

**A RESOLUTION APPROVING THE SERVICE PLAN FOR EBERLY PLACE
METROPOLITAN DISTRICT AND THE RELATED INTERGOVERNMENTAL
AGREEMENT**

NO. 2022-40

WHEREAS, C.R.S. § 32-1-204.5(1) and C.R.S. § 32-1-207(2) require municipal approval, by resolution, of service plans and material modifications to existing service plans for the organization of special districts wholly within the boundaries of a municipality;

WHEREAS, a proposed Service Plan (“Service Plan”) for Eberly Place Metropolitan District (“District”) has been submitted to the City Council of the City of Commerce City (“City”) pursuant to C.R.S. § 32-1-201, et seq., with an Intergovernmental Agreement (included in the Service Plan) for the operation of the District within the City (“Intergovernmental Agreement”); and

WHEREAS, the City Council of the City has conducted a duly noticed public hearing on the Service Plan for the District.

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

Section 1. The City Council makes the following findings with respect to the Service Plan for Eberly Place Metropolitan District and the related Intergovernmental Agreement, substantially in the form attached as Exhibit A, based on the record and information presented at the public hearing:

- a. Notice of the public hearing was properly provided;
- 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 has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- f. The area to be included in the District is contained entirely within the City’s boundaries and all owners of property within the area to be included in the District have consented to the formation of the District, provided the City’s reliance on any consent does not provide any right or limitation not otherwise provided by law regarding the police power and land use authority of the City;
- g. The Service Plan includes all contents required by C.R.S. 31-1-202(2); and
- h. The Intergovernmental Agreement is in the interests of the public.

Section 2. Pursuant C.R.S. 32-1-204.5(1), the Service Plan, including the related Intergovernmental Agreement, is hereby approved. The City Manager and City Clerk are authorized to sign and attest the Intergovernmental Agreements on behalf of the City upon approval as to form and conformity with the Amended and Restated Service Plan by the City Attorney.

RESOLVED AND PASSED THIS 6TH DAY OF JUNE 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk