

2016-22

A RESOLUTION

APPROVING THE FIRST AMENDMENT TO THE SERVICE PLAN FOR DENVER  
WEST PROMENADE METROPOLITAN DISTRICT

WHEREAS, pursuant to Section 32-1-204.5, Colorado Revised Statutes (“C.R.S.”), the First Amendment to the Service Plan for Denver West Promenade Metropolitan District (the “First Amendment”) was submitted to the City Council of the City of Lakewood, Colorado; and

WHEREAS, a copy of the proposed First Amendment is attached to this Resolution as Exhibit A, and is incorporated herein by reference; and

WHEREAS, pursuant to the provisions of part 2 of article 1 of Title 32, C.R.S., the City Council of the City of Lakewood (“City Council”) held a public hearing on April 11, 2016 regarding the proposed First Amendment for the Denver West Promenade Metropolitan District (the “District”); and

WHEREAS, notice of the hearing was published in the *Denver Post*, a newspaper of general circulation within the City of Lakewood, on March 19, 2016. Also on March 18, 2016, notice of said public hearing was sent to the property owners within the District and to the petitioners, and on March 18, 2016, notice was sent to the governing body of each municipality within a radius of three miles of the District’s boundaries, and to the governing body of each special district that has levied an *ad valorem* tax within the next preceding tax year and whose boundaries are within a three-mile radius of the District’s boundaries; and

WHEREAS, the City Council has considered the First Amendment and all other testimony and evidence presented at the hearing; and

WHEREAS, the Service Plan for the District was previously approved by City Council pursuant to Resolution No. 2012-12 dated April 9, 2012; and

WHEREAS, nothing in the First Amendment shall constitute or require any indebtedness or other financial obligation of the City of Lakewood; and

WHEREAS it appears that the First Amendment should be approved, as provided in this Resolution, and that such other related actions should be authorized in order to implement the First Amendment.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Lakewood, Colorado that:

SECTION 1. The above and foregoing recitals are incorporated herein by reference and, in addition to the materials formally submitted in connection with the public

hearing and testimony presented at such public hearing, were considered by and are adopted as findings and determinations of the City Council.

SECTION 2. The City Council further finds and determines that all of the requirements of Part 2, Article 1, Title 32, C.R.S., relating to the filing of the First Amendment for the District have been fulfilled and that notice of the public hearing before City Council was given in the time and manner required by the laws of the State of Colorado.

SECTION 3. The proposed First Amendment, attached to this Resolution as Exhibit A, is hereby approved without condition.

SECTION 4. A certified copy of this Resolution shall be filed in the records of the City and submitted to the petitioners.

SECTION 5. The Mayor and City Manager are hereby authorized to execute and the City Clerk to attest such additional agreements, amendments to existing agreements and memoranda of understanding, in forms approved by the City Attorney, as are necessary to implement and/or facilitate the District's refinancing of outstanding bonds in accordance with the Service Plan and First Amendment.

SECTION 6. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the validity of any of the remaining provisions of this Resolution.

SECTION 7. This Resolution shall be in full force and effect upon its passage and approval.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_ for and \_\_\_ against at a regular meeting of the City Council on April 11, 2016, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

\_\_\_\_\_  
Adam Paul, Mayor

ATTEST:

\_\_\_\_\_  
Margy Greer, City Clerk

APPROVED AS TO FORM:

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Tim Cox, City Attorney