

RESOLUTION NO. 25-XXX

It was moved by Commissioner XXXXXX and duly seconded by Commissioner XXXXXX to adopt the following Resolution:

WHEREAS, Jeffery Erb, Erb Law, LLC (“Petitioner”) made application for approval of a Metropolitan District service plan for the proposed new Eastgate, Case No. SD24-002; and

WHEREAS, on or about *November 15, 2024*, the proposed service plan for the Eastgate Metropolitan Districts (the “Service Plan”) was filed with the Clerk and Recorder of Arapahoe County, Colorado, and the applicant provided the Division of Local Government in the Department of Local Affairs (the “Department”) and the Office of State Auditor a copy of the Service Plan on or about *November 21, 2024*; and

WHEREAS, the proposed Eastgate Metropolitan Districts located in unincorporated Arapahoe County on property that is located at the southwest corner of Interstate 70 and Monaghan Road, at 27500 and 27450 E Colfax Avenue and consists of approximate 144 acres, and the legal description for the boundaries of the proposed metropolitan district boundaries is attached to the Service Plan as Exhibit A; and

WHEREAS, the Service Plan was referred to the Arapahoe County Planning Commission (the “Planning Commission”) and, on *December 17, 2024*, the Planning Commission, after conducting a hearing on the Service Plan, recommended approval of the Service Plan to the Board of County Commissioners; and

WHEREAS, *January 13, 2025*, Petitioner sent written notice of the Public Hearing to all property owners within the territorial boundaries of the proposed District; and

WHEREAS, on *January 14, 2025*, the Board of County Commissioners for Arapahoe County (“the Board”), by Resolution No. 25-017, set a date of *February 11, 2025* for a public hearing to consider and take comment on the Service Plan; and

WHEREAS, on *January 16, 2025*, notice of the date, time, location and purpose of such Public Hearing was published in The Englewood Herald, Littleton Independent, and Centennial Citizen, newspapers of general circulation within Arapahoe County; and

WHEREAS, on *February 11, 2025*, commencing at 9:30 a.m., the Board of County Commissioners voted to continue this public hearing to a date certain, March 11, 2025, to allow for additional noticing to taxing districts, and

WHEREAS, on *February 14, 2025*, notice of the date, time and location of the Public Hearing was mailed to the Petitioner and the governing body of any existing municipalities and special districts which have levied an *ad valorem* tax within the next preceding year and which have boundaries within a radius of three miles of the boundaries proposed for the Existing and New Metro Districts; and

WHEREAS, on *March, 11, 2025*, commencing at 9:30 a.m., a Public Hearing with Commissioners was opened and held, and at which Hearing all interested parties, as defined in §32-1-204, Colorado Revised Statutes (“C.R.S.”), and other members of the public were afforded an opportunity to be heard on the matter, and all testimony and evidence relevant to the proposed Service Plans and the organization of the proposed Districts were heard, received and considered; and

WHEREAS, the Board hereby makes the following findings relative to this application:

1. That all procedural requirements of §§32-1-201 *et seq.*, C.R.S., relating to the Service Plan have been fulfilled and that the Board has jurisdiction in the matter.
2. That the contents of the Service Plan comply with the requirements specified in §32-1-202(2), C.R.S.;
3. That no petition objecting to the Service Plan has been filed with the Board.
4. That for the proposed Service Plan for the Eastgate Metropolitan Districts and in accordance with the provisions of §32-1-203(2)(a)-(c), C.R.S:
 - a. There is sufficient existing and projected need for organized service in the area to be serviced; and
 - b. The existing service in the area to be served is inadequate for present and projected needs; and
 - c. The proposed District is capable of providing economical and sufficient service to the area within their proposed boundaries; and
 - d. The area to be included in the proposed District can, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
5. That for the proposed Service Plan for the Eastgate Metropolitan District and in accordance with §32-1-203(2.5)(a)-(e), C.R.S.:
 - a. Adequate service is not, or will not be, available to the area within the proposed District through the County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis; and
 - b. The facility and service standards as provided in the Service Plan are compatible with the facility and service standards of Arapahoe County and any municipality which is an interested party under §32-1-204(1), C.R.S.; and
 - c. The proposal for the District is in substantial compliance with the Arapahoe County Comprehensive Plan; and,
 - d. The proposal for the District is in compliance with any duly adopted County, regional or state long-range water quality management plan for the area; and
 - e. The creation of the proposed District will be in the best interests of the area proposed to be served.
6. That, based upon the statements set forth in the Service Plan and all exhibits thereof, including the Financial Plan, for the proposed Districts, and based upon all evidence presented at the Public Hearing, the Service Plan meets all conditions and requirements of §§32-1-201 *et seq.*, C.R.S.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Arapahoe, Colorado, as follows:

1. The Board of County Commissioners hereby approves the Service Plan for the Eastgate Metropolitan Districts as submitted in Case No. SD24-002.

2. This Service Plan is approved with the understanding that the Board of County Commissioners of Arapahoe County retains its complete discretionary authority with regard to its consideration of any development plan or plans submitted to the County within the boundaries of this metropolitan districts. It is further understood that should there be any significant amendment or amendments to the current zoning within the boundaries of this metropolitan districts in terms of increases or decreases to the number of residential units and/or densities of the commercial/office space, such an amendment would be considered a material modification and would require a modification to the Service Plan to address the amendment.
3. That a certified copy of this Resolution be sent to the Planning Division of Public Works and Development, be filed in the records of Arapahoe County, and be sent to the petitioner.

The vote was:

Commissioner Baker, ___; Commissioner Campbell, ___; Commissioner Fields, ___; Commissioner Summey, ___; Commissioner Warren-Gully, ___.

Chair declared the motion carried and so ordered.