

EFFECTIVE DATE: 2/14/2022

RESOLUTION NO. R2022 - 46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, APPROVING THE FIRST AMENDMENT TO THE SERVICE
PLAN FOR BOWIP METROPOLITAN DISTRICT NOS. 1 AND 2

WHEREAS, the City Council (the “Council”) of the City of Aurora, Colorado (the “City”), has adopted Chapter 122 of the City’s Municipal Code (the “Code”), which Chapter establishes procedures for the review and approval of proposals to modify service plans for Title 32 special districts located within the City’s boundaries; and

WHEREAS, the City Council approved the Service Plan for the BOWIP Metropolitan District Nos. 1 and 2 (the “Districts”) on November 18, 2019 (the “Service Plans”); and

WHEREAS, due to the outbreak of the COVID-19 virus, the Districts were unable to hold the required court hearings and their organization was delayed until the November 2020 election cycle; and

WHEREAS, the service areas of the surrounding districts were expanded to the Districts’ property and the District’s boundaries were reduced to de minimus areas in the interim; and

WHEREAS, the Board of Directors of the Districts has determined it would benefit the property owners and taxpayers within the Districts, and it would be in the best interest of the Districts, to amend and expand the Districts’ Service Areas to include the Inclusion Area Boundaries indicated in Exhibit C-2 attached to the First Amendments to the Service Plans (the “First Amendment to the Service Plans”); and

WHEREAS, pursuant to Section 32-1-207, C.R.S., as amended, and Section 122-36 of the City Code, the First Amendment to the Service Plan for the Districts have been submitted to the City Council; and

WHEREAS, City staff has reviewed the proposed First Amendment to the Service Plans and finds that such amendments are in the best interests of both the City and the District’s taxpayers; and

WHEREAS, Title 32, Article 1, C.R.S., as amended, and Section 122-36(b) of the Code each provide that material modifications to an approved service plan may be made by the District’s board of directors only by petition to and approval by the Council in substantially the same manner as provided for in the approval for the original service plan; 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 Second Amendment to the Modified Service Plan for the District; 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 and the District, as required

by law, and mailed to owners of record of all property within the District, to the Division of Local Government, and to 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 District; and

WHEREAS, the City Council has considered the First Amendment to the Service Plans, the recommendation of City staff, and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the First Amendment to the Service Plans should be approved unconditionally, as permitted by Section 32-1-207, C.R.S., as amended, and Section 122-36 of the City Code.

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

Section 1. The City Council hereby finds and determines that:

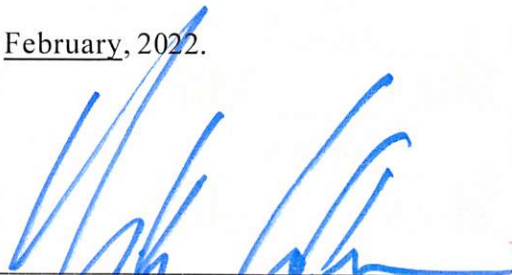
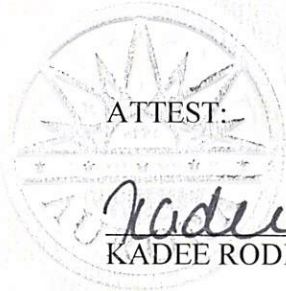
- a. All of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 122-36 of the City Code relating to the filing and amending of the Service Plans for the District have been fulfilled and that notice of the hearing was given in the time and manner required by law;
- b. All pertinent facts, matters, and issues were submitted at the public hearing, all interested parties were heard or had the opportunity to be heard, and evidence satisfactory to the Council of each of the following was presented:
 1. There is still sufficient existing and projected need for organized service in the area served by the Districts;
 2. The existing service in the area served by the Districts remains inadequate for present and projected needs;
 3. The Districts are capable of providing economical and sufficient services to the area within its boundaries;
 4. The area included within the Districts has, or will have, the financial ability to discharge the indebtedness proposed by the First Amendment to the Service Plans on a reasonable basis;
 5. Adequate service is not, or will not be, available to the area through the City, county, or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;

6. The facility and service standards of the Districts are compatible with the facility and service standards of the City;
7. The First Amendment to the Service Plans is in substantial compliance with the comprehensive plan adopted by the City;
8. The First Amendment to the Service Plans is in compliance with any duly-adopted City, regional, or state long-range water quality management plan for the area; and
9. The First Amendment to the Service Plans is in the best interests of the area served by the Districts.

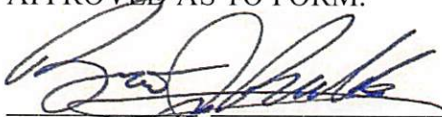
Section 2. The First Amendment to the Service Plans is hereby approved as submitted.

Section 4. All prior Resolutions or any parts that are inconsistent herewith are hereby rescinded.

RESOLVED AND PASSED this 14th day of February, 2022.


MIKE COFFMAN, Mayor
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM: *C McK*


BRIAN J. RULLA, Assistant City Attorney

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