



ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: January 14, 2020

To: Board of County Commissioners

Through: Robert Hill, Senior Assistant Attorney

From: Bill Skinner, Senior Planner, PWD

Subject: Approval of a Correction Resolution for SD19-001 Prosper Metropolitan District Service Plan Amendment.

Request and Recommendation

Staff requests and recommends approval of a resolution to correct Resolution No. 190526, which approved case no. SD19-001 Prosper Metropolitan District Service Plan Amendment. The applicant volunteered to handle the required notice for the application's public hearing. The notice included reference to some but not all of the districts the staff included in Resolution No. 190526. Action was taken only on the noticed districts.

Background

On October 29, 2020 the Arapahoe Board of County Commissioners heard and voted to approve SD19-001 Prosper Metropolitan District Service Plan Amendments for certain existing Prosper Metropolitan Districts and to approve the new service plans to be created as Prosper Metropolitan Districts Nos. 6, 7, 8, 9, and 10. The public hearing notice on the request, relative to the proposed amendments to service plans, included reference to some but not all of the districts the staff included in the draft of Resolution No. 190526. The resolution draft was written to include amendments of the service plans for all the existing Prosper Metropolitan Districts, as was identified in the applicant's letter of intent. However, the applicant did not propose amendments to all the existing districts at the public hearing and, instead, only for the existing Prosper Metropolitan Districts Nos. 1, 2, 3, and 4. Accordingly, Resolution No. 190526 needs to be corrected to accurately reflect approval of amendments to the service plans only for the specific districts referenced in the published notice materials and that were considered at public hearing.

Links to Align Arapahoe

Service First: Having the resolution corrected allows the record to reflect the districts that were properly noticed. This correction resolution will amend the Board's approval action to align with the notice provided, and conform the record to State regulations pertaining to the review and approval of Metro District Service Plans.

Discussion

Resolution No. 190526 identified approval of amended service plans for the following existing Prosper Metropolitan Districts: the Prosper Coordinating Metropolitan District, the Prosper Regional Water & Sanitation Service Metropolitan District, the Prosper Water and Sanitation Financing Metropolitan District, the Prosper Park & Recreation Financing Metropolitan District, and the Prosper Metropolitan Districts Nos. 1, 2, 3, and 4. However the proposal for amendment of the service plans for the existing metropolitan districts was limited to amendment of the service plans for the Prosper Metropolitan Districts Nos. 1, 2, 3, and 4, and did not include amended service plans for the Prosper Coordinating Metropolitan District, the Prosper Regional Water & Sanitation Service Metropolitan District, the Prosper Water and Sanitation Financing Metropolitan District, or the Prosper Park & Recreation Financing Metropolitan District. Resolution No. 190526 needs to be corrected to reflect that the Resolution approves amendments only to the service plans for the Prosper Metropolitan Districts Nos. 1, 2, 3, and 4, and to rescind the approval of amendments to service plans for the Prosper Coordinating Metropolitan District, the Prosper Regional Water & Sanitation Service Metropolitan District, the Prosper Water and Sanitation Financing Metropolitan District, and the Prosper Park & Recreation Financing Metropolitan District.

Resolution No. 190526 also approved the service plans and the creation of the new Prosper Metropolitan Districts Nos. 5, 6, 7, 8, 9, and 10. This requested correction resolution will not affect the approval of those service plans.

Alternatives

The Board of County Commissioners has several options for this correction resolution:

APPROVE THE CORRECTION

As noted above, this corrects a discrepancy between information included in the original resolution and the published notice. Staff recommends this option.

DENY THE CORRECTION

This would leave the resolution containing information that does not align with the published public notice in place.

CONTINUE THIS ITEM

If the Board would like additional information, this item could be continued to a future agenda and discussed.

Fiscal Impact

None.

Concurrence

The Board of County Commissioners previously approved the plat referenced in the correction resolution.

Reviewed By:

Bill Skinner, Senior Planner

BoCC Consent Agenda Item, January 28, 2020

Jan Yeckes, Planning Division Manager
Bryan Weimer, Director of Public Works and Development
Todd Weaver, Finance Department
Robert Hill, Senior Assistant County Attorney

RESOLUTION NO. It was moved by Commissioner ____ and duly seconded by Commissioner ____ to adopt the following Resolution to correct Resolution No. 190526:

WHEREAS, on November 18, 2019, the Board of County Commissioners approved Resolution No. 190526 which approved amended service plans for certain existing Prosper Metropolitan Districts and approved service plans for certain to-be created Prosper Metropolitan Districts; and

WHEREAS, Resolution No. 190526 identified approval of amended service plans for the following existing Prosper Metropolitan Districts: the Prosper Coordinating Metropolitan District, the Prosper Regional Water & Sanitation Service Metropolitan District, the Prosper Water and Sanitation Financing Metropolitan District, the Prosper Park & Recreation Financing Metropolitan District, and the Prosper Metropolitan Districts Nos. 1, 2, 3, and 4; and

WHEREAS, the proposal for amendment of the service plans for the existing metropolitan districts was limited to amendment of the service plans for the Prosper Metropolitan Districts Nos. 1, 2, 3, and 4, and did not include amended service plans for the Prosper Coordinating Metropolitan District, the Prosper Regional Water & Sanitation Service Metropolitan District, the Prosper Water and Sanitation Financing Metropolitan District, or the Prosper Park & Recreation Financing Metropolitan District; and

WHEREAS, Resolution No. 190526 needs to be corrected to reflect that the Resolution approves amendments only to the service plans for the Prosper Metropolitan Districts Nos. 1, 2, 3, and 4, as well as approving the service plans for the to-be created Prosper Metropolitan Districts Nos. 5, 6, 7, 8, 9, and 10; and

WHEREAS, it is anticipated that at some later time, amendments will be proposed for the Prosper Coordinating Metropolitan District, the Prosper Regional Water & Sanitation Service Metropolitan District, the Prosper Water and Sanitation Financing Metropolitan District, and the Prosper Park & Recreation Financing Metropolitan District, but no such amendments were approved through Resolution No. 190526.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Arapahoe, Colorado, as follows:

1. That Resolution No. 190526 is hereby corrected to remove the reference to approval of amendments to the service plans for the Prosper Coordinating Metropolitan District, the Prosper Regional Water & Sanitation Service Metropolitan District, the Prosper Water and Sanitation Financing Metropolitan District, and the Prosper Park & Recreation Financing Metropolitan District.
2. That the approvals in Resolution No. 190526 are limited to approval of the amended service plans for Prosper Metropolitan Districts Nos. 1, 2, 3, and 4, and the approval of the service plans for the to-be created Prosper Metropolitan Districts Nos. 5, 6, 7, 8, 9, and 10.

3. That the Condition of Approval specified in Section 3(b) of Resolution No. 190526 is hereby amended to read as follows:

Amended Condition 3(b): The applicant will make continuing changes or modifications to the ten (10) Service Plans to address conditions of approval recommended by the Planning Commission or BOCC, if any.

4. That all other statements, findings, conclusions, conditions, and approvals, except to the extent specifically corrected by this Correction Resolution, are hereby confirmed and ratified, and shall remain in effect as originally adopted in Resolution No. 190526.
5. That this Correction Resolution be filed in the records of Arapahoe County and that a certified copy be provided to Petitioner.

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___.

Chair declared the motion carried and so ordered.