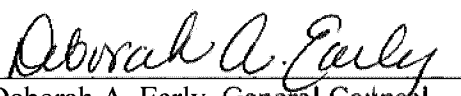


**MEMORANDUM RE RERECORDING OF  
JOHNSTOWN NORTH METROPOLITAN DISTRICT NOS. 1 – 3  
GREASE AND WASTE CONTROL POLICY FOR FOOD PREPARATION FACILITIES**

On October 27, 2022, the Boards of Directors (the “Boards”) of the Johnstown North Metropolitan District Nos. 1 – 3 (the “Districts”) approved a Resolution Establishing a Grease and Waste Control Policy for Food Preparation Facilities (the “GWC Policy”) subject to certain changes to be made by the Districts’ general counsel. The GWC Policy was recorded in the real property records of Larimer County at Reception No. 20220067047 on November 15, 2022 (“the Originally Recorded GWC Policy”). Thereafter, it was brought to the attention of the Districts’ general counsel that the Originally Recorded GWC Policy contained a scrivener’s error and was missing a section of the Boards approved GWC Policy.

A copy of the approved GWC Policy is attached hereto as **Exhibit A** and incorporated herein. This memorandum is intended to correct the scrivener’s error in the GWC Policy and replace and supersede the Originally Recorded GWC Policy in its entirety. This memorandum shall be recorded in the real property recorders of Larimer County.

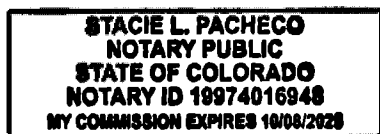
  
Deborah A. Early, General Counsel  
Icenogle Seaver Pogue, P.C.

STATE OF COLORADO    )  
CITY AND                    ) ss.  
COUNTY OF DENVER    )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of November, 2022 by Deborah A. Early, as general counsel to Johnstown North Metropolitan District Nos. 1 – 3.

WITNESS my hand and official seal.

My commission expires: 10/08/2025



  
Notary Public

**Exhibit A**

Resolution Establishing a Grease and Waste Control Policy  
for Food Preparation Facilities

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**RESOLUTION OF THE BOARD OF DIRECTORS  
OF  
JOHNSTOWN NORTH METROPOLITAN DISTRICT NOS. 1 – 3**

**A RESOLUTION ESTABLISHING A GREASE AND WASTE CONTROL POLICY FOR  
FOOD PREPARATION FACILITIES**

WHEREAS, Johnstown North Metropolitan District Nos. 1-3 (the “Districts”) are special districts formed pursuant to Sections 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the Districts’ Boards of Directors (the “Boards”) may adopt, amend, and enforce rules and regulations not in conflict with the constitution and laws of this State for carrying on the business, objects, and affairs of the Boards and the Districts; and

WHEREAS, pursuant to Section 32-1-1001(1)(j), C.R.S., the Districts’ Boards of Directors (the “Boards”) may fix and from time to time to increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the Districts, and until paid, all such fees, rates, tolls, penalties, or charges shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of this state for the foreclosure of mechanics’ liens; and

WHEREAS, the Boards have determined that it is in the best interest of the Districts to adopt the Grease and Waste Control Policy, as attached hereto as Exhibit A and incorporated herein by reference (the “GWC Policy”) to set forth the Districts’ policies to minimize grease, waste and other materials (collectively, “Waste”) from entering the District’s sanitary sewer grinder pump system; and

WHEREAS, the Boards desire, by this resolution, to set forth the Districts’ policies to prevent grease and waste overflows and prevent Waste from entering the grinder pump system.

**NOW, THEREFORE, THE BOARDS OF DIRECTORS OF JOHNSTOWN NORTH METROPOLITAN DISTRICT NOS. 1 – 3 HEREBY RESOLVES THAT:**

1. The Boards hereby approve and adopt the GWC Policy attached hereto as Exhibit A for the purpose of setting forth the Districts’ policies to prevent Waste overflows and prevent Waste from entering the grinder pump system, which GWC Policy may be further amended from time to time in the sole discretion of the Boards.

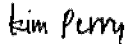
2. In the event a court of competent jurisdiction finds a provision of the GWC Policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

3. This Resolution shall take effect on January 1, 2023 and shall be recorded in the real property records of the Larimer County Clerk and Recorder against the property described in Exhibit B attached to this Resolution and incorporated by reference.

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APPROVED AND ADOPTED THIS 27<sup>th</sup> DAY OF OCTOBER, 2022.

