

**TOWN OF MEAD, COLORADO  
RESOLUTION NO. 68-R-2020**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,  
APPROVING WITH CONDITIONS THE SERVICE PLANS FOR THE MEADOW RIDGE  
METROPOLITAN DISTRICT NOS. 1-3 AND MEADOW RIDGE COMMERCIAL  
METROPOLITAN DISTRICT, AND AUTHORIZING EXECUTION OF THE  
INTERGOVERNMENTAL AGREEMENTS BETWEEN THE TOWN AND THE DISTRICTS**

**WHEREAS**, Benson Farms LLC, the 100% fee owner of the property within the development known as the Meadow Ridge Planned Unit Development, Town of Mead (the “Proponent” and the “Project,” respectively), has proposed the organization of the Meadow Ridge Metropolitan District Nos. 1-3 and Meadow Ridge Commercial Metropolitan District (“Districts”) to provide certain public improvements and services for the benefit of the Project; and

**WHEREAS**, service plans for the proposed Districts (the “Service Plans”), were originally submitted by the Proponent to the Town on May 6, 2020, in accordance with the provisions of Section 12-1-40 of the Mead Municipal Code (“MMC”)

**WHEREAS**, the Service Plans were revised and resubmitted on July 15, 2020 and August 3, 2020, and contain the information required by Chapter 12 of the MMC; and

**WHEREAS**, copies of the Service Plans are attached to this Resolution as ATTACHMENTS A-D; and

**WHEREAS**, the Proponent has submitted a Letter of Intent dated June 5, 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 Districts to be duly published in the *Longmont Times-Call*, a newspaper of general circulation, on July 24, 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 Districts; 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 Districts was not required to be sent to property owners within the Districts via letter mailing pursuant to MMC Section 12-2-40 because the Proponent owns 100% of the property within the proposed Districts; and

**WHEREAS**, the Board of Trustees has reviewed the Service Plans and Letter of Intent and considered evidence in support of the formation of the Districts.

**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 Plans without condition or modification, deny the Service Plans, or conditionally approve the Service Plans 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 Plans and other evidence presented at the meeting of the Board of Trustees held on August 10, 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 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 its 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.
- e. The Service Plans are 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 Plans for the Districts are hereby approved, subject to the following conditions:

- a. The Districts' Boards of Directors shall execute Intergovernmental Agreements (in substantially the form attached as Exhibit C to the Service Plans) within 90 days after the entry of the decrees of formation of the Districts by the Weld County District Court and shall file executed duplicate originals of such executed Intergovernmental Agreements with the Town Clerk within ten (10) days of the date of execution.
- b. The Districts shall provide copies of the organizational election ballots to the Town no later than August 15, 2020 in accordance with MMC Section 12-2-60.

**Section 4.** The Board of Trustees hereby approves the Intergovernmental Agreements in substantially the form attached as Exhibit C to each of the Service Plans 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 Agreements in order to correct any nonmaterial errors or language; and (b) authorizes the Mayor to execute the Intergovernmental Agreements on behalf of the Town following approval as to form by the Town Attorney and following the date on which the Districts' Boards of Directors have caused executed duplicate originals of the Intergovernmental Agreements 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 Districts.

**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 10<sup>TH</sup> DAY OF AUGUST, 2020.**

**ATTEST:**

**TOWN OF MEAD:**



Mary E. Strutt, MMC, Town Clerk



Colleen G. Whitlow, Mayor

Approved as to form:



Marcus McAskin, Town Attorney

ATTACHMENT A

Service Plan – Meadow Ridge Metropolitan District No. 1

ATTACHMENT B

Service Plan – Meadow Ridge Metropolitan District No. 2

ATTACHMENT C

Service Plan – Meadow Ridge Metropolitan District No. 3

ATTACHMENT D

Service Plan – Meadow Ridge Commercial Metropolitan District