

**TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2023-60**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO 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**, on June 6, 2022, the Town Council approved an Amended and Restated Service Plan for the District (collectively with the Service Plan, the “Service Plan”); and

**WHEREAS**, due to changes in projected construction, increases in capital costs, and added public improvements within the District, the District seeks to increase the debt authority set forth in the Service Plan; and

**WHEREAS**, to accomplish the foregoing, the Board of Directors of the District submitted and requests approval of a First Amendment to the Amended and Restated Service Plan for the District (“First Amendment”), a copy of which is attached hereto and incorporated herein by reference in Exhibit A; and

**WHEREAS**, pursuant to Title 32, Article 1, Part 2, C.R.S., on December 4, 2023, the Town Council, following due notice, held a public hearing on the proposed First Amendment; and

**WHEREAS**, the Town Council considered the First Amendment 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 the First Amendment 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 First Amendment have been fulfilled and the 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 First Amendment pursuant to Title 32, Article 1, Part 2, C.R.S., as amended.

3. **First Amendment to the Amended and Restated Service Plan Approved; Conditions and Limitations.** The Town Council hereby approves the First Amendment to 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 First Amendment 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 to the Service Plan or the First Amendment shall require an amendment thereto, 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 First Amendment to the Intergovernmental Agreement with the Town (“First Amendment to the IGA”).
- (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 Service Plan, the First Amendment or the First Amendment to the IGA.
- (e) The First Amendment shall be revised if required pursuant to additional conditions of approval set forth by Town Council at the December 4, 2023, public hearing. If so directed, the Town Attorney shall modify the First Amendment and provide the finalized version of the First Amendment to the Town Clerk for filing with the records of the Town and the District.

4. **Execution of the First Amendment to the Town IGA.** The First Amendment to the IGA set forth as Exhibit D to the First Amendment to the Amended and Restated Service Plan is hereby approved. The Mayor and the Town Clerk and hereby authorized to execute the First Amendment to 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