

A RESOLUTION APPROVING AN AMENDMENT TO THE SERVICE PLAN FOR THE UPPER COTTONWOOD CREEK METROPOLITAN DISTRICT NOS. 2, 3, 4 AND 5

WHEREAS, Section 32-1-207, C.R.S., provides that no special district may materially modify its service plan except upon petition to the governing body of the municipality within which the special district lies and adoption of resolution of approval by such governing body; and

WHEREAS, pursuant to the provisions of Title 32, Colorado Revised Statutes, and pursuant to proper notice having been provided as required by law, the City Council held a public hearing and approved the original formation and the Consolidated Service Plan (the "Original Service Plan") for the Upper Cottonwood Creek Metropolitan Districts Nos. 2, 3, 4 and 5 (the "Districts") by Resolution No. 38-06 adopted on March 28, 2006; and

WHEREAS, the Districts have petitioned the City to approve an Amendment to Service Plan ("Amendment to Service Plan") to increase the Maximum Operating Mill Levy for Upper Cottonwood Creek Metropolitan District Nos. 3, 4 and 5 from 10.0 mills to 20.0 mills for so long as District Nos. 3, 4 and 5 continue to provide their respective current levels of service; and

WHEREAS, the Amendment to Service Plan also includes a restriction on end user debt service fees which conforms to the City's current special district policy; and

WHEREAS, the Districts submitted for review and City Council reviewed the Amendment to Service Plan for the Districts; and

WHEREAS, City Council considered the Amendment to Service Plan, as well as all other testimony and evidence presented at a public hearing on March 22, 2016, to determine whether to approve the Districts' proposed Amendment to Service Plan.

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

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. Council hereby finds that approval of the Service Plan Amendment is in the best interest of the City and the Districts.

Section 3. The Amendment to Service Plan as attached in Exhibit 1 is hereby approved.

Section 4. With the exception of those modifications specifically addressed in the Amendment to Service Plan, the Original Service Plan shall remain in full force and effect.

DATED at Colorado Springs, Colorado, this _____ day of _____ 2016.

Council President

ATTEST:

Sarah Johnson, City Clerk