

**AMENDED PETITION FOR ANNEXATION**

**To the Town of Johnstown**

(Larimer County)

The undersigned, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition the Town Council of the Town of Johnstown, Colorado, for annexation to the Town of Johnstown the unincorporated territory more particularly described below, currently known as South Ridge, and in support of said Amended Petition, your petitioners allege that:

(1) The Amended Petition is being submitted to amend the name of the Petitioner and the landowner for the Petition for Annexation originally submitted to the Town of Johnstown on July 21, 2021.

(2) It is desirable and necessary that the following described territory be annexed to the Town of Johnstown, Colorado:

See Exhibit A attached hereto and made a part hereof.

(3) Not less than one-sixth (1/6) of the perimeter of that area proposed to be annexed is contiguous with the Town of Johnstown, Colorado.

(4) A community of interest exists between the territory proposed to be annexed and the Town of Johnstown, Colorado.

(5) The territory proposed to be annexed is urban or will be urbanized in the near future;

(6) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Johnstown, Colorado;

(7) The signatures of the Amended Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;

(8) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

(a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;

(b) Comprising twenty (20) acres or more and which, together with the building and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes to be annexed without the written consent of the landowner or landowners.

(9) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;

- (10) The area proposed to be annexed comprises more than ten acres and an impact report as provided in Section 31-12-105.5, CRS, as amended, is required.
- (11) The area proposed to be annexed is located within Larimer County, Thompson School District, Northern Colorado Water Conservancy District, Little Thompson Water District, Loveland Rural Fire Protection District, Aims Junior College District, and no others;
- (12) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;
- (13) Accompanying this Petition are five (5) prints of the area proposed to be following information:
  - (a) A written legal description of the boundaries of the area proposed to be annexed;
  - (b) A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
  - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted at the time of the effectiveness of the annexation (as opposed to after such effectiveness), then the boundaries and the plat number of plots or of lots and blocks are shown;
  - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Johnstown, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
  - (e) The dimensions of the contiguous boundaries are shown on the map.
  - (f) A proposed drainage plan and a proposed utilities plan.
- (14) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;
- (15) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map:
  - (a) Water rights shall be provided as mutually agreed to by the Town and the undersigned; The undersigned specifically agree that they have not sold or transferred any water rights appurtenant to their property within the past year nor will they do so during the pendency of this annexation petition and once annexed to the Town of Johnstown, they will not sell or transfer any water rights appurtenant to the subject property without the prior written approval of the Johnstown Town Council.

- (b) The owners shall participate in providing drainage plan and improvements and payment of a unit drainage fee as may be required by the Town the area;
- (c) The undersigned hereby waive any and all “vested rights” previously created pursuant to Section 24-68-103, CRS, as amended.
- (d) The undersigned and the Town may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition.

(16) Petitioner represents that: (Check one)

  x   No part of the property to be annexed is included within any site specific development plan approved by Larimer County, Colorado.

       A site specific development plan has been approved by Larimer County, Colorado, which has created a vested right.

**APPLICANT:**

**Southridge HoldCo, LLC, a Colorado limited liability company**

**By: Southridge ManageCo, LLC  
a Colorado limited liability company**

**Its: Manager**

**By: Caliber Services, LLC  
an Arizona limited liability company**

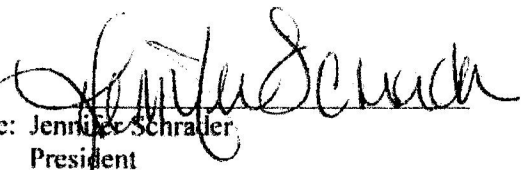
**Its: Manager**

**By: Caliber Companies, LLC  
an Arizona limited liability company**

**Its: Managing Member**

**By: CaliberCos Inc.  
a Delaware corporation**

**Its: Manager**

By:   
Name: Jennifer Schrader  
Its: President

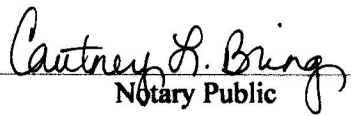
STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

The foregoing instrument was acknowledged before me this 14 day of October, 2021,  
by Jennifer Schrader, authorized signer, Southridge HoldCo, LLC.

Witness my hand and official seal.

My commission expires: 9-21-2024




  
Notary Public

**AFFIDAVIT OF CIRCULATOR**

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Amended Petition for Annexation of lands to the Town of Johnstown, Colorado, consisting of five (5) pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.

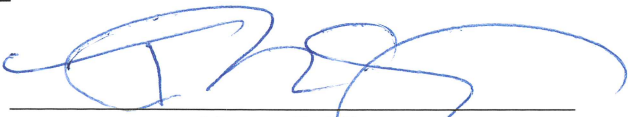
  
\_\_\_\_\_  
Mark F. Hunter, Circulator

STATE OF COLORADO    )  
  ) ss  
COUNTY OF BOULDER    )

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 29<sup>th</sup> day of October 2021 by Mark F. Hunter.

Witness my hand and official seal.

My commission expires: 6/12/24

  
\_\_\_\_\_  
Notary Public

TERRY RENEE BERGER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20204020644  
MY COMMISSION EXPIRES JUNE 12, 2024