

RESOLUTION NO. ____-____

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO APPROVE THE CONSOLIDATED SERVICE PLAN FOR
SADDLEHORN RANCH METROPOLITAN DISTRICT NOS. 1-3**

WHEREAS, Saddlehorn Ranch Metropolitan District Nos. 1-3, c/o White Bear Ankele Tanaka & Waldron P.C., filed an application with the Planning and Community Development Department of El Paso County, Colorado pursuant to Sections 32-1-202, *et seq.*, C.R.S., for the review of the Consolidated Service Plan for Saddlehorn Ranch Metropolitan District Nos. 1-3 (the “Service Plan”) (each a “District”, collectively the “Districts”); and

WHEREAS, a public hearing was held by the El Paso County Planning Commission (the “Planning Commission”) on _____, 2019, upon which date the Planning Commission did by formal resolution recommend approval of the Service Plan; and

WHEREAS, on _____, 2019, the Board of County Commissioners of El Paso County (the “Board”) ordered a public hearing to be held on the Service Plan; and

WHEREAS, notice of the hearing before the Board was duly published in *The El Paso County Advertiser and News*, on _____, 2019 as required by the Special District Act; and

WHEREAS, notice of the hearing before the Board was provided to the governing body of any existing municipality or special 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 proposed special district boundaries, which governmental units shall be interested parties; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the Board held a public hearing on the Service Plan for the Districts on _____, 2019; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, study of the proposed Service Plan, recommendations of the Planning Commission, comments of the Planning and Community Development Department, comments of the public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board.

2. That the hearings before the Planning Commission and the Board were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. There is sufficient existing and projected need for organized service in the area to be served by the proposed Districts.
4. Existing service in the area to be served by the proposed Special Districts are inadequate for present and projected needs.
5. The proposed Districts are capable of providing economical and sufficient service to the area within the proposed boundaries.
6. The areas to be included in the proposed Districts, have or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
7. Adequate service is not or will not be available to the area through the County, other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.
8. The facility and service standards of the proposed Districts are compatible with the facility and service standards of each county within which the proposed Districts are to be located and each municipality which is an interested party.
9. The proposal is in substantial compliance with a Master Plan adopted pursuant to Section 30-28-106 C.R.S.
10. The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.
11. The creation of the proposed Districts are in the best interests of the areas proposed to be served.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Service Plan submitted by the Districts, c/o White Bear Ankele Tanaka & Waldron P.C., for the property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference;

AND BE IT FURTHER RESOLVED that the following conditions shall be placed upon this approval:

CONDITIONS OF APPROVAL

1. Any future inclusion of territory by the District(s) (any territory more than five (5) miles from the Districts' boundary lines) shall be considered a material modification of the Service Plan and shall require prior Board approval.
2. The Districts shall provide a disclosure form to future purchases of property in a form consistent with the Special District Annual Report form. Such disclosure shall be recorded with this Service Plan. With each subsequent final plat associated with the Saddlehorn Ranch development prepared by the developer, the developer shall provide written notation on the plat of this annually filed public notice and include reference to the El Paso County Development Services' website where the most up-to-date notice can be found. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
3. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board, and subject to the Board right to declare such creation to be a material modification of the Service Plan, pursuant to Section 32-1-1101(1)(f)(I) C.R.S.
4. Approval of this application shall not constitute relinquishment or undermining of the County's authority to require the developer to complete the subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.
5. Any expansions, extensions or construction of new facilities by the Districts will require prior review by the Planning and Community Development Department to determine if such actions are subject to the requirements of Appendix B of the Land Development Code, Guidelines and Regulations for Areas and Activities of State Interest. If it is determined that such regulations apply then the District(s) will be required to submit the appropriate development permit application(s) prior to construction.

NOTATION

1. Approval of this Service Plan shall in no way be construed to infer a requirement or obligation of the Board to approve any future land use requests for any property within the Districts' service areas.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso Planning Commission be adopted.

AND BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be filed in the records of the County and submitted to the petitioners for the purpose of filing in the District Court of El Paso County.

AND BE IT FURTHER RESOLVED that all resolutions or parts thereof, in conflict with the provisions hereof, are hereby replaced.

DONE THIS ____ day of _____, 2019, Colorado Springs, Colorado.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO**

By: _____
County Clerk and Recorder

By: _____
Chair

EXHIBIT A