

RESOLUTION NO. 30-16

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:**

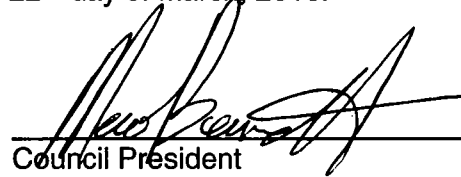
Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

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 22<sup>nd</sup> day of March, 2016.

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

ATTEST:

  
\_\_\_\_\_  
Sarah Johnson, City Clerk



**UPPER COTTONWOOD CREEK METROPOLITAN DISTRICT NOS. 3 THROUGH 5**

**IN THE CITY OF COLORADO SPRINGS, Colorado**

**AMENDMENT TO SERVICE PLAN**

1. INTRODUCTION

The service plan for the Upper Cottonwood Creek Metropolitan District Nos. 2 through 5 ("District" or ("Districts")) was approved by the City Council of the City of Colorado Springs, Colorado in 2006, and the Districts were organized by Order of the District Court in and for El Paso County on May 17, 2006. The main purpose of the Districts is to finance public improvements for the benefit of the taxpayers of the Districts.

2. AMENDMENT

The Board of Directors of the Districts has determined it to be in the best interests of the Districts to amend the service plan for the Districts in order to increase the Maximum Operating Mill Levy for the payment of operating and maintenance expenses for District Nos. 3 through 5 only from 10 mills to 20 mills in order to provide the Districts the financial ability to pay for all District-related operations and maintenance including, but not limited to, operation and maintenance of the Districts' park and recreation areas for the benefit of the Districts' residents and the public as specifically set forth in Exhibit A hereto. The increase in the Maximum Operating Mill Levy for District Nos. 3 through 5 to 20 mills will remain in place for so long as District Nos. 3 through 5 continue to provide the respective levels of service for the areas and improvements set forth in Exhibit A.

In addition, the Service Plan for District Nos. 3-5 is amended to reflect that no fees, other than one-time builder paid development fees, shall be pledged for repayment of any debt as is consistent with current City policy.

The Service Plan in regard to District No. 2 shall remain unchanged and the Maximum Operating Mill Levy for the payment of operating and maintenance expenses for District No. 2 shall remain at 10 mills. The amendment is stated as follows:

“VI. FINANCIAL PLAN

\* \* \*

G. Debt Repayment Sources

Each of the Districts May impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance. The Districts may also rely upon various other revenue sources authorized by law. At the Districts' discretion, these may include the power to assess fees, rates, tolls penalties, or charges

as provided in Section 32-1-1001,(1), CRS, as amended from time to time. If the Districts impose a development or capital fee for the purpose of repayment of debt, such fee shall be a one-time fee, payable prior to any resident or ultimate third party end-user taking title to the property and no further fees or charges of the Districts shall be pledged for repayment of District debt. In no event shall debt service mill levy in any District exceed the Maximum Debt Mill Levy or, for residential Districts, the Maximum Debt Mill Levy Imposition Term.

and

J. Maximum Operating Mill Levy

In addition to the capital costs of the Public Improvements, the Districts will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained in perpetuity.

The Maximum Operating Mill Levy for the payment of the Districts' operating and maintenance expenses shall be 10 mills for District No. 2 and 20 mills for Districts Nos. 3 through 5; provided, further, that the increase in the Maximum Operating Mill Levy for District Nos. 3 through 5 to 20 mills will remain in place for so long as District Nos. 3 through 5 continue to provide their respective levels of service for the improvements and areas set forth in Exhibit A to this Amendment; and, provided that if, on or after January 1, 2016, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such operating and maintenance expenses may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenue generated by the mill levy, as adjusted for changes occurring after January 1, 2016, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.”

\* \* \*

3. RATIONALE.

The impetus for the amendments reflected above is the experience and recognition of the Board that the current Maximum Operating Mill Levy of 10 mills has not and is not anticipated to generate sufficient funds for District Nos. 3 through 5 to cover their respective operations and maintenance expenses including, but not limited to, operations and maintenance of District parks and recreation services and amenities. In support of the amendment, the Board has prepared an updated financial plan addressing the financial viability of operations and maintenance for District Nos. 3 through 5 with the proposed increase of the Maximum Operating Mill Levy to 20 mills.

