

RESOLUTION #R- 75-2005

**A RESOLUTION OF THE LOVELAND CITY COUNCIL
APPROVING THE EXCLUSION OF REAL PROPERTY FROM
CENTERRA METROPOLITAN DISTRICTS NOS. 2 AND 4**

WHEREAS, the City of Loveland's (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-7-2004; 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 requires approval of the City Council; and

WHEREAS, Thompson Ranch, LLLP has petitioned Centerra Metropolitan Districts Nos. 2 and 4 (the "Districts") for the exclusion of real property from the boundaries of the Districts, as such real property is more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference ("the Property"); and

WHEREAS, the Districts desire to exclude the Property from their boundaries and are therefore requesting the City Council to approve such exclusion by adopting this Resolution; and

WHEREAS, such exclusion of the Property from the boundaries of the Districts represents a material modification of the Service Plan and requires City Council approval; 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 Tuesday, August 30, 2005, as required by law; and

WHEREAS, notice of the public hearing before the City Council was also duly mailed by first class mail, on August 26, 2005, to interested persons, defined as follows: (1) the owners of record of all property within the proposed Districts as such owners of record are listed on the records of the Larimer County Assessor; (2) the division of local government; (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 proposed District's boundaries; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the City Council held a public hearing on the material modification of the Districts' Service Plan on September 20, 2005; and

WHEREAS, the City Council has considered the material modification to the Service Plan, and all other testimony and evidence presented at the hearing.

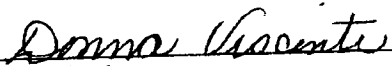
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

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.
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 by 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.
3. That the City Council hereby finds that this material modification to the Service Plan to exclude the Property from the Districts' boundaries is in the best interests of the Districts and the City.
4. That the City Council does hereby approve the material modification to the Service Plan for the exclusion of the Property from the Districts' boundaries.
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.
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.
7. That this Resolution shall take effect on the date and at the time that City Council's Ordinance No. 5012 becomes law.

Adopted this 20th day of September, 2005.

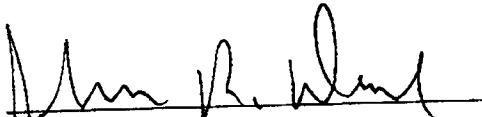


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney



EXHIBIT A

**LEGAL DESCRIPTION AND DEPICTION MAP OF
PROPERTY TO BE EXCLUDED FROM CENTERRA
METROPOLITAN DISTRICTS NOS. 2 AND 4**

**NE NORTHERN
ENGINEERING
SERVICES, INC.**

420 SOUTH HOWES, SUITE 202
PORT COLLINS, COLORADO 80521
970.221.4158
FAX: 970.221.4159

DESCRIPTION:

A tract of land being a portion of Lot 2, Thompson Ranch MLD No. 99-S1425, located in the Northwest Quarter of Section 14, 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 Northwest Quarter of said Section 14 as bearing South $89^{\circ}11'17''$ West and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 14; thence, South $00^{\circ}00'00''$ West, 50.00 feet to the POINT OF BEGINNING; thence, along the South right-of-way line of U.S. Highway No. 34 (E. Eisenhower Boulevard), North $89^{\circ}11'17''$ East, 2,158.63 feet; thence, departing said South line, South $00^{\circ}47'17''$ East, 40.90 feet; thence, South $89^{\circ}12'43''$ West, 2,159.18 feet; thence, North $00^{\circ}00'00''$ East, 40.01 feet to the POINT OF BEGINNING.

The above described tract of land contains 87,332 square feet or 2.005 acres more or less.

June 1, 2005

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