

SERVICE PLAN FOR THE _____ METROPOLITAN DISTRICT
ADAMS COUNTY, COLORADO

Prepared by
[NAME OF PERSON OR ENTITY]
[ADDRESS]

[DATE]

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I. Introduction

a. Purpose and Intent

This service plan (the “Service Plan”) for the _____ (the “District”) is for a special district organized under Title 32 of the Colorado Revised Statutes to serve the public improvements and service needs for the _____ (name of development) (the “Project”). The District is generally located _____ (see Exhibit A), in unincorporated Adams County, Colorado. The District contains approximately _____ acres within the District Boundaries.

Pursuant to the requirements of the Special District Control Act, C.R.S. 32-1-201, et seq., as amended (the “Special District Act”), and Adams County’s Development Standards and Regulations (“ACDS&R”) all of the Service Plan requirements of the Special District Act and the ACDS&R have been met by means of this Service Plan.

The Purpose of this district is to [please briefly explain (one paragraph) the purpose of the proposed district and the anticipated services and public improvements]

b. Need for District

There are currently no other governmental entities, including the County, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, and acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary for the public improvements and services required for the Project to be provided in the most economic manner possible.

c. Organizers and Consultants

This Service Plan has been prepared with assistance from the following entities and individuals:

[Please list all involved in preparing the service plan]

II. Definitions

[This section is optional, if the applicant wishes to define terms throughout the Service Plan, it is recommended that a definitions section is added. Common definitions have been included below.]

Board: the board of directors of the District

Board of County Commissioners: means the Board of County Commissioners of Adams County, Colorado

County: means Adams County, Colorado

Debt: means general obligation bonds or other financial obligations issued by the District, which are not subject to annual appropriation, the payment of which the District has promised to impose, collect, and pledge an *ad valorem* property tax mill levy and/or fees or charges.

Debt Limitation: means the maximum amount of Debt the District may issue, subject to the provisions of this Service Plan.

Maximum Debt Mill Levy: means a mill levy for debt service, subject to the limitation of the Maximum Total Mill Levy.

Maximum Operations Mill Levy: means a mill levy to support the operations and maintenance of the District Services and public improvements, subject to the limitation of the Maximum Total Mill Levy.

Maximum Total Mill Levy: means the maximum mill levy authorized to support debt service and operations and maintenance of the District, not to exceed a total of fifty (50) mills.

Special District Act: means Section 32-1-101, et. seq., of the Colorado Revised Statutes, as amended.

III. Boundaries

The District is located _____ (the “District Boundary”). The area within the District’s boundaries includes approximately _____ acres. A legal description of the district’s boundaries along with a map showing the relationship of the District to surrounding topographic and cultural features, such as roads, streams, and existing governmental or quasi-governmental entities is attached hereto as Exhibits A, B, and C.

It is acknowledged that the District’s boundaries may change as it undergoes exclusions and inclusions pursuant to the procedures set forth in the Special District Act. [If there is a potential area that the applicant is planning on considering including in the future, please include that as a future exclusion area and attach as an Exhibit. This paragraph should also include policies for inclusions in accordance with 10-05-03-03-02-07 of the ACDS&R: *An explanation of the proposed District's policy for inclusion which provides objective procedures for the determination of costs, standards and criteria to allow the orderly extension of services to developable adjacent lands.*].

IV. Proposed Land Use, Population Projection, and Assessed Valuation

[Include a detailed description of the proposed land use, this should include, at minimum the estimated residential units, square footage of proposed commercial or industrial space, and the proposed population at full buildout]

As further described in Section VI, Financial Plan, the current assessed valuation of the property within the District Boundaries is \$_____ as of _____ (date). The estimated assessed value at full build-out is \$_____ and is expected to reasonably discharge the debt under the Financial Plan.

Approval of this Service Plan by the County does not imply approval of the development of a specific area within the District, nor does it constitute or imply approval of the number of residential units or the total site/floor area of commercial or industrial buildings identified in this Service Plan or any of the exhibits attached hereto, unless such land use entitlements have been approved by the Board of County Commissioners in accordance with the ACDS&R.

V. Description of Proposed Powers, Services, and Improvements

a. General Powers of the District

The District shall have the power and authority to provide the public with improvements and related operation and maintenance services within the boundaries of the District as such power and authority is permitted by this Service Plan and described in the Special District act and other applicable statutes, laws, and regulations. Subject to the limitations set forth in this Service Plan.

b. Services and Improvements

[Please only include those paragraphs pertaining to the services to be provided by the District, further explanation of the Services should be described in Exhibit D]

1. Fire Protection

The District shall have the power to design, acquire, construct, install, relocate, redevelop, operate, or maintain facilities or services for protection against fire by any available means and may supply ambulance and emergency medical rescue services.

