

RESOLUTION #R- 48-2007

**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-7-0004; 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, McWhinney Real Estate Services, Inc., the developer of the Centerra community ("Developer"), has requested an amendment to the Millennium GDP, which amendment would permit residential use within a mixed-use development to be located on Parcel A-1 within Centerra; and

WHEREAS, to remain consistent with the original intent of the Service Plan that only commercial property be located within the boundaries of Centerra Metropolitan Districts Nos. 2 and 4, the Developer and the Districts desire to exclude the future residential units to be located on Parcel A-1 from the boundaries of Centerra Metropolitan Districts Nos. 2 and 4; and

WHEREAS, such exclusion of real property from the boundaries of Districts Nos. 2 & 4 represents a material modification of the Service Plan and requires City Council approval; and

WHEREAS, such exclusion of real property must also be approved by the Board of Directors of the Centerra Metropolitan Districts Nos. 2 and 4 and the Larimer County District Court, pursuant to Section 32-1-501, C.R.S.; 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 April 12, 2007, as required by law; and

WHEREAS, notice of the public hearing before the City Council was also duly mailed by first class mail, on April 11, 2007, to interested persons, defined as follows: (1) the owners of record of all property within the 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 Districts' boundaries; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., the City Council opened a public hearing on the material modification of the Districts' Service Plan on May 1, 2007, and continued the public hearing to May 15, 2007; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., the City Council opened the continued public hearing on the material modification of the Districts' Service Plan on May 15, 2007, and continued the public hearing to June 5, 2007; and

WHEREAS, notice of the continued public hearing on June 5, 2007, 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 May 16, 2007; and

WHEREAS, notice of the continued public hearing scheduled for June 5, 2007, before the City Council was also duly mailed by first class mail, on May 16, 2007, to interested persons, defined as follows: (1) the owners of record of all property within the 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 Districts' boundaries; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., the City Council conducted the public hearing on the material modification of the Districts' Service Plan on June 5, 2007; 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 the material modification to the Service Plan is in the best interests of the property to be excluded from the Districts; the Districts, and the City.

4. That the City Council does hereby approve the material modification to the Service Plan permitting the exclusion of future residential units located on Parcel A-1 in the Centerra development from the boundaries of the Districts, following approval of said exclusion by the Districts' Boards of Directors and the Larimer County District Court, pursuant to Section 32-1-501, C.R.S.

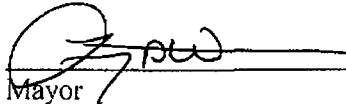
5. That nothing herein limits the City's powers with respect to the Districts, the properties within the Districts, or the improvements to be constructed by the Districts.

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.

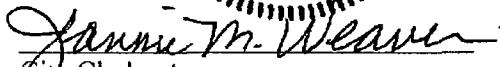
7. That this Resolution shall take effect on the date and at the time of its adoption by the City Council.

Adopted by the City Council of June, 2007.



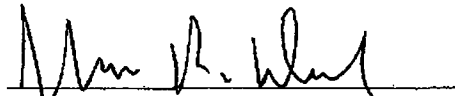


Mayor



City Clerk Deputy

APPROVED AS TO FORM:



City Attorney