

WESTOWN METROPOLITAN DISTRICT 2022 ANNUAL REPORT

As required by Section 32-1-207(3)(c), C.R.S., and Section VII of the Second Amended and Restated Service Plan for the Westown Metropolitan District (“**District**”), approved by the City of Arvada, Colorado (“**City**”) on May 15, 2017, we present the following report of the District’s activities from January 1, 2022 to December 31, 2022.

- A. Boundary changes made: No boundary changes were made or proposed during 2022.
- B. Intergovernmental Agreements entered into or terminated: The District is a party to the following intergovernmental agreement as of December 31, 2022:
 - i. *Second Amended and Restated Intergovernmental Agreement* between the District and the City dated July 5, 2017.
- C. Copies of the District’s rules and regulations, if any, and access information to obtain a copy of rules and regulations adopted: Address and telephone number of District’s principal office is: Timberline District Consulting, LLC, 25633 Roxana Pointe Drive, Evergreen, CO 80439, 720-515-6511, <https://westownmd.colorado.gov/>.
 - i. On April 25, 2018, the District adopted Resolution No. 2018-04-01 Amended and Restated Resolution Establishing Fees, Rates and Charges for Potable Water Service (*previously provided*).
 - 1. On November 10, 2020, the District adopted the First Amendment to Amended and Restated Resolution Establishing Fees, Rates and Charges for Potable Water Service (*provided with the 2020 Annual Report*).
 - ii. On April 25, 2018, the District adopted Resolution No. 2018-04-02 Amended and Restated Resolution for the Imposition of Fees for the Centralized Provision of Trash Removal and Recycling Services (*previously provided*).
 - 1. On November 10, 2020, the District adopted the First Amendment to Amended and Restated Resolution for the Imposition of Fees for the Centralized Provision of Trash Removal and Recycling Services (*provided with the 2020 Annual Report*).
 - iii. On July 25, 2018, the District adopted Resolution No. 2018-07-01; Resolution Regarding the Imposition of Fees for the District Pool (*previously provided*).

- iv. On January 3, 2019, the District adopted Resolution No. 2019-01-01; Resolution Adopting Design and Landscape Guidelines (*previously provided*).
 - 1. On August 17, 2022, the District adopted Resolution No. 2022-08-01; Resolution Adopting the Amended Design Guidelines (*attached*).
 - v. On October 23, 2019, the District adopted Resolution 2019-10-05; Regarding Parking Rules and Regulations (*previously provided*).
 - vi. On February 24, 2021, the District adopted Resolution No. 2021-02-01; Amended and Restated Resolution Regarding Continuing Disclosure Policies and Procedures, which replaced in its entirety Resolution No. 2018-04-03; Resolution Regarding Continuing Disclosure Policies and Procedures previously adopted on April 25, 2018 (*previously provided*).
- D. Summary of litigation involving the Districts or the Districts' public improvements: In January 2021, the District was served with an Amended Complaint that had been filed in a lawsuit initiated in November 2020. The Amended Complaint alleges the plaintiff sustained bodily injuries and related damages resulting from a slip and fall accident. The parties reached an out-of-court resolution of the plaintiff's claims against the District, and on May 5, 2023, the court dismissed with prejudice the claims against the District.
- E. Status of the District's construction of public improvements: The District did not construct/dedicate any public improvements during 2021. Please see Item H., below, regarding the Letter Agreement with the Former Developer with respect to the repair and/or replacement of certain concrete in the community in 2022.
- F. Conveyances or dedications of facilities or improvements, constructed by the District, to the municipality: The District did not convey any facilities or improvements to the City in 2022.
- G. Final assessed valuation of the District for the report year: The final assessed valuation of the District for 2022 is \$8,150,800.00.
- H. Current year's budget including a description of the Public Improvements to be constructed in such year: A copy of the 2023 budget is attached hereto as **Exhibit A**. The District has no construction plans for 2023. The District entered into a Letter Agreement with the former developer of the community, Park 5th Avenue Development Co., LLC (the "Former Developer"), under which the Former Developer agreed to contribute \$100,000 to the repair and/or replacement of certain concrete in the District. The District retained a contractor and performed the repair/replacement work in 2022.

- I. Audited financial statements for the reporting year (or application for exemption from audit): A copy of the 2022 Audit will be provided as a supplemental filing once it is complete.
- J. Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any debt instrument: To our knowledge, there are no uncured events of default by the District which continue beyond a ninety (90) day period.
- K. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continues beyond a ninety (90) day period: To our knowledge, the District has been able to pay its obligations as they come due.

EXHIBIT A to Annual Report

RESOLUTION NO. 2022-12-03

RESOLUTION TO ADOPT BUDGET AND APPROPRIATE SUMS OF MONEY

RESOLUTION OF THE BOARD OF DIRECTORS OF WESTOWN METROPOLITAN DISTRICT, JEFFERSON COUNTY, COLORADO, PURSUANT TO SECTION 29-1-108, C.R.S., SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND, ADOPTING A BUDGET AND APPROPRIATING SUMS OF MONEY FOR THE BUDGET YEAR 2023

A. The Board of Directors of Westown Metropolitan District (the “**District**”) has appointed Simmons & Wheeler, P.C. to prepare and submit a proposed budget to said governing body at the proper time.

