

RESOLUTION NO. 19-29

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CASTLE PINES, COLORADO,
APPROVING THE SECOND AMENDMENT TO
AMENDED AND RESTATED SERVICE PLAN FOR THE CANYONS
METROPOLITAN DISTRICT NO. 4 AND
CONSOLIDATED SERVICE PLAN FOR THE CANYONS METROPOLITAN
DISTRICT NOS. 5-7**

WHEREAS, pursuant to Title 32, Article 1, C.R.S., as amended (the "Special District Act"), the City Council (the "City Council") for the City of Castle Pines (the "City") approved the Amended and Restated Service Plan for The Canyons Metropolitan District Nos. 2-4 and Consolidated Service Plan for The Canyons Metropolitan District Nos. 5-11 on October 22, 2009, and the First Amendment to Amended and Restated Service Plan for The Canyons Metropolitan District Nos. 2-4 and Consolidated Service Plan for The Canyons Metropolitan District Nos. 5-11 on December 8, 2015; and

WHEREAS, pursuant to Section 32-1-207, C.R.S. and Section 4-4-190 of the Castle Pines Municipal Code (the "City Code"), the Second Amendment to Amended and Restated Service Plan for The Canyons Metropolitan District No. 4 and Consolidated Service Plan for The Canyons Metropolitan District Nos. 5-7 attached hereto as Attachment 1 (the "Service Plan") was submitted to the City Council; and

WHEREAS, pursuant to Section 32-1-207, C.R.S. and Section 4-4-190 of the City Code, a material modification of the Service Plan may be made by the Boards of Directors of The Canyons Metropolitan Districts Nos. 4-7 (the "Districts") only by petition to and approval by the City Council in substantially the same manner as was provided for the approval of the original service plan; and

WHEREAS, pursuant to the Special District Act and Article 4 of Chapter 4 of the City Code, the City Council held a public hearing on the Service Plan on December 10, 2019; and

WHEREAS, notice of the public hearing before the City Council was duly published in the Douglas County News-Press, a newspaper of general circulation within the City, on November 14, 2019; and

WHEREAS, notice of the public hearing before the City Council was duly sent to the Division of Local Government in the Department of Local Affairs and the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the Districts' boundaries; and

WHEREAS, the City Council has considered the documents submitted by the Boards of Directors of the Districts, the Service Plan and all other testimony and evidence presented at the public hearing; and

WHEREAS, the City Council finds that the Service Plan should be approved.

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

Section 1. The City Council hereby determines that all of the requirements of the Special District Act and Article 4 of Chapter 4 of the City Code relating to the filing of the Service Plan have been fulfilled and that notice of the public hearing was given in the time and manner required by law.

Section 2. The City Council further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard; and that evidence satisfactory to the City Council of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the Districts; and
- b. The existing service in the area to be served by the Districts is inadequate for present and projected needs; and
- c. The Districts are capable of providing economical and sufficient service to the area within their proposed boundaries; and
- d. The area to be included in the Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis; and
- e. The Service Plan is in substantial compliance with Article 4 of Chapter 4 of the City Code.

Section 3. The City Council also finds that approval of the Service Plan is in the best interests of the residents or future residents of the area proposed to be served.

Section 4. The City Council hereby approves the Service Plan for the Districts as submitted.

Section 5. This Resolution shall be filed in the records of the City and a certified copy thereof submitted the Districts. The City Council hereby affirms that it shall take further action as may be necessary to reaffirm or validate the authorization and findings provided herein.

Section 6. All prior resolutions or any parts thereof, to the extent they are inconsistent with this Resolution, are hereby rescinded.

Section 7. This Resolution is effective upon adoption.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 6 IN FAVOR AND 0 AGAINST THIS 10th DAY OF DECEMBER, 2019.



