

**RESOLUTION APPROVING THE NEXUS NORTH AT DIA METROPOLITAN
DISTRICT SERVICE PLAN AND THE INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE DIA
METROPOLITAN DISTRICT IN CASE MD-108-19
NO. 2019-19**

WHEREAS, C.R.S. § 32-1-204.5(1) states, in part, “No special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality or municipalities, except upon adoption of a resolution of approval by the governing body of each municipality;”

WHEREAS, Schuck DIA, LLC has submitted to the City Council of the City of Commerce City (“City”) a proposed Service Plan (“Service Plan”) for the creation of the Nexus North at DIA Metro District (“District”) pursuant to C.R.S. § 32-1-201, *et seq.*, and Intergovernmental Agreement for the operation of the District within the City (“Intergovernmental Agreement”), designated as Case MD-108-19; and

WHEREAS, the City Council of Commerce City has conducted a duly noticed public hearing on the Service Plan for the proposed 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 and Intergovernmental Agreement, 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 proposed District;
- c. The existing service in the area to be served by the proposed District is inadequate for present and projected needs;
- d. The proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries;
- e. The area to be included in the proposed District, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- f. The area to be included in the proposed District is contained entirely within the City’s boundaries and all owners of property within the area to be included in the proposed 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 proposed 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 for the District, including the proposed Intergovernmental Agreement, is hereby approved without condition or modification. The City Manager and City Clerk are authorized to sign and attest the Intergovernmental Agreement on behalf of the City upon the formation of the District.

RESOLVED AND PASSED THIS 1ST DAY OF APRIL 2019.

CITY OF COMMERCE CITY COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk