

RESOLUTION NO. R2005 - 59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE SERVICE PLANS FOR WATERSTONE METROPOLITAN DISTRICT NOS. 1 AND 2 AND AUTHORIZING THE EXECUTION OF INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY AND THE DISTRICTS

WHEREAS, pursuant to Sections 32-1-204 and 207, C.R.S., as amended, and Section 122-29 of the City Code, Service Plans (the "Service Plans") for Waterstone Metropolitan District Nos. 1 and 2 (the "Districts"), have been submitted to the City Council (the "City Council") of the City of Aurora, Colorado (the "City"); and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Chapter 122 of the City Code, the City Council held a public hearing on the Service Plans for the Districts on August 22, 2005; and

WHEREAS, notice of the hearing before the City Council was duly published in the Aurora Sentinel, a newspaper of general circulation within the City, on July 28, 2005, as required by law, and forwarded to the petitioners, others entitled to postcard or letter notice, the Division of Local Government, and the governing body of each municipality and title 32 district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the Districts; and

WHEREAS, the City Council has considered the Service Plans, and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the Service Plans should be approved unconditionally, as permitted by Section 32-1-203(1), C.R.S., as amended, and Section 122-34(a) of the City Code; and

WHEREAS, the City Council further finds that it is in the best interests of the citizens of the City to enter into Intergovernmental Agreements with the Districts (the "IGA's") for the purpose of assigning the relative rights and responsibilities between the City and the Districts with respect to certain functions, operations, and obligations of the Districts; and

WHEREAS, Section 10-12 of the City Charter requires a resolution to authorize the execution of intergovernmental agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Council hereby determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 122 of the City Code relating to the filing of Service Plans for the Districts have been fulfilled and that notice of the public hearing was given in the time and manner required by law.

Section 2. The City Council further determines that all pertinent facts, matters, and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard and that evidence satisfactory to the City Council of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the Districts;
- b. The existing service in the area to be 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 their proposed boundaries;
- d. The area to be included in the Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area through the City, Arapahoe County, or other existing municipal or quasi-municipal corporations, including other existing title 32 districts, within a reasonable time and on a comparable basis;
- f. The facility and service standards of the Districts are compatible with the facility and service standards of the City;
- g. The proposed Service Plans are in substantial compliance with the comprehensive plan of the City as adopted pursuant to the City Code;
- h. The proposed Service Plans are in compliance with any duly adopted City, regional, or state long-range water quality management plan for the area; and
- i. The creation of the Districts will be in the best interests of the area proposed to be served.

Section 3. The City Council hereby approves the Service Plans for the Districts as submitted.

Section 4. The Mayor and the City Clerk are hereby authorized to execute, on behalf of the City, each of the IGA's in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 5. Notwithstanding the fact that the Service Plans and the IGAs for such Districts are approved and authorized pursuant to this Resolution, upon organization, Waterstone

Metropolitan Districts No. 1 and No. 2 will each be acknowledged as separate and distinct quasi-municipal corporations and political subdivisions of the State of Colorado with the authority to act and operate entirely independent of each other. Regardless of the combined nature of this Resolution, each of the Districts shall have the right to seek amendment and/or modification of their respective Service Plans and/or IGA's independent from any and all other Service Plans and/or IGA's approved pursuant to this Resolution.

Section 6. Each District shall not be authorized to incur any bonded indebtedness until such time as such District has approved and executed its IGA with the City.

Section 7. This Resolution shall be filed in the records of the City, and a certified copy thereof submitted to the petitioners for the Districts for the purpose of filing in the District Court of Arapahoe County.

Section 8. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

RESOLVED AND PASSED this 22nd day of August, 2005.

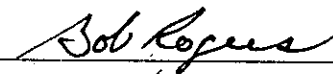


EDWARD J. TAUER, Mayor

ATTEST:



DEBRA JOHNSON, City Clerk

APPROVED AS TO FORM: 

(Waterstone 2005)