

RESOLUTION #R-104-2008

**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 AND EXCLUSION OF REAL PROPERTY FROM CENTERRA
METROPOLITAN DISTRICTS NOS. 2 AND 4 AND ACKNOWLEDGING CERTAIN
BOUNDARY ADJUSTMENTS AMONG CENTERRA METROPOLITAN DISTRICTS
NOS. 2, 3 AND 4**

WHEREAS, the City of Loveland (the "City") City Council (the "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-7-2004; 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 (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, the Urban Renewal Plan for the Loveland Urban Renewal Authority ("URA") describes the URA Project Area, which area is contained within the boundaries of District No. 2 and District No. 4; and

WHEREAS, by Resolution #R-98-2008, the City Council approved an amendment to the Urban Renewal Plan, which adds approximately 509 acres to the URA Project Area 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, the real property comprising the Flex URA Modification Area is more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference; and

WHEREAS, a portion of the Flex URA Modification Area, specifically referred to as Parcel 606, as more particularly depicted on the map attached hereto and incorporated herein as **Exhibit "B"**, currently is located within the boundaries of District No. 3; and

WHEREAS, the exclusion of Parcel 606 from the boundaries of District No. 3 and subsequent inclusion of Parcel 606 into the boundaries of District No. 2 will not add to or subtract from the total acreage of the Districts, and therefore is not considered a material modification of the Service Plan requiring prior Council approval pursuant to Section I.A.4. of the Service Plan; and

WHEREAS, the Districts desire to include those real properties within the Flex URA Modification Area into the boundaries of District No. 2 and District No. 4 and are therefore requesting the Council to approve such inclusion by adopting this Resolution; and

WHEREAS, the Greeley-Loveland Irrigation Company has petitioned, or will petition at some point in the future, the Districts for the exclusion of certain real property, known as Equalizer Lake, from the boundaries of District No. 2 and District No. 4; and

WHEREAS, the Districts desire to exclude Equalizer Lake from the boundaries of District No. 2 and District No. 4 and are therefore requesting the Council to approve such exclusion by adopting this Resolution; and

WHEREAS, the inclusions and exclusions of real property to and from the boundaries of the Districts, other than the exclusion of Parcel 606 from District No. 3 and subsequent inclusion of the same into District No. 2 and District No. 4, represent a material modification of the Service Plan and require City Council approval; and

WHEREAS, all inclusions and exclusions of real property contemplated herein must also be approved by the board of directors of the including and/or excluding District and by 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 this material modification to the Service Plan was duly published in the *Loveland Reporter-Herald* on July 29, 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 July 29, 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 Council opened a public hearing on the material modification of the Districts' Service Plan on August 19, 2008 but voted to continue the public hearing to the Council's next regular meeting on September 2, 2008; and

WHEREAS, pursuant to the provisions of Title 32, Article I, C.R.S., the Council conducted a public hearing on this material modification of the District's Service Plan on September 2, 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 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 Council was considered.

Section 2. That the 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 Council; and the requirements of Section 32-1-204.5, relating to the approval by the Council have been fulfilled in a timely manner.

Section 3. That the Council hereby finds that the material modification to the Service Plan is in the best interests of the property within the Flex URA Modification Area, the property comprising Equalizer Lake, the City, and the Districts.

Section 4. That the Council does hereby approve the material modification to the Service Plan permitting the inclusion of the Flex URA Modification Area, other than Parcel 606 which is addressed in Section 5 below, into the boundaries of District No. 2 and District No. 4 and the exclusion of Equalizer Lake from the boundaries of District No. 2 and District No. 4, following approval of said inclusion and exclusion by the Boards of Directors of District No. 2 and District No. 4 and the Larimer County District Court, pursuant to Section 32-1-501, C.R.S.


Section 5. That the Council does hereby acknowledge the non-material modification to the Service Plan, which modification shall exclude Parcel 606 from the boundaries of District No. 3 and include Parcel 606 into the boundaries of District No. 2 and District No. 4 following approval of the same by the Boards of Directors of District No. 2, District No. 3, and District No. 4 and the Larimer County District Court.

Section 6. 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 7. 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 8. That this Resolution shall take effect on the date and at the time of its adoption by the City Council.

Adopted this 2nd day of September, 2008.



