

**TOWN OF TIMNATH
LARIMER COUNTY, COLORADO**

RESOLUTION NO. BB -2007

A RESOLUTION APPROVING THE AMENDED CONSOLIDATED SERVICE PLAN FOR TIMNATH RANCH METROPOLITAN DISTRICTS NOS. 1, 2, 3 AND 4 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND THE DISTRICTS

WHEREAS, the Town of Timnath, Colorado (the "Town"), is a municipality duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, the members of the Town Council for the Town of Timnath, Larimer County, Colorado (the "Town Council") have been duly elected, chosen and qualified; and

WHEREAS, pursuant to the provisions of the "Special District Control Act", Part 2 of Article 1, Title 32, C.R.S., the representatives of the Timnath Ranch Metropolitan Districts No. 1, No. 2, No. 3 and No. 4 (collectively the "Districts") submitted to the Town Council a Service Plan dated August 18, 2006 which was revised and resubmitted July 5, 2007 ("Service Plan") which outlined the terms and conditions under which the Districts will be authorized to exist; and

WHEREAS, the Town Council, had, by separate resolution considered and approved the Service Plan of the Districts by Resolution on August 8, 2007; and

WHEREAS, pursuant to Section 32-1-207(2), C.R.S., the representatives of the Districts submitted to the Town Council an Amended Consolidated Service Plan for Timnath Ranch Metropolitan Districts Nos. 1, 2, 3 & 4 ("Amended Service Plan") dated September 14, 2007 which Amended Service Plan corrects errors in the legal descriptions and maps for the initial boundaries of the Districts which legal descriptions are now updated to match currently filed and approved plats for the property contained within the proposed Districts, the service area, outer boundaries, or material provisions, powers or authorities provided for in the original Service Plan of the Districts have not changed; and

WHEREAS, pursuant to Sections 32-1-203 and 204.5, C.R.S., as amended, the Amended Service Plan for the Districts has been reviewed and recommended for approval by the Town Attorney and Town Planning Department, and has now been submitted to the Town Council for its final approval; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, (the "Act"), the Town Council held a public hearing on October 3, 2007, regarding the approval of the Amended Service Plan for the Districts, filed in the office of the Town Clerk on or about September 14, 2007, a true copy of which are attached to this Resolution as Exhibit A; and

WHEREAS, notice of the date, time and location and purpose of the hearing was published in *The Fort Collins Coloradoan*, a newspaper of general circulation within the Town of Timnath, on

September 20, 2007 and duly posted by the Town as required by the Town Code, and forwarded to the proponents as well as the Colorado Division of Local Government as required by law; and

WHEREAS, the proposed Districts lie wholly within the corporate limits of the Town; and

WHEREAS, prior to taking final action on this Resolution, the Town Council did on October 3, 2007 permit public comments on this Resolution, considered the Amended Service Plan for the Districts and all other testimony and evidence presented at the hearing, and held a vote to adopt this Resolution and take such other action as it deems appropriate; and

WHEREAS, the Town Council further finds that it is in the best interests of the citizens of the Timnath to enter into an Intergovernmental Agreement with the Districts at the time of their formation for the purpose of assigning the relative rights and responsibilities between the Town and the Districts with respect to certain functions, operations, and obligations of the Districts.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Timnath, Colorado that:

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

2 The Town Council further finds and determines that all of the jurisdictional and other requirements of Section 32-1-207(2), C.R.S., the Amended Service Plan, and the Town Code have been fulfilled, including those relating to the filing and form of the Amended Service Plan and that notice and/or posting of the public meeting on this Resolution was given in the time and manner required by law and the Town Code.

3 The Town Council further determines that all pertinent facts, matters and issues were submitted at the public hearing regarding this Resolution; that all interested parties were heard or had the opportunity to be heard; and, that evidence satisfactory to the Town Council was presented.

4 The Town Council further finds and determines as follows:

(a) There is sufficient existing and projected need for organized service in the area to be served by the proposed Districts;

(b) The existing service in the area to be served by the proposed Districts is not adequate for present and projected needs;

(c) The proposed Districts are capable of providing economic and sufficient service to the area within their proposed boundaries;

(d) The area to be included in the proposed Districts has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis.

(e) If the area of the Districts is included within another special district for the purposes of receiving public services for the Districts, but is not currently receiving any service from that district, consent of said district to the organization of the Districts pursuant to §32-1-107(3)(b)(IV), C.R.S. will be obtained in accordance with Town policies.

5 The Town Council hereby grants and approves by this Resolution the Amended Service Plan for the Districts, in the form attached hereto as Exhibit A. The Mayor and the Town Clerk are hereby authorized and directed to execute and deliver the intergovernmental agreement with the Town ("Town IGA") on behalf of the Town.

6 The officers of the Town are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

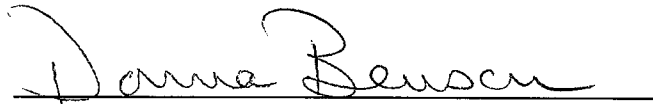
7 A certified copy of this Resolution shall be filed in the records of the Town and submitted to the petitioners for the purpose of filing in the District Court of Larimer County, Colorado.

8 All acts, orders, resolutions, or parts thereof, of the Town that are inconsistent or in conflict with this Resolution, are hereby repealed to the extent only of such inconsistency or conflict.

9 If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.


10 This Resolution shall be in full force and effect upon its passage and approval.

Adopted this 3rd day of October, 2007.



Donna Benson, Mayor

ATTEST:



By: Linda Salas, Town Clerk