ADDITIONAL REVENUE GENERATED BY SAID TAX, ALONG WITH ALL OTHER AVAILABLE REVENUE, NOTWITHSTANDING ANY APPLICABLE LIMITATIONS ON REVENUES AND EXPENDITURES, INCLUDING THE LIMITATIONS SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITATIONS IN SECTION 29-1-301, COLORADO REVISED STATUTES OR ANY OTHER LAW IN YEARS 2017 THROUGH 2026?

With the proceeds of such tax revenues to be distributed pursuant to Section 32-13-110 (3) (a) and (b), et seq., CRS, by the Board of Directors of the District as follows:

After administrative costs of no more than 7% of the revenues collected are set aside, the remaining funds for eligible scientific and cultural organizations as defined by Colorado State Law shall be divided among two Funds as defined below.

Sustainability Fund: Eligible organizations must have been in operation and serving the public for at least 5 years. Funds will be allocated to each eligible organization, regardless of size, in an amount equal to a percentage (not to exceed 25%) of their qualifying operational revenues. Each eligible recipient will receive an equal percentage of their qualifying operational revenues except that no single agency may receive more than 20% of the available funds in any given year. The percentage available each year will be determined annually by the Board prior to distribution.

Innovation Fund: Otherwise eligible organizations which have been in operation and serving the public for at least 3 years will be eligible to apply for competitive grant funds. Funds allotted for distribution from this Innovation Fund shall be no less than 15% of the remaining funds available after administrative costs are set aside and after deduction of the Sustainability Fund distributions.

These funds are intended to strengthen and improve the operations of the recipients and not intended to replace other sources of support.

And, shall the District be authorized to collect, retain and spend the additional revenue along with all other revenues, notwithstanding any limitation or restriction on revenue or spending now contained in Article X, Section 20 of the Colorado Constitution and Section 29-1-301 et seq., CRS or any other law? By our signatures below, we designate the following individuals to represent us as petitioners.

Michael W. Powers 607 Warren Landing Fort Collins, Colorado 80525 E-mail: <u>mwpowers102@comcast.net</u> Phone: (970) 223-3530

Roger E. Clark 1220 W. 6th Street Loveland, CO 80538 E-mail: <u>rclarklaw@yahoo.com</u> Phone: (970) 669-2197

PETITION FOR THE ESTABLISHMENT OF THE LARIMER COUNTY SCIENTIFIC AND CULTURAL FACILITIES DISTRICT

"WARNING:

IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure. DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE. Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning."

Summary:

This petition requests electors of Larimer County to create the Larimer County Scientific and Cultural Facilities District and approve a sales and use tax of 0.1 of 1% (estimated first year revenue \$6,646,028) for a period of ten years beginning on January 1, 2017, with such sales tax proceeds being used to fund qualifying non-profit organizations under Section 501 (c) (3) of the Federal "Internal Revenue Code of 1986", as amended, whose primary purpose is to provide for the enlightenment and entertainment of the public through the production, presentation, exhibition, advancement, or preservation of visual arts, performing arts, cultural history, natural sciences, including earth, life, or physical sciences, as such terms are defined by the board or shall be an agency of local government that has such primary purpose. Any such facility shall have its principal office within the district, shall conduct the majority of its activities within the state of Colorado, and shall principally benefit the residents of the district.

	Signature	Residence Address (Street & Number)	County
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	Printed Name	City/Town	Date of Signing
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3	Signature	Residence Address (Street & Humber)	County
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Larimer County Clerk and Recorder

STATEMENT OF SUFFICIENCY

INITIATIVE PETITION FOR THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT

I, Angela Myers, Larimer County Clerk and Recorder, pursuant to C.R.S. 31-11-109(2), certify the initiative petition "...to create the Larimer County Scientific and Cultural Facilities District and approve a sales and use tax..." filed on July 20, 2016 is sufficient.

The total number of accepted lines required for petition sufficiency was 7,252.

Total Number of Lines Submitted:	16,800
Total Number of Crossed out/Blank Lines:	5,236
Total Number of Eligible Lines:	11,564
Total Number of Accepted Lines:	9,681
Total Number of Rejected Lines:	1,883

In Testimony Whereof, I have set my name and affixed the seal of Larimer County on this 8th day of August, 2016.

Angela Myers Larimer County Clerk and Recorder



Vehicle Licensing Division P.O. Box 1429 Ft. Collins, CO 80522 (970) 498-7878 Elections Division P.O. Box 1547 Ft. Collins, CO 80522 (970) 498-7820 Recording Division P.O. Box 1280 Ft. Collins, CO 80522 (970) 498-7860 Loveland Annex 205 E. 6th Street Loveland, CO 80537 (970) 619-4521 Estes Park Annex 1601 Brodie Avenue Estes Park, CO 80517 (970) 577-2025