

**FIRST AMENDMENT TO FIRST AMENDED AND RESTATED
CONSOLIDATED SERVICE PLAN FOR**

FOR

WEST MOUNTAIN METROPOLITAN DISTRICT,

WEST MEADOW METROPOLITAN DISTRICT,

AND

BYERS VIEW METROPOLITAN DISTRICT

Town of Fraser, Colorado

Originally approved on August 4, 2004

First Amended and Restated Consolidated Service Plan

approved on April 6, 2005

First Amendment to First Amended and Restated Consolidated Service Plan

approved on _____

I. INTRODUCTION

On August 4, 2004, the Town of Fraser, Colorado (the “Town”) approved the Original Consolidated Service Plan (“Service Plan”) for the West Mountain Metropolitan District (“West Mountain”), West Meadow Metropolitan District (“West Meadow”), and Byers View Metropolitan District (“Byers View,” and together with West Mountain and West Meadow, the “Districts”). On April 14, 2005, the Town approved the First Amended and Restated Consolidated Service Plan for the Districts (“Amended and Restated Service Plan”). West Mountain, West Meadow, and Byers View were organized to finance public improvements for the benefit of their residents, property owners, and taxpayers. This First Amendment to the Amended and Restated Service Plan (“First Amendment”) is intended to be read in conjunction with the Amended and Restated Service Plan.

This First Amendment is being submitted to the Town of Fraser Board of Trustees pursuant to Section 32-1-101, *et seq.*, Colorado Revised Statutes, as amended (“Special District Act”), in conjunction with the Consolidated Service Plan for Byers View, GP North Meadow Metropolitan District, and GP South Meadow Metropolitan District and the Consolidated Service Plan for the West Mountain Metropolitan District and West Mountain Metropolitan District Nos. 2-5. The purpose of the First Amendment is to remove all of the undeveloped property within the original project from the governance of the Amended and Restated Service Plan to allow for the undeveloped property to be governed by new service plans to accommodate development and market changes. Specifically, West Meadow will divide into three separate metropolitan districts: West Meadow, GP North Meadow Metropolitan District, and GP South Meadow Metropolitan District. West Meadow will consist of the developed property currently located within West Meadow’s boundaries and will continue to be governed by the Amended and Restated Service Plan. GP North Meadow Metropolitan District and GP South Meadow Metropolitan District will consist of the undeveloped property currently located within West Meadow’s boundaries and, together with Byers View, will be governed by a new Consolidated Service Plan. Likewise, West Mountain will divide into five separate metropolitan districts, all of which will be governed by the Consolidated Service Plan for the West Mountain Metropolitan District and West Mountain Metropolitan District Nos. 2-5.

II. PURPOSE OF FIRST AMENDMENT

A. Division of West Meadow

West Meadow is anticipated to have a lengthy build-out period and the development will consist of multiple phases of financing. Accordingly, the Districts have determined it is in the best interests of their current and future property owners, residents, and taxpayers to divide West Meadow into three separate metropolitan districts, with the developed property to remain within the boundaries of West Meadow and the undeveloped property to be located within GP North Meadow Metropolitan District and GP South Meadow Metropolitan District. The division into three separate metropolitan districts will prevent taxpayers from funding public improvements before they are needed. A new consolidated service plan will govern the GP North Meadow Metropolitan District, the GP South Meadow Metropolitan District and Byers View; and West Meadow will continue to be governed by the Amended and Restated Service Plan. As a result of

this separation, the total debt authorization for West Meadow will be reduced to \$24,000,000.

B. Separation of West Mountain

Due to the anticipation of a lengthy build-out period of development and the anticipation that multiple phases of construction financing will be required for West Mountain, West Mountain desires to divide into five separate metropolitan districts: West Mountain Metropolitan District, West Mountain Metropolitan District No. 2, West Mountain Metropolitan District No. 3, West Mountain Metropolitan District No. 4, and West Mountain Metropolitan District No. 5 (collectively, the “West Mountain Districts”). As mentioned above for West Meadow, the division into five separate metropolitan districts will prevent taxpayers from funding public improvements before they are needed. A new consolidated service plan will govern the West Mountain Districts.

