

RESOLUTION NO. 2025-032

A RESOLUTION APPROVING THE CONSOLIDATED SERVICE PLAN FOR BRICKYARD METROPOLITAN DISTRICT NOS. 1-3; AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND AMONG THE TOWN OF CASTLE ROCK AND SAID DISTRICTS

WHEREAS, on February 18, 2025, the Town Council for the Town of Castle Rock (the “Town”) adopted the following ordinances:

- (i) Ordinance No. 2025-007 amending the Town Zone District Map by approving the Brickyard Planned Development Plan and Zoning Regulations (the “Planned Development Plan”) to govern the future development of the 31.2-acre former site of the Acme Brick Company located at 401 Prairie Hawk Drive (the “Property”); and
- (ii) Ordinance No. 2025-008, approving the Brickyard Development Agreement (the “Development Agreement”) between the Town and CD-Acme, LLC (the “Owner”), and vesting the Planned Development Plan as a site-specific development plan through and including March 1, 2045; and

WHEREAS, Section 3.01 of the Development Agreement acknowledges the Owner’s intent to form one or more metropolitan districts, and to submit a request to the Town for the review and approval of a service plan for such districts in compliance with the Colorado Special District Act, Section 32-1-101, et seq., C.R.S., Chapter 11.02 of the Town Municipal Code, and the Model Service Plan adopted by the Town Manager and on file with the Town Clerk; and

WHEREAS, Section 3.01 of the Development Agreement further acknowledges that, subject to approval of the service plan by the Town Council, the Town and districts shall enter into a master intergovernmental agreement addressing all operational aspects of the districts’ assumption of Owner’s obligations under the Development Agreement; and

WHEREAS, because the Property is wholly located within Town boundaries, the Town Council has the requisite jurisdiction under Section 32-1-204.5, C.R.S., to review any service plan submitted for the Property; and

WHEREAS, a Consolidated Service Plan (the “Service Plan”) for Brickyard Metropolitan District Nos. 1-3 (the “Districts”) 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 a public hearing 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.

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

Section 1. Service Plan. The Consolidated Service Plan for Brickyard Metropolitan District Nos. 1-3 is approved in substantially the same form as presented at tonight's meeting, with

such technical changes, additions, modifications, or deletions as the Town Manager may approve upon consultation with the Town Attorney.

Section 2. Intergovernmental Agreement. The Intergovernmental Agreement between the Town and Brickyard Metropolitan District Nos. 1-3 is approved, in substantially the same form as presented at tonight’s meeting, 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 and any technical amendments thereto by and on behalf of the Town.

Section 3. 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 4th day of March, 2025, 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