B. Simmons & Wheeler, P.C. has submitted a proposed budget to this governing body by October 15, 2022 for its consideration.

C. Upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 7, 2022, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget.

D. The budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution (“**TABOR**”) and other laws or obligations which are applicable to or binding upon the District.

E. Whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

F. The Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget.

G. It is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF WESTOWN METROPOLITAN DISTRICT, JEFFERSON COUNTY, COLORADO:

1. The budget, as submitted, amended, and summarized by fund, is hereby approved and adopted as the budget of the District for the year stated above.

2. The budget is hereby approved and adopted, shall be certified by the Secretary of the District to all appropriate agencies and is made a part of the public records of the District.


3. The sums set forth as the total expenditures of each fund in the budget attached hereto as **Exhibit A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION TO ADOPT
BUDGET AND APPROPRIATE SUMS OF MONEY]**

RESOLUTION APPROVED AND ADOPTED on December 7, 2022.

**WESTOWN METROPOLITAN
DISTRICT**

By: 
President

Attest:

By: 
Secretary

EXHIBIT A

Budget

**WESTOWN METROPOLITAN DISTRICT
FKA HOMETOWN METROPOLITAN DISTRICT NO. 1
2023
BUDGET MESSAGE**

Attached please find a copy of the adopted 2023 budget for Westown Metropolitan District.

The Westown Metropolitan District has adopted three separate funds, a General Fund to provide for general operating and maintenance expenditures and expenses relating to the pool and spa; a Capital Project Fund to provide for capital improvements to be built for the benefit of the district; and a Debt Service Fund to provide for payments on the outstanding general obligation bonds.

The district's accountants have utilized the modified accrual basis of accounting and the budget has been adopted after proper postings, publications and public hearing.

The primary sources of revenue for the district in 2023 will be property taxes, and assessments. The district intends to impose 89.428 mill levy on the property within the district in 2023, of which 44.428 mills will be dedicated to the General Fund and the balance of 45.000 mills will be allocated to the Debt Service Fund.

Westown Metropolitan District FKA Hometown Metropolitan District No. 1

Adopted Budget

General Fund

For the Year ended December 31, 2023

	Actual <u>2021</u>	Adopted Budget <u>2022</u>	Actual <u>6/30/2022</u>	Estimated <u>2022</u>	Adopted Budget <u>2023</u>
Beginning fund balance	\$ 114,418	\$ 210,918	\$ 153,351	\$ 162,104	\$ 194,785
Revenues:					
Property taxes	360,612	375,604	368,110	375,600	362,124
Ownership taxes	27,591	26,861	12,597	25,000	25,349
Assessments	121,824	128,952	71,739	128,952	128,952
Reimbursement from HOA	-	12,000	-	24,000	12,000
Century reimbursement	-	-	-	104,000	-
Interest income	2,831	1,500	679	1,500	1,500
Total revenues	<u>512,858</u>	<u>544,917</u>	<u>453,125</u>	<u>659,052</u>	<u>529,925</u>
Total funds available	<u>627,276</u>	<u>755,835</u>	<u>606,476</u>	<u>821,156</u>	<u>724,710</u>
Expenditures:					
Legal	82,574	50,000	45,208	65,000	65,000
Accounting	15,407	15,000	6,145	15,000	15,000
Audit	-	5,500	6,400	6,500	6,500
Election	-	15,000	-	-	15,000
Engineer	2,515	3,500	-	-	-
Insurance	12,490	13,000	13,737	13,737	14,500
Miscellaneous	3,063	3,000	2,135	3,000	3,000
District management	96,828	45,000	28,521	55,000	55,000
Community management	-	20,000	11,236	25,000	25,000
Billing	-	5,000	5,201	10,000	10,000
Website management	-	-	-	-	5,000
Treasurer's fees	5,412	5,634	5,522	5,634	5,800
Landscape Contract	61,824	32,000	15,635	32,000	35,000
Grounds Contract Extras	-	20,000	38,299	40,000	30,000
Sprinkler Repairs	-	5,000	6,132	10,000	15,000
Snow Removal	53,959	65,000	76,528	65,000	80,000
Parking Space Striping	-	4,000	-	4,000	4,000
Pool and Spa and Pool Bathrooms/Building	25,960	50,000	22,997	40,000	40,000
Street Sweeping	-	2,500	-	-	2,500
Monuments	-	750	-	-	750
Signage	-	2,700	-	-	1,000
Street Lights	-	4,000	-	-	4,000
Pet Waste Pickup	9,521	6,000	3,575	7,500	4,500
Gas & Electric	-	5,000	5,237	9,000	5,000
Phone	-	1,000	500	1,000	2,000
Water & Sewer	44,520	25,000	28,132	50,000	20,000
Townhome water	25,900	26,000	17,668	35,000	42,000
Townhome trash	25,199	36,000	13,964	30,000	30,000
Social events	-	5,000	-	-	5,000
Repairs	-	-	-	104,000	-
Contingency	-	183,143	-	-	17,943
Reserve	-	90,000	-	-	150,000
Emergency reserve	-	12,108	-	-	16,217
Total expenditures	<u>465,172</u>	<u>755,835</u>	<u>352,772</u>	<u>626,371</u>	<u>724,710</u>
Ending fund balance	<u>\$ 162,104</u>	<u>\$ -</u>	<u>\$ 253,704</u>	<u>\$ 194,785</u>	<u>\$ -</u>
Assessed value		<u>\$ 8,454,221</u>			<u>\$ 8,150,800</u>
Mill levy		<u>44.428</u>			<u>44.428</u>

