

RESOLUTION NO. 2024- 06

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD,
APPROVING THE CONSOLIDATED SERVICE PLAN FOR THE LEGACY PARK
METROPOLITAN DISTRICT NOS. 1 THROUGH 5**

WHEREAS, the Town of Berthoud, Colorado (the “Town”), is a municipality duly organized and existing under Title 31 of the Colorado Statutes; and

WHEREAS, the members of the Board of Trustees for the Town of Berthoud, Larimer County, Colorado (the “Board”) have been duly elected, chosen and qualified; and

WHEREAS, pursuant to provisions of Section 32-1-204.5, C.R.S., a proposed metropolitan district service plan shall be submitted to the governing body for approval; and

WHEREAS, the Town adopted a Policy for Reviewing Service Plans for Metropolitan Districts (the “Town Policy”); and

WHEREAS, pursuant to the Town Policy, the approval of a proposed metropolitan district Service Plan is at the sole discretion of the Town Board, which may reject, approve or conditionally approve Service Plans on a case-by-case basis; and

WHEREAS, pursuant to the Town Policy and the provisions of the “Special District Control Act”, (Section 32-1-101, et seq., of the Colorado Revised Statutes (“C.R.S.”)), representatives of the Legacy Park Metropolitan Districts Nos. 1-5 (the “Districts”) submitted to the Town a Letter of Intent, a Public Benefits Narrative and a proposed Service Plan dated February 8, 2024, which was revised and resubmitted on March 15, 2024 (the “Service Plan”); and

WHEREAS, pursuant to Sections 32-1-202(2), 32-1-203(2), 32-1-204.5 and 32-1-207 C.R.S., as amended, and the Town Policy, the Service Plan has been reviewed by the Town Attorney and Town Administrator and has now been submitted to the Board of Trustees for its final approval; and

WHEREAS, the Board held a public hearing on March 26, 2024, following publication of notice of the date, time and location and purpose of the hearing therefor, to consider the proposed Plan; and

WHEREAS, notice of the date, time and location and purpose of the hearing was published in agenda of the Town of Berthoud and duly posted by the Town as required by the Town Code; and

WHEREAS, the proposed Districts lie wholly within the corporate limits of the Town; and

WHEREAS, prior to taking final action on this Resolution, the Board of Trustees did on March 26, 2024 permit public comments on this Resolution, considered the Service Plan and all

other testimony and evidence presented at the hearing, and held a vote to adopt this Resolution and take such other action as it deems appropriate; and

WHEREAS, the Board of Trustees' approval of the Service Plan is subject to and based upon those conditions and limitations contained in this Resolution, if any; and

WHEREAS, the Board of Trustees further finds that it is in the best interests of the citizens of the Town of Berthoud to authorize the appropriate Town officials to enter into any Intergovernmental Agreement with the District Nos. 1-5, as necessary to relative rights and responsibilities between the Town and District Nos. 1-5 with respect to certain functions, operations, and obligations of the District Nos. 1-5.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

1. **THAT**, the above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

2. **THAT**, pursuant to Section 32-1-204.5(1), C.R.S., evidence satisfactory to the Board of Trustees further finds and determines that all of the jurisdictional and other requirements of Section 32-1-202(2), 32-1-204.5(1), 32-1-207 C.R.S., the proposed Resolution, the Town Policy, and the Town Code have been fulfilled, including those relating to the filing and form of the Service Plan and that notice of the public meeting on this Resolution was given in the time and manner required by law and the Town Code.

3. **THAT**, pursuant to Section 32-1-204.5(1), C.R.S., evidence satisfactory to the Board of each of the following criteria, as provided in Section 32-1-203(2), C.R.S., was presented:

a. There is sufficient existing and projected need for organized service in the area to be served 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 does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

4. **THAT**, a Public Benefits Narrative, as evidence satisfactory to the Board of each of the following criteria, pursuant to Section 2.B of the Town Policy, was presented:

a. Ability to deliver public benefits through extraordinary development outcomes by addressing Environmental Sustainability. Specifically, the following were addressed:

i. Environmental sustainability;

- ii. Critical public infrastructure;
- iii. Smart growth management;
- iv. Affordable housing;
- v. Workforce housing;
- vi. Infill/Redevelopment;
- vii. Economic Health Outcomes;
- viii. Emergency Services; and
- ix. Water Supply and Storage

5. **THAT**, the Service Plan complies and conforms with the requirements of Section 4 of the Town Policy.

6. **THAT**, the Board of Trustees further determines that all pertinent facts, matters and issues were submitted at the public hearing regarding this Resolution, and that all interested parties were heard or had the opportunity to be heard; and that evidence satisfactory to the Board of Trustees was presented.

7. **THAT**, the Consolidated Service Plan for the Legacy Park Metropolitan District Nos. 1-5 is hereby approved in substantially the form as attached hereto, subject to technical or otherwise non-substantive modifications as deemed necessary by the Town Manager in consultation with the Town Planner, Engineer, Legal Counsel and other applicable staff or consultants.

8. **THAT**, the Town Clerk is hereby directed to file a certified copy of this Resolution in the records of the Town and submit a certified copy of this Resolution to the representatives of the District Nos. 1-5 for filing in the District Court of Larimer County, Colorado.

9. **THAT**, all acts, orders, resolutions, or parts thereof, of the Town that are inconsistent or in conflict with this Resolution, are hereby repealed to the extent only of such inconsistency or conflict.

10. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

11. This Resolution shall be in full force and effect upon its passage and approval.

THIS RESOLUTION WAS INTRODUCED, MOVED, AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 26TH DAY OF MARCH 2024.

By: _____


William Karspeck, Mayor

I hereby certify that the above Resolution was introduced to the Board of Trustees of the Town of Berthoud at its meeting of March 26, 2024, and approved in accordance with the Town Code on March 26, 2024.

SEAL

ATTEST:

By:


Chrisitan Samora, Town Clerk

