

TOWN OF DEER TRAIL, COLORADO  
RESOLUTION NO. 18-08

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DEER TRAIL, COLORADO APPROVING THE SERVICE PLAN FOR AND INTERGOVERNMENTAL AGREEMENT WITH THE BIJOU CREEK METROPOLITAN DISTRICT, TOWN OF DEER TRAIL, COUNTY OF ARAPAHOE, COLORADO

WHEREAS, Bijou Creek, LLC (the “Developer”) has proposed the organization of the Bijou Creek Metropolitan District (the “District”) to provide certain public improvements and services for the benefit of a portion of the Bijou Creek development (the “Project”) located within the Town of Deer Trail, Colorado (the “Town”); and

WHEREAS, the Developer is the 100% fee owner of the property located within the proposed District; and

WHEREAS, a service plan for the proposed District was submitted by the Petitioner to the Town on July 5, 2018 (the “Service Plan”), in accordance with the provisions of Section 32-1-204.5, C.R.S., containing the information required by Section 32-1-202(2), C.R.S.; and

WHEREAS, on July 20, 2018, notice of the date, time, location and purpose of the hearing was duly published in the *Eastern Colorado News*, a newspaper of general circulation; notice was provided to the Division of Local Government in the Department of Local Affairs of the name and type of the special district; notice of the date, time and location of the hearing was provided to the Petitioner and to the governing body of each municipality and of each special district which had levied an *ad valorem* tax within the next preceding tax year and which had boundaries within a radius of three (3) miles of the proposed District, as required by Section 32-1-204(1), C.R.S.; and notice of the time, date, location and purpose of the District was not required to be sent to property owners within the District via letter mailing pursuant to Section 32-1-204(1.5), C.R.S., because the Petitioner owns 100% of the property within the proposed District; and

WHEREAS, on August 14, 2018, the Board of Trustees of the Town (the “Board of Trustees”) conducted a public hearing to consider evidence in support of the formation of the District and approval of the Service Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Deer Trail, Colorado, Arapahoe County, Colorado, as follows:

**Section 1.** The Board of Trustees has authority to approve the Service Plan pursuant to the provisions of Section 32-1-204.5, C.R.S.

**Section 2.** The Service Plan contains the information required by Section 32-1-202(2), C.R.S.

**Section 3.** Based on the contents of the Service Plan and other evidence presented at the hearing of the Board of Trustees, and in accordance with Section 32-1-203(2), C.R.S., the Board of Trustees hereby finds and determines as follows:

- a. There is sufficient existing and projected need for organized service in the area to be served by the proposed District;
- b. The existing service in the area to be served by the proposed District is inadequate for present and projected needs;
- c. The proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
- d. The area to be included within the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

**Section 4.** The Service Plan for the District is hereby approved.

**Section 5.** The Board of Trustees hereby approves the Intergovernmental Agreement set forth in Exhibit D of the Service Plan and authorizes the execution of the Intergovernmental Agreement, which shall be approved and executed by the District upon organization.

**Section 6.** This Resolution shall be effective upon adoption.

**Section 7.** Approval of this Resolution is not a waiver of, nor a limitation upon any power that the Town is legally permitted to exercise with respect to the property subject to the proposed District.

**Section 8.** The Town Clerk shall certify to the passage of this Resolution and make not less than one copy of the adopted Resolution available for inspection during regular business hours.

*[Remainder of Page Intentionally Left Blank.]*

**INTRODUCED, READ, PASSED AND ADOPTED** this 14<sup>th</sup> day of August, 2018.

**ATTEST:**

**TOWN OF DEER TRAIL, COLORADO**

By: Candice Reed  
Town Clerk

By: Ray Jarvis  
Mayor Pro Tem