

RESOLUTION NO. 24-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO, APPROVING AN AMENDED INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF CASTLE PINES AND CASTLE PINES NORTH
METROPOLITAN DISTRICT REGARDING OPERATION, MAINTENANCE, AND
TRANSFER OF RECREATION PROPERTIES**

WHEREAS, the City of Castle Pines (“City”) is a Colorado home rule municipal corporation incorporated as of February 2008; and

WHEREAS, the Castle Pines North Metropolitan District (the “District”) was formed and exists as a special district pursuant to § 32-1-101, *et seq.*, C.R.S., for the purpose of providing certain public improvements, facilities, and services to and for the use and benefit of the District, its residents, users, property owners, and the public; and

WHEREAS, the District’s boundaries are located entirely within the corporate limits of the City; and

WHEREAS, pursuant to § 29-1-203, C.R.S., and Article XIV, Section 18(2)(a) of the Colorado Constitution, the District and the City are permitted to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each entity; and

WHEREAS, the City and the District (the “Parties”) previously entered into that certain Intergovernmental Agreement dated March 28, 2023 (“Prior IGA”) to memorialize the Parties’ intent to transfer ownership, maintenance, and operation of the District’s parks, trails, and open space properties (“Recreation Properties”) from the District to the City; and

WHEREAS, the terms of the Prior IGA were conditioned upon, among other terms, the City receiving voter authorization to impose a property tax of twelve mills to fund the City’s obligations; and

WHEREAS, at the November 7, 2023 municipal election, the City’s voters authorized the City to increase the City ad valorem property tax by twelve mills to fund park, recreation, trail, and open space amenities and improvements within the City subject to an equal decrease in ad valorem property taxes imposed by Title 32 metropolitan districts on properties located within such metropolitan districts; and

WHEREAS, the terms of the Prior IGA contemplated a closing date for the transfer of property to be December 31, 2023; however, that closing date was not possible; and

WHEREAS, the City and the District desire to enter into an Amended Intergovernmental Agreement to set forth a new closing date of December 31, 2024 to allow time for the Parties to accurately identify the Recreation Properties, create and develop the necessary water and sewer easements, and present those documents for approval.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. The City Council hereby: (a) approves the Amended Intergovernmental Agreement between the City of Castle Pines and the District in substantially the same form as attached hereto and incorporated herein as **Exhibit 1**; (b) authorizes the City Attorney, in consultation with the City Manager, to make such changes as may be necessary to correct any non-material errors that do not increase the obligations of the City; and (c) authorizes the Mayor to execute the Amended Intergovernmental Agreement when in final form.

Section 2. If any section, paragraph, clause, or provision of this Resolution is held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses, or provisions of this Resolution.

Section 3. This Resolution shall take effect upon its approval by the City Council.

[Remainder of this page intentionally left blank.]

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 4 IN FAVOR, 1 AGAINST AND 2 ABSENT THIS 9th DAY OF JANUARY, 2024.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman

Tracy Engerman (Jan 11, 2024 09:13 MST)

Tracy Engerman, Mayor

APPROVED AS TO FORM:

Linda C. Michow

Linda C. Michow, City Attorney

EXHIBIT 1
AMENDED INTERGOVERNMENTAL AGREEMENT

**FIRST AMENDMENT
TO
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CASTLE PINES
AND CASTLE PINES NORTH METROPOLITAN DISTRICT
REGARDING OPERATION, MAINTENANCE AND TRANSFER OF RECREATION
PROPERTIES**

This **FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT** (the "First Amendment") is entered into effective as of the ____ day of _____, 2024, by and between the **CASTLE PINES NORTH METROPOLITAN DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District") and the **CITY OF CASTLE PINES**, a Colorado home rule municipality (the "City"), (collectively referred to herein as the "Parties" or each individually as a "Party").

RECITALS

WHEREAS, the District was formed and exists as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. for the purpose of providing certain public improvements, facilities and services, to and for the use and benefit of the District, its residents, users, property owners and the public; and

WHEREAS, the City is a Colorado home rule municipal corporation incorporated as of February, 2008; and

WHEREAS, the District's boundaries are located entirely within the corporate limits of the City of Castle Pines; and

WHEREAS, pursuant to that certain Intergovernmental Agreement between the City of Castle Pines and Castle Pines North Metropolitan District Regarding Operation, Maintenance and Transfer of Recreation Properties dated March 28, 2023 ("Parks IGA"), the City and District have agreed to transfer ownership and operations of the District's parks, open space, trails and recreation facilities and buildings and associated improvements and fixtures ("Recreation Properties") from the District to the City subject to, among other terms, conditions and obligations set forth in the Parks IGA, the City receiving voter authorization to impose a mill levy to fund the City's obligations thereunder; and

WHEREAS, the Parks IGA contemplates a closing date for the conveyance of the Recreation Properties on or before December 31st of the year in which the City obtains voter authorization to impose a mill levy to fund the City's obligations under the Parks IGA; and

WHEREAS, the City received voter authorization to impose a mill levy to fund the City's obligations under the Parks IGA on November 7, 2023, and the closing date is currently set for December 31, 2023; and

WHEREAS, the Parties desire to enter into this First Amendment to amend the IGA in certain respects, as more particularly described herein.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

COVENANTS AND AGREEMENTS

A. Sections D and I of Article 1 of the IGA is hereby amended in its entirety as follows:

“**D.** *Closing Date* means on or before December 31, 2024.”

“**I.** *Recreation Properties Transfer Date* means on or before December 31, 2024.”

B. IGA TERMS REAFFIRMED. Except as specifically amended hereby, all the terms and provisions of the IGA shall remain in full force and effect.

C. COUNTERPARTS. This First Amendment may be executed in one or more counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed as of the day and year first above written. By signature of its representatives below, each party affirms it has taken all necessary action to authorize said representative to execute this First Amendment.

[Signature Pages to Follow]

