

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN
TOWN OF JOHNSTOWN AND WELD COUNTY REORGANIZED SCHOOL DISTRICT RE-5J
CONCERNING ANNEXATIONS AND SCHOOL SITE DEDICATION
OR PAYMENTS IN LIEU FOR SCHOOL SITE PURPOSES

This First Amendment to Intergovernmental Agreement Concerning Annexations and School Site Dedication or Payments in Lieu for School Site Purposes ("First Amendment") between the Town of Johnstown, a Colorado home rule municipality ("Town"), and the Weld County Reorganized School District RE-5J, a political subdivision of the State of Colorado ("School District") (collectively, the "Parties"), is executed this 4th day of February, 2019.

RECITALS

WHEREAS, on or about January 1, 1999, the Parties entered into an Intergovernmental Agreement Concerning Annexations and School Site Dedication or Payments in Lieu for School Site Purposes ("Agreement"); and

WHEREAS, pursuant to the Agreement, the Town agreed, except in limited circumstances, to collect cash payments from certain developers in lieu of requiring such developers to dedicate land for school sites; and

WHEREAS, the amount of the cash in lieu payments was based on agreed-upon School Planning Standards and School District Methodology, as the terms are defined in Agreement and set forth on Exhibits A and B attached thereto; and

WHEREAS, the Agreement provides that the cash in lieu payments should be reviewed periodically and adjusted when appropriate; and

WHEREAS, the Agreement further provides that, before revising cash in lieu payments based on a change in the School Planning Standards or School District Methodology, the Town shall hold a public hearing; and

WHEREAS, the School District is requesting that the Town agree to an increase in the amount of the cash in lieu payments to accommodate the increased market values and costs associated with development of school sites; and

WHEREAS, the School District's request reflects a change in the School Planning Standards and School District Methodology by differentiating between, and seeking different cash in lieu payments for, single-family detached, single-family attached, multifamily and mobile homes; and

WHEREAS, the Town held a public hearing related to the School District's request on January 7, 2019 and, based on a continuance, on January 23, 2019; and

WHEREAS, after review of the Agreement and the evidence presented at the public hearing, the Town desires to enter into this First Amendment and approve the School District's request to increase the cash-lieu payments; and

WHEREAS, the Town finds that this First Amendment is in the best interests of the citizens of the Town of Johnstown.

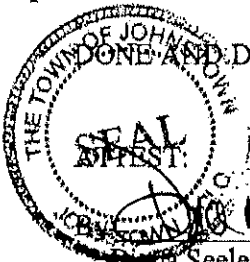
AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and stipulations hereinafter set forth, it is agreed as follows:

1. Recitals. The Recitals are incorporated herein and shall be deemed to be terms of this First Amendment as if fully set forth herein.
2. Terms. Unless otherwise defined or set forth herein, the terms of this First Amendment shall have the meaning set forth in the Agreement.
3. School Planning Standards and School District Methodology. The School Planning Standards, attached hereto and incorporated herein by reference as Exhibit A, and School District Methodology, attached hereto and incorporated herein by reference as Exhibit B, are hereby adopted. Exhibit A and Exhibit B shall replace and supersede the exhibits attached to the Agreement.
4. Notice. Paragraph 10(c) of the Agreement provides the location and manner in which notice shall be provided to each party. Notice to the School District as set forth therein shall hereinafter be provided to:

Weld County School District RE-5J
110 South Centennial Drive, Suite A
Milliken, CO 80543
5. Headings. The paragraph headings are for the convenience and reference of the Parties and are not intended to define or limit the scope or intent of this First Amendment.
6. Remaining Terms of Agreement. Except as expressly modified herein, the remaining provisions of the Agreement shall remain in full force and effect.

DONE AND DATED this 19 day of February, 2019.



Diana Seele
Diana Seele, Town Clerk

TOWN OF JOHNSTOWN, COLORADO

By: Gary Lebsack
Gary Lebsack, Mayor

WELD COUNTY REORGANIZED SCHOOL DISTRICT RE-5J

ATTEST:

By: Michael Waite S
Michael Waite S, Secretary

By: Steve McCarthy
Steve McCarthy, Board of Education President

EXHIBIT A

WELD COUNTY SCHOOL DISTRICT RE-5J
Johnstown/Milliken, Colorado



School District Planning Standards

	Single Family <u>Detached</u>	Single Family <u>Attached</u>	<u>Multifamily</u>	<u>Mobile Homes</u>
i. Student Yields				
Elementary School	0.301	0.106	0.187	0.469
Middle School	0.148	0.053	0.091	0.224
High School	0.170	0.071	0.123	0.306
ii. School Facility Enrollment Capacities				
Elementary School	640			
Middle School	930			
High School	975			
iii. School Site Acreage Requirements				
Elementary School	10			
Middle School	23			
High School	40			
iv. Developed Land Value per Acre				
\$60,130				

Revised 10/17/2018 based on information provided by Strategic Resources West



EXHIBIT B

WELD COUNTY SCHOOL DISTRICT RE-5J
Johnstown/Milliken, Colorado

School District Methodology

Based on the School District Planning Standards, contained in Exhibit A, calculation of land dedication or in-lieu payments uses the following procedures:

	<u>Student Yield</u>	<u>Acres per Student Capacity</u>	<u>Acres Required per Housing Unit</u>	<u>Per Acre Value</u>	<u>Cash in Lieu Amount Per Unit</u>
Single Family Detached					
Elementary	0.301	0.05	0.0047	\$ 60,130	\$ 283
Middle	0.148	0.02	0.0037	\$ 60,130	221
High School	0.170	0.02	0.0070	\$ 60,130	420
Total	0.619		0.0154		\$ 924
Single Family Attached					
Elementary	0.106	0.02	0.0017	\$ 60,130	\$ 100
Middle	0.053	0.01	0.0013	\$ 60,130	79
High School	0.071	0.01	0.0029	\$ 60,130	174
Total	0.230		0.0059		\$ 353
Multi Family					
Elementary	0.187	0.03	0.0029	\$ 60,130	\$ 175
Middle	0.091	0.01	0.0022	\$ 60,130	135
High School	0.123	0.01	0.0051	\$ 60,130	303
Total	0.401		0.0102		\$ 613
Mobile Home (Assessed at the Single Family Detached Rate)					
Elementary	0.301	0.05	0.0047	\$ 60,130	\$ 283
Middle	0.148	0.02	0.0037	\$ 60,130	221
High School	0.170	0.02	0.0070	\$ 60,130	420
Total	0.619		0.0154		\$ 924