Westown Metropolitan District FKA Hometown Metropolitan District No. 1

Adopted Budget

Capital Project Fund

For the Year ended December 31, 2023

	Actual <u>2021</u>	Adopted Budget <u>2022</u>	Actual <u>6/30/2022</u>	Estimated <u>2022</u>	Adopted Budget <u>2023</u>
Beginning fund balance	\$ 16,055	\$ 16,055	\$ 16,055	\$ 16,055	\$ 16,055
Revenues:					
Interest income	-	100	-	-	-
Total revenues	-	100	-	-	-
Total funds available	16,055	16,155	16,055	16,055	16,055
Expenditures:					
Capital outlay	-	690	-	-	16,055
Total expenditures	-	690	-	-	16,055
Ending fund balance	<u>\$ 16,055</u>	<u>\$ 15,465</u>	<u>\$ 16,055</u>	<u>\$ 16,055</u>	<u>\$ -</u>

Westown Metropolitan District FKA Hometown Metropolitan District No. 1

Adopted Budget

Debt Service Fund

For the Year ended December 31, 2023

	Actual <u>2021</u>	Adopted Budget <u>2022</u>	Actual <u>6/30/2022</u>	Estimated <u>2022</u>	Adopted Budget <u>2023</u>
Beginning fund balance	\$ 272,588	\$ 272,588	\$ 257,464	\$ 257,464	\$ 237,327
Revenues:					
Property taxes	380,440	380,440	372,849	380,440	366,786
Ownership taxes	25,737	25,737	12,759	25,737	25,675
Interest income	2,500	2,500	413	2,500	2,500
Total revenues	<u>408,677</u>	<u>408,677</u>	<u>386,021</u>	<u>408,677</u>	<u>394,961</u>
Total funds available	<u>681,265</u>	<u>681,265</u>	<u>643,485</u>	<u>666,141</u>	<u>632,288</u>
Expenditures:					
Bond interest	309,107	309,107	-	309,107	240,440
Bond principal	103,000	103,000	-	103,000	138,000
Paying agent fees	6,000	6,000	240	6,000	6,000
Other expense	-	-	-	5,000	-
Treasurer's fees	5,694	5,694	5,593	5,707	5,489
Total expenditures	<u>423,801</u>	<u>423,801</u>	<u>5,833</u>	<u>428,814</u>	<u>389,929</u>
Ending fund balance	<u>\$ 257,464</u>	<u>\$ 257,464</u>	<u>\$ 637,652</u>	<u>\$ 237,327</u>	<u>\$ 242,359</u>
Assessed value		<u>\$ 8,454,221</u>			<u>\$ 8,150,800</u>
Mill levy		<u>45.000</u>			<u>45.000</u>
Total Mill Levy		<u>89.428</u>			<u>89.428</u>

I, Lisa A. Jacoby, hereby certify that I am the duly appointed Secretary of the Westown Metropolitan District, and that the foregoing is a true and correct copy of the budget for the budget year 2023, duly adopted at a meeting of the Board of Directors of the Westown Metropolitan District held on December 7, 2022.

Lisa Jacoby

Secretary

RESOLUTION NO. 2022-12-04

RESOLUTION TO SET MILL LEVIES

**RESOLUTION OF THE WESTOWN METROPOLITAN DISTRICT
LEVYING GENERAL PROPERTY TAXES, PURSUANT TO SECTION 39-1-111,
C.R.S., FOR THE YEAR 2022, TO HELP DEFRAY THE COSTS OF GOVERNMENT
FOR THE 2023 BUDGET YEAR**

A. The Board of Directors of the Westown Metropolitan District (the “**District**”) has adopted an annual budget in accordance with the Local Government Budget Law, on December 7, 2022.

B. The adopted budget is attached as Exhibit A to the Resolution of the Board of Directors of the District to Adopt Budget and Appropriate Sums of Money, and such budget is incorporated herein by this reference.

C. The amount of money necessary to balance the budget for general fund expenses from property tax revenue is identified in the budget.

D. The amount of money necessary to balance the budget for debt service fund expenses from property tax revenue is identified in the budget.

NOW, THEREFORE, PURSUANT TO SECTIONS 39-1-111(5) and 39-5-128(1), C.R.S., BE IT RESOLVED by the Board of Directors of the Westown Metropolitan District, Jefferson County, Colorado, that:

1. For the purpose of meeting all general operating expenses of the District during the 2023 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

2. That for the purpose of meeting all debt retirement expenses of the District during the 2023 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.


3. That for the purpose of meeting all contractual obligation expenses of the District during the 2023 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

4. That the Secretary is hereby authorized and directed to immediately certify to the Board of County Commissioners of Jefferson County, Colorado, the mill levies for the District as set forth in the District’s Certification of Mill Levies, attached hereto as **Exhibit 1** and incorporated herein by reference, recalculated as needed upon receipt of the final certification of valuation from the County Assessor in order to comply with any applicable revenue and other budgetary limits.

