

TOWN OF MONUMENT

ORDINANCE 25-2020

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF MONUMENT, COLORADO, AUTHORIZING AND APPROVING THE CREATION OF THE JACKSON CREEK COMMERCIAL METROPOLITAN DISTRICT AND SUBDISTRICT NUMBERS 1-7 WITHIN THE TOWN OF MONUMENT AND THE SERVICE PLAN FOR THE JACKSON CREEK COMMERCIAL METROPOLITAN DISTRICT

WHEREAS, Creekside Developers Inc., a Colorado Corporation, 540 Elkton Drive #202, Colorado Springs, CO 80907, the developer of the Monument Village Development within the Town of Monument, has proposed the organization of the Jackson Creek Commercial Metropolitan District with Subdistricts 1-7 to provide certain public improvements including streets, traffic safety controls, street lighting, sanitary sewer, water, landscaping, storm drainage, mosquito control and park and recreation improvements and facilities for the development in accordance with the plans described in the Service Plan for the district; and

WHEREAS, pursuant to the requirements of the Special District Act, C.R.S. 32-1-101, et seq. a service plan for the district consists of a financial and jurisdictional analysis demonstrating how the proposed facilities and services of the proposed district will be constructed and financed; and

WHEREAS, C.R.S. 32-1-204.5 provides that no special district, including metropolitan districts, shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of resolution of approval by the governing body of such municipality; and

WHEREAS, C.R.S. 32-1-204.5 sets forth the information required for the Service Plan and the criteria applicable to such approval;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONUMENT, COLORADO:

Section 1. Findings of Fact. The Board of Trustees of the Town of Monument, having reviewed the petition and Service Plan for the Jackson Creek Commercial Metropolitan District with Subdistricts 1-7, dated August 25, 2020, and presented by Creekside Developers Inc., 540 Elkton Drive #202, Colorado Springs, CO 80907, has determined the following findings based solely upon the Service Plan for the proposed Jackson Creek Commercial Metropolitan District with Subdistricts 1-7 and evidence presented to the Board of Trustees in support of said Service Plan during a public hearing called for that purpose.

- a.** The Service Plan provides a description of the proposed services;
- b.** The Service Plan provides a financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the district, which shall not be materially exceeded except as authorized pursuant to C.R.S. 32-1-207 or 29-1-

302. All proposed indebtedness for the district has been displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued. The board of directors of the district shall notify the governing body of the municipality of any alteration or revision of the proposed schedule of debt issuance set forth in the financial plan.

- c. The Service Plan provides an engineering or architectural survey showing how the proposed services are to be provided;
- d. The Service Plan provides a map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed special district;
- e. The Service Plan provides a general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of Weld County, the Town of Monument and special districts which are interested parties pursuant to C.R.S. 32-1-204(1);
- f. The Service Plan provides a general description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district;
- g. The Service Plan provides a description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision, and to the best of the Board's actual knowledge, if the form contract to be used is available, it is attached to the service plan;
- h. The Service Plan provides adequate information that along with other evidence presented at the hearing, is satisfactory to establish that each of the criteria set forth in C.R.S. 32-1-203, if applicable, is met;
- i. The Service Plan provides such additional information as the Board of Trustees may require on which to base its findings pursuant to C.R.S. 32-1-203. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.

Section 2. Conclusions and Resolution Approving the Service Plan for the Jackson Creek Commercial Metropolitan District with Subdistricts
1-7

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.
- b. The existing service in the area to be served by the proposed special district is inadequate for present and projected needs.
- c. The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.
- d. The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- e. The facility and service standards of the proposed special district are compatible with the facility and service standards of the Town of Monument.
- f. The proposal is in substantial compliance with *Town of Monument Comprehensive Plan*.
- g. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
- h. The creation of the proposed special district will be in the best interests of the area proposed to be served.

Section 3. The Service Plan for the District shall be and the same is hereby approved. The terms, provisions and limitations of the Service Plan shall be incorporated in an Intergovernmental Agreement between the District and the Town and the District shall not borrow money, incur any indebtedness, certify any mill levy, or impose any fees until the Town and the District approve the Intergovernmental Agreement, which approval shall not be unreasonably withheld.

Section 4. The Town's approval of the Service Plan is not a waiver of, nor a limitation upon any power that the Town is legally permitted to exercise with respect to the property subject to the proposed District.

Section 5. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 6. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.


Section 7. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the

repealer clauses of such ordinance nor revive any ordinance thereby.

Section 8. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, PASSED, APPROVED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the board of trustees of the Town of Monument this 5th day of October 2020 by a vote of 5 for and 2 against.

TOWN OF MONUMENT, COLORADO



Don Wilson, Mayor

ATTEST:



Laura Hogan, Clerk

