

RESOLUTION 14-R-49

A RESOLUTION APPROVING THE SERVICE PLAN FOR THE WESTVIEW METROPOLITAN DISTRICT

WHEREAS, pursuant to the provisions of Article 14 of the Town of Frederick Land Use Code and the Special District Act, (being Article 1 of Title 32, C.R.S.), a Service Plan has been submitted to the Town of Frederick (“Town”) for the creation of the Westview Metropolitan District (the “District”) whose District boundaries are wholly within the corporate limits of the Town; and

WHEREAS, the Service Plan submitted to the Town outlines the terms and conditions under which the District will be authorized to exist; and

WHEREAS, the Service Plan provides that the District will construct infrastructure improvements which are in the best interest of the health, safety and welfare of the Town; and

WHEREAS, the Board of Trustees of the Town of Frederick (“Board of Trustees”) has conducted a public hearing on December 9, 2014 regarding the Service Plan in compliance with Section 14.16 of the Town Land Use Code.; and

WHEREAS, the Special District Act requires that any Service Plan submitted to the District Court for the creation of a special district must first be approved by resolution of the governing body of the municipality within which the District lies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. The Board of Trustees determines that the requirements of Article 14 of the Town Land Use Code and the requirements of Sections 32-1-202(2) and 32-1-204.5, C.R.S. have been satisfied by the Westview Metropolitan District Service Plan.

Section 2. The Board of Trustees determines that the notification requirements of Town Land Use Code Section 14.15 and Sections 32-1-204(1) and (1.5), C.R.S., have been complied with regarding the public hearing on the Service Plan.

Section 3. The Board of Trustees hereby finds that:

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

- (b) The existing service in the area to be serviced by the proposed District is inadequate for present and projected needs.
- (c) The proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries.
- (d) The area to be included within the proposed District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis.
- (e) Adequate service is not and will not be available to the area through the Town or other existing quasi-municipal corporations, including existing districts, within a reasonable time and on a comparable basis.
- (f) The facility and service standards of the proposed District are compatible with the facility and service standards of the Town.
- (g) The Service Plan is in substantial compliance with the Town's Comprehensive Plan.
- (h) The Service Plan is in substantial compliance with the county, regional or state long-range water quality management plans for the area.
- (i) The creation of the proposed District will be in the best interests of the area proposed to be served.
- (j) The creation of the District will be in the best interest of the residents or future residents of the area proposed to be served.
- (k) The proposed Service Plan is in substantial compliance with Article 14 of the Town Land Use Code.
- (l) The creation of the District will not foster urban development that is remote from or incapable of being integrated with existing urban areas, or place a burden on the Town or adjacent jurisdictions to provide urban services to residents of the proposed District.

Section 4. The Board of Trustee's findings are based upon the evidence in the Service Plan as 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 5. The proposed Westview Metropolitan District Service Plan is hereby approved.

Section 6. The Board of Trustee's approval of the Service Plan is not a waiver or a limitation upon any power, which the Board of Trustees is legally permitted to exercise with respect to the property subject to the District.

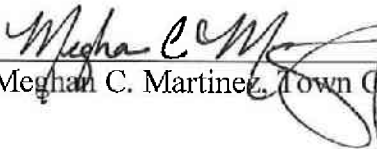
Section 7. The approval of the Service Plan is a quasi-legislative action of the Board of Trustees.

INTRODUCED, READ, PASSED AND ADOPTED THIS 9th DAY OF DECEMBER, 2014.

ATTEST:

TOWN OF FREDERICK

By:


Meghan C. Martinez, Town Clerk




Tony Carey, Mayor