

RESOLUTION NO. 2018-031
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CONSENTING TO THE DISSOLUTION OF HARMONY
TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 1 AND
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 3

WHEREAS, Harmony Technology Park Metropolitan District No. 1 (“District No. 1”), Harmony Technology Park No. 2 (“District No. 2”) and Harmony Technology Park No. 3 (“District No. 3”, and collectively with District No. 1 and District No. 2 the “Districts”) were created under an Order and Decree entered by the District Court for Larimer County, Colorado on May 24, 2010, after adoption by the City Council of the City of Fort Collins (the “City”) of Resolution 2009-092 Approving the Harmony Technology Park Metropolitan District Nos. 1 Through 3 Consolidated Service Plan on September 15, 2009 (the “Service Plan”); and

WHEREAS, pursuant to the Service Plan, the Districts may not dissolve until they have provided for the payment or discharge of all their outstanding indebtedness and other financial obligations as required pursuant to State statutes; and

WHEREAS, the Boards of Directors of District No. 1 and District No. 3 (collectively the “Dissolution Districts”) have determined it to be in the best interests of the Dissolution Districts that the Dissolution Districts be dissolved, and further direct the filing of a Petition for Dissolution with the District Court for Larimer County, Colorado, pursuant to Section 32-1-701, *et seq.*, C.R.S., as further set forth in the Dissolution Districts’ Resolutions Approving Dissolution of the District, attached hereto as Exhibit A and Exhibit B, respectfully, and incorporated herein by this reference (“Resolutions Approving Dissolution”); and

WHEREAS, as evidenced in the Resolutions Approving Dissolution, the Dissolution Districts do not have any outstanding indebtedness or other financial obligations and all of Dissolution Districts’ contractual obligations have been terminated or assigned to District No. 2; and

WHEREAS, Section 32-1-704(3)(b) of the Colorado Revised Statutes (“C.R.S.”) provides that an order dissolving a special district may be entered without an election if the special district lies wholly within the corporate limits of a municipality, if the special district has no financial obligations or outstanding bonds, and if the special district board and the governing body of the municipality consent to the dissolution; and

WHEREAS, there will be no disruption in services upon dissolution because the Dissolution Districts are not providing any services to the Harmony Technology Park development and all services are provided by the City, District No. 2 or other jurisdictions; and

WHEREAS, the City Council is in receipt of the Resolutions Approving Dissolution evidencing the Dissolution Districts’ compliance with their Service Plan and Colorado law, and in reliance thereupon, is supportive of the dissolution of the Dissolution Districts, and consents to the dissolution of Harmony Technology Park Metropolitan District No. 1 and Harmony Technology Park Metropolitan District No. 3.

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Pursuant to C.R.S. Section 32-1-704(3)(b), the City of Fort Collins hereby consents to the dissolution of Harmony Technology Park Metropolitan District No. 1 and Harmony Technology Park Metropolitan District No. 3.


Section 3. The officers and staff of the City are authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution.

Section 4. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed.

Section 5. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

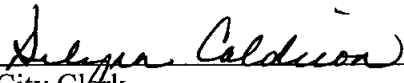
Section 7. This Resolution shall be effective upon its approval by City Council.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 20th day of March, A.D. 2018.



Mayor Pro Tem

ATTEST:



City Clerk



**RESOLUTION
OF THE BOARD OF DIRECTORS OF
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 1

APPROVING THE DISSOLUTION OF
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 1**

WHEREAS, pursuant to an order of the District Court in and for Larimer County, Colorado, Harmony Technology Park Metropolitan District No. 1 (the "District") was duly and validly organized as a metropolitan district in accordance with all applicable law; and

WHEREAS, the District encompasses territory located wholly within the City of Fort Collins, Colorado (the "City") as described and set forth on **Exhibit A**; and

WHEREAS, the District has no financial obligations or outstanding bonds; and

WHEREAS, a majority of all of the members of the Board of Directors of the District deem it to be in the best interests of the District that it be dissolved; and

WHEREAS, the District is therefore taking such steps and actions necessary to effect dissolution of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

1. A majority of all of the members of the Board of Directors of the District deem it to be in the best interests of the District that it be dissolved. The foregoing statement is being given in compliance with § 32-1-701(1), C.R.S.
2. The District's general counsel, WHITE BEAR ANKELE TANAKA & WALDRON, is hereby directed to prepare a Petition for Dissolution pursuant to § 32-1-702(1), C.R.S., and to file such Petition with the District Court in and for Larimer County, Colorado, and to prepare all other documentation and undertake all actions necessary for the dissolution of the District pursuant to Colorado law.
3. The President and/or Vice President of the District's Board of Directors shall have the power and authority to execute all documents necessary to effectuate the District's dissolution, and the Secretary and/or Assistant Secretary shall have the power and authority to attest to such execution.
4. The District provides no services within its boundaries and all services authorized to be provided by the District are provided by the City, Harmony Technology Park Metropolitan District No. 2, or other jurisdiction, and as a result, no plan for the continuation of the District's services is necessary.