III. AMENDMENTS

A. All references to the “Districts” shall only refer to West Meadow Metropolitan District.

B. The legal description and boundaries of West Meadow Metropolitan District are attached hereto as **Exhibit A** and **Exhibit B**, respectively.

C. All references to the total amount of debt the District may issue shall be amended to Twenty Four Million Dollars (\$24,000,000).

IV. EFFECT OF FIRST AMENDMENT

Except as specifically amended as set forth above, all other provisions of the Amended and Restated Service Plan shall remain in full force and effect. To the extent there are any inconsistencies between this First Amendment and the Amended and Restated Service Plan, this First Amendment shall control.

V. RESOLUTION OF APPROVAL

The Districts incorporate the Town of Fraser Board of Trustee’s Resolution approving this First Amendment, including any conditions of approval.

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VI. CERTIFICATION

It is hereby respectfully requested that the Town of Fraser Board of Trustees, which has jurisdiction to approve this First Amendment by virtue of Section 32-1-207(2) C.R.S., *et seq.*, as amended, adopt a resolution of approval which approves this First Amendment to the First Amended and Restated Consolidated Service Plan for West Mountain Metropolitan District, West Meadow Metropolitan District, and Byers View Metropolitan District as submitted.

WEST MOUNTAIN METROPOLITAN DISTRICT
WEST MEADOW METROPOLITAN DISTRICT
BYERS VIEW METROPOLITAN DISTRICT

By: Russell W. Dykstra
Spencer Fane LLP
Counsel to West Mountain Metropolitan District, West Meadow Metropolitan District,
Byers View Metropolitan District

EXHIBIT A
LEGAL DESCRIPTION

**WEST MEADOW METROPOLITAN DISTRICT
LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 20 AND THE NORTH HALF OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GRAND, STATE OF COLORADO, BEING THE FOLLOWING DESCRIBED PARCELS:

- 1) ALL OF LOT 1 AND LOT 2, ELK CREEK CONDOMINIUMS AT GRAND PARK, AS SHOWN IN THE RECORDS OF THE GRAND COUNTY, COLORADO CLERK AND RECORDER'S OFFICE AT RECEPTION NUMBER 2019004896;
- 2) ALL OF LOT 3, ELK CREEK CONDOMINIUMS AT GRAND PARK, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2021002310;
- 3) ALL OF LOT 4 AND LOT 5, ELK CREEK CONDOMINIUMS AT GRAND PARK, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2021005789;
- 4) ALL OF LOT 6 AND LOT 7, ELK CREEK CONDOMINIUMS AT GRAND PARK, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2022002237;
- 5) ALL OF LOTS 1-10, INCLUSIVE, TRACT A, TRACT C, TRACT D, TRACT E, TRACT F, TRACT G AND TRACT K, ELK CREEK AT GRAND PARK FILING NO. 1, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2016001816;
- 6) ALL OF LOTS 11-34, INCLUSIVE, TRACT M, TRACT N AND TRACT O, ELK CREEK AT GRAND PARK FILING NO. 2, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2016003562;
- 7) ALL OF LOTS 15-25, INCLUSIVE, TRACT P, TRACT Q, TRACT S, TRACT T, TRACT U AND TRACT V, ELK CREEK AT GRAND PARK FILING NO. 3, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2018000114;
- 8) ALL OF LOTS 35-62, INCLUSIVE AND TRACT W, ELK CREEK AT GRAND PARK FILING NO. 4, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2018002614;
- 9) ALL OF LOTS 1-21, INCLUSIVE, LOTS 50-65, INCLUSIVE, PARCEL B, AND TRACTS A AND B, THE MEADOWS AT GRAND PARK, FILING NO. 1, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2020001836;
- 10) ALL OF COZENS POINTE AT GRAND PARK, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2006009841;
- 11) LOTS 1-8, INCLUSIVE, LOTS 25-50, INCLUSIVE TRACT A, TRACT B AND TRACT D, COZENS MEADOW AT GRAND PARK AMENDMENT NO. 1, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2007006785;
- 12) LOTS 9-16, INCLUSIVE, LOTS 20-24, INCLUSIVE, TRACT C, TRACT E, TRACT F, TRACT G AND TRACT H, COZENS MEADOW AT GRAND PARK AMENDMENT NO. 1 SUBDIVISION EXEMPTION PLAT, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2011009508;
- 13) LOT 19, LOT 19 SUBDIVISION EXEMPTION PLAT OF COZENS MEADOW AT GRAND PARK, AMENDMENT 1, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2018004431;
- 14) LOTS 1-16, INCLUSIVE, THE WILLOWS AT GRAND PARK, FILING NO. 1, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2015004926;

