

TOWN COUNCIL TOWN OF GYPSUM, STATE OF COLORADO

RESOLUTION NO. 2009-35

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

WHEREAS, pursuant to Sections 32-1-204.5 and 32-1-205, C.R.S., the Board of Directors of the Valagua Metropolitan District ("District") has petitioned the Town Council of the Town of Gypsum ("Council") requesting approval of a material modification to the District's Service Plan ("Service Plan") to add Security Services; and

WHEREAS, pursuant to Section 32-1-1004, C.R.S., the board of a metropolitan district has the power to furnish security services for any area within the special district; and

WHEREAS, notice of the hearing before the Council was duly published in the Eagle Valley Enterprise on July 2, 2009, 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 hearing on the District's petition for approval of a material modification to the Service Plan on July 28, 2009; and

WHEREAS, the Council has considered the petition, and all testimony and evidence presented at the hearing;

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

1. The hearing 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 Valagua Metropolitan District Service Plan, and the requirements of Section 32-1-204.5, C.R.S., relating to the hearing 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 July 14, 2009. The Service Plan for the Valagua Metropolitan District is amended by the addition of the following subsection j. to Section II.C.1:

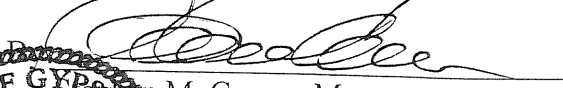
j. Security Services. The District shall have the authority to furnish security services for any area within the District. Such power may be exercised only after the District has provided written notification to, consulted with, and obtained the written consent of all local law enforcement agencies having jurisdiction within the area and any applicable master association or similar body having authority in its charter or declaration to furnish security services in the area.

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.

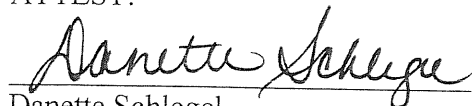
5. That all resolutions or parts thereof in conflict with the provisions hereof shall be and the same are hereby repealed.

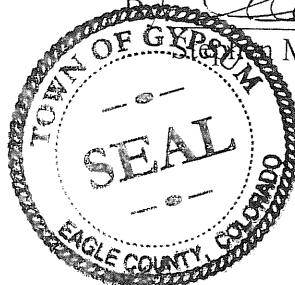
INTRODUCED, READ AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 28 DAY OF July, 2009 BY A VOTE OF 7 IN FAVOR, 0 AGAINST.

TOWN OF GYPSUM, COLORADO


Stephen M. Carver, Mayor

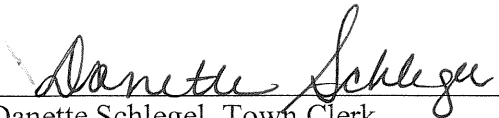
ATTEST:


Danette Schlegel
Town Clerk



I hereby certify that this is a true and exact copy of Resolution 2009-35 approved by the Gypsum Town Council on July 28, 2009.

Attest:


Danette Schlegel, Town Clerk

