

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
JOHNSTOWN VILLAGE METROPOLITAN DISTRICT NO. 2
IMPOSING OPERATIONS FEES UPON PROPERTY WITHIN THE DISTRICT**

WHEREAS, the Johnstown Village Metropolitan District No. 2, Town of Johnstown, Weld County, Colorado (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and was duly organized pursuant to §§32-1-101, *et seq.*, C.R.S., as amended;

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control and supervision of all the business and affairs of the District; and

WHEREAS, the Service Plan for the District (the “**Service Plan**”) contains a limitation upon the imposition of recurring fees. The District may impose and collect recurring fees for operations and maintenance expenses and for services, subject to the review and approval by the Town of Johnstown, Colorado (the “**Town**”); and

WHEREAS, by way of Resolution No. 2023-14, the Town authorized the District to impose a recurring fee for the 2024 and 2025 calendar years; and

WHEREAS, the District previously approved on November 8, 2023, a Resolution Imposing Operations Fees Upon the Property Within the District to impose a recurring fee for the 2024 and 2025 calendar years; and

WHEREAS, the Town authorized the District to impose a recurring fee limited to 2024 and 2025 calendar years because the Board was primarily comprised of individuals associated with the developer of the project; and

WHEREAS, the Board is now comprised entirely of residents and End Users (as defined in the Service Plan); and

WHEREAS, if the District desires to impose a recurring fee after 2025, the District shall make such request in the manner set forth in the Service Plan; and

WHEREAS, the District sent a letter, dated November 10, 2025 to the Town, via the Town Manager, hereby incorporated by reference as Exhibit A, requesting recurring fee authorization at the District’s sole discretion starting for the 2026 calendar year and continuing indefinitely (the “**Request Letter**”); and

WHEREAS, pursuant to the Service Plan, the Town Manager approved the District’s requested authorization, as evidenced by the Town Manager’s signature on the Request Letter; and

WHEREAS, the Board has determined it to be in the best interest of the District, and the property owners, taxpayers and residents within the District, to provide certain services to the property owners, taxpayers and residents within the District, and the general public, including without limitation, snow removal and landscape maintenance (the “**Operations Services**”);

WHEREAS, pursuant to §32-1-1001(1)(j), C.R.S., as amended, the Board is empowered to fix and, from time to time, to increase or decrease fees, rates, tolls, penalties or charges for services, programs or facilities furnished by the District;

WHEREAS, pursuant to §32-1-1001(1)(j)(I), C.R.S., as amended, until paid, all such fees, rates, tolls, penalties or charges shall constitute a perpetual lien on and against the property served and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens;

WHEREAS, the Operations Services to be provided by the District will benefit the District, and the property owners, residents and taxpayers of the District;

WHEREAS, the establishment of an annual operations fee upon each Developed Lot (as defined below) within the District in order to provide a source of funding to pay for the costs associated with Operations Services of the District (the "**Operations Fee**"), which costs are generally attributable to the property subject to such Operations Fee, is necessary to provide for the common good and for the prosperity and general welfare of the District and its residents and taxpayers, and for the orderly and uniform administration of the District's affairs;

WHEREAS, the District has determined that the Operations Fee, as set forth herein, is reasonably related to the overall costs of providing the Operations Services, and that imposition thereof is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE JOHNSTOWN VILLAGE METROPOLITAN DISTRICT NO. 2 AS FOLLOWS:

1. OPERATIONS FEE. The District, through its Board, hereby imposes an annual Operations Fee in the amount of \$480.00 per year upon each Developed Lot within the District. For purposes of this Resolution, a "**Developed Lot**" means a lot located within the boundaries of the District designated and approved by plat for a residential structure, which a residential structure has been constructed and a certificate of occupancy has been issued. For any lot becoming a Developed Lot after January 1st of a calendar year, the Operations Fee will be prorated to account for the number of months remaining in such calendar year. For example, if a lot becomes a Developed Lot on July 1, 2026, such Developed Lot shall owe a prorated Operations Fee of 50% for the remainder of 2026. Lots that cannot be utilized for a residential structure because they are not approved on the plat for such structures shall not be considered a Developed Lot hereunder and shall not be subject to this Operations Fee.

The Operations Fee is effective as of the Effective Date, defined below, with the initial Operations Fee to be collected in an annual payment due on January 1, 2026; thereafter, if renewed or amended, each Operations Fee to be collected in annual payments due on the 1st day of January going forward. In the event the Board does not renew the Operations Fee in any given year, it shall not prohibit its ability to impose an Operations Fee as authorized by the Service Plan in subsequent years.

