

RESOLUTION NO. 157-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO APPROVING A SECOND SERVICE PLAN AMENDMENT FOR THE COLORADO CROSSING METROPOLITAN DISTRICTS NO. 1 THROUGH 3 TO AUTHORIZE STREET MAINTENANCE AS AN OPERATIONS AND MAINTENANCE FUNCTION

WHEREAS, by Resolution 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, 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 Colorado Crossing Metropolitan Districts Nos. 1-3 (the "Districts") by Resolution No. 126-06 adopted on August 22, 2006; 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 an amendment to the Original Service Plan (the "First Amendment of the Service Plan") for the Districts by Resolution No. 111-16 adopted on October 25, 2016; and

WHEREAS, the Districts have petitioned the City to approve a Second Amendment to Service Plan ("Second Amendment of the Service Plan") to authorize street maintenance as operations and maintenance function of the Districts.

WHEREAS, the Policy contains requirements for the content and limitations associated with new or amended service plans; and

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

WHEREAS, City Council considered the Second Amended Service Plan, as well as all other testimony and evidence presented at the December 11, 2018 City Council meeting to determine whether the Districts' proposed Service Plan Amendment satisfies the requirements of the Policy.

**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 complies with the Policy and provisions of the Model Service Plans, and remains consistent with the findings made in as part of the original Service Plan approval.

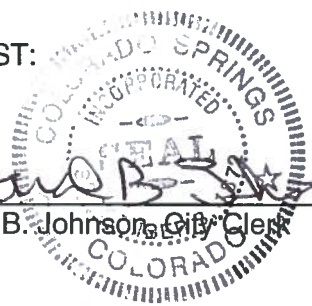

Section 3. The Second Amendment of the Service Plan as attached in Exhibit 1 is hereby approved.

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

DATED at Colorado Springs, Colorado, this 11<sup>th</sup> day of December 2018.

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

ATTEST:

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

**SECOND AMENDMENT TO THE  
CONSOLIDATED SERVICE PLAN FOR  
COLORADO CROSSING METROPOLITAN DISTRICT NO. 1  
COLORADO CROSSING METROPOLITAN DISTRICT NO. 2  
COLORADO CROSSING METROPOLITAN DISTRICT NO. 3  
IN THE  
CITY OF COLORADO SPRINGS, COLORADO**

Prepared by  
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Approved:  
December 11, 2018

Initials: \_\_\_\_\_

**Article I. PURPOSE AND INTENT**

Colorado Crossing Metropolitan District Nos. 1, 2 and 3 (the “**Districts**”) were organized and operate pursuant to a Consolidated Service Plan as approved by the City Council of the City of Colorado Springs, Colorado, on August 22, 2006 (the “**Original Service Plan**”).

The First Amendment to the Consolidated Service Plan for Colorado Crossing Metropolitan District Nos. 1, 2, and 3 (the “**First Amendment**”) was approved on October 25, 2016 and increased the Maximum Operating Mill Levy authorized to be imposed by the Districts in order to provide the Districts with the ability to generate revenues in amounts sufficient to address the increased operations and maintenance obligations of the Districts.

This Second Amendment modifies Exhibit D to the Original Service Plan and the First Amendment (the “**Second Amended Exhibit D**”) to specifically authorize the Districts to undertake and provide certain maintenance services more specifically described in the Second Amended Exhibit D.

**Article II. AMENDMENT**

A. Article I, C. Article I, Section C of the Original Service Plan provides that the primary purpose is to provide for Public Improvements associated with development and regional needs. The Original Service Plan allows the District to take on Operational activities, however, only if those activities are specified in Exhibit D to the Original Service Plan. Exhibit D of the Original Service Plan does not provide for maintenance of streets by the Districts. The Districts have constructed and anticipate constructing additional public streets within the service area of the Districts (“**District Streets**”) and the District Streets must be maintained. To the extent not accepted for perpetual ownership or maintenance by another governmental entity, the Districts may potentially own, operate and maintain certain of the District Streets. As such, Exhibit D to the Original Service Plan must be amended to include street maintenance as a permitted service to be provided by the Districts.

B. Exhibit D. Exhibit D to the Original Service Plan and the First Amendment is hereby deleted and replaced in its entirety with Attachment A attached to this Second Amendment.

C. All provisions of the Service Plan not expressly modified by this Amendment remain unchanged and in full force and effect.

D. In the event of any express conflict or inconsistency between the terms of the Original Service Plan, First Amendment and this Second Amendment, this Second Amendment shall control and govern.

**ATTACHMENT A**

**SECOND AMENDED EXHIBIT D TO THE SERVICE PLAN**

**Description of Permitted Services to be Provided by the Districts**

Description of Services	IGA Required (Yes or No)
Operation and maintenance services related to recreational facilities.	No
Operation and maintenance related to entrance features, landscaped areas, pocket parks, street trees, streetscape, and all parks.	No
Operation and maintenance services related to public parking structures.	No
Operations and maintenance of some or all District constructed and/or owned Streets.	No