

**RESOLUTION NO. 17-\_\_\_**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO APPROVING THE FIRST AMENDMENT TO THE CONSOLIDATED SERVICE PLAN FOR THE MORGAN HILL METROPOLITAN DISTRICTS NOS. 1, 2 AND 3; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

**WHEREAS**, a service plan dated August 25, 2008 was approved by the Board of Trustees (the “Board”) of the Town of Erie (the “Town”) for the Morgan Hill Metropolitan Districts Nos. 1, 2 and 3 (the “District”) in compliance with §32-1-204.5 (the “Service Plan”); and

**WHEREAS**, the District in compliance with §32-1-204.5, C.R.S. has petitioned the Town to the amend the Service Plan by making a material modification to the Service Plan by increasing the debt issuance limitation; and

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

**WHEREAS**, an amendment to the Service Plan proposing the material modification to the Service Plan by increasing the debt issuance limitation has been submitted to the Board for the District in compliance with §32-1-207, C.R.S. and §32-1-204.5, C.R.S. (the “First Amendment”); and

**WHEREAS**, adequate notice of a public hearing of the Board to review the First Amendment has been given; and

**WHEREAS**, the Board has conducted a public hearing on the First Amendment of the 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 has jurisdiction to hear this matter.

Section 2. The Board makes the following findings:

- a. The First Amendment to the Service Plan, proposing an increase in the debt issuance limitation from \$21,000,000 to \$35,000,000 is a material modification of the Service Plan.
- b. The First Amendment is a basic or essential change to the Service Plan.

c. The First Amendment is found to be a reasonable and acceptable change to the Service Plan and necessary under the circumstances.

Section 3. The First Amendment for the District is hereby approved. 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 in the First Amendment 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 AND APPROVED THIS 25<sup>TH</sup> DAY OF JULY 2017, BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.**

**TOWN OF ERIE,**  
a Colorado municipal corporation

By: \_\_\_\_\_  
Tina Harris, Mayor

ATTEST:

By: \_\_\_\_\_  
Nancy Parker, Town Clerk