

**TOWN OF MEAD, COLORADO  
RESOLUTION NO. 10-R-2022**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,  
APPROVING WITH CONDITIONS THE SECOND AMENDED AND  
RESTATED SERVICE PLAN FOR TURION METROPOLITAN DISTRICT  
NOS. 1-6 AND TURION METROPOLITAN DISTRICT NOS. 7-21, AND  
AUTHORIZING EXECUTION OF THE INTERGOVERNMENTAL  
AGREEMENT BETWEEN THE TOWN AND THE TURION  
METROPOLITAN DISTRICTS**

**WHEREAS**, Turion Metropolitan District Nos. 1-6, formerly known as SMPG Metropolitan District Nos. 1-6 (“Existing Districts”), were organized in 2004 to provide certain public improvements and services for that portion of the property that is known as the Turion development (“Project”) located in the Town of Berthoud, Colorado; and

**WHEREAS**, Berthoud approved an Amended Consolidated Service Plan for the Existing Districts on April 26, 2005 (“Amended Service Plan”); and

**WHEREAS**, Front Range Investment Holdings, LLC, the 100% fee owner of the portion of the Project property located in the Town of Mead and the Boards of Directors of the Existing Districts (together, the “Proponents”) have proposed certain amendments to the Amended Service Plan and have proposed the organization of the Turion Metropolitan District Nos. 7-21 (the “New Districts”) to provide certain public improvements and services for the benefit of the Project, including those portions of the Project lying within the corporate boundaries of the Town of Berthoud and those portions of the Project lying within the corporate boundaries of the Town of Mead; and

**WHEREAS**, a second amended and restated service plan for Turion Metropolitan District Nos. 1-21 was originally submitted by the Proponents to the Town of Mead on May 5, 2021 (“Service Plan”), in accordance with the applicable provisions of Chapter 12 of the Mead Municipal Code (“MMC”); and

**WHEREAS**, the Service Plan was revised and resubmitted on October 15, 2021 and additional minor revisions were made following the Board of Trustees’ consideration of the Service Plan at the January 10, 2022 public hearing; and

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

**WHEREAS**, the Proponents have submitted a Letter of Intent dated October 15, 2021 (“Letter of Intent”), as required by MMC Section 12-2-10(e); and

**WHEREAS**, in accordance with MMC Section 12-2-40, the Proponents have caused notice of the date, time, location and purpose of the public hearing regarding the consideration of the Service Plan to be duly published in the *Longmont Times-Call*, a newspaper of general circulation, on December 22, 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 Proponents have 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 public hearing 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 approval or conditional approval of the Service Plan.

**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 public hearing of the Board of Trustees held on January 10, 2022 and subsequently continued to January 31, 2022, 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, and is in substantial compliance with provisions of the Town's model service plan, as required in accordance with MMC Section 12-2-20.

**Section 3.** The Service Plan for the Districts in the form attached to this Resolution as ATTACHMENT A 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-1 to the Service Plan) within 90 days after the entry of the decree of formation of the Districts 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 Districts/Proponents shall provide a copy of the organizational election ballot questions and ballots issues to the Town no later than February 11, 2022, in

compliance with the requirement set forth in MMC Section 12-2-60, which states that the Districts/Proponents shall provide the draft organizational election ballot questions and ballot issues to the Town Manager, with a copy to the Town Attorney, at least twenty (20) days prior to the statutory ballot certification deadline.

- c. The Districts/Proponents shall not proceed to file either the Service Plan or the Petition for Organization for District Nos. 7-21 with the Weld County District Court pursuant to C.R.S. § 32-1-301 until such time as the Town of Berthoud has approved or conditionally approved the Service Plan substantially in the form attached to this Resolution.

**Section 4.** The Board of Trustees hereby approves the Intergovernmental Agreement in substantially the form attached as Exhibit C-1 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 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 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 31ST DAY OF JANUARY, 2022.**

**ATTEST:**

  
\_\_\_\_\_  
Mary E. Strutt, MMC, Town Clerk



**TOWN OF MEAD:**

By:   
\_\_\_\_\_  
Colleen G. Whitlow, Mayor

ATTACHMENT A

Second Amended and Restated Service Plan for Turion Metropolitan District Nos. 1-6 and Turion  
Metropolitan District Nos. 7-21

[The Service Plan may be accessed at the following link:  
[Final Amended Restated Service Plan Turion 01.26.2022](#)].

*[A copy of the Service Plan will be attached to the execution version of this Resolution at the request  
of the Proponents]*