

RESOLUTION #R-122-2006

**A RESOLUTION OF THE LOVELAND CITY COUNCIL
APPROVING A MATERIAL MODIFICATION TO THE CONSOLIDATED
SERVICE PLAN FOR CENTERRA METROPOLITAN DISTRICTS NOS. 1-4
PERMITTING THE EXCLUSION OF REAL PROPERTY FROM
CENTERRA METROPOLITAN DISTRICTS NOS. 2 AND 4**

WHEREAS, the City of Loveland (the "City") City Council (the "City Council") approved a Consolidated Service Plan for Centerra Metropolitan Districts Nos. 1 through 4 ("Service Plan") on January 20, 2004, as evidenced by City Council Resolution #R-7-2004; and

WHEREAS, pursuant to Section I.A.4. of the Service Plan, any boundary adjustment which adds to or subtracts from the total acreage of the Centerra Metropolitan Districts Nos. 1 through 4 is considered a material modification of the Service Plan and shall require approval of the City Council; and

WHEREAS, Lennar Homes, LLC and Eileen E. Pflug have petitioned Centerra Metropolitan Districts Nos. 2 and 4 (the "Districts") for the exclusion of real property from the boundaries of the Districts, as such real property is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Districts also desire to exclude the Property from their boundaries and are therefore requesting City Council to approve such exclusion by adopting this resolution; and

WHEREAS, such exclusion of real property from the boundaries of the Districts represents a material modification of the Service Plan and requires City Council approval; and

WHEREAS, notice of a public hearing before the City Council for its consideration and approval of the material modification to the Service Plan was duly published in the *Loveland Reporter-Herald* on November 14, 2006, as required by law; and

WHEREAS, notice of the public hearing before the City Council was also duly mailed by first class mail, on November 14, 2006, to interested persons, defined as follows: (1) the owners of record of all property within the proposed Districts as such owners of record are listed on the records of the Larimer County Assessor; (2) the division of local government, and (3) the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the proposed Districts' boundaries; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., the City Council held a public hearing on the material modification of the Districts' Service Plan on December 5, 2006; and

WHEREAS, the City Council has considered the material modification to the Service Plan, and all other testimony and evidence presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

1. That the hearing before the City Council was open to the public; that all interested parties were heard or had the opportunity to be heard; and that all relevant testimony and evidence submitted to the City Council was considered.

2. That the City Council hereby determines that the requirements of Sections 32-1-207 (2), C.R.S, relating to the approval of a material modification to the Service Plan for the Districts; the requirements of Sections 32-1-204 (1) and (1.5), C.R.S., relating to the notice of the hearing by the City Council; and the requirements of Section 32-1-204.5, relating to the approval by the City Council have been fulfilled in a timely manner.

3. That the City Council hereby finds that a material modification to the Service Plan to exclude the Property from the Districts' boundaries is in the best interests of the Districts and the City.

4. That the City Council does hereby approve the material modification to the Service Plan for the exclusion of the Property from the District's boundaries.

5. That nothing herein limits the City's powers with respect to the Districts, the remaining real properties within the Districts, or the improvements to be constructed by the Districts.

6. That the City Council's findings are based solely on the evidence presented at the public hearing and that the City has not conducted any independent investigation of the evidence.

7. That this Resolution shall take effect on the date and at the time of its adoption by the City Council.

Adopted this 5th day of December, 2006.



Mayor Pro Tem, Gene Pulin

Teresa S. Andrews
City Clerk



APPROVED AS TO FORM:

John R. [Signature]
City Attorney

EXHIBIT A

**LEGAL DESCRIPTION OF PROPERTY TO BE EXCLUDED
FROM CENTERRA METROPOLITAN DISTRICTS NOS. 2 AND 4**

Rocky Mountain Village Fifteenth Subdivision, A replat of all of Outlot A, Rocky Mountain Village Fifth Subdivision, City of Loveland, County of Larimer, CO