[SIGNATURE PAGE OF RESOLUTION TO SET MILL LEVIES]

RESOLUTION APPROVED AND ADOPTED on December 7, 2022.

**WESTOWN METROPOLITAN
DISTRICT**

By: 
President

Attest:


By: 
Secretary

EXHIBIT 1

Certification of Tax Levies

CERTIFICATION OF TAX LEVIES for NON-SCHOOL GovernmentsTO: County Commissioners¹ of Jefferson County, Colorado.On behalf of the Westtown Metropolitan District,
(taxing entity)^Athe Board of Directors
(governing body)^Bof the Westtown Metropolitan District
(local government)^CHereby officially certifies the following mills
to be levied against the taxing entity's GROSS \$ 8,150,800
assessed valuation of: (GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)Note: If the assessor certified a NET assessed valuation
(AV) different than the GROSS AV due to a Tax
Increment Financing (TIF) Area^F the tax levies must be \$ 8,150,800
calculated using the NET AV. The taxing entity's total
property tax revenue will be derived from the mill levy
multiplied against the NET assessed valuation of: (NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)
**USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED
BY ASSESSOR NO LATER THAN DECEMBER 10**Submitted: 12/13/2022 for budget/fiscal year 2023.
(not later than Dec. 15) (mm/dd/yyyy) (yyyy)**PURPOSE** (see end notes for definitions and examples)**LEVY²****REVENUE²**

1. General Operating Expenses ^H	<u>44.428</u> mills	\$ <u>362,124</u>
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< <u> </u> > mills	\$ < <u> </u> >
SUBTOTAL FOR GENERAL OPERATING:	<u>44.428</u> mills	<u>\$ 362,124</u>
3. General Obligation Bonds and Interest ^J	<u>45.000</u> mills	\$ <u>366,786</u>
4. Contractual Obligations ^K	<u> </u> mills	\$ <u> </u>
5. Capital Expenditures ^L	<u> </u> mills	\$ <u> </u>
6. Refunds/Abatements ^M	<u> </u> mills	\$ <u> </u>
7. Other ^N (specify): <u> </u>	<u> </u> mills	\$ <u> </u>
	<u> </u> mills	\$ <u> </u>
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	<u>89.428</u> mills	<u>\$ 728,910</u>

Contact person: Diane K Wheeler Daytime phone: (303) 689-0833
(print)
Signed: Diane K Wheeler Title: District Accountant

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-I-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 866-2156.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's final certification of valuation).

CERTIFICATION OF TAX LEVIES, continued

THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.). Taxing entities that are

Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:

BONDS^J:

1.	Purpose of Issue:	\$6,700,000 Loan from BBVA Mortgage Corporation
	Series:	2020
	Date of Issue:	11/19/2020
	Coupon Rate:	4.67% taxable convertible to 3.69% tax exempt
	Maturity Date:	12/1/2035
	Levy:	45.000
	Revenue:	\$366,786

2.	Purpose of Issue:	
	Series:	
	Date of Issue:	
	Coupon Rate:	
	Maturity Date:	
	Levy:	
	Revenue:	

CONTRACTS^K:

3.	Purpose of Contract:	
	Title:	
	Date:	
	Principal Amount:	
	Maturity Date:	
	Levy:	
	Revenue:	

4.	Purpose of Contract:	
	Title:	
	Date:	
	Principal Amount:	
	Maturity Date:	
	Levy:	
	Revenue:	

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.

I, Lisa A. Jacoby, hereby certify that I am the duly appointed Secretary of the Westown Metropolitan District, and that the foregoing is a true and correct copy of the Certification of Mill Levies for the budget year 2023, duly adopted at a meeting of the Board of Directors of the Westown Metropolitan District held on December 7, 2022.

Lisa Jacoby

Secretary

Attachment to Annual Report for Item C. (iv)(1)

RESOLUTION NO. 2022-08-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTOWN METROPOLITAN DISTRICT ADOPTING THE AMENDED DESIGN GUIDELINES OF WESTOWN METROPOLITAN DISTRICT

- A. The Westown Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the County of Jefferson, Colorado.
- B. The District operates pursuant to its Second Amended and Restated Service Plan, approved by the City Council of the City of Arvada, Colorado (“**City Council**”) on May 15, 2017, as the same may be amended and/or modified from time to time (the “**Service Plan**”).
- C. Pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”
- D. Westown Townhomes, LLC and Westown Condominiums, LLC (collectively, the “**Developer**”) have caused to be recorded the Declaration of Covenants and Restrictions of Westown (the “**Declaration**”) in the real property records of Jefferson County, Colorado, on September 21, 2016, at Reception No. 2016095555, as the same may be amended and/or modified from time to time, applicable to the real property within the District (the “**Property**”).
- E. Pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District’s Service Plan, a metropolitan district may provide covenant enforcement within the District if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement and design review entity.
- F. The Declaration provides that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property.
- G. Pursuant to the Declaration, the District may promulgate, adopt, enact, modify, amend, and repeal design and landscape guidelines concerning and governing the Property and the enforcement of the Covenants.
- H. The District desires to provide for the orderly and efficient enforcement of the Declaration by adopting design and landscape guidelines.
- I. The District previously adopted Resolution No. 2019-01-01, *Resolution of the Board of Directors of the Westown Metropolitan District Adopting the Design Guidelines of Westown Metropolitan District* (the “**Previous Resolution**”), pursuant to which the District adopted the original Design Guidelines (the “**Design Guidelines**”).
- J. The District has amended the Design Guidelines (the “**Amended Design Guidelines**”) and wishes to adopt this Resolution to acknowledge and adopt the Amended Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WESTOWN METROPOLITAN DISTRICT:

1. The Board of Directors of the District hereby adopts the Amended Design Guidelines of Westown Metropolitan District as described in **Exhibit A**, attached hereto and incorporated herein by this reference.

