

RESOLUTION NO. 21-22

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CASTLE PINES, COLORADO,
APPROVING THE SECOND AMENDMENT TO
AMENDED AND RESTATED SERVICE PLAN FOR THE CANYONS
METROPOLITAN DISTRICT NO. 3**

WHEREAS, pursuant to Title 32, Article 1, C.R.S., as amended (the “Special District Act”), the City Council (the “City Council”) for the City of Castle Pines (the “City”) approved 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 on October 22, 2009, and the First Amendment to 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 on December 8, 2015; and

WHEREAS, pursuant to the Special District Act and the Castle Pines Municipal Code (the “City Code”), the Second Amendment to Amended and Restated Service Plan for The Canyons Metropolitan District No. 3 attached hereto as Attachment 1 (the “Amendment”) was submitted to the City Council; and

WHEREAS, pursuant to the Special District Act and Article 4 of Chapter 4 of the City Code, the Board of Directors of The Canyons Metropolitan District No. 3 (the “District”) is petitioning the City Council to approve the Amendment;

WHEREAS, pursuant to the Special District Act and Article 4 of Chapter 4 of the City Code, the City Council held a public hearing on the Amendment on May 25, 2021; and

WHEREAS, notice of the public hearing before the City Council was duly published in the *Denver Daily Journal* on May 3, 2021 and in the *Douglas County News-Press* on May 13, 2021, both newspapers of general circulation within the City; and

WHEREAS, notice of the public hearing before the City Council was duly sent to the Division of Local Government in the Department of Local Affairs and the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the District’s boundaries; and

WHEREAS, the City Council has considered the documents submitted by the Board of Directors of the District, the Amendment and all other testimony and evidence presented at the public hearing; and

WHEREAS, the City Council finds that the Amendment should be approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Castle Pines, Colorado:

Section 1. The City Council hereby determines that all of the requirements of the Special District Act and Article 4 of Chapter 4 of the City Code relating to the filing of the

Amendment have been fulfilled and that notice of public hearing was given in the time and manner required by law.

Section 2. The City Council further determines that all pertinent facts, matters and issue 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 District; and
- b. The existing service in the area to be served by the District in inadequate for present and projected needs; and
- c. The District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
- d. The area to be included in the District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis; and
- e. The Amendment is in substantial compliance with Article 4 of Chapter 4 of the City Code.

Section 3. The City Council also finds that approval of the Amendment is in the best interests of the residents or future residents of the area proposed to be served.

Section 4. The City Council hereby approves the Amendment for the District as submitted.

Section 5. This Resolution shall be filed in the records of the City and a certified copy thereof submitted to the District. 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 6. All prior resolutions or any parts thereof, to the extent they are inconsistent with this Resolution, are hereby rescinded.

Section 7. This Resolution is effective upon adoption.

[Remainder of page left intentionally blank.]

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 7 IN FAVOR AND 0 AGAINST THIS 25TH DAY OF MAY, 2021.



ATTEST

DocuSigned by:
Tobi Basile
AD03A3B02032496
Tobi Basile, CMC, City Clerk

DocuSigned by:
Tera Stave Radloff
6E0C8EB270DC470...
Tera Stave Radloff, Mayor

Approved as to form:

DocuSigned by:
Linda C. Michow
5241DE90B8FF444...
Linda C. Michow, City Attorney

ATTACHMENT 1

Amendment

(See attached)

SECOND AMENDMENT TO
AMENDED AND RESTATED SERVICE PLAN FOR
THE CANYONS METROPOLITAN DISTRICT NO. 3 (DOES NOT APPLY TO THE
AMENDED AND RESTATED SERVICE PLAN FOR THE CANYONS
METROPOLITAN DISTRICT NOS. 2 AND 4, OR THE CONSOLIDATED SERVICE
PLAN FOR THE CANYONS METROPOLITAN DISTRICT NOS. 5-11)

CITY OF CASTLE PINES, COLORADO

Prepared by:

WHITE BEAR ANKELE TANAKA & WALDRON
Professional Corporation
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

As approved by the City of Castle Pines
on

May 25, 2021

I. INTRODUCTION

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 approved by the City Council for the City of Castle Pines, Colorado (the “City”) on October 22, 2009.

The First Amendment to 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 “First Amendment”) was approved by the City Council for the City on December 8, 2015.

The Second Amendment to the Amended and Restated Service Plan for The Canyons Metropolitan District No. 4 and Consolidated Service Plan for The Canyons Metropolitan District Nos. 5-7 was approved by the City Council for the City on December 10, 2019.

The Board of Directors of The Canyons Metropolitan District No. 3 is requesting the City Council approve this Second Amendment to the Amended and Restated Service Plan for The Canyons Metropolitan District No. 3 to (i) reduce the Maximum Mill Levy from sixty-nine (69) mills to fifty-nine (59) mills and (ii) change the base year for mill levy adjustments from January 1, 2009 to January 1, 2020.

The Board of Directors of The Canyons Metropolitan District No. 3 therefore respectfully requests, pursuant to this Second Amendment to the Amended and Restated Service Plan for The Canyons Metropolitan District No. 3, that the following amendments be made to the Service Plan:

II. AMENDMENT

1. The definition of “Maximum Mill Levy” in Section II. of the Service Plan is hereby amended and restated as follows as to District No. 3 only:

Maximum Mill Levy: means a total combined Maximum Debt Mill Levy and mill levy imposed for operational or administrative purposes of fifty-nine (59) mills, provided that if, on or after January 1, 2020, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the Maximum Mill Levy may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2020, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation. Notwithstanding the foregoing, nothing shall prevent the Districts from imposing a mill levy in excess of the Maximum Mill Levy where such mill levies are imposed

to repay Debt that is equal to or less than fifty percent (50%) of the District's assessed valuation in accordance with Section VI.D.2. herein.

2. Section VI.D.1 of the Service Plan is hereby amended and restated as follows as to District No. 3 only:

D. Maximum Debt Mill Levy.

The "Maximum Debt Mill Levy" shall be the maximum mill levy a District is permitted to impose upon the taxable property within such District for payment of Debt, and shall be determined as follows:

1. For the portion of any aggregate Debt which exceeds fifty percent (50%) of the District's assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty-nine (59) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section VI.C.2 below; provided that if, on or after January 1, 2020, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2020, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

2. Except as specifically amended as set forth above, all other provisions of the Service Plan and First Amendment shall remain in full force and effect.