- 15) LOTS 17-33, INCLUSIVE, THE WILLOWS AT GRAND PARK, FILING NO. 2, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2016006979;
- 16) LOTS 34-55, INCLUSIVE, THE WILLOWS AT GRAND PARK, FILING NO. 3, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2016006982.
- 17) ALL OF THE VILLAGE AT GRAND PARK-FILING 2A, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2008007840.
- 18) TRACT A, MAIN STREET RIGHT-OF-WAY AND 1ST STREET RIGHT-OF-WAY, THE VILLAGE AT GRAND PARK-FILING 1, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2008007834.
- 19) ALL OF THE VILLAGE AT GRAND PARK-FILING 2, LOT 12A & TRACT D, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2011005610.
- 20) ALL OF THE VILLAGE AT GRAND PARK-FILING 2, LOT 12C, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2019007844.
- 21) PARCELS DESCRIBED IN EXHIBITS B AND D, SPECIAL WARRANTY DEED IN SAID RECORDS AT RECEPTION NUMBER 2022001003.
- 22) ALL OF OLD VICTORY ROAD, AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2009001131.
- 23) A PARCEL OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 20, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SOUTH 00°20'55" EAST, A DISTANCE OF 656.47 FEET;

THENCE DEPARTING SAID WEST LINE, NORTH 89°39'05" EAST, A DISTANCE OF 75.80 FEET TO THE EASTERLY RIGHT-OF-WAY OF HAY STACK ROAD AS SHOWN ON THE FINAL PLAT OF THE MEADOWS AT GRAND PARK, FILING NO. 1 AS SHOWN IN SAID RECORDS AT RECEPTION NUMBER 2020001836, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 43°43'31" EAST, A DISTANCE OF 79.08 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY, SOUTH 46°27'01" EAST, A DISTANCE OF 133.47 FEET;

THENCE SOUTH 60°46'49" EAST, A DISTANCE OF 122.24 FEET;

THENCE SOUTH 64°54'37" EAST, A DISTANCE OF 114.29 FEET;

THENCE SOUTH 24°59'26" EAST, A DISTANCE OF 50.79 FEET TO THE NORTHERLY RIGHT-OF-WAY OF HAY MEADOW DRIVE AS SHOWN ON SAID PLAT, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 60.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 07°55'54" EAST;

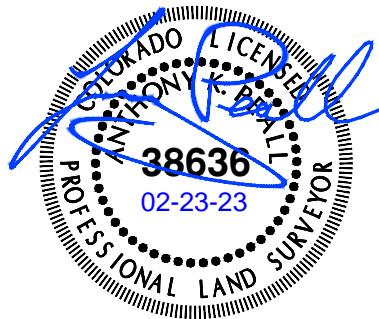
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING SIX (6) COURSES:

- 1) SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $62^{\circ}43'04''$, AN ARC LENGTH OF 65.68 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 10.00 FEET;
- 2) SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $95^{\circ}44'21''$, AN ARC LENGTH OF 16.71 FEET;
- 3) NORTH $64^{\circ}54'37''$ WEST, A DISTANCE OF 124.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 632.00 FEET;
- 4) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $18^{\circ}52'36''$, AN ARC LENGTH OF 208.22 FEET;
- 5) NORTH $46^{\circ}02'02''$ WEST, A DISTANCE OF 51.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 20.00 FEET;
- 6) THENCE NORtherly ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $89^{\circ}45'33''$, AN ARC LENGTH OF 31.33 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.923 ACRES, (40,209 SQUARE FEET), MORE OR LESS.

