

RESOLUTION NO. 18-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO CONSENTING TO THE INCLUSION OF PROPERTY INTO THE CANYON CREEK METROPOLITAN DISTRICTS NOS 1-3

WHEREAS, by Resolution No. 9-06, the City Council approved the Special District Policy on January 24, 2006, a City Financial Policy Regarding the Use of Districts (the "Policy"), providing for certain financial and other limitations in the use of special districts as an available method in financing public infrastructure; 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 formation and service plan ("the Service Plan") of the Canyon Creek Metropolitan District Nos. 1-3 ("the Districts") Resolution No. 127-08 adopted on October 14, 2008; and

WHEREAS, Paragraph V.A.7 of the Service Plan requires written consent of the City for inclusion of any property outside of the Initial District Boundaries or the Inclusion Area Boundaries as identified in Exhibit C-1 or C-2 of the Service Plan ; and

WHEREAS, the Districts have submitted for review, and City Council has reviewed, a request to include certain properties outside if Exhibit C-1 or C-2; and

WHEREAS, City Council considered this request as well as all other testimony and evidence presented at the March 13, 2018 City Council meeting; and

WHEREAS, the Districts, having presented evidence that it has satisfied the conditions of approval and other Service Plan prerequisites, requests approval for inclusion of the identified properties.

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. In reliance on the information presented by the Districts, Council hereby consents to the inclusions of properties by the Districts as identified in Exhibit A attached with this resolution.


Section 3. This Resolution shall be effective upon its approval by City Council.

DATED at Colorado Springs, Colorado, this 13th day of March, 2018.




Council President

ATTEST:



Sarah B. Johnson, City Clerk





GARY R. WHITE
KRISTEN D. BEAR
WILLIAM P. ANKELE, JR.
JENNIFER GRUBER TANAKA
CLINT C. WALDRON
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OF COUNSEL:
BLAIR M. DICKHONER

February 9, 2018

VIA EMAIL

City of Colorado Springs
Attn: Carl Schueler, Comprehensive Planning Manager
City Administrative Building, Suite 502
cschueler@springsgov.com

RE: City Council Consent to Inclusion of Property into Canyon Creek MD Nos. 1-3

Dear Mr. Schueler:

Our firm serves as general legal counsel to the Canyon Creek Metropolitan District Nos. 1-3 (the "Districts"). Our engagement as legal counsel to the Districts began on February 6, 2017. Prior to our engagement, the Districts received legal services from another law firm.

Pursuant to Article V.7 of the Districts' Consolidated Service Plan, as approved by the Colorado Springs City Council on October 14, 2008 (the "Service Plan"), property located outside of the Districts' Service Area (as defined in the Service Plan) may not be included within the Districts without obtaining written consent from the City Council. Within the past couple months, you brought to our attention that certain property was included into the Districts without obtaining City Council consent. Our subsequent review of this specific property determined that several additional properties were also included into the Districts without obtaining City Council consent, as listed on Exhibit A of this letter (collectively, the "Properties"). The failure to obtain City Council consent was an oversight that took place prior to our involvement with the Districts and something we would like to rectify immediately.

Enclosed with this letter is a map depicting the Properties that have been identified as being located outside of the Service Area, and that have been previously included into the Districts without City Council consent. You have specifically asked about the benefit that the property located at 0 West Ramona Avenue will receive as this property is not directly contiguous with the rest of the project. This specific property will benefit from the Cheyenne Boulevard streetscape improvements that are being made throughout the project. Cheyenne Boulevard is the southern border of this property and will be uniformly improved throughout the project. This specific property will benefit from approximately three-hundred feet (300') of landscape, streetscape and sidewalk improvements along Cheyenne Boulevard. Additionally, upgrades will be made along Cheyenne Creek, which runs adjacent to this property and will benefit the residents of 0 West Ramona Avenue.

We regret that this oversight occurred but request that this issue be resolved as expeditiously as possible. As you know, the Colorado Springs Urban Renewal Authority ("CSURA") is in the process of issuing bonds next month. The Districts will be entering into a Pledge Agreement whereby they will agree to pledge certain revenue to the repayment of the CSURA bonds. The Properties that are the subject of this letter are currently within the boundaries of CSURA and will be subject to the Districts' mill levy that will generate the pledged revenue. Delaying consent to the inclusion of the Properties could jeopardize the issuance of the CSURA bonds. Any efforts that can be made to resolve this matter as quickly as possible are greatly appreciated.

Please let me know if you have any questions or concerns regarding this request, or if you need any additional explanatory materials.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

A handwritten signature in black ink, appearing to read "Blair M. Dickhoner", with a long horizontal flourish extending to the right.

Blair M. Dickhoner

Enclosure

CC: CCMD Boards of Directors
Megan J. Murphy

EXHIBIT A

EXHIBIT A

(Included Properties Requiring Consent)

0 W. Ramona Avenue	Schedule No. 6430207036
7 E. Ramona Avenue	Schedule No. 6430209011
11 E. Ramona Avenue	Schedule No. 6430209027
15 E. Ramona Avenue	Schedule No. 6430209028
96 Cheyenne Blvd.	Schedule No. 6430207010
94 Cheyenne Blvd.	Schedule No. 6430207032
90 Cheyenne Blvd.	Schedule No. 6430207031
86 Cheyenne Blvd.	Schedule No. 6430207030
82 Cheyenne Blvd.	Schedule No. 6430207029
78 Cheyenne Blvd.	Schedule No. 6430207028
74 Cheyenne Blvd.	Schedule No. 6430207027
70 Cheyenne Blvd.	Schedule No. 6430207026
66 Cheyenne Blvd.	Schedule No. 6430207025
62 Cheyenne Blvd.	Schedule No. 6430207024
58 Cheyenne Blvd.	Schedule No. 6430207023
54 Cheyenne Blvd.	Schedule No. 6430207022
50 Cheyenne Blvd.	Schedule No. 6430207021
46 Cheyenne Blvd.	Schedule No. 6430207020
42 Cheyenne Blvd.	Schedule No. 6430207019
38 Cheyenne Blvd.	Schedule No. 6430207018
34 Cheyenne Blvd.	Schedule No. 6430207017
30 Cheyenne Blvd.	Schedule No. 6430207033
26 Cheyenne Blvd.	Schedule No. 6430207034
22 Cheyenne Blvd.	Schedule No. 6430207035