The District may impose such penalties for non-compliance herewith as may be permitted by applicable law. Without limiting the foregoing, any Operations Fee that is not paid in full within five days after the scheduled due date shall be assessed a late charge of \$15.00, pursuant to

§29-1-1102(3), C.R.S. Interest will also accrue on any outstanding Operations Fees, exclusive of assessed late fees, penalties, interest and any other costs of collection, specially including, but not limited, to attorneys' fees, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S. The District may institute such remedies and collection procedures as authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting property owner shall pay all fees and costs, specifically including, but not limited to, attorneys' fees and costs and costs associated with the collection of delinquent fees, incurred by the District and/or its consultants in connection with the foregoing.

The revenues generated by the Operations Fee will be accounted for separately from other revenues of the District. The Operations Fee revenue will be used solely for the purpose of paying costs related to the Operations Services, and may not be used by the District to pay for general administrative costs of the District.

2. PAYMENT. Payment for all Operations Fees, fees, rates, tolls, penalties, charges, interest and attorneys' fees shall be made by check or equivalent form acceptable to the District, made payable to "Johnstown Village Metropolitan District No. 2" and sent to the address indicated on the Fee Schedule and sent to the address indicated on the Fee Schedule. Payment may also be made via the homeowner portal listed on the District's website. The District may change the payment address from time to time and such change shall not require an amendment to this Resolution.

3. MODIFICATION AND FUTURE EVENTS. The Operations Fee is based upon projected budgetary requirements of the District using various assumptions. Actual costs may differ from the projections and the District may, in its sole discretion, determine to modify, increase or decrease the Operations Fee imposed hereunder based upon actual circumstances.

4. NOTIFICATION AND COLLECTION. The Operations Fee is applicable to the property located within the District as the same is shown in Exhibit B (the "**Property**"), attached hereto and set forth herein. The appropriate officers, agents and/or employees of the District are hereby authorized to establish a system for collection of amounts due under this Resolution and collection of amounts due hereunder.

5. STATUS OF LIEN AND FORECLOSURE. The Operations Fees imposed hereunder, together with any and all late fees, interest, penalties and costs of collection, shall, until paid, constitute a statutory, perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado for the foreclosure of mechanics' liens, pursuant to §32-1-1001(1)(j)(I), C.R.S. Said lien may be foreclosed at such time as the District, in its sole discretion, may determine. The lien shall be perpetual in nature (as defined by the laws of the State of Colorado) on the property and shall run with the land.

6. SEVERABILITY. If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

7. INQUIRIES REGARDING FEES. Any inquiries regarding the imposition and the collection of the Operations Fee may be directed to the District's Manager at: Centennial Consulting Group, 2619 Canton Court, Suite A, Fort Collins, Colorado 80525, 970-484-0101, Attention: Theresa Martinson. The contact information for the District's Manager may change from time and time and such change shall not require an amendment to this Resolution.

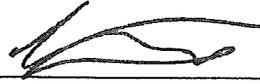
8. RECORDING. This Resolution, or any amendments thereto, shall be recorded in the official records of the Clerk and Recorder in and for Weld County, State of Colorado; however, any failure to record this Resolution, or any amendments thereto, in the official records of the Clerk and Recorder in and for the County of Weld, State of Colorado, shall in no way affect the validity of this Resolution or the District's ability to enforce the terms and provisions contained herein.

9. EFFECTIVE DATE. This Resolution shall become effective January 1, 2026 (the "**Effective Date**") and shall expire on December 31, 2026, unless renewed or amended by the Board.

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ADOPTED AND APPROVED this 26th day of November 2025.

JOHNSTOWN VILLAGE METROPOLITAN
DISTRICT NO. 2



Name: Dan Foggin
Title: _____ President _____

ATTEST:



Name: J. DAVID HOGAN
Title: ASSISTANT SECRETARY

EXHIBIT A

JOHNSTOWN VILLAGE METROPOLITAN DISTRICT NO. 2
C/O CENTENNIAL CONSULTING GROUP
2619 Canton Court, Suite A
Fort Collins, Colorado 80525

November 10, 2025

VIA EMAIL

Matt LeCerf
Town Manager, Town of Johnstown
450 South Parish Avenue
Johnstown, Colorado 80534

Re: Johnstown Village Metropolitan District No. 2
Authorization to Impose Operations Fees

Dear Mr. LeCerf:

In 2023, the Town of Johnstown (the "**Town**") authorized, by way of Resolution No. 2023-14,¹ the Johnstown Village Metropolitan District No. 2 (the "**District**") to impose a recurring operations and maintenance fee (the "**Fee**") for calendar years 2024 and 2025, as provided for under the District's Service Plan.² The District's Board of Directors (the "**Board**") subsequently imposed the Fee via a Resolution Imposing Operations Fees Upon the Property Within the District (the "**Resolution**").³

Previously, the Town had authorized the Fee through 2025 because, at the time of authorization, the Board was primarily comprised of individuals associated with the developer of the project. Currently, the Board is comprised entirely of residents and End Users (as defined in the District's Service Plan) of the District. The Board information is as follows:

