

RESOLUTION NO. 17
(Series 2019)

**A RESOLUTION APPROVING A SERVICE PLAN FOR
THE BERTHOUD 160 METROPOLITAN DISTRICT**

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., a Service Plan for the organization of Berthoud 160 Metropolitan District (the "District") has been submitted to the Board of Trustees (the "Board") of the Town of Berthoud, Colorado (the "Town"); and

WHEREAS, the boundaries of the proposed District are wholly contained within the boundaries of the Town; and

WHEREAS, notice of the hearing before the Board for its consideration of the Service Plan was duly published in *The Berthoud Weekly Surveyor* on July 18, 2019, as evidenced by the "Affidavit of Publication," attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, notice of the hearing before the Board was also duly mailed by first class mail, on July 24, 2019, to: (1) the Colorado Division of Local Government; and (2) the governing body of any municipality or special district which has levied an ad valorem tax with the next preceding tax year, and which has boundaries within a radius of three (3) miles of the proposed District's boundaries, as evidenced by the "Certificate of Mailing," attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., the Board held a public hearing on the Service Plan for the proposed District on August 13, 2019; and

WHEREAS, the Board has considered the Service Plan and all other testimony and evidence presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO;

1. Upon consideration of the Service Plan for the proposed Berthoud 160 Metropolitan District, and evidence at the public hearing on the Service Plan, the Board does find, determine and declare, as required by Section 32-1-203(2), C.R.S., as follows:

(a) That there is sufficient existing and projected need for organized service in the area to be serviced by the proposed District;

(b) That the existing service in the area to be served by the proposed District is inadequate for present and projected needs;

(c) That the proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries; and

(d) That the area to be included in the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

2. That the hearing before the Board was open to the public; that all interested parties were heard or had the opportunity to be heard; and that all relevant testimony and evidence submitted to the Board was considered.

3. That the Board hereby determines that the requirements of Sections 32-1-202(1), (2), and (3), C.R.S., relating to the filing of the Service Plan, and the requirements of Sections 32-1-204(1) and (1.5), C.R.S., relating to the notice of the hearing by the Board, and the requirements of Section 32-1-204.5, C.R.S., relating to the approval by the Board have been fulfilled in a timely manner.

4. That the Board does hereby approve the Service Plan for the District as submitted. The Board further approves the separate Intergovernmental Agreement between the Town and the District, such Intergovernmental Agreement is attached as Exhibit J to the Service Plan.

5. That a certified copy of this Resolution shall be filed in the records of the Town and submitted to the petitioners for the District for the purpose of filing in the District Court in Larimer County.

6. That nothing herein limits the Town's powers with respect to the District, the properties within the District, or the improvements to be constructed by the District.

7. That the Board's findings are based solely on the evidence in the Service Plan and such other evidence presented at the public hearing and the Town has not conducted any independent investigation of the evidence. The Board makes no guarantee as to the financial viability of the District or the achievability of the results as set forth in the Service Plan.

8. That this Resolution shall go into effect as of the date and time of its approval by the Board.

PASSED, ADOPTED AND APPROVED this 13th day of July, 2019.

TOWN OF BERTHOUD

Jeff Hindman, Mayor Pro-Tem

ATTEST:

By:

Christian Samora, Town Clerk



AFFIDAVIT OF PUBLICATION

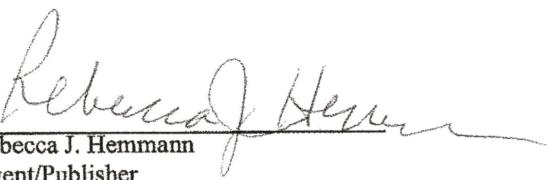


State of Colorado
County of Larimer

I, the undersigned agent, do solemnly swear that the BERTHOUD WEEKLY SURVEYOR is a weekly newspaper printed, in whole or in part, and published in the Town of Berthoud, County of Larimer, State of Colorado, and which has general circulation therein and in parts of Larimer and Weld Counties; that said newspaper has been continuously and uninterruptedly published for a period of more than twelve months prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provision of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, and was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

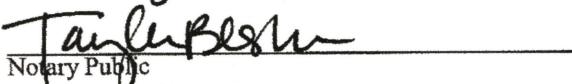
That the annexed legal notice or advertisement was published in the regular and entire edition of said weekly newspaper once each week on the same day of each week for the period of 1 consecutive insertion; and that the first publication of said notice was in the issue of said newspaper dated July 18, 2019, and that the last publication of said notice was in the issue of said newspaper dated July 18, 2019.