Eugene N. Pielin, Mayor

Susan H. Andrews
City Clerk



APPROVED AS TO FORM:

Alan R. Kihl
City Attorney

EXHIBIT "A"

**FLEX URA MODIFICATION AREA TO BE INCLUDED INTO CENTERRA
METROPOLITAN DISTRICTS NOS. 2 AND 4**

LEGAL DESCRIPTION OF FLEX URA MODIFICATION AREA

A tract of land located in Section 4 and Section 5, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Northwest Quarter of said Section 4 as bearing North $89^{\circ}18'02''$ West and with all bearings contained herein relative thereto:

Commencing at the West Quarter corner of said Section 4; thence, South $59^{\circ}49'55''$ West, 58.47 feet to the **POINT OF BEGINNING**; thence, along the West right-of-way line of Boyd Lake Avenue, North $01^{\circ}03'43''$ East, 30.32 feet; thence, continuing along said West right-of-way line, North $01^{\circ}03'56''$ East, 1320.70 feet; thence, South $89^{\circ}18'01''$ East, 2,677.22 feet; thence, South $89^{\circ}17'53''$ East, 1096.70 feet to a point on the Northeasterly line of that tract of land described at Reception No. 20040014309 and the Southwesterly line of the Union Pacific Railroad; thence, along said line, South $49^{\circ}21'40''$ East, 1766.92 feet; thence, South $25^{\circ}21'00''$ West, 15.16 feet; thence, along a curve concave to the east having a central angle of $37^{\circ}55'36''$ with a radius of 221.00 feet, an arc length of 146.29 feet and the chord of which bears South $06^{\circ}19'55''$ West, 143.63 feet; thence, North $89^{\circ}17'52''$ West, 2,441.80 feet; thence, South $00^{\circ}42'03''$ West, 60.00 feet to a point being on the South right-of-way line of East 37th Street; thence, along said South right-of-way line, North $89^{\circ}18'02''$ West, 2675.04 feet to the Point of Beginning.

(Contains 6,015,356 square feet or 138.094 acres)

ALSO:

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

Considering the North line of the Northwest Quarter of said Section 10 as bearing North $89^{\circ}02'24''$ East and with all bearings contained herein relative thereto:

Commencing at the Northwest Corner of said Section 10; thence along said North line, North $89^{\circ}02'24''$ East, 1073.90 feet; thence, South $01^{\circ}00'33''$ East, 73.03 feet to the **POINT OF BEGINNING**; thence, North $88^{\circ}53'15''$ East, 1290.29 feet; thence along a curve concaved to the Southwest having a central angle of $50^{\circ}43'17''$ with a radius of 50.00 feet, an arc length of 44.26 feet and the chord of which bears South $65^{\circ}45'06''$ East, 42.83 feet; thence, South $00^{\circ}01'55''$ West, 1325.62 feet to a point on the North line of Parcel 2, Cloverleaf Kennel Club MLD# 98-S1326; thence along said North line, North $89^{\circ}22'05''$ West, 1305.48 feet; thence along the East line of said Parcel 2, North $01^{\circ}00'33''$ West, 1303.96 feet to the Point of Beginning.

(Contains 1,743,714 square feet or 40.030 acres)

ALSO:

A tract of land located in the Northeast Quarter of Section 16 and the Southeast Quarter of Section 9, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 16 as bearing South 89°24'51" East and with all bearings contained herein relative thereto:

BEGINNING at the Northeast Corner of said Section 16; thence along the East line of the Northeast Quarter of said Section 16, South 00°18'41" West, 2,541.52 feet to the North right-of-way line of Great Western Railroad; thence, along said North right-of-way line, North 89°33'50" West, 2,634.75 feet to the West line of said Northeast Quarter; thence along said West line, North 00°27'00" East, 1,227.75 feet to the North 1/16 corner of said Section 16; thence, continuing along said West line, North 00°27'25" East, 1,320.63 feet to a point being the North Quarter corner of said Section 16; thence, North 00°19'12" East, 105.23 feet to a point on the North right-of-way line of East Eisenhower Blvd. (US Highway No. 34); thence, along said North right-of-way line by the following six (6) courses and distances, North 88°10'48" East, 236.55 feet; thence, South 89°21'11" East, 910.55 feet; thence, South 89°21'35" East, 100.04 feet; thence, North 00°57'28" West, 9.19 feet; thence, South 89°21'55" East, 1219.64 feet; thence, North 87°22'04" East, 159.57 feet; thence, South 05°36'06" West, 18.19 feet; thence, South 01°53'21" East, 113.19 feet the Point of Beginning.

(Contains 7,009,196 square feet or 160.909 acres)

ALSO:

A tract of land located in the Northeast Quarter of Section 10 and in the West Half of Section 11, 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 South line of the Southwest Quarter of said Section 11 as bearing South 89°11'17" West and with all bearings contained herein relative thereto;

