

RESOLUTION NO. 2022-

A RESOLUTION APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR DAWSON RIDGE METROPOLITAN DISTRICT NOS. 1-5 AND WESTFIELD METROPOLITAN DISTRICT NOS. 1-2; AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND AMONG THE TOWN OF CASTLE ROCK AND SAID DISTRICTS

WHEREAS, in 1985, the Town Council for the Town of Castle Rock (the “Town”) approved the original service plans for Dawson Ridge Metropolitan District Nos. 1-5 (the “Dawson Ridge Districts”) and Westfield Metropolitan District Nos. 1-2 (the “Westfield Districts”) (collectively, the Dawson Ridge Districts and the Westfield Districts are referred to as the “Districts”); and

WHEREAS, the Town and the Dawson Ridge Districts are parties to that certain Suspension Agreement, dated October 8, 1992 (the “Suspension Agreement”), wherein the Town agreed that Dawson Ridge Metropolitan District No. 1 (“District No. 1”) could declare bankruptcy and issue refunding bonds to effectuate its bankruptcy plan, on the condition that the Dawson Ridge Districts collectively agreed to suspend their authority to construct additional capital facilities and to issue additional debt until and unless their service plans were amended; and

WHEREAS, although District No.1’s bankruptcy plan has been fully satisfied and all its debt discharged, both the Dawson Ridge Districts and Westfield Districts have remained largely inactive due to market conditions, conducting only ministerial duties in order to maintain their existence; and

WHEREAS, given recent trends in the regional real estate market, development is preparing to proceed within the Districts; and

WHEREAS, as a result, an Amended and Restated Service Plan for the Districts (the “Service Plan”) has been submitted to the Town for review and approval by the Town Council; and

WHEREAS, the Service Plan has been reviewed by Town staff and public hearings held in accordance with the Special District Act, §32-1-101, et seq., C.R.S., and Chapter 11.02 of the Town Code; and

WHEREAS, the Town Council finds that the Service Plan generally complies with the Town’s Model Service Plan and meets the requirements set forth in Section 11.02.150 of the Town Code; and

WHEREAS, the Town Council further finds that the Service Plan, as required by §32-1-203(2), C.R.S., establishes that

- (i) There is sufficient existing and projected need for organized service in the area to be serviced by the Districts;

- (ii) The existing service in the area to be served by the Districts is inadequate for present and projected needs;
- (iii) The Districts are capable of providing economical and sufficient service to the area within their proposed boundaries;
- (iv) The area to be included in the Districts does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- (v) Adequate service is not, and will not be, available to the area through the Town, Douglas County, or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
- (vi) The facility and service standards of the Districts are compatible with the facility and service standards of the Town;
- (vii) The Service Plan is in substantial compliance with the Town's Comprehensive Master Plan;
- (viii) The Service Plan is in compliance with any duly adopted Town, regional or state long-range water quality management plan for the area; and
- (ix) The creation of the Districts is in the best interests of the area proposed to be served;

; and

WHEREAS, the Town Council deems it to be in the best interests of the Town and its taxpayers, residents, and property owners to enter into an Intergovernmental Agreement setting forth the respective rights, responsibilities, and obligations of the Town and the Districts with respect to the property served by the Districts (the "IGA").

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:

Section 1. Suspension Agreement. The powers and the authority of the Dawson Ridge Districts, as set forth in the Service Plan and the IGA, shall hereby resume as of the effective date of this Resolution.

Section 2. Service Plan. The Amended and Restated Service Plan for Dawson Ridge Metropolitan District Nos. 1-5 and Westfield Metropolitan District Nos. 1-2 is approved in substantially the same form attached as *Exhibit 1*, with such technical changes, additions, modifications, or deletions as the Town Manager may approve upon consultation with the Town Attorney, subject to the following condition:

Westfield Metropolitan District No. 2 shall not issue debt or impose a debt service mill levy unless and until the properties owned by (i) SDM Family Corporation and (ii) Thomas

J. Rathman, Mary E. Blackstad, Jeffrey P. Rathman, William W. Fischer (Fischer Investment Properties, LLC), and Diane M. Fischer are excluded from said District.

The original service plans for the Dawson Ridge and Westfield Districts and the resolutions approving said plans are hereby superseded by this Resolution.

Section 3. Intergovernmental Agreement. The Intergovernmental Agreement among the Town, Dawson Ridge Metropolitan District Nos. 1-5, and Westfield Metropolitan District Nos. 1-2 is approved, in substantially the same form attached as *Exhibit 2*, with such technical changes, additions, modifications, or deletions as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute such agreement by and on behalf of the Town. All prior IGA's between the Town and the Dawson Ridge and Westfield Districts and the resolutions approving said IGA's are hereby superseded by this Resolution.

Section 4. No Representation. The Town's approval of the Service Plan does not in any manner constitute a representation by the Town that the Districts will necessarily achieve the development and financial projections set forth in the Service Plan.

PASSED, APPROVED AND ADOPTED this 6th day of September, 2022, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

David L. Corliss, Town Manager