

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 20-R-2005**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, IN SUPPORT OF
THE FORMATION OF THE HIGHLAND LAKE ESTATES METROPOLITAN
DISTRICT, TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO.**

WHEREAS, Highland Lake Estates, LLC, 348 Morning Star Lane, Lafayette, CO 80026, the developer of the Highland Lake Estates Subdivision within the Town of Mead, has proposed the organization of the Highland Lake Estates Metropolitan District to provide certain street, traffic safety controls, street lighting, water, landscaping, storm drainage, mosquito control, and park and recreation improvements and facilities for the subdivision in accordance with the plans described in the Service Plan for the district; and

WHEREAS, pursuant to the requirements of the Special District Act, C.R.S. 32-1-101, et seq. a service plan for the district consists of a financial and jurisdictional analysis demonstrating how the proposed facilities and services of the proposed district will be constructed and financed; and

WHEREAS, C.R.S. 32-1-204.5 provides that no special district, including metropolitan districts, shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of a resolution of approval by the governing body of such municipality; and

WHEREAS, C.R.S. 32-1-204.5 sets forth the information required for the Service Plan and the criteria applicable to such approval;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Findings of Fact. The Board of Trustees of the Town of Mead, having reviewed the petition and Service Plan for the Highland Lake Estates Metropolitan District dated September 9, 2005 and presented by Highland Lake Estates, LLC, 348 Morning Star Lane, Lafayette, CO 80026 has determined the following findings based solely upon the Service Plan for the proposed Highland Lake Estates Metropolitan District and evidence presented to the Board of Trustees in support of said Service Plan during a public hearing called for that purpose.

- a. The Service Plan provides an adequate description of the proposed services;
- b. The Service Plan provides an adequate 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 district, which shall not be materially exceeded except as authorized pursuant to C.R.S. 32-1-207 or C.R.S. 29-1-302. All proposed indebtedness for the district has been displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued. The board of directors of the district shall notify the governing body of the municipality of any alteration or revision of the proposed schedule of debt issuance set forth in the financial plan.
- c. The Service Plan provides an adequate engineering or architectural survey showing how the proposed services are to be provided;

- d. The Service Plan provides a map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed special district;
- e. The Service Plan provides 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 special district are compatible with facility and service standards of Weld County, the Town of Mead, and special districts which are interested parties pursuant to C.R.S. 32-1-204(1);
- f. The Service Plan provides 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 district;
- g. The Service Plan provides a description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision, and, if the form contract to be used is available, it is attached to the service plan;
- h. The Service Plan provides adequate information that along with other evidence presented at the hearing, is satisfactory to establish that each of the criteria set forth in C.R.S. 32-1-203, if applicable, is met;
- i. The Service Plan provides such additional information as the Board of Trustees may require by resolution on which to base its findings pursuant to C.R.S. 32-1-203. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.

Section 2. Conclusions and Order Approving the Service Plan for the Highland Lake Estates Metropolitan District.

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.
- b. The existing service in the area to be served by the proposed special district is inadequate for present and projected needs.
- c. The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.
- d. The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- e. The facility and service standards of the proposed special district are compatible with the facility and service standards of the Town of Mead.
- f. The proposal is in substantial compliance with *Town of Mead 2004 Comprehensive Plan*.

- g. The proposal is in compliance with any duly-adopted county, regional, or state long-range water quality management plan for the area.
- h. The creation of the proposed special district will be in the best interests of the area proposed to be served.
- i. The Developer/Metro District shall provide a separate document to each purchaser of a developed lot identifying the additional mill levy assessed by the Highland Lake Estates Metropolitan District. The document shall be provided to the purchaser at closing.
- j. The Metropolitan District shall contribute \$200,000 from the District's bond issue to the paving of WCR 36 between WCR 5 and WCR 7.

Section 3. The Service Plan for the district shall be and the same is hereby approved. The terms, provisions and limitations of the Service Plan shall be incorporated in an Intergovernmental Agreement between the District and the Town and the District shall not borrow money, incur any indebtedness, certify any mill levy, or impose any fees until the Town approves the Intergovernmental Agreement, which approval shall not be unreasonably withheld.

Section 4. The Town's approval of the Service Plan is not a waiver of, nor a limitation upon any power that the Town is legally permitted to exercise with respect to the property subject to the proposed District.

Section 5. Effective Date. This resolution shall become effective immediately upon adoption.


Section 6. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 7. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 26th DAY OF September, 2005.

ATTEST:

By Marcia David
 Marcia David, Acting Town Clerk

TOWN OF MEAD

 By _____
 Richard E. Kraemer, Mayor