Commencing at the South Quarter corner of said Section 11; thence, along the East line of the Southwest Quarter of said Section 11, North 00°20'46" East, 875.72 feet to the **POINT OF BEGINNING**, said point also being a point on the Southwest line of the tract of land described at Reception No. 2004-0096015 on file at the Office of the Clerk and Recorder of said Larimer County; thence, along said Southwest line by the following five (5) courses and distance, North 68°06'08" West, 477.61 feet; thence along a non tangent curve concave to the northeast having a central angle of 28°44'01" with a radius of 3,769.83 feet, an arc length of 1,890.56 feet and the chord of which bears North 53°46'19" West, 1,870.81 feet; thence, North 39°25'53" West, 614.93 feet; thence, North 39°23'07" West, 385.34 feet; thence, North 39°24'51" West, 696.74 feet; thence, North 40°35'09" East, 235.77 feet; thence, along a curve concave to the west having a central angle of 40°14'17" with a radius of 1,075.00 feet, an arc length of 754.96 feet and the

chord of which bears North 20°28'00" East, 739.54 feet to a point on the West line of the Northwest Quarter of said Section 11; thence, along said West line, North 00°20'51" East, 555.72 feet; thence, North 72°19'56" East, 299.20 feet; thence along a non tangent curve concave to the southwest having a central angle of 85°10'47" with a radius of 859.61 feet, an arc length of 1,277.95 feet and the chord of which bears South 65°01'12" East, 1,163.47 feet; thence, South 22°34'33" East, 1,118.45 feet; thence along a non tangent curve concave to the northeast having a central angle of 49°39'49" with a radius of 1,384.76 feet, an arc length of 1,200.30 feet and the chord of which bears South 47°24'11" East, 1,163.07 feet to a point on the East line of the Northwest Quarter of said Section 11; thence, along said East line and the East line of the Southwest Quarter of said Section 11, South 00°20'47" West, 1802.01 feet to the Point of Beginning.

(Contains 6,637,192 square feet or 152.369 acres)

ALSO:

A tract of land located in the Southwest Quarter of Section 11, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 11 as bearing North 89°11'17" East and with all bearings contained herein relative thereto:

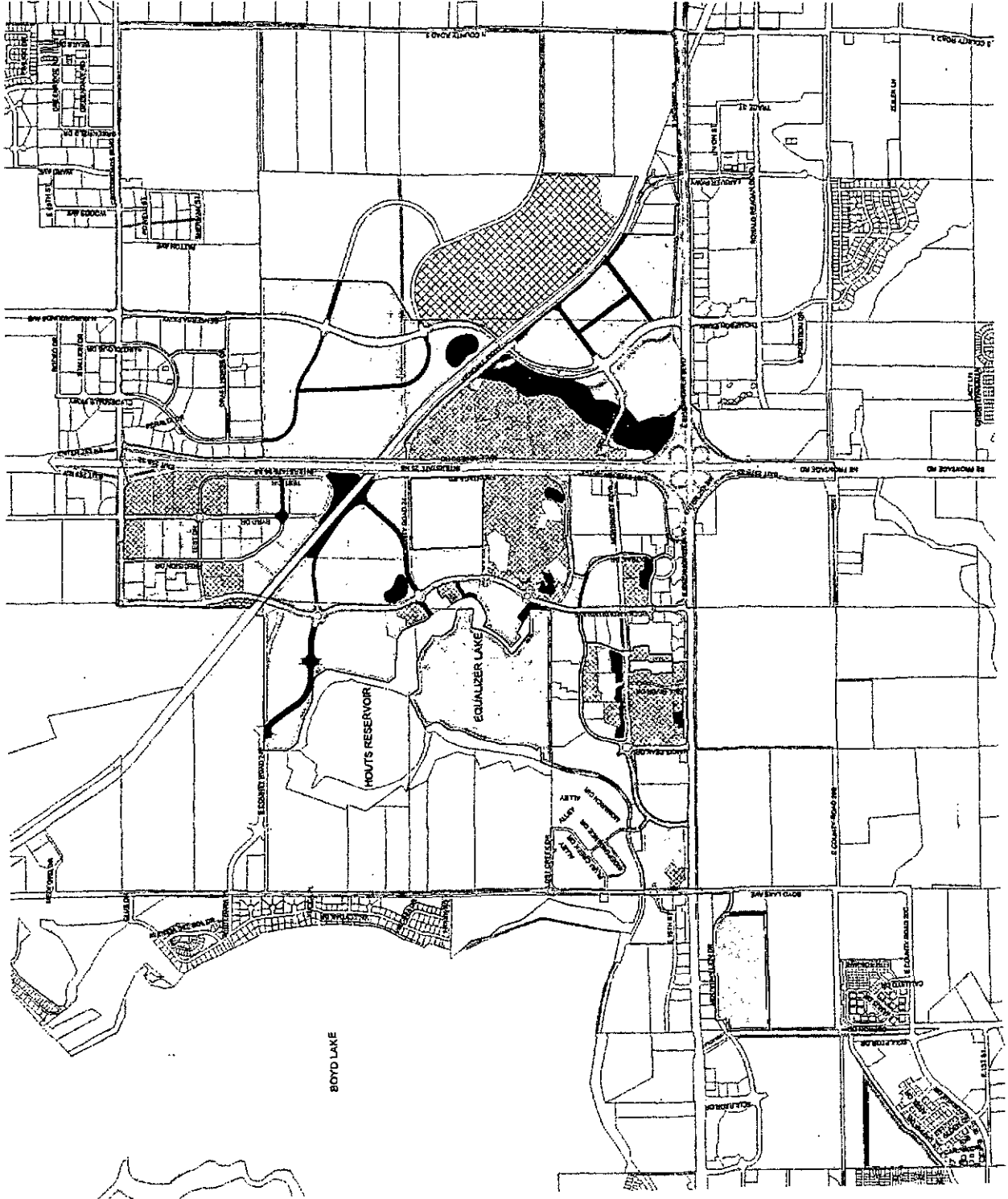
Commencing at the South Quarter corner of said Section 11; thence along the East line of said Southwest Quarter, North 00°20'30" East, 131.31 feet to a point on the North right-of-way line of East Eisenhower Blvd. (U.S. Highway No. 34), said point being the **POINT OF BEGINNING**; thence, along said North line, and along a curve concave to the north having a central angle of 00°11'45", a radius of 28,557.90 feet, an arc length of 97.61 feet and the chord of which bears South 89°03'54" West, 97.61 feet; thence, continuing along said North line, South 89°09'47" West, 386.50 feet to a point on the Northerly line of Millennium East First Subdivision; thence, along said North line by the following five courses and distances, North 00°20'28" East, 23.11 feet; thence, North 89°03'44" West, 23.49 feet; thence, North 00°50'13" West, 76.16 feet; thence, North 88°14'04" West, 528.37 feet; thence, North 00°20'30" East, 938.15 feet to a point on the Southerly right-of-way line of the Union Pacific Railroad; thence, along said Southerly line along a non-tangent curve concave to the northeast having a central angle of 08°44'52", a radius of 3,919.83 feet, an arc length of 598.47 feet and the chord of which bears South 63°46'12" East, 597.89 feet; thence, continuing along said Southerly line, South 68°08'38" East, 536.80 feet to a point on the East line of said Southwest Quarter; thence, along said East line, South 00°20'30" West, 582.75 feet to the Point of Beginning.

