

BRIGHTON CITY COUNCIL RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 1, THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 3 AND THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE LAKES METROPOLITAN DISTRICT NO. 4; SETTING FORTH CERTAIN FINDINGS IN RELATION THERETO; APPROVING INTERGOVERNMENTAL AGREEMENTS IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Resolution No. 2017-154

WHEREAS, Section 32-1-204.5, C.R.S., provides that no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of a resolution of approval of the governing body of such municipality; and

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., the City Council (the “City Council”) of the City of Brighton, Colorado (the “City”) has previously approved: (a) a Service Plan for The Lakes Metropolitan District No. 1 (“District No. 1”); a Service Plan for The Lakes Metropolitan District No. 3 (“District No. 3”) and (c) a Service Plan for The Lakes Metropolitan District No. 4 (“District No. 4” and, collectively with District No. 1 and District No. 3, the “Districts”); and

WHEREAS, each of the Districts desires to amend and restate in its entirety each of their respective Service Plans and have submitted to the City Council for its consideration: (a) the First Amended and Restated Service Plan for The Lakes Metropolitan District No. 1, (b) the First Amended and Restated Service Plan for The Lakes Metropolitan District No. 3, and (c) the First Amended and Restated Service Plan for The Lakes Metropolitan District No. 4 (collectively, the “Amended Service Plans”); and

WHEREAS, the territory of each of the Districts is located wholly within the boundaries of the City; and

WHEREAS, adequate notice has been published and sent to property owners within the Districts of a public hearing of the City Council to review the Amended Service Plans; and

WHEREAS, the City Council has conducted a public hearing on each of the Amended Service Plans for the Districts and has considered the testimony and evidence presented at the hearings; and

WHEREAS, the City has determined to incorporate an Intergovernmental Agreement as an Exhibit to each of the Amended Service Plans (collectively, the “Intergovernmental Agreements”) to address certain additional matters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO:

Section 1. That notice of the public hearing on each Amended Service Plan was properly given; that the hearings before the City Council were open to the public; that all interested parties were heard or had the opportunity to be heard; that all relevant testimony and evidence submitted to the City Council was considered and that the City Council has jurisdiction to hear this matter.

Section 2. The City Council hereby makes the following findings:

a. There is sufficient existing and projected need for the organized service in the area to be serviced by each of the respective Districts.

b. The existing service in the area to be served by each of the respective Districts is inadequate for present and projected needs.

c. Each of the respective Districts is capable of providing economical and sufficient service to the area within its proposed boundaries.

d. The area to be included in the each of the respective Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 3. The Amended Service Plans for each of the Districts are hereby approved. Nothing herein limits the City's powers with respect to the Districts, the property within the Districts, or the improvements, if any, to be constructed by the Districts. The City's findings are based solely upon the evidence in the Amended Service Plans and such other evidence presented at the public hearing or otherwise submitted to the City, and the City has not conducted any independent investigation of the evidence. The City makes no guarantee as to the financial viability of the Districts or the achievability of the results.

Section 4. This Resolution shall be filed in the records of the City and a certified copy thereof submitted to the petitioners forthwith, for the purpose of filing in the Adams County District Court.

Section 5. The City Council hereby approves the Intergovernmental Agreements in substantially the form set forth as an Exhibit to each of the Amended Service Plans, but such agreement may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Resolution and as the Mayor shall approve, the execution thereof being deemed conclusive approval of any such changes by the City. The Mayor is hereby authorized and directed to execute the Intergovernmental Agreements for the City and the City Clerk is hereby authorized and direction to affix the seal of the City to the Intergovernmental Agreements and to attest the Intergovernmental Agreements.

ADOPTED this 19th day of December, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney