

RESOLUTION NO. 2018-075

A RESOLUTION APPROVING THE SECOND AMENDED AND RESTATED SERVICE PLAN FOR LANTERNS METROPOLITAN DISTRICT NO. 1, THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR LANTERNS METROPOLITAN DISTRICT NO. 2, THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR LANTERNS METROPOLITAN DISTRICT NO. 3, THE SERVICE PLAN FOR LANTERNS METROPOLITAN DISTRICT NO. 4, AND THE SERVICE PLAN FOR LANTERNS METROPOLITAN DISTRICT NO. 5

WHEREAS, pursuant to the Special District Act and Chapter 11.02 of the Castle Rock Municipal Code (the “Code”), the Second Amended and Restated Service Plan for Lanterns Metropolitan District No. 1, the First Amended and Restated Service Plan for Lanterns Metropolitan District No. 2, the First Amended and Restated Service Plan for Lanterns Metropolitan District No. 3 Service Plan, the Lanterns Metropolitan District No. 4 Service Plan, and the Lanterns Metropolitan District No. 5 Service Plan (collectively, the “Service Plans”) have been received and processed by the administration staff,

WHEREAS, the Service Plans have been reviewed and public hearings held in accordance with the Special District Act and the Code, and the Town Council finds that the Service Plans meet the requirements of the Special District Act and Code in that:

- the Service Plans contain the information and related submittals required under §32-1-202 of the Special District Act and the Code;
- there is sufficient existing and projected need for the services described and authorized in the Service Plans;
- the Town will not extend an unconditional service commitment to the area within the Lanterns Metropolitan District Nos. 1-5 (“Districts”) and therefore existing service in the Districts is inadequate for present and projected needs and adequate service will not be available from any other governmental or quasi-governmental entity within a reasonable time or on a comparable basis;
- the Districts are capable of providing economical and sufficient service to the area within its boundaries;
- the properties within Districts will have the financial ability to discharge the proposed indebtedness on a reasonable basis, based upon the financial projections furnished by the Districts;

- the facility and service standards of the Districts as proposed are compatible with comparable Town standards;
- the Service Plans are in substantial compliance with the Town's Comprehensive Master Plan and county, regional or state long-range water quality management plan, if any, for the Districts; and
- approval of the Service Plans will be in the best interest of the area within the Districts.

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

Section 1. The Town Council, as the governing body of the Town of Castle Rock, Colorado, has jurisdiction over the subject matter pursuant to Title 32, Article 1, Part 2, C.R.S., as amended.

Section 2. The Town Council determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 11.02 of the Castle Rock Municipal Code relating to the filing of the proposed Service Plans have been fulfilled.

Section 3. The Town Council has considered the applicable criteria set forth in Chapter 11.02 of the Castle Rock Municipal Code and finds and determines that the proposed Service Plans are in substantial compliance with Chapter 11.02 of the Castle Rock Municipal Code, and that all pertinent facts, matters and issues were submitted at the public hearing; that notice of the hearing was duly given, and that all interested parties were heard or had the opportunity to be heard.

Section 4. The proposed Second Amended and Restated Service Plan for Lanterns Metropolitan District No. 1, the First Amended and Restated Service Plan for Lanterns Metropolitan District No. 2, the First Amended and Restated Service Plan for Lanterns Metropolitan District No. 3, the Lanterns Metropolitan District No. 4 Service Plan, and the Lanterns Metropolitan District No. 5 Service Plan, attached to this Resolution as ***Exhibit 1*** are hereby approved without condition.

Section 5. The Intergovernmental Agreement between the Town of Castle Rock, Colorado, Lanterns Metropolitan District No. 1, Lanterns Metropolitan District No. 2, Lanterns Metropolitan District No. 3, Lanterns Metropolitan District No. 4 and Lanterns Metropolitan District No. 5, in the form attached as ***Exhibit 2*** is hereby approved. The Mayor and other proper Town officials are authorized to execute the Intergovernmental Agreement by and on behalf of the Town of Castle Rock, Colorado.

Section 6. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 7. This Resolution shall take effect immediately upon adoption by the Town Council of the Town of Castle Rock.

PASSED, APPROVED AND ADOPTED this 21st day of August, 2018, 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

Jennifer Green, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney