

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

ATTEST:



KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:


BRIAN J. RULLA, Assistant City Attorney

any other person or persons who may be interested in the same.

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FIRST AMENDMENT TO

SERVICE PLAN FOR

BOWIP METROPOLITAN DISTRICT NO. 1

CITY OF AURORA, COLORADO

PREPARED

BY

MCGEADY BECHER P.C.
450 E. 17TH AVENUE, SUITE 400
DENVER, CO 80203-1254

Approved: February 14, 2022


Initials

1. INTRODUCTION

On November 18, 2019, the City Council of the City of Aurora, Colorado (the “**City**”) approved a Service Plan (the “**Original Service Plan**”) for BOWIP Metropolitan District No. 1 (the “**District**”). The District was organized on November 19, 2020, by recordation of an Order and Decree in the office of the Adams County Clerk and Recorder. This First Amendment to the Original Service Plan (“**First Amendment**”) is intended to be read in conjunction with the Original Service Plan.

The District was initially on track to be organized contingent upon approval in the May 2020 election cycle. However, due to the outbreak of the COVID-19 virus, the District was unable to hold the required court hearings and its organization was delayed until the November 2020 election cycle. In the interim, and given the activity in the surrounding metropolitan districts, the service areas of the surrounding districts were expanded to the District’s property and the District’s boundaries were reduced to de minimus areas. The Board of Directors of the District has determined it would benefit the property owners and taxpayers within the District, and it would be in the best interest of the District, to amend and expand the District’s Service Area to include the Inclusion Area Boundaries indicated in **Exhibit C-2** attached hereto.

The Original Service Plan may be modified in accordance with Section 122-36 of the City Code of the City of Aurora, Colorado. This First Amendment is submitted in accordance with Section 122-36 of the City Code of the City of Aurora, Colorado and pursuant to Section 32-1-101, et. seq., C.R.S., as amended. This First Amendment is limited to the modifications specifically described below.

2. AMENDMENT

A. **SECTION III. BOUNDARIES.** Section III. Boundaries is hereby deleted in its entirety and replaced with the following:

The area of the Initial District Boundaries includes approximately one hundred fifty-five (155) acres and the total area proposed to be included in the Inclusion Area Boundaries is one hundred fifty-one (151) acres at a location nearby the Initial District Boundaries. A legal description of the Initial District Boundaries is attached hereto as **Exhibit A**. A vicinity map is attached hereto as **Exhibit B**. A map of the Initial District Boundaries is attached hereto as **Exhibit C-1**, and a map of the Inclusion Area Boundaries is attached hereto as **Exhibit C2**. It is anticipated that the District’s boundaries may change from time to time as it undergoes inclusions and exclusions pursuant to Section 32-1-401, et seq., C.R.S., and Section 32-1-501, et seq., C.R.S., subject to the limitations set forth in Article V below.

B. **SECTION IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION.** Section IV. Proposed Land Use/Population Projections/Assessed Valuation is hereby deleted in its entirety and replaced with the following:

The Service Area consists of approximately one-hundred fifty-one (151) acres of land developed as or to be developed as a mixed-use community including retail,

commercial, office, industrial and residential uses. The current assessed valuation of the Service Area is \$0.00 for purposes of this Service Plan and, at build out, is expected to be sufficient to reasonably discharge the Debt under the Financial Plan. The day-time population of the District at build-out is estimated to be approximately two thousand six hundred (2,600) people.

Approval of this Service Plan by the City does not imply approval of the development of a specific area within the District, nor does it 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 thereto, unless the same is contained within an Approved Development Plan.

C. **Exhibit B** (Aurora Vicinity Map) of the Original Service Plan is hereby deleted in its entirety and replaced with **Exhibit B** attached hereto.

D. **Exhibit C-2** (Inclusion Area Boundary Map) of the Original Service Plan is hereby deleted in its entirety and replaced with **Exhibit C-2** attached hereto.

E. All capitalized terms used, but not otherwise defined herein, shall have the same meanings as set forth in the Original Service Plan.

