

EXHIBIT B

(RESOLUTION OF APPROVAL)

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CASE NUMBER: 2009CV874
Review Clerk: Melissa D Woolever

RESOLUTION #R-81-2009

A RESOLUTION OF THE LOVELAND CITY COUNCIL APPROVING THE SERVICE PLAN FOR LAKEVIEW METROPOLITAN DISTRICT

WHEREAS, pursuant to C.R.S. Section 32-1-204.5, as amended, the Service Plan for Lakeview Metropolitan District (the "District") has been submitted to the City Council (the "City Council") of the City of Loveland, Colorado (the "City"); and

WHEREAS, a copy of said Service Plan is attached hereto as **Exhibit "A"** and incorporated herein by reference (the "Service Plan"); and

WHEREAS, the boundaries of the proposed District are wholly contained within the boundaries of the City; and

WHEREAS, notice of the hearing before the City Council for its consideration of the Service Plan was duly published in the *Loveland Reporter-Herald* on June 30, 2009, as required by law, as evidenced by the "Affidavit of Publication" attached hereto as **Exhibit "B"** and incorporated herein by reference; and

WHEREAS, notice of the hearing before the City Council was also duly mailed by first class mail on June 30, 2009 to interested persons, defined as follows: (1) the Colorado Division of Local Government; and (2) 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 miles of the proposed District's boundaries, as evidenced by the Certificate of Mailing attached hereto as **Exhibit "C"** and incorporated herein by reference; and

WHEREAS, the City Council considered the Service Plan, and all other testimony and evidence presented at the hearing on July 21, 2009, which hearing the Council voted to continue to August 18, 2009, to receive additional testimony and evidence; and

WHEREAS, the public hearing was concluded on August 18, 2009.

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

Section 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.

Section 2. That evidence satisfactory to the City Council for finding each of the following was presented at the hearing:

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

(b) the existing service in the area to be served by the proposed District is inadequate for present and projected needs;

(c) the proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries;

(d) the area to be included within the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;

(e) adequate service is not or will not be available to the area through the City or other existing municipal or quasi-municipal corporations within a reasonable time and on a comparable basis;

(f) the facility and service standards of the proposed District are compatible with the facility and service standards of the City;

(g) the proposal is in substantial compliance with any Master Plan adopted by the City pursuant to C.R.S. Section 31-23-206, as amended;

(h) the proposal is in substantial compliance with any duly adopted City, County, regional and State long-range water quality management plans for the area; and

(i) the creation of the proposed District will be in the best interests of the area proposed to be served.

Section 3. That the City Council hereby determines that the requirements of C.R.S. Sections 32-1-202 (1), (2) and (3), relating to the filing of the Service Plan for the District, and the requirements of C.R.S. Section 32-1-204 (1) and (1.5), relating to notice of the hearing by the City Council, and the requirements of C.R.S. Section 32-1-204.5, relating to the approval by the City Council, have been fulfilled in a timely manner.

Section 4. That the City Council does hereby approve the Service Plan for the District as submitted.

Section 5. That a certified copy of this Resolution shall be filed in the records of the City and the Larimer County Clerk and Recorder, and submitted to the petitioners under the Service Plan for the purpose of filing in the District Court of Larimer County.

Section 6. That the City Council's findings in this Resolution and its approval of the Service Plan are conditioned upon the proponents of the Service Plan having reimbursed the City for all the charges and fees it has incurred with its bond counsel and public finance consultant relating to their review of the Service Plan and creation of the District.

Section 7. That the City Council's approval of the Service Plan shall be further conditioned upon the owner of the real property located within the boundaries of the District as defined and provided for in the Service Plan (the "Owner") providing to the Loveland City Attorney a mill levy disclosure statement for the District signed by the Owner in a form acceptable to the City Attorney, which statement shall be recorded with the Larimer County Clerk and Recorder, and further conditioned upon an agreement between the City and the Owner, in a form acceptable to the City Manager and City Attorney, requiring the Owner to provide the mill levy disclosure statement to all prospective purchasers of lots in the District prior to any

purchaser entering into the contract to purchase a lot from the Owner, or its successors and assigns.