5. The District does not have any financial obligations or outstanding bonds, and the certificate given in accordance with § 32-1-702(3)(a), C.R.S. is attached hereto and incorporated herein as **Exhibit B**.

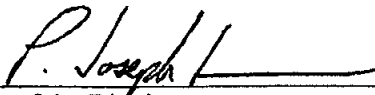
6. The District possesses no assets requiring disposition prior to dissolution.

7. Upon dissolution, the District's Board of Directors shall immediately and permanently dissolve and none of the members thereof shall continue in office.

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RESOLVED, ADOPTED AND APPROVED this 6th day of March, 2018.

**HARMONY TECHNOLOGY PARK
METROPOLITAN DISTRICT NO. 1**, a quasi-
municipal corporation and political subdivision of
the State of Colorado



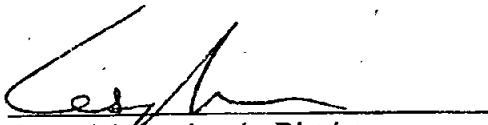
Officer of the District

ATTEST:



APPROVED AS TO FORM:

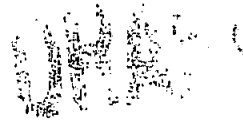
WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

Signature Page to Resolution Approving Dissolution of the District.

EXHIBIT A
(Legal Description of District Boundaries)



**EXHIBIT _____
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 1
AND DIRECTOR'S PARCEL**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 4,
TOWNSHIP 6 NORTH, RANGE 68 WEST, OF THE 6TH P.M.; CITY OF FORT
COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING TRACT A,
HARMONY TECHNOLOGY PARK THIRD FILING, RECORDED AT RECEPTION
NUMBER 20080034504.

SAID TRACT CONTAINS 4.55 ACRES MORE OR LESS.

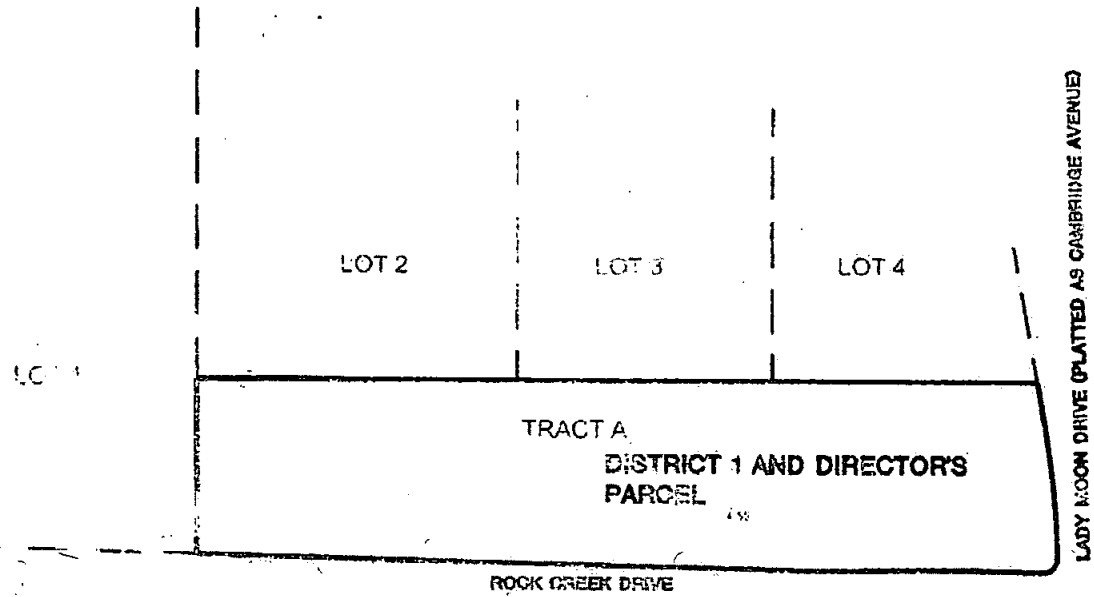
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7/9/2009