ALL INCLUDED PARCELS CONTAINING AN APPROXIMATE AREA OF 82 ACRES, MORE OR LESS.

ILLUSTRATION ATTACHED AND MADE A PART HEREOF.



PREPARED BY:
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FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
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EXHIBIT B
BOUNDARY MAP

ILLUSTRATION TO EXHIBIT A

NOTE: THIS ILLUSTRATION DOES NOT
REPRESENT A MONUMENTED LAND SURVEY
AND IS ONLY INTENDED TO DEPICT THE
ATTACHED LEGAL DESCRIPTION.

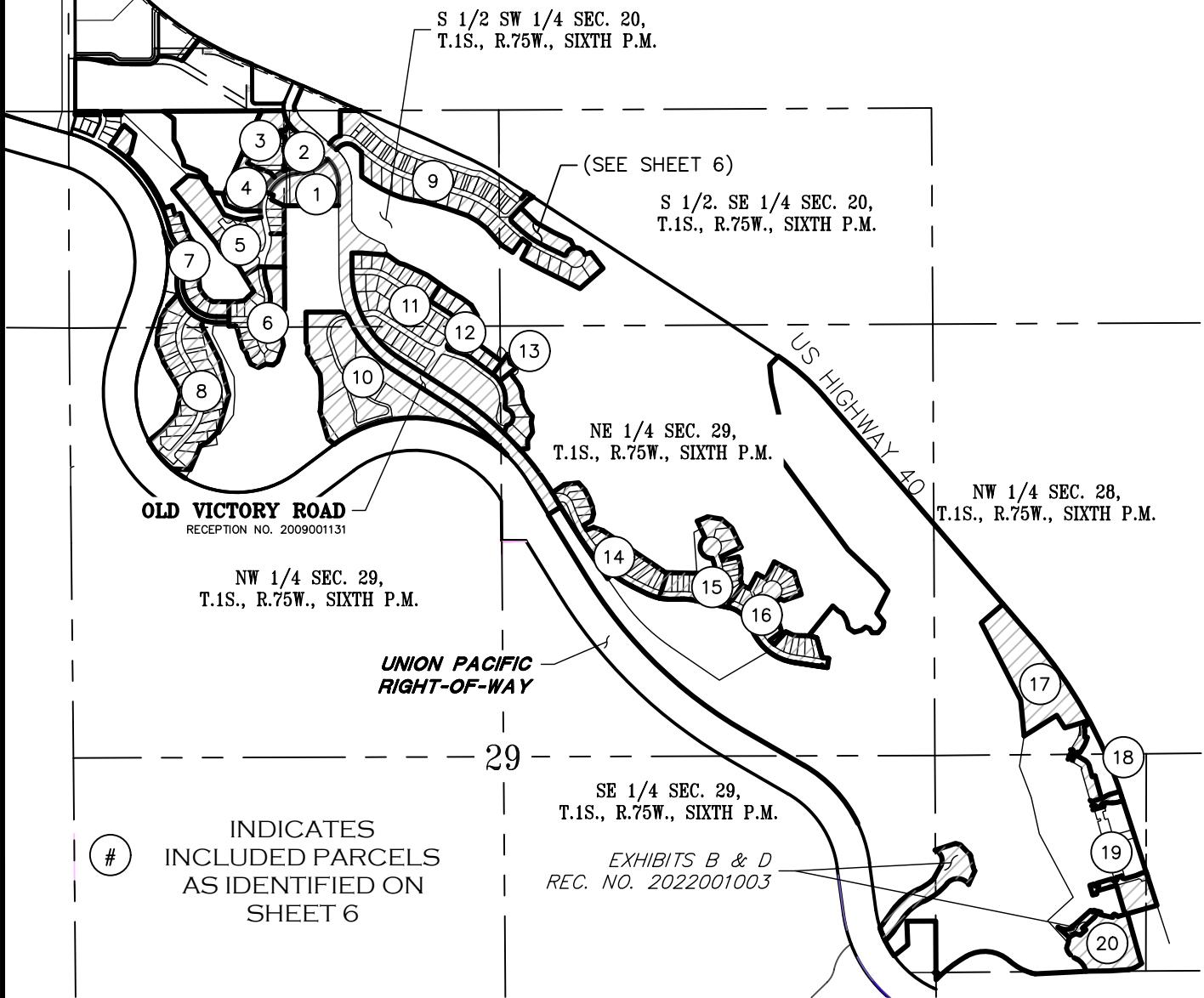
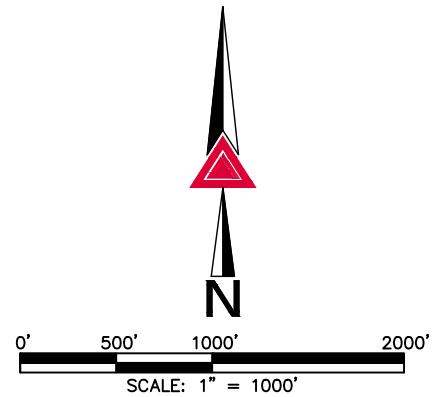
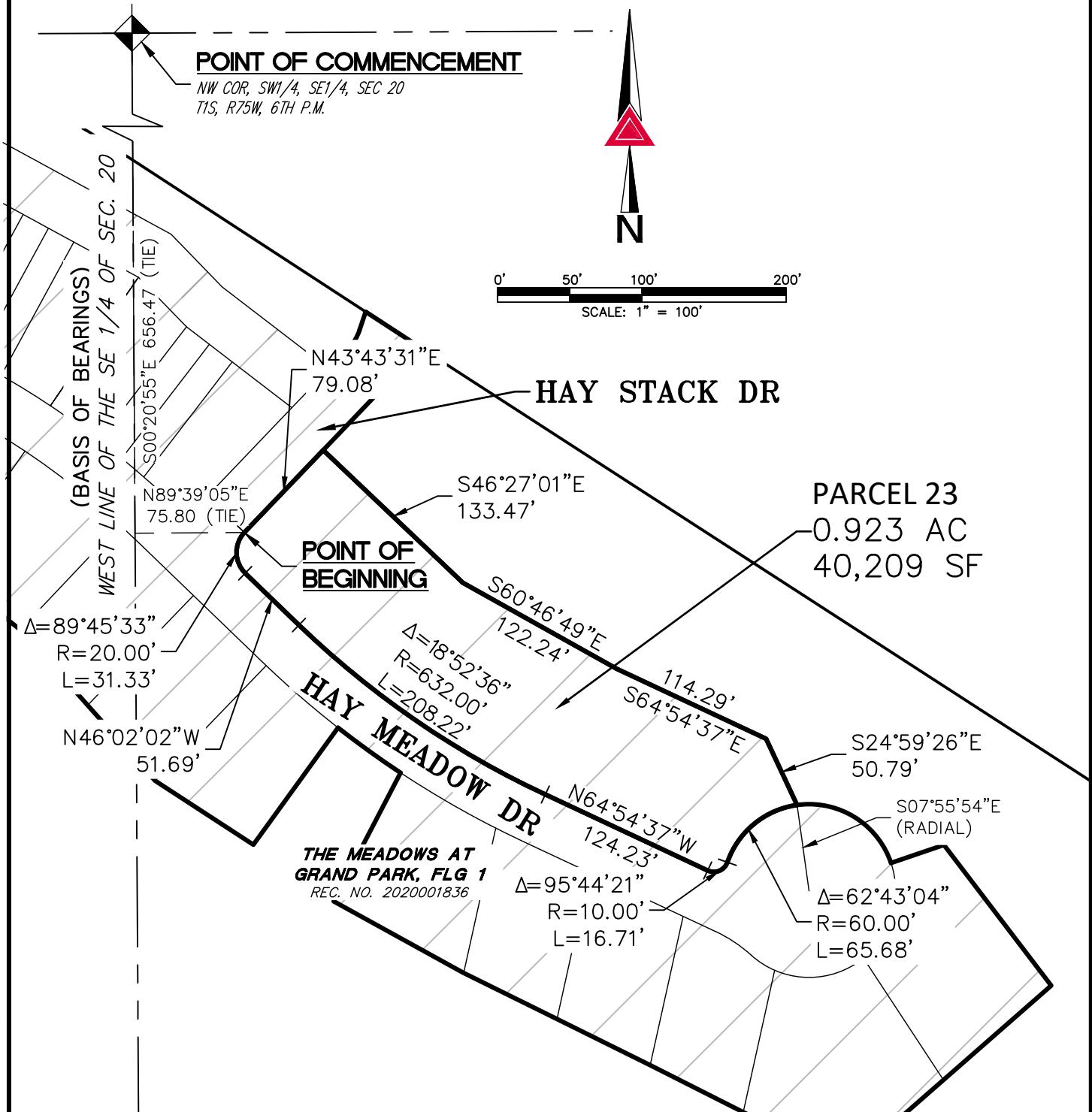