2. Mosquito Control

The District shall have the power to provide for facilities and provide for systems for elimination and control of mosquitoes.

3. Parks and Recreation

The District shall have the power and authority to provide for facilities and services for parks and recreational facilities or programs within the District.

4. Traffic Safety Protection

The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and provide for safety protection through traffic and safety control s and devices on streets, as well as such other facilities as may be necessary. All traffic and safety control shall be shown to be compatible with the ACDS&R and each interested party as defined in C.R.S. § 32-1-203(b).

5. Sanitation

The District shall have the power and authority to finance, design, construct, acquire, install, maintain and provide for storm or sanitary sewers, or both, flood and surface drainage, treatment and disposal works and facilities, or solid waste disposal facilities or waste services, and any and all necessary or proper equipment and appurtenances incident thereto.

6. Solid Waste Disposal Facilities or Collection and Transportation of Solid Waste

Transportation: The District shall provide for the collection and transportation of solid waste for and on behalf of the District.

Disposal: The District shall have the power and authority to finance, design, construct, acquire, install, maintain and provide for solid waste disposal facilities.

7. Street Improvement

The District shall have the power and authority to finance, design, construct, acquire, install, maintain and provide for street improvements through the construction and installation of curbs, gutters, culverts, and other drainage facilities and sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping and other street improvements. All improvements shall be shown to be compatible with the ACDS&R and each interested party as defined in C.R.S. § 32-1-203(b).

8. Television Relay and Translation

The District shall provide for the establishment and maintenance of television relay and translator facilities

9. Transportation

The District shall have the power to establish, maintain and operate a system to transport the public by bus, rail, or any other means of conveyance, or any

combination thereof, and may contract pursuant to the provisions of part 2 of article 1 title 29, C.R.S. Transportation services provided shall be provided in accordance with C.R.S. § 32-1-1004(5).

10. Water

The District shall have the power to supply water for domestic and other public and private purposes by any available means and shall provide all necessary or proper reservoirs, treatment works and facilities, equipment, and appurtenances incident thereto.

c. Service Plan Amendment

Pursuant to the Special District Act, Section 32-1-207, as amended, the District shall obtain prior written approval of the County before making any material modification to this Service Plan. Material Modifications require a service plan amendment and include modifications of a basic or essential nature, including, but not limited, to, the following: any addition to the types of services provided by the District; a decrease in the level of services; a decrease in the financial ability of the District to discharge existing or proposed indebtedness; or a decrease in the existing or projected need for organized service in the area. Inclusion of property that is in a county or municipality with no other territory within the District may constitute a material modification.

d. Engineering Surveys

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained, or financed was prepared based upon a preliminary engineering survey and estimates derived from the zoning on the property in the Service Area is approximately _____ (\$000.00), as more particularly described in Exhibit F.

All facilities and improvements shall be shown to be compatible with the standards of Adams County and each interested party as defined in C.R.S. § 32-1-203(b). Any improvements constructed outside of the District's boundaries must be designed and constructed to County standards and the District shall seek public acceptance of those improvements through the County procedure outlined in the ACDS&R.

VI. Financial Information

a. General

This section describes the general financial structure of the District. A detailed Financial Plan and Statement of Assumptions in accordance with requirements in the ACDS&R is contained in Exhibit E.

b. Assumptions

The maximum debt limitation contained in Section VI.g. assumes that the [Explain the estimated value of residential units and commercial/industrial space proposed in the district]. The Financial Plan demonstrates that the District can finance the public improvements as identified herein, will be capable of discharging the indebtedness on a reasonable basis, and will operate on a sound fiscal basis.

c. District Revenue

The District will impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt and for operations and maintenance. The District may also rely upon various other revenue sources authorized by law. At the District's discretion, these may include the power to assess fees, rates, tolls, penalties or charges as provided for in the Special District Act, as amended.

A Maximum Total Mill Levy of **fifty (50) mills** is authorized to support debt service and operations and maintenance of the District. The District may request an amendment to the Service Plan, in accordance with Section V.c., to eliminate mill levy caps when the debt to assessed value ratio falls below fifty percent (50%). Any request to eliminate a mill levy cap is considered a material modification.