(Contains 776,597 square feet or 17.828 acres)

The above described tracts of land contain 22,182,055 square feet or 509.230 acres more or less and are subject to all easements and rights-of-way now on recorded or existing.

EXHIBIT "B"

CENTERRA PARCEL 606



LEGEND

- ▬ PARCEL BOUNDARY
- ▬ ORIGINAL URA BOUNDARY
- ▬ CHANGING AND OPEN SPACE
- ▬ DETENTION PONDS
- ▬ EQUALIZER LAKE
- ▬ EXISTING
- ▬ FUTURE
- ▬ SCHOOLS
- ▬ EXISTING DEVELOPED

PARCEL BOUNDARY
 ORIGINAL URA BOUNDARY
 CHANGING AND OPEN SPACE
 DETENTION PONDS
 EQUALIZER LAKE
 EXISTING
 FUTURE
 SCHOOLS
 EXISTING DEVELOPED

PLY URA
 Not Developable Areas
 In Unimproved URA
 To be Developed by Other Parties

TRACT	AREA (AC)	AREA (SQ FT)
TRACT 1	15.00	1,040,000
TRACT 2	15.00	1,040,000
TRACT 3	15.00	1,040,000
TRACT 4	15.00	1,040,000
TRACT 5	15.00	1,040,000
TRACT 6	15.00	1,040,000
TRACT 7	15.00	1,040,000
TRACT 8	15.00	1,040,000
TRACT 9	15.00	1,040,000
TRACT 10	15.00	1,040,000
TRACT 11	15.00	1,040,000
TRACT 12	15.00	1,040,000
TRACT 13	15.00	1,040,000
TRACT 14	15.00	1,040,000
TRACT 15	15.00	1,040,000
TRACT 16	15.00	1,040,000
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TRACT 28	15.00	1,040,000
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TRACT 31	15.00	1,040,000
TRACT 32	15.00	1,040,000
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TRACT 40	15.00	1,040,000
TRACT 41	15.00	1,040,000
TRACT 42	15.00	1,040,000
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TRACT 92	15.00	1,040,000
TRACT 93	15.00	1,040,000
TRACT 94	15.00	1,040,000
TRACT 95	15.00	1,040,000
TRACT 96	15.00	1,040,000
TRACT 97	15.00	1,040,000
TRACT 98	15.00	1,040,000
TRACT 99	15.00	1,040,000
TRACT 100	15.00	1,040,000

McWHINNEY
 www.mcwhinney.com
 970-667-6990

Date: July 6, 2008

Prepared By:
NE BOHNER
 (Not to Scale)
 Note: The information on this drawing is based on the information provided to the engineer by the client. The engineer is not responsible for the accuracy of the information provided to the client.