

**RESOLUTION APPROVING BOTH THE AMENDED AND RESTATED
BUFFALO HIGHLANDS METROPOLITAN DISTRICT SERVICE PLAN AND
THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
COMMERCE CITY AND THE BUFFALO HIGHLANDS METROPOLITAN
DISTRICT**

NO. 2015-23

WHEREAS, pursuant to Resolution 2002-38, the City Council of the City of Commerce City approved the Buffalo Highlands Metropolitan District Service Plan (“Service Plan”); and

WHEREAS, Buffalo Highlands Metropolitan District (“District”) wishes to modify the terms of the Service Plan; and

WHEREAS, Section 32-1-101, *et seq.*, of the Colorado Revised Statutes (“Special Districts Act”) provides mechanisms for the organization, creation, and modification of special districts and service plans; 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 Highlands Metropolitan District Service Plan to the City Council of the City of Commerce City pursuant to the Special Districts Act; and

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

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

WHEREAS, the City Council of Commerce City has also reviewed the proposed Intergovernmental Agreement between the City of Commerce City and the District 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 Buffalo Highlands Metropolitan District Service Plan attached hereto and incorporated herein by reference (“Amended Service Plan”), the City Council of the City of Commerce City, Colorado does find, determine and declare as follows:

- (a) The Amended Service Plan complies with the requirements set forth in Section 32-1-202(2) C.R.S.

- (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 Service Plan is hereby approved.
3. The Intergovernmental Agreement between the City of Commerce City and the Buffalo Highlands Metropolitan District ("Agreement"), attached hereto as Exhibit B and incorporated herein by reference, is hereby approved and the Mayor and City Clerk are authorized and directed to sign and attest the Agreement on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS ____ DAY OF _____, 2015.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk