

**FIRST AMENDMENT
TO
AMENDED AND RESTATED SERVICE PLAN
FOR
BRADLEY HEIGHTS METROPOLITAN DISTRICT NOS. 1, 2 AND 3*
IN THE CITY OF COLORADO SPRINGS, COLORADO**

Prepared

By

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_____, 2023

I. Introduction

The original Consolidated Service Plan for Bradley Heights Metropolitan District Nos. 1-3 [originally named Rancho Colorado] was approved by the City of Colorado Springs (the “City”) on September 13, 2005, pursuant to City Resolution No. 163-05. The City approved an Amended and Restated Consolidated Service Plan on May 11, 2010, pursuant to City Resolution No. 67-10.

This limited First Amendment to the Amended and Restated Consolidated Service Plan (“First Amendment”) for the Bradley Heights Metropolitan District (the “Districts”) is submitted in accordance with the requirements of Section 32-1-207(2) of Title 32, Colorado Revised Statutes, and the City’s Special District Policy, specifically Section E.19 “Limited Service Plan Amendment”.

The singular purpose of this limited First Amendment is to amend the Maximum Operating Mill Levy for the payment of the Districts’ administrative, operation and maintenance expenses to what is authorized and permitted by Section G.1.2 of the City’s Special District Policy. The First Amendment is in keeping with current policy of City of Colorado Springs adopted in 2022.

The remainder of the Amended and Restated Consolidated Service Plan is left unchanged by this limited First Amendment.

II. Maximum Operating Mill Levy [Section VI. J]

Section VI.J of the Amended and Restated Consolidated Service Plan is hereby deleted in its entirety and replaced with the following:

J. Maximum Operating Mill Levy

The Maximum Operating Mill Levy for the payment of Residential District administrative, operating or maintenance expenses shall be twenty (20) mills; provided this levy may be subject to upward or downward adjustments addressing any Mill Levy Adjustment or any abatement occurring after, but not before, July 12 2022.

The Maximum Operating Mill Levy for the payment of Commercial District administrative, operating or maintenance expenses shall be ten (10) mills; provided that this levy may be subject to upward or downward adjustments addressing any Mill Levy Adjustment or any abatement occurring after, but not before, July 12, 2022.

Mill Levy Adjustment means any statutory, legislative or constitutional changes that adjust or impact that assessed or actual valuation of property or the assessment ratio pursuant to which taxes are calculated.

III. Conclusion

This limited First Amendment, along with the Amended and Restated Consolidated Service Plan, as required by § 32-1-203(2), C.R.S., has established that:

- (a) There is sufficient existing and projected need for organized service in the area served by the Districts (established by Amended and Restated Consolidated Service Plan);
- (b) The existing service in the area served by the Districts is/was inadequate for present and projected needs (established by Amended and Restated Consolidated Service Plan);
- (c) The Districts are capable of providing economical and sufficient service to the area within their boundaries;
- (d) The area included in the Districts does have the financial ability to discharge the outstanding and proposed indebtedness on a reasonable basis (established by Amended and Restated Consolidated Service Plan);
- (e) Adequate service is not, and will not be, available to the area through the City or County or other existing municipal or quasi-municipal corporations, including other existing special districts, within a reasonable time and on a comparable basis (established by Amended and Restated Consolidated Service Plan);
- (f) The facility and service standards of the Districts are compatible with the facility and service standards of the City within which the special district is to be located and each municipality which is an interested party under Section 32-1-204(1), C.R.S. (established by Amended and Restated Consolidated Service Plan);
- (g) The proposal is in substantial compliance with the Comprehensive Plan adopted pursuant to the City Code (established by Amended and Restated Consolidated Service Plan);
- (h) The proposal is in compliance with any duly adopted City, regional or State long- range water quality management plan for the area (established by Amended and Restated Consolidated Service Plan); and
- (i) The creation of the Districts was in the best interests of the area proposed to be served (established by Amended and Restated Consolidated Service Plan).

EXHIBIT A
Administrative, Operations and Maintenance Financial Plan