

RESOLUTION NO.119 - 24

A RESOLUTION OF THE CITY OF COLORADO SPRINGS RESCINDING RESOLUTION NO. 104-24 AND APPROVING A SERVICE PLAN FOR THE OVATION METROPOLITAN DISTRICT, SERVING AN AREA CONSISTING OF 60.28 ACRES GENERALLY LOCATED SOUTH OF THE INTERSECTION OF POWERS AND INTERQUEST BOULEVARD, EAST OF KETTLE CREEK, AND NORTH OF OLD RANCH ROAD

WHEREAS, Section 32-1-204.5, C.R.S., provides that no special district shall be organized within a municipality except upon adoption of a resolution approving or conditionally approving the service plan of a proposed special district; and

WHEREAS, the City passed Resolution No. 111-22 adopting a Special District Policy (the "Policy") to be applied to applications to create or modify a district authorized under Titles 31 and 32 of the Colorado Revised Statutes and adopting 'Model Service Plans' to be used in establishing and modifying metropolitan districts (the "Model Service Plan"); and

WHEREAS, the City has considered the Service Plan for the Ovation Metropolitan District (the "District") with the recommended maximum mill levies and all other testimony and evidence presented at the Council meeting; and

WHEREAS, it appears to the City Council that the recommended maximum mill levies and other provisions of this Service Plan are consistent with the Policy and Model Service Plan; and

WHEREAS, Resolution No. 104-24 was not properly noticed by the petitioners and shall be repealed and rescinded.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS THAT:**

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. The City Council of the City of Colorado Springs hereby repeals and rescinds Resolution No. 104-24 and said resolution shall have no force nor effect.

Section 3. The City Council of the City of Colorado Springs, having reviewed the Ovation Metropolitan District Service Plan (the "Service Plan"), as submitted by the petitioner, has determined, based solely upon the Service Plan and evidence presented to City Council in support of said Service Plan, that it is consistent with the Policy.

Section 4. The Service Plan for the District, attached hereto as Exhibit 1 and incorporated herein, is hereby approved.

Section 5. The District shall clearly and affirmatively disclose the property tax mill levy increase associated with this Service Plan to all existing and future contract purchasers of property within the District.

Section 6. The District shall comply with all statutory and other legal processes and procedures to effectuate any increase in property tax mill levies allowed by the Service Plan.

Section 7. The City's approval of the Service Plan is not a waiver of, nor a limitation upon, any power that the City is legally permitted to exercise with respect to the property subject to the Districts. The District shall not be formed until such time as taxable property and eligible electors exist within the District's boundaries pursuant to C.R.S. 32-1-101, *et seq.*

Section 8. The approval of the Service Plan through this Resolution is expressly conditioned on the transfer of land from the City to La Plata Communities, Inc., pursuant to that Real Estate Land Exchange Agreement effective February 14, 2023 between said parties (the "Exchange Agreement"). Should the Exchange Agreement expire or terminate, or the transfer of land from the City to La Plata Communities, Inc. pursuant to

the Exchange Agreement otherwise fail for any reason, the approval of the Service Plan shall be void and of no effect and the District shall not be formed.

Section 9. Should the condition in Section 8 hereof not be met and the Service Plan not be approved, the same shall not affect the repeal of Resolution No. 104-24 in Section 2 hereof, where such repeal shall continue to be effective despite any such failed condition.

Section 10. This Resolution shall be in full force and effect immediately upon its adoption.

DATED at Colorado Springs, Colorado, this 24<sup>th</sup> day of September 2024.

  
Randy Helms, Council President

ATTEST:

  
Sarah B. Johnson, City Clerk