d. Debt Service Mill Levy

A maximum mill levy of ___ mills is authorized to support the debt service of the District, subject to the limitation of the Maximum Total Mill Levy. An initial debt service mill levy of ___ mills will produce revenue sufficient to support debt service costs through the bond repayment period. (See Exhibit E, Financial Plan)

e. Operations and Maintenance Mill Levy

A maximum mill levy of ___ mills is authorized to support the operations and maintenance of the District Services and public improvements, subject to the limitation of the Maximum Total Mill Levy. An initial operations and maintenance mill levy of ___ mills will produce revenue sufficient to support the operations and maintenance of District services and public improvements (see Exhibit E, Financial Plan)

f. District's Operating Cost and District Expenditures

The estimated cost of acquiring land, engineering services, legal services and other administrative services, together with the estimated costs of the District's organization and other costs related to initial operations, are anticipated to be _____ (\$000.00), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the public improvements to be constructed and maintained. The first year's operating budget is estimated to be _____ (\$000.00) which is anticipated to be derived from [Please briefly explain the operating funds and administration costs]

g. Debt

i. Debt Limitation

The total debt limit for the district is _____ (\$000.00), inclusive of costs, of issuance, inflation, and other similar costs. For purposes of this Service Plan, debt shall be considered any outstanding bonds, notes, contracts, or other financial obligations of the District payable in whole or in part from ad valorem taxes or other revenues of the District for the Purposes of financing, acquiring, constructing, or improving any of the public improvements as contemplated herein. The debt limit shall not be increased unless approved by the County as permitted by statute and the Colorado Constitution. Any change in debt limit shall be considered a material modification of the Service Plan. The maximum term of any bond issue, including refunding and refinancing, shall be thirty (30) years from the original date of issuance.

ii. Maximum Voted Interest Rate and Maximum Underwriting Discount

The interest rate on any debt is limited to the market rate at the time the debt is issued. In the event of a default, the maximum voted interest rate on any debt shall not exceed twelve percent (12%). The maximum underwriting discount shall be five percent (5%). Debt, when issued, shall comply with all relevant requirements of this Service Plan, State Law, and Federal Law as is then applicable to the issuance of public securities.

VII. Annual Report

a. General

The District shall be responsible for submitting an annual report to the Director of Community and Economic Development no later than June 1st of each year following the year in which the Order and Decree creating the district has been issued.

b. Reporting of Significant Events

The annual report shall include information as to any of the following:

1. Boundary changes made or proposed to the District's boundary as of December 31 of the prior year.
2. Intergovernmental Agreements with other governmental entities, either executed or proposed as of December 31 of the prior year.
3. Copies of the District's rules and regulations, effective December 31 of the prior year, if applicable.
4. A summary of any litigation which involves the District Public Improvements as of December 31 of the prior year.
5. Status of the District's construction of the Public Improvements as of December 31 of the prior year.
6. A list of all facilities and improvements constructed by the District that have been dedicated to and accepted by the County as of December 31 of the prior year.
7. The assessed valuation of the District for the current year.
8. Current year budget including a description of the Public Improvements to be constructed in such year.
9. Audit of the District's financial statements, for the year ending December 31 of the previous year, prepared in accordance with generally accepted accounting principles or audit exemption, if applicable.
10. Notice of any uncured events of default by the District which continue beyond a ninety (90) day period, under any Debt instrument.
11. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

VIII. Disclosure Statement

The District shall provide notice to all purchasers of the property in the District regarding the District's authority to levy and collect *ad valorem* taxes and to impose and collect rates, fees, tolls, and charges, by recording a disclosure statement against the property within the District with the Office of the Adams County Clerk and Recorder. Such disclosure statement shall also provide information concerning the structure of the Board and summarize how purchasers may participate in the affairs of the Board. The

disclosure statement shall be recorded within thirty (30) days following recordation of the court decree organizing the District.

IX. Consolidation and Dissolution

The consolidation of the District with any other special district shall be subject to the approval of the County. The District shall take all steps necessary to dissolve pursuant to Section §§ 32-1-701 et. seq., C.R.S., as amended, at such time it does not need to remain in existence to discharge its final obligations or perform its services.

X. Intergovernmental Agreements

To the extent practicable, the District may enter into intergovernmental agreements to better ensure long-term provision of the Public Improvements identified herein or for other lawful purposes. [Please explain any current or projected future Intergovernmental Agreements and add as an Exhibit]

XI. Conclusion

It is submitted that this Services Plan for the District, as required by the ACDS&R and C.R.S. 32-1-203, as amended, establishes that:

1. There is sufficient existing and projected need for the organized service in the area to be serviced by the District;
2. The existing service in the area to be served by the District is adequate for present and projected needs;
3. The District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
4. The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
5. Adequate service is not, and will not be, available to the area through the 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 District are compatible with the facility and service standards of the County within which the special district is to be located and each municipal party which is an interested party under C.R.S. § 32-1-204(1).
7. The proposal is in substantial compliance with the comprehensive plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended.

8. The proposal is in compliance with any duly adopted County, regional, or state long-range water quality management plan for the area.
9. The creation of the District is in the best interest of the area proposed to be served.

Exhibits should be completed in accordance with the details set forth below and the ACDS&R. Referenced notes contain the applicable language from the ACDS&R. Each exhibit should be on a separate page.

