



**BACKGROUND PAPER FOR PROPOSED  
RESOLUTION**

**COUNCIL MEETING DATE:** March 28, 2022

**TO:** President Heather Graham and Members of City Council

**CC:** Nicholas A. Gradisar, Mayor

**VIA:** Marisa Stoller, City Clerk

**FROM:** Scott Hobson, Acting Director of Planning and Community Development

**SUBJECT:** A RESOLUTION APPROVING THE SERVICE PLAN FOR WILDHORSE METROPOLITAN DISTRICT NOS. 1-5

**SUMMARY:**

The property owner, Wild Horse Land and Holdings, LLC, who is the proponent for the creation of the Wildhorse Metropolitan Districts Nos.1-5 established under Title 32 of the Colorado Revised Statutes have submitted a Service Plan to the City for the proposed districts. The areas where the districts would be established totals approximately 179 acres. The properties were annexed into the City of Pueblo on January 24, 2022, by Ordinance Nos. 10103 and 10104. A master plan for the property was approved as the Wildhorse Overall Development Plan by the City's Planning and Zoning Commission on March 9, 2022. In accordance with the requirements of Title 32, Section 32-1-204.5, C.R.S., the City Council is required to approve the Service Plan of the districts prior to proceeding with the remaining steps to form the district under state statutes.

**PREVIOUS COUNCIL ACTION:**

None.

**BACKGROUND:**

City Council's approval of the Service Plan for the Wildhorse Metropolitan Districts Nos. 1-5 ("Service Plan") is the initial step in creating a metropolitan district under Title 32 of the Colorado Revised Statutes. The proposed metropolitan districts are contained within the area that is located generally of the intersection of Colorado SH45 (Pueblo Boulevard) and US Highway 50W in the City and County of Pueblo. The Service Plan encompasses the areas of the five metropolitan districts that coincides with the boundary of the Wildhorse Annexation Nos 1 and 2. The Service Plan contains the finance, construction, operation and maintenance of the facilities and improvements described within the service area.

The metropolitan districts are proposed to be formed as separate distinct legal entities from the City with their own elected board of directors under the Colorado Special District Act. The Districts will have the authority, subject to voter approval, to impose mill levies on properties in the Districts for the specific purposes, including the operation of the district's authorized services and debt payments, as described in the Service Plan. The proposed metropolitan districts may not deviate in a material manner from the requirements of the Service Plan.

The Service Plan consists of a description of the proposed services, financial analyses and general engineering plans showing how proposed facilities and services will be provided and financed. The plan provides a general description of the facilities to be constructed, general estimated costs, and the standards of such construction, including a statement of how the facility and service standards of the Districts are compliant with facility and service standards of the City. The approval of the Service Plan by City Council does not imply any approval by the City of any development or improvement plan that is utilized or described in the Service Plan.

Wildhorse Metropolitan Districts Nos. 1-5 will be organized to finance, construct, own, manage and operate the public improvements throughout the development areas. The Coordinating District may provide administrative services for and on behalf of the Financing Districts. The Coordinating District may own, operate and maintain the public facilities and improvements within the Development that are not otherwise dedicated or conveyed to the City, the County, or other public entity or owners' association. The Financing Districts (District No. 2, District No. 3, District No. 4, and District No. 5) will be responsible for financing its respective share of the improvements and associated operations and maintenance costs, as described in the respective plan for each Financing District.

The area proposed to be included within the boundaries of District No. 1, the Coordinating District, will initially contain approximately 18.66 acres. The area proposed to be included within the boundaries of District No. 2, a Financing District, will initially contain approximately 26.93 acres. The area proposed to be included within the boundaries of District No. 3, a Financing District, will initially contain approximately 53.86 acres. The area proposed to be included within the boundaries of District No. 4, a Financing District, will initially contain approximately 13.62 acres. The area proposed to be included within the boundaries of District No. 5, a Financing District, will initially contain approximately 66.26 acres. The Service Plan allows for the boundaries of Districts to be adjusted from time to time in accordance with the provisions of the Service Plan.