ATTEST:

DocuSigned by:
Tobi Basile
AD63A3B02032466...
Tobi Basile, CMC, City Clerk

DocuSigned by:
Tera Stave Radloff
6E0C8EB279DC479...
Tera Stave Radloff, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Linda C. Michow
6241DE90B8FF444...
Linda C. Michow, City Attorney

ATTACHMENT 1

(Attached)

SECOND AMENDMENT TO
AMENDED AND RESTATED SERVICE PLAN FOR
THE CANYONS METROPOLITAN DISTRICT NO. 4
AND
CONSOLIDATED SERVICE PLAN FOR
THE CANYONS METROPOLITAN DISTRICT NOS. 5-7
CITY OF CASTLE PINES, COLORADO

Prepared by:

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Professional Corporation
2154 East Commons Avenue, Suite 2000
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As approved by the City of Castle Pines
on

December 10, 2019

I. INTRODUCTION

The Amended and Restated Service Plan for The Canyons Metropolitan District Nos. 2-4 and Consolidated Service Plan for The Canyons Metropolitan District Nos. 5-11 (the “**Service Plan**”) was approved by the City Council for the City of Castle Pines, Colorado (the “**City**”) on October 22, 2009.

The First Amendment to the Service Plan (the “**First Amendment**”) was approved by the City Council for the City on December 8, 2015.

At the time the City approved the First Amendment, it was anticipated that the metropolitan districts serving “The Canyons” project, including The Canyons Metropolitan District Nos. 4-7 (each a “**District**” and collectively, the “**Districts**”) would own, operate and maintain park and recreation improvements, (including but not limited to, recreation facilities, parks and trails), tract landscaping improvements, streetscape landscaping, drainage improvements, (including detention and retention ponds, trickle channels), and other related improvements.

In an effort to reduce duplication, overlapping, and fragmentation of the functions and facilities of special districts, increase efficiency of operation and reduce costs, the City now desires to own, operate and maintain certain public improvements within and benefitting the Districts, including, but not limited to, streets, sidewalks, landscape tracts, parks, trails, opens space, and drainage improvements (the “**City Maintained Improvements**”). This Second Amendment provides authorization for the Districts to impose the City Operations Mill Levy (as defined below) to be used by the City to fund all or a portion of the costs related to the upkeep, operation, maintenance, repair and replacement of City Maintained Improvements.

This Second Amendment also clarifies the Districts’ ability to increase or decrease their operating mill levy in the event there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut, or abatement, so that to the extent possible, the actual tax revenues generated by such mill levy are neither diminished nor enhances as a result of such changes,

II. AMENDMENTS

1. The definition of “Maximum Mill Levy” of Section II. of the Service Plan is hereby amended and restated as follows:

Maximum Mill Levy: means a total combined Maximum Debt Mill Levy and mill levy imposed for operational or administrative purposes of sixty-nine (69) mills, provided that if, on or after January 1, 2009, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the Maximum Mill Levy may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2009, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation

shall be deemed to be a change in the method of calculating assessed valuation. Notwithstanding the foregoing, nothing shall prevent the Districts from imposing a mill levy in excess of the Maximum Mill Levy where such mill levies are imposed to repay Debt that that is equal to or less than fifty percent (50%) of the District's assessed valuation in accordance with Section VI.D.2. herein.

2. Section XII is hereby added to the Service Plan:

XII. CITY OPERATIONS MILL LEVY

A. Definition. "City Operations Mill Levy" means a mill levy to be levied by the Districts and remitted to the City to be used by the City for the upkeep, operation, maintenance, repair and replacement of City Maintained Improvements, as set forth in one or more intergovernmental agreement(s) entered into between the City and one or more of the Districts (the "City Operations Mill Levy IGA"). The City Operations Mill Levy shall be subject to the Maximum Mill Levy.

B. City Operations Mill Levy. Each of the Districts shall impose, collect and remit the City Operations Mill Levy in accordance with the City Operations Mill Levy IGA. The City Operations Mill Levy may only be imposed by one District in the event the boundaries of any Districts overlap those of any other District. In the case of overlapping District boundaries, the City Operations Mill Levy IGA will address which District is required to impose and collect the City Operations Mill Levy. Failure to impose, collect or remit the City Operations Mill Levy as required in the City Operations Mill Levy IGA shall be deemed a material modification of this Service Plan requiring a service plan amendment.

3. Except as specifically amended as set forth above, all other provisions of the Service Plan and First Amendment shall remain in full force and effect.