

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 43-R-2021**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
APPROVING WITH CONDITIONS THE AMENDED AND RESTATED SERVICE
PLAN FOR MEAD PLACE METROPOLITAN DISTRICT NOS. 1-6 AND SERVICE
PLAN FOR MEAD PLACE METROPOLITAN DISTRICT NOS. 7-12, AND
AUTHORIZING EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN AND THE DISTRICTS**

WHEREAS, Equinox Mead LLC, an owner of property within the development known as the Mead Place subdivision, Town of Mead (the “Project”), and the Mead Place Metropolitan District Nos. 1-6 (together with Equinox Mead LLC, the “Proponent”), have proposed an amended service plan for the Mead Place Metropolitan District Nos. 1-6 (the “Existing Districts”) and the organization of the Mead Place Metropolitan District Nos. 7-12 (together with the Existing Districts, the “Districts”) to provide certain public improvements and services for the benefit of the Project; and

WHEREAS, the proposed Amended and Restated Service Plan for Mead Place Metropolitan District Nos. 1-6 and Service Plan for Mead Place Metropolitan District Nos. 7-12 (the “Service Plan”), was originally submitted by the Proponent to the Town on April 26, 2021, 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 each of June 3, 2021, July 14, 2021, August 2, 2021, and August 3, 2021, and the Service Plan 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 revised Letter of Intent dated August 2, 2021 (“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 23, 2021; 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 sent to property owners within the Districts via letter mailing pursuant to MMC Section 12-2-40; 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 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 Plan without condition or modification, deny the Service Plan, or conditionally approve the Service Plan subject to the submission of additional information relating to, or the modification of, the Service Plan or by agreement with the Proponent, as authorized by MMC Section 12-2-50 and C.R.S. § 32-1-204.5(1)(c).

Section 2. Based on the contents of the Service Plan and other evidence presented at the meeting of the Board of Trustees held on August 9, 2021, 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 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 Districts is hereby approved, subject to the following conditions:

- a. The Districts' Boards of Directors shall execute the Intergovernmental Agreement (in substantially the form attached as **Exhibit C** to the Service Plan and as modified by the condition set forth in Section 3.e. below) within 90 days after the entry of the decrees of formation of District Nos. 7-12 by the Weld County District Court and shall file executed duplicate originals of such executed Intergovernmental Agreement with the Town Clerk within ten (10) days of the date of execution.

- b. District Nos. 7-12 shall provide copies of the organizational election ballots to the Town no later than Friday, August 13, 2021 in accordance with MMC Section 12-2-60.
- c. District Nos. 7-12 shall include on the ballot for the November 2, 2021 election a question authorizing imposition of the Town O&M Mill Levy, in a form approved by the Town Attorney, and shall provide copies of the ballot to the Town no later than Friday, August 13, 2021.
- d. [intentionally deleted].
- e. The Service Plan and Intergovernmental Agreement attached to the Service Plan as **Exhibit C** shall be revised to include the language substantially in the same form as included in ATTACHMENT B to this Resolution. Any modifications to the language set forth in ATTACHMENT B shall be subject to the advance review and approval by the Town Attorney in consultation with the Town Manager and Mayor. The Proponent shall confirm that the modifications to the Service Plan and the Intergovernmental Agreement have been made prior to submitting the petition for organization of District Nos. 7-12 to the Weld County District Court.

Section 4. Subject to the compliance with the condition of approval set forth in Section 3.e. above, 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 Districts' Boards of Directors have caused executed duplicate originals 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 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 9TH DAY OF AUGUST, 2021.

ATTEST:

TOWN OF MEAD:

Aimee Brossman
Aimee Brossman, Deputy Town Clerk

Colleen G. Whitlow
Colleen G. Whitlow, Mayor



ATTACHMENT A

AMENDED AND RESTATED SERVICE PLAN FOR MEAD PLACE METROPOLITAN
DISTRICT NOS. 1-6 AND SERVICE PLAN FOR MEAD PLACE METROPOLITAN
DISTRICT NOS. 7-12

[Attached.]

ATTACHMENT B

Modifications to Service Plan and Intergovernmental Agreement attached to the Service Plan (Town-District IGA)

1. Revision to definition of “Approved Development Plan” set forth in Section II of the Service Plan (with deletions shown in ~~strikethrough~~ and additions in underline):

Approved Development Plan: means a subdivision improvement agreement, ~~preliminary~~ ~~or~~ recorded final plat, development plan, or other process established by the Town for identifying, among other matters, the Public Improvements necessary for facilitating development of property within a part or all of the Service Area as approved by the Town pursuant to the Town Code, as amended from time to time.

2. Addition to Section V.A.8. of the Service Plan:

In addition, the Districts shall be prohibited from issuing any Debt unless and until the condition precedent set forth in Paragraph 7 of the Town-District IGA attached as **Exhibit C** has been satisfied.

3. Addition to Paragraph 7 of the Town-District IGA:

The Districts shall also be prohibited from issuing any Debt until the Town and the Districts have entered into a separate intergovernmental agreement regarding the Districts’ obligation to fund improvements to the intersection of State Highway 66 and Weld County Road 7, including but not limited to lane-widening, safety enhancements, and signalization, in the current estimated amount of five hundred thousand dollars (\$500,000.00) (the “Intersection Funding Obligation”). The separate intergovernmental agreement between the Town and the Districts shall contain a provision regarding the timing of the payment of the Intersection Funding Obligation to the Town. The Districts may be released from the requirement to enter into a separate intergovernmental agreement regarding the Intersection Funding Obligation if: (1) the master developer of the Mead Place project, EQUINOX MEAD LLC, a Colorado limited liability company or its successor(s) or assign(s) (the “Developer”) executes a subdivision improvement agreement or separate standalone agreement with the Town documenting the Developer’s obligation to pay the Intersection Funding Obligation to the Town; and (2) the Developer has caused the full amount of the Intersection Funding Obligation to be paid to, or escrowed with, the Town on a date to be determined by the Town in consultation with the Colorado Department of Transportation.