

2012-12

A RESOLUTION

APPROVING THE SERVICE PLAN FOR THE DENVER WEST PROMENADE  
METROPOLITAN DISTRICT

WHEREAS, Section 32-1-204.5, Colorado Revised Statutes (“C.R.S.”), provides that no special district shall be organized within a municipality except upon adoption of a resolution by the governing body of such municipality approving or conditionally approving the service of such special district; and

WHEREAS, pursuant to the provisions of part 2 of article 1 of Title 32, C.R.S., the City Council of the City of Lakewood (“City”) held a public hearing on April 9, 2012 regarding the proposed Service Plan (the “Service Plan”) for the Denver West Promenade Metropolitan District (the “District”); and

WHEREAS, notice of the hearing was published in the *Denver Post*, a newspaper of general circulation within the City of Lakewood, on March 20, 2012, and notice was submitted to the Colorado Division of Local Government as required by law. Also on March 20, 2012, notice of said public hearing was sent to the property owners within the proposed District and to the petitioners, and on March 22, 2012, notice was sent to the governing body of each municipality within a radius of three miles of the District’s boundaries, and to the governing body of each special district that has levied an *ad valorem* tax within the next preceding tax year and whose boundaries are within a three-mile radius of the proposed District’s boundaries; and

WHEREAS, the City Council has considered the Service Plan and all other testimony and evidence presented at the hearing; and

WHEREAS, nothing in the Service Plan shall constitute or require any indebtedness or other financial obligation of the City of Lakewood; and

WHEREAS, the District has represented that it has obtained or will obtain consent from all overlapping special districts, as contemplated and required under Section 32-1-207, C.R.S.

WHEREAS it appears that the Service Plan should be approved, as provided in this Resolution, subject to the condition that the District obtain consent from overlapping special districts as required by Title 32, and that such other related actions should be authorized in order to implement the Service Plan.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Lakewood, Colorado that:

SECTION 1. The above and foregoing recitals are incorporated herein by reference and, in addition to the materials formally submitted in connection with the

public hearing and testimony presented at such public hearing, were considered by and are adopted as findings and determinations of the City Council.

SECTION 2. The City Council further finds and determines that all of the requirements of Part 2, Article 1, Title 32, C.R.S., relating to the filing of the Service Plan for the District have been fulfilled and that notice of the public hearing before City Council was given in the time and manner required by the laws of the State of Colorado.

SECTION 3. The City Council further finds and determines as follows:

(a) There is sufficient existing and projected need for organized service in the area to be served by the District.

(b) The existing service in the area to be served by the District is not adequate for present and projected needs.

(c) The District is capable of providing economic and sufficient service to the area within its proposed boundaries.

(d) The area to be included in the District has and will have the financial ability to discharge the proposed indebtedness on a reasonable basis.

SECTION 4. The Service Plan for Denver West Promenade Metropolitan District is hereby approved and the District shall be expressly permitted to proceed to an organizational election as the same is set forth in the Service Plan and obtain an order for organization, subject to the condition that the District obtain any and all necessary consents from overlapping special districts, as contemplated and required under Section 32-1-207, C.R.S.

SECTION 5. A certified copy of this Resolution shall be filed in the records of the City and submitted to the petitioners for the purpose of filing in the District Court of Jefferson County to obtain an order authorizing an organizational election.

SECTION 6. The Mayor and City Manager are hereby authorized to execute and the City Clerk to attest such additional agreements, amendments to existing agreements and memoranda of understanding, in forms approved by the City Attorney, as are necessary to implement and/or facilitate the District's refinancing of outstanding bonds in accordance with the Service Plan.

SECTION 7. 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 the validity of any of the remaining provisions of this Resolution.

SECTION 8. This Resolution shall be in full force and effect upon its passage and approval.

INTRODUCED, READ AND ADOPTED by a vote of 11 for and 0 against at a regular meeting of the City Council on April 9, 2012, at 7 o'clock p.m. at Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.



Bob Murphy  
Bob Murphy, Mayor

ATTEST:

Margy Greer  
Margy Greer, City Clerk

APPROVED AS TO FORM:

Tim Cox  
Tim Cox, City Attorney