

RESOLUTION 2 -05

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD
APPROVING THE AMENDED CONSOLIDATED SERVICE PLAN FOR
SMPG METROPOLITAN DISTRICT NOS. 1 -6**

WHEREAS, on February 24, 2004 the Town approved the Wilson Ranch Annexation and Development Agreement (the "Annexation Agreement") which governs the terms of annexation of the property presently included and to be included within the Districts and which contemplated the formation of special districts to provide infrastructure financing for the property described in the Annexation Agreement; and

WHEREAS, on August 31, 2004, the Consolidated Service Plan for SMPG Metropolitan District Nos. 1 - 6 (the "Districts") was submitted to the Board of Trustees of the Town of Berthoud, Colorado (the "Board"), pursuant to Section 32-1-204.5 of the Colorado Revised Statutes ("C.R.S."); and

WHEREAS, on September 14, 2004, the Board held a public hearing on the Consolidated Service Plan and adopted a resolution approving the same (the "Conditional Resolution") subject to the condition, stated in Paragraph 3 thereof, that the Districts would not be authorized to exercise any of the powers recited in, or contemplated by, the Consolidated Service Plan, including but not limited to the issuance of any bonds or the levying of any tax, until such time as the Town adopted a Resolution removing this condition in connection with approval of an amendment to the Consolidated Service Plan; and

WHEREAS, on February 10, 2005, an Amended Consolidated Service Plan for SMPG Metropolitan District Nos. 1 - 6 was submitted to the Board of Trustees of the Town of Berthoud, Colorado, pursuant to Section 32-1-207(2), C.R.S.; and

WHEREAS, on April 26, 2005, the Board held a public hearing, following publication of notice therefor, to consider said Amended Consolidated Service Plan; and

WHEREAS, the Board has considered the Amended Consolidated Service Plan in reference to the information and criteria required and set forth in Sections 32-1-202(2) and 32-1-203(2), C.R.S., as required in Section 32-1-207(2), C.R.S., and in light of testimony and other evidence presented to it at the public hearing; and

WHEREAS, the Board hereby finds that said Amended Consolidated Service Plan should be approved without condition, except as provided in Paragraph 5 hereof, pursuant to Section 32-1-204.5, C.R.S.; and

WHEREAS, nothing contained in this Resolution or the Amended Consolidated Service Plan is intended to, nor shall the terms hereof, modify or amend the terms and agreements contained in the Annexation Agreement; and

NOW THEREFORE, it is hereby **RESOLVED** by the Board of Trustees of the Town of Berthoud, Colorado as follows:

1. **THAT**, pursuant to Section 32-1-204.5(1), C.R.S., the information contained in the Amended Consolidated Service Plan satisfies the requirements of Section 32-1-202(2), C.R.S.

2. **THAT**, pursuant to Section 32-1-204.5(1), C.R.S., evidence satisfactory to the Board of each of the following criteria, as provided in Section 32-1-203(2), C.R.S., was presented:

a. There is sufficient existing and projected need for organized service in the area to be served by the Districts; and

b. The existing service in the area to be served by the Districts is inadequate for present and projected needs; and

c. The Districts are capable of providing economical and sufficient service to the area within their proposed boundaries; and

d. The area to be included in the Districts does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

3. **THAT** the requirements of Section 32-1-204.5, C.R.S., relating to the contents and standards for approval of the Amended Consolidated Service Plan, have been fulfilled.

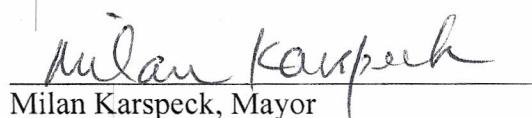
4. **THAT** the condition established in Paragraph 3 of the Conditional Resolution is hereby rescinded and shall be of no further force and effect.

5. **THAT** no individual District shall be entitled to exercise the Park and Recreation powers enumerated in, or contemplated by, the Amended Consolidated Service Plan until the property within that District has either been excluded from the boundaries of the Thompson Rivers Park and Recreation District or the Board has otherwise approved of the Park and Recreation powers to be so exercised.

This resolution was adopted by the Board of Trustees of the Town of Berthoud at a regular meeting held on April 26, 2005.

Dated this 26 day of April, 2005.

TOWN OF BERTHOUD, COLORADO


Milan Karspeck, Mayor

ATTEST:

Mary K. Cowdin
Mary K. Cowdin, Town Clerk