

RESOLUTION NO. _____ - 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO AUTHORIZING COLORADO CROSSING METROPOLITAN DISTRICT NO. 2 TO ISSUE DEBT IN THE FORM OF SPECIAL IMPROVEMENT DISTRICT NO. 1 AND NO. 2 SPECIAL ASSESSMENT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$12,000,000 FOR A PROJECT LOCATED IN THE VICINITY OF INTERQUEST PARKWAY AND INTERSTATE 25

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 a service plan (the "Service Plan") for the Colorado Crossing Metropolitan District Nos. 1-3 (the "Districts") by Resolution No. 126-06 on August 22, 2006, and Districts were subsequently created; 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 of the Service Plan specifically increasing the combined aggregate maximum authorized indebtedness of the Districts to \$72,000,000, and specially authorizing the creation of two special improvement district (SIDs) within these Districts (the "Fourth Amendment of the Service Plan") by Resolution No. _____-22 on April 26, 2022; and

WHEREAS, both the Policy and the Service Plan require that prior to the Districts issuing bonds or similar indebtedness, it must first obtain City Council approval of the proposed issue and that City Council review of such indebtedness for compliance with the Service Plan and all applicable laws; and

WHEREAS, Colorado Crossing Metropolitan District No 2. ("District 2") has submitted for review, and City Council has reviewed, various related debt instrument documents, including draft indenture, term sheet, financial plan and a preliminary opinion of the District's general counsel, (the "Bond Documents"); and

WHEREAS, City Council considered the Bond Documents as well as all other testimony and evidence presented at the April 26, 2022 City Council meeting; and

WHEREAS, District 2, having presented evidence that it has satisfied the conditions of approval and other Service Plan prerequisites, requests approval of the issuance of indebtedness in a structure substantially similar to and consistent with the Bond Documents.

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 District 2, Council hereby finds that the issuance of indebtedness by District 2 in a structure substantially similar to and consistent with the Bond Documents complies with the service plan and all applicable laws.

Section 3. Issuance of indebtedness by District 2 in the form of Special Improvement District No. 1 and No. 2 Special Assessment Revenue Bonds, Series 2022 approximately \$10,645,961, as further described in the Bond Documents, is hereby approved provided, however, that such indebtedness shall be solely an obligation of the Districts, and the City shall have no liability or other responsibility therefore.

Section 4. The Special Assessment Revenue Bonds, Series 2022 shall not be issued in an aggregate amount that exceeds the Debt issuance Limitation of \$12,000,000 for these SID bonds as set for in the Service Plan, as amended.

Section 5. The issuance of debt in a structure substantially similar to and consistent with the Bond Documents, subject to minor changes and revisions as may be approved by City staff, is hereby approved.

Section 6. The approvals contained herein shall be effective for a maximum of one (1) year from the date of this Resolution. If District 2 desires to issue this debt any time after April 26, 2023 a new City Council approval will be required.

Section 7. This Resolution shall be effective upon its approval by City Council.

DATED at Colorado Springs, Colorado, this 26th day of April, 2022.

Council President

ATTEST:

Sarah Johnson, City Clerk