2. The Board of Directors declares that the Amended Design Guidelines are effective as of August 17, 2022.


3. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2022-08-01]

APPROVED AND ADOPTED this 17th day of August, 2022.

**WESTOWN METROPOLITAN
DISTRICT**

By: 
President

Attest:


Secretary or Assistant Secretary

EXHIBIT A

Amended Design Guidelines of Westown Metropolitan District

WESTOWN METROPOLITAN DISTRICT

DESIGN GUIDELINES

June 2022

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PURPOSE

The goal of the Westown Metropolitan District (“District”) Design Guidelines (“Design Guidelines”) is to provide general design criteria and guidance for new and future homeowners for future enhancement of your home and visual compatibility to your home’s particular architectural style.

The Architectural Review Committee (“ARC”) has jurisdiction over design and aesthetic aspects of the Property. “Property” is defined as all real property covered by the Declaration of Covenants and Restrictions of Westown recorded on September 21, 2016, at Reception No. 2016095555 in the County of Jefferson real estate records (the “Covenants”) which includes your residential site. The ARC is a committee established and appointed by the Westown Metropolitan District Board of Directors (“Board”) as provided in Section 1.1 of the Master Covenants.

The ARC must approve all plans for any alteration to the exterior of any residential site (“Unit”) and for any improvements, including architectural or landscape modifications, before the modifications are made. The ARC also has the right to review modifications as they are constructed and give final approval of completed modifications.

In making improvements, Owners are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, and other utility lines and easements. Owners should not make any improvements over any such easements without the consent of the utility involved, and Owners will be responsible for any damage to utility lines.

The ARC may, from time to time, adopt additional standards and/or amend existing standards.

DESIGN REVIEW

The intent of the design review process, as described below, is to ensure that residential neighborhoods developed within the District contribute to the character and quality envisioned for the community.

In order ensure a consistent, high-quality, and integrated design throughout all phases of the project, the ARC will review and approve the proposed plans. A design review process has been established to review architecture and landscape design for conformance to these Design Guidelines.

The Design Guidelines are a supplement to all applicable government codes and regulations. The Design Guidelines are also supported by the following:

COVENANTS, CONDITIONS, AND RESTRICTIONS

The Design Guidelines do not supersede or modify any existing, applicable City of Arvada (“City”) and County of Jefferson (“County”) codes or regulations. Any requests for variances to the laws, regulations, or standards adopted by the City shall be submitted to the appropriate municipal agency according to established procedures following review and approval by the ARC. In the event of conflict or discrepancy, or for subjects not addressed herein, or as part of the Design Guidelines, the municipal regulations and codes take precedence, and the most restrictive standards shall apply. Provided that the ARC acts in good faith, neither ARC nor any representative thereof shall be liable to any applicant or to any other person for any damage, loss, or prejudice suffered or claimed on account of the review of plans, specifications, or materials. The review and delivery of a form of approval or disapproval is not to be considered an opinion as to:

1. whether the plans are defective;
2. whether the construction methods or performance of the work proposed therein is defective;
3. or whether the facts therein are correct or meet the City’s and County’s building codes.

SUBMITTAL REVIEW RESPONSE TIME

After a submittal is accepted as complete and meets all requirements, the ARC's approval or disapproval shall be given within a reasonable time, not to exceed forty-five (45) business days after submittal acceptance.

APPROVALS AND RESUBMITTALS

All submittals reviewed by the ARC to be stamped as follows:

APPROVED: Plans meet all ARC requirements

APPROVED AS NOTED: Plans meet all or most of ARC requirements but may contain some minor items in need of clarification or correction. Plans will also be stamped **APPROVALS AS NOTED** if the ARC wants to inform the applicant of certain conditions that may affect other plan submittals or construction improvements. If minor corrections are required, revised plans must be resubmitted for ARC files.

ADDRESS COMMENTS AND RESUBMIT: Plans contain significant deviations or deficiencies from ARC requirements and must be corrected or clarified before ARC will grant approval. All resubmittals to ARC must be a complete plan set and must address each comment and any change to the plans in writing. Partial resubmittals, if corrected sheets only, will not be accepted.

DENIED: Plans contain items that are not allowable under ARC standards. **CONSTRUCTION SHOULD NOT BEGIN ON ANY IMPROVEMENTS UNTIL ALL SUBMITTALS FOR THAT TYPE OF IMPROVEMENT HAVE BEEN APPROVED.**

Any change to the plans after ARC approval including those not specifically requested by the ARC, must be resubmitted for approval with the changes noted. Upon receipt of submittal comments, the applicant may contact ARC to schedule a meeting to review and address such comments in further detail. The ARC will make periodic in-progress inspections of construction to ensure compliance with the approved construction documents, plans, and Design Guidelines.