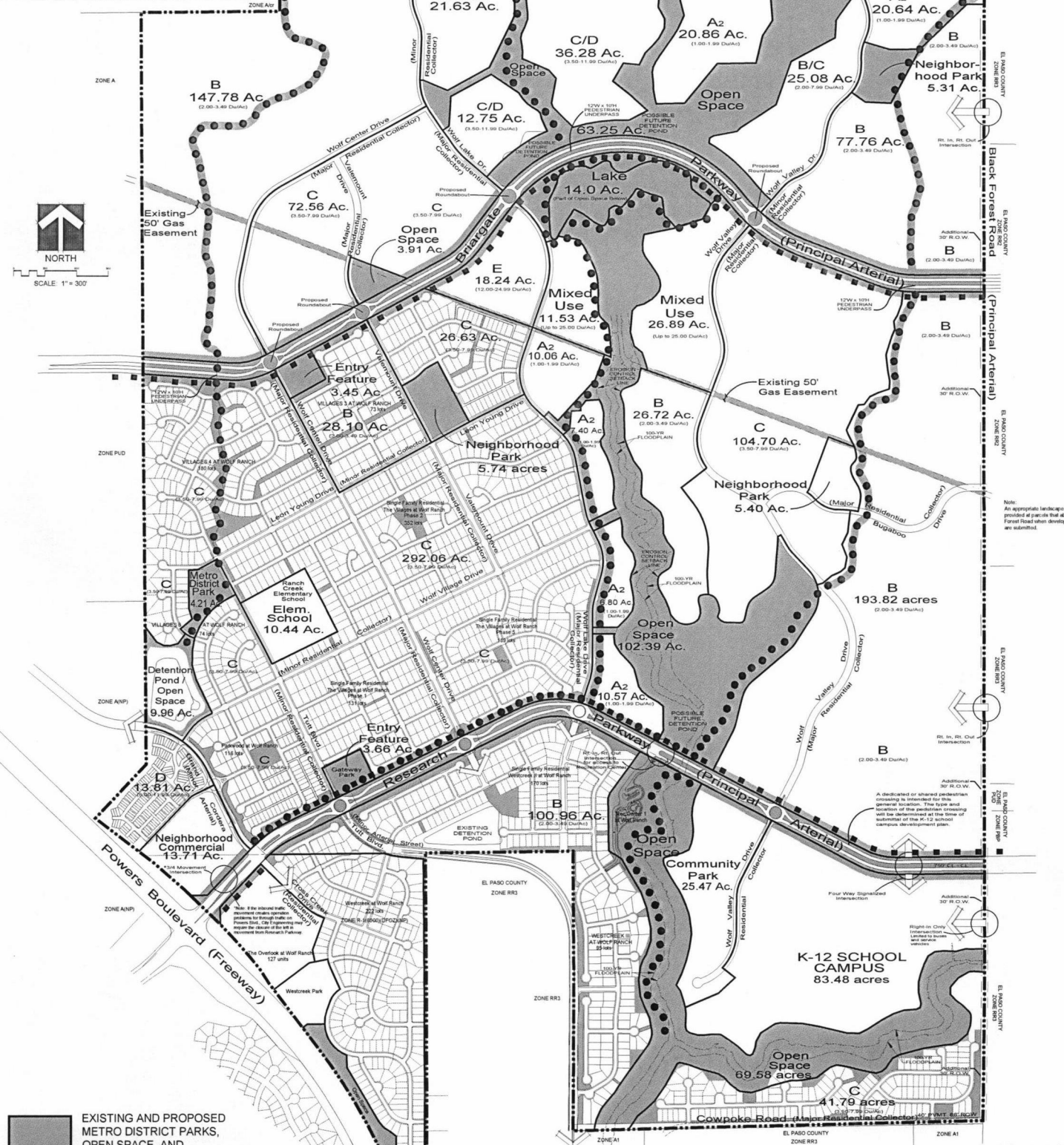
The amendment to Section VI(G) of the Service Plan reflects current City policy in regard to the pledge of development fees for debt service.

Except as modified herein, the terms and conditions of the service plan shall remain as submitted and, as amended, shall continue in full force and effect.

**EXHIBIT A**

**Operations and Maintenance Areas**

Master Plan (PUD) Plan Approval and Amendment History	Approval Date	Amendment	Notes
Original PUD	November 1, 2007	None	Original PUD approved through City of El Paso County.
Amendment 1	February 11, 2008	Amendment 1	Amendment 1 approved through City of El Paso County. Original PUD amended to include 1,200 acres of undeveloped land. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2.
Amendment 2	January 1, 2009	Amendment 2	Amendment 2 approved through City of El Paso County. Original PUD amended to include 1,200 acres of undeveloped land. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2.
Amendment 3	April 4, 2008	Amendment 3	Amendment 3 approved through City of El Paso County. Original PUD amended to include 1,200 acres of undeveloped land. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2.
Amendment 4	January 15, 2009	Amendment 4	Amendment 4 approved through City of El Paso County. Original PUD amended to include 1,200 acres of undeveloped land. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2.
Amendment 5	July 15, 2011	Amendment 5	Amendment 5 approved through City of El Paso County. Original PUD amended to include 1,200 acres of undeveloped land. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2.
Amendment 6	August 11, 2011	Amendment 6	Amendment 6 approved through City of El Paso County. Original PUD amended to include 1,200 acres of undeveloped land. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2.
Amendment 7	August 28, 2014	Amendment 7	Amendment 7 approved through City of El Paso County. Original PUD amended to include 1,200 acres of undeveloped land. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2.
Amendment 8	Pending	Amendment 8	Amendment 8 approved through City of El Paso County. Original PUD amended to include 1,200 acres of undeveloped land. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2. The amendment also includes a rezoning of 1,200 acres from R-1 to R-2.



EXISTING AND PROPOSED METRO DISTRICT PARKS, OPEN SPACE, AND LANDSCAPE TRACTS

NOTE: THERE WILL BE ADDITIONAL POCKET PARKS AND LANDSCAPE TRACTS WITHIN EACH SUBDIVISION BASED UPON FINAL SITE PLANNING.



Master Plan  
**WOLF RANCH**  
 Colorado Springs, CO  
 A Master Planned Community by  
 Norwood Development Group  
 111 South Tejon Suite 222 Colorado Springs, CO 80903

EXISTING AND FUTURE METRO DISTRICT MAINTAINED PROPERTIES

DATE: 08/22/09  
 Revised: 02/05/12, 01/04/11, 01/25/08, 8/12/06, 2/10/05  
 07/14/11, 05/08/11, 04/28/11, 05/01/11  
 City File No.: CPC MP 05-00085-ASM/15