

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  
ESTABLISHING FEES, RATES, AND CHARGES FOR POTABLE WATER SERVICE**

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 is authorized pursuant to its Service Plan and pursuant to Section 32-1-1001(1)(j)(I), C.R.S., to fix fees and charges for the services provided by the District.

C. The District previously adopted Resolution No. 2018-04-01, Amended and Restated Resolution of the Board of Directors of Westown Metropolitan District Establishing Fees, Rates, and Charges for Potable Water Service, which was recorded in the real property records of Jefferson County at Reception No. 2018086303 on September 19, 2018 (the “**Original Fee Resolution**”), establishing and imposing a 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**”).

D. The District has determined that, to meet the costs of providing water and wastewater services (defined in the Original Fee Resolution as the “**Services**”) to extend the option to annually increase the Service Fee 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 Section 5 of the Original Fee Resolution. Section 5 of the Original Fee Resolution is hereby deleted in its entirety and replaced with the following:

“5. A monthly fee of Forty Dollars (\$40.00) will be charged to each Unit for water and/or sewer service (“**Service Fee**”) through

December 31, 2018. Each year thereafter through December 31, 2025, the Service Fee may be increased up to five percent (5%) per year. The first monthly payment shall be due and payable upon the closing of the transfer of a Lot 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."

3. Amendment to Section 7(a) of the Original Fee Resolution. Section 7(a) of the Original Fee Resolution is hereby deleted in its entirety and replaced with the following:

"7(a). 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:

Westown 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/>).


4. 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 ESTABLISHING FEES, RATES, AND  
CHARGES FOR POTABLE WATER SERVICE]**

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.

**RESOLUTION NO. 2018-04-01**

**AMENDED AND RESTATED RESOLUTION OF THE BOARD OF DIRECTORS OF  
WESTOWN METROPOLITAN DISTRICT ESTABLISHING FEES, RATES, AND  
CHARGES FOR POTABLE WATER SERVICE**

A. Westown Townhomes, LLC (“**Westown**”) is the owner of certain real property situated in the City of Arvada, County of Jefferson, State of Colorado, 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**”).

B. Upon each Lot, Westown has or will construct an attached residential dwelling unit (each, a “**Unit**” and collectively, the “**Units**”), and which Units shall be adjoined in one or more multiplex buildings on the Property (each such building, a “**Multiplex**”).

C. In connection with the development of the Property and the construction of the Units, Westown will install a common potable water meter for each Multiplex within the Property (each, a “**Water Meter**” and collectively, the “**Water Meters**”).

D. Westown Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and operates pursuant to its Amended and Restated Service Plan approved by the City Council of the City of Arvada, Colorado (the “**City**”) on October 19, 2015, as may be further amended from time to time (collectively, the “**Service Plan**”).

E. Pursuant to the Service Plan, the District is authorized to provide water and wastewater services (the “**Services**”) within and without the boundaries of the District (referred to herein as the “**Service Area**”).

F. The Lots are located within the Service Area.

G. Following Westown’s installation of one or more of the Water Meters, the District shall contract with the local water utility to provide potable water to the Units.

H. The District is authorized pursuant to its Service Plan and pursuant to Section 32-1-1001(1)(j)(I), C.R.S., to fix fees and charges for the Services provided by the District.

I. The District adopted Resolution No. 2016-07-04 Establishing Fees, Rates, and Charges for Portable Water Services on July 25, 2016 (the “**Original Resolution**”), which Original Resolution was recorded in the official records of Jefferson County, Colorado at Reception No. 2017021531 on February 27, 2017.

J. Pursuant to the Original Resolution, the imposed fees on the property within the boundaries of the Service Area, as such boundaries may be changed from time to time, in order to provide funding for the Services (the “**Fees**”).

K. The District has determined for the purpose of efficiency of collections, the payment terms of the Fees should be modified. Accordingly, the District desires to amend and restate the Original Resolution in its entirety.

L. The District shall record this Resolution and amendments hereto, from time to time, in the Jefferson County, Colorado real property records to give notice to owners of each of the Lots within the Service Area (individually, a “**Property Owner**” and collectively, the “**Property Owners**”) and other interested parties of the imposition of the Fees.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF WESTOWN METROPOLITAN DISTRICT (THE “BOARD”) OF THE CITY OF ARVADA, COLORADO:**

1. The Board hereby determines that it is in the best interests of the District to impose the Fees.

2. The Board hereby imposes the Fees for water and/or sewer service in an amount of \$480/year, per Unit.

3. The Board may, in its sole discretion, increase the amounts and rates of the Fees by amendment(s) to this Resolution from time to time.

4. Pursuant to Section 32-1-1001(1)(j)(I), C.R.S., all Fees, until paid, shall constitute a perpetual lien on and against the property to be served by the District. Except for the lien against the property created by the imposition of property taxes by the District and other taxing jurisdictions pursuant to Section 32-1-1202, C.R.S., all liens for unpaid Fees shall, to the fullest extent permitted by law, have priority over all other liens of record affecting the property and shall run with the property and remain in effect until paid in full.

5. A monthly fee of Forty Dollars (\$40.00) will be charged to each Unit for water and/or sewer service (“**Service Fee**”) through December 31, 2018. Each year thereafter through December 31, 2020, the Service Fee may be increased up to five percent (5%) per year. The first monthly payment shall be due and payable upon the closing of the transfer of a Lot 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.

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

7. Each Unit will be billed monthly by the District Manager, which may be pro-rated, in advance, for Services provided through the following month subject to the following procedure:

(a) 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 Centennial Consulting Group  
2619 Canton Court, Suite A  
Fort Collins, CO 80525

(b) Payment will become past due thirty (30) days after the Due Date (the "**Past Due Date**") and will be assessed a Late Fee. If payment is not received prior to the Past Due Date, a reminder letter will be mailed to those Units which have not previously become past due. The reminder letter will be sent as a one-time courtesy reminder. Units that have received a reminder letter will not be issued a reminder letter for future delinquencies. The letter will state that payment must be received not later than ten (10) days of the mailing date of the reminder letter. Payments made will be applied first to any Late Fees and Collection Costs, as defined below.

(c) In the event that any such fee established hereunder remains unpaid three (3) months after its Due Date ("**Default**"), the Default shall be deemed a default of the terms of this Resolution. Upon a Default, the defaulting Property Owner shall pay all attorneys' fees and costs incurred for collection of the Service Fee (together, "**Collection Costs**"), and any Late Fees owing. In addition to any other means of collecting the Collection Costs and Late Fees, the District shall be authorized to certify the delinquent amounts to the Jefferson County Treasurer for collection in the same manner as property taxes in accordance with Section 32-1-1101(1)(e), C.R.S.

8. The Service Fee, Late Fee, and Collection Costs imposed pursuant to this Resolution shall constitute a lien on each Property Owner's Lot in the amounts set forth herein, such lien being a charge imposed for the provision of the improvements to service the Lots. The lien shall be perpetual in nature as defined by the laws of the State of Colorado on each Lot until paid in full. The obligations created by this Resolution shall bind each Property Owner and shall run with the land.

9. The Service Fee, Late Fee, and Collection Costs shall also be the personal obligation of the Property Owner who owned the Lot at the time the obligation to pay such amounts arose.

10. 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 TO AMENDED AND RESTATED RESOLUTION OF THE BOARD  
OF DIRECTORS OF WESTOWN METROPOLITAN DISTRICT ESTABLISHING  
FEES, RATES, AND CHARGES FOR POTABLE WATER SERVICE**

ADOPTED AND APPROVED this 25<sup>th</sup> day of April, 2018.

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

By:   
President

Attest:  
  
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.