SUBMITTAL REQUIREMENTS

See form attached hereto and incorporated herein.

RESIDENTIAL LANDSCAPING

1. Rock and mulch must use fabric weed barrier and edging
2. Per the City of Arvada regulations, grass and weeds cannot exceed twelve inches (12") in height
3. Underground manual or automatic irrigation system should not be installed within the 5 feet of the foundation

ARTIFICIAL TURF

- The synthetic Turf must be natural in appearance and integrated into the overall landscape design in a natural-looking manner so as not to appear as a sports field, and it shall not be installed directly adjacent to the property line
- Synthetic Turf shall be comprised of two yarn-type colors (green and tan) for a natural appearance. Putting greens may be of a single yarn type (green)
- The general appearance of synthetic Turf must be designed and installed in such a manner as to effectively simulate the appearance of a well-maintained lawn
- Uniformity must be maintained in all areas of synthetic Turf
- Pile height (length of blade) must be at least 1.75" and not greater than 3"
- Pile weight must be between 30 and 80 ounces per square yard
- Synthetic Turf must be protected by a minimum of an 8-year warranty, which must not be limited by the amount of usage, lawn elevation, or type of footwear that can be worn
- Synthetic Turf must allow for 10' of standing per hour minimum vertical drainage

- Synthetic Turf must be protected from UV damage
- Yarn denier must be a minimum of 5,700 for putting greens, 7,000 for yards
- Infill material must consist of sand, rubber, or a combination thereof
- Sand must be silt free
- Rubber with steel filaments is not permitted
- The primary backing system (material that holds the blades in place) must contain a minimum of 8 ounces per square yard. Its primary function is to filter water through the Turf
- The secondary backing system must contain a minimum of 8 ounces per square yard
- Felt backing is not permitted

INSTALLATION

- Turf must provide adequate drainage both horizontal and vertical
- Synthetic Turf **MUST NOT** be placed over existing grass. Dirt or adequate hardscape subgrade must be installed
- Subgrade should include a geotextile fabric that is placed between the existing, compacted soil and the porous aggregate material. The porous Aggregate layer is defined as a material that is compacted and will provide stabilization stability for the subgrade, and the material should be porous enough to allow for sufficient vertical drainage
- Turf must be adequately secured – no ripples or seams showing Synthetic Turf must be well-secured to prevent rippling or seams becoming visible
- The stitch rate should be a minimum of ten (10) stitches per 3”
- Tear Strength should be a minimum of 200 lb
- Turf edges must be finished and anchored with either concrete curb, treated wood header, trench drain, or an approved composite edging material. Turf needs to be securely fastened to prevent any lateral movement of the backing material
- Turf must have prepared base of “infill” as defined in the product specification section
- Turf must have a minimum 1-year installation/workmanship warranty
- Seaming must be completed using an approved tape and glue, or stitching
- Must include a geotextile fabric between existing compacted soil and porous aggregate material

MAINTENANCE STANDARDS

- The manufacturer and/ or installer shall provide detailed maintenance instructions for the synthetic Turf
- Removal of all organic material from the surface
- If you have animals that will use the Turf, please remove the animal feces on a frequent basis, and wash the area with a hose. Urine should flow through the Turf like rainwater
- A spray irrigation system is recommended if using synthetic Turf in yards containing pets, as this allows for regular washing of the material
- Color and appearance of Turf must remain as originally submitted to the ARC. If not, this constitutes and is subject to covenant violation. In more detail, the property would be considered in violation of landscape maintenance and possibly subject to levied fines until the matter is rectified

ACCESSORY STRUCTURES

Accessory structures are not allowed in the District per the approved platting.

Prohibited structures include:

1. Cabanas and pool houses;
2. Storage sheds;
3. Guest casitas;
4. RV tarps or shelters; and
5. Detached garages.

IMPROVEMENT GUIDELINES

ADDRESS SIGNS

Each Unit must have a Unit number visible from the street, and all Unit number(s) replacing the original number(s) do not need ARC approval, provided such numbers do not exceed six (6) inches in height and the entire area of such numbers does not exceed one (1) square foot.

Acceptable materials shall include, but are not limited to, wood, ceramic tile, and metal.

BASKETBALL NETS AND RELATED EQUIPMENT

Basketball backboards and hoops that are free-standing and portable are **NOT** allowed in the public right-of-way, streets, sidewalks, parkways, or driveway aprons. These backboards must be stored away from view when not in active use.

CONCRETE WORK

Owner shall maintain the grading upon the Owner's Lot per the grading certificate, (including grading around the building foundation), at the slope and pitch fixed by the final grading thereof, including landscaping and maintenance of the slopes, to maintain the established drainage. It shall be the responsibility of the Owner to ensure that any improvement does not interfere with or obstruct the established drainage pattern over such Owner's Lot or any adjoining property or vary from the drainage pattern established by the Declarant.

DECKS, BALCONIES, AND PATIOS

The design of elevated decks, balconies, and patios, including colors and materials, should be consistent with the main structure. All vertical elements (railings, supports and columns, fascia, and overhead structures) should be finished consistent with the exterior architectural style of the Unit. Columns and/or supports are encouraged to appear substantial and proportionate to the building mass of the Unit.