ILLUSTRATION TO EXHIBIT A



NOTE: THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



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BYERS VIEW METROPOLITAN DISTRICT
SW 1/4, SEC 20 & SE 1/4, SEC 19, T1S, R75W, 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO

PATH: Q:\181122-01 - GRAND PARK - CONTROL\DWG\EXHIBITS\DISTRICT PARCELS\MEADOW&BYERS METRO DISTRICT.DWG
JOB NUMBER: 181122-04 DATE: 2/23/2023 DWG: BOL CHK: AKP 5 OF 6 SHEETS

1. LOT 1 AND LOT 2, ELK CREEK CONDOMINIUMS AT GRAND PARK, REC. NO. 2019004896
2. LOT 3, ELK CREEK CONDOMINIUMS AT GRAND PARK, REC. NO. 2021002310
3. LOT 4 AND LOT 5, ELK CREEK CONDOMINIUMS AT GRAND PARK, REC. NO. 2021005789
4. LOT 6 AND LOT 7, ELK CREEK CONDOMINIUMS AT GRAND PARK, REC. NO. 2022002237
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6. LOTS 11–34, INCLUSIVE, TRACT M, TRACT N AND TRACT O, ELK CREEK AT GRAND PARK FILING NO. 2, REC. NO. 2016003562
7. LOTS 15–25, INCLUSIVE, TRACT P, TRACT Q, TRACT S, TRACT T, TRACT U AND TRACT V, ELK CREEK AT GRAND PARK FILING NO. 3, REC. NO. 2018000114
8. LOTS 35–62, INCLUSIVE AND TRACT W, ELK CREEK AT GRAND PARK FILING NO. 4, REC. NO. 2018002614,
9. LOTS 1–21, INCLUSIVE, LOTS 50–65, INCLUSIVE, PARCEL B, AND TRACTS A AND B, THE MEADOWS AT GRAND PARK, FILING NO. 1, REC. NO. 2020001836
10. COZENS POINTE AT GRAND PARK, REC. NO. 2006009841
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16. LOTS 34–55, INCLUSIVE, WILLOWS AT GRAND PARK, FILING NO. 3, REC. NO. 2016006982
17. THE VILLAGE AT GRAND PARK–FILING 2A, REC. NO. 2008007840
18. TRACT A, MAIN STREET RIGHT–OF–WAY AND 1ST STREET RIGHT–OF–WAY, THE VILLAGE AT GRAND PARK–FILING 1, REC. NO. 2008007834
19. THE VILLAGE AT GRAND PARK–FILING 2, LOT 12A & TRACT D, REC. NO. 2011005610
20. THE VILLAGE AT GRAND PARK–FILING 2, LOT 12C, REC. NO. 2019007844