



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, October 17, 2022 at 7:00 PM

MISSION STATEMENT: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

AGENDA

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

AGENDA APPROVAL

SPECIAL PRESENTATIONS

PUBLIC COMMENT

Members of the audience are invited to speak at the Council meeting. Public Comment is reserved for citizen comments on items not contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position.

CONSENT AGENDA

The Consent Agenda is a group of routine matters to be acted on with a single motion and vote. Council or staff may request an item be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

- [1.](#) October 3, 2022 Town Council Meeting Minutes.
- [2.](#) Town of Johnstown and Prosecuting Attorney Agreement with Avi Rocklin
- [3.](#) September 2022 Financial Statements

TOWN MANAGER REPORT

- [4.](#) Town Manager's Report

TOWN ATTORNEY REPORT

OLD BUSINESS

NEW BUSINESS

- [5.](#) High Plains Boulevard Construction Time Extension Request
- [6.](#) Second Amended and Restated Escrow Agreement

The Community That Cares

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

PUBLIC HEARING

- [7.](#) Resolution 2022-40: Preliminary/Final Subdivision Plat for Johnstown Farms Filing No. 2

COUNCIL REPORTS AND COMMENTS

MAYOR'S COMMENTS

INFORMATIONAL ITEMS

- [8.](#) Informational items.

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 587-4664 within 48 hours prior to the meeting in order to request such assistance.



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, October 03, 2022 at 7:00 PM

MINUTES

CALL TO ORDER

Pledge of Allegiance

Mayor Gary Lebsack called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present:

Mayor Lebsack

Councilmember Berg

Councilmember Mellon

Councilmember Morris

Councilmember Young

Absent:

Councilmember Dominguez

Councilmember Molinar

AGENDA APPROVAL

Councilmember Mellon moved to approve the agenda.

Councilmember Berg seconded and the motion passed.

SPECIAL PRESENTATIONS

1. October Business of the Month

Sarah Crosthwaite, Economic Development Manager, presented Lift Coffee Bar as the October Business of the Month.

PUBLIC COMMENT

Robert Spurling spoke to animal policy and control within Town limits.

Bill Stevens spoke to metro district boards.

2. August 29, 2022 Town Council Special Meeting Minutes
3. September 7, 2022 Town Council Regular Meeting Minutes
4. Water and Sewer Service Agreement - Evergreen Flex Industrial, with Triple Covid Confidence, LLC
5. Water and Sewer Service Agreement - Ledge Rock Center Commercial Phase I, with Ledge Rock Center, LLC
6. Water and Sewer Service Agreement - Lockard Gateway Storage (355 Mountain View Dr.), with Lockard Development Group, Inc.
7. August 2022 Financial Statements and Sales Tax Report
8. Resolution 2022-39 Acknowledging Receipt of the Fiscal Year 2023 Preliminary Budget
9. September 2022 List of Bills

Councilmember Mellon moved to adopt the consent agenda.

Councilmember Young provided the second and the motion passed unanimously.

TOWN MANAGER REPORT

10. Town Manager's Report

Council inquired about the branding project survey set to close at the end of the month, and Ms. Crosthwaite informed Council there were over 250 surveys submitted at this time.

TOWN ATTORNEY REPORT

There was no Town Attorney report.

OLD BUSINESS

There was no Old Business discussed.

NEW BUSINESS

11. Amendment to Water Treatment Plant Design Agreement with Burns & McDonnell

Ellen Hilbig, Utilities Director, presented a request to approve design Addendums 1, 2, and 3 to the project scope for the Water Treatment Plant (WTP) design that was awarded to the engineering consultant, Burns & McDonnell, during the September 8, 2021 Council Meeting. The additional design services to the WTP project scope result in a total additional cost of \$1,145,495 to the project.

Councilmember Mellon moved to approve addendums 1, 2 & 3 to the Water Treatment Plant design agreement with Burns & McDonnell for a total cost not to exceed \$1,145,945 and authorize the Town Manager to approve the use of the \$350,000 as needed for contingency funds.

Councilmember Berg seconded and the motion passed.

12. Resolution No. 2022-42: Resolution Terminating A Local Disaster Emergency

Mr. LeCerf noted the impacts of COVID-19 are substantially lower than when the resolution declaring a local disaster emergency was approved. It was noted that the declaration has been left in place for opportunities to receive federal funding, and that time has ended.

Council clarified the date in Section 5 of the resolution referencing the passage date of Resolution 2020-07.

Councilmember Morris moved to approve Resolution 2022-42 to terminate the Local Disaster Emergency as presented with the correction of the date noted.

Councilmember Berg seconded and the motion passed.

13. Resolution 2022-43: Authorizing the Town Manager to Execute All Documents to Effectuate the Sale of the Real Property, Known as Tract A and Lots 2-5, West Ledge Rock Center Subdivision Filing No. 1

Mr. LeCerf noted this item was administrative in nature, as a transfer of the tract and lots listed, in order to allow staff to be proactive with this project. Avi Rocklin, Town Attorney, noted the sale of the land would transfer back to the Town should the bonding not go through.

Councilmember Berg moved to approve Resolution 2022-43 authorizing the Town Manager to complete the sale of Tract A and Lots 2-5 of the West Ledge Rock Center Subdivision Filing No. 1 to Ledge Rock Center, LLC.

Councilmember Mellon provided the second and the motion passed unanimously.

PUBLIC HEARING

14. Resolution 2022-40 Approving an Amendment to the 2534 P.U.D. Design Guidelines Land Use Plan on 2.1 Acres, to allow Multifamily

Mayor Lebsack opened the public hearing.

Kim Meyer, Planning Director, presented the 2.1-acre parcel that is currently land use B-1, and requested the land use change to B-2. The proposed change would offer various housing options and be more compatible with adjacent property. Planning Commission recommended to approve the land use change.

Council expressed concerns regarding traffic and the use of the road, offering comments regarding future development plans and traffic issues.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item, to which there was none. Mayor Lebsack opened the public hearing for comments opposed, to which there was none.

Councilmember Mellon moved to approve Resolution 2022-40 Approving the Amendment to the 2534 Design Guidelines Land Use Plan.

Councilmember Young seconded and the motion passed unanimously.

15. Resolution 2022-41 Approving the Final Subdivision Plat for Johnstown Farms Filing No. 2

Ms. Meyer requested this item to be continued to a date certain.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item, to which there was none. Mayor Lebsack opened the public hearing for comments opposed, to which there was none. Mayor Lebsack left the public hearing open.

Councilmember Young moved to continue the Public Hearing for Resolution 2022-41 for the Final Subdivision Plat for Johnstown Farms Filing No. 2 until October 17, 2022.

Councilmember Morris seconded, and the motion passed.

COUNCIL REPORTS AND COMMENTS

Councilmember Morris spoke to increasing auto crime.
Councilmember Young noted the upcoming Cemetery Crawl.
Councilmember Mellon noted upcoming MPO and US34 meetings.

MAYOR'S COMMENTS

The Mayor stated the new Diver Diamond over Highway I-25 and 60 was open.

INFORMATIONAL ITEMS

16. Informational items

Informational items were included in the packet.

EXECUTIVE SESSION

17. **An executive session to discuss matters subject to negotiations and to instruct negotiators pursuant to C.R.S. Section 24-6-402(4)(e) regarding an economic development project.**

Councilmember Berg moved to adjourn to an executive session to discuss matters subject to negotiations and to instruct negotiators pursuant to C.R.S. Section 24-6-402(4)(e) regarding an economic development project.

Councilmember Mellon seconded and Council recessed to executive session.

At 8:12 p.m. Council reconvened and Mayor Lebsack noted no decision was made in the executive session.

ADJOURN

Mayor Lebsack adjourned the October 3, 2022 Regular Meeting at 8:12 p.m.

Gary Lebsack, Mayor

Hannah Hill, Town Clerk



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: October 17, 2022

SUBJECT: Town of Johnstown and Prosecuting Attorney Agreement with Avi Rocklin

ATTACHMENTS: 1. Agreement with the Law Office of Avi S. Rocklin LLC
2. Proposed Agreement Addendum

PRESENTED BY: Hannah Hill, Town Clerk

AGENDA ITEM DESCRIPTION:

At the direction of Council, Town staff opened a Request for Proposal (RFP) for a Prosecuting Attorney to work with the Municipal Court. The RFP was open from August 5 to August 19. Town Council directed staff to proceed with Avi Rocklin as the Prosecuting Attorney. Currently Ms. Rocklin has a contract as Town Attorney which enables staff to recommend the attached addendum in lieu of a new contract agreement.

Should Council approve the addendum, Ms. Rocklin will begin working with the Municipal Court and start serving as Prosecuting Attorney January of 2023. Town Staff, Town Judge and Ms. Rocklin have agreed to move the 2023 Court dates to the first and third Mondays; Staff will work on outreach and any needed notification of the date change.

LEGAL ADVICE:

The Town Attorney drafted the addendum.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION: Approve the addendum to the Town Attorney’s contract for the addition of Prosecuting Attorney services.

Reviewed and Approved for Presentation,



Town Manager

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

Law Office of Avi S. Rocklin, LLC

ATTORNEY AT LAW
19 OLD TOWN SQUARE, SUITE 238
FORT COLLINS, CO 80524

TELEPHONE: (970) 419-8226 FACSIMILE: (970) 797-1806 EMAIL: Avi@RocklinLaw.com WEB: www.RocklinLaw.com

January 22, 2014

Mayor and Town Council Members
Town of Johnstown
450 So. Parish
Johnstown, CO 80534

RE: Legal Representation of the Town of Johnstown

Dear Mayor Romanowski and Town Council Members:

I am pleased that you are considering the Law Office of Avi S. Rocklin, LLC, to act as your counsel in connection with attorney services for the Town of Johnstown. This letter will summarize and confirm the terms and conditions upon which I will represent you.

SCOPE OF SERVICES

I agree to represent you as Town Attorney. In that regard, I will represent you and provide such reasonable legal services as are necessary in day-to-day matters including attending Town Council meetings and responding to staff requests, and litigation including pre-trial, trial, and post-trial proceedings up to the rendition of judgment. At those times when I am on vacation or otherwise absent from my office for extended periods of time, I will provide the Town Manager with a telephone number, a fax number, or an e-mail address at which I will be available to the Town during my absence. Should, however, I be unavailable during such absence from the office by any of the foregoing means of communication, I will arrange for a backup attorney to respond to inquiries by the Town Manager or other Town staff members. Such arrangement will be coordinated with the Town Manager.

ATTORNEY FEES

My objective is to handle your work in a cost effective manner, consistent with my commitment to provide you with high quality legal services. My charges for the services to be rendered are based upon the amount of time expended. Given that, I will seek payment for attorney fees in accordance with my current billing rate which currently is \$155.00 per hour (including transportation time, but at one-half the normal hourly rate) for routine matters, \$175 per hour for litigation, and \$195.00 per hour for developer applications, approvals, hearings, and related issues, and for developer litigation. All billing for representation will be to the Town of Johnstown, and payments of all invoices will be made from the Town of Johnstown. Any change to my hourly rate shall be subject to the approval by the Town Council.

Mayor and Council Members

Page 2

January 22, 2014

COSTS AND EXPENSES

In addition to hourly fees, I shall seek reimbursement for costs and expenses, such as fees fixed by law or assessed by courts, court reporters' fees, process server's fees, messenger fees, delivery charges, postage, parking, photocopying and other reproduction costs, FAX transmission costs, and other similar items, as well as transportation, meals, lodging, and other reasonable costs of any necessary out-of-town travel. Unless otherwise specified, the costs and expenses will be billed as follows:

Large Volume Photocopying and Fax Transmission: 15¢ per page or at cost

Other Costs and Expenses: Actual cost

BILLING

I will bill on a monthly basis for all services and disbursements. My monthly statement will itemize all expenses incurred on your behalf. I bill out time in increments of one-tenth of an hour.

I expect payment within forty-five (45) days after the statement is mailed. I reserve the right to charge interest at the rate of 1½ percent per month on any portion of my fees and costs that are not paid within forty-five (45) days.

If you have any questions regarding any of my bills or any of the work I do on your behalf, please raise them with me immediately so that they can be resolved without delay.

EXPERTS, CONSULTANTS, AND INVESTIGATORS

In the event it becomes necessary to hire expert witnesses, consultants, investigators, or an outside attorney for assistance, I will not hire such persons without your consent and only if you agree to pay their fees and charges.

CLIENT'S DUTIES

I anticipate that you will cooperate with me, keep me promptly informed of any relevant developments in this matter, faithfully comply with this agreement, and keep me advised of your address and telephone number and any changes of such address or telephone number.

RESOLUTION OR SETTLEMENT

No resolution or settlement of any nature shall be made as to any matter for which I represent you without your specific approval.

CONFLICTS OF INTEREST

You recognize that I am not in a position to represent conflicting interests of different clients. Upon accepting any new client or new matter, I attempt to determine whether the engagement would present a conflict with any other matter pending of any other client. Because I am performing work for a number of clients, conflicts between the interests of various clients may be discovered after the engagement is undertaken or may develop during the course of the representation. Upon discovery of any such conflict, I will promptly inform you and will endeavor to work with you toward a resolution that is acceptable. If, however, the conflict can only be resolved by my withdrawing as your counsel, my obligation to you shall be limited solely to working with you to find an acceptable replacement.

OWNERSHIP OF FILES AND RECORDS

Except with regard to original records or files which I accept upon the understanding that they belong to you, all files, copies of documents, correspondence or other materials that I accumulate in connection with your representation shall be my property. Upon the termination of my representation, I will return any property belonging to you upon your request provided that all fees and expenses have been paid. I shall require from you written authorization to transfer any property belonging to you to a third party. Copies of any files and other materials accumulated during my representation will be made available to you at your expense. I will retain files for a period of not less than seven (7) years and may, thereafter, destroy the files upon not less than thirty (30) days written notice of such intended destruction delivered to the Town Manager. After destruction, the files will no longer be available.

TERMINATION AND WITHDRAWAL

You may request that I withdraw from any matter and case representing the Town of Johnstown at any time. I may withdraw from representing you with your consent or without your consent for good cause, such as failure to comply with your duties as provided above, failure to follow my advice on any matter material to your case, or if circumstances arise that would render my continuing representation unlawful or unethical. On the termination of our services, whether or not it is terminated by you or by me, all unpaid charges shall immediately become due and payable.

DISCLAIMER OF GUARANTEE

I will use my best efforts in representing you but make no promises or guarantees regarding the outcome of any subject matter for which I am representing you. My comments regarding the outcome of any matter are mere expressions of opinion. I also do not guarantee any time frame within which the subject matter for which I am representing you will be resolved.

Mayor and Council Members

Page 4

January 22, 2014

Please promptly advise me if any of the foregoing terms and conditions are not agreeable to you. Again, I would like to emphasize that I am looking forward to a mutually rewarding relationship with you. Please feel free to call me if you have any questions.

Very truly yours,

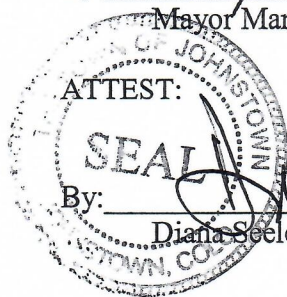


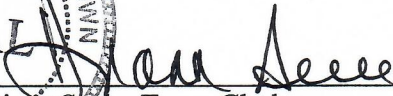
Law Office of Avi S. Rocklin, LLC
Avi S. Rocklin

TOWN OF JOHNSTOWN:

By: 
Mayor Mark Romanowski

ATTEST:



By: 
Diana Seele, Town Clerk

Law Office of Avi S. Rocklin, LLC

ATTORNEY AT LAW
1437 N. DENVER AVENUE, 330
LOVELAND, CO 80538

TELEPHONE: (970) 419-8226 FACSIMILE: (970) 797-1806 EMAIL: Avi@RocklinLaw.com WEB: www.RocklinLaw.com

October 6, 2022

Honorable Gary Lebsack and Town Councilmembers
Town of Johnstown
450 South Parish Avenue
Johnstown, CO 80534

Re: Addendum to Fee Agreement

Dear Mayor Lebsack and Town Councilmembers:

On or about January 22, 2014, the Town Council engaged my law firm, the Law Office of Avi S. Rocklin, LLC, to provide legal services for the Town of Johnstown (“Town”). In addition to general legal services, I am pleased to provide municipal prosecution services for the Town. My fee for the municipal prosecution services is \$195.00 per hour and is subject to the terms of the original fee agreement.

Thank you for your consideration.

Best regards,



Law Office of Avi S. Rocklin, LLC
By: Avi S. Rocklin

TOWN OF JOHNSTOWN:

By: _____
Gary Lebsack, Mayor

ATTEST:

By: _____
Hannah Hill, Town Clerk

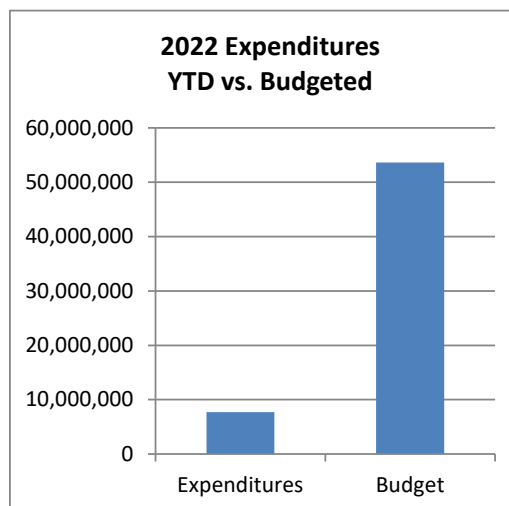
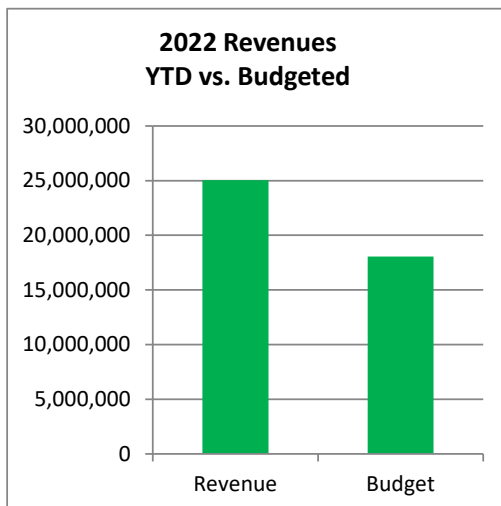
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - General Fund
Period Ending September 30, 2022
Unaudited

Item #3.