Section 8. That nothing herein limits the City's powers with respect to the District, the property within the District, or the improvements to be constructed by the District.

Section 9. The City's findings are based solely on the evidence in the Service Plan and such other evidence presented at the public hearing, and the City has not conducted any independent investigation of the evidence. The City makes no guaranty as to the financial viability of the District or the achievability of the results as set forth in the Service Plan.

Section 10. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 18th day of August, 2009.



Mayor

Attest:


City Clerk

APPROVED AS TO FORM:

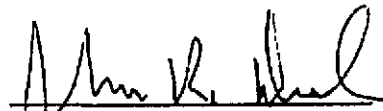

City Attorney

EXHIBIT A TO RESOLUTION

Service Plan for Lakeview Metropolitan District

Please see Exhibit A to Petition for Organization

EXHIBIT B TO RESOLUTION

Affidavit of Publication

AFFIDAVIT OF PUBLICATION REPORTER-HERALD

State of Colorado
County of Larimer

I, the undersigned agent, do solemnly swear that the DAILY REPORTER-HERALD is a daily newspaper published in the City of Loveland, County of Larimer, State of Colorado, and which has general circulation therein and in parts of Larimer and Weld Counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

That the annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated

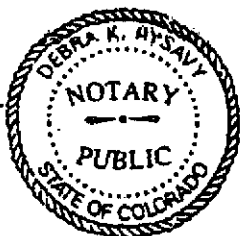
JUNE 30, 2009

Mary DeLuna

Agent

Subscribed and sworn to before me this 30th day of
JUNE, 2009

Debra K. Aysaly
Notary Public



FEE \$ 40.92

MY COMMISSION EXPIRES
APRIL 30, 2013
201 E. 5TH ST.
LOVELAND,
COLORADO 80537

NOTICE OF
PUBLIC HEARING
NOTICE is hereby given pursuant to Section 32-1-204(1), C.R.S. that on Tuesday, July 21, 2009, at 6:30 p.m., or as soon as possible thereafter, a public hearing will be conducted. The hearing will be conducted in the City Council Chambers, 500 East Third Street, in Loveland, Colorado, or, at such other time and place as these hearings may be continued. A public hearing will be heard upon the application on file with the Loveland City Council, by the Petitioners for the proposed Lakeview Metropolitan District, for a formation of a metropolitan district. The affected property is generally located on the western edge of Boyd Lake, between the Boyd Lake Shores and Boyd Lake North Subdivisions in Loveland, Larimer County, Colorado.
NOTICE IS FURTHER GIVEN that pursuant to Sections 32-1-203 (3.5) and 32-1-204 (1.5), C.R.S., the owner of real property within the proposed District may file a request with the Loveland City Council, requesting that such real property be excluded from the proposed District. Such request may be filed anytime after the Service Plan is filed with the Loveland City Council, but no later than ten (10) days before the day fixed for the hearing on said Service Plan.
Reason:
Formation of a Title 32 Special District
Project Name:
Lakeview Metropolitan District
Date of Application:
May 12, 2009
Type of District:
Metropolitan
Publish:
Loveland Daily Reporter-Herald
June 30, 2009

EXHIBIT C TO RESOLUTION

Certificate of Service

CERTIFICATE OF MAILING

I hereby certify that on this 30th day of June, 2009, a true and correct copy of the foregoing Notice of Public Hearing on the proposed Service Plan for Lakeview Metropolitan District was sent via regular mail to the person(s) and/or entities named on Exhibit A attached hereto.

McGEADY SISNEROS, P.C.

