

RESOLUTION #R-146-2008

**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 INCLUSION OF 1.628 ACRES OF REAL PROPERTY INTO 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 (Centerra Metropolitan Districts Nos. 1-4 are referred to collectively as the "Districts" and individually as "District No. 1," "District No. 2," "District No. 3," and "District No. 4"); 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 Districts is considered a material modification of the Service Plan and requires approval of the City Council; and

WHEREAS, by Resolution #R-98-2008, the City Council approved a modification to the US 34/Crossroads Corridor Urban Renewal Plan (the "Urban Renewal Plan"), which added approximately 509 acres to the Urban Renewal Plan to provide maximum land use flexibility while not increasing the net developable acreage eligible to benefit from property tax increment revenues beyond that originally permitted by the Urban Renewal Plan ("Flex URA Modification Area"); and

WHEREAS, on September 2, 2008, by Resolution #R-104-2008, the City Council approved a material modification to the Service Plan permitting the inclusion of the real property comprising the Flex URA Modification Area into the boundaries of District No. 2 and District No. 4; and

WHEREAS, subsequent to the approval by the City Council of the inclusion of the real property comprising the Flex URA Modification Area, the District determined that the legal description of the Flex Modification Area representing the real property approved for inclusion into the boundaries of District No. 2 and District No. 4 inadvertently failed to include 1.628 acres of real property ("1.628 Acres") located within the Flex URA Modification Area; and

WHEREAS, the Districts desire to amend the Service Plan to permit the future inclusion of the 1.628 Acres, as such real property is more particularly described in Exhibit A attached hereto, into District No. 2 and District No.4 ; and

WHEREAS, the inclusion of the 1.628 Acres into the boundaries of District No. 2 and District No. 4 represents a material modification of the Service Plan and requires City Council approval; and

WHEREAS, the inclusion of real property contemplated herein must also be approved by the Boards of Directors of the including Districts and the Larimer County District Court, pursuant to Section 32-1-401, 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 November 22, 2008, 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 22, 2008, 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 and conducted a public hearing on the material modification of the Districts' Service Plan on December 16, 2008; 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:

Section 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.

Section 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 before 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.

Section 3. That the City Council hereby finds that the material modification to the Service Plan to add the 1.628 Acres to the boundaries of District No. 2 and District No. 4 is in the best interest of the City.

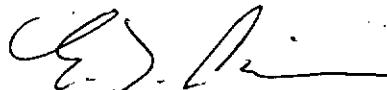
Section 4. That the City Council does hereby approve the material modification to the Service Plan permitting the inclusion of the 1.628 Acres into the boundaries of District No. 2 and District No. 4, following approval of said inclusion by the Boards of Directors of District No. 2 and District No. 4 and the Larimer County District Court, pursuant to Section 32-1-401, C.R.S.

Section 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.


Section 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.

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

Adopted this 16th day of December, 2008.



Eugene N. Pielin, Mayor


City Clerk

APPROVED AS TO FORM:

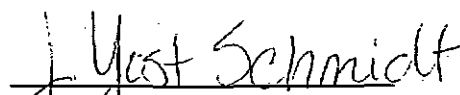
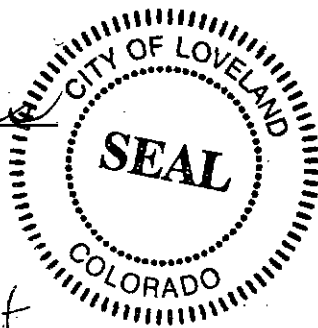

Deputy City Attorney

EXHIBIT "A"

**LEGAL DESCRIPTION OF AREA TO BE INCLUDED INTO CENTERRA
METROPOLITAN DISTRICTS NOS. 2 AND 4**



**NORTHERN
ENGINEERING**

ADDRESS:
200 S. College Ave. Suite 100
Fort Collins, CO 80524

PHONE: 970.221.4158

FAX: 970.221.4159

WEBSITE:

www.northernengineering.com

DESCRIPTION:

A tract of land located in the Northwest Quarter of Section 10, Township 5 North, Range 68 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northwest Quarter of said Section 10 as bearing North 00°21'14" East and with all bearings contained herein relative thereto:

Commencing at the North Quarter corner of said Section 10; thence, South 81°10'16" West, 225.65 feet to the **POINT OF BEGINNING**, said point being a point on the West right-of-way line of Interstate Highway No. 25; thence, along said West right-of-way line, South 00°04'38" East, 1383.69 feet to a point on the North line of Lot 1, Block 1, Twin Peaks First Subdivision; thence, along said North line, South 89°48'11" West, 10.00 feet; thence, continuing along said North line, North 89°35'49" West, 2.83 feet; thence, North 00°04'38" West, 1325.54 feet; thence along a curve concave to the Southwest having a central angle of 50°43'17", a radius of 50.00 feet, an arc length of 44.26 feet and the chord of which bears North 65°51'39" West, 42.83 feet; thence, South 88°46'42" West, 1290.29 feet to a point on the East line of Outlot B, Twin Peaks First Subdivision; thence along said East line, North 01°14'19" West, 40.30 feet to a point on the South right-of-way line of East 29th Street; thence along said South line, North 88°48'40" East, 1342.99 feet to the Point of Beginning.

The above described tract of land contains 1.628 acres more or less and is subject to all easements and rights-of-way now on record or existing.

November 5, 2008

L. Mayer

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