General Fund	2022 Actuals September	2022 Adopted Budget	%
			Complete
Beginning Fund Balance	68,989,739	68,989,739	
Revenues:			
Taxes & Fees	18,088,360	16,413,716	110.2%
Licenses & Permits	3,557,217	1,156,650	307.5%
Fines & Forfeitures	186,948	160,500	116.5%
Intergovernmental	113,644	25,000	454.6%
Earnings on Investment	190,924	52,500	363.7%
Miscellaneous Revenue	2,911,495	253,000	1150.8%
<i>Transfers In</i>	-	-	
Total Operating Revenues	25,048,587	18,061,366	138.7%
Expenditures:			
Legislative	779,881	932,500	83.6%
Town Manager	582,380	1,644,593	35.4%
Town Clerk	344,767	509,750	67.6%
Finance	293,616	417,510	70.3%
Planning	350,210	759,878	46.1%
Reimbursements	468,105	300,000	156.0%
Building Inspections	183,880	271,400	67.8%
Police	3,159,232	4,878,580	64.8%
Public Works	398,535	761,200	52.4%
Buildings	200,197	293,250	68.3%
<i>Transfers Out</i>	957,925	42,837,000	2.2%
Total Expenditures	7,718,728	53,605,661	14.4%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	17,329,858	(35,544,295)	
Prior Period Adjustment			
Ending Fund Balance*	86,319,598	33,445,444	

* - Unaudited

75% of the fiscal year has elapsed



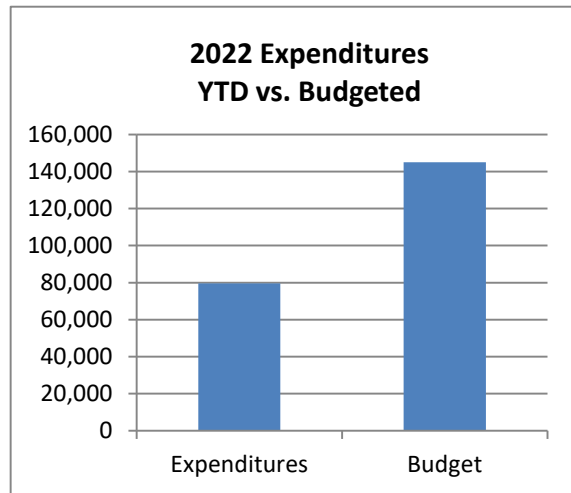
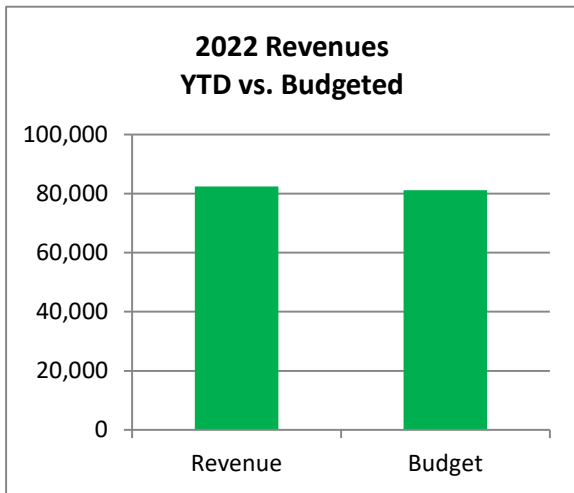
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Conservation Trust Fund
Period Ending September 30, 2022
Unaudited

Item #3.

	2022 Actuals September	2022 Adopted Budget	%
Conservation Trust Fund			Complete
Beginning Fund Balance	100,051	100,051	
Revenues:			
Intergovernmental	82,248	81,100	101.4%
Earnings on Investment	210	50	421.0%
Total Operating Revenues	82,459	81,150	101.6%
Expenditures:			
Operations	-	-	
Capital Outlay	79,593	145,000	54.9%
Total Expenditures	79,593	145,000	54.9%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	2,866	(63,850)	
Ending Fund Balance*	102,917	36,201	

* - Unaudited

75% of the fiscal year has elapsed



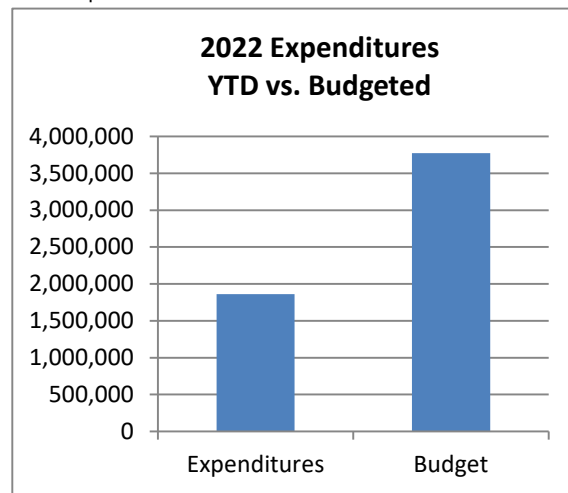
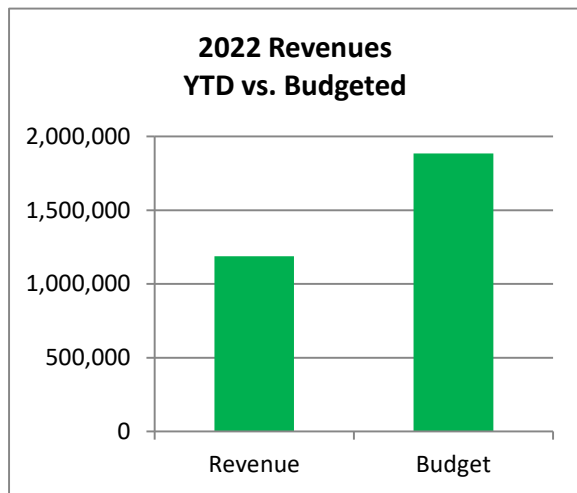
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Parks and Open Space Fund
Period Ending September 30, 2022
Unaudited

Item #3.

Parks and Open Space Fund	2022 Actuals September	2022 Adopted Budget	%
			Complete
Beginning Fund Balance	7,277,919	7,277,919	
Revenues:			
Taxes & Fees	1,098,598	498,150	220.5%
Miscellaneous Revenue	68,173	222,000	30.7%
<i>Transfers In</i>	0	1,162,000	0.0%
Total Operating Revenues	1,188,238	1,884,650	63.0%
Expenditures:			
Operations	382,133	1,037,550	36.8%
Capital Outlay	1,481,448	2,737,000	54.1%
<i>Transfers Out</i>	-	-	
Total Expenditures	1,863,582	3,774,550	49.4%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(675,344)	(1,889,900)	
Ending Fund Balance*	6,602,575	5,388,019	

* - Unaudited

75% of the fiscal year has elapsed



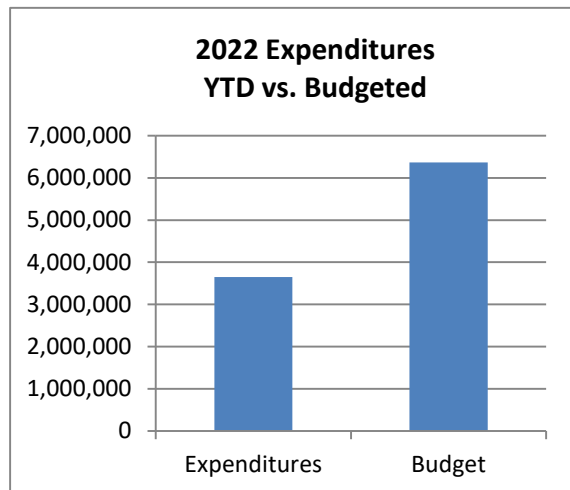
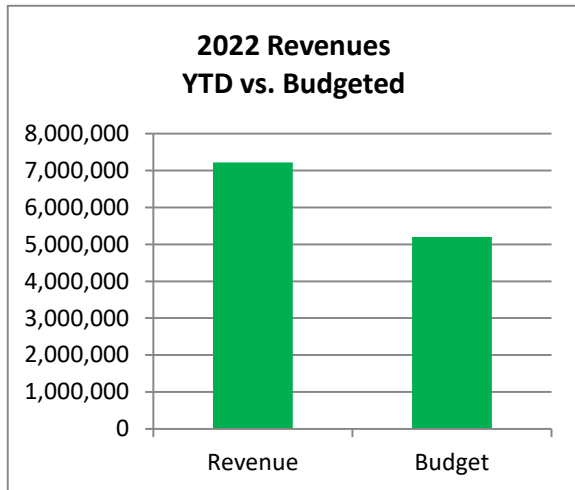
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Street and Alley Fund
Period Ending September 30, 2022
Unaudited

Item #3.

Street and Alley Fund	2022 Actuals September	2022 Adopted Budget	% Complete
Beginning Fund Balance	15,131,804	15,131,804	
Revenues:			
Taxes & Fees	3,772,278	3,191,400	118.2%
Intergovernmental	189,828	707,667	26.8%
Charges for Services	711,872	881,000	80.8%
Capital Investment Fees	2,491,359	420,550	592.4%
Earnings on Investment	51,841	2,000	2592.1%
Miscellaneous Revenues	1,235	-	0.0%
Total Operating Revenues	7,218,414	5,202,617	138.7%
Expenditures:			
Operations & Maintenance	2,213,050	3,599,400	61.5%
Capital	1,436,348	2,769,000	51.9%
Total Expenditures	3,649,398	6,368,400	57.3%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	3,569,016	(1,165,783)	
Ending Fund Balance*	18,700,820	13,966,021	

* - Unaudited

75% of the fiscal year has elapsed



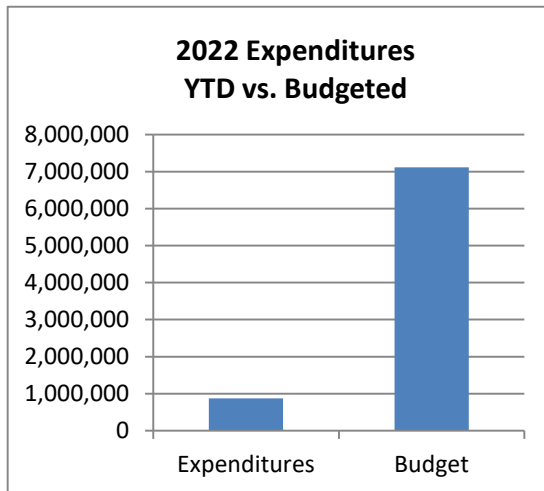
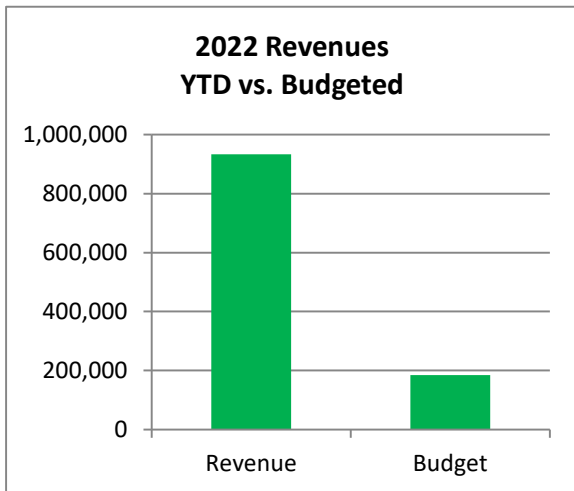
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Capital Projects Fund
Period Ending September 30, 2022
Unaudited

Item #3.

	2022 Actuals September	2022 Adopted Budget	%
Capital Projects Fund			Complete
Beginning Fund Balance	14,524,244	14,524,244	
Revenues:			
Taxes and Fees	867,023	240,000	361.3%
Miscellaneous Revenue	-	-	
Interest	65,961	4,500	1465.8%
<i>Transfers In</i>	-	(60,000)	0.0%
	932,984	184,500	
Total Operating Revenues	932,984	184,500	505.7%
Expenditures:			
Capital Outlay	869,815	7,111,500	0.0%
<i>Transfers Out</i>	-	-	0.0%
	869,815	7,111,500	
Total Expenditures	869,815	7,111,500	12.2%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	63,169	(6,927,000)	
Ending Fund Balance*	14,587,412	7,597,244	

* - Unaudited

75% of the fiscal year has elapsed



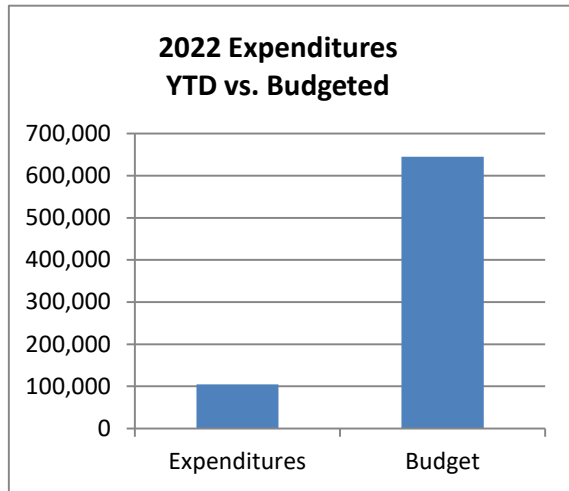
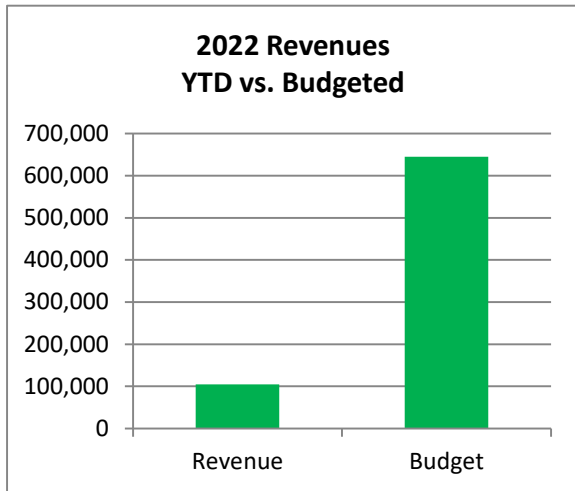
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Tax Allocation Fund
Period Ending September 30, 2022
Unaudited

Item #3.

Tax Allocation Fund	2022 Actuals September	2022 Adopted Budget	%
			Complete
Beginning Fund Balance	41,435	95,951	
<u>Revenues:</u>			
Taxes & Fees	104,580	645,000	16.2%
Earnings on Investment	-	50	0.0%
Total Operating Revenues	104,580	645,050	16.2%
<u>Expenditures:</u>			
Miscellaneous	104,580	645,050	16.2%
Total Expenditures	104,580	645,050	16.2%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	-	-	
 Ending Fund Balance*	 41,435	 95,951	

* - Unaudited

75% of the fiscal year has elapsed



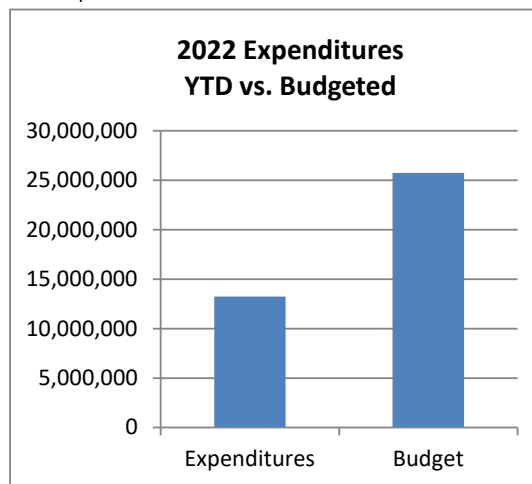
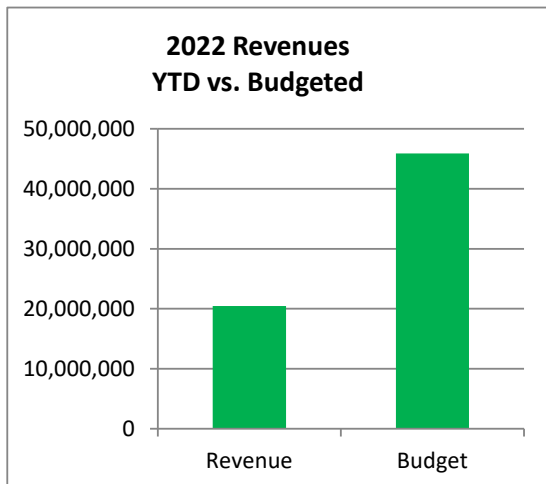
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Water Fund
Period Ending September 30, 2022
Unaudited

Item #3.

Water Fund	2022 Actuals September	2022 Adopted Budget	%
			Complete
Beginning Cash Balance	22,391,126	22,391,126	
<u>Revenues:</u>			
Charges for Services	4,261,753	3,838,700	111.0%
Total Operating Revenues	4,261,753	3,838,700	111.0%
<u>Expenses:</u>			
Administration	166,959	428,650	38.9%
Operations	2,074,729	3,968,650	52.3%
Capital Outlay	10,553,531	20,910,280	50.5%
Depreciation	434,789	425,000	102.3%
Transfers Out	-	-	
Total Operating Expenses	13,230,007	25,732,580	51.4%
Operating Income (Loss)	(8,968,254)	(21,893,880)	
<u>Non-Operating Revenues (Expenses)</u>			
Tap Fees	2,094,171	1,006,050	208.2%
Capital Investment Fees	2,159,082	850,650	253.8%
Misc. Revenues	11,830,108	40,179,550	29.4%
Interest Expense	114,656	6,900	1661.7%
Total Non-Operating Revenues (Expenses)	16,198,017	42,043,150	38.5%
Excess (Deficiency) of Revenues and Other Sources over Expenses	7,229,763	20,149,270	
Ending Cash Balance*	29,620,889	42,540,396	

* - Unaudited

75% of the fiscal year has elapsed



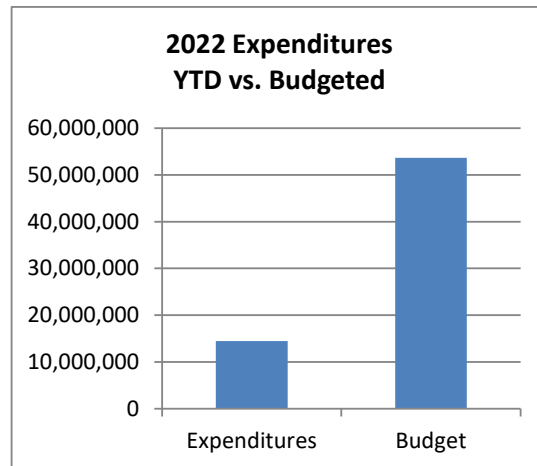
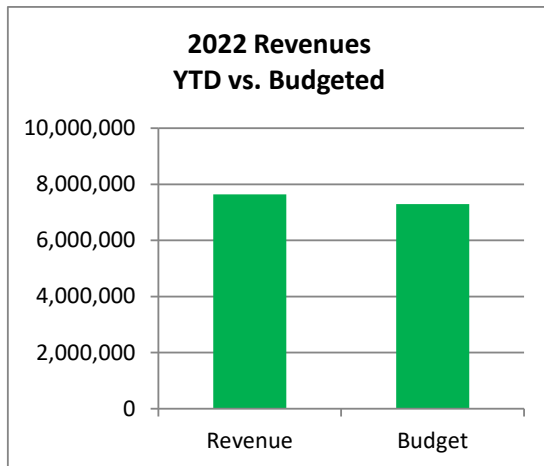
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Sewer Fund
Period Ending September 30, 2022
Unaudited

Item #3.

Sewer Fund	2022 Actuals September	2022 Adopted Budget	%
			Complete
Beginning Cash Balance	62,270,933	62,270,933	
Revenues:			
Charges for Services	2,236,001	2,984,000	74.9%
Total Operating Revenues	2,236,001	2,984,000	74.9%
Expenses:			
Administration	142,138	244,050	58.2%
Operations	1,049,519	1,991,800	52.7%
Capital Outlay	12,072,585	49,189,000	24.5%
Depreciation	229,517	245,000	93.7%
Debt Service	976,575	1,953,150	50.0%
Total Operating Expenses	14,470,334	53,623,000	27.0%
Operating Income (Loss)	(12,234,332)	(50,639,000)	
Non-Operating Revenues (Expenses)			
Capital Improvement Fees	4,676,760	2,396,740	195.1%
Misc. Revenues	293,545	1,915,000	15.3%
Interest Expense	438,839	1,200	36569.9%
Debt Proceeds	-	-	
Total Non-Operating Revenues (Expenses)	5,409,144	4,312,940	125.4%
Excess (Deficiency) of Revenues and Other Sources over Expenses	(6,825,188)	(46,326,060)	
Ending Cash Balance*	55,445,745	15,944,873	

* - Unaudited

75% of the fiscal year has elapsed



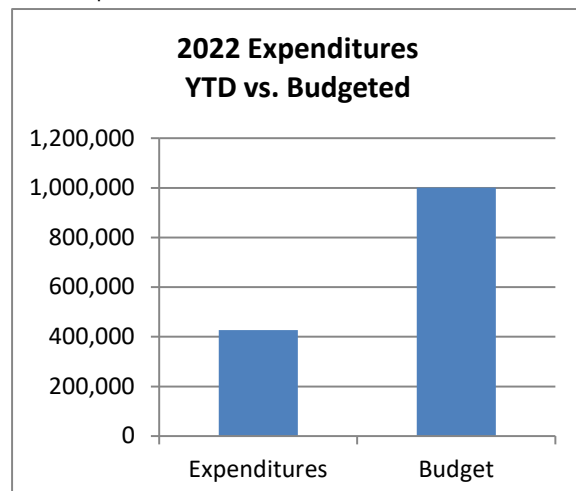
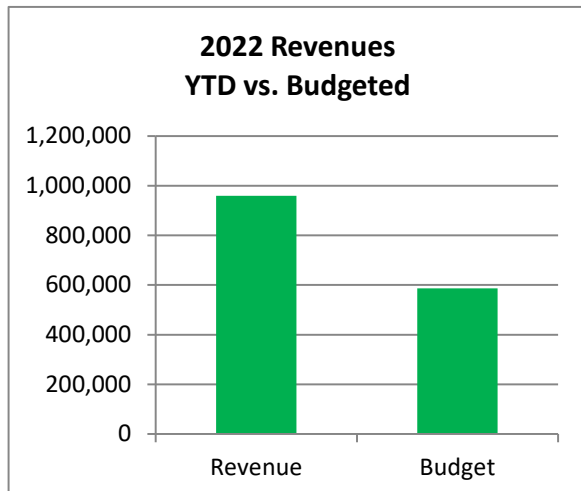
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Drainage Fund
Period Ending September 30, 2022
Unaudited

Item #3.

