

RESOLUTION NO. 2023-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE SERVICE PLAN FOR THE SWINK METROPOLITAN DISTRICT; SETTING FORTH CERTAIN FINDINGS IN RELATION THERETO; AND APPROVING AN INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH

WHEREAS, Colo. Rev. Stat. § 32-1-204.5 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 C.R.S. § 32-1-204.5, a Service Plan (the “Service Plan”) for the proposed Swink Metropolitan District (the “District”) was submitted to the City Council of the City of Brighton, Colorado (the “City”); and

WHEREAS, the territory of the proposed District is located wholly within the boundaries of the City; and

WHEREAS, a copy of such Service Plan is attached hereto as “Exhibit A” and incorporated herein by reference; and

WHEREAS, adequate notice of a public hearing of the City Council to review the Service Plan has been published and sent to property owners within the proposed District and interested parties; and

WHEREAS, the City Council has conducted a public hearing on the Service Plan for the District and has considered the testimony and evidence presented at the hearing; and

WHEREAS, the City has determined to incorporate an Intergovernmental Agreement as Exhibit F to the Service Plan (the “Intergovernmental Agreement”) to address certain additional matters.

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

Section 1. The notice of the public hearing was properly given; the hearing before the City Council was open to the public; all interested parties were heard or had the opportunity to be heard; all relevant testimony and evidence submitted to the City Council was considered; and 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 organized service in the area to be serviced by the proposed District.
- b. The existing service in the area to be served by the proposed District is inadequate for present and projected needs.

- c. The proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries.
- d. The area to be included in the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 3. The Service Plan for the District is hereby approved pursuant to C.R.S. § 32-1-204.5(1)(c). The proposed District shall be expressly permitted to proceed with filing necessary documents to petition the District Court of Adams County to hold an election under the provisions of C.R.S. § 32-1-305, to address matters including organization, debt and taxing authorization and any other electoral authorizations deemed necessary or appropriate, and upon entry of an order of such District Court, to hold such election.

Section 4. Nothing herein limits the City's powers with respect to the District, the property within the District, or the improvements, if any, to be constructed by the District. The City's findings are based solely upon the evidence in the Service Plan, other information presented to the City in connection with the Service Plan, 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 such evidence. The City makes no guarantee as to the financial viability of the District or the achievability of the results.

Section 5. 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 District Court of Adams County.

Section 6. The City Council hereby approves the Intergovernmental Agreement in substantially the form set forth as Exhibit F to the Service Plan; however, such Intergovernmental 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 Agreement for the City and the City Clerk is hereby authorized and directed to affix the seal of the City to the Intergovernmental Agreement and to attest the Intergovernmental Agreement.

Section 7. This Resolution is effective as of the date of its adoption.

RESOLVED this 7th day of March 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

YASMINA GIBBONS, Deputy City Attorney

Exhibit A

Service Plan and Intergovernmental Agreement

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