F. All language in the Original Service Plan, not amended by this First Amendment, shall remain in effect as written.

**EXHIBIT B
AURORA VICINITY MAP**

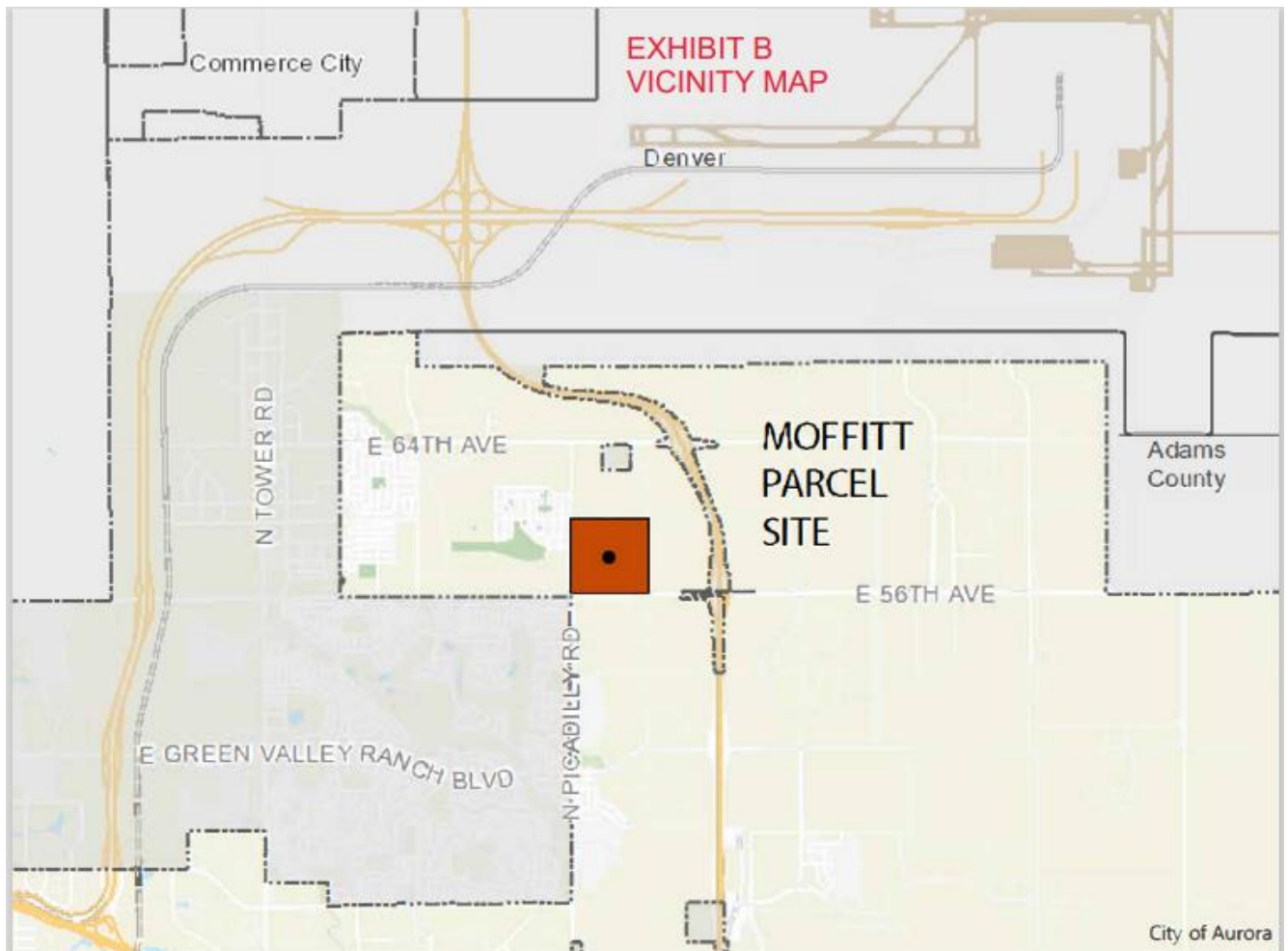


EXHIBIT C-2
INCLUSION AREA BOUNDARY MAP

