

RESOLUTION NO. R2004 - 52

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE AMENDED AND RESTATED CONSOLIDATED SERVICE PLAN FOR EASTERN HILLS METROPOLITAN DISTRICT NOS. 1-7 AND THE SERVICE PLAN FOR EASTERN HILLS METROPOLITAN DISTRICT NO. 8 AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE DISTRICTS**

WHEREAS, pursuant to Resolution No. 2002-52, the City Council (the "City Council") of the City of Aurora, Colorado (the "City") approved the Consolidated Service Plan (the "Original Service Plan") for Eastern Hills Metropolitan District Nos. 1 - 7 (together, with Eastern Hills Metropolitan District No. 8, the "Districts"); and

WHEREAS, pursuant to Sections 32-1-204 and 207, C.R.S., as amended, and Section 122-29 of the City Code, an Amended and Restated Consolidated Service Plan for Eastern Hills Metropolitan District Nos. 1 - 7 and Service Plan for Eastern Hills Metropolitan District No. 8 (the "Restated Service Plan") have been submitted to the City Council; and

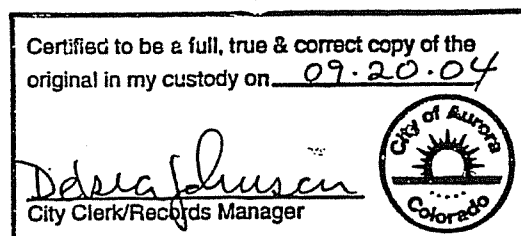
WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Chapter 122 of the City Code, the City Council held a public hearing on the Restated Service Plan for the Districts on August 30, 2004; and

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 August 5, 2004, 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 Restated Service Plan, and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the Restated Service Plan should be approved unconditionally, as permitted by Section 32-1-203(l), 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 an Amended and Restated Intergovernmental Agreement (the "Restated IGA") with the Districts 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 a Restated Service Plan for the Districts have been fulfilled and that notice of the 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 serviced or to be serviced by the Districts;
- b. The existing service in the area served or 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 existing or proposed boundaries;
- d. The area included or 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 Restated Service Plan is in substantial compliance with the comprehensive plan of the City as adopted pursuant to the City Code;
- h. The proposed Restated Service Plan is in compliance with any duly adopted City, regional, or state long-range water quality management plan for the area; and
- i. The approval of the Restated Service Plan for the Districts and the creation of Eastern Hills Metropolitan District No. 8 are in the best interests of the area served or to be served.

**Section 3.** The City Council hereby approves the Restated Service Plan for the Districts as submitted.

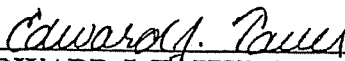
**Section 4.** The Mayor and the City Clerk are hereby authorized to execute, on behalf of the City, the Restated IGA in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent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

**Section 5.** The Districts shall not be authorized to incur any bonded indebtedness until such time as the Districts have approved and executed the Restated IGA. As existing title 32 districts, Eastern Hills Metropolitan District Nos. 1 – 7 shall approve and execute the Restated IGA no later than at their first meeting after an election at which the Aurora Regional Improvement Mill Levy is approved. As a new title 32 district, Eastern Hills Metropolitan District No. 8 shall approve and execute the Restated IGA no later than the first board meeting after its organizational election.

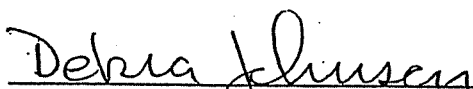
**Section 6.** This Resolution shall be filed in the records of the City and a certified copy thereof submitted to the Districts and petitioners for the purpose of filing in the District Court of Arapahoe County.

**Section 7.** All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

RESOLVED AND PASSED this 30th day of August, 2004.

  
EDWARD J. TAUER, Mayor

ATTEST:

  
DEBRA JOHNSON, City Clerk

APPROVED AS TO FORM: 