Notice of Public Hearing - Berthoud 160 - Service Plan for proposed Metropolitan District


Rebecca J. Hemmann
Agent/Publisher

State of Colorado, County of Larimer

Subscriber and sworn to before me this 2nd
day of August.


Tayler Besch
Notary Public
Comm. Exp: 12/20/2022

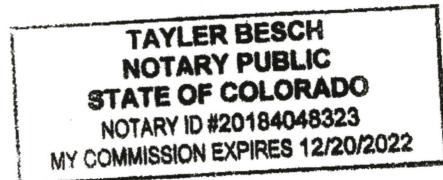


EXHIBIT B

NOTICE OF PUBLIC HEARING

TOWN OF BERTHOUD, STATE OF COLORADO

NOTICE OF PUBLIC HEARING

**IN RE THE SERVICE PLAN FOR BERTHOUD 160 METROPOLITAN DISTRICT,
TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO**

PUBLIC NOTICE IS HEREBY GIVEN that there has been filed with the Town of Berthoud, Colorado (the “**Town**”), a Service Plan (the “**Service Plan**”) for the proposed Berthoud 160 Metropolitan District (the “**District**”). The Service Plan is on file at the Town of Berthoud, 807 Mountain Avenue, Berthoud, CO and is available for public inspection.

NOTICE IS HEREBY FURTHER GIVEN that the Town Board (the “**Board**”) will hold a public hearing at 6:30 p.m. or soon thereafter, on Tuesday, the 13th day of August, 2019, at 807 Mountain Avenue, Berthoud, CO for the purpose of considering approval of the Service Plan and to form a basis for a resolution approving, disapproving or conditionally approving the Service Plan.

The District’s initial boundaries consist of approximately 140.91 acres. The District is generally located on the northeast corner of the intersection of Berthoud Parkway and Larimer County Road 4E within the Town, as shown on the map of the District that is a part of the Service Plan. A precise description of the boundaries of the District is on file with the Town of Berthoud as part of the Service Plan. Further information may be obtained by contacting legal counsel for the petitioners of the District at Collins Cockrel and Cole, P.C., 390 Union Boulevard, Suite 400, Denver, CO 80228, telephone number 303-986-1551.

The proposed District has petitioned for formation as a metropolitan district to provide the services listed in the Service Plan and has requested all the powers of a metropolitan district as described in §§ 32-1-1001 and 32-1-1004, C.R.S., as amended, subject to the limitations set forth in the Service Plan. The District shall have the authority to impose a mill levy for repayment of debt and for limited administrative, operation and maintenance purposes. For debt service, the maximum mill levy that may be imposed upon taxable property within the District’s boundaries shall not exceed 55 mills, as adjusted. For operations and maintenance expenses, the maximum mill levy that

may be imposed upon taxable property within the District's boundaries shall not exceed 17 mills, as adjusted. If the method of calculating assessed valuation is changed by law, the maximum mill levies described above may be increased or decreased to reflect such changes.

Pursuant to § 32-1-203(3.5), C.R.S., any person owning property within the geographical area of the proposed District who requests his or her property to be excluded from the District shall submit a written request for exclusion to the Board no later than 10 days prior to the hearing described herein in order to be considered.

NOTICE IS FURTHER GIVEN that any protests or objections to the proposed District and Service Plan must be submitted in writing to the Town Clerk, at or prior to the public hearing, or any continuance or postponement thereof, in order to be considered. All protests and objections to the Service Plan shall be deemed waived unless presented in writing at the time and manner specified above.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF BERTHOUD.