Drainage Fund	2022 Actuals September	2022 Adopted Budget	%
			Complete
Beginning Cash Balance	3,515,563	3,515,563	
Revenues:			
Charges for Services	<u>372,742</u>	<u>475,900</u>	78.3%
Total Operating Revenues	<u>372,742</u>	<u>475,900</u>	78.3%
Expenses:			
Administration	98,047	156,765	62.5%
Operations	132,047	364,100	36.3%
Capital Improvements	196,523	480,000	40.9%
Transfer Out	<u>-</u>	<u>-</u>	
Total Operating Expenses	<u>426,617</u>	<u>1,000,865</u>	42.6%
Operating Income (Loss)	<u>(53,875)</u>	<u>(524,965)</u>	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Revenues	571,865	110,000	519.9%
Misc. Revenues	-	-	
Interest Expense	<u>15,117</u>	<u>1,000</u>	1511.7%
Total Non-Operating Revenues (Expenses)	<u>586,982</u>	<u>111,000</u>	528.8%
Excess (Deficiency) of Revenues and Other Sources over Expenses	<u>533,107</u>	<u>(413,965)</u>	
Ending Cash Balance*	<u>4,048,670</u>	<u>3,101,598</u>	

* - Unaudited

75% of the fiscal year has elapsed



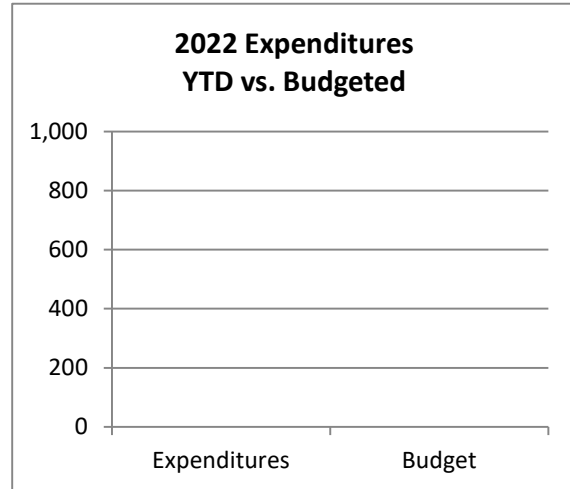
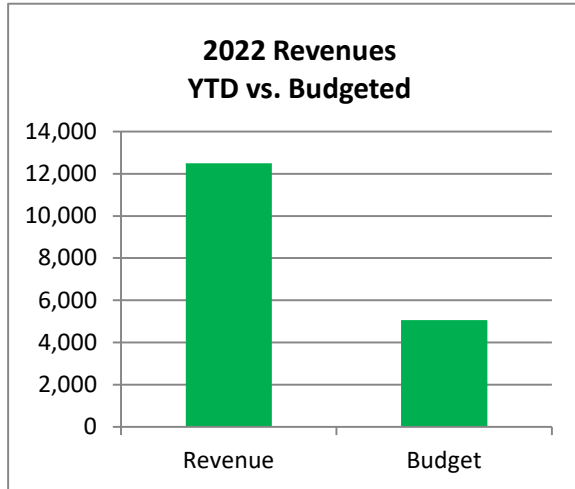
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Cemetery Perpetual Fund
Period Ending September 30, 2022
Unaudited

Item #3.

	2022 Actuals September	2022 Adopted Budget	%
Cemetery Perpetual Fund			Complete
Beginning Fund Balance	153,817	153,817	
Revenues:			
Miscellaneous Revenue	11,628	5,000	232.6%
Earnings on Investment	866	60	1442.8%
Total Operating Revenues	12,494	5,060	246.9%
Expenditures:			
Operations & Maintenance	-	-	
Capital Outlay	-	-	
Transfers Out	-	-	
Total Expenditures	-	-	
Excess (Deficiency) of Revenues and Other Sources over Expenditures	12,494	5,060	
Ending Fund Balance*	166,311	158,877	

* - Unaudited

75% of the fiscal year has elapsed



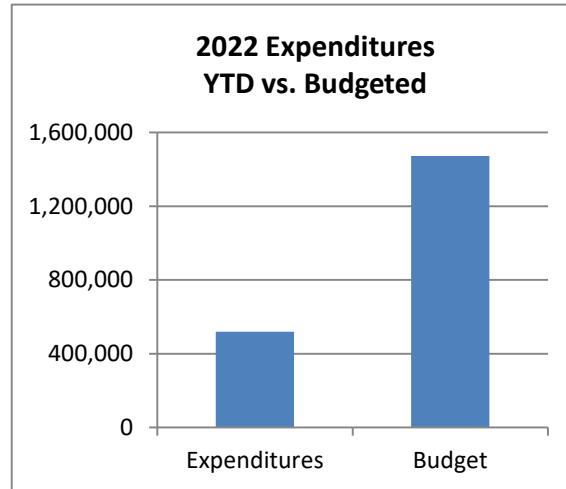
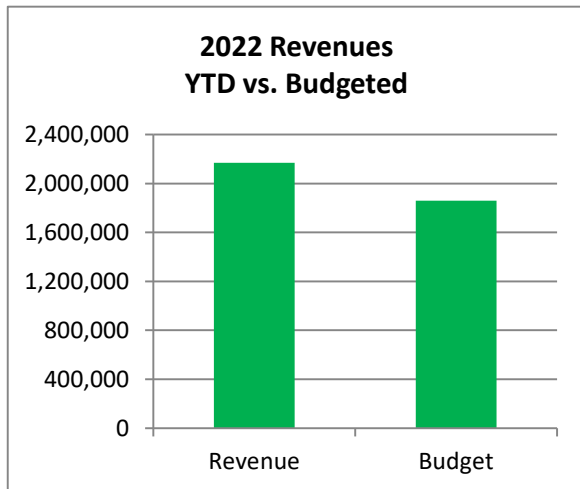
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Library Fund
Period Ending September 30, 2022
Unaudited

Item #3.

Library Fund	2022 Actuals September	2022 Adopted Budget	% Complete
Beginning Fund Balance	6,665,722	6,665,722	
Revenues:			
Intergovernmental	486,564	488,959	99.5%
Miscellaneous Revenue	1,453	11,000	13.2%
Capital Investment Fees	625,271	215,000	290.8%
Interest	37,229	5,000	744.6%
<i>Transfers In</i>	1,018,862	1,140,000	89.4%
Total Operating Revenues	2,169,379	1,859,959	116.6%
Expenditures:			
Operations	519,087	1,472,000	35.3%
Capital Outlay	-	-	0.0%
Total Expenditures	519,087	1,472,000	35.3%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	1,650,292	387,959	
Ending Fund Balance*	8,316,014	7,053,681	

* - Unaudited

75% of the fiscal year has elapsed



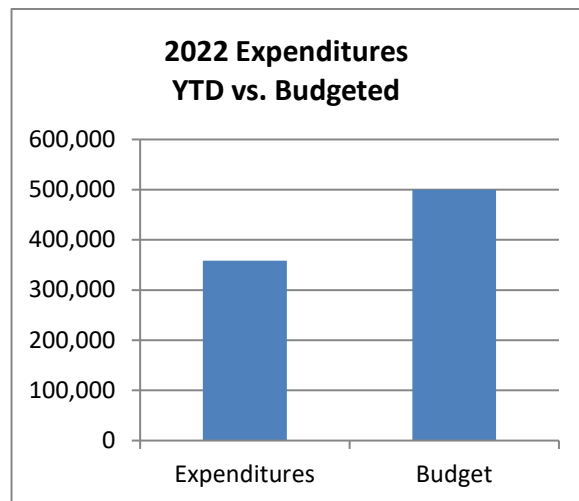
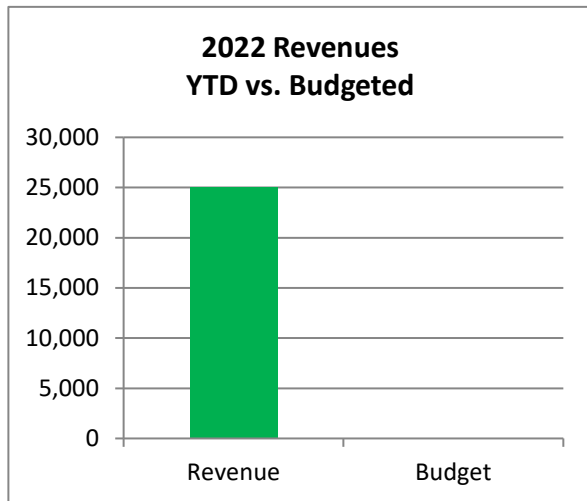
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Recreation Center Fund
Period Ending September 30, 2022
Unaudited

Item #3.

Recreation Center Fund	2022 Actuals September	2022 Adopted Budget	% Complete
Beginning Fund Balance	922,738	922,738	
<u>Revenues:</u>			
State Grants	25,000	0	
Transfers In	-	-	
Earnings on Investment	-	-	
Total Operating Revenues	25,000	-	
<u>Expenditures:</u>			
Operations & Maintenance	358,333	500,000	0.0%
Capital Outlay	-	-	
Total Expenditures	358,333	500,000	71.7%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(333,333)	(500,000)	
Ending Fund Balance*	589,405	422,738	

* - Unaudited

75% of the fiscal year has elapsed





Town of Johnstown

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: October 17, 2022

CC: Town Staff
Local Media

SUBJECT: Town Manager's Report

Upcoming Town Council Meetings & Work Sessions – If there are topics that the Council would like staff to schedule for discussion, please let me know. The following topics are recommended for Council discussion (all meetings will be held in the Town Council Chambers unless otherwise indicated):

- 10/17/2022 – Regular Council Meeting
- 10/24/2022 – Work Session (6:00 p.m.)
- 11/07/2022 – Regular Council Meeting
- 11/21/2022 – Regular Council Meeting

Administration, Finance, Planning, & Human Resources

- *Business Licenses* – To date the Town Clerk's Office has renewed or issued a total of 516 business licenses and is currently finalizing updates to the application and process for end of the year renewal mailings.
- *Hiring* – We are currently searching for a Utility Operator, Customer Service Technician, Planner III, Backflow and Water Quality Specialist, and two Street Maintenance workers.
- *Planning & Zoning Commission* – A regular meeting of the PZC was held on October 12. Next regular meeting is scheduled for November 16.

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- *Northern Colorado Homebuilders Association* – Kim Meyer attended a tour and roundtable discussion on October 11 with several local homebuilders and building officials to discuss general matters and issues that affect their industry, and how the development community and local governments can work together to find solutions. A Johnstown-only discussion is tentatively planned for November to have a more in-depth discussion regarding code, standards, process and seek solutions.
- *Training* - Several Town Staff, including the planning staff, attended a CML webinar on Water Law 101, which is available [online](#).
- *Weld RE-5J Long Range Task Force* – Kim Meyer attended the October 11 kick-off meeting for the Long Range Task Force to review and revise planning efforts for future growth and long term needs of the District. Meetings are anticipated every 2-4 weeks, on an on-going basis.
- *Neighborhood Meeting* – Planning Staff hosted a small neighborhood meeting on October 13 for the proposed High Plains Estates Outline Development Plan (ODP), at the SE corner of High Plains Blvd and CR50/Veteran’s Parkway, to permit nearby neighbors to learn and inquire about this proposed ODP for a residential neighborhood.
- *I-25 & Highway 60 Interchange* – Aesthetic improvements at the I-25 and Highway 60 interchange continue to transform on a daily basis. It is estimated that about 80% - 90% of the improvements will be completed before the end of the calendar year. Also, the Divergent Diamond Interchange (DDI) was completed as promised and within the timeline proposed by CDOT. Currently the interchange is in a one lane configuration and will be open to two lanes after vehicles adjust to the orientation.
- *CML Legislative Policy Committee Meeting* – Town Staff attended the Colorado Municipal League (CML) Legislative Policy Committee Meeting. A report of the outcomes from this meeting will be shared once the recap is received from CML. Please let the Town Manager if you have any questions you may have about the upcoming legislative session.
- *Community Tree Give Away* – The Town placed their order for the Trees Across Colorado program. The trees are expected to be delivered sometime in April 2023 and vouchers will be provided while they are available sometime in February or March. The order pending impact from the winter was for 132 trees to be provided to residents at no cost.

Police Department

Training

- *Arson Investigation* – Officer Grounds attended a fire investigation training put on by the Colorado Bureau of Investigation. Officer Grounds learned what to look for in arson type investigations.

Community Policing, Outreach & Miscellaneous Items:

- *Fall Fest* – Officer Rashid, Officer Beckman, Officer Flessner, and Officer Olds worked the Fall Fest event in the downtown area.

Public Works and Utilities

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- *Public Works Inspections (9/26/22 through 10/07/22):*
 - Staff inspected approximately 5,061 feet of new water line, 5,800 feet of new sewer line, 9,180 feet of subgrade, 13,223 feet of new pavement, and 8,100 feet of sidewalk.
- *Public Works Streets Operations (9/26/22 through 10/07/22):*
 - Staff continued to focus on cleaning out storm drains throughout Town
 - Installed new generator pad for Public Works Yard
 - Crews focused on cleaning out alley ways
 - Painted Town Downtown Parking Lot and library parking lot stripes
 - Replaced miscellaneous signage throughout Town
- *Fleet Operations*
 - Staff focused on Preventative Maintenance of vehicles and equipment
 - Completed brake replacement on two Police vehicles
 - Staff focused on data entry for new fleet tracking software
- *GIS/GPS: Gateway Development & Johnstown Corner Sewer Transmission*

GIS / GPS Report
10/11/2022

	Count From GPS Layers			Miles From Utility Databases			
	Last Report	This report	Delta	Last Report	This Report	Delta	
Utilities Dept.							
Water							
Water Valves	1,098	2,492	1,394	Water line entered (in miles):	22.23	31.87	9.65
Water Meters	340	816	476				
Water Vaults	13	23	10				
Fire Hydrants	222	436	214				
Misc Points	26	44	18				
Total	1,699	3,811	2,112				
Wastewater							
Manholes	204	618	414	Wastewater line entered (in miles):	7.75	17.59	9.84
Accessory Points	34	242	208				
Total	238	860	622				
Total Utilities Dept GPS Points:	1,937	4,671	2,734	Total Utilities Dept Lines Entered:	29.97	49.46	19.48
Public Works Dept.							
Stormwater							
Manholes	169	499	330	Stormwater line entered (in miles):	0	6.11	6.11
Inlets	97	270	173				
Pipe End Points	17	18	1				
Total Public Works GPS Points:	283	787	504	Total Public Works line entered (in miles):	0	6.11	6.11
Overall Points Collected:	2,220	5,458	3,238	Total Miles Entered in GIS:	29.97	55.57	25.59

- *Treatment*
 - October water plant flows
 - Avg: 3.021 MGD
 - High: 3.394 MGD
 - Low: 2.719 MGD
 - As part of recent water sampling, we are recording increased levels of GEOSMIN/MIB in Lonetree and Johnstown Reservoir
 - Low Point SBR basins are struggling to treat wastewater. Operators are evaluating solutions to increase air in the basins.

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- *Utilities Sewer Collection & Water Distribution*
 - Locates: 289 curb stops & 13,000 feet of water & sewer mains
 - Meters: Programmed & installed 14 meters; Adjusted/reprogrammed 3 MTUs
 - Lift Stations:
 - Cleaned Clearview pumps 3 times in past two weeks.
 - Reprogrammed new Lift Station to control flows to Central WWTP
 - Repaired 1 Fire Hydrant – replaced stem and bonnet.



- *Raw Water Transmission* – The project has been awarded to Civil Resources. Town Staff is working with Civil Resources to gather historic information on the Town’s Raw Water Systems.
- *South Water Tank* – Tank crews are beginning to mobilize equipment to raise the tank. The current plan is to raise the tank into place between October 12 and 14 depending on weather conditions. It will take approximately 6-8 hours to raise the tank. Once the tank is raised, crews will continue to construct the remainder of the tank.
- *South Water Tank Distribution Pipeline* – Mainline installation along WCR 17 have been completed. The contractor is now working on installing mainline along WCR 13. The contractor is working north to south between Hwy 60 and WCR 42 for the next several weeks.
- *Water Treatment Plant Expansion* – Town Staff, the design engineer and the owner’s rep are working together to select the criteria for the membranes. Once the criteria are set the Town will issue an RFP to solicit proposals for selecting the membranes. The membrane selection will allow the design to keep progressing forward. In addition, Town Staff is working on issuing an RFP to select a CMAR for design services.
- *Central Interceptor Phase 1* – The contractor is wrapping up some small items while collection and distribution staff is working with them to optimize the performance of the lift station.
- *Central Interceptor Phase 2* – Contractor is installing sewer main along WCR 46 between CR 15 and CR 13. The bore crew has completed the bore under CR 13 and will be mobilizing to complete the bore under the railroad tracks which is necessary to abandon the Clearview Lift Station.

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- *North Interceptor* –The contractor has begun preparing the site for the new lift station and providing project submittals to the Town and the design engineer for review to be able to procure equipment/materials. The Project Team is working with Weld County to obtain all necessary permits for the new lift station. The contractor is ordering long lead items to ensure that the project is completed on time. In addition, Town Staff is continuing to coordinate with property owners to acquire all necessary easements.
- *Low Point Sewer Expansion* – Masonry work continues for the new MBR building and the contractor is expected to complete the masonry on the MBR building in mid-October. Once the masons have finished, the contractor will start installing equipment in the building. The masons will move to the headworks building once the MBR building is complete. The contractor is continuing to install process piping and backfilling operations around the new buildings.
- *Central Plant Design* – The Design Engineer is working with CDPHE on the Site Location and Chemical Modification approvals. Town Staff continues to review the design and provide direction to the Design Engineer. The Town received a proposal for the CMAR design services and is currently reviewing the proposal to ensure that the contractor meets all the requirements of the RFP. Town Staff anticipates awarding the CMAR Design Services in October.
- *Old Town Drainage* – Punch-list items are completed. Project is in final close-out phase.
- *Charlotte Street Improvements* – The Kick-Off meeting was held and the contractor has ordered water and sewer piping. Contractor stated pipes are delayed due to low supply and project is scheduled to begin in late October. Xcel gas is completing plans for lowering of gas line and that work should begin in November.
- *County Road 17/Parish Ave Mill and Overlay* – The project is moving forward with great progress. The mill and overlay are complete from CR 42 to CR 46. Milling operations are scheduled to be complete south of 46 ½ to the Post Office the week of October 17. Operations will then move to the Johnstown Housing Authority.
- *Traffic Signal Design for Carlson Blvd and State Highway 60* – Design for the traffic signal is at 98% design level and comments from CDOT are being integrated into the plans. Staff still estimates putting the project out to bid later in October or the first of November. The Town is still waiting on the IGA from CDOT.
- *State Highway Feasibility Study* – The Town and consultant met to go over preliminary design options for SH 60 from 1-25 to County Road 19. The design options will be presented to the Council for feedback on October 24 during a work session.
- *Little Thompson River Trail*- Design for the trail is 95% complete and final approval from CDOT is eminent. Town Staff and the design firm are currently working on the Request for Proposal documents and working on a release date for the proposal, anticipated in November.
- *Chip seal* – Chip seal for portions of County Road 13 and County Road 15 are complete and signing and striping have been installed.



