

AFFIDAVIT RE: REIMBURSEMENT FOR SUNIGA ROAD IMPROVEMENTS

I, Guy Johnson, as a principal of District Resource, LLC, a Colorado limited liability company, which serves as District Manager and Accountant for Northfield Metropolitan District Nos. 1-3 (the "**Districts**"), being first duly sworn upon oath under penalty of perjury, state and aver as follows:

1. I have personal knowledge of and can testify in a court of competent jurisdiction regarding the facts set forth herein.

2. I have reviewed the Consolidated Service Plan for the Districts, approved by the City of Fort Collins (the "**City**") on October 1, 2019 (the "**Service Plan**"), and I am familiar with the provisions of the Service Plan.

3. Section VIII of the Service Plan states "the design, phasing of construction, location and completion of Public Improvements will be determined by the Districts to coincide with the phasing and development of the Planned Development and the availability of funding sources; (ii) the Districts may, in their discretion, phase the construction, completion, operation, and maintenance of Public Improvements or defer, delay, reschedule, rephase, relocate or determine not to proceed with the construction, completion, operation, and maintenance of Public Improvements, and such actions or determinations shall not constitute a Service Plan Amendment; (iii) the Districts shall also be permitted to allocate costs between such categories of the Public Improvements as deemed necessary in their discretion; and (iv) to the extent that the City reimburses a developer for Public Improvements that would otherwise be reimbursable under the Special District Act, the District shall not reimburse the developer for such Public Improvements."

4. I am aware that DFC Northfield, LLC (the "**Developer**") has constructed improvements to Suniga Road. These include, without limitation, roadway improvements and box culvert improvements for which culvert improvements the City paid the Developer \$361,354 in 2021, (the "**Suniga Improvements**"). The Suniga Improvements benefit the Districts and the City, and the Developer has applied to the City for reimbursement of the remaining roadway improvement costs associated with the Suniga Improvements. I am also aware that the City paid the Developer in 2020 \$477,456 for its dedication to the City of the oversized portion of Suniga Road (the "ROW Dedication").

5. I have reviewed the records and reports related to the acceptance by the Districts for eligible costs associated with the Public Improvements to this date and have determined that the Districts have not to this date accepted costs for reimbursement, and have not reimbursed costs, related to the Suniga Improvements or the ROW Dedication.

6. I also confirm that the governing boards of each of the Districts (the "Boards") have reaffirmed in the resolutions attached hereto as Exhibits A, B, and C (the "Resolutions") that, pursuant to Section VIII of the Service Plan, the Districts are prohibited from reimbursing the Developer, and its successors and assigns, for the cost of any Public Improvements for which they have been reimbursed by the City, and such a reimbursement would constitute a violation of this prohibition in Section VIII of the Service Plan. In addition, the City would have, concerning any such violation, the legal and equitable remedies available to it under the Intergovernmental Agreement dated May 14, 2020, that the City and the Districts have entered into pursuant to Section XVIII of the Service Plan.



Guy Johnson

District manager
Title

STATE OF COLORADO)

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ss.

COUNTY OF WELD)

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The foregoing instrument was acknowledged before me this ^{3rd} day of November, 2022, by Guy Johnson, as the District Manager and Accountant for Northfield Metropolitan District Nos. 1-3.

Witness my hand and official seal.

My commission expires: 10/26/26

SHERRY HOFFMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064044110
MY COMMISSION EXPIRES OCT. 26, 2026



Notary Public