

RESOLUTION NO. \_\_\_\_

A RESOLUTION APPROVING THE SECOND AMENDMENT TO  
THE SERVICE PLAN FOR UPPER COTTONWOOD CREEK  
METROPOLITAN DISTRICT NOS. 2 - 5

WHEREAS, Section 32-1-207, C.R.S., provides that a special district may materially modify its service plan only 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, the City Council of the City of Colorado Springs approved the Service Plan for the Upper Cottonwood Creek Metropolitan District Nos. 2-5 (collectively, the "Districts") on March 28, 2006 (the "Original Service Plan") and subsequently approved the Amendment to Service Plan for the Upper Cottonwood Creek Metropolitan District Nos. 2-5 on March 22, 2016 (the "First Amendment," and together with the Original Service Plan, the "Service Plan"); and

WHEREAS, the Districts have petitioned the City to approve a Second Amendment to Service Plan ("Second Amendment to Service Plan") to reallocate a portion or all of the remaining total debt issuance amount of District Nos. 2 and 3 to District Nos. 4 and 5; and

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

WHEREAS, City Council considered the Second Amendment to Service Plan, as well as other testimony and evidence presented at a public hearing on October 26, 2021, to determine whether to approve the Second 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 Second Amendment to Service Plan is in the best interests of the City and the Districts.

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

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

Section 5. All ordinances or resolutions, or parts thereof, in conflict with this Resolution are hereby repealed, provided that such repealer shall not repeal the repealer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.

Section 6. This Resolution shall be effective upon its approval by City Council.

DATED at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

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

ATTEST:

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