

RESOLUTION \_\_\_\_-18

A RESOLUTION OF THE CITY OF COLORADO SPRINGS APPROVING AN INCLUSION OF PROPERTY INTO THE TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT THAT IS OUTSIDE THE INCLUSION AREA OF THE APPROVED SERVICE PLAN.

WHEREAS, City Council approved the Tuscan Foothills Village Metropolitan District Service Plan ("Service Plan") on September 27, 2016, by Resolution 97-16; and

WHEREAS, the Tuscan Foothills Village Metropolitan District Service Plan requires written consent from City Council prior to the inclusion of any property into the District that is outside of the inclusion area of the approved Service Plan; and

WHEREAS, the request identifies property that has been consented upon as being included into the District by the Tuscan Foothills Village Metropolitan District Board; and

WHEREAS, the approval of the inclusion of property is in the best interests of the Tuscan Foothills Village Metropolitan District; and

WHEREAS, Section 32-I-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. 9-06 adopting a Special District 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 "Policy and Model Service Plan"); and

WHEREAS, the City has considered the a petition for inclusion of a property into the Tuscan Foothills Village Metropolitan District (Exhibit A) 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.

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

Section 1. The City Council of the City of Colorado Springs, having reviewed the request of inclusion of property into the Tuscan Foothills Village Metropolitan District that is outside the inclusion area of the approved Service Plan, and the request, as submitted by the petitioner, has determined, based solely upon the evidence presented to City Council in support of said request, that approval of the request is in the best interests of the City, El Paso County,

and the District.

Section 2. The request of inclusion of property that is outside of the inclusion area of the approved Service Plan for the Tuscan Foothills Village Metropolitan District shall be approved.

Section 3. The City's approval of the request 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 proposed District.

Section 4. No modifications to the boundaries shall become effective until the District complies with the requirements for changing the boundaries as provided by Title 32 of the Colorado Revised Statutes.

Section 4. This Resolution shall be published and become effective as provided by law.

Section 5. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Resolution.

Section 6. All ordinances or resolutions, or parts thereof, in conflict with this Resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such Resolution nor revive any Resolution thereby.

Dated at Colorado Springs, Colorado this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk