

**RESOLUTION NO. 16-\_\_\_\_\_**

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

**WHEREAS**, the original Consolidated Service Plan for Colliers Hills Metropolitan District Nos. 2 and 3 (the “Service Plan”), dated November 27, 2007, was approved by the Town of Erie Board of Trustees (the “Town”) pursuant to Resolution No. 07-139 on November 27, 2007; and

**WHEREAS**, § 32-1-207(2), C.R.S., provides that after the organization of a special district within a municipality, a material modification to the service plan of such district may be made only upon adoption of a resolution by the governing body of such municipality approving or conditionally approving such modification; and

**WHEREAS**, a First Amendment to the Service Plan dated October 11, 2016 (the “First Amendment”), has been submitted to the Town by Colliers Hill Metropolitan District Nos. 2 and 3 (the “Districts”) in compliance with Title 9, Chapter 4, of the Town’s Municipal Code; and

**WHEREAS**, the singular purpose of the First Amendment is to increase the amount of the Districts’ one-time per unit development fee from the limitation imposed in 2007 by the original Service Plan to better accommodate the Districts’ financing of the current costs of public improvements planned for the development, with the remainder of the original Service Plan left unchanged; and

**WHEREAS**, the Town reviewed the First Amendment, determined that the same, along with the approved Service Plan, meets the conditions necessary under the Colorado Special District Control Act for approval, and therefore, conducted a public hearing on the matter, which was properly noticed, made certain findings, and to adopt a resolution of approval of the First Amendment.

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

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the Town Board of Trustees.

Section 2. The Board makes the following findings:

1. The Board has jurisdiction to hear this matter.
2. Between the Service Plan, First Amendment and the evidence presented at the public hearing on the First Amendment (the “evidence”), the Board determines and declares the following:
  - a. There is sufficient existing and projected need for organized service in the area served by the Districts;
  - b. The existing service in the area served by the Districts is inadequate for present and projected needs;
  - c. The Districts are capable of providing economical and sufficient service to the area within its boundaries; and
  - d. The area included in the Districts will have the financial ability to discharge the proposed indebtedness.

Section 3. The First Amendment, a copy of which is attached hereto, marked “Exhibit A” and incorporated herein by this reference, is hereby approved. The Town’s approval of the First Amendment is neither a waiver of nor a limitation upon any power that the Town is legally permitted to exercise with respect to the property subject to the Districts. The Town makes no guarantee as to the financial viability of the Districts or its achievability of any particular results.

**ADOPTED AND APPROVED THIS 11<sup>TH</sup> DAY OF OCTOBER, 2016, 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 J. Parker, CMC, Town Clerk