

RESOLUTION NO. 09-74

INTRODUCED BY:

Councilperson Coppola

Councilperson Clark

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CASTLE PINES NORTH, COLORADO,
ACCEPTING DESIGNATION AS THE APPROVING AUTHORITY FOR
THE CANYONS METROPOLITAN DISTRICT NOS. 2 - 4, APPROVING
THE AMENDED AND RESTATED SERVICE PLAN FOR SUCH
DISTRICTS, APPROVING THE CONSOLIDATED SERVICE PLAN FOR
THE CANYONS METROPOLITAN DISTRICT NOS. 5 - 11, AND
AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY AND DISTRICT NOS. 2 - 11**

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., as amended, the Amended and Restated Service Plan for the Canyons Metropolitan District Nos. 2-4 and Consolidated Service Plan for the Canyons Metropolitan District Nos. 5-11 (the "Service Plan") was submitted to the City Council (the "City Council") of the City of Castle Pines North, Colorado (the "City") (the Canyons Metropolitan District Nos. 2-11 are collectively referred to herein as the "Districts"); and

WHEREAS, the property within the boundaries of the Districts (the "Property") has been approved for annexation by the City Council at a second reading of annexation ordinances considered on October 22, 2009, and pursuant to C.R.S. §32-1-204.7, the Boards of Directors of the Canyons Metropolitan District Nos. 2 - 4 ("District Nos. 2 - 4") have formally petitioned City Council to accept a designation as the approving authority for District Nos. 2 - 4; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended (the "Special District Act"), the City Council held a public hearing on the Service Plan on October 22, 2009; and

WHEREAS, notice of the hearing before the City Council was duly published in the Douglas County News-Press, a newspaper of general circulation within the City, on October 1, 2009, and sent to property owners as of the same date; and

WHEREAS, the City Council has considered the petitions submitted by the Board of Directors of the Districts, the Service Plan and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the Service Plan should be approved subject to the conditions as set forth herein; and

WHEREAS, the City Council further finds it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement with the Districts, in the form attached as Exhibit C to the Service Plan (the "IGA"), for the purpose of assigning the relative rights and responsibilities between the City and the Districts with respect to certain functions, operations, and obligations.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASLTE PINES NORTH, COLORADO:

Section 1. The City Council hereby determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and of the City relating to the filing of the Service Plan have been fulfilled and that notice of the hearing was given in the time and manner required by law.

Section 2. The City Council further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard; and that evidence satisfactory to the City Council of each of the following was presented:

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

Section 3. Pursuant to Section 32-1-204.7(1), C.R.S., the City Council hereby accepts the designation as the approving authority for District Nos. 2 - 4. In accordance with Section 32-1-204.7(2), C.R.S., all powers and authorities previously vested in the Board of County Commissioners of Douglas County by the Special District Act to oversee District Nos. 2 - 4 shall be and are hereby transferred to City Council which shall constitute the approving authority for District Nos. 2 - 4 for all purposes under the Special District Act.

Section 4. The City Council hereby approves the Service Plan for the Districts as submitted. This Resolution shall become immediately effective the date on which recordation of the annexation ordinances and annexation maps for the Property occurs in accordance with C.R.S. § 31-12-113(2)(a)(II)(A).


Section 5. The Mayor and the City Clerk are hereby authorized to execute, on behalf of the City, the IGA in substantially the form presented, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with

this Resolution. The Boards of Directors of District Nos. 2 - 4 shall be required to execute the IGA at their first regular meeting occurring following the effective date of this Resolution. The Boards of Directors of the Canyons Metropolitan District Nos. 5 - 11 ("District Nos. 5 - 11") shall be required to execute the IGA at their first regular meeting occurring after the entry of the order and decree organizing District Nos. 5 - 11 by the District Court for and in Douglas County, Colorado. Failure of the Districts to execute the IGA within the time periods prescribed shall constitute a material modification of the Service Plan.


Section 6. This Resolution shall be filed in the records of the City and a certified copy thereof submitted to the Boards of Directors of District Nos. 2 - 4, and the petitioners for District Nos. 5 - 11, as applicable, for the purpose of filing in the District Court of Douglas County. The City Council hereby affirms that it shall take further action as may be necessary to reaffirm or validate the authorization and findings provided herein.

Section 7. All prior resolutions or any parts thereof, to the extent they are inconsistent with this Resolution, are hereby rescinded.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH the 22nd day of October, 2009.



Maureen A. Shul, Mayor

ATTEST:



Janie Berry, City Clerk

APPROVED AS TO FORM:



Linda C. Michow, City Attorney