EXTERIOR LIGHTING

1. Exterior lighting must be of low-illumination level
2. Exterior solar low-illumination lighting is pre-approved and does not require ARC approval
3. All other exterior lighting must have ARC approval
4. Dark-sky lighting principles should be utilized. The dark-sky principle is a way of using lighting (or the lack of lighting) to eliminate pockets of dark and light. Contrasting pockets of dark and light cause users' eyes to adjust more slowly as they pass in and out of these areas. The goal of dark-sky lighting is to see the thing being lit (the Unit/porch) and not the light itself. The human eye automatically focuses on the brightest light source in range and adjusts to that accordingly. When glare is eliminated and an environment created with relatively even light levels, the human eye can see very clearly in much less light

FLAG POLES

The installation of flag poles shall be submitted to ARC review and approval. Flags of a standard size of 3' X 5' may be flown without the need for approval from the ARC. Any flag of a larger size must be approved by the ARC.

FENCES

1. Fences of chain link, poultry wire, aluminum, sheet metal, plastic, fiberglass, reeds, straw, bamboo, rope, and other similar, temporary, or commercial materials are not permitted
2. White vinyl three- (3-) or four- (4-) rail fencing is permitted
3. No double fences shall be allowed along the same property line
4. Fencing shall not exceed four (4) feet in height

5. Community perimeter fencing bordering District property shall not be replaced with any other type of fencing other than what was installed by the builder or by the District

MAXIMUM HEIGHT OF IMPROVEMENTS

The maximum building heights of all improvements shall be consistent with the City, County, or other governmental agency codes and regulations.

FRONT YARD ART AND BIRD FEEDERS

Must be submitted to the ARC for approval if exceeds a height of two feet (2') above the fence line. A photograph is required for submittal. Bird feeders that become a nuisance shall be removed.

OUTDOOR GRILLS

In accordance with the Arvada Fire Protection District Fire Code (IFC Section 308.1.4 with City of Arvada Amendments Section 42-51):

1. Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall **NOT** be operated on **combustible balconies or within 10 feet of any combustible materials or building structures.**
2. Briquets are **NOT** permitted
3. Pellet grills are permitted
4. Liquefied Petroleum Gas (LPG, or propane) tanks shall have a water capacity not greater than 20 pounds [nominal 1 pound (0.454kg) capacity].

Full Restrictions may be found at: <https://www.arvadafireco.gov/222/Grills-Fire-Places>

Please note, the requirements for townhomes and condominiums may be different.

PAINTING

Must submit for ARC review and approval

PATIO COVERS

Must be consistent with architectural style and character of the Unit.

Acceptable covers are:

1. Sloping roof element with roofing to match home;
2. Flat with parapet; or
3. Trellis cover.

Columns/posts shall be 6" x 6" minimum and shall be detailed in the same fashion as all other columns/posts on exterior elevations of the Unit. Patio covers shall not be anchored to a neighboring unit.

PET ENCLOSURES

1. Pet enclosures (i.e., dog runs, dog house) must be submitted to the ARC for review for all Units
2. Standard-type (pre-constructed) dog houses are allowed and do not require ARC approval as long as such dog houses do not exceed four feet (4') in height
3. Notwithstanding subsection above, pet enclosures should not be any higher than adjacent fencing
4. Chain link enclosures are **NOT** permitted
5. Wire mesh may be attached to existing white vinyl fencing to enclose small pets using the following criteria:
 - a) Wire mesh shall not exceed the height of the top horizontal rail of white vinyl fencing;
 - b) Wire mesh may extend below the bottom horizontal rail to ground level or shall terminate at the bottom of the bottom horizontal rail of white vinyl fencing;

- c) Wire mesh shall be attached to the white vinyl fencing rails using secure fasteners located no more than twelve inches (12") on center, and fasteners shall be of a material coated to prevent rust and staining;
- d) Wire mesh shall be installed on the Unit-owner yard side of the white vinyl fencing.
- e) Wire mesh type should be 14-gauge galvanized welded wire fence with 2" x 4" openings. This is available through many manufacturers

PLAYGROUND AND RELATED EQUIPMENT

The ARC has determined that no permanent playground equipment, trampolines or trampoline fences, or similar sport equipment shall be installed in the front yard or side (if the lot is wide enough) of a Unit.

POOLS AND SPAS

Spas and similar water features, such as swimming pools and hot tubs, are **NOT** permitted.

SATELLITE DISHES AND ANTENNAS

All satellite dishes and direct broadcast satellite ("DBS"): Satellite dishes and antennas designed to receive DBS service that are one meter in diameter or less are permitted and do not require ARC approval.

Preferred placement is the roof or awning over the garage. It is suggested to not screw through roof shingles to prevent leaks.

Antennas larger than one meter, except TVBS: Antennas designed to receive over-the-air television broadcast signals are generally prohibited and must be submitted to the ARC to be reviewed on a case-by-case basis.

SCREEN DOORS AND STORM DOORS

1. Screen and storm doors on the front door entrances of Units shall be painted to match the color of the front door, and the style must conform to the architectural character of the Unit
2. Screen and storm door in to be installed without covering up the unit address
3. Screen and storm doors do not require ARC approval if these criteria are met

SIGN GUIDELINES

The ARC has determined the following regarding "Open House" signage on District property:

1. Only one (1) sign (in total) per corner on major streets (a "major street" is defined as any street outside of the various developments). At a four- (4-) way intersection, there are four (4) corners where only four (4) signs may be placed
2. Signs may not remain on District property overnight
3. Unit owners (or their agents) wishing to advertise an "Open House" for the purpose of selling their Units must use a standard sign with restrictions on type, location, and quantity;
4. Signs are to be no larger than 3' x 4'

Signs not complying with the Design Guidelines may be summarily removed by the District.

