

**TOWN OF FRASER
RESOLUTION NO 2023-05-07**

A RESOLUTION OF THE TOWN OF FRASER, COLORADO APPROVING THE FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED CONSOLIDATED SERVICE PLAN FOR WEST MOUNTAIN METROPOLITAN DISTRICT, WEST MEADOW METROPOLITAN DISTRICT, AND BYERS VIEW METROPOLITAN DISTRICT; THE BYERS VIEW METROPOLITAN DISTRICT, GP NORTH MEADOW METROPOLITAN DISTRICT, AND GP SOUTH METROPOLITAN DISTRICT CONSOLIDATED SERVICE PLAN; AND THE WEST MOUNTAIN METROPOLITAN DISTRICT AND WEST MOUNTAIN METROPOLITAN DISTRICTS NOS. 2-5 CONSOLIDATED SERVICE PLAN; AND ASSOCIATED INTERGOVERNMENTAL AGREEMENTS WITH EACH DISTRICT.

WHEREAS, on August 4, 2004, the Board of Trustees for the Town of Fraser, Colorado (the “Board of Trustees”) approved the Consolidated Service Plan for West Mountain Metropolitan District (“West Mountain”), West Meadow Metropolitan District (West Meadow”), and Byers View Metropolitan District (“Byers View”) (West Mountain, West Meadow, and Byers View collectively referred to herein as the “Districts”) pursuant to C.R.S. § 32-1-204.5, and the Districts were organized in accordance with C.R.S. §§ 32-1-201, *et seq.*, in 2004; and

WHEREAS, on April 14, 2005, the Board of Trustees approved the First Amended and Restated Consolidated Service Plan for the Districts (“First Amended Service Plan”); and

WHEREAS, there has been submitted to the Town of Fraser (the “Town”) a proposed First Amendment to the First Amended Service Plan for the Districts, together with the Consolidated Service Plan for the proposed West Mountain Metropolitan District and West Mountain Metropolitan District Nos. 2-5 (“ West Mountain Districts”) as well as the Consolidated Service Plan for the proposed Byers View Metropolitan District, GP North Meadow Metropolitan District, and GP South Metropolitan District (“GP Districts”) (the proposals collectively referred to herein as the “Amended Service Plans”); and

WHEREAS, it is the intent and purpose of the Amended Service Plans to amend, replace and restate the First Amended Service Plan, as the same specifically applies to West Meadow, and to further provide for the organization of the West Mountain Districts and the GP Districts as separate and distinct metropolitan districts each operating under different service plans; and

WHEREAS, pursuant to C.R.S. § 32-1-204.5, the Board of Trustees has authority to review the Amended Service Plans with reference to need, service and economic feasibility; and

WHEREAS, the Amended Service Plans provide for revised boundaries of West Meadow, the West Mountain Districts, and the GP Districts along with changes in financial and operational terms applicable to each of them; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, Part 2, C.R.S., as amended, the Board of Trustees held a public hearing on the proposed Amended Service Plans on the 26th day of April 2023; and

WHEREAS, the Board of Trustees considered the Amended Service Plans and all other testimony and evidence presented at the hearing and continued the hearing until May 17, 2023; and

WHEREAS, the Board of Trustees further considered the Amended Service Plans and all other testimony and evidence presented at the continued hearing on May 17, 2023; and

WHEREAS, based upon the testimony and evidence presented at the initial hearing and the continued hearing, it appears that the Amended Service Plans should be approved by the Board of Trustees in accordance with Section 32-1-204.5(1)(a), C.R.S.; and

WHEREAS, the Town previously entered into an Intergovernmental Agreement with the Districts on April 6, 2005, along with the approval of the First Amended Service Plan; and

WHEREAS, an amended Intergovernmental Agreement between the Town and the Districts, along with a new Intergovernmental Agreement between the Town and the West Mountain Districts and a new Intergovernmental Agreement between the Town and the GP Districts have been prepared to reflect the changes proposed by the Amended Service Plans.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Fraser, Grand County, Colorado, as follows:

Section 1. The Board of Trustees has authority to approve the Amended Service Plans pursuant to the provisions of Section 32-1-204.5, C.R.S.

Section 2. The Amended Service Plans contain the information required by Section 32-1-202(2), C.R.S.

Section 3. Based on the contents of the Amended Service Plans and other evidence presented at the meetings of the Board of Trustees held on April 26, 2023, and May 17, 2023, and in accordance with Section 32-1-203(2), C.R.S., the Board of Trustees hereby finds and determines as follows:

- a. There is sufficient existing and projected need for organized service in the area to be served by the newly proposed West Meadow, West Mountain Districts, and GP Districts (“Proposed Districts”);
- b. The existing service in the area to be served by the Proposed Districts is inadequate for present and projected needs;
- c. The Proposed Districts are capable of providing economical and sufficient service to the areas within their respective proposed boundaries; and
- d. The areas to be included within the Proposed District have, or will have, the financial ability to discharge their respective proposed indebtedness on a reasonable basis.

Section 4. The Amended Service Plans for the Proposed Districts are hereby approved.

Section 5. The Board of Trustees hereby approves the First Amendment to Intergovernmental Agreement between the Town of Fraser and the Districts, the Intergovernmental Agreement among the Town of Fraser and the West Mountain Districts, and the Intergovernmental Agreement between the Town of Fraser and the GP Districts (collective,

the "IGAs"), and authorizes the execution of the IGAs, which shall be approved and executed by the Proposed Districts at their respective first meetings following this approval, and executed originals thereof shall be promptly delivered to the Town.

Section 6. This Resolution shall be effective upon adoption.

Section 7. Approval of this Resolution is not a waiver of, nor a limitation upon any power that the Town is legally permitted to exercise with respect to the property located within the Proposed Districts, including but not limited to all land use, permitting, or development actions required by the Town Code.

Section 8. The Town Clerk shall certify to the passage of this Resolution, make not less than one copy of the adopted Resolution available for inspection during regular business hours, and shall submit a certified copy to the representatives and organizers of the Districts for the purpose of filing in the District Court of Grand County for further proceedings concerning the Districts.

READ, PASSED ON ROLL CALL VOTE, AND ADOPTED BY THE BOARD OF TRUSTEES
THIS ____ DAY OF May 2023.

Votes in favor: ____
Votes opposed: ____
Absent: ____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Mayor

ATTEST:

(S E A L)

Town Clerk