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: October 17, 2022

SUBJECT: High Plains Boulevard Construction Time Extension Request

ACTION PROPOSED: Consider Time Extension Request

ATTACHMENTS: 1. Letter from Oakwood Homes Development

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

The Town entered into a Subdivision Development Agreement (DA) with Clayton Properties Group II, LLC (Oakwood Homes) for Filing No. 12 in September 2021. The DA included obligations for completion of High Plains Boulevard interim improvements. These improvements were to be completed not later than October 31, 2022 to prevent a stop issuance of building permits. Due to supply chain issues for electrical equipment and materials, difficult conditions with regards to water table issue impacted by the Big Thompson River and 3rd party reviews with other governmental agencies and developers, the construction has yet to be completed.

For the sections within the Town limits (generally south of the Big Thompson Bridge to County Road 18), Oakwood is requesting an extension to complete these improvements by November 30, 2022. Most of this segment has been completed with the exception of the access points from the new roadway connecting to Thompson River Ranch Pkwy and the Big Thompson Bridge. To complete these segments, High Plains Boulevard will need to be shut down temporarily to complete the tie-ins into the subdivision and the bridge that crosses the Big Thompson.

Another, but new requirement as part of Filing 12, was an obligation to pave the unpaved section of High Plains Boulevard north of the bridge to the section of currently paved road north of LCR 20C. This objective has not been completed by October 31, 2022, as required. Oakwood is requesting an extension for this road segment to July 31, 2022. Plan sets were submitted to Larimer County in April 2022, and they are still awaiting approval from Larimer County.

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The terms of the DA are somewhat conflicting. They authorize the Town Manager to provide extensions of time (assuming they are appropriate), but also calls for all improvements to be completed not later than October 31, 2022 or risk a stoppage of building permits. Given the influence of outside 3rd parties to these complex improvements. I am recommending these extensions be approved to help facilitate the completion of these improvements considering Oakwood has been acting in good faith to complete these improvements as diligently as possible. These extensions would not include stoppage of building permits.

Staff will continue to work with Oakwood to ensure these elements are completed based on these requested extensions.

LEGAL ADVICE:

Not Applicable

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Authorize the extension of time as requested.

SUGGESTED MOTIONS:

For Approval: I move to approve the extension of times requested by Oakwood for the High Plains Boulevard improvements as detailed in the attached letter from Oakwood Homes.

For Denial: I move to deny the request for a time extension and direct the Town Manager to enforce the terms of the Filing No. 12 agreement inclusive of stoppage of all building permits.

Reviewed and Approved for Presentation,



Town Manager



OAKWOOD
HOMES

A Berkshire Hathaway Company

Chris Carlton
Clayton Properties Group II, Inc.
4908 Tower Road
Denver, CO 80249

Matt LeCerf
Town of Johnstown
450 S Parish Ave. PO Box 609
Johnstown, CO 80534

October 13, 2022

Dear Mr. LeCerf,

Pursuant to the Subdivision Development and Improvement Agreement for The Town of Johnstown Thompson River Ranch Filing No. 12, Exhibit B-3 – Additional Terms, Conditions or Provisions, we are requesting a time extension to complete High Plains Boulevard – Interim Arterial, High Plains Blvd Paving Completion and High Plains Blvd – Big Thomson Bridge Interim Improvements.

High Plains Boulevard – Interim Arterial was to be completed by October 31, 2022. We are diligently working to complete this roadway, but there are elements of the roadway that will not be completed by the end of October. We would like to ask for an extension to November 30, 2022.

- Outstanding Items to complete
 - Street tie-in at River Ranch Parkway
 - Street tie-in at CR 3 just south of the Big Thompson River
 - top lift of asphalt
 - Sidewalk
 - Street signage & striping

High Plains Boulevard – Paving Completion and Big Thompson River Bridge Interim improvements were also to be completed by October 31, 2022. To summarize, the improvements consist of two 12-foot wide asphalt traffic lanes with five foot paved shoulder on each side. The limits of the proposed paving are just north of CR 20 C to the existing edge of asphalt and where High Plains Blvd Interim Improvements end just south of the Big Thompson River.

We first submitted plans to Larimer County in April 2022 for the ROW permit. In June, Larimer County decided a Floodplain Permit was also required for the road work. As such, we have been actively working with Larimer County for plan approval. We hope we will be able to start in November, but with winter approaching starting in November would not allow enough time to complete the paving operation. Therefore, we are requesting an extension for this portion of CR 3 to July 31, 2023

Regards,
Chris Carlton



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: October 17, 2022

SUBJECT: Second Amendment and Restated Escrow Agreement

ACTION PROPOSED: Consider Second Amendment and Restated Escrow Agreement Ledge Rock Center Commercial

ATTACHMENTS: 1. To Be Presented at Council Meeting

PRESENTED BY: Avi Rocklin, Town Attorney
MaryAnn McGeady, Special Counsel
Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Enclosed for your review and consideration is a Second Amendment and Restated Escrow Agreement. To say the municipal bond market is in a complete flux of unknown would be an understatement. The bond underwriting company, Piper Sandler have been actively advertising and marketing the Ledge Rock Commercial Center Bonds. Unfortunately, there have not been any buyers of the bonds currently. Consequently, they have had to reach out to specific investors to discuss alternative methods to ensure a sale of the bonds. The modifications that will be presented in the amendment for the Escrow Agreement will modify the terms the Town and Ledge Rock Commercial Center have negotiated originally to ensure they are sold. The terms will in general include the items listed below which may be modified, but could include additional terms:

- Increase the Debt Service Coverage Ratio from 1.3X to 1.5X to ensure the bond debt service is satisfied.
- A more conservative release trigger of the vertical construction dollars release; changing the amount from an aggregate total of \$200/ft to about \$135/ft.
- An additional \$15 million of the Developers' own moneys (\$17 million in total of the developers own cash) will be sent into the Developer Funds Account/Restricted Account immediately at closing (not June 2023 as currently contemplated). This would satisfy the terms of the Developer Contribution Agreement approved by Council on August 29, 2022.

It has been communicated to the Town that the parties involved in this agreement believe this will complete the bond sale and bring roughly \$74 MM to the project to complete both the public improvements and vertical construction of the lease agreements that are currently in place.

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

LEGAL ADVICE:

The Town Attorney and the Town’s Special Counsel, MaryAnn McGeady, prepared the Amendment presented for consideration.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION: Approve the Amendment presented for consideration.

SUGGESTED MOTIONS:

For Approval: I move to approve the Second Amendment and Restated Escrow Agreement and authorize the Mayor or Town Manager to execute the agreements as necessary to expedite the project objectives.

For Denial: I move to deny approval of the Amendment as presented for the Ledge Rock Center Commercial Project.

Reviewed and Approved for Presentation,



Town Manager



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

- AGENDA DATE:** October 17, 2022
- SUBJECT:** Resolution 2022-40: Preliminary/Final Subdivision Plat for Johnstown Farms Filing No. 2
- ACTION PROPOSED:** Consider Resolution 2022-40 Approving the Preliminary/Final Subdivision Plat for Johnstown Farms Filing No. 2
- ATTACHMENTS:**
1. Resolution 2022-40
 2. Vicinity Map
 3. Subdivision Plat
 4. PZC Staff Report (9/14/22)
 5. Staff Presentation for Hearing
- PRESENTED BY:** Kim Meyer, Planning & Development Director
-

AGENDA ITEM DESCRIPTION:

The Applicant, Post Modern Development, LLC, is requesting Preliminary/Final Subdivision Plat approval of approximately 62 acres. This plat, for property located at the southeast corner of Parish Ave. and Centennial (CR 46.5) would create several large tracts intended for future development and subdivision, in addition to the full right-of-way dedications required along Parish Avenue and Centennial Drive (Attachment 2). Additional features on the subdivision plat illustrate existing and proposed easements for future utility locations along with temporary construction easements. The current regulatory floodplain (100-yr/1%) boundaries along the Little Thompson River are also shown.

The proposed subdivision plat (Attachment 3) includes rights-of-way for future roads, as well as several large tracts for development. The three Tracts will need to be resubdivided prior to development, ensuring that the Town retains the ability to fully review proposed developments, construction drawings, traffic or utility impacts, and make future determinations on required improvements based on development plans, once more detail is known.

While not in strict conformance with code requirements that require submittal of engineering reports and development plans with plats, the ability to proceed to platting without full plans and

The Community That Cares

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

“CD’s” in place is accommodated elsewhere, in Staff’s interpretation, by [JMC §17-111](#) requiring that an agreement be in place that requires all necessary improvements, in conformance with Town design standards and other applicable codes and regulations, and which plans/reports have been reviewed and approved by the Town. A proposed development agreement accompanies this item on this Council agenda.

The Planning & Zoning Commission held a public hearing on September 14, 2022. No public comments or concerns were provided as of the date of this publication. Staff recommended that the Commission recommend approval to the Town Council, with the findings contained in the attached staff report (Attachment 4).

LEGAL ADVICE:

Resolution was prepared by the Town Attorney.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approve Resolution 2022-40 Approving Johnstown Farms Filing No. 2 Preliminary/Final Subdivision Plat.

SUGGESTED MOTIONS:

For Approval

Based on findings and analysis presented at this hearing, I move to approve Resolution 2022-40.

For Denial

Based on information presented in this hearing, I move to deny Resolution 2022-40

Reviewed and Approved for Presentation,



Town Manager

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-40**

APPROVING THE PRELIMINARY/FINAL PLAT FOR JOHNSTOWN FARMS, FILING NO. 2, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 61.966 ACRES

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Post Modern Development, LLC, a Colorado limited liability company, submitted an application to the Town for approval of a Preliminary/Final Plat for Johnstown Farms, Filing No. 2, situated in the Southwest Quarter of Section 9, Township 4 North, Range 67 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 61.966 acres; and

WHEREAS, on September 14, 2022, the Planning and Zoning Commission held a hearing, reviewed the request and recommended that the Town Council approve the Preliminary/Final Plat for Johnstown Farms, Filing No. 2; and

WHEREAS, on October 17, 2022, the Town Council held a public hearing concerning approval of the Preliminary/Final Plat for Johnstown Farms, Filing No. 2 and, after considering the Planning and Zoning Commission’s recommendation, reviewing the file and conducting such hearing, found that the Preliminary/Final Plat for Johnstown Farms, Filing No. 2 meets the data requirements and design standards of the subdivision regulations contained in the Johnstown Municipal Code; and

WHEREAS, based on the foregoing, the Town Council desires to approve the Preliminary/Final Plat for Johnstown Farms, Filing No. 2.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

Section 1. Preliminary/Final Plat Approval: The Preliminary/Final Plat for Johnstown Farms, Filing No. 2, situated in the Southwest Quarter of Section 9, Township 4 North, Range 67 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 61.966 acres, attached hereto and incorporated herein by reference at Exhibit A, is hereby approved.

Section 2. Recording: The Town Clerk is hereby directed to obtain the appropriate signatures for the Final Subdivision Plat and have it properly recorded at the Office of the Weld County Clerk and Recorder.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ___ day of _____, 2022.

ATTEST:

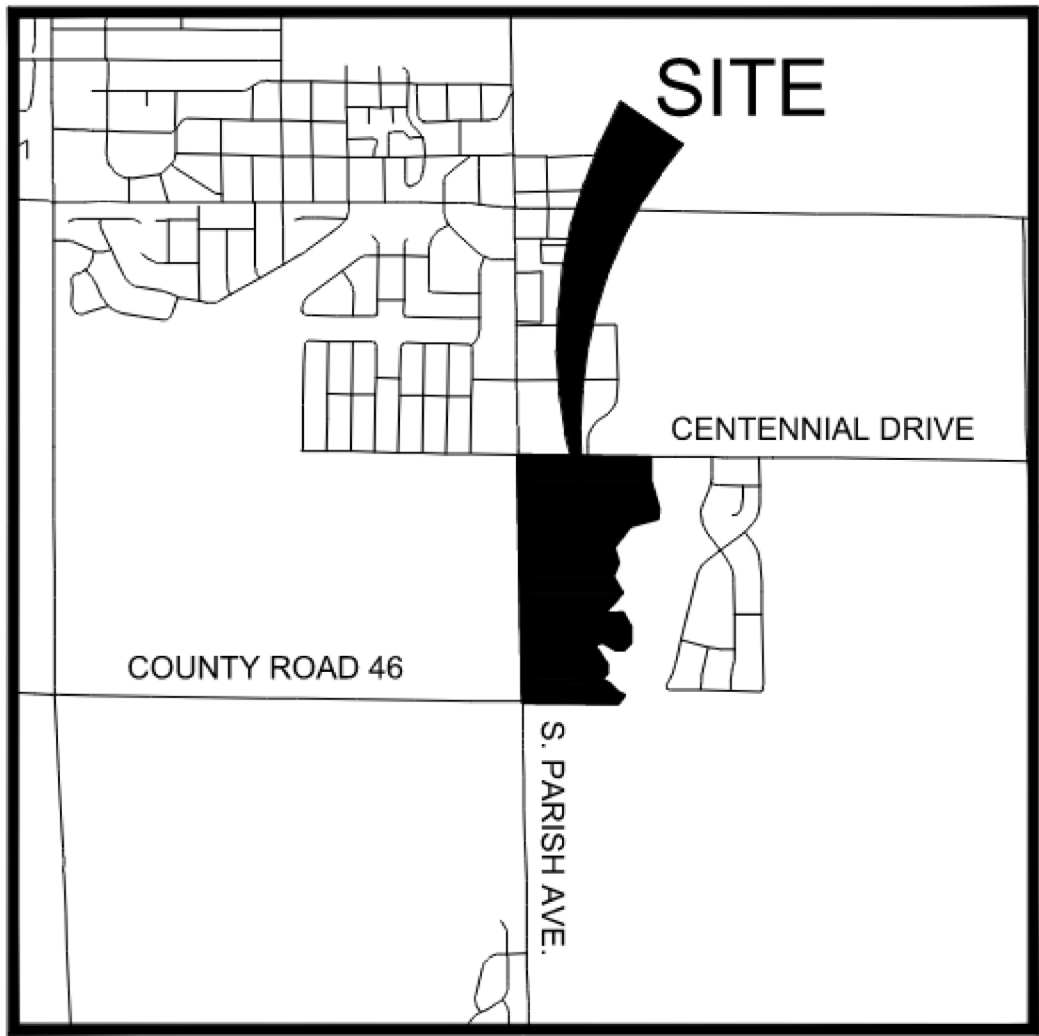
TOWN OF JOHNSTOWN, COLORADO

By: _____
Hannah Hill, Town Clerk

By: _____
Gary Lebsack, Mayor

VICINITY MAP

Johnstown Farms Filing No. 2



JOHNSTOWN FARMS FILING NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT POST MODERN DEVELOPMENT, LLC a Colorado limited liability company, being the sole owner(s) in fee of:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 9, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 9, BEARS SOUTH 89°24'30" EAST, A DISTANCE OF 2711.57 FEET, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SOUTH 89°24'30" EAST, A DISTANCE OF 1400.63 FEET TO THE WESTERLY LINE OF JOHNSTOWN FARMS FILING NO. 3 RECORDED AT RECEPTION NO. 4568150, IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWENTY-TWO (22) COURSES:

1. SOUTH 00°35'30" WEST, A DISTANCE OF 243.05 FEET;
2. SOUTH 17°05'56" EAST, A DISTANCE OF 312.42 FEET;
3. SOUTH 08°16'54" WEST, A DISTANCE OF 101.30 FEET;
4. SOUTH 73°48'58" WEST, A DISTANCE OF 301.18 FEET;
5. SOUTH 38°14'03" WEST, A DISTANCE OF 293.89 FEET;
6. SOUTH 18°23'04" EAST, A DISTANCE OF 163.95 FEET;
7. SOUTH 22°16'35" WEST, A DISTANCE OF 164.82 FEET;
8. SOUTH 34°51'09" EAST, A DISTANCE OF 193.10 FEET (SEE NOTE 13);
9. SOUTH 39°39'32" WEST, A DISTANCE OF 314.41 FEET;
10. NORTH 86°13'22" EAST, A DISTANCE OF 210.38 FEET;
11. SOUTH 29°49'13" EAST, A DISTANCE OF 160.73 FEET;
12. SOUTH 00°51'36" EAST, A DISTANCE OF 178.22 FEET;
13. SOUTH 48°25'30" WEST, A DISTANCE OF 98.93 FEET;
14. NORTH 90°00'00" WEST, A DISTANCE OF 75.86 FEET;
15. NORTH 59°40'57" WEST, A DISTANCE OF 166.01 FEET;
16. SOUTH 68°44'13" WEST, A DISTANCE OF 104.57 FEET;
17. SOUTH 34°32'15" EAST, A DISTANCE OF 252.50 FEET;
18. SOUTH 00°00'00" EAST, A DISTANCE OF 84.23 FEET;
19. SOUTH 38°13'50" WEST, A DISTANCE OF 97.60 FEET;
20. SOUTH 61°02'08" EAST, A DISTANCE OF 96.44 FEET;
21. SOUTH 46°04'50" EAST, A DISTANCE OF 124.78 FEET;
22. SOUTH 62°56'25" EAST, A DISTANCE OF 71.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE GREAT WESTERN RAILROAD AS EXCEPTED IN BOOK 221 AT PAGE 72 IN SAID RECORDS;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 36°08'54" WEST, A DISTANCE OF 101.74 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9;

THENCE ALONG SAID SOUTH LINE, NORTH 89°11'03" WEST, A DISTANCE OF 1014.97 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, NORTH 00°52'28" WEST, A DISTANCE OF 2613.54 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY:

SHAUN D. LEE, PLS 38158
FOR AND ON BEHALF OF:
AZTEC CONSULTANTS INC.

Said described parcel of land contains 2,699,261 square feet, or 61.966 acres, more or less (±).

shown on the attached map as embraced within the heavy exterior lines thereon, has (have) subdivided the same into Lots, Blocks, and Outlots, as shown on the attached map; and does (do) hereby set aside said portion or tract of land and designate the same JOHNSTOWN FARM FILING NO. 2, and does (do) dedicate to the public, the streets and all easements over and across said lots at locations shown on said map; and does (do) further certify that the width of said streets, dimensions of the lots and blocks (or building envelopes) and the names and numbers thereof are correctly designated upon said map.

Owner: Post Modern Development, LLC

By: _____
JD Padilla

STATE OF COLORADO)
) ss
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by JD Padilla as _____ of Post Modern Development, LLC.

WITNESS my Hand and Official Seal.

Notary Public

My commission expires: _____.

TOWN COUNCIL:

This Plat, to be know as JOHNSTOWN FARM FILING NO. 2, is approved and accepted by the Town of Johnstown, by Resolution Number _____.

Passed and adopted on Final Reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado held on the _____ day of _____, 2022.

