

**RESOLUTION OF THE BOARD OF DIRECTORS OF
JOHNSTOWN NORTH METROPOLITAN DISTRICT NO. 1**

A RESOLUTION ESTABLISHING A NON-POTABLE WATER IRRIGATION RATE TO BE CHARGED TO OWNERS OF PROPERTY LOCATED IN THE DISTRICT'S SERVICE AREA RECEIVING NON-POTABLE IRRIGATION WATER FROM THE DISTRICT

WHEREAS, Johnstown North Metropolitan District No. 1 (the "District"), together with Johnstown North Metropolitan Districts Nos. 2 and 3 (collectively, the "Districts"), was formed pursuant to Section 32-1-101 *et seq.*, C.R.S., as amended, by order of the District Court for Larimer County, Colorado, and after approval of the eligible electors of the District at a regular election held on November 7, 2006, for the purpose of assisting in the financing and development of an area known as Iron Horse, as more particularly described in Exhibit A attached hereto and incorporated herein by reference ("Service Area"); and

WHEREAS, on September 18, 2006, the Town Trustees of the Town of Johnstown, approved the Consolidated Service Plan for Johnstown North Metropolitan Districts Nos. 1 - 3 for the purpose of providing certain parameters for the financing and development of the Service Area, and on March 4, 2013, the Town Council of the Town of Johnstown approved the First Amendment to the Consolidated Service Plan for Johnstown North Metropolitan Districts Nos. 1 - 3 for the purpose of providing the Districts with power to provide water system improvements (collectively, the "Service Plan"); and

WHEREAS, pursuant to Section 32-1-1001(1)(k), C.R.S. and the Districts' Service Plan, the District is authorized to establish fees, rates, tolls, penalties or charges for services and facilities furnished by the District without the District's boundaries; and

WHEREAS, the District owns, operates and maintains a non-potable irrigation water distribution system, which provides non-potable irrigation water to property located within the Service Area; and

WHEREAS, for purposes of funding the District's costs associated with providing non-potable irrigation water to the owners of property located within the Service Area, the District desires to establish a non-potable irrigation water rate to be charged to owners receiving non-potable irrigation water for from the District for the benefit of their properties.

NOW THEREFORE, THE BOARD OF DIRECTORS OF JOHNSTOWN NORTH METROPOLITAN DISTRICT NO. 1 HEREBY RESOLVES AS FOLLOWS:

1. The District hereby establishes a non-potable irrigation water rate of Three Dollars and Seventeen Cents (\$3.17) per One Thousand Gallons of actual water usage, which rate shall be charged to each property owner receiving non-potable irrigation water for the benefit of the owner's property located within the Service Area ("Non-Potable Irrigation Water Charge"). Such rate may be adjusted from time to time, via Resolution, in the sole discretion of the Board.

RECEPTION#: 20130028516, 04/15/2013 at
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1 OF 5, R \$31.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

2. The District shall invoice all property owners two times per year for non-potable irrigation water delivered to all property owners during the irrigation season, as determined by the Board of Directors. Payment of any invoice shall be due within thirty (30) calendar days of the date of invoice. Any Non-Potable Irrigation Water Charge that is not paid in full when due shall be assessed a late fee of 5% per month, not to exceed 25% of the amount due, pursuant to Section 29-1-1102(3), C.R.S. Interest shall also accrue on any outstanding Non-Potable Irrigation Water Charge, exclusive of said assessed late fee, at the rate of 18% per annum, pursuant to Section 29-1-1102(7), C.R.S.

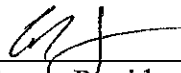
3. If any clause or provision of this Resolution is adjudged invalid and/or unenforceable by a court of competent jurisdiction or by operation of any law, such clause or provision shall not affect the validity of this Resolution as a whole, but shall be severed herefrom, leaving the remaining terms intact and enforceable.

4. This Resolution shall be recorded in the Larimer County Clerk and Recorder's Office against the real property within the Service Area, as more particular described in Exhibit A attached hereto and incorporated herein by reference.

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ADOPTED AND APPROVED this 19th day of March, 2013.

