

RESOLUTION NO. 194-21

A RESOLUTION APPROVING THE FIRST AMENDMENT  
TO THE SERVICE PLAN FOR POWERS METROPOLITAN  
DISTRICT TO MODIFY THE INCLUSION AREA  
BOUNDARIES

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 Powers Metropolitan District ("District") on February 12, 2008 (the "Original Service Plan"); and

WHEREAS, the District has petitioned the City to approve a First Amendment to Service Plan ("First Amendment to Service Plan") to add and remove properties from the Future Inclusion Area boundary; and

WHEREAS, the District submitted for review and City Council reviewed the First Amendment to Service Plan for the District; and

WHEREAS, City Council considered the First Amendment to Service Plan, as well as other testimony and evidence presented at a public hearing on December 14, 2021, to determine whether to approve the First 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 First Amendment to Service Plan is in the best interests of the City and the District.

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

Section 4. With the exception of those modifications specifically addressed in the First 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 All ordinances or resolutions, or parts thereof, in conflict with this Resolution are hereby repealed, provided that such repealer shall not repeal the repealer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 14th day of December 2021.

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

ATTEST:

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

**FIRST AMENDMENT TO THE  
SERVICE PLAN  
FOR  
POWERS METROPOLITAN DISTRICT  
IN THE CITY OF COLORADO SPRINGS, COLORADO**

Prepared by:

Seter & Vander Wall, P.C.  
7400 E. Orchard Rd., Suite 3300  
Greenwood Village, CO 80111  
303-770-2700

Approved:

Service Plan Approved: February 12, 2008  
First Amendment Approved: XXXXX

I. Introduction

A. Purpose and Intent

The Powers Metropolitan District (the “**District**”) was organized and operates pursuant to its Service Plan as approved by the City Council of Colorado Spring on February 12, 2008. (the “**Service Plan**”).

This First Amendment to the Service Plan (“**First Amendment**”) modifies Exhibit C-2 of the Service Plan to add additional property as Future Inclusion Areas, specifically the property identified as I1 and I2 on the updated Exhibit C-2, attached to this First Amendment, and to remove property previously identified as Future Inclusion Areas in the original Service Plan.

Inclusion area I1 and I2 are intended to be developed as additional commercial property, to complement the existing commercial development on the parcel identified as P1, commonly known as the Powers Pointe Shopping Center.

II. Amendment

A. Section III BOUNDARIES. Section III of the Service Plan is replaced in total as follows:

The area of the Initial District Boundaries includes approximately 50.93 acres and the total area proposed to be included in the Inclusion Area Boundaries is approximately 7.38 acres. A legal description of the Initial District Boundaries is attached hereto as Exhibit A. A map of the Initial District Boundaries is attached hereto as Exhibit C-1 and a map of the Inclusion Area Boundaries is attached as Exhibit C-2. A vicinity map is attached hereto as Exhibit B. It is anticipated that the District’s Boundaries may change from time to time as it undergoes inclusions and exclusions pursuant to Sections 32-1-401, et seq. and 32-1-501, et seq., C.R.S., subject to the limitations set forth in Article V below.

B. Section IV PROPOSED LAND USE/POPULATION/ASSESSED VALUATION. The first sentence of this section is replaced in total as follows:

The Service Area consists of approximately 58.31 acres of undeveloped land.

C. Exhibit C-2. Exhibit C-2 is replaced with the Amended Exhibit C-2 attached hereto.

The two additional parcels added to the Inclusion Area Boundaries are:

I1 = Lot 2, Block 1 in The Homestead Subdivision Filing No. 10, as recorded in Plat Book Z-2 at Page 61, in the real property records of El Paso County, Colorado.

12 = Lot 1 in Colorado Country Filing No. 12, as recorded under Reception No. 97060807 in the real property records of El Paso County, Colorado.

D. Section V.A.16. Section V.A.16 is added as follows:

16. The District shall not adopt or enact an ordinance, resolution, rule, or other regulation that prohibits or restricts an authorized permittee from carrying a concealed handgun in a building or specific area under the direct control or management of the District as provided in § 18-12-214, C.R.S.

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

AMENDED EXHIBIT C-2  
INCLUSION AREA BOUNDARY MAP