By: _____ ATTEST: _____
Gary Lebsack, Mayor Hannah Hill, Town Clerk

SURVEYOR NOTES:

1. The lineal unit of measurement for this survey is U. S. Survey Feet.
2. The Basis of Bearings is the West quarter-section line, bearing South 88°59'45" East (an assumed bearing), and monumented as shown on drawing.
3. For all information regarding easements, right-of-way or title of record, Northern Engineering relied upon Order No. ABD25177100, dated 10/20/2020, prepared by Land Title Guarantee Company.
4. Northern Engineering or the Professional Land Surveyor listed hereon, does not have the expertise to address mineral rights, and recommends the owner retain an expert to address these matters. Northern Engineering or the Professional Land Surveyor listed heron assumes no responsibility for the mineral rights upon the subject property.
5. A copy of the title commitment and the documents contained therein were provided to the owner, client and those entities listed under the surveyor's certification for their use and review.
6. For easements created by separate document and shown hereon refer to record document for specific terms.
7. A prescriptive 60-foot right of way Weld County road 46 1/2 was shown on the subdivision plat of Johnstown Farms Filing No. 3, recorded at reception no. 4568150 with Weld County Clerk and Recorder. Said plat also shows the 60-foot right of way as being attributed to Book 86 Page 283 of the Weld County records. However, the document at Book 86 Page 283 only calls for 60-foot rights of way on section lines, while Weld County road 46 1/2 is along a quarter section line. This survey does not address whether there was a prescriptive 60-foot right of way prior to the platting of Johnstown Farms Filing No. 3.
8. Not all documents listed in title commitment are plottable or definable. Those easements that are definable by their descriptions are shown hereon. Owner, Client and others should refer to the title commitment and those documents listed therein for a true understanding of all rights of way, easements, encumbrances, interests and title of record concerning the subject property.
9. The word "certify" or "certification" as shown and used hereon is an expression of professional opinion regarding the facts of the survey, and does not constitute a warranty or guaranty, expressed or implied. DORA Bylaws and Rules (4 CCR 730-1).
10. Easements and other record documents shown or noted hereon were examined as to location and purpose and were not examined as to restrictions, exclusions, conditions, obligations, terms, or as to the right to grant the same.
11. Adjacent property owner information per the Weld County Property Portal
12. The Professional opinion of the Surveyor is not a determination of law, nor a matter of fact.
13. This bearing appears to have a scrivener's error and should instead read South 30° 51' 09" East, per the plat of Johnstown Farms Filing No. 3 recorded at Reception No. 4568150 by Shaun D. Lee, PLS 38158 for and on behalf of Aztec Consultants Inc., being the same PLS that created this legal description. This survey reflects the aforementioned bearing of South 30° 51' 09" East.
14. A current title commitment was not provided to the surveyor. The surveyor has used the above listed title commitment as the best available evidence to determine rights and encumbrances that may or may not impact the subject property. The surveyor is not responsible for those rights or encumbrances of record or existing not listed in said title commitments. This survey is subject to all easements, rights-of-way, and encumbrances as recorded or existing.
15. A current title commitment will be provided to the surveyor prior to final submittal. This note will be removed prior to finalizing survey.
16. Said described property is located within an area having a Zone Designation AE by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 08069C1410G, Panel 1410, with a date of identification of January 15, 2021, for Community No. 080250, in Town of Johnstown, County of Larimer, State of Colorado, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
17. It is unlawful under Colorado State Statute to knowingly disturb, deface, remove, or destroy a land survey monument.
18. This survey is a draft. Monuments have not been set. Monuments will be set or upgraded prior to finalizing survey. *THIS NOTE WILL BE REMOVED PRIOR TO FINALIZING THE SURVEY*

PLAT NOTES AS REQUESTED BY THE TOWN OF JOHNSTOWN:

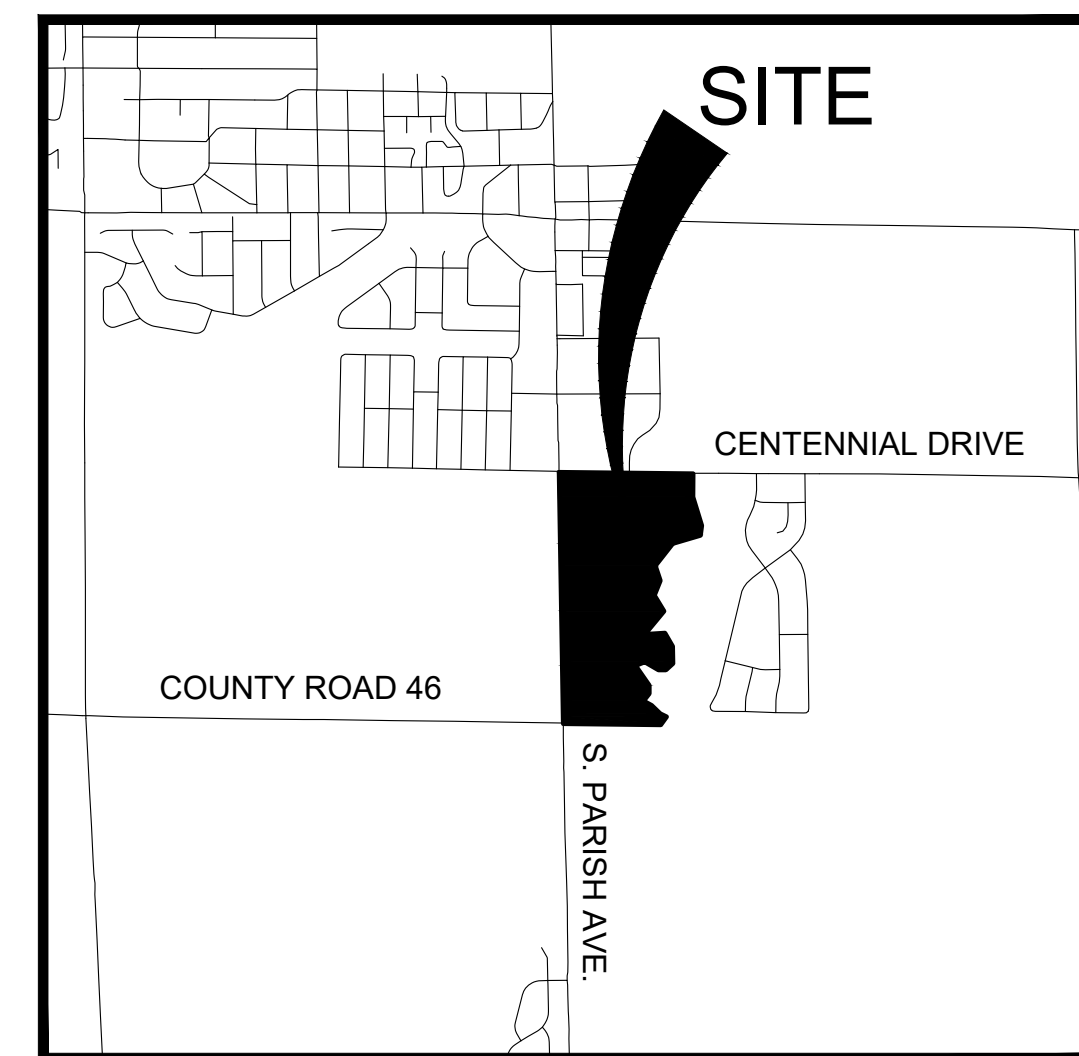
Notes as requested by the Town of Johnstown and listed hereon are being required as a condition of approval by the Town of Johnstown. The notes, as listed hereon, were provided to Northern Engineering by the Town of Johnstown.

- No construction or building may occur on-site until all Final Development Plans, Engineering Plans and Reports, Development Agreement, and the Water/Sewer Service Agreement have received Town approval and construction acceptance, as appropriate.

SURVEYOR'S STATEMENT

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor do hereby state that this Subdivision Plat was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon were found or set as shown, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.

For and on Behalf of Northern Engineering
Robert C. Tessely
Colorado Registered Professional Land Surveyor No. 38470



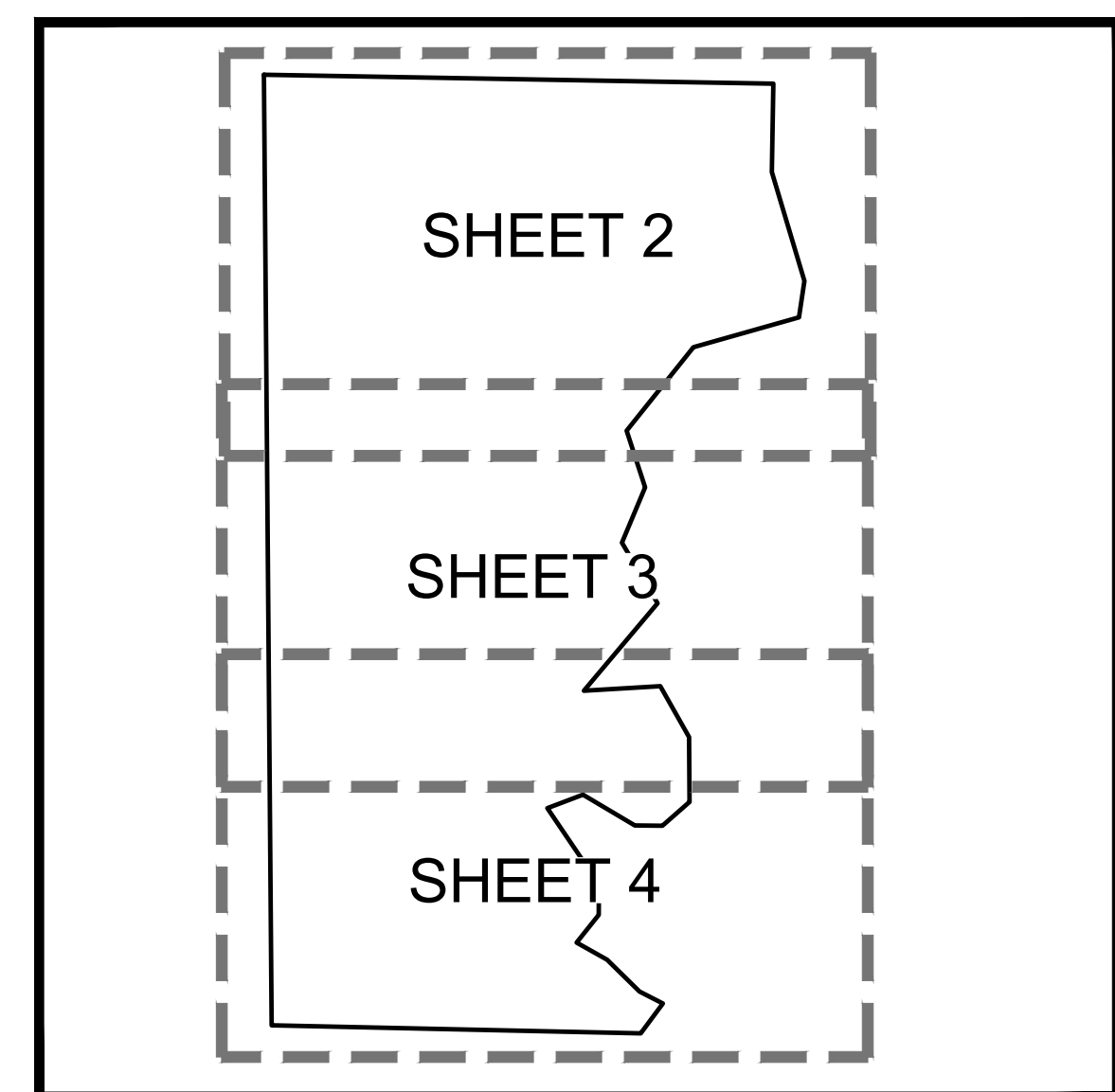
VICINITY MAP
1" = 2000'

OWNER/DEVELOPER/APPLICANT

POST MODERN DEVELOPMENT, LLC
a Colorado limited liability company
144 N. Mason Street #4
Fort Collins, CO 80524

SURVEYOR

Northern Engineering Services, Inc.
Robert C. Tessely, PLS
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158



SHEET INDEX
1" = 500'

NOTICE:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION:	TOWNSHIP:	RANGE:
9	4N	67W of the 6th P.M.

NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
NORTHERNENGINEERING.COM
970.221.4158

DATE:	SCALE:	REVIEWED BY:
9/15/22	As shown	R. Tessely
PROJECT:	CLIENT:	DRAWN BY:
1204-008	POST MODERN DEVELOPMENT	L. Smith

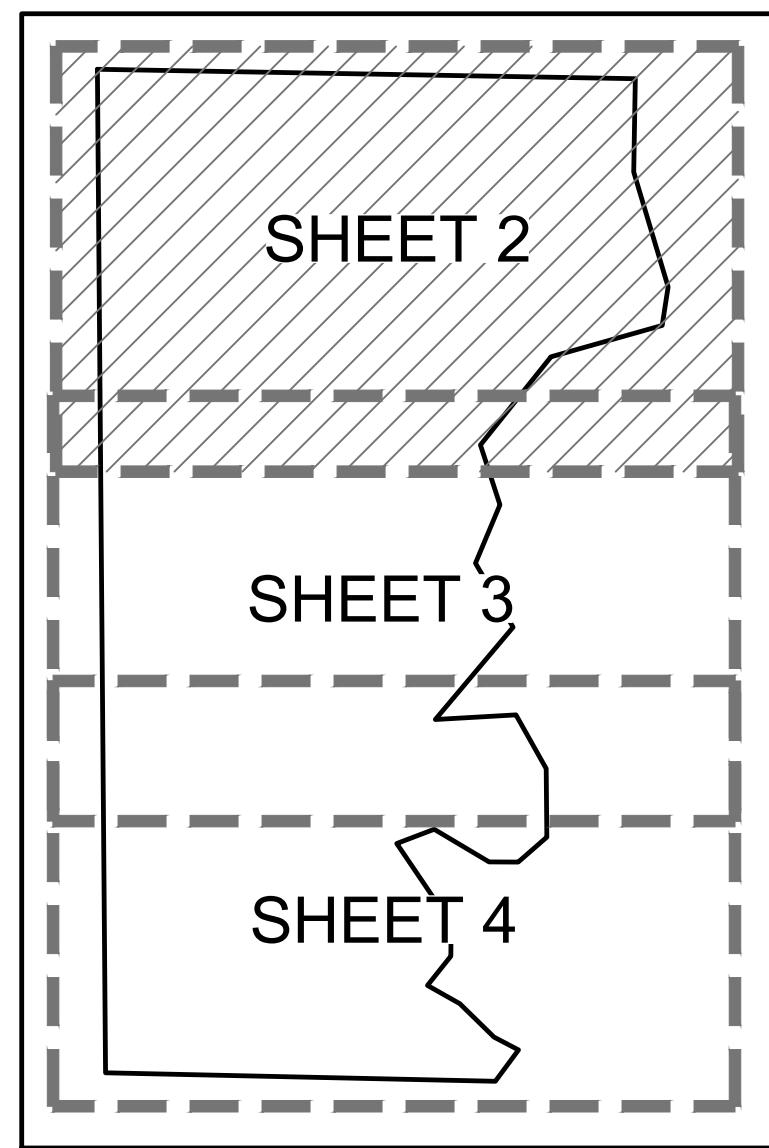
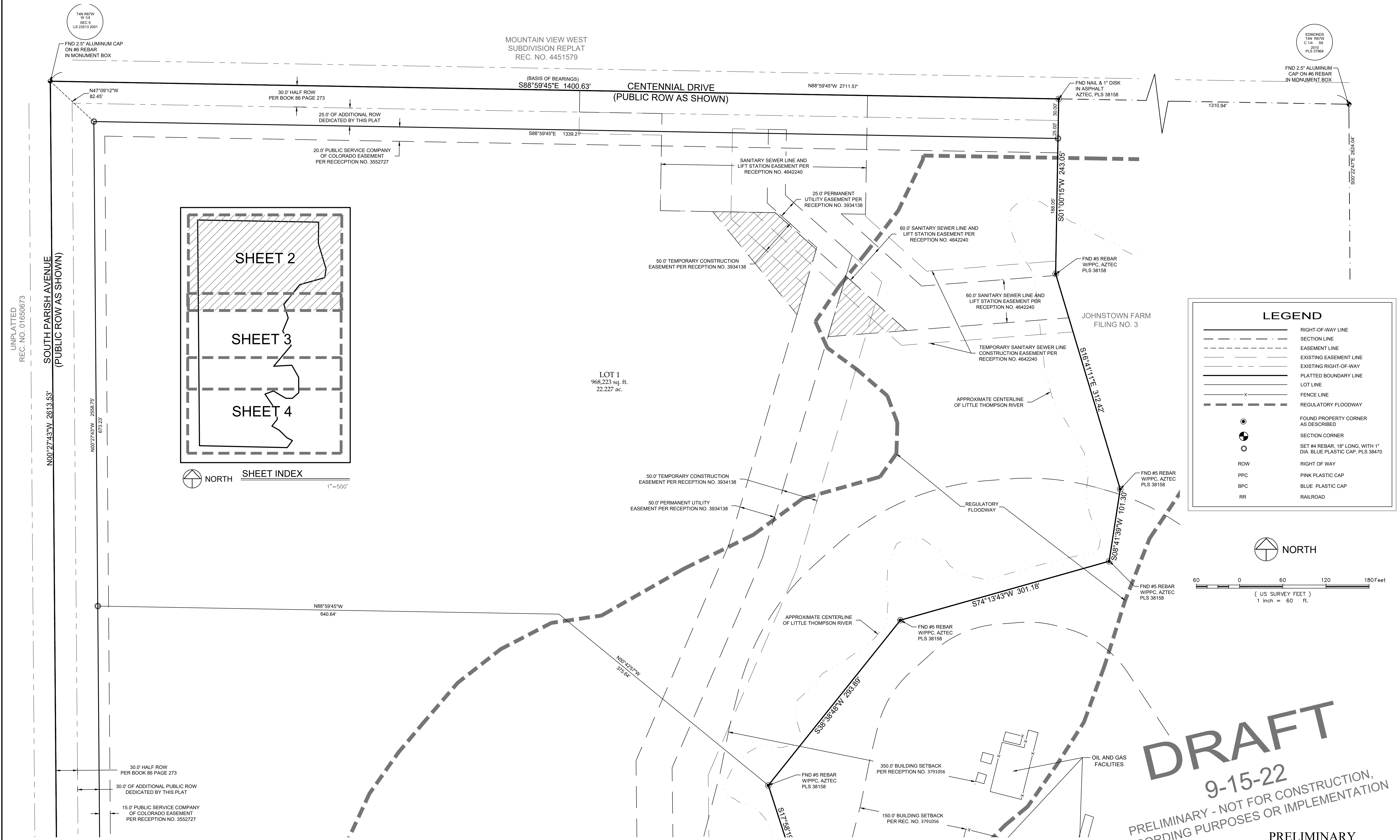
JOHNSTOWN FARMS FILING NO. 2
TOWN OF JOHNSTOWN
STATE OF COLORADO

Sheet
1
Of 4 Sheets

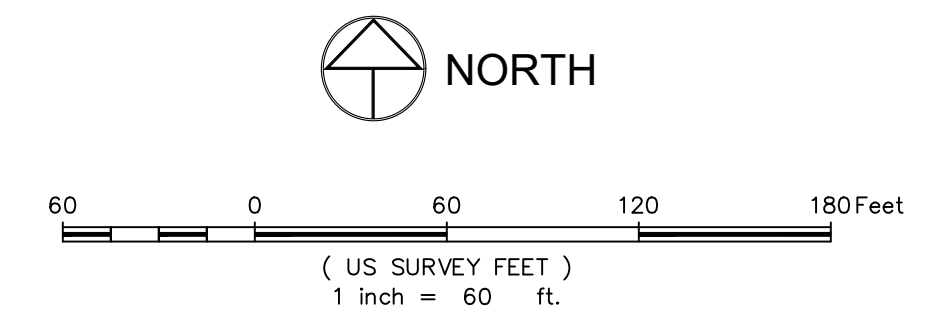
DRAFT
9-15-22
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

JOHNSTOWN FARMS FILING NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO



LEGEND	
	RIGHT-OF-WAY LINE
	SECTION LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
	EXISTING RIGHT-OF-WAY
	PLATTED BOUNDARY LINE
	LOT LINE
	FENCE LINE
	REGULATORY FLOODWAY
	FOUND PROPERTY CORNER AS DESCRIBED
	SECTION CORNER
	SET #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 38470
	RIGHT OF WAY
	PPC PINK PLASTIC CAP
	BPC BLUE PLASTIC CAP
	RR RAILROAD



DRAFT
 9-15-22
 PRELIMINARY - NOT FOR CONSTRUCTION,
 RECORDING PURPOSES OR IMPLEMENTATION

SEE SHEET 3

PRELIMINARY
 For and on behalf of Northern Engineering Services, Inc.
 Robert C. Tesley
 Colorado Registered Professional Land Surveyor No. 38470

NOTICE:
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SECTION: 9
 TOWNSHIP: 4N
 RANGE: 67W of the 6th P.M.