**JOHNSTOWN NORTH METROPOLITAN
DISTRICT NO. 1**

By: 
Cole Evans, President

ATTEST:


By: 
Jay Hardy, Secretary

EXHIBIT A

Legal Description of Service Area

DESCRIPTION: JOHNSTOWN NORTH METROPOLITAN DISTRICT No. 2

A tract of land being a portion of that tract of land described at Reception No. 2001118317, being located in the North Half of Section 13, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 13 as bearing South 89°20'36" East (length of said line being 2756.04 feet), and with all bearings contained herein relative thereto:

Commencing at the Northwest Corner of said Section 13; thence along the West line of said Northwest Quarter, South 00°15'14" West, 351.44 feet to a point on the Southerly right-of-way line of the Union Pacific Railroad; thence along said Southerly right-of-way line, South 68°08'05" East 64.54 feet to a point on the proposed East right-of-way line of County Road 3, said point also being the **POINT OF BEGINNING**; thence continuing along said Southerly right-of-way line, South 68°08'05" East, 3,632.26 feet; thence departing said right-of-way line, South 00°27'09" West, 416.45 feet to a point on the Westerly right-of-way line of the Great Western Railroad; thence along the Westerly and Northerly right-of-way lines of the Great Western Railroad beginning with a non-tangent curve concave to the East, with a central angle of 04°25'04", a radius of 1,432.69 feet, an arc length of 110.47 feet, and a chord which bears South 25°55'48" West, 110.44 feet; thence along a non-tangent reverse curve concave to the West, with a central angle of 75°19'27", a radius of 457.26 feet, an arc length of 601.14 feet and a chord which bears South 37°14'41" West, 558.78 feet to a point on the South line of the Northeast Quarter of said Section 13; thence, North 00°27'45" East, 142.76 feet; thence, North 89°35'17" West, 305.12 feet to a point on the East line of the Northwest Quarter of said Section 13; thence along said East line, South 00°27'45" West, 112.76 feet to a point on the North right-of-way line of the Great Western Railroad as described at Book 146, Page 261; thence along said North right-of-way line being parallel to, and 30 feet North of, and measured at right angles to the South line of said Northwest Quarter of Section 13, North 89°29'44" West, 2686.44 feet to a point on the proposed East right-of-way line of County Road 3; thence departing said North right-of-way line and along said proposed East right-of-way line, North 00°15'14" East, 2257.50 feet to the Point of Beginning.

The above described Metro District Parcels contains a 5,302,485 square feet or 121.728 acres more or less and is subject to all easements and rights-of-way now on record or existing.

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DESCRIPTION: JOHNSTOWN NORTH METROPOLITAN DISTRICT No. 3

Tracts of land being a portion of that tract of land described at Reception No. 2001118317, being located in the Northwest Quarter of Section 13, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 13 as bearing South 89°20'36" East (length of said line being 2756.04 feet), and with all bearings contained herein relative thereto:

Area No. 1 (Northwest)

Commencing at the Northwest Corner of said Section 13, thence along the West line of said Northwest Quarter, South 00°15'14" West, 50.51 feet; thence departing said West line, South 89°44'46" East, 80.60 feet to a point on the Southerly right-of-way line of U.S. Highway No. 34, said point also being the **POINT OF BEGINNING**; thence along said Southerly right-of-way line of U.S. Highway No. 34, South 88°20'32" East, 411.32 feet; thence departing said Southerly right-of-way line and along the Westerly line of that tract of land described at Book 722, Page 367, South 12°35'28" West, 305.53 feet to a point on the Northerly right-of-way line of the Union Pacific Railroad; thence along said Northerly right-of-way line, North 68° 08'05" West, 394.23 feet to a point on the proposed East right-of-way line of County Road No.3; thence departing said Northerly line and along said proposed East right-of-way line, North 00°15'14" East, 143.24 feet to a point on the Southerly right-of-way line of U.S. Highway No. 34 as described at Book 1577, Page 776; thence along said Southerly right-of-way line, North 45°56'32" East, 28.79 feet to the Point of Beginning.

Contains 94,601 square feet or 2.172 acres more or less,

also:

Area No. 2 (Northeast)

Commencing at the North Quarter Corner of said Section 13, thence along the East line of the Northwest Quarter of said Section 13, South 00°27'45" West, 447.65 feet to the **POINT OF BEGINNING**; thence continuing along said East line, South 00°27'45" West, 813.06 feet to a point on the Northerly right-of-way line of the Union Pacific Railroad; thence along said Northerly right-of-way line, North 68°08'05" West, 2,248.30 feet; thence departing said Northerly right-of-way line and along the Easterly line of that tract of land described at Book 722, Page 367, North 12°35'28" East, 394.31 feet to a point on the Southerly right-of-way line of U.S. Highway No. 34; thence along said Southerly right-of-way line, South 88°20'32" East, 1,881.82 feet to a point on the Westerly line of that tract of land described at Book 619, Page 554; thence along said Westerly and Southerly lines of said tract of land, South 08°00'55" West, 342.13 feet; thence, South 84°47'00" East, 174.56 feet to the Point of Beginning.

Contains 1,555,060 square feet or 35.699 acres more or less,

The above described Metro District Parcels contains a 1,649,661 square feet or 37.871 acres more or less and is subject to all easements and rights-of-way now on record or existing.