

RESOLUTION 2019-092  
OF THE CITY COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE CONSOLIDATED SERVICE PLAN FOR  
NORTHFIELD METROPOLITAN DISTRICT NOS. 1-3

WHEREAS, Title 32 of the Colorado Revised Statutes (“C.R.S.”) authorizes the formation of various kinds of governmental entities to finance and operate public services and infrastructure, including metropolitan districts; and

WHEREAS, in July 2008, the City Council adopted Resolution 2008-069 in which it approved a policy setting forth various guidelines, requirements and criteria concerning the City’s review and approval of service plans for metropolitan districts (the “2008 Policy”); and

WHEREAS, on February 5, 2019, City Council adopted Resolution 2019-016 approving the “City of Fort Collins Revised Policy for Reviewing Service Plans for Metropolitan Districts” (the “2019 Policy”) setting forth guidelines, requirements and criteria applicable to the City’s consideration of a metropolitan district service plan to replace and supersede those in the 2008 Policy, except for the fee and notice requirements when they have been satisfied by a service plan applicant under the 2008 Policy before the adoption of the 2019 Policy; and

WHEREAS, pursuant to the provisions of Article 1 of Title 32 of the Colorado Revised Statutes (the “Special District Act”), Hartford Investments, LLC (the “Petitioner”) has submitted to the City a Consolidated Service Plan (the “Service Plan”) for the Northfield Metropolitan District Nos. 1-3 (each a “District” and collectively the “Districts”); and

WHEREAS, a copy of the Service Plan is attached 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 all or a portion of certain public improvements, as more specifically described in the Service Plan; and

WHEREAS, in accordance with the 2019 Policy, the Petitioner has complied with the requirement for mailed notice of the City Council’s August 20, 2019 public hearing on the Service Plan (the “Public Hearing”), as evidenced by the “Certificate of Mailing of Notice of Public Hearing” attached as Exhibit “B” and incorporated herein by reference; and

WHEREAS, the Petitioner has also provided notice of the Public Hearing by publication as evidenced by the “Affidavit of Publication” attached as Exhibit “C” and incorporated herein by reference; and

WHEREAS, on August 20, 2019, the City Council took action which, under Section 2.c. of City Council’s Rules of Procedure (May 21, 2019), continued its consideration of the Service Plan to its September 3, 2019, regular meeting; and

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WHEREAS, additional notice of this continued consideration was mailed on August 22, 2019, as evidenced in the “Certificate of Mailing of Public Hearing” dated August 27, 2019, attached hereto as Exhibit “D” and incorporated herein by reference, and such notice was also published in the *Coloradoan* on August 24, 2019, as evidenced by the “Affidavit of Publication” attached as Exhibit “E” and incorporated herein by reference; and

WHEREAS, at its September 3, 2019, the City Council adopted a motion to again continue the hearing on the Service Plan to be held at City Council’s September 17, 2019, meeting; and

WHEREAS, on September 17, 2019, the City Council conducted its public hearing on the Service Plan, in which it reviewed the Service Plan and considered the testimony and evidence concerning it presented at the 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 substantially complied with regarding the City Council’s public hearing on the Service Plan conducted on September 17, 2019.

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

- (a) A description of the Districts’ proposed services;
- (b) A financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the Districts;
- (c) All proposed indebtedness for the Districts displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued;
- (d) A preliminary engineering or architectural survey showing how the proposed services are to be provided;
- (e) A map of the proposed Districts’ boundaries and an estimate of the population and valuation for assessment of the proposed Districts;

(f) A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed Districts will be compatible with the City's facility and service standards;

(g) A general description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the Districts; and

(f) A description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed Districts and such other political subdivision, and, if the form contract to be used is available, it shall be attached to the Service Plan.

Section 4. That the City Council hereby further finds and determines with respect to the Service Plan and in accordance with C.R.S. Sections 32-1-203(2) and 32-1-204.5(1), 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 the proposed boundaries, and

(d) The area to be included in the proposed Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 5. 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 6. That the City Council hereby approves the Service Plan.

Section 7. That the City Council's approval of the Service Plan is not a waiver or a limitation upon any power that the City or the City Council is legally permitted to exercise regarding the property within the Districts.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17<sup>th</sup>  
day of September, A.D. 2019.

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Mayor

ATTEST:

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City Clerk

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