

CITY OF BRIGHTON, COLORADO

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BRIGHTON, COLORADO
APPROVING THE AMENDED AND RESTATED
CONSOLIDATED SERVICE PLAN FOR
ADAMS CROSSING METROPOLITAN DISTRICT NOS. 1-8
ADAMS COUNTY, COLORADO**

Resolution No. 2011-54

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 "Original Service Plan") for Adams Crossing Metropolitan District Nos. 1-8 (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 §32-1-204.5, C.R.S. and the policies of the City; and

WHEREAS, the Original Service Plan was approved by a resolution adopted by the City Council on September 19, 2006 (the "Conditional Approval Resolution"), subject to the condition that the Financial Plan (as defined in the Original Service Plan) was amended or otherwise modified and approved by the City Council and any corresponding amendments or modifications were made to the Original Service Plan, with such City Council approval to be by resolution of the City Council; and

WHEREAS, an Amended and Restated Consolidated Service Plan (the "Amended and Restated Service Plan") for the Districts, which sets forth, among other things, an amended Financial Plan and corresponding amendments and modifications to the Original Service Plan, has been submitted to the City in compliance with the condition set forth in the Conditional Approval Resolution; and

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

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

WHEREAS, the City Council has conducted a public hearing on the Amended and Restated 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 findings set forth in Paragraph 2 of the Conditional Approval Resolution are hereby affirmed as follows:

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.

3. The City Council hereby finds that the amended Financial Plan and corresponding amendments and modifications set forth in the Amended and Restated Service Plan satisfy the conditions set forth in Paragraph 3 of the Conditional Approval Resolution, and such amendments and modifications are hereby approved.

4. The Amended and Restated Service Plan for Adams Crossing Metropolitan District Nos. 1-8 is hereby approved, and any and all conditions set forth in the Conditional Approval Resolution are hereby satisfied and of no further force and effect.

5. 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 Amended and Restated 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 17th day of May, 2011.

CITY OF BRIGHTON, COLORADO

By: Richard N. McLean
Richard N. McLean, Mayor

ATTEST:

By: Natalie Hoel
Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker
Margaret R. Brubaker, City Attorney