

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 87-R-2022**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
APPROVING WITH CONDITIONS THE AMENDED AND RESTATED SERVICE
PLAN FOR THE RED BARN METROPOLITAN DISTRICT, AND AUTHORIZING
EXECUTION OF THE SECOND AMENDMENT TO INTERGOVERNMENTAL
AGREEMENT BETWEEN THE TOWN AND THE DISTRICT**

WHEREAS, the Red Barn Metropolitan District (“District”) has proposed an amended and restated service plan for the Red Barn Metropolitan District (the “District”) to continue to provide and fund certain public improvements and services for the benefit of the Red Barn project in the Town of Mead, Colorado (“Project”); and

WHEREAS, the Board of Trustees conditionally approved the original Service Plan for the District (“Service Plan”) on July 29, 2019, by Resolution No. 55-R-2019 following a public hearing thereon; and

WHEREAS, the District was organized pursuant to a court order and decree of the Weld County District Court dated November 19, 2019, a copy of which was recorded on November 21, 2019 at Reception No. 4543612 in the Weld County property records; and

WHEREAS, the Town has received a request to review and approve an Amended and Restated Service Plan for the District (the “Amended Service Plan”); and

WHEREAS, specifically, the Amended Service Plan was originally submitted by the District to the Town on August 30, 2022, in accordance with the provisions of Section 12-3-10(d) and Article II of Chapter 12 of the Mead Municipal Code (“MMC”), and was revised and resubmitted on October 18, 2022, and November 4, 2022; and

WHEREAS, pursuant to Section 12-3-10(d) of the MMC, service plan amendments are required to be processed substantially in accordance with Article II of Chapter 12 of the MMC; and

WHEREAS, a copy of the Amended Service Plan is attached to this Resolution as ATTACHMENT A; and

WHEREAS, the Amended Service Plan contains the information required by Chapter 12 of the MMC; and

WHEREAS, the District has submitted a revised Letter of Intent dated November 4, 2022 (“Letter of Intent”), as required by MMC Section 12-2-10(e); and

WHEREAS, in accordance with MMC Section 12-2-40, the District has caused notice of the date, time, location and purpose of the public hearing regarding the Amended Service Plan to

be duly published in the *Longmont Times Call*, a newspaper of general circulation, on October 14, 2022; has caused such notice to be provided to the Division of Local Government in the Department of Local Affairs; has caused notice to be provided to the governing body of each municipality and of each special district which has levied an *ad valorem* tax within the next preceding tax year and which has boundaries within a radius of three (3) miles of the District, and has complied with other applicable notice provisions set forth in the MMC; and

WHEREAS, the District has filed a publisher's affidavit and certificate of mailing regarding the aforementioned public notices to be filed with the Town Clerk; and

WHEREAS, the Board of Trustees has reviewed the Amended Service Plan and Letter of Intent and considered evidence in support of the Amended Service Plan; and

WHEREAS, the Board of Trustees desires to approve the Amended Service Plan subject to the conditions set forth in this Resolution.

THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Colorado as follows:

Section 1. The Board of Trustees has authority to approve the Amended Service Plan without condition or modification, deny the Amended Service Plan, or conditionally approve the Amended Service Plan subject to the submission of additional information relating to, or the modification of, the Amended Service Plan or by agreement with the District, as authorized by MMC Sections 12-2-50 and 12-3-10(d), and C.R.S. § 32-1-204.5(1)(c).

Section 2. Based on the contents of the Amended Service Plan and other evidence presented at the public hearing of the Board of Trustees held on November 1, 2022, which public hearing was opened and continued to November 14, 2022, and in accordance with MMC Section 12-2-50, the Board of Trustees hereby finds and determines as follows:

- a. Pursuant to state statute and the MMC, the Board of Trustees has authority to review the Amended Service Plan and Letter of Intent.
- b. The Amended Service Plan meets the Town's approval criteria, as set forth in Section 32-1-203(2), C.R.S. and Chapter 12 of the MMC.
- c. The Amended Service Plan contains the information required in Section 12-2-20 of the MMC.
- d. The Amended Service Plan is in substantial compliance with Chapter 12 of the MMC, including but not limited to substantial compliance with the model service plan referenced in Section 12-2-20 of the MMC.

Section 3. The Amended Service Plan for the District is hereby approved, subject to the following conditions:

- a. The District's Board of Directors shall approve and execute the Second Amendment to Intergovernmental Agreement (in substantially the form attached to the Amended Service Plan as EXHIBIT F-3) ("IGA Amendment") within 60 days of the effective date of this Resolution and shall file executed duplicate originals of such executed IGA Amendment with the Town Clerk within ten (10) days of the date of execution.
- b. The District shall not be authorized to issue Debt until the District has reimbursed the Town for all outstanding charges and fees incurred for legal/consultant review relating to their review of the Amended Service Plan.
- c. Following approval of this Resolution (conditionally approving the Amended Service Plan), counsel for the District shall proceed to file a copy of the Amended Service Plan with the Weld County District Court and the Division of Local Government (in the Department of Local Affairs).

Section 4. The Board of Trustees hereby approves the IGA Amendment in substantially the form attached as EXHIBIT F-3 to the Amended Service Plan, and: (a) authorizes the Mayor or Town Manager, in consultation with the Town Attorney, to make such other changes as may be needed to the IGA Amendment in order to correct any nonmaterial errors or language; and (b) authorizes the Mayor to execute the IGA Amendment on behalf of the Town following approval as to form by the Town Attorney and following the date on which the District's Board of Directors have caused executed duplicate originals of the IGA Amendment be filed of record with the Town Clerk.

Section 5. Approval of this Resolution is not a waiver of, nor a limitation upon any power that the Town is legally permitted to exercise with respect to the District or the property located within the boundaries of the District.

Section 6. The Town Clerk shall certify to the passage of this Resolution and make not less than one copy of the adopted Resolution available for inspection during regular business hours.

Section 7. 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 such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 8. Effective Date. This Resolution shall take effect upon its approval by the Board of Trustees.

INTRODUCED, READ, PASSED AND ADOPTED THIS 14TH DAY OF NOVEMBER, 2022.

ATTEST:

TOWN OF MEAD:

By: _____

Mary E. Strutt, MMC, Town Clerk

Colleen G. Whitlow, Mayor

ATTACHMENT A

**AMENDED AND RESTATED SERVICE PLAN FOR RED BARN METROPOLITAN
DISTRICT**

[Attached.]