

**RESOLUTION APPROVING THE CONSOLIDATED SERVICE PLAN FOR THE  
THIRD CREEK METROPOLITAN DISTRICTS NOS. 1-3 AND THE  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE  
CITY AND THE THIRD CREEK METROPOLITAN DISTRICTS NOS. 1-3 IN CASE  
MD-110-19**

**NO. 2019-86**

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, a proposed Consolidated Service Plan (“Service Plan”) has been submitted to the City Council of the City of Commerce City (“City”) for the creation of the Third Creek Metropolitan Districts Nos. 1-3 (“Districts”) pursuant to C.R.S. § 32-1-201, *et seq.*, with an Intergovernmental Agreement for the operation of the Districts within the City (“Intergovernmental Agreement”), designated as Case MD-110-19; and

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

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 Districts;
- c. The existing service in the area to be served by the proposed Districts is inadequate for present and projected needs;
- d. The proposed Districts are capable of providing economical and sufficient service to the area within its proposed boundaries;
- e. The area to be included in the proposed Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- f. The area to be included in the proposed Districts is contained entirely within the City’s boundaries and all owners of property within the area to be included in the proposed Districts have consented to the formation of the Districts, 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 Districts, including the proposed Intergovernmental Agreement, is hereby approved without condition or modification except as set forth in Section 3, below. 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 Districts.

Section 3. The City's approval of the Service Plan is conditioned on the annexation of the property to be included in the Districts to the City and the conclusion of any legal challenge to such annexation.

RESOLVED AND PASSED THIS 4TH DAY OF NOVEMBER 2019.

CITY OF COMMERCE CITY, COLORADO

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Sean Ford, Mayor

ATTEST

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Laura J. Bauer, MMC, City Clerk