<u>Board Member</u>	<u>Office</u>	<u>Term Expires</u>	<u>Address</u>
Daniel Foggin	President	May 2027	225 Swallow Road Johnstown, CO 80534
Kyla Kalinski	Secretary	May 2027	399 Starling Lane Johnstown, CO 80534
Randy Reichert	Treasurer	May 2029	299 Ptarmigan Lane Johnstown, CO 80534
Ryan Ladd	Assistant Secretary	May 2029	2542 Wren Drive Johnstown, CO 80534
David Hogan	Assistant Secretary	May 2027	233 Goldfinch Lane Johnstown, CO 80534

¹ Exhibit A.

² Exhibit B.

³ Exhibit C.

Section V.A.15 of the District's Service Plan provides a process for the District to impose a Recurring Fee (as defined in the District's Service Plan), which includes the possibility for administrative approval by the Town. As such, the Board is requesting the Town authorize the District sole discretion to impose a Recurring Fee on a "as-needed" basis going forward. This will allow the Board to set the Recurring Fee according to the District's budget needs annually. Now that the Board is resident-controlled, the Board will also bear the cost of any Recurring Fee personally and the Board would not impose a Recurring Fee that is higher than they believe necessary to provide requisite services and serve the District's best interests. The resident-controlled Board may determine that, in a given year, there is no need to impose a Recurring Fee in order to provide the requisite services to the District. Additionally, the Board would like this authorization to extend indefinitely, as there is an unneeded cost to the District and its taxpayers associated with having to come to the Town for such continued authorization.

The District will provide any additional information that may be helpful to the Town as it considers the District's request.

Sincerely,



Daniel Foggin, Board President

DF

Enclosures

cc: Theresa Martinson
Chris Kellogg
Matt Ruhland
Dakota Spence-Zurek

By providing this signature, I, Matt LeCerf, Town Manager, approve the request outlined in this letter, as authorized by the Town of Johnstown and the District's Service Plan.

Matt LeCerf, Town Manager
Town of Johnstown
Date: _____

EXHIBIT B

The Property

JOHNSTOWN VILLAGE METRO DISTRICT NO. 2

LOCATED IN THE NW1/4 OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF WELD, STATE OF COLORADO

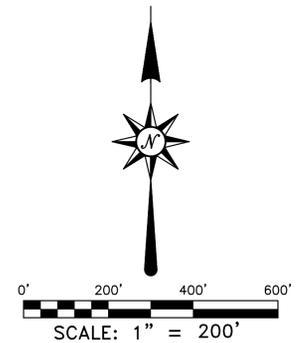


LEGAL DESCRIPTION

LOTS 1 THROUGH 25, INCLUSIVE, BLOCK 1;
 LOTS 1 THROUGH 26, INCLUSIVE, BLOCK 2;
 LOTS 1 THROUGH 22, INCLUSIVE, BLOCK 3;
 LOTS 1 THROUGH 18, INCLUSIVE, BLOCK 4;
 LOTS 1 THROUGH 13, INCLUSIVE, BLOCK 5;
 LOTS 1 THROUGH 18, INCLUSIVE, BLOCK 6;
 LOTS 1 THROUGH 23, INCLUSIVE, BLOCK 7;
 LOTS 1 THROUGH 26, INCLUSIVE, BLOCK 8;
 LOTS 1 THROUGH 18, INCLUSIVE, BLOCK 9;
 LOTS 1 THROUGH 14, INCLUSIVE, BLOCK 10;
 LOTS 1 THROUGH 8, INCLUSIVE, BLOCK 11;
 LOTS 1 THROUGH 20, INCLUSIVE, BLOCK 12;
 LOTS 1 THROUGH 14, INCLUSIVE, BLOCK 13;
 LOTS 1 THROUGH 18, INCLUSIVE, BLOCK 14;
 TRACTS A, B, C, D, E, F, G, H, I, J, K, AND Q;
 JOHNSTOWN VILLAGE FILING NO. 1,
 COUNTY OF WELD, STATE OF COLORADO

(RECEPTION NO. 4552734, WELD COUNTY RECORDS)

CONTAINS 2,846,189 SQUARE FEET, OR 65.34 ACRES, MORE OR LESS.



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<p style="font-size: 8px; margin: 0;">866.850.4200 www.atwell-group.com 143 UNION BOULEVARD, SUITE 700 LAKEWOOD, CO 80228 303.462.1100</p>	REVISIONS	<p style="margin: 0;">SHEET 1 OF 1</p> <p style="font-size: 8px; margin: 0;">FILE NO. 17002082_M02 DATE 03/04/2020 DRAWN BY TWK CHECK BY MPL JOB NO. 17002082</p>