The Service Plan provides for the design, acquisition, construction, installation and financing of certain water, sanitation, street, safety protection, park and recreation, transportation, mosquito control, security, and fire protection improvements and services within and without the Coordinating District's boundaries. The City is not obligated to own, operate, or maintain any of the improvements provided by the district. Although any of the improvements that will ultimately be accepted by the City will be required to be designed and constructed in compliance with City Standards and provisions of the Municipal Code. Those improvements not dedicated to City for

ownership, operation, and maintenance may be owned, operated, and maintained by the district or other appropriate entities.

To finance both the on-site and off-site improvements, the Financial Plan provides for a maximum mill levy the Districts may impose for the payment of principal of and interest on Debt at fifty (50) mills.

**FINANCIAL IMPLICATIONS:**

The approval of the Service Plan does not impose any liability on the City nor create any responsibility or liability on the part of the City for any of the District's obligations.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable.

**STAKEHOLDER PROCESS:**

The notice of the filing of the Service Plan with the City Clerk has been distributed to all existing taxing districts within the service area of the proposed district. The notice of the hearing on the proposed Service Plan has been provided to the taxing districts.

**ALTERNATIVES:**

If the Service Plan is not approved or not approved in the timeframe to meet the State Statutory requirements for the proponents to conduct an election to form the district, the proponents will not be able to hold another election, per state statutes until November 2022.

**RECOMMENDATION:**

Approval of the Resolution.

**Attachments:**

Services Plan - Wildhorse Metropolitan District, Nos. 1-5

Service Plan Review Application

Legal Notice for Public Hearing on Service Plan

RESOLUTION NO. 14833

A RESOLUTION APPROVING THE SERVICE PLAN FOR  
WILDHORSE METROPOLITAN DISTRICT NOS. 1-5

WHEREAS, the Wildhorse Metropolitan District Nos. 1-5 was filed with the City Clerk (the "City Clerk") of the City of Pueblo, a municipal corporation (the "City"), pursuant to Sections 32-1-204.5, C.R.S.; and

WHEREAS, the City Council of the City (the "Council") held a public hearing on said Service Plan on March 28, 2022; and

WHEREAS, notice of said public hearing was duly published in the "Pueblo Chieftain," a newspaper of general circulation within the boundaries of the District, on March 6, 2022 and March 12, 2022; and

WHEREAS, the Council has considered the Service Plan in reference to the information and criteria required and set forth in Section 32-1-202(2) and Section 32-1-203(2), C.R.S., and in light of testimony and other evidence presented to it at said public hearing; and

WHEREAS, the Council hereby finds that the Service Plan should be approved as provided herein, pursuant to Section 32-1204.5, C.R.S; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The information contained within the Service Plan for the Wildhorse Metropolitan District Nos. 1-5 satisfies the requirements of Section 32-1-202(2), C.R.S.

SECTION 2.

Evidence satisfactory to the Council of each of the following was presented, as provided in Section 32-1-203(2), C.R.S.:

- a. There is sufficient existing and projected need for organized service in the area to be served by the proposed Districts; and
- b. The existing services in the areas to be served by the proposed Districts are inadequate for present and projected needs; and
- c. The Districts are capable of providing economical and sufficient services to the areas within its proposed boundaries; and
- d. The areas to be included in the Districts does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

SECTION 3.

The requirements of Section 32-1-204.5, C.R.S., and of the applicable provisions of the Pueblo Municipal Code, if any, relating to the contents and standards for approval of the Service Plan, have been fulfilled.

SECTION 4.

The Council hereby approves and authorizes the attachment of this Resolution to the Petition for organization of the Districts in accordance with Section 32-1-205, C.R.S. and Section 32-1-301, C.R.S.

SECTION 5.

The officers and staff of the City are authorized to perform any and all acts consistent with the intent of the Resolution to implement the policies and procedures described herein.

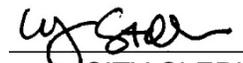
SECTION 6.

This Resolution shall become effective immediately upon final passage and approval.

INTRODUCED March 28, 2022

BY: Larry Atencio  
MEMBER OF CITY COUNCIL

APPROVED:   
PRESIDENT OF CITY COUNCIL

ATTESTED BY:   
CITY CLERK