By: Guineo S. Henry
Paralegal

Exhibit A

MAILING LIST

David Summers
Lakeview Development Corporation
5221 DTC Parkway, Suite 1185
Englewood, CO 80111

Loveland City Council
500 East Third Street
Suite 330
Loveland, CO 80537

All interested parties/3-mile radius parties

Division of Local Government
1313 Sherman St., Suite 521
Denver, CO 80203

Poudre R-1 School District 2407 La Porte Avenue Fort Collins, CO 80521	Larimer County PO Box 1190 Fort Collins, CO 80522-1190	Poudre Valley Fire Protection District 102 Remington Street Fort Collins, CO 80524
Health Services District of Northern Larimer Co. 120 Bristlecone Drive Fort Collins, CO 80524	Larimer County Pest Control PO Box 1190 c/o Larimer County Fort Collins, CO 80521	Fort Collins-Loveland Water District 5150 Snead Dr. Fort Collins, CO 80525-3764
Fort Collins Regional Library District 201 Peterson St. Fort Collins, CO 80524	Northern Colorado Water Conservancy District 220 Water Ave. Berthoud, CO 80513-9245	West Fort Collins Water District PO Box 426 LaPorte, CO 80535
South Fort Collins Sanitation District 5150 Snead Dr. Fort Collins, CO 80525	Larimer County P.I.D. No. 26 PO Box 1190 c/o Larimer County Engineering Dept. Fort Collins, CO 80522-1190	Loveland Rural Fire Protection District 1423 West 29 th Street c/o Gregory White Loveland, CO 80538

<p>Thompson Valley Health Services District 380 N. Wilson Ave. c/o Thompson Valley Health Services District Loveland, CO 80537</p>	<p>Windsor-Severance Fire Protection District 100 7th Street Windsor, CO 80550</p>	<p>Larimer County P.I.D. No. 34 PO Box 1190 c/o Larimer County Engineering Dept. Fort Collins, CO 80522-1190</p>
<p>City of Loveland 500 East Third St. Loveland, CO 80537</p>	<p>Town of Windsor 301 Walnut Street Windsor, CO 80550</p>	<p>Windsor Highlands Metropolitan District No. 1 999 18th Street, Suite 3150 c/o Corbetta & O'Leary, P.C. Denver, CO 80202</p>
<p>Windsor Highlands Metropolitan District No. 3 999 18th Street, Suite 3150 c/o Corbetta & O'Leary, P.C. Denver, CO 80202</p>	<p>Little Thompson Water District 835 E. Highway 56 Berthoud, CO 80513</p>	<p>Thompson R2-J School District 2890 North Monroe Ave. Loveland, CO 80538</p>
<p>Larimer County P.I.D. No. 27 PO Box 1190 c/o Larimer County Engineering Dept. Fort Collins, CO 80522-1190</p>	<p>US 34/Crossroads Corridor Renewal Plan c/o Greg George Community Services Dept. Director City of Loveland 500 E. Third St., Ste. 210 Loveland, CO 80537</p>	<p>Van De Water Metropolitan District No. 2 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>
<p>Van De Water Metropolitan District No. 3 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	<p>Centerra Metropolitan District No. 2 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	<p>Centerra Metropolitan District No. 4 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>
<p>Centerra Metropolitan District No. 1 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	<p>Waterfront Metropolitan District 1805 Shea Center Drive, Ste. 100 c/o White & Associates, P.C. Highlands Ranch, CO 80129-2252</p>	<p>Loveland Midtown Metropolitan District c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>

<p>Centerra Metropolitan District No. 2 Bond c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	<p>The Lakes at Centerra Metropolitan District No. 1 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	<p>The Lakes at Centerra Metropolitan District No. 2 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>
<p>The Lakes at Centerra Metropolitan District No. 3 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	<p>Waterfall Metropolitan District No. 1 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	<p>Waterfall Metropolitan District No. 2 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>
<p>Centerra Metropolitan District No. 3 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	<p>Windsor Highlands Metropolitan District No. 4 999 18th St., Ste 3150 c/o Corbetta & O'Leary, P.C. Denver, CO 80202</p>	<p>Town of Johnstown PO Box 609 Johnstown, CO 80534</p>
<p>Thompson Crossing Metropolitan District No. 2 5110 Granite St., Suite G c/o Pinnacle Consulting Group, Inc. Loveland, CO 80538</p>	<p>Centerra Metropolitan District No. 5 c/o Icenogle, Norton, Smith, Gilida & Pogue, P.C. 1331 17th Street, Suite 500 Denver, CO 80202</p>	