EXHIBIT _____

**HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 1
(AND DIRECTOR'S PARCEL)**

JULY, 2009



748 Working No.
Fort Collins, Colorado
Phone: 970.223.2327
Fax: 970.271.0214
Job no. 1141 0001-00
1-17-09

10/11/09 dws\OCU* At: 11:10:10 am

EXHIBIT B
(Certificate – No Financial Obligations or Outstanding Bonds)

**FINANCIAL CERTIFICATE
REGARDING THE DISSOLUTION OF
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 1
§32-1-702(3)(a)**

STATE OF COLORADO)
) SS.
COUNTY OF Douglas)

Before me, the undersigned, personally appeared Diane Wheeler who, being by me first duly sworn on oath, deposes and says:

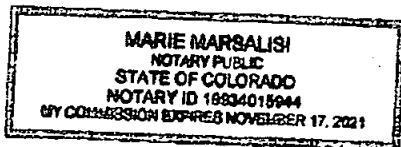
1. That I am the accountant for Harmony Technology Park Metropolitan District No. 1, and duly qualified to make and execute this Financial Certificate.
2. That as of the date of execution of this Financial Certificate, Harmony Technology Park Metropolitan District No. 1 has no financial obligations or outstanding bonds.
3. Attached hereto as **Exhibit A** are financial statements for Harmony Technology Park Metropolitan District No. 1 further evidencing the absence of financial obligations or outstanding bonds.

Signed: *Diane Wheeler*
Simmons & Wheeler PC
Diane Wheeler, District Accountant

Subscribed and sworn before me this 12 day of FEBRUARY, 2018.

My commission expires: 11/17/2021

(SEAL)



Marie Marsalisi
Notary Public

EXHIBIT A
Harmony Technology Park Metropolitan District No. 1
Financial Statements

1178.1900; 879800

**Harmony Technology Park Metropolitan District #1
Financial Statements**

January 31, 2018

ACCOUNTANT'S COMPILATION REPORT

Board of Directors
Harmony Technology Park Metropolitan District #1

Management is responsible for the accompanying financial statements of each major fund of Harmony Technology Park Metropolitan District #1, as of and for the period ended January 31, 2018, which are comprised of the Balance Sheet and the related Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – Governmental Funds and account groups for the one month then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with the Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit the Statement of Net Position, Statement of Activities, Management Discussion and Analysis and all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the District's financial position and results of operations. Accordingly, the financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to Harmony Technology Park Metropolitan District #1 because we performed certain accounting services that impaired our independence.

Simmons & Wheeler, P.C.

February 9, 2018
Englewood, Colorado

**Harmony Technology Park Metropolitan District #1
Balance Sheet - Governmental Funds and Account Groups
January 31, 2018**

See Accountant's Compilation Report

	<u>General Fund</u>	<u>Total All Funds</u>
Assets		
Current assets		
Cash in checking	\$ -	\$ -
	-	-
	<u>\$ -</u>	<u>\$ -</u>
Liabilities and Equity		
Current liabilities		
Accounts payable	\$ -	\$ -
	-	-
Operating note - developer	-	-
Total liabilities	-	-
Fund Equity		
Fund balance (deficit)	-	-
	-	-
	<u>\$ -</u>	<u>\$ -</u>

Harmony Technology Park Metropolitan District #1
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the One Month Ended January 31, 2018
General Fund

See Accountant's Compilation Report

	<u>Annual Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues			
Developer Advances	\$ -	\$ -	\$ -
Interest Income	-	-	-
	-----	-----	-----
	-	-	-
	-----	-----	-----
Expenditures			
Accounting/audit	-	-	-
Insurance	-	-	-
Legal	-	-	-
Contingency	-	-	-
Emergency Reserve	-	-	-
	-----	-----	-----
	-	-	-
	-----	-----	-----
Excess (deficiency) of revenues over expenditures	-	-	-
Fund balance - beginning	-	-	-
	-----	-----	-----
Fund balance - ending	\$ -	\$ -	\$ -
	=====	=====	=====

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 3**

**APPROVING THE DISSOLUTION OF
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 3**

WHEREAS, pursuant to an order of the District Court in and for Larimer County, Colorado, Harmony Technology Park Metropolitan District No. 3 (the "District") was duly and validly organized as a metropolitan district in accordance with all applicable law; and

WHEREAS, the District encompasses territory located wholly within the City of Fort Collins, Colorado (the "City") as described and set forth on **Exhibit A**; and

WHEREAS, the District has no financial obligations or outstanding bonds; and

WHEREAS, a majority of all of the members of the Board of Directors of the District deem it to be in the best interests of the District that it be dissolved; and

WHEREAS, the District is therefore taking such steps and actions necessary to effect dissolution of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

