RESOLUTION NO. 2025-54

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

WHEREAS, Section 32-1-204.5, Colorado Revised Statues ("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., a service plan (the "Service Plan") for the proposed Kestrel Metropolitan District (the "District") has been submitted to the City Council (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 the 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 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 on the Service Plan 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. 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 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 District Court of Adams County.

Section 5. 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 upon approval by the City Attorney 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 6. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED this 2nd day of September 2025.

CITY OF BRIGHTON, COLORADO

_____
GREGORY MILLS, Mayor

ATTEST:

_____
NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

_____

ALICIA CALDERÓN, City Attorney

EXHIBIT A

Kestrel Metropolitan District Service Plan and Intergovernmental Agreement