

CITY OF BRIGHTON, COLORADO

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

Resolution No. 2017-102

WHEREAS, §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") has been submitted to the City Council (the "City Council") of the City of Brighton, Colorado (the "City") by the Districts in compliance with §32-1-204.5, C.R.S.; and

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

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

WHEREAS, the City Council has conducted a public hearing on the Service Plan for the Districts and 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:**

1. That notice of the public hearing was properly given; that the hearing before the City Council was 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.

2. The City Council 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, as more particularly set forth in paragraph 3 hereof.

3. The Service Plan is hereby conditionally approved pursuant to C.R.S. Sections 32-1-204.5, 32-1-203(3) and 32-1-204(4). The proposed Districts shall be expressly permitted to proceed with filing necessary documents to Petition the District Court to hold an election under the provisions of Section 32-1-305, Colorado Revised Statutes, 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. Notwithstanding such authorization to proceed with an election, it shall be an express condition to this Resolution that the Districts may not effectuate their organization through recordation of an Order for Organization pursuant to the provisions of 32-1-105, Colorado Revised Statutes, until the time at which a further Resolution has been approved by the City acknowledging that the following conditions have been met (the "Conditions"):

a. Submission of a Financial Plan that is acceptable to the City Council or ratification of the Financial Plan included within the Service Plan. To the extent the total Debt Service Mill Levy, Maximum Combined Mill Levy, Maximum Voted Interest Rate, Maximum Underwriting Discount, Maximum Term of Debt and maximum principal amount of Debt (as the same are set forth and defined in the Service Plan) are not increased and that there are no changes of a basic or essential nature as further set forth in Section 32-1-207(2)(a) of the Special District Act, final approval of the Financial Plan by the City Council shall not constitute a material modification requiring a further public hearing under the provisions of Title 32, Colorado Revised Statutes.

b. Approval of the Intergovernmental Agreement between the City and the Districts, as set forth and defined in the Service Plan, in form and substance satisfactory to the City.

c. Approval of any other corresponding amendments or modifications that are required to be made to the Service Plan based on the final approved Financial Plan and Intergovernmental Agreement.

Upon the City's approval of a Resolution confirming that the Conditions have been met, such Financial Plan and Intergovernmental Agreement shall supersede in their entirety those originally included as Exhibits to the Service Plan.

4. 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 Service Plan, other information presented to the City in connection with the Service Plan, and such other evidence presented at the public hearing, 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.

ADOPTED this 19th day of September, 2017.

CITY OF BRIGHTON, COLORADO

By: Richard McLean
Richard McLean, Mayor

ATTEST:

Natalie Hoel
Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker
Margaret R. Brubaker, City Attorney