1. A majority of all of the members of the Board of Directors of the District deem it to be in the best interests of the District that it be dissolved. The foregoing statement is being given in compliance with § 32-1-701(1), C.R.S.
2. The District's general counsel, WHITE BEAR ANKELE TANAKA & WALDRON, is hereby directed to prepare a Petition for Dissolution pursuant to § 32-1-702(1), C.R.S., and to file such Petition with the District Court in and for Larimer County, Colorado, and to prepare all other documentation and undertake all actions necessary for the dissolution of the District pursuant to Colorado law.
3. The President and/or Vice President of the District's Board of Directors shall have the power and authority to execute all documents necessary to effectuate the District's dissolution, and the Secretary and/or Assistant Secretary shall have the power and authority to attest to such execution.
4. The District provides no services within its boundaries and all services authorized to be provided by the District are provided by the City, Harmony Technology Park Metropolitan District No. 2, or other jurisdiction, and as a result, no plan for the continuation of the District's services is necessary.

5. The District does not have any financial obligations or outstanding bonds, and the certificate given in accordance with § 32-1-702(3)(a), C.R.S. is attached hereto and incorporated herein as **Exhibit B**.

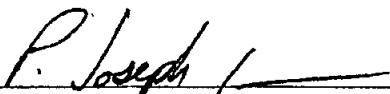
6. The District possesses no assets requiring disposition prior to dissolution.

7. Upon dissolution, the District's Board of Directors shall immediately and permanently dissolve and none of the members thereof shall continue in office.

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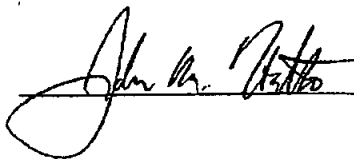
RESOLVED, ADOPTED AND APPROVED this 6th day of March, 2018.

**HARMONY TECHNOLOGY PARK
METROPOLITAN DISTRICT NO. 3**, a quasi-
municipal corporation and political subdivision of
the State of Colorado



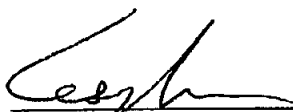
Officer of the District

ATTEST:



APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

Signature Page to Resolution Approving Dissolution of the District.

EXHIBIT A
(Legal Description of District Boundaries)

EXHIBIT _____
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 1
AND DIRECTOR'S PARCEL

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 4,
TOWNSHIP 6 NORTH, RANGE 68 WEST, OF THE 6TH P.M.; CITY OF FORT
COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING TRACT A,
HARMONY TECHNOLOGY PARK THIRD FILING, RECORDED AT RECEPTION
NUMBER 20080034504.

SAID TRACT CONTAINS 4.55 ACRES MORE OR LESS.

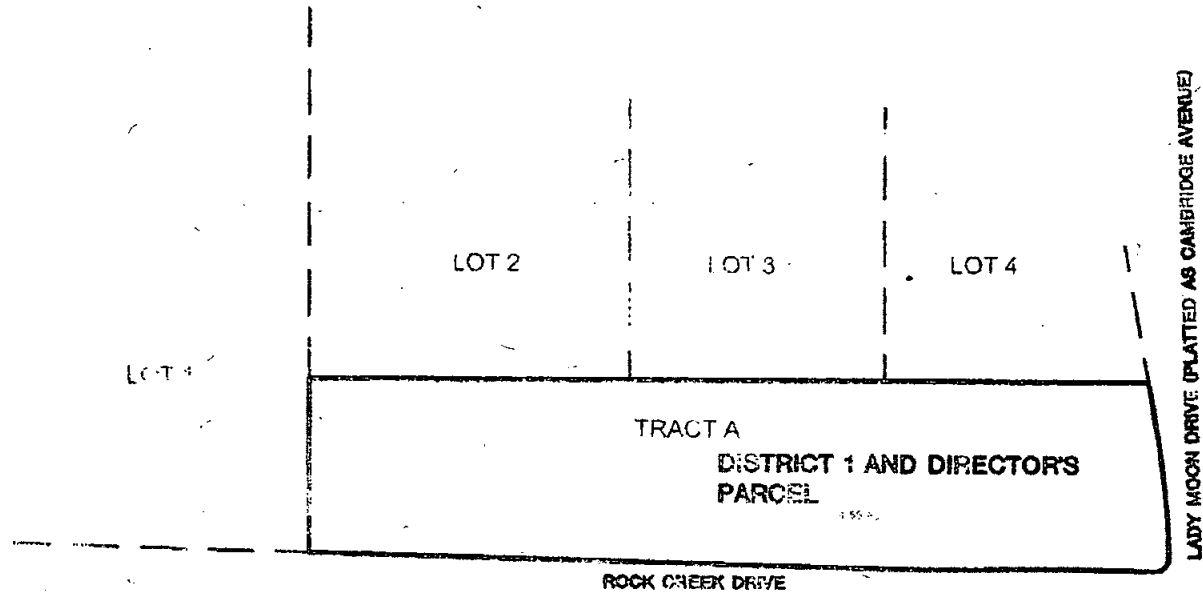
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7/9/2009

