

RESOLUTION NO. _____ - 23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO, APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED SERVICE CONSOLIDATED SERVICE PLAN FOR THE BRADLEY HEIGHTS METROPOLITAN DISTRICTS, NOS. 1, 2, AND 3.

WHEREAS, Section 32-1-204.5, C.R.S., provides that no special district shall be organized within a municipality except upon adoption of a resolution approving or conditionally approving the service plan of a proposed special district; and

WHEREAS, the City passed Resolution No. 111-22 adopting a Special District Policy to be applied to applications to create or modify a district authorized under Titles 31 and 32 of the Colorado Revised Statutes and adopting 'Model Service Plans' to be used in establishing and modifying metropolitan districts (the "Policy and Model Service Plan"); and

WHEREAS, the City approved an amended and restated consolidated service plan for Bradley Heights Metropolitan District Nos. 1, 2, and 3 on May 11, 2010, by Resolution No. 67-10; and

WHEREAS, the City has considered the First Amendment to the Amended and Restated Consolidated Service Plan for the Bradley Heights Metropolitan District Nos. 1, 2, and 3 (the "Districts") with the recommended maximum mill levies and all other testimony and evidence presented at the Council meeting; and

WHEREAS, it appears to the City Council that the recommended maximum mill levies and other provisions of this First Amendment to the Amended and Restated Service Plan are consistent with the Policy and Model Service Plan, but that a second amended and restated service plan is not necessary given the limited nature of the request and maximum debt has already been authorized and issued.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS THAT:

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. The City Council of the City of Colorado Springs, having reviewed the First Amendment to the Amended and Restated Consolidated Service Plan (the "Amendment"), as submitted by the petitioner, has determined, based solely upon the Amendment and evidence presented to City Council in support of said Amendment, that it is consistent with the Policy.

Section 3. The First Amendment to the Amended and Restated Consolidated Service Plan for the Districts, attached as Exhibit 1, is hereby approved.

Section 4. The Districts shall clearly and affirmatively disclose the property tax mill levy increase associated with this Amendment to all existing and future contract purchasers of property within the Districts.

Section 5. The Districts shall comply with all statutory and other legal processes and procedures to effectuate any increase in property tax mill levies allowed by the Amendment.

Section 6. The City's approval of the First Amendment to the Amended and Restated Consolidated Service Plan is not a waiver of, nor a limitation upon, any power that the City is legally permitted to exercise with respect to the property subject to the Districts.

Section 7. This Resolution shall be in full force and effect immediately upon its adoption.

DATED at Colorado Springs, Colorado, this 12th day of December, 2023.

Randy Helms, Council President

ATTEST:

Sarah Johnson, City Clerk