

**RESOLUTION APPROVING BOTH THE AMENDED AND RESTATED
BUFFALO RIDGE METROPOLITAN DISTRICT SERVICE PLAN AND THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
COMMERCE CITY AND THE BUFFALO RIDGE METROPOLITAN DISTRICT
IN CASE MD-106-17**

NO. 2017-122

WHEREAS, pursuant to Resolution 96-23, the City Council of the City of Commerce City (“City”) approved the Buffalo Ridge Metropolitan District Service Plan (“Service Plan”), which has been subsequently amended; and

WHEREAS, Buffalo Ridge Metropolitan District (“District”) wishes to further modify the terms of the Service Plan pursuant to C.R.S. § 32-1-101, *et seq.* (“Special District Act”); and

WHEREAS, C.R.S. § 32-1-207(2)(a) provides that the approval criteria for modifications to existing service plans are essentially the same as the approval criteria for original service plans; and

WHEREAS, the District has submitted the proposed Amended and Restated Buffalo Ridge Metropolitan District Service Plan, attached hereto as Exhibit A and incorporated herein by reference (“Amended and Restated Service Plan”), to the City Council pursuant to the Special District Act; and

WHEREAS, the territory of the District is located wholly within the boundaries of the City; and

WHEREAS, the City Council has conducted a public hearing on the proposed Amended and Restated Buffalo Ridge Metropolitan District Service Plan; and

WHEREAS, the City Council has also reviewed the proposed Intergovernmental Agreement between the City of Commerce City and the District (“Intergovernmental Agreement”), attached hereto as Exhibit B and incorporated herein by reference, and has determined that such agreement is in the best interests of the City and the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. Upon consideration and review of the Amended and Restated Service Plan, the City Council of the City of Commerce City, Colorado does find, determine and declare as follows:
 - (a) The Amended and Restated Service Plan complies with the requirements set forth in C.R.S. § 32-1-202(2).
 - (b) There is sufficient existing and projected need for organized service in the area to be serviced by the District.

- (c) The existing service in the area to be served by the District is inadequate for present and projected needs.
 - (d) The District is capable of providing economical and sufficient service to the area within its proposed boundaries.
 - (e) The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- 2. The Amended and Restated Service Plan is hereby approved.
 - 3. The Intergovernmental Agreement, substantially in the form attached, is hereby approved and the Mayor and City Clerk are authorized and directed to sign and attest the Intergovernmental Agreement on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 18TH DAY OF DECEMBER, 2017.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk