



Heather Gardens Metropolitan District

2888 S. Heather Gardens Way, Aurora, Co. 80014

August 27, 1991

FILED IN THE
DISTRICT COURT
ARAPAHOE COUNTY, COLO.
91 AUG 29 PM 2:14
EILEEN M. BRANNING
CLERK

Clerk of the District Court
Arapahoe County
7325 South Potomac
Englewood, Colorado 80112

Dear Sir: Re: Case No. 83 CV 105

Attached is Resolution No. R90-09, resolved and passed on March 19, 1990 by the City Council of the City of Aurora, approving the request of the District to approve an increase in the indebtedness to be incurred by the District for the purpose set forth in the request.

Should you require additional information, please let me know.

Very truly yours,

Mary K. Nelson

Mary K. Nelson, Secretary

cc: County Clerk and Recorder
Arapahoe County

Division of Local Government

Collins and Cockrell

RECEIVED

APR 12 3 04 PM '90

RESOLUTION NO. R90-09

~~RESOLUTION~~
**A RESOLUTION APPROVING AN INCREASE IN THE INDEBTEDNESS TO
BE INCURRED BY THE HEATHER GARDENS METROPOLITAN DISTRICT**

WHEREAS, on January 11, 1983, pursuant to the "Control Act", Title 32, Article 1, Part 2, C.R.S., the City Council of the City of Aurora, Colorado, adopted Resolution No. R83-8 (the "Approving Resolution") approving the petition for the organization of the Heather Gardens Metropolitan District (the "District"), which District is located exclusively within the boundaries of the City of Aurora; and

WHEREAS, on April 16, 1983, pursuant to Title 32, Article 1, C.R.S., the District was duly organized by the order and decree of the Arapahoe County District Court; and

WHEREAS, on June 1, 1983, the District issued General Obligation Bonds in the principal amount of \$2,500,000, which amount was authorized by the Approving Resolution; and

WHEREAS, pursuant to the Approving Resolution, the District shall not exceed its boundaries or have its powers altered in any way without the approval of the City Council of the City of Aurora; and

WHEREAS, pursuant to City Code § 36.5-12(3), a proposed increase in the indebtedness to be incurred by the District would constitute a material modification to the District's service plan which first must be approved by the City Council after a public hearing thereon; and

WHEREAS, the District, in a letter dated December 30, 1989, from the President of the District to the City Council (the "Request"), has asked the City Council to approve an increase in the indebtedness to be incurred by the District for the purpose set forth in the Request; and

WHEREAS, on February 6, 1990, the District held a special election at which the following question was approved by a margin of 1174 for and 653 against:

"Shall Heather Gardens Metropolitan District, Arapahoe County, Colorado, incur indebtedness in the principal amount of \$1,690,000 and evidence the same by certificates, notes, debentures, contracts, and/or the

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issuance of general obligation bonds for the purpose of providing improvements to the existing golf course/green belt and other recreational facilities, and the replacement of the maintenance building of the District, the maximum net effective interest rate to be paid on such indebtedness not to exceed 9.00% per annum, any such evidences of indebtedness to mature serially or be payable within 20 years from the date of incurrence, to be payable from an ad valorem property tax to be levied on all taxable property within the District without limitation of rate or amount or from any other legally available moneys, to be redeemable at the option of the District at such time or times and in such manner, upon payment of such premium or premiums, if any, not exceeding 3% of principal, as may later be determined by the Board of Directors?"; and

WHEREAS, the City Council has considered the Request and all testimony and evidence presented to the City Council at the public hearing thereon; and

WHEREAS, Council finds that the Request should be approved.

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

Section 1. That the Request of the Heather Gardens Metropolitan District is hereby approved.

Section 2. That a certified copy of this Resolution be filed in the records of the City of Aurora and the District Court of Arapahoe County, Colorado, in Case No. 83 CV 105, and be recorded in the office of the County Clerk and Recorder of Arapahoe County, Colorado.

RESOLVED AND PASSED this 19th day of March, A.D. 1990.




PAUL E. TAUER, Mayor

ATTEST:



DONNA L. YOUNG, Deputy City Clerk

APPROVED AS TO FORM:
rhg



First Publication:	_____
Final Publication:	_____
Effective Date:	_____