

RESOLUTION
BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF OURAY, STATE OF COLORADO
A RESOLUTION APPROVING THE
FIRST AMENDMENT TO CONSOLIDATED SERVICE PLAN FOR
CORNERSTONE METROPOLITAN DISTRICT NOS. 1 & 2

WHEREAS, on November 1, 2004, the Ouray County Board of County Commissioners, (the "Board") adopted Resolution No. 2004-055 approving the Consolidated Service Plan ("the "Service Plan") for Cornerstone Metropolitan District Nos. 1 and 2 (the "Districts"). Subsequent to the approval of the Consolidated Service Plan, a revised Financing Plan to the Consolidated Service Plan was submitted to and approved by Ouray County on April 25, 2005, per Resolution No. 2005-017; and

WHEREAS, on August 16, 2013 and pursuant to Section 32-1-204 and 207, C.R.S., as amended, a First Amendment to Consolidated Service Plan for Cornerstone Metropolitan District Nos. 1 and 2 ("First Amendment") was filed with the Board; and

WHEREAS, on August 27, 2013, the Board set a public hearing on the Service Plan for September 24, 2013; and

WHEREAS, on August 29, 2013, notice of the date, time, location and purpose of such public hearing was published in the *Ouray County Plaindealer*, a newspaper of general circulation within Ouray County, as required by law; and

WHEREAS, on August 30, 2013, notice of the date, time, location and purpose of such public hearing was mailed to the governing body of the existing municipalities and special districts which have levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the Districts; and

WHEREAS, on August 30, 2013, notice of the date, time, location and purpose of such public hearing was mailed to all property owners within the Districts as listed on the records of the county assessor; and

WHEREAS, on September 24, 2013, a public hearing on the First Amendment was opened, at which time all interested parties, as defined in Section 32-1-204, C.R.S., were afforded an opportunity to be heard, and all testimony and evidence relevant to the First Amendment was heard, received and considered; and

WHEREAS, the First Amendment modifies the Service Plan limitation on the ability of the Districts to increase the operations and maintenance mill levy, and recognizes the Districts' authority to provide covenant enforcement and design review services; and

WHEREAS, due to the economic downturn which has resulted in significant decreases in property valuations in Cornerstone, with corresponding decreases in revenues to the Districts, the Districts are unable to provide necessary services without a mill levy increase to offset the decrease in property tax revenue to the Districts; and

WHEREAS, the residents and property owners of the Districts have represented to the Board that they fully support, and request the Board's support for, this amendment to the Service Plan in order to ensure the continuation of services by the Districts; and

WHEREAS, the Board finds that the First Amendment should be approved without condition or modification, as permitted by Section 32-1-203(l), C.R.S., as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF OURAY, STATE OF COLORADO:

Section 1. The Board hereby determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, relating to the First Amendment for the Districts have been fulfilled and that notice of the hearing was given in the time and manner required by law and that the Board has jurisdiction in the matter.

Section 2. The Board further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard; and that evidence satisfactory to the Board of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area serviced or to be serviced by the Districts; .
- b. The existing service in the area served or to be served by the Districts are inadequate for present and projected needs;
- c. The Districts are capable of providing economical and sufficient service to the area within its existing boundaries;
- d. The area included or to be included in the Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area through the County, or other existing municipal or quasi-municipal corporation, including other existing title 32 districts, within a reasonable time and on a comparable basis;
- f. The facility and service standards of the Districts are compatible with the facility and service standards of Ouray County and each municipality which is an interested party under Section 32-1-204, C.R.S.;
- g. The First Amendment is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area;
- i. The approval of the First Amendment for the Districts is in the best interests of the area served or to be served; and
- j. The First Amendment, based upon the statements set forth in the First Amendment and upon all evidence presented at the public hearing on the First Amendment, meets all conditions and requirements of Title 32, Article 1, Part 2, C.R.S., as amended.

Section 3. The First Amendment to Consolidated Service Plan for Cornerstone Metropolitan District Nos. 1 & 2 is hereby approved. The Board's approval of the First Amendment is not a waiver or a limitation upon any power which the Board is legally permitted to exercise with respect to the property subject to the Districts.

Section 4. A certified copy of this Resolution shall be filed in the Ouray County Clerk and Recorder's office.

PASSED AND ADOPTED this 24th day of September, 2013, in Ouray County, Colorado.

Voting for: Commissioners Fedel, ~~Pedgett~~ ^{ABSENT} and Batchelder
Voting against: None

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



F. Mike Fedel

F. Mike Fedel, Chair

- ABSENT -

Lynn M. Padgett, Vice Chair

Don Batchelder

Don Batchelder, Commissioner

Michelle Nauer

Michelle Nauer, Clerk and Recorder

By: Linda Munson-Haley, Deputy Clerk of the Board