NORTHERN ENGINEERING
 SURVEY | MUNICIPAL | LAND DEVELOPMENT
 FORT COLLINS | GREELEY 970.221.4188
 NORTHERNENGINEERING.COM

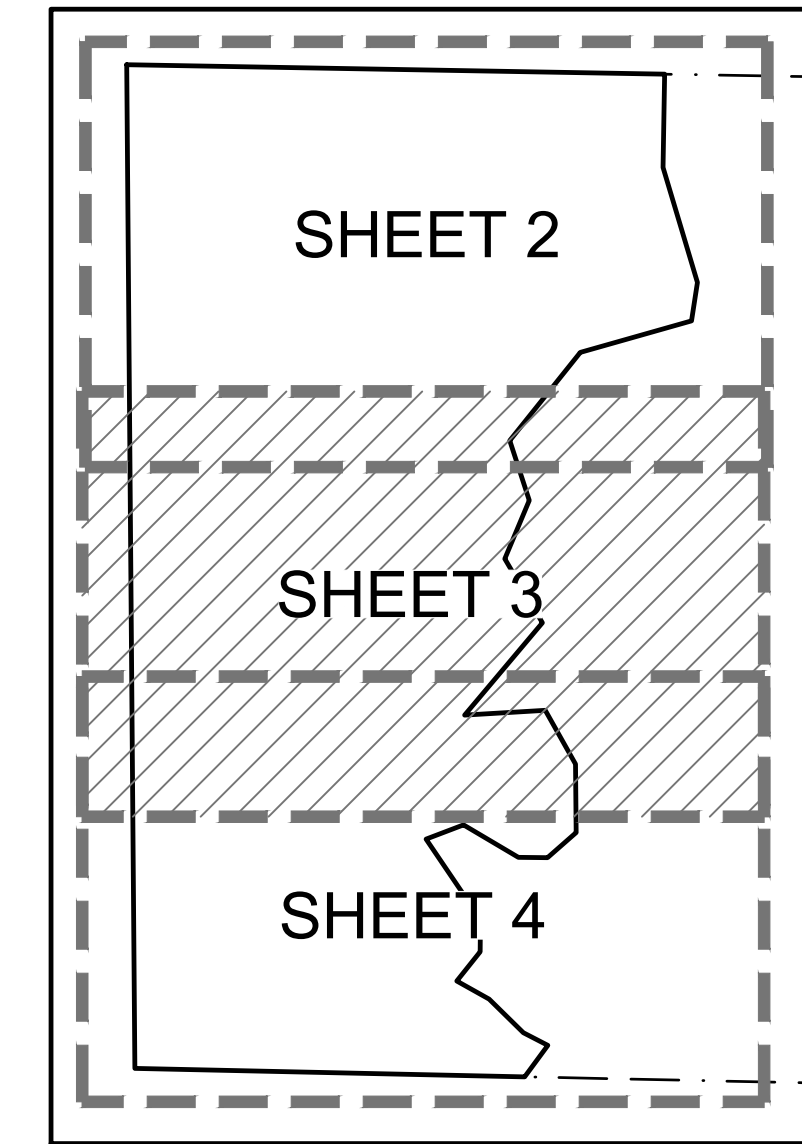
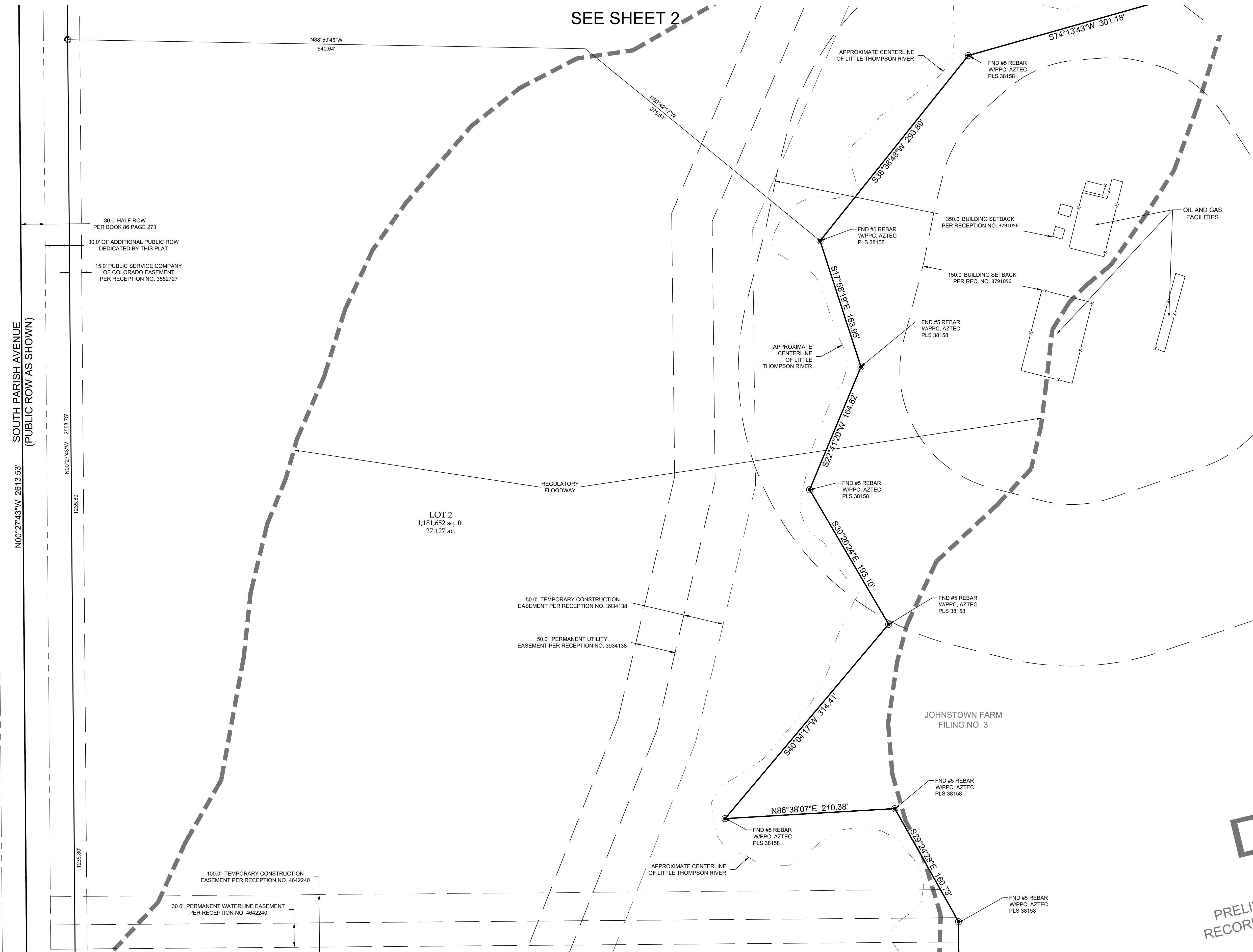
DATE: 9/15/22
 SCALE: 1" = 60'
 PROJECT: 1204-008
 CLIENT: MODERN DEVELOPMENT
 DRAWN BY: L. Smith
 REVIEWED BY: R. Tesley

JOHNSTOWN FARMS FILING NO. 2
 TOWN OF JOHNSTOWN
 STATE OF COLORADO

Sheet
2
 Of 4 Sheets

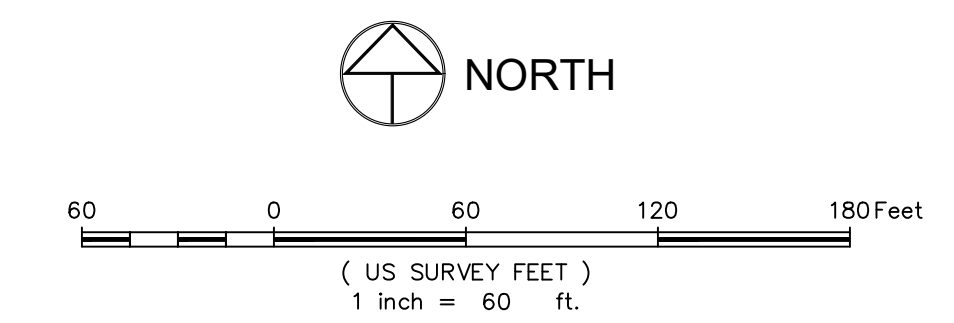
JOHNSTOWN FARMS FILING NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO



LEGEND

	RIGHT-OF-WAY LINE
	SECTION LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
	EXISTING RIGHT-OF-WAY
	PLATTED BOUNDARY LINE
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	FENCE LINE
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	FOUND PROPERTY CORNER AS DESCRIBED
	SECTION CORNER
	SET #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 38470
	RIGHT OF WAY
	PINK PLASTIC CAP
	BLUE PLASTIC CAP
	RAILROAD



DRAFT

9-15-22

PRELIMINARY - NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION

PRELIMINARY

For and on behalf of Northern Engineering Services, Inc.
Robert C. Tessely
Colorado Registered Professional Land Surveyor No. 38470

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NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
FORT COLLINS | GREELEY 970.221.4188
NORTHERNENGINEERING.COM

DATE: 9/15/22
SCALE: 1" = 60'
REVIEWED BY: R. Tessely
PROJECT: 1204-008
CLIENT: MODERN DEVELOPMENT
DRAWN BY: L. Smith

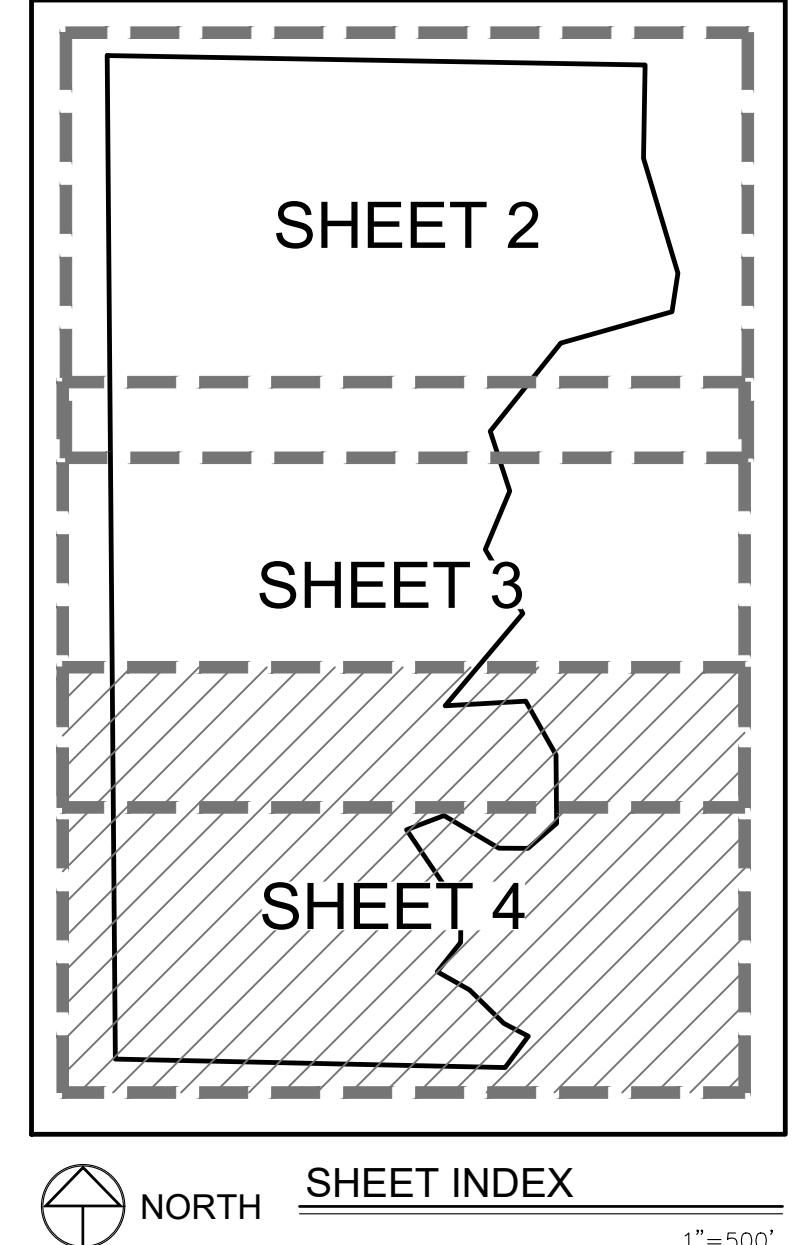
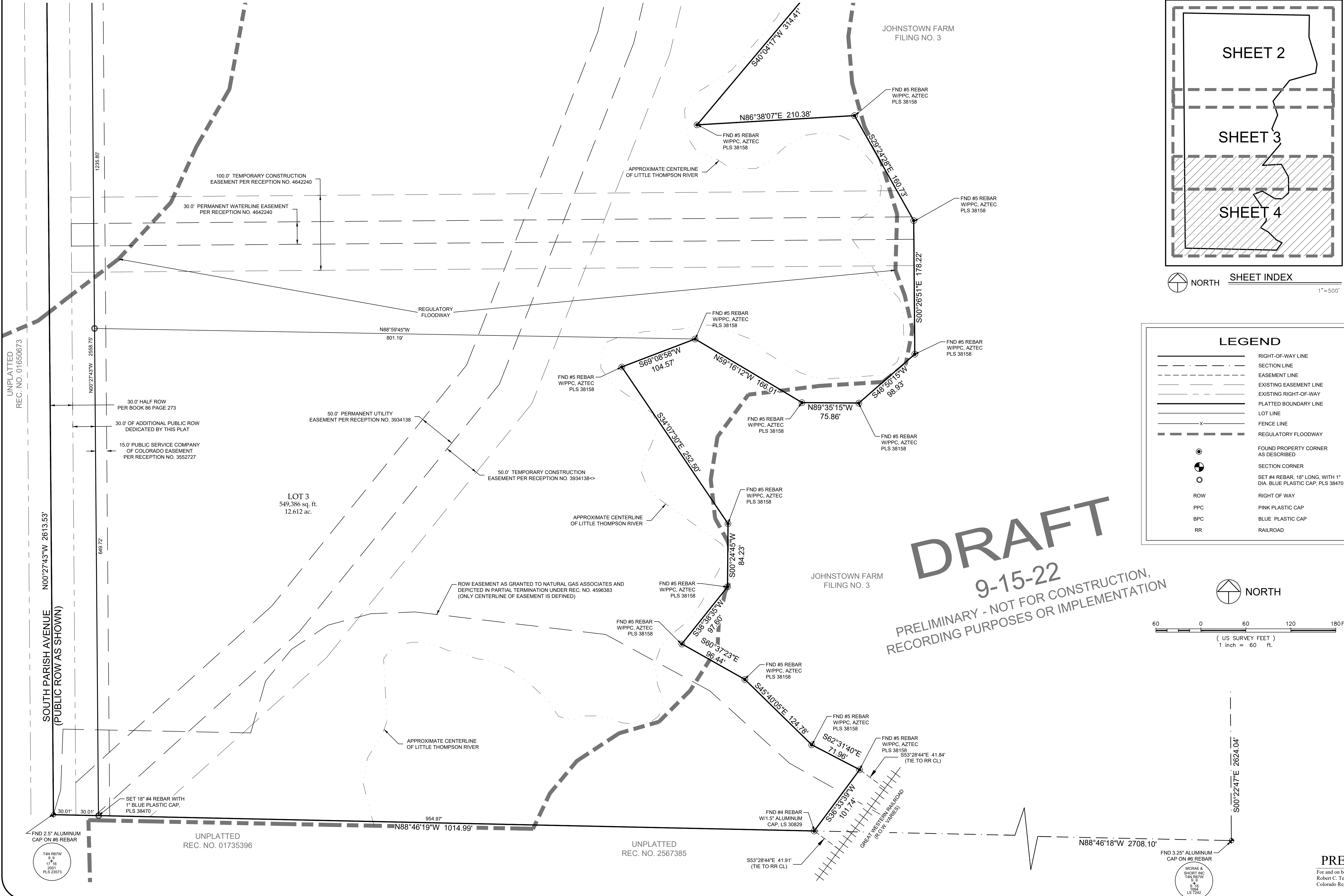
JOHNSTOWN FARMS FILING NO. 2
TOWN OF JOHNSTOWN
STATE OF COLORADO

Sheet
3
Of 4 Sheets

JOHNSTOWN FARMS FILING NO. 2

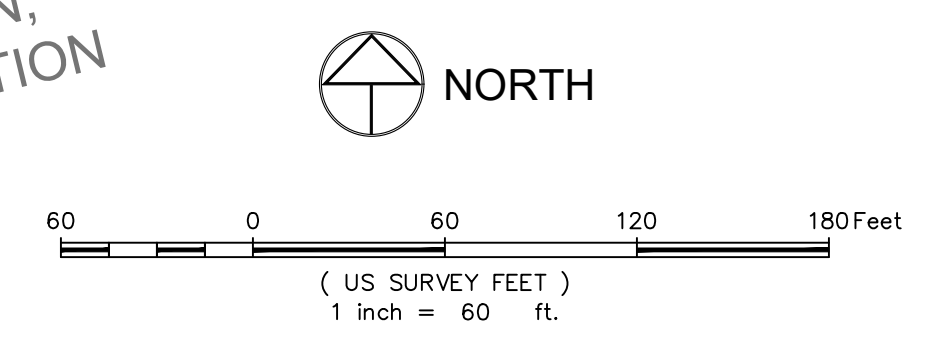
A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

SEE SHEET 3



LEGEND

	RIGHT-OF-WAY LINE
	SECTION LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
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	REGULATORY FLOODWAY
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	RIGHT OF WAY
	PINK PLASTIC CAP
	BLUE PLASTIC CAP
	RAILROAD



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NORTHERN ENGINEERING
 SURVEY | MUNICIPAL | LAND DEVELOPMENT
 FORT COLLINS | GREELEY 970.221.4188
 NORTHERNENGINEERING.COM

DATE: 9/15/22
SCALE: 1" = 60'
REVIEWED BY: R. Tesseley
PROJECT: 1204-008
CLIENT: MODERN DEVELOPMENT
DRAWN BY: T. High

JOHNSTOWN FARMS FILING NO. 2
 TOWN OF JOHNSTOWN
 STATE OF COLORADO

PRELIMINARY
 For and on behalf of Northern Engineering Services, Inc.
 Robert C. Tesseley
 Colorado Registered Professional Land Surveyor No. 38470



Town of Johnstown

PLANNING & ZONING COMMISSION STAFF ANALYSIS REPORT

ITEM:	Public Hearing & Consideration of Johnstown Farms Filing No. 2 Final Subdivision Plat (SUB22-0010)
DESCRIPTION:	Proposed large-tract Final Subdivision Plat for future development and dedication of rights-of-way and easements, for approximately 62 acres.
LOCATION:	Southeast corner of Parish Ave. and Centennial Drive (CR 46.5)
APPLICANT:	Post Modern Development LLC
STAFF:	Justin Currie, Planner II
HEARING DATE:	September 14, 2022

ATTACHMENTS

1. Vicinity Map
2. Final Subdivision Plat

PROJECT SUMMARY

The Applicant, Post Modern Development LLC. is requesting Final Subdivision Plat approval of ±62 acres. This plat would create several large tracts intended for future development and subdividing in addition to the full right-of-way dedications required along Parish Avenue and Centennial Drive (CR 46.5). Additional features on the subdivision plat illustrate existing and proposed easements for future utility locations along with temporary construction easements.

ZONING: PUD-R (Residential) – Johnstown Farms PUD

ADJACENT ZONING & LAND USE:

North PUD-B – Mountain View West Subdivision – medium density residential and future commercial
 South Weld Co A – Rural residential
 West PUD-R – Undeveloped Ag land
 East PUD-R - Johnstown Farms Filing No. 3 Single Family homes, Oil & Gas facilities, GWRR, and Little Thompson River

The Community That Cares

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

PROJECT HISTORY

The property was part of the 237-acre 2002 Becker-Dee Annexation and was zoned PUD-R at that time. The Becker-Dee/Johnstown Farm PUD was approved as an outline development plan & preliminary development plan in 2002, showing a mix of residential uses for this subject property.

