

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2023-34**

**RESOLUTION APPROVING THE AMENDED AND RESTATED SERVICE
PLAN FOR HIGH PLAINS METROPOLITAN DISTRICT NO. 4 (WELTY
RIDGE METROPOLITAN DISTRICT NO. 2)**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, on or about March 17, 2008, the Town Council approved a Service Plan for High Plains Metropolitan District No. 4 (“District”), and the District was thereafter organized by Order and Decree of the District Court of Weld County; and

WHEREAS, the Board of Directors of the District submitted an Amended and Restated Service Plan for High Plains Metropolitan District No. 4 (“District”), a copy of which is attached hereto and incorporated herein by reference as Exhibit A (Amended and Restated Service Plan”), to the Town Council for approval; and

WHEREAS, subsequent to approval of the Amended and Restated Service Plan by the Town Council, the Board of Directors of the District intends to change the name of the District to “Welty Ridge Metropolitan District No. 2” to be more consistent with the name of underlying development; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, Part 2, C.R.S., on August 21, 2023, the Town Council, following due notice, held a public hearing on the proposed Amended and Restated Service Plan; and

WHEREAS, the Town Council considered the Amended and Restated Service Plan and all other testimony and evidence presented at the hearing; and

WHEREAS, based upon the testimony and evidence presented at the hearing, the Town Council finds that the Amended and Restated Service Plan should be approved, subject to the conditions set forth below, in accordance with Section 32-1-204.5(1)(c), C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. ***Satisfaction of Statutory Requirements as to Filing and Notice.*** The Town Council does hereby determine, based on representations made by the District, that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, relating to the filing of the proposed Amended and Restated Service Plan have been fulfilled and that notice of the hearing was given in the time and manner as provided in Section 32-1-204, C.R.S.

2. **Jurisdiction.** The Town Council has jurisdiction over the subject matter of the proposed Service Plan pursuant to Title 32, Article 1, Part 2, C.R.S., as amended.

3. **Amended and Restated Service Plan Approved; Conditions and Limitations.** The Town Council hereby approves the Amended and Restated Service Plan for High Plains Estates Metropolitan District No. 4 (Welty Ridge Metropolitan District No. 2), attached as Exhibit A. This approval is given specifically subject to the following conditions and limitations pursuant to Section 32-1-204.5(1)(c), C.R.S.:

- (a) The Town’s approval of the Amended and Restated Service Plan shall not relieve the owners, a developer or any other owner of property in the District of: (i) any requirement under the annexation agreement pertaining to the property within the District’s boundaries or any other binding agreement(s); and (ii) the requirement to provide financial guarantees for construction of, and dedicate to the Town, all required public improvements.
- (b) Any material modification of the Amended and Restated Service Plan shall require an amendment to the Amended and Restated Service Plan, which must be approved by the Town Council.
- (c) At its first meeting after the effective date of this Resolution, the Board of Directors of the District shall execute the Intergovernmental Agreement with the Town (“IGA”) and the District’s Indemnity Letter in the forms set forth as exhibits to the Amended and Restated Service Plan presented to the Town Council at its August 21, 2023, public hearing, or in forms otherwise acceptable to the Town Attorney, and shall deliver the fully executed originals of the IGA and Indemnity Letter to the Town within ten (10) days thereafter.
- (d) The conditions set forth in this Resolution are not intended and shall not be construed to enlarge, diminish or otherwise affect any of the requirements, limitations or other provisions of the Amended and Restated Service Plan or the IGA.
- (e) The Amended and Restated Service Plan shall be revised if required pursuant to additional conditions of approval set forth by Town Council at the August 21, 2023, public hearing. If so directed, the Town Attorney shall modify the Amended and Restated Service Plan and provide the finalized version of the Amended and Restated Service Plan to the Town Clerk for filing with the records of the Town and to the owners of the property within the proposed boundaries of the District.

4. **Execution of Town IGA.** The IGA set forth as Exhibit D to the Amended and Restated Service Plan is hereby approved. The Mayor and Town Clerk are hereby authorized to execute the IGA on behalf of the Town provided the same has first been executed by the District.

5. **Filing of Resolution.** A certified copy of this Resolution shall be filed in the records of the Town and provided to the District.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___ day of _____, 2023.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Hannah Hill, Town Clerk

By: _____
Troy D. Mellon, Mayor