EXHIBIT _____

**HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 1
(AND DIRECTOR'S PARCEL)**

JULY, 2009



748 0710000 Way
Fort Collins, Colorado
Phone: 970.228.1507
Fax: 970.228.0204
Job no. 1161.0001.00
Jul 9, 2009

K011410001.plt-gp\001 Job_01001.dwg 1/20/09

EXHIBIT B
(Certificate – No Financial Obligations or Outstanding Bonds)

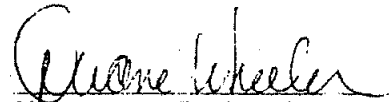
**FINANCIAL CERTIFICATE
REGARDING THE DISSOLUTION OF
HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT NO. 3
§32-1-702(3)(a)**

STATE OF COLORADO)
) SS.
COUNTY OF DOUGLAS)

Before me, the undersigned, personally appeared Diane Wheeler who, being by me first duly sworn on oath, deposes and says:

1. That I am the accountant for Harmony Technology Park Metropolitan District No. 3. and duly qualified to make and execute this Financial Certificate.
2. That as of the date of execution of this Financial Certificate, Harmony Technology Park Metropolitan District No. 3 has no financial obligations or outstanding bonds.
3. Attached hereto as **Exhibit A** are financial statements for Harmony Technology Park Metropolitan District No. 3 further evidencing the absence of financial obligations or outstanding bonds.

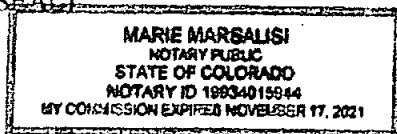
Signed:


Simmons & Wheeler PC
Diane Wheeler, District Accountant

Subscribed and sworn before me this 12 day of FEBRUARY, 2018.

My commission expires: 11/17/2021

(SEAL)





Notary Public

EXHIBIT A
Harmony Technology Park Metropolitan District No. 3
Financial Statements

1178.1900: 879802

**Harmony Technology Park Metropolitan District #3
Financial Statements**

January 31, 2018

ACCOUNTANT'S COMPILATION REPORT

Board of Directors
Harmony Technology Park Metropolitan District #3

Management is responsible for the accompanying financial statements of each major fund of Harmony Technology Park Metropolitan District #3, as of and for the period ended January 31, 2018, which are comprised of the Balance Sheet and the related Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – Governmental Funds and account groups for the one month then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with the Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit the Statement of Net Position, Statement of Activities, Management Discussion and Analysis and all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the District's financial position and results of operations. Accordingly, the financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to Harmony Technology Park Metropolitan District #3 because we performed certain accounting services that impaired our independence.

Simmons & Wheeler, P.C.

February 9, 2018
Englewood, Colorado

Harmony Technology Park Metropolitan District #3
Balance Sheet - Governmental Funds
January 31, 2018

See Accountant's Compilation Report

	<u>General Fund</u>	<u>Total All Funds</u>
Assets		
Current assets		
Cash in checking	\$ _____	\$ _____
	_____	_____
	<u>\$ _____</u>	<u>\$ _____</u>
 Liabilities and Equity		
Current liabilities		
Accounts payable	\$ _____	\$ _____
	_____	_____
Operating note - developer	_____	_____
Total liabilities	_____	_____
Fund Equity		
Fund balance (deficit)	_____	_____
	_____	_____
	<u>\$ _____</u>	<u>\$ _____</u>

Harmony Technology Park Metropolitan District #3
Statement of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual
For the One Month Ended January 31, 2018
General Fund

See Accountant's Compilation Report

	<u>Annual Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues			
Developer Advances	\$.	\$.	\$.
Interest Income	.	.	.
	-----	-----	-----
	.	.	.
	-----	-----	-----
Expenditures			
Accounting/audit	.	.	.
Insurance	.	.	.
Legal	.	.	.
Contingency	.	.	.
Emergency Reserve	.	.	.
	-----	-----	-----
	.	.	.
	-----	-----	-----
Excess (deficiency) of revenues over expenditures	.	.	.
Fund balance - beginning	.	.	.
	-----	-----	-----
Fund balance - ending	\$.	\$.	\$.
	=====	=====	=====