The area is adjacent to the Little Thompson River, and is subject the floodplain regulations for areas that are within the floodway and the 100-yr (1%) regulatory floodplain.

PUBLIC NOTICE

Notice for the Planning & Zoning Commission hearing was published in the Johnstown Breeze, on Thursday, August 25, 2022. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a vicinity map and the proposed site plan. No neighborhood meeting was required and no public comments have been received by Staff as of the date of publication of this report.

STAFF ANALYSIS

This subdivision dedicates the required right of way for the adjacent arterials, and creates the opportunity for future development. The three Tracts will need to be resubdivided prior to development, ensuring that the Town retains the ability to fully review proposed developments, construction drawings, traffic or utility impacts, and make future determinations on required improvements based on development plans, once more detail is known.

While not in strict conformance with code requirements that require submittal of engineering reports and development plans with plats, the ability to proceed to platting without full plans and “CD’s” in place is accommodated elsewhere, in Staff’s interpretation, by [JMC §17-111](#) requiring that an agreement be in place that requires all necessary improvements, in conformance with Town design standards and other applicable codes and regulations, and which plans/reports have been reviewed and approved by the Town.

Staff recognizes that, on large properties with potentially long-term development plans that may not yet be known, this type of platting can be utilized as a reasonable and flexible approach to how the market functions, and can even permit some early “anchor” uses to kick off in advance of full plans for the remainder of the master planned area. Utilizing this option allows known uses/users to move forward, creates larger tracts for sale to other developers, while securing right-of-way, utility easements, and other up-front needs of the Town and community to ensure logical and efficient build-out as the area develops. Staff believes that this approach fulfills the spirit and intent of the Code.

Staff has no outstanding concerns and believes this subdivision will promote the Town’s goals of efficient development patterns and extension of infrastructure.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Recommended Findings:

It is recommended that Planning and Zoning Commission send a recommendation for Approval with Conditions to Town Council that the Final Subdivision Plat of Johnstown Farms Filing No. 2 be approved based upon the following findings:

The Community That Cares

www.johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

1. The proposed project is consistent with the Johnstown Area Comprehensive Plan.
2. The proposed project is in substantial compliance with the Town's codes, regulations, and requirements.
3. The proposed project will allow a more flexible approach to development of the large acreage, while meeting the needs of the community as it develops.

Recommended Motion to Approve with Conditions:

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that the request for the Johnstown Farms Filing No. 2 Subdivision Plat furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council Approval with Conditions based upon the findings as stated above, and the following conditions:

1. Prior to construction of any public or private development improvements, Town-approval of all required plans, reports, and permits shall be obtained, and all necessary agreements with the Town shall be executed, approved, and recorded.

Alternate Motion

- Motion to Deny: "I move that the Commission recommend to the Town Council Denial of the Johnstown Farms Filing No. 2 Subdivision final plat based upon the following findings..."

Planner:



Justin Currie, Planner II



Town of Johnstown

JOHNSTOWN FARMS, FILING 2 SUBDIVISION

Preliminary/Final Subdivision Plat (SUB22-0010)

Town Council Meeting

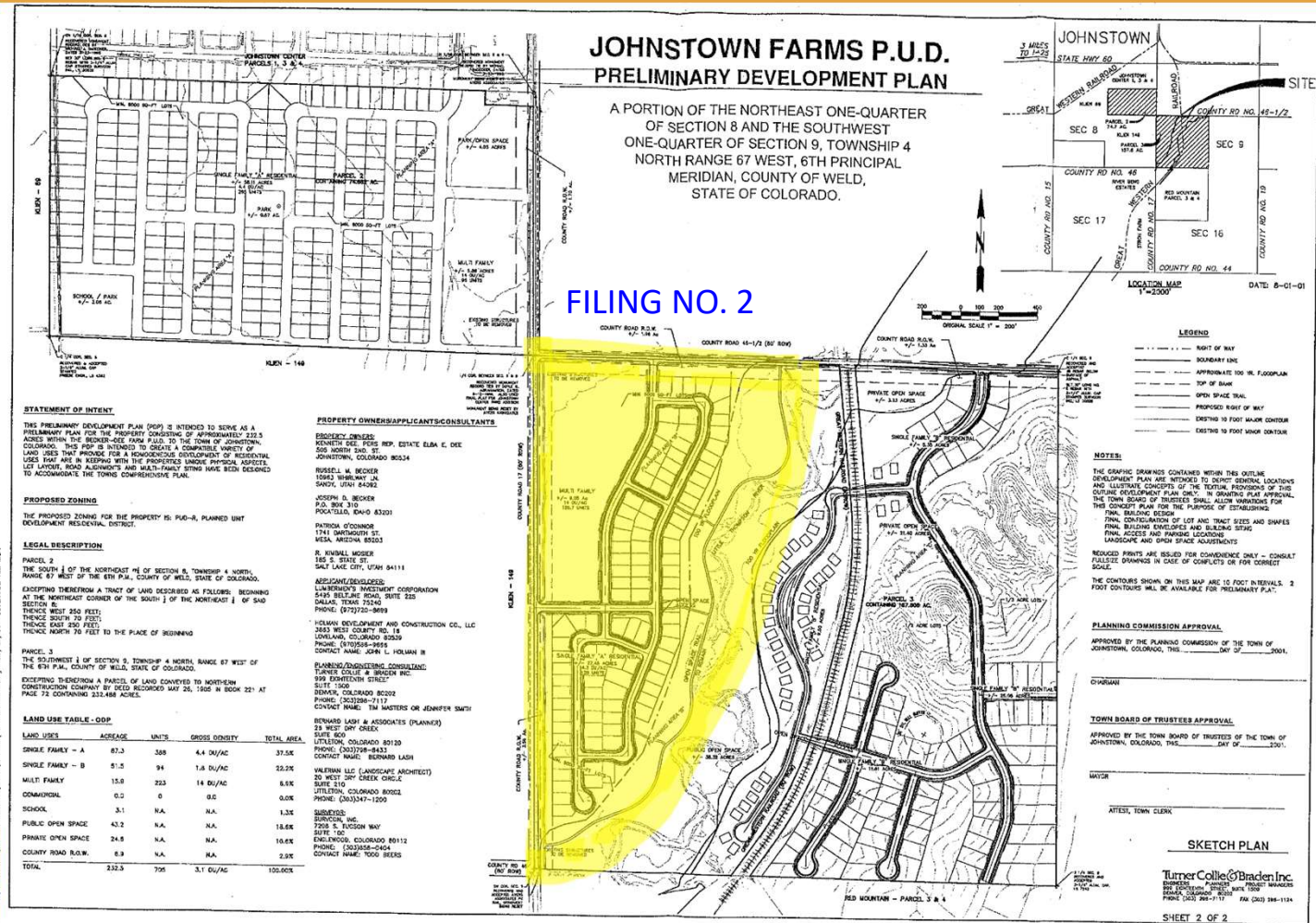
October 17, 2022

VICINITY MAP



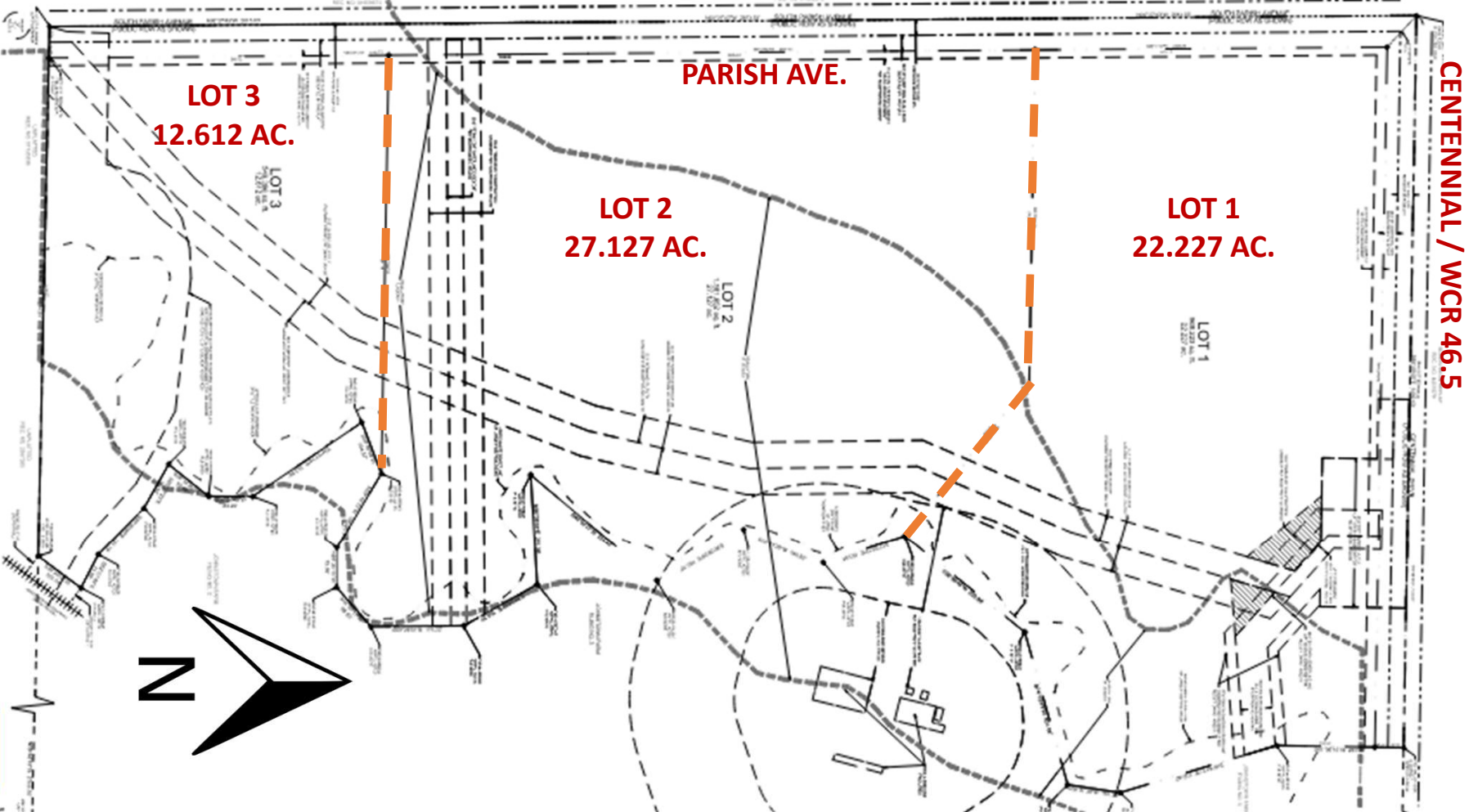
BACKGROUND

- 2002 Becker-Dee Annexation
- Zoned PUD-R
- Becker-Dee ODP Approved at annexation
- 2002 Preliminary PUD & Plats approved



Town of Johnstown
johnstown.colorado.gov | 970-587-XXXX

PROPOSED SUBDIVISION



PROJECT OVERVIEW

- 62 acres
- Plat would create three (3) large tracts intended for future development and subdividing
- No specific development or engineering plans submitted
- Plat dedicates full arterial ROW along Parish Ave. & Centennial Dr./CR 46.5.
- Little Thompson River is located on the property, subject to 100-yr floodplain regulations. Floodplain shown on plat.



Town of Johnstown

johnstown.colorado.gov | 970-587-4664

STAFF ANALYSIS

- Large tracts permit wide range of future development options
- The tracts will require resubdivision and full approval of development and engineering plans prior to development.
- While not in strict conformance of the required submittal documents, Town Code (JMC Sec. 17-111) permits this type of project to proceed if accompanied by a development agreement
- Subdivision dedicates the required ROW for adjacent arterials



Town of Johnstown

johnstown.colorado.gov | 970-587-4664

STAFF ANALYSIS

- Staff has no outstanding concerns and believes this subdivision:
 - Conforms to 2021 Johnstown Area Comprehensive Plan
 - Is in substantial compliance with the Town codes, standards, and requirements
 - Allows a more flexible approach to development of the large acreage, while meeting the needs of the community as it develops
- PZC (9/14/22) recommended Approval by Town Council



Town of Johnstown

johnstown.colorado.gov | 970-587-4664



**FRONT
RANGE**

**2022
MID-YEAR
REPORT**

**FIRE
RESCUE**



COURAGE

COMPASSION

PROFESSIONALISM



Dear Stakeholder,

It's hard to believe it's fall already, but the leaf color clearly says otherwise. 2022 has been a hectic year. Our call volume has been well above 2021 numbers, and of course, the growth and new buildings in our district have kept our staff busy with plan reviews and inspections. 2022 has also been a time of looking forward to the future as we look for property for our next firehouse and potentially a new site for a training site. While we are a couple of years from needing our next firehouse, the logistics of hiring firefighters, ordering a fire engine, and having enough lead time to obtain all the equipment required have changed the way that fire departments must do their planning. For example, a fire truck ordered today would not arrive until nearly 2025. You can imagine how difficult it can be to make all of our timing work as needed!

All of the above activities are made more difficult by the predictions on the economy, the labor pool, and the cost of everything we need to operate. While it may seem overwhelming, I will share that several times this year, your firefighters have made life-changing differences to the citizens we serve. Several lives have been saved, and the property protected has been notable. All the extra planning, strategizing and agonizing over the future fade when our members make such a huge impact. I'm lucky to be able to do this work and to do so with such a dedicated group. With bias and pride, I say that you can be proud of the great work that they all do for each of you.

Stay safe and well, and as always, please don't hesitate to let me know if we can serve you better

Michael West
Fire Chief



Front Range Fire Rescue (FRFR) has a new recruit that works for bones. Oliver won't be riding on engines, but he'll provide critical help for first responders returning from emergencies.

Therapy dogs provide comfort in the moments after a difficult call.

Oliver is FRFR's first-ever therapy dog and enjoys his role of love, comfort, and support for all personnel.

MEET OLIVER FRFR's THERAPY DOG



Item #8.



PLANNING & DEVELOPMENT

Item #8.

		August 2022			August 2021		
INSPECTIONS	EXISTING CONSTRUCTION	#	Square Feet	Hours	#	Square Feet	Hours
	General Inspection	11	440,822	35	10	563,325	30
	HazMat Inspection	1	2,160	2	1	6,000	2
	Re-inspection	1	12,160	2	0	0	0
	Complaint & Service Call	2	14,190	2	0	0	0
	Pre-Plans	3	23,146	7	0	0	0
	NEW CONSTRUCTION	#	Square Feet	Hours	#	Square Feet	Hours
	Building Construction	5	199,086	10	2	9,536	2
	Fire Alarm System	12	626,247	37	1	1,005	1
	Fire Protection Systems	8	750,422	16	1	1,005	1
	HazMat Storage/Use	2	5,000	3	0	0	0
Special Events/Hazards	1	0	0	1	1,130,972	3	
PLAN REVIEWS	PLAN REVIEWS	#	Square Feet	Hours	#	Square Feet	Hours
	New Developments	7	14,404,530	25	4	16,827,239	8
	Site Plans	6	14,844,623	33	3	1,088,072	3
	Building Permits	2	18,530	17	2	4,729	6
	Fire Alarm Systems	1	2,838	2	1	1,005	2
	Fire Protection Systems	3	75,181	7	1	1,005	2
	HazMat Storage/Use	0	0	0	0	0	0
	Special Events/Hazards	1	240,000	1	3	523,992	10

FRONT RANGE FIRE RESCUE

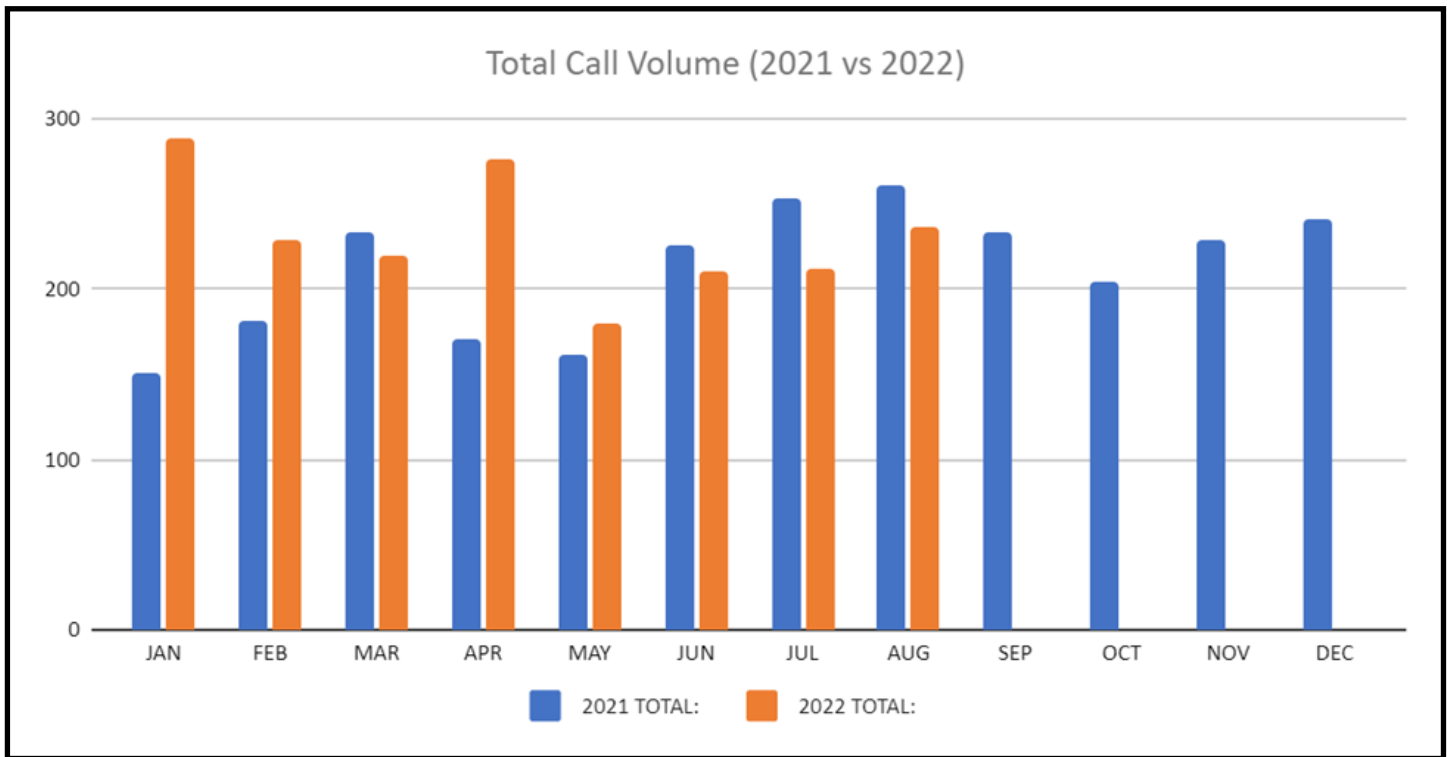
The ultimate goal of an emergency service delivery system is to provide sufficient resources (e.g., personnel, apparatus, and equipment) to an emergency scene within an appropriate time that allows for effective intervention and mitigation of the emergency. Front Range Fire Rescue (FRFR) works actively to establish realistic performance measures that are used to evaluate the services provided by FRFR.

Fire-related emergencies are arguably the most critical type of incident that occurs within the FRFR response area; however, the District also responds to a large number of critical medical emergencies and many other types of emergency incidents. A rapid response by highly trained and properly equipped professionals is the key to successful mitigation of any emergency.