Political signs may be displayed no earlier than 45 days prior to an election and must be removed within 7 days of the election. No more than one sign per ballot measure may be maintained on the individual Lot.

SOLAR ENERGY SYSTEMS

Each Unit owner may install a solar energy system that serves the Unit provided that:

1. Design and location of the solar energy system meets the requirements of all applicable government ordinances;
2. Said design and location receive the prior written approval of the ARC.

Additionally:

1. Energy systems must be integrated into the roof design, to respond to the roof slope and designed to minimize the profile of the collector;
2. Frames must be colored to compliment the roof of the Unit;
3. Natural aluminum frames are prohibited; and
4. Support for solar equipment shall be located in a manner which minimizes visual and noise impact

TRASH AND RECYCLING CONTAINERS

1. Containers must be stored in the garage
2. Containers are permitted to be on the street the day before and the day of pickup
3. All such containers must be removed on the day of pickup subsequent to pickup and stored as designated above

TREES

1. The sidewalks are attached to the back of the curb. No trees lawns or street trees are allowed
2. Feeding, maintaining, and irrigating the trees and landscaping in the Unit owner's front yard is the Unit owner's responsibility
3. Each Unit owner shall maintain all landscaping and adjacent tree lawn areas in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds and debris, and replacement of landscaping

UNSIGHTLY ITEMS

1. All weeds, rubbish, debris, and unsightly materials or objects of any kind shall be regularly removed from the exterior of the Unit and shall not be allowed to accumulate thereon
2. All clotheslines, refuse containers, wood piles, storage areas, machinery, and equipment shall be prohibited upon any Unit site unless obscured from view of adjoining streets, other Unit sites, sidewalks, roadways, and District property
3. Clotheslines must be retracted when not in use

WINDOW AWNINGS

1. Awnings must be submitted to the ARC for approval
2. Awnings must be compatible with the color and design of the existing Unit, must be simple in design and color, and the size, location, and form must be in scale with the window
3. Awnings must be properly maintained to the satisfaction of the ARC and may not be kept when frayed, spilt, torn, or faded
4. Temporary sun shades attached to the outer wall of the Unit, patio cover, or gazebo, such as rolls of bamboo, fiberglass, or reed, must be submitted to ARC for approval prior to installation

MISCELLANEOUS ITEMS

GARAGE SALES

Due to the close proximity of the Units and garages individual garage sales have a negative impact on the Community. In an effort to mitigate the impact of garage sale traffic, no individual owner may host or conduct a garage sale.

The District shall host a community wide garage sale date on a day to be determined by the Board of Directors. All advertising and signage shall be installed and maintained by the District.

HOLIDAY DECORATIONS AND LIGHTING

Placement and display of holiday lighting is permitted without ARC approval subject to the following rules and regulations:

1. Seasonal decorations and lighting shall not be displayed more than thirty (30) days in advance of the particular holiday or celebration
2. Seasonal decorations and lighting shall be removed within fifteen (15) days following the particular holiday or celebration
3. Consideration of neighbors should be exercised when decorating for any occasion

COMMUNITY GUIDELINES

TENANT GUIDELINES

In addition to lease restrictions outlined in the Covenants:

1. The Unit owner shall have the responsibility to acquaint the Unit owner's tenants and guests with the governing documents
2. For the purpose of these Design Guidelines, a tenant shall be defined as anyone in possession of all or part of a Unit owner's Unit in exchange for any sort of consideration
3. The Unit owner, at all times, will be responsible for compliance by the Unit owner's tenant with all the provisions of the governing documents. Penalties and other actions to correct violations will be assessed against the Unit owner even though the violation was committed by tenant
4. The Unit owner solely is responsible for payment of the monthly Metropolitan District fees (water and trash/recycling services)
5. Disturbances and disorderly conduct by tenants can result in a fine or legal action against the Unit owner. Preserving the community and maintaining harmony among Unit owners are the ultimate goals of the District. If a tenant is violating these goals, the Unit owner is required to take the necessary measures to correct the situation

VEHICLE PARKING GUIDELINES

1. The garage shall be maintained by the homeowner in a condition as that it will accommodate at least the number of authorized vehicles for which it was designed
2. Mopeds and motor bikes are subject to vehicle code restrictions and are limited to travel on public streets (i.e., both driver and vehicles must be licensed if required by state and local laws).
3. No Unit owner shall conduct major repairs to any vehicle upon a Unit site unless performed in a closed garage.
4. Please mind the parking signs for parking restrictions throughout the District
5. Garage may not be altered for additional living space

Please refer to Section 3.7 of the Declaration, Covenants and Restrictions for additional information.

PET GUIDELINES

1. All dogs shall be kept on a leash and in control of the Unit owner when not in the Unit owner's yard
2. Each pet owner shall clean up all waste deposited by animals upon District property
3. Excessive dog barking or other animal noise may be deemed a nuisance