

**FIRST AMENDMENT  
TO  
SERVICE PLAN  
FOR  
CHATFIELD CORNERS METROPOLITAN DISTRICT  
(TOWN OF GYPSUM, COLORADO)**

**SUBMITTED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**PREPARED BY: McGeady Becher, P.C.  
450 East 17<sup>th</sup> Avenue, Suite 400  
Denver, CO 80203**

## I. PURPOSE AND INTENT

Chatfield Corners Metropolitan District (the “**District**”) was organized and operates pursuant to its Service Plan as approved by the Town of Gypsum, Colorado (the “**Town**”), on March 12, 2002 (the “**Service Plan**”) to provide park and recreation, street, safety protection, water, sanitation, and mosquito control facilities and services.

As set forth in the District’s letter to the Town Council, dated September 9, 2016, the District and the Chatfield Owners’ Association (“**Association**”) have determined that it is in the best interests of the residents of the District to provide management and enforcement of covenant enforcement and design review services that have historically be provided by the Association. The statutory authority of metropolitan districts to provide such services is set forth in Section 32-1-1004(8)(a), C.R.S.

Section III.A.7.c. of the Service Plan grants the District the power to “provide such additional services and exercise such powers as are expressly or impliedly granted by Colorado law.” However, the foregoing authority is limited by Section III(A)(8)(d) of the Service Plan which provides, in relevant part, “. . . the provision of any service not substantially described in this Service Plan without the prior written approval of the Town shall be a material modification of this Service Plan.”

This First Amendment to the Service Plan is submitted in accordance with the authority to amend the Service Plan as necessary as set forth in Section III.A.7.a. of the Service Plan and the applicable provisions of Section 31-1-207(a), C.R.S., regarding modification of the Service Plan by amendment as set forth herein.

## II. AMENDMENT

A. The Service Plan is hereby amended by the addition of a new Section III.A.7.e, as follows:

“e. Covenant Enforcement and Design Review. The District shall have the authority to provide covenant enforcement and design review services within the District in accordance with the provisions of Section 32-1-1004, C.R.S.”

**TOWN COUNCIL TOWN OF GYPSUM, STATE OF COLORADO**

**RESOLUTION NO. 2016- 33**

**A RESOLUTION OF THE TOWN OF GYPSUM, COLORADO,  
APPROVING AN AMENDMENT TO THE SERVICE PLAN  
FOR CHATFIELD CORNERS METROPOLITAN DISTRICT**

WHEREAS, pursuant to Section 32-1-207(a), C.R.S., the Board of Directors of the Chatfield Corners Metropolitan District (“District”) has petitioned the Town Council of the Town of Gypsum (“Council”) requesting approval of a First Amendment to Service Plan (“Service Plan Amendment”) to add covenant enforcement and design review services within the District; and

WHEREAS, pursuant to Section 32-1-1004(8)(a), C.R.S., the board of a metropolitan district has the power to furnish covenant enforcement and design review services for any area within the special district; and

WHEREAS, notice of the Town Council’s consideration of the request was duly published in the Eagle Valley Enterprise on November \_\_, 2016, and provided by postcard mailing to the landowners within the Districts; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., the Council held a public meeting on the District’s petition for approval of the Service Plan Amendment on December 13, 2016, at which time testimony, evidence and public comments were received; and

WHEREAS, the Council has considered the petition, and all testimony and evidence presented.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO:**

1. The consideration before the Council was extensive and complete; all pertinent facts, matters and issues were submitted; all interested parties were heard or had the opportunity to be heard; and as proposed in the Service Plan evidence satisfactory to the Council of each of the following was presented:

(a) There is sufficient existing and projected need for organized service in the area to be served by the District.

(b) Existing service in the area to be served by the District is inadequate for present and projected needs.

(c) The District is capable of providing economical and sufficient service to the area it intend to serve.

(d) The area within the District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis.

2. That the Town Council of the Town of Gypsum, Colorado, does hereby determine that the requirements of Sections 32-1-207(2), 32-1-202(2) and 32-1-203(2), C.R.S., relating to the proposed amendment to the Chatfield Corners Metropolitan District Service Plan, and the requirements of Section 32-1-204.5, C.R.S., relating to the consideration by the Council, have been fulfilled in a timely manner, and also determines that the requirements of Section 32-1-107(3)(b)(III), C.R.S. are met.

3. That the Town Council of the Town of Gypsum, Colorado, does hereby approve the Petition to modify the Service Plan as presented to Council on December 13, 2016. The Service Plan for the Chatfield Corners Metropolitan District is amended by the addition of the following subsection e. to Section III.A.7:

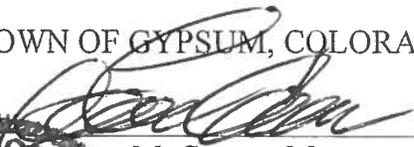
e. Covenant Enforcement and Design Review. The District shall have the authority to provide covenant enforcement and design review services within the District in accordance with the provisions of Section 32-1-1004, C.R.S.”

4. A certified copy of this Resolution shall be filed in the records of the Town and submitted to the petitioners for the purpose of filing in the District Court of Eagle County.

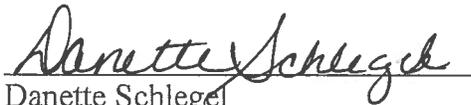
5. That all resolutions or parts thereof in conflict with the provisions hereof shall be and the same are hereby repealed.

INTRODUCED, READ AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 13<sup>th</sup> DAY OF DECEMBER, 2016, BY A VOTE OF 7 IN FAVOR, 0 AGAINST.

TOWN OF GYPSUM, COLORADO

  
Stephen M. Carver, Mayor

ATTEST:

  
Danette Schlegel  
Town Clerk

