

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 57-R-2023**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
APPROVING WITH CONDITIONS THE SERVICE PLANS FOR BUFFALO
HIGHLANDS METROPOLITAN DISTRICT NO. 1 AND BUFFALO
HIGHLANDS METROPOLITAN DISTRICT NOS. 2-3, AND AUTHORIZING
EXECUTION OF THE INTERGOVERNMENTAL AGREEMENTS BETWEEN
THE TOWN AND THE DISTRICTS**

WHEREAS, BAS 2020 LLC, a Colorado limited liability company (the “Proponent”), the 100% fee owner of the property within the development known as Buffalo Highlands (the “Subject Property”), has proposed the organization of the Buffalo Highlands Metropolitan District No. 1 (the “Commercial District”) and the Buffalo Highlands Metropolitan District Nos. 2-3 (“Residential Districts,” and together with the Commercial District, the “Districts”) to provide certain public improvements and services for the benefit of the Subject Property; and

WHEREAS, the Subject Property (together with other property as specifically described in Buffalo Highlands Annexation Map Nos. 1 – 4) was annexed to the Town of Mead (“Town”) by Ordinance No. 1040 dated June 12, 2023; and

WHEREAS, the municipal filing requirements set forth in C.R.S. §§ 31-12-113(2)(a)(I) and (2)(a)(II)(A) have been completed and the Subject Property is located within the corporate boundaries of the Town; and

WHEREAS, service plans for the proposed Districts (the “Service Plans”) were originally submitted by the Proponent to the Town on May 5, 2023, and resubmitted on July 21, 2023, in accordance with the applicable provisions of Chapter 12 of the Mead Municipal Code (“MMC”); and

WHEREAS, the boundaries of the Commercial District will include approximately 64 acres, and the boundaries of the Residential Districts will include approximately 213 acres, generally located northeast of the intersection of Weld County Road (WCR) 36 and Interstate 25, as more particularly shown and described in the vicinity maps attached as Exhibit A to the Service Plans and the maps and legal descriptions attached as Exhibits B, B-1, and B-2 to the Service Plans; and

WHEREAS, copies of the Service Plans are attached to this Resolution as ATTACHMENT A and ATTACHMENT B; and

WHEREAS, the Proponent submitted a Letter of Intent dated July 21, 2023 (“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 consideration of the Service Plans to be duly published in the *Longmont Times-Call*, a newspaper of general circulation, on July 21, 2023; 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 Certificate Concerning Notices of Public Hearing on Service Plans to be filed with the Town Clerk, which certificate includes a publisher’s affidavit and certificate of mailing regarding the aforementioned public notices; and

WHEREAS, the Board of Trustees has reviewed the Service Plans and Letter of Intent and considered evidence in support of the approval or conditional approval of the Service Plans.

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 public hearing of the Board of Trustees held on August 14, 2023, 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, 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 Plans for the Districts in the form attached to this Resolution as ATTACHMENTS A (Commercial District) and ATTACHMENT B (Residential Districts) are hereby approved, subject to the following condition(s):

- a. The Districts’ Boards of Directors shall execute the Intergovernmental Agreements (in substantially the form attached as Exhibit C to the Service Plans) (the “Town-District IGAs”) within 90 days after the entry of the decree of formation of the Districts by the Weld County District Court and the Districts shall file executed duplicate originals of the executed Town-District IGAs with the Town Clerk within ten (10) days of the date of execution.
- b. The Districts shall not incur any indebtedness or impose any taxes or fees until the Districts have approved and executed the Town-District IGAs as required above.

Section 4. The Board of Trustees hereby approves the Town-District IGAs in substantially the form attached as Exhibit C to 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 Town-District

IGAs in order to correct any nonmaterial errors or language; and (b) authorizes the Mayor to execute the Town-District IGAs 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 Town-District IGAs 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 proposed to be served by 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.

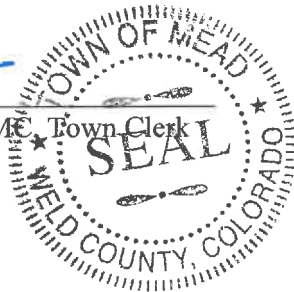
INTRODUCED, READ, PASSED AND ADOPTED THIS 14TH DAY OF AUGUST, 2023.

ATTEST:

TOWN OF MEAD:

By: 

Mary E. Strutt, MMC



By: 

Colleen G. Whitlow, Mayor

ATTACHMENT A

Service Plan for Buffalo Highlands Metropolitan District No. 1

[The Service Plan may be accessed at the following link:

 [Service Plan for Buffalo Highlands MD No. 1 2.pdf](#)

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

ATTACHMENT B

Service Plan for Buffalo Highlands Metropolitan District Nos. 2-3

[The Service Plan may be accessed at the following link:

 [Service Plan for Buffalo Highlands MD Nos. 2 and 3.pdf](#)

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