

BRIGHTON CITY COUNCIL RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE FINAL SERVICE PLAN FOR BRIGHTON CROSSING METROPOLITAN DISTRICT NOS. 5-8.

Resolution No. 2018-22

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, a service plan (the “Service Plan”) for Brighton Crossing Metropolitan District Nos. 5-8 (collectively, the “Districts”) was previously submitted to the City Council (the “City Council”) of the City of Brighton, Colorado (the “City”) by the Districts in compliance with Section 32-1-204.5, C.R.S.; and

WHEREAS, the Service Plan was conditionally approved by the City Council, pursuant to C.R.S. Sections 32-1-204.5, 32-1-203(3) and 32-1-204(4), by way of Resolution No. 2017-102 (the “Resolution of Conditional Approval”), adopted by the City Council after a public hearing on the Service Plan conducted at a regular City Council meeting on September 19, 2017; and

WHEREAS, the Resolution of Conditional Approval permitted the proposed Districts to proceed with filing necessary documents to Petition the District Court 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; and

WHEREAS, the Resolution of Conditional Approval stated that the Districts could not effectuate their organization through recordation of an Order for Organization pursuant to the provisions of C.R.S. §32-1-105, until a further resolution had been approved by the City acknowledging that the conditions set forth in the Resolution of Conditional Approval had been met (the “Conditions”); and

WHEREAS, in accordance with the Resolution of Conditional Approval, on November 7, 2017, the Districts held an organizational election and the electors of the District approved the organizational, debt and taxing authorization, and other electoral authorizations set forth in the ballot questions; and

WHEREAS, a revised service plan (the “Final Service Plan”) has been submitted to the City Council; and

WHEREAS, the City Council has determined that the Final Service Plan has satisfied the Conditions set forth in the Resolution of Conditional Approval; and

WHEREAS, the City determined to hold a public hearing on its consideration of the Final Service Plan; and

WHEREAS, adequate notice has been published and sent to interested parties of a public hearing of the City Council to review the Final Service Plan; and

WHEREAS, the City Council has conducted a public hearing on the Final Service Plan for the Districts on March 6, 2018 at which the City Council has considered the testimony and evidence presented at the hearing.

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

Section 1. The City Council hereby acknowledges and determines that the Conditions set forth in the Resolution of Conditional Approval have been met in the Final Service Plan, attached hereto as Exhibit A and by this reference made a part hereof. The Final Service Plan for the Districts is hereby approved. The City hereby further authorizes the Districts to effectuate their organization through recordation of an Order for Organization pursuant to the provisions of C.R.S. §32-1-105.

Section 2. The City 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 special Districts.
- b. The existing service in the area to be served by the proposed special Districts is inadequate for present and projected needs.
- c. The proposed special Districts are capable of providing economical and sufficient service to the area within their proposed boundaries.
- d. The area to be included in the proposed special Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 3. Nothing herein limits the City's powers with respect to the Districts, the property within the Districts, or the improvements to be constructed by the Districts. The City's findings are based solely upon the evidence in the Final Service Plan, other information presented to the City in connection with the Final Service Plan, and such other evidence previously presented to the City in connection with the Resolution of Conditional Approval. The City has not conducted any independent investigation of such 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.

Section 5. The City Council hereby approves the Intergovernmental Agreement in substantially the form set forth as an exhibit to the Final 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.

RESOLVED, this 6th day of March, 2018.

CITY OF BRIGHTON, COLORADO

By: _____
Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

Exhibit A

Final Service Plan and Intergovernmental Agreement

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