

When recorded return to:

McGeady Becher P.C.  
450 E. 17th Avenue, Suite 400  
Denver, CO 80203

**FIRST AMENDMENT TO AMENDED AND RESTATED RESOLUTION OF THE BOARD OF DIRECTORS OF WESTOWN METROPOLITAN DISTRICT FOR THE IMPOSITION OF FEES FOR THE CENTRALIZED PROVISION OF TRASH REMOVAL AND RECYCLING SERVICES**

A. Westown Metropolitan District (the “**District**”) is situated in the City of Arvada, Jefferson County, State of Colorado and operates pursuant to a Second Amended and Restated Service Plan, approved by the City Council of the City of Arvada, Colorado on May 15, 2017, as may be further amended from time to time (the “**Service Plan**”).

B. The District previously adopted Resolution No. 2018-04-02, Amended and Restated Resolution of the Board of Directors of Westown Metropolitan District for the Imposition of Fees for the Centralized Provision of Trash Removal and Recycling Services, which was recorded in the real property records of Jefferson County at Reception No. 2019003336 on January 14, 2019, and re-recorded at Reception No. 2019023971 on March 29, 2019 (the “**Original Fee Resolution**”), establishing and imposing the Service Fee (as defined in the Original Fee Resolution) against the property within the District’s boundaries, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the “**Property**”) (each such lot shown on Exhibit A, a “**Lot**” and collectively, the “**Lots**”) as the same is further identified on that certain Hometown South Subdivision – Amendment No. 1, Final Plat, recorded in the official records of Jefferson County, Colorado, on July 30, 2015 at Reception No. 2015079975 (the “**Plat**”).

C. The District has determined that, to meet the costs of providing trash removal and recycling collection (defined in the Original Fee Resolution as the “**Services**”) to extend the option to annually increase the Service Fees for an additional five (5) years and to update the contact information for the District Manager by adopting this First Amendment to the Original Fee Resolution.

NOW, THEREFORE, be it resolved by the Board of Directors of the Westown Metropolitan District (the “**Board**”):

1. All terms which are used but not otherwise defined herein shall have the same meaning as set forth in the Original Fee Resolution.

2. Amendment to Recital I of the Original Fee Resolution. Recital I of the Original Fee Resolution is hereby deleted in its entirety and replaced with the following:

“I. Special District Management Services, Inc. is under contract with the District to provide management services to the District (“**District Manager**”).”

3. Amendment to Section 1.02 of the Original Fee Resolution. Section 1.02 of the Original Fee Resolution is hereby deleted in its entirety and replaced with the following:

“Section 1.02. **Trash and Recycling Fees.** The Trash and Recycling Fees will be collected by the District Manager in accordance with Section 1.03 herein, and shall collectively include the following:

(a) **Service Fee.** A monthly fee of Fourteen Dollars (\$14.00) will be charged to each Unit to cover the cost of trash pickup and recycling services (“**Service Fee**”) through December 31, 2018. Each year thereafter through December 31, 2025, the Service Fee may be increased up to five percent (5%) a year. The first monthly payment shall be due and payable upon the closing of the transfer of a Unit from a home builder or developer to a third party buyer and shall consist of a full month Service Fee and the pro-rated portion of the current month’s Service Fee. Thereafter, monthly payments shall be due and payable on the Due Date, as defined below. The Service Fee may be amended from time-to-time in the Board’s sole discretion.

(b) **Late Fee.** A fee of Five Dollars (\$5.00) per month will be added to all past due amounts (“**Late Fee**”).”

4. Amendment to Section 1.03(a) of the Original Fee Resolution. Section 1.03(a) of the Original Fee Resolution is hereby deleted in its entirety and replaced with the following:

“(a) **Invoicing.** Invoices for the Service Fee will be sent to each Unit in the month prior to the Due Date, as defined herein. Payment is due on the first day of each month (each a “**Due Date**”). Unit invoices will provide all amounts currently due, all amounts past due, including all Collection Costs, as defined below, and any Late Fees owing on the account. Payment shall be submitted to the District Manager at the following address and payable to:

Westtown Metropolitan District  
c/o Special District Management Services, Inc.  
141 Union Boulevard, Suite 150  
Lakewood, CO 80228-1898  
Tel: 303-987-0835  
Fax: 303-987-2032

In the alternative, after the initial invoice for the Service Fee is sent to a Unit, the Property Owner has the option to establish an account with the on-line payment portal per the instructions provided in the invoice(s) and submit payments for the Service Fee electronically. A link to the on-line payment portal can also be found on the District's website (<http://Westownmd.Colorado.gov/>).

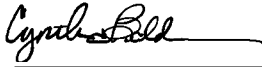
5. Except as expressly set forth in this First Amendment, all provisions of the Original Fee Resolution remain unchanged and in full force and effect, valid and binding.

**[SIGNATURE PAGE FOLLOWS]**


**[SIGNATURE PAGE TO FIRST AMENDMENT TO AMENDED AND RESTATED  
RESOLUTION OF THE BOARD OF DIRECTORS OF WESTOWN METROPOLITAN  
DISTRICT FOR THE IMPOSITION OF FEES FOR THE CENTRALIZED PROVISION  
OF TRASH REMOVAL AND RECYCLING SERVICES]**

RESOLUTION APPROVED AND ADOPTED on November 10, 2020.

**WESTOWN METROPOLITAN  
DISTRICT**, a quasi-municipal corporation and  
political subdivision of the State of Colorado

By:   
Its: President

Attest:

By:   
Its: Secretary

**EXHIBIT A  
PROPERTY**

Lots 10 through 62 inclusive, Block 1,  
Lots 1 through 55 inclusive, Block 2,  
Lots 1 through 81 inclusive, Block 3,  
Hometown South Subdivision - Amendment No. 1,  
City of Arvada, County of Jefferson, State of Colorado.