CALL VOLUME BY RESPONSE ZONE

ZONE	Aug 2022	2022 YTD	Aug 2021	2021 YTD
Zone 1 - Johnstown	98	740	108	702
Zone 2 - Milliken	68	414	55	419
Zone 3 - Unincorporated Weld County	20	198	23	188
Zone 4 - EMS Calls	14	83	10	73
Zone 5 - EMS Transfers	14	187	1	34
Zone 6 - Auto/Mutual Aid Calls	23	231	64	222
TOTAL:	237	1853	261	1638

MAJOR INCIDENT TYPE	% of		% of	
	2022 YTD	Total	2021 YTD	Total
Fires	83	4.5%	57	3.5%
Overpressure, rupture, explosion, overheat - no fire	4	0.2%	2	0.1%
Rescue & Emergency Medical Service	1217	65.7%	1112	67.9%
Hazardous Condition (No Fire)	44	2.4%	39	2.4%
Service Call	132	7.1%	124	7.6%
Good Intent Call	305	16.5%	229	14.0%
False Alarm & False Call	67	3.6%	72	4.4%
Severe Weather & Natural Disaster	0	0.0%	1	0.1%
Special Incident Type	1	0.1%	2	0.1%
TOTAL	1853		1638	



TOTAL INCIDENTS BY DAY OF WEEK (2022 vs 2021)

DAY OF THE WEEK	Aug-22	2022 YTD	Aug-21	2021 YTD	2021 to 2022 CHANGE
Sunday	33	245	41	255	0%
Monday	38	280	43	250	112%
Tuesday	38	258	47	223	116%
Wednesday	35	278	26	234	119%
Thursday	40	293	42	245	120%
Friday	25	247	35	225	110%
Saturday	28	252	27	206	122%
TOTAL	237	1853	261	1638	113%



PRESIDENT



VICE PRESIDENT



TREASURER



SECRETARY



DIRECTOR AT LARGE

THE PUBLIC IS WELCOME TO ATTEND ALL REGULARLY SCHEDULED BOARD MEETINGS, HELD ON THE SECOND TUESDAY EVENING OF THE MONTH AT 6:00 PM. FOR MORE INFORMATION PLEASE GO TO OUR WEBSITE WWW.FRFR.COLORADO.GOV



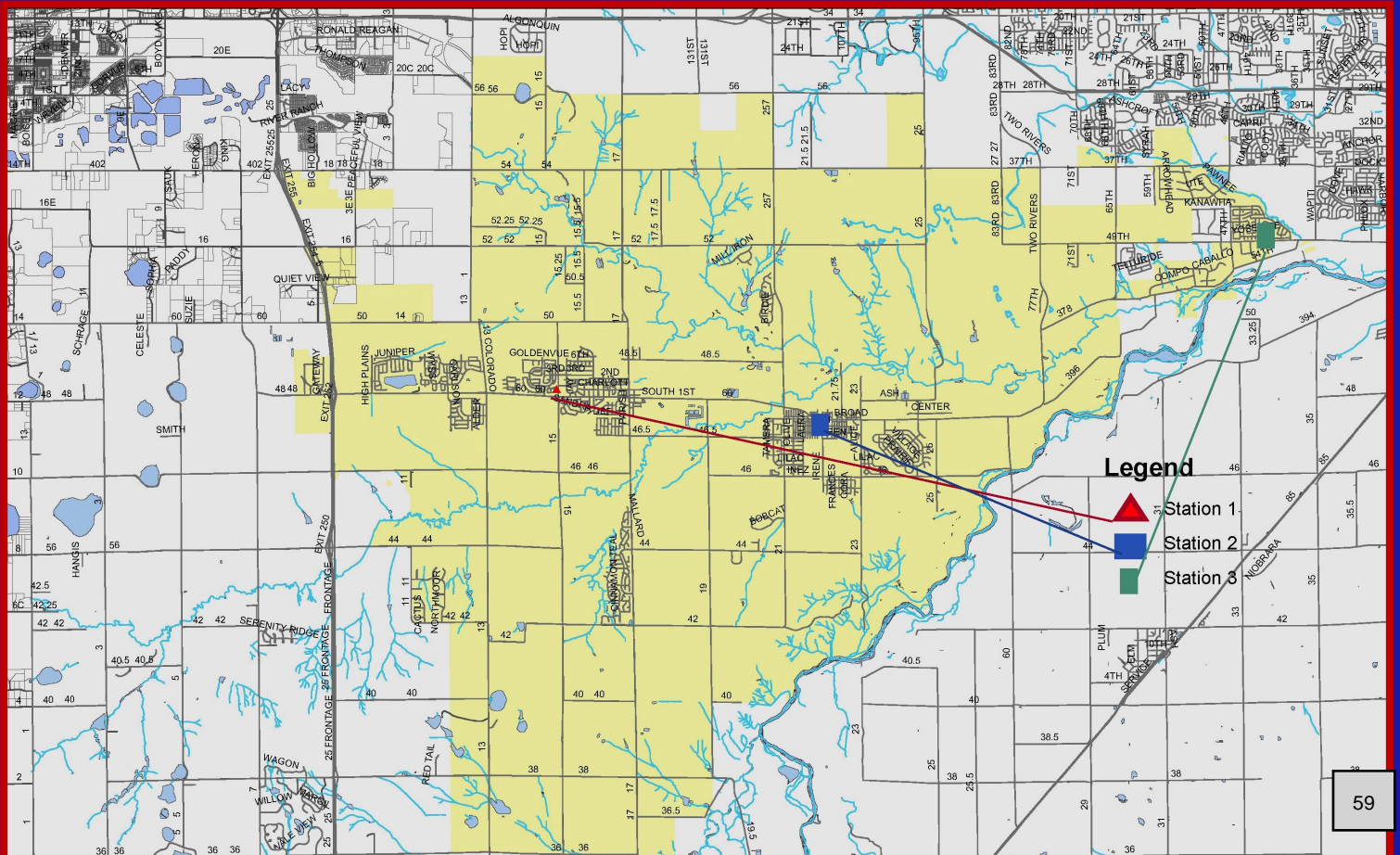
CONTACT INFORMATION

970.587.4464
INFO@FRFR.CO

FOLLOW US ON



FRONT RANGE FIRE RESCUE



**YMCA of Northern Colorado
Johnstown Community YMCA
Proforma Budget
Fiscal Year Ending December 31, 2023**

Revenue	2022 Forecast	2023 Budget	\$ Variance	% Variance
Financial Assistance	(81,738)	(84,000)	(2,262)	2.77%
Contracts & Grants	219,566	60,000	(159,566)	-72.67%
Preschool Fees	696,400	718,000	21,600	3.10%
Membership	1,370,234	1,410,000	39,766	2.90%
Health & Wellness	138,212	155,000	16,788	12.15%
Childwatch Fees	18	-	(18)	-100.00%
Merchandise Sales	2,278	4,000	1,722	75.59%
Other Income	43,628	47,000	3,372	7.73%
Total Revenue	2,388,598	2,310,000	(78,598)	-3.29%

Expense				
Salaries & Wages	1,500,000	1,445,000	55,000	3.67%
Employee Benefits	107,000	103,077	3,923	3.67%
Payroll Taxes	157,000	151,243	5,757	3.67%
Contract Services	32,000	30,000	2,000	6.25%
Supplies	60,075	58,000	2,075	3.45%
Telephone	18,950	19,000	(50)	-0.26%
Occupancy & Insurance	520,180	520,000	180	0.03%
Equipment	24,300	25,000	(700)	-2.88%
Employee/Volunteer Costs	40,090	30,000	10,090	25.17%
Program Costs	47,800	40,000	7,800	16.32%
Administrative Costs	19,661	15,000	4,661	23.71%
Merchandise Costs	250	-	250	100.00%
Total Expense	2,527,306	2,436,320	90,986	3.60%

Net Outcome	(138,708)	(126,320)	12,388
YMCA Administrative Fee	373,761	372,757	(1,004)
Town of Johnstown Recovery	(512,469)	(499,077)	13,392

Following recordation, return to:

Town of Johnstown
Attn: Town Clerk
450 S. Parish Avenue
Johnstown, CO 80534

NO DOCUMENTARY FEE REQUIRED PER C.R.S. SECTION 39-13-104(1)(a)

SPECIAL WARRANTY DEED

THIS DEED, dated effective this 12 day of October, 2022, between the TOWN OF JOHNSTOWN, a Colorado municipal corporation (“Grantor”), and LEDGE ROCK CENTER, LLC, a Kansas limited liability company, its assigns or nominees (“Grantee”) whose legal address is: 13725 Metcalf Ave. #337, Overland Park, KS 66223.

WITNESS, that the Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantee, its successors and assigns, all the real property, together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado, described as follows:

Lots 2, 3, 4, 5 and Tract A of West Ledge Rock Center Subdivision Filing No. 1, a subdivision of Lot 2 of Plat of Oxy Land Subdivision, located in the Northwest Quarter of Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 7.835 acres.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, its successors and assigns. The Grantor, for itself, its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. Said warranty is subject to rights-of-way, easements, covenants, plats, agreements and other restrictions of record as of the date of this Deed and any other exceptions or exclusions or rights of third parties not shown by the public records of which the Grantee has actual knowledge, and subject to the inclusions of the property within any special taxing district.

[SIGNATURE TO FOLLOW]

Following recordation, return to:

Town of Johnstown
Attn: Town Clerk
450 S. Parish Avenue
Johnstown, CO 80534

NO DOCUMENTARY FEE REQUIRED PER C.R.S. SECTION 39-13-104(1)(a)

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

THE TOWN OF JOHNSTOWN,
a Colorado municipal corporation

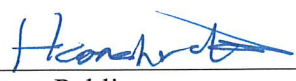
By: 
Name: Matthew LeCerf
Title: Town Manager

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

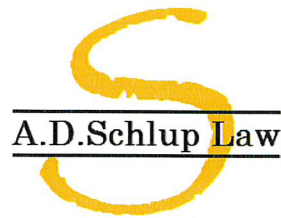
The foregoing instrument was acknowledged before me this 12 day of October, 2022, by Matthew LeCerf as Town Manager of the Town of Johnstown, a Colorado municipal corporation.

Witness my hand and official seal.
My commission expires: July 7, 2026

[SEAL] HANNAH VICTORIA HILL
Notary Public
State of Colorado
Notary ID # 20184028995
My Commission Expires 07-18-2026



Notary Public



10950 W. 192nd Place, Spring Hill, KS 66083
Phone: 913-522-1396
Fax: 913-499-1913

Allen Schlup**
**-Licensed in Kansas, Missouri and Colorado

October 11, 2022

FROM: VIA EMAIL allen.schlup@adschluplaw.com
Allen D. Schlup, Esq.

TO: VIA EMAIL LVance@heritagetco.com
Lynn Vance

RE: Ledge Rock Center, LLC/Ledge Rock Center Commercial Metropolitan District Recording
Instruction Letter

Ms. Vance:

Attached are original execution of the following documents:

1. Special Warranty Deed from Town of Johnstown to Ledge Rock Center, LLC of Lots 2, 3, 4, 5 AND Tract A of West Ledge Rock Plat Filing No. 1 (the "**Town SWD**");
2. Declaration of Covenants Imposing and Implementing The Ledge Rock Center Commercial Public Improvement Fees (the "**PIF Covenant**");
3. Declaration of Covenants Concerning Payment In Lieu Of Taxes (the "**PILOT Covenant**");
4. Generation of an O&E Report, with exceptions, showing that the PIF/PILOT Covenants have been recorded while the PIF Property has been vested in Ledge Rock Center, LLC.
5. Special Warranty Deed from Ledge Rock Center, LLC to Ledge Rock Center Commercial Metropolitan District of Tract A of West Ledge Rock Plat Filing No. 1 AND Tract A, Tract C and Outlot A of East Ledge Rock Plat Filing No. 2; and also including right-of-ways (the "**Developer SWD**");

Originals of the foregoing will be delivered via overnight mail to the following address:

Heritage Title Company, Inc.
1375 Ken Pratt Blvd, Suite 500
Longmont, CO 80501

All of the foregoing are delivered to you in trust, and you are not authorized to release or record any of the same until you authorized by this firm.

Once authorized, you may record the following documents in the following order:

1. FIRST: The Town SWD
2. SECOND: The PIF Covenant
3. THIRD: The PILOT Covenant
4. FOURTH: The Developer SWD

Thereafter, please mail to the below address any and all originals, and provide via the foregoing email evidence of recordation of all documents contained in this recording instruction letter.

REVERSION DOCUMENTS:

Additionally being provided within this instruction letter are documents that will be held in escrow and are to be recorded to terminate some of the documents listed above. These termination documents and deeds are being given in the event that the bond issuance related to the documents provided does not close. Should there not be a closing on or before November 30, 2022, you will be instructed to record the following reversion documents in the following order (the "Reversion Documents"):

1. FIRST: The PIF Covenant Termination.
2. SECOND: The PILOT Covenant Termination.
3. THIRD: The District Reversion SWD (deeds Tract A, East Filing No. 1 to the Town).
4. FOURTH: The Developer Reversion SWD (deeds Lots 2 - 5, East Filing No. 1 to the Town).

If Heritage is instructed to do so in writing on December 1, 2022 by the Town, these Reversion Documents shall be released from your escrow and recorded in the order listed above (the "Reversion Instruction"). In that event Heritage will also prepare and deliver to the Town and the Developer on or before December 6 2022 an updated O&E report that confirms the properties referenced in the reversion deeds is being re-conveyed to the Town without additional encumbrances other than those of record when the Town SWD is recorded. If there are additional encumbrances, the Developer shall undertake removing any such encumbrances immediately and shall have them removed within ten (10) days of delivery of the updated O&E report. If the Developer requires funding to remove the encumbrances the Guarantor will provide funding necessary to facilitate the removing of any such encumbrances. The acknowledgement by the authorized representative of the Guarantor below evidences its commitment to fund the removal of encumbrances as set forth herein. Thank you, and please contact me should you

have any questions regarding the foregoing. Please also execute below acknowledging that Heritage Title Company will follow these instructions and await confirmation, before filing the Reversion Documents, from the Town in writing.

HERITAGE TITLE COMPANY Acknowledgement:

Dean Ruybal
Name: Dean Ruybal Chief Title Officer

TOWN Acknowledgement

Matt LeCerf
Matt LeCerf, Town Manager

Sincerely yours,

Allen D. Schlup

Michel L. Schlup, Trustee of the Michel L. Schlup Revocable Trust

MICHEL L SCHLUP REVOCABLE TRUST, as GUARANTOR Acknowledgement

Name: Michel L Schlup, Trustee

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Michel L. Schlup as Trustee of the Michel L. Schlup Revocable Trust.

Witness my hand and official seal.

My commission expires: _____

[S E A L]

Notary Public

have any questions regarding the foregoing. Please also execute below acknowledging that Heritage Title Company will follow these instructions and await confirmation, before filing the Reversion Documents, from the Town in writing.

HERITAGE TITLE COMPANY Acknowledgement:

Name: _____

TOWN Acknowledgement

Matt LeCerf, Town Manager

Sincerely yours,

Allen D. Schlup
Allen D. Schlup

Michel L. Schlup, Trustee of the Michel L. Schlup Revocable Trust

MICHEL L SCHLUP REVOCABLE TRUST, as GUARANTOR Acknowledgement

Michel L. Schlup
Name: Michel L. Schlup, Trustee

STATE OF Kansas)

)ss.

COUNTY OF Johnson)

The foregoing instrument was acknowledged before me this 11 day of October, 2022, by Michel L. Schlup as Trustee of the Michel L. Schlup Revocable Trust.

Witness my hand and official seal.

My commission expires: 5-11-25



Amy Carroll

Notary Public

Enclosures cc:

Lawless, Tanya L. via Tanya.Lawless@kutakrock.com
Ohtake-Gordon, Akio via Akio.Ohtake-Gordon@psc.com
MaryAnn M. McGeady via mmcgeady@specialdistrictlaw.com
OLeary, David via doleary@spencerfane.com
Bart Johnson via johnson@wcrlegal.com
Jonathan Heroux via PJonathan.Heroux@psc.com
Erica Montague via emontague@specialdistrictlaw.com
Avi Rocklin via Avi@rocklinlaw.com
Carrie Bartow via Carrie.bartow@claconnect.com
Kamille J. Curylo via Kamille.Curylo@kutakrock.com
Matthias M. Edrich via Matthias.Edrich@kutakrock.com

LETTER AGREEMENT

September 30, 2022

Ledge Rock Center LLC
c/o Michael Schlup
13725 Metcalf Ave.
Overland Park, KS 66223
mikeschlup@corbinparkop.com

Amy Carroll, President
Ledge Rock Center Commercial Metropolitan
District
c/o Spencer Fane LLP
1700 Lincoln Street, Suite 2000
Denver, CO 80203
doleary@spencerfane.com

Re: Letter Agreement Regarding Ledge Rock Center Public Art Requirement

Dear Mr. Schlup and Ms. Carroll:

The purpose of this Letter Agreement is to address the request of Ledge Rock Center LLC (the “**Developer**”) and Ledge Rock Center Commercial Metropolitan District (the “**District**”) regarding the timing of funding of public art.

The Second Amended and Restated Development and Reimbursement Agreement between Ledge Rock Center LLC, Ledge Rock Center Commercial Metropolitan District and the Town of Johnstown (the “**Town**”), effective September 12, 2022 (the “**Development and Reimbursement Agreement**”) provides in Section 4.5(a)(ix) that the District submit to the Town certain documents thirty (30) days prior to the issuance of any Bonds (the “**30 Day Submittal**”). Section 4.5(a)(ix)(4) requires that the 30 Day Submittal include the anticipated use of the proceeds of the Bond issuance, including the description of the Public Art to be included in the Public Improvements to be funded from the Bonds, the cost of which shall be at least 1.0% of the total Project Fund (the “**Public Art Requirement**”).

The District has provided its 30 Day Submittal to the Town for the issuance of the proposed Ledge Rock Center Commercial Metropolitan District Limited Tax General Obligation Bonds, Series 2022 (the “**2022 Bonds**”). The 30 Day Submittal for the 2022 Bonds is required to include the Public Art Requirement to be in compliance with the Development and Reimbursement Agreement (the “**2022 Bond Public Art Requirement**”).

The 30 Day Submittal for the 2022 Bonds does not include the 2022 Bond Public Art Requirement and the District and the Developer are requesting the Town agree to the issuance of the 2022 Bonds with a deferral of the 2022 Bond Public Art Requirement.

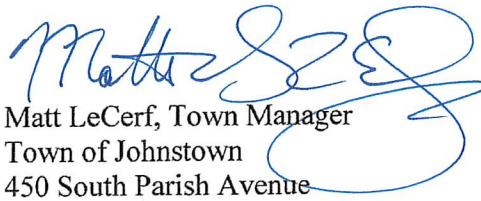
The Town agrees to the 2022 Bonds proceeding to issuance with a deferral of the 2022 Bond Public Art Requirement on the following terms and conditions (the “**Deferred 2022 Public Art Requirement**”):

Mike Schlup
September 30, 2022
Page 2

1. The District shall include the funding of the Deferred 2022 Public Art Requirement together with any additional Public Art Requirement to be funded pursuant to the Development and Reimbursement Agreement at the time of the next issuance of Bonds by the District for the funding of any public improvements.
2. The location, scope and specifications for the Public Art to be funded by the next issuance of Bonds will be submitted in writing and will be approved in writing by the Town prior to acquisition or installation.
3. The final locations of the Public Art to be installed will not be determined by which Bond issuance financed the Public Art.

If Ledge Rock LLC agrees with the terms and conditions set forth in this Letter Agreement, please evidence that agreement by the placement of the signature of its authorized representative below. If Ledge Rock Center Commercial Metropolitan District agrees with the terms and conditions set forth in this Letter Agreement, please evidence that agreement by the placement of the signature of its authorized representative below.

Very truly yours,

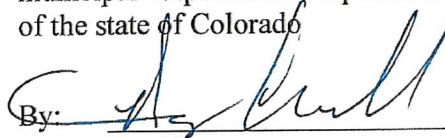


Matt LeCerf, Town Manager
Town of Johnstown
450 South Parish Avenue
Johnstown, CO 80534
mlecerf@townofjohnstown.com

LEDGE ROCK CENTER, LLC, a Kansas limited liability company

By: Michel Schlup
Its: Member
Date: 10-7-22

LEDGE ROCK CENTER COMMERCIAL METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the state of Colorado



By: _____
Its: President
Date: 10-2-22