

RESOLUTION NO. _____-19

A RESOLUTION APPROVING AN AMENDED AND RESTATED SERVICE PLAN FOR THE SANDS METROPOLITAN DISTRICT Nos. 1-3 and THE SANDS METROPOLITAN DISTRICT No. 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 a resolution of approval by such governing body; and

WHEREAS, on July 10, 2018, City Council entered into an intergovernmental agreement with the Sands Metropolitan District Nos. 1-4 by Resolution No. 76-18, which addresses the schedule, process and terms under which the Sands Metropolitan District Nos. 1,2, and 3 will transition to the City of Colorado Springs as their approving authority; and

WHEREAS, the owner of a property known as The Ridge at Sand Creek desires and consents to inclusion within an amended and restated service plan; and

WHEREAS, The Sands Metropolitan District Nos. 1-4 have petitioned the City to approve an Amended and Restated Service Plan for The Sands Metropolitan District Nos. 1-3 and The Sands Metropolitan District No. 5 (A/K/A The Ridge at Sand Creek) (“Amended and Restated Service Plan”); and

WHEREAS, the petitioner submitted for review and City Council reviewed the Amended and Restated Service Plan; and

WHEREAS, City Council considered this Amended and Restated Service Plan, as well as all other testimony and evidence presented at a properly noticed and duly held public hearing on October 8, 2019, to determine whether to approve the proposed Amended and Restated Service Plan for The Sands Metropolitan District Nos. 1-3 and The Sands Metropolitan District No. 5.

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 Amended and Restated

Service Plan is in the best interests of the City and the District.

Section 3. In the event the property to be served by the District No. 5 has not been rezoned to substantially allow for the residential land uses contemplated by this Service Plan, on or before December 31, 2020, the Districts shall petition for an amended service plan to either remove District No. 5 from the consolidated service plan or to otherwise modify the plan to reflect and accommodate the allowable uses on this site.

Section 4. The Amended and Restated Service Plan as attached in Exhibit 1 hereto and incorporated by reference herein is hereby approved.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2019.

Council President

ATTEST:

Sarah B. Johnson, City Clerk