

**FIRST AMENDMENT TO THE  
CONSOLIDATED SERVICE PLAN FOR  
WINTER FARM METROPOLITAN DISTRICTS NOS. 1 – 3**

The Consolidated Service Plan for Winter Farm Metropolitan Districts Nos. 1-3 (“Service Plan”), approved by the Town of Windsor Board of Trustees on August 28, 2000, is hereby amended by the addition of paragraph K to Part III. DESCRIPTION OF FACILITIES AND IMPROVEMENTS, as follows:

K. Covenant Powers. The Districts shall have the power to provide covenant enforcement and design review services within the Districts, pursuant to § 32-1-1004 (8), C.R.S., if the Districts and the governing body of a master association or similar body contract for such services, or if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the Districts name the Districts as the enforcement or design review entity. The Districts shall have the power to provide covenant enforcement and design review services only if revenues used to provide such services are derived from the area in which the service is furnished.

The remainder of the Service Plan shall remain in full force and effect as written and approved by the Town of Windsor Board of Trustees on August 28, 2000.

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 1253

BEING AN ORDINANCE OF THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, APPROVING THE FIRST AMENDMENT TO THE CONSOLIDATED SERVICE PLAN FOR WINTER FARM METROPOLITAN DISTRICTS NOS. 1, 2 AND 3

WHEREAS, the Town of Windsor, Colorado (the "Town"), is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, the members of the Windsor Town Board (the "Town Board") have been duly elected, chosen and qualified; and

WHEREAS, pursuant to the provisions of the "Special District Control Act", Part 2 of Article 1, Title 32, C.R.S., the Town Board approved the Consolidated Service Plan ("Service Plan") for Winter Farm Metropolitan Districts Nos. 1, 2 and 3 (the "Districts") on August 28, 2000; and

WHEREAS, pursuant to Section 32-1-207(2), C.R.S., the representatives of the Districts submitted to the Town Board a First Amendment to the Service Plan, which amendment grants the Districts with the power to provide covenant enforcement and design review services within the Districts' boundaries in accordance with Section 32-1-1004(8), C.R.S.; and

WHEREAS, pursuant to Sections 32-1-203 and 204.5, C.R.S., as amended, the First Amendment to the Service Plan for the Districts has been reviewed and recommended for approval by the Town Attorney and Town Planning Department, and has now been submitted to the Town Board for the Town of Windsor, Colorado (the "Town Board") for its final approval; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Article IV of the Town Charter, the Town Board introduced and approved this ordinance on the First Amendment to the Service Plan (the "Ordinance") at the first reading at the meeting of the Town Board held on June 26, 2006 at 7:00 p.m. and at the second reading at the meeting of the Town Board held on July 10, 2006 at 7:00 p.m.; and

WHEREAS, notice of the date, time and location and purpose of the Ordinance was duly posted by the Town as required by the Town Charter, and forwarded to the petitioners as well as the Division of Local Government as required by law; and

WHEREAS, prior to taking final action on this Ordinance, the Town Board did on July 10, 2006, permit public comments on the ordinance, and held a vote to adopt this Ordinance and take such other action as it deems appropriate; and

WHEREAS, the Town Board has considered the First Amendment to the Service Plan, and all other testimony and evidence presented at the first and second reading of this Ordinance; and

WHEREAS, the Town Board's approval of the First Amendment to the Service Plan is subject to and based upon those conditions and limitations contained in the First Amendment to the Service Plan and attached to this Ordinance, if any.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO:

Section 1. The Town Board hereby determines that all of the jurisdictional and other requirements of Section 32-1-207(2), C.R.S., the Service Plan, and the Town Charter have been fulfilled, including those relating to the filing and form of the First Amendment to the Service Plan and that notice and/or posting of the public meetings on this Ordinance was given in the time and manner required by law and the Town Charter.

Section 2. The Town Board further determines that all pertinent facts, matters and issues were submitted at the first and second reading of this Ordinance; that all interested parties were heard or had the opportunity to be heard; and, that evidence satisfactory to the Town Board was presented.

Section 3. The Town Board hereby grants and approves by this Ordinance the First Amendment to the Service Plan. The services and facilities to be provided by the Districts and the powers provided by the Districts shall be subject to the limitations expressed in the Service Plan and First Amendment to the Service Plan. Any material departure by the Districts from the provisions of the Service Plan and First Amendment to the Service Plan must be approved by resolution or ordinance of the Town Board as applicable.

Section 4. The officers of the Town are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 5. This Ordinance shall take effect ten (10) days after publication following final adoption.

Section 6. Repealer. All acts, orders, resolutions, or parts thereof, of the Town that are inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

Section 7. Severability. Should any part or provision of this Ordinance be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

Section 8. The Town Clerk is hereby directed to advise the representatives of the Districts in writing of this action and to attach a certified copy of this Ordinance for the purpose of filing the same with the District Court of Weld County.

Section 9. Any reconsideration of this Ordinance is hereby waived.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 26<sup>th</sup> DAY OF JUNE, 2006.

TOWN BOARD  
TOWN OF WINDSOR

By: Edward M. Stoo  
\_\_\_\_\_, Mayor

I hereby certify that the above Ordinance was introduced to the Town Board of the Town of Windsor at its meeting of June 26, 2006, and posted or published in accordance with the Town Charter on 6/29, 2006.



ATTEST:

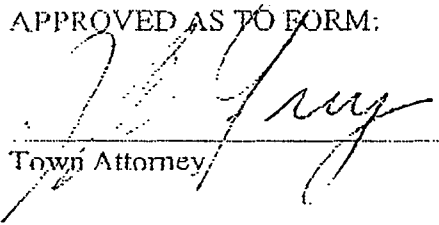
By: Cathy M. Kennedy  
\_\_\_\_\_, Town Clerk

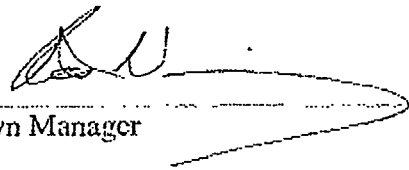
FINALLY ADOPTED, PASSED, APPROVED AND ORDERED PUBLISHED BY TITLE AND WITH ANY AMENDMENTS, BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 10<sup>th</sup> DAY OF JULY, 2006, BY A VOTE OF 7 IN FAVOR AND 0 AGAINST.

TOWN BOARD  
TOWN OF WINDSOR

By: Edward M. Stoo  
\_\_\_\_\_, Mayor

APPROVED AS TO FORM:

  
Town Attorney

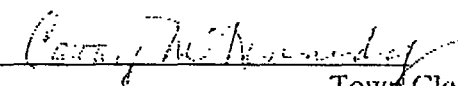
  
Town Manager

I hereby certify that the above Ordinance was finally adopted by the Town Board of the Town of Windsor at its meeting of the 10<sup>th</sup> of July, 2006, and published by title only, with amendments if any, one time by the *Windsor Beacon* newspaper on July 13, 2006.

ATTEST:



By:

  
Town Clerk