Exhibit A

(Legal Descriptions)

Pursuant to Section 10-05-03-03-02-07 of the ACDS&R, a legal description of the area to be included in the District and the proposed inclusion area is attached. [Note: legal descriptions must meet current legal descriptions of parcels to be included in the district]

Exhibit B

(Site Plan)

Pursuant to Section 10-05-03-03-02-03 of the ACDS&R, a sit plan is attached.

Note: This plan shall show the entire boundary of the proposed District and clearly delineate the location of any current improvements within the proposed District boundaries, any improvements planned by the District, and any development currently built or planned to be built within the District:

- 1. The sheet size shall be 18" vertical by 24" horizontal with a scale of 1" = 200' or other scale as approved by the Director of Community and Economic Development.*
- 2. Noted on the plan, shall be the date of preparation and last revision, and clear identification of the location of proposed services and/or improvements, and the names of abutting subdivisions (in the case of unplatted land the word "unplatted" shall appear).*

Exhibit C

(Boundary Maps & Vicinity Maps)

Pursuant to Section 10-05-03-02-04 of the ACDS&R, a boundary map of the proposed district and the proposed inclusion area is attached.

(Vicinity Map and 3-Mile Radius Maps)

Pursuant to Section 10-05-03-02-04 of the ACDS&R, attached is a map showing the District's Vicinity and Municipalities and Special Districts within a 3-Mile Radius.

Note: There shall be included in the service plan a map of the proposed District and the surrounding area.

- 1. The map shall be legible, shall contain explanatory legends, titles and text and shall show the District boundaries and the relationship of the proposed District to the surrounding area within a three (3) mile radius. The map shall identify all municipalities and existing Special Districts within said radius. Also identified on this map or on a separate map shall be the existing zoning within the proposed District and the zoning for properties within a three (3) mile radius.*

2. *Accompanying the map shall be a list of the services proposed to be supplied by the District provided by each of the municipalities and Special Districts shown on the map.*

Exhibit D

(Proposed Services)

Pursuant to Section 10-05-03-03-02-04 of the ACDS&R, the list of services proposed to be supplied by the District is below:

Exhibit E

(Financial Plan)

Pursuant to Section 10-05-03-03-02-02 the Districts Financial Plan includes the following:

1. A letter from the person or organization responsible for the financial plan evaluating the financial and economic presentation and identifying sources and methods used in estimating interest rates, buildout rates, mill levy, and other data included in the plan.
2. A development anticipation section, which describes development projections in amount, time, type, and value. These projections should be supported by a market research report and an opinion letter from a market analyst acceptable to Adams County.
3. A pro forma with a year by year listing for the period of expected indebtedness beginning with the expected date of District formation. The pro forma shall include a detailed description of all funding mechanisms to be employed by the District. This pro forma shall list individual yearly totals for bond issues, debt service, operating and maintenance expenses, legal and administrative expenses, capital expenses, buildout rate, assessed valuation, mill levy, facility fees, other fees, and all other costs and revenues. Any extraordinary or one-time expenses shall be explained.
4. Maximum bonded indebtedness proposed to be incurred by the District and justification for said amount of indebtedness. Because the issuance of bonds by one entity may adversely affect the bond rating of another entity due to overlapping debt, the plan shall contain a list of indebtedness for all cities, counties, and Special Districts within which the proposed District will be included.
5. A description of the scheduling and phasing of improvements and their relationship to the financial stability of the District.

6. If the financial plan identifies any contributions by the developer to the District, any agreement between the developer and the proposed District explaining the developer's financial participation shall be included.
7. A description of the flexibility, which has been built into the financial plan, including alternative means of repaying the debt, if the estimated revenue stream is not realized.
8. A description of the total cost of improvements proposed in the development and the percentage of those improvements to be financed by the proposed District.
9. A list of mill levies and other fees for Districts supplying similar services for a similar market located in the region.
10. The maximum mill levy proposed by the District.
11. The total of all mill levies currently imposed on property within the proposed District.

Exhibit F

(Improvements Map and Cost Estimates)

Pursuant to Section 10-05-03-03-02-05 of the ACDS&R, cost estimates of all the facilities and improvements as well as a map depicting the location of those improvements is attached.

Note: Though the construction costs are summarized in the financial plan, under this requirement detailed descriptions and cost estimates for all the facilities and improvements shall be included. All materials and labor costs for each planned facility shall be estimated and the facilities shall be shown to be compatible with the standards of Adams County and each interested party as defined in C.R.S. Section 32-1-203 (b).

Exhibit G

(Service/Intergovernmental Agreement)

Pursuant to Section X of this Service Plan and Section 10-05-03-03-02-06 of the ACDS&R, copies of any signed, proposed, or promised service agreements are attached.

Note: The applicant shall provide a copy of any signed, proposed, or promised service agreements between the District and any municipality, District, or other existing or proposed service provider, and shall contact all service providers in a three (3) mile radius by certified mail in a form to be approved by the District Review Team.

