

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

This FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (“First Amendment”) is entered into on _____, 2023, by and between the Town of Fraser, a municipal corporation of the State of Colorado (the “Town”); and Byers View Metropolitan District (“Byers View”), West Mountain Metropolitan District (“West Mountain”), and West Meadow Metropolitan District (“West Meadow”), each a quasi-municipal corporation and political subdivision of the State of Colorado (collectively referred to as the “Districts” and all parties are collectively referred to herein as the “Parties”).

RECITALS

WHEREAS, the Districts were organized pursuant to the Special District Act, §§ 32-1-101, *et seq.*, C.R.S., for the purpose of providing public improvements, facilities, and services to and for the use and benefit of their taxpayers and residents;

WHEREAS, the Town approved the Districts’ Consolidated Service Plan on August 4, 2004 and subsequently approved the First Amended and Restated Consolidated Service Plan on April 14, 2005 (together, the “Service Plan”);

WHEREAS, the Districts and the Town entered into that certain Intergovernmental Agreement, dated April 6, 2005 (“IGA”), setting forth the responsibilities, powers, duties, and services between the Town and the Districts;

WHEREAS, following approval by the Town pursuant to Resolution No. ____, the Districts have amended the Service Plan to, *inter alia*, remove West Mountain, Byers View, and the undeveloped portion of West Meadow from the multi-district structure under the Service Plan; and

WHEREAS, the Districts and the Town would like to amend the IGA to remove West Mountain and Byers View as parties to the IGA, as West Mountain and Byers View may enter into a separate intergovernmental agreement with the Town.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals. All of the recitals hereof are incorporated by this reference and are made a part hereof as though set forth at length herein.

2. IGA Amendments:

a. Byers View and West Mountain are hereby removed as parties to the IGA. As a result, Byers View and West Mountain are hereby released from all obligations under the IGA.

b. Section 3.d of the IGA shall hereby be replaced and restated by the following:

The debt limit for West Meadow shall not exceed \$24,000,000 without approval of the Board of Directors of West Meadow and the Town Board's approval of a material modification of the Service Plan.

3. Effect of Assignment. Except as amended herein, the IGA remains in full force and effect.

4. Counterparts. This First Amendment may be executed in counterparts, each of which may be deemed an original but all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this First Amendment on the date first above written.

TOWN OF FRASER

Mayor

ATTEST:

Town Clerk

BYERS VIEW METROPOLITAN DISTRICT

President

ATTEST:

Secretary

WEST MEADOW METROPOLITAN DISTRICT

President

ATTEST:

Secretary

WEST MOUNTAIN METROPOLITAN DISTRICT

President

ATTEST:

Secretary