

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 71-R-2021**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, ACCEPTING THE
DESIGNATION OF THE TOWN AS THE APPROVING AUTHORITY FOR THE
WATERFRONT AT FOSTER LAKE METROPOLITAN DISTRICT NOS. 1 – 3
("DISTRICTS") AND APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH
THE DISTRICTS**

WHEREAS, Section 32-1-204.7(1), C.R.S. provides that if a special district that was originally approved by a board of county commissioners becomes wholly contained within the boundaries of a municipality, the governing body of the special district may petition the governing body of the municipality to accept a designation as the approving authority for the special district; and

WHEREAS, the service plan for the Waterfront at Foster Lake Metropolitan District Nos. 1 - 3 (the "Districts") was originally considered and approved by the Weld County Board of County Commissioners on August 29, 2007; and

WHEREAS, the Districts were duly formed in accordance with §§ 32-1-101 *et seq.*, C.R.S. (the "Special District Act") and an order of formation was duly entered by the Weld County District Court; and

WHEREAS, the Town Board of Trustees has previously considered and approved Ordinance No. 970, which Ordinance approved the annexation of all of the real property situated within the boundaries of the Districts (being generally described as the Waterfront Annexation) into the boundaries of the Town; and

WHEREAS, the Districts will be wholly contained within the boundaries of the Town of Mead upon the effective date of the annexation, in accordance with Section 31-12-113, C.R.S.; and

WHEREAS, the Districts have petitioned the Town of Mead Board of Trustees to accept a designation as the approving authority for the Districts (the "Petition");

WHEREAS, a copy of the executed Petition is on file with the Town Clerk's office and is incorporated herein by reference; and

WHEREAS, pursuant to Section 32-1-204.7(2), C.R.S., the Town may accept the requested designation as the approving authority for the Districts through the adoption of a resolution; and

WHEREAS, in conjunction with acceptance of designation as approving authority for the Districts, the Board of Trustees desires to approve an intergovernmental agreement between the Town and the Districts.

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

Section 1. The Town of Mead Board of Trustees hereby accepts the designation as the approving authority for the Waterfront at Foster Lake Metropolitan District Nos. 1 - 3 for all purposes. All powers and authorities vested in the Weld County Board of County Commissioners by the Special District Act are hereby transferred to the Town Board of Trustees.

Section 2. The Board of Trustees hereby: (a) approves the Intergovernmental Agreement with the Districts in substantially the form attached hereto as **Exhibit 1** (the "Agreement"); (b) authorizes the Town Attorney and Town Manager to negotiate revisions to the Agreement as long as such revisions do not increase the obligations of the Town; and (c) authorizes the Mayor to execute the Agreement when in final form.

- a. The Districts shall execute the Agreement within forty-five (45) days of the effective date of the Waterfront Annexation pursuant to Town Ordinance No. 970.

Section 3. The Districts shall cause a copy of this resolution to be filed with the Weld County District Court and the Division of Local Government within thirty (30) days of the effective date of this resolution, and shall submit proof of such filings to the Town Clerk's office within three (3) days of such filing.

Section 4. Effective Date. This resolution shall be effective on the effective date of the Waterfront Annexation in accordance with Ordinance No. 970 and Section 31-12-113, C.R.S.

Section 5. 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 8TH DAY OF NOVEMBER, 2021.

ATTEST:

By: _____

Mary E. Strutt, MMG, Town Clerk



TOWN OF MEAD:

By: _____

Colleen G. Whitlow, Mayor

Attachments-

Exhibit 1: Intergovernmental Agreement Between the Town of Mead, Colorado and the Waterfront at Foster Lake Metropolitan District Nos. 1 - 3