

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 65-R-2020**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
APPROVING WITH CONDITIONS THE SERVICE PLAN FOR THE 34 9.5
METROPOLITAN DISTRICT, AND AUTHORIZING EXECUTION OF THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND THE
DISTRICT**

WHEREAS, WCR 34 & Hwy 25-220, LLC, the 100% fee owner of the property within the development known as the Raterink Mixed-Use Subdivision, Town of Mead, except Lot 1 and Tract A, Block 1 (the “Proponent” and the “Project,” respectively), has proposed the organization of the 34 9.5 Metropolitan District (“District”) to provide certain public improvements and services for the benefit of the Project; and

WHEREAS, a service plan for the proposed District (the “Service Plan”), was originally submitted by the Proponent to the Town on April 28, 2020, in accordance with the provisions of Section 12-1-40 of the Mead Municipal Code (“MMC”)

WHEREAS, the Service Plan was revised and resubmitted on May 12, 2020, and July 7, 2020, and contains the information required by Chapter 12 of the MMC; and

WHEREAS, a copy of the Service Plan is attached to this Resolution as ATTACHMENT A; and

WHEREAS, the Proponent has submitted a Letter of Intent dated June 22, 2020 (“Letter of Intent”), as required by MMC Section 12-2-10(e); and

WHEREAS, in accordance with MMC Section 12-2-40, the Proponent has caused notice of the date, time, location and purpose of the public hearing regarding the formation of the proposed District to be duly published in the *Longmont Times-Call*, a newspaper of general circulation, on July 8, 2020; has caused such notice to be provided to the Division of Local Government in the Department of Local Affairs; and has caused notice to be provided to the governing body of each municipality and of each special district which has levied an *ad valorem* tax within the next preceding tax year and which has boundaries within a radius of three (3) miles of the proposed District; and

WHEREAS, the Proponent has filed a publisher’s affidavit and certificate of mailing regarding the aforementioned public notices to be filed with the Town Clerk; and

WHEREAS, notice of the time, date, location and purpose of the District was not required to be sent to property owners within the District via letter mailing pursuant to MMC Section 12-2-40 because the Proponent owns 100% of the property within the proposed District; and

WHEREAS, the Board of Trustees has reviewed the Service Plan and Letter of Intent and considered evidence in support of the formation of the District.

THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Colorado as follows:

Section 1. The Board of Trustees has authority to approve the Service Plan without condition or modification, deny the Service Plan, or conditionally approve the Service Plan subject to the submission of additional information relating to same pursuant to MMC Section 12-2-50.

Section 2. Based on the contents of the Service Plan and other evidence presented at the meeting of the Board of Trustees held on July 27, 2020, and in accordance with MMC Section 12-2-50, the Board of Trustees hereby finds and determines as follows:

- a. There is sufficient existing and projected need for organized service in the area to be served by the proposed District;
- b. The existing service in the area to be served by the proposed District is inadequate for present and projected needs;
- c. The proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
- d. The area to be included within the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- e. The Service Plan is in substantial compliance with Chapter 12 of the MMC, including but not limited to substantial compliance with the model service plan in accordance with MMC Section 12-2-20.

Section 3. The Service Plan for the District is hereby approved, subject to the following conditions:

- a. The District's Board of Directors shall execute the Intergovernmental Agreement (in substantially the form attached as Exhibit C to the Service Plan) within 90 days after the entry of the decree of formation of the District and shall file an executed duplicate original of such executed Intergovernmental Agreement with the Town Clerk within ten (10) days of the date of execution.
- b. The District shall provide a copy of the organizational election ballot to the Town no later than August 15, 2020.

Section 4. The Board of Trustees hereby approves the Intergovernmental Agreement in substantially the form attached as Exhibit C to the Service Plan and: (a) authorizes the Mayor or Town Manager, in consultation with the Town Attorney, to make such other changes as may be needed to the Intergovernmental Agreement in order to correct any nonmaterial errors or language; and (b) authorizes the Mayor to execute the Intergovernmental Agreement on behalf of the Town following approval as to form by the Town Attorney and following the date on which the District's Board of Directors has caused an executed duplicate original of the Intergovernmental Agreement to be filed of record with the Town Clerk.

Section 5. Approval of this Resolution 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 6. 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 during regular business hours.

Section 7. 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 issues of this Resolution.

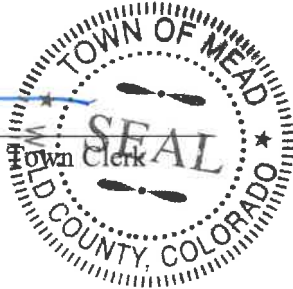
Section 8. Effective Date. This Resolution shall take effect upon its approval by the Board of Trustees.

INTRODUCED, READ, PASSED AND ADOPTED THIS 27TH DAY OF JULY, 2020.

ATTEST:



Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD:

By: 

Colleen G. Whitlow, Mayor

Approved as to form:



Marcus McAskin, Town Attorney

ATTACHMENT A

Service Plan – 34 9.5 Metropolitan District