

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-24**

**RESOLUTION APPROVING THE AMENDED AND RESTATED SERVICE PLAN
FOR LEDGE ROCK CENTER RESIDENTIAL 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 of the Town (“Town Council”) is vested with authority to administer the affairs of the Town; and

WHEREAS, on September 8, 2021, the Town Council approved a Service Plan for the Ledge Rock Center Residential Metropolitan District No. 2 (“District”) and the District was thereafter organized by Order and Decree of the District Court of Weld County; and

WHEREAS, the Service Plan provides, among other provisions, that the District is not entitled to issue debt until the Town Council approves an Amended and Restated Service Plan; and

WHEREAS, the District desires to issue debt and thus submitted to the Town and requests approval of an Amended and Restated Service Plan for the Ledge Rock Center Residential Metropolitan District No. 2 (“Amended and Restated Service Plan”), a copy of which is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, pursuant to Title 32, Article 1, Part 2, C.R.S., on June 6, 2022, 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 the Ledge Rock Center

Residential 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 a developer or any other owner of property in the District of any requirement, under the annexation agreement pertaining to the property within the District’s boundaries or otherwise, to provide financial guarantees for construction of, and dedicate to the Town, the required public improvements.
- (b) Material modifications 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) 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 Intergovernmental Agreement with the Town (“IGA”).

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 _____, 2022.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor