

RESOLUTION NO. R-18-2018

**A RESOLUTION APPROVING A SERVICE PLAN FOR
THE ROSE FARM ACRES METROPOLITAN DISTRICT**

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., a Service Plan for the organization of Rose Farm Acres Metropolitan District (the “District”) has been submitted to the Board of Trustees (“Board”) of the Town of Berthoud, Colorado (“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 April 26, 2018, 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 April 18, 2018, 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 Districts’ 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 May 22, 2018 and June 12th 2018; 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 Rose Farm Acres 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 attached as Exhibit H 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 12nd day of June, 2018.

TOWN OF BERTHOUD

William Karspeck
William Karspeck, Mayor

ATTEST:

By:

Christian Samora, Town Clerk

