

WELTY RIDGE METROPOLITAN DISTRICT NOS. 1 – 2
(*f.k.a., HIGH PLAINS METROPOLITAN DISTRICTS NOS. 3 - 4*)

c/o Law Office of Michael E. Davis, LLC
1151 Eagle Drive, Suite 366
Loveland, Colorado 80537

August 7, 2023

To: Town Council of the Town of Johnstown
Johnstown, Colorado

**RE: PETITION FOR SERVICE PLAN APPROVALS PURSUANT TO § 32-1-207(2)(a),
C.R.S.**

Dear Council Members:

High Plains Metropolitan District Nos. 3 and 4 (collectively, the “Districts”) respectfully petition the Town Council to approve the SERVICE PLANS FOR WELTY RIDGE METROPOLITAN DISTRICT NOS. 1 - 2 (AMENDED AND RESTATED SERVICE PLANS FOR HIGH PLAINS METROPOLITAN DISTRICT NOS. 3 - 4), (collectively the “Service Plans,” and individually a “Service Plan”) pursuant to § 32-1-207(2)(a), C.R.S.

The original service plans for the Districts were approved by the Town Council of the Town of Johnstown on March 17, 2008 (Resolution Nos. 2008-07C and -07D) (the “Original Service Plans”). The Original Service Plans contemplated a multi-district structure comprised of a total of four High Plains districts that would undertake the planning, design, acquisition, construction, installation and financing of public improvements for a 515-acre development on the east side of I-25 along the north and south sides of WCR50, plus a 144-acre development on the west side of I-25 on the south side of WCR48. The proponents of the Original Service Plans proceeded with the organization of all four districts in May of 2008. Since the Districts were formed in 2008, they have undertaken only administrative and ministerial activities as required by State law, and neither has constructed any Public Improvements or incurred any debt. There are no residents in either District and the property to be included is comprised entirely of vacant land.

During the past 15 years, development plans have changed and portions of the property described in the Original Service Plans have been sold to various parties, making it necessary to create amended and restated service plans to describe the new development projects that are now separate and distinct from one another, and to eliminate the multi-district structure that was contemplated by the Original Service Plans. To better align with the development plans for the property to be included into the Districts, the Boards of Directors of High Plains Metro District Nos. 3 and 4 have determined to change the names of these Districts to “Welty Ridge Metropolitan District Nos. 1 and 2”. These name changes are currently in process and are anticipated to be complete by about mid-September, 2023. The Districts are adjacent to each

other and are located on the west side of I-25 and the south side of WCR48. The Service Plans amend, re-state, and entirely replace the Original Service Plans for these two districts only.

The Service Plans incorporate financing plans and capital project cost estimates to reflect the current phased development and financing anticipated by the developers and the Districts, as well as revised Inclusion Area Boundary Maps that show the property to be included into each of the Districts. Welty Ridge Metro District No. 1 is a residential district comprised of approximately 53 acres and is projected to include 111 single family attached units, 111 single family detached units, and 220 multi-family units. Welty Ridge Metro District No. 2 is a commercial district comprised of approximately 56 acres and is projected to include 87,350 square feet of space for various commercial purposes. Although the Districts may cooperate with respect to certain shared infrastructure (e.g., sanitary sewer infrastructure), the Districts are independent of each other and any other special districts. The proposed Service Plans follow the Town's model service plan for metropolitan districts in all material respects, including without limitation the maximum debt mill debt levy limits of 40 mills for the residential district and 50 mills for the commercial district, and the maximum operations and maintenance mill levy of 10 mills for each of the districts.

In addition to following the Town's model for the residential district Service Plan, at the request of the Town's attorneys the District incorporated additional language requiring the District, (from and after the time that the District has any residential End Users and unless otherwise waived by the Town Manager), to mail Calls for Nomination to eligible electors. Although the residential District is fully supportive of notifying eligible electors of the opportunity to serve on the District's board of directors, the District believes that the additional provision added to the Service Plan may result only in additional mailing costs that would not otherwise be incurred, without improving the breadth of coverage for the Call for Nominations. The proposed Service Plan language requires that the Call for Nominations be mailed in every circumstance, whereas under Colorado law (§ 1-13.5-501(1.7), C.R.S.) the District is required to mail the Calls for Nomination only if an email address is not available for the voter. State law also requires that regardless of whether the notice is emailed or mailed, the Call for Nominations must additionally be provided to eligible voters by at least one of the following three methods: (1) publication in a local newspaper; (2) including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election, or other informational mailing sent by the district to eligible electors; or (3) posting the information on the official website of the district. To avoid the cost of unnecessarily mailing the Call for Nominations to eligible voters who provided an email address at the time of their voter registration, the District respectfully requests that the Town Manager provide a written waiver of the proposed new Service Plan provision requiring Calls for Nomination to be mailed if the District is able to email such notice to the eligible voter.

Respectfully submitted,



Law Office of Michael E. Davis, LLC
General Counsel

High Plains Metropolitan District Nos. 3-4