

**TOWN OF ERIE
RESOLUTION NO. 19-**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
ERIE APPROVING THE FIRST AMENDMENT TO THE AMENDED AND
RESTATED SERVICE PLAN FOR THE ERIE FARM METROPOLITAN
DISTRICT**

WHEREAS, a service plan dated September 12, 2006 was approved by the Board of Trustees (the "Board") of the Town of Erie (the "Town") for the Erie Farm Metropolitan District (the "District") in compliance with §32-1-204.5, C.R.S. (the "Original Service Plan"); and

WHEREAS, an amended and restated service plan dated March 12, 2013 was approved by the Board of the Town for the District in compliance with §32-1-204.5, C.R.S. (the "Restated Service Plan"); and

WHEREAS, §32-1-204.5, C.R.S. provides that no material modification of the Restated Service Plan as approved by the Town may be made except upon adoption of a resolution of the Board approving the material modification of the Restated Service Plan of the District pursuant to §32-1-204.5, C.R.S.; and

WHEREAS, the District has petitioned the Town to amend the Restated Service Plan by making a material modification to the Restated Service Plan (the "Amendment") in compliance with §32-1-207, C.R.S. and §32-1-204.5, C.R.S.; and

WHEREAS, adequate notice of a public hearing to be held before the Board of the Town to review the Amendment has been given; and

WHEREAS, the Board has conducted a public hearing on the Amendment to the Restated Service Plan for the District.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF ERIE, COLORADO:**

Section 1. The Board of the Town has jurisdiction to hear this matter.

Section 2. The Board of the Town makes the following findings:

- a. The proposed Amendment to the Restated Service Plan is a basic or essential change to the Restated Service Plan.
- b. The Amendment is found to be a reasonable and acceptable change to the Restated Service Plan and necessary under the circumstances.

Section 3. The Amendment to the Restated Service Plan for the District is hereby approved.

Section 4. Nothing herein limits the Town's powers with respect to the District, the property within the District, or the improvements to be constructed by the District. The Town's findings are based solely upon the evidence submitted by the Petitioner and such other evidence presented at the public hearing, and the Town has not conducted any independent investigation of the evidence. The Town makes no guarantee as to the financial viability of the District or the achievability of the results.

ADOPTED this ____ day of _____, 2019.

Jennifer Carroll, Mayor

ATTEST:

Jessica Koenig, Town Clerk