

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

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR THE WISE FARMS METROPOLITAN DISTRICT NOS. 1-2; AND, AUTHORIZING THE TOWN OF ERIE, COLORADO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF ERIE AND THE WISE FARMS METROPOLITAN DISTRICT NOS. 1-2, ENSURING COMPLIANCE WITH THE APPROVED SERVICE PLAN AND THE ERIE MUNICIPAL CODE; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID INTERGOVERNMENTAL AGREEMENT; AND SETTING FORTH DETAILS IN RELATION THERETO.**

**WHEREAS**, a service plan dated October 23, 2014 was approved by the Board of Trustees (the “Board”) of the Town of Erie (the “Town”) for the Wise Farms Metropolitan District Nos. 1-2 (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 extending the debt issuance deadline from October 23, 2016, to June 27, 2019; 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 extending the debt issuance deadline from October 23, 2016, to June 27, 2019 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 “Amended and Restated Service Plan”); and

**WHEREAS**, adequate notice of a public hearing of the Board to review the Amended and Restated Service Plan has been given; and

**WHEREAS**, the Board has conducted a public hearing on the Amended and Restated Service Plan for the District; and

**WHEREAS**, Section 9-4-6 of the Code of Ordinances of the Town (“Code”) requires that the District enter into an intergovernmental agreement with the Town regarding the enforcement of the Town Code provisions and the provisions of the Plan (“Intergovernmental Agreement”); and

**WHEREAS**, the Board of Trustees of the Town believes it is in the best interest of the Town to approve the Service Plan and to enter into such Intergovernmental Agreement with 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 Amended and Restated Service Plan, proposing an extension of the debt issuance deadline from October 23, 2016, to June 27, 2019, is a material modification of the Service Plan.
- b. The Amended and Restated Service Plan is a basic or essential change to the Service Plan.
- c. The Amended and Restated Service Plan is found to be a reasonable and acceptable change to the Service Plan and necessary under the circumstances.

Section 3. The Amended and Restated Service Plan 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 Amended and Restated Service Plan 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.

Section 4. That the Intergovernmental Agreement between the Town and the District, a copy of which is attached hereto and incorporated herein by reference, is found to be a reasonable and acceptable agreement for enforcement of the Town Code provisions and the provisions of the Plan.

Section 5. That the Town be and is hereby authorized and directed to enter into the Intergovernmental Agreement, and the appropriate Town officers are hereby authorized and directed to sign and bind the Town to said Intergovernmental Agreement.

Section 6. That entering into the Intergovernmental Agreement is found to be in the best interest of the Town, and necessary for the preservation of the public health and safety.

**ADOPTED AND APPROVED THIS 27TH DAY OF JUNE 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