

RESOLUTION 2017-084  
OF THE CITY COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE CONSOLIDATED SERVICE PLAN FOR  
WATERS' EDGE METROPOLITAN DISTRICT NOS. 1, 2, 3, 4 AND 5

WHEREAS, the provisions of Title 32 of the Colorado Revised Statutes ("C.R.S.") allow for the formation of various kinds of governmental entities to finance and operate public services and infrastructure; and

WHEREAS, on July 15, 2008, City Council adopted Resolution 2008-069 creating a Policy for Reviewing Proposed Service Plans for Title 32 metropolitan districts (the "City Policy") setting forth criteria to be considered when a service plan is submitted for consideration; and

WHEREAS, pursuant to the provisions of Article 1 of Title 32 of the Colorado Revised Statutes (the "Special District Act"), Waters' Edge Investments LLLP, a Colorado limited liability limited partnership (the "Petitioner"), has submitted to the City a Consolidated Service Plan (the "Service Plan") for the Waters' Edge Metropolitan District Nos. 1-5 (each a "District" and collectively, the "Districts"); and

WHEREAS, a copy of the Service Plan is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the Districts will be organized to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment and operation and maintenance of certain water improvements and park and recreation improvements, as more specifically defined in the Service Plan; and

WHEREAS, in accordance with the Special District Act and Subsection B of the Review and Approval Process Section of the City Policy, Petitioner complied with all notification requirements for the Public Hearing, as evidenced by the "Certificates of Mailing of Notice of Public Hearing" mailed on August 14, 2017, and attached hereto as Exhibit "B" and the "Certificate of Mailing Notice of Public Hearing" mailed on August 23, 2017, and attached hereto as Exhibit "C," as the same are incorporated herein by reference (collectively, the "Notice Requirements"); and

WHEREAS, in addition to compliance with the Notice Requirements, the Petitioner published notice of the Public Hearing in the *Fort Collins Coloradoan*, a newspaper of general circulation within the Districts, on August 15, 2017, as evidenced by the Affidavit of Publication attached hereto as Exhibit "D"; and

WHEREAS, the City Council has reviewed the Service Plan and considered the testimony and evidence presented at a public hearing on September 5, 2017 (the "Public Hearing"); and

WHEREAS, the Special District Act requires that any service plan submitted to the district court for the creation of a metropolitan district must first be approved by resolution of the governing body of the municipality within which the proposed district lies; and

WHEREAS, the City Council wishes to approve the Service Plan for the Districts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS, COLORADO, as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby determines that the City's notification requirements have been complied with regarding the Public Hearing on the Service Plan.

Section 3. That the City Council hereby finds that the Service Plan contains, or sufficiently provides for, the items described in § 32-1-202(2), C.R.S., and that:

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

Section 4. The City Council's findings are based solely upon the evidence in the Service Plan as 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 desired results.

Section 5. That the City Council hereby approves the Service Plan.

Section 6. That the City Council's approval of the Service Plan is not a waiver or a limitation upon any power that the City Council is legally permitted to exercise with respect to the property within the Districts.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 5th day of September, A.D. 2017.

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Mayor

ATTEST:

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Chief Deputy City Clerk