JOHNSTOWN NORTH METROPOLITAN DISTRICTS  
NO. 1 - 3

DocuSigned by:  
  
B786C9C42E3647E  
By: Kim L. Perry  
Its: President

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**EXHIBIT A**  
**GWC POLICY**

**JOHNSTOWN NORTH METROPOLITAN DISTRICT NOS. 1 – 3  
TOWN OF JOHNSTOWN, LARIMER COUNTY**

**GREASE AND WASTE CONTROL POLICY  
FOR FOOD PREPARATION FACILITIES**

**Effective Date:** January 1, 2023  
**Adopted:** October 27, 2022

**1. Statement of Purpose:** The purpose of this Grease and Waste Control Policy (the “Policy”) is to eliminate grease, waste and other materials from entering the Johnstown North Metropolitan District No. 1’s (the “District”) sanitary sewer grinder pump system from all Facilities (as defined in Paragraph 2 of this Policy) that prepare food for on-site and off-site consumption.

**2. Kitchen Practices:** All facilities that prepare food (including, but not limited to, restaurants, cafes, fast food outlets, bakeries, cafeterias, bars, factories and any and all other kinds and types of food vending establishments in which any food preparation of any kind takes place on the premises) (“Facility” or “Facilities”) are required to implement good kitchen or best management practices to eliminate grease, waste and other materials from entering the District’s sanitary sewer grinder pump system. The best management practices include, but are not limited to, the following:

1. Install and maintain mesh screens over all sink and floor drains. The mesh screens *shall only be removed* to clean the mesh screens into a garbage can.
2. Rinse plates and other dishware with cold water over the mesh screen to prevent fats, oils, and grease from liquefying.
3. Liquid and solid fats, oils, and grease from cooking equipment and utensils shall be collected into a waste grease bin.
4. Keep waste grease bins in areas protected from traffic, weather, and away from drains at all times.
5. The collected fats, oils, grease and other waste materials shall be managed and disposed of properly. Disposing of collected fats, oils, grease and other waste materials generated from Facilities into the domestic trash, the sanitary sewer grinder pump system, other surface waters or impervious areas such as parking lots, alleyways or landscaping is prohibited.
6. Clean up grease spills and other foreign objects by scraping up as much as possible before mopping.
7. Clean hood filters in sinks that flow to the grease interceptor required in Section 3 of this Policy.
8. Rags, fabrics, cloths and other debris shall be collected and disposed of into a garbage can.

**3. Grease Interceptor Requirement:** Grease interceptors are required for all Facilities subject to this Policy. A grease interceptor is a device designed and installed to separate and retain grease, oil, solids, and other related undesirable matter from normal wastes and permit normal

liquid wastes to discharge into a wastewater grinder pump system by gravity.

Failure to install a grease trap interceptor will result in a violation, as provided in Section 7 of this Policy.

**4. Grease Interceptor Installation.** Grease interceptors shall be installed, at the expense of the Facility, in accordance with the International Plumbing Code currently in effect in the State of Colorado and all other governing codes, rules and regulations set by the Town of Johnstown (the "Town") and the District. Each grease interceptor shall be installed and connected so that it shall be at all times easily accessible for inspection, cleaning, and removal of the contents. Bypassing the grease interceptor is prohibited. All grease interceptors shall be at least a minimum of 500-gallons with a minimum of two baffles for light food preparation and a minimum of 1000-gallons for heavy food preparation with at least two baffles; provided, however, prior to the purchase and installation of a grease interceptor, the Facility shall submit an application to the District for final approval of the size, type and location of the grease interceptor. Applications for grease interceptors may be found on the District's website at: <https://www.johnstownnorthmd.live/>. If a grease interceptor was installed in a new, existing/redeveloped or expanded Facility that was not previously approved by the District, the Facility may be required to remove the device and install equipment that conforms to current standards. Common or shared grease interceptors for multiple Facilities are not expressly prohibited by this Policy, but will be evaluated on a case by case basis. Common or shared grease interceptors must be sized appropriately for each Facility and the sizes must be added together to obtain the final interceptor size. Common or shared grease interceptors must be reevaluated for proper sizing and capacity as Facilities change business operations, practices, or owners or tenants.

**5. Grease Interceptor Operation and Maintenance.** All grease interceptors shall be installed, maintained, repaired and operated by the Facility at the Facility's expense. All Facilities are required to structurally maintain all components of the grease interceptors as per design requirements and International Plumbing Code standards and any other requirements promulgated by the Town and the District. The interceptor shall be kept in continuous operation at all times and shall be inspected and cleaned on a regular basis as required for efficient operation, by a service contractor qualified to perform such cleaning and inspection. Wastes removed from the interceptor must not be reintroduced into an interceptor.

**6. Grease Interceptor Inspections.** The District shall inspect all new grease interceptors at a minimum of every quarter or every three months to obtain an adequate compliance history. The District may, in its sole discretion, determine to modify the inspection frequency per Facility based on the Facility's compliance history. Each Facility shall be notified of the inspection and the inspection result. Facilities that are required to pump and/or repair interceptors, as documented by inspections, shall be given written notices of violation. Pumping and repairs shall be completed within a maximum of 5 calendar days and 15 calendar days respectively upon written notice of violation. Facilities with violations shall be re-inspected following the elapsed time period to ensure compliance.

**7. Grease Interceptor Records.** Certificates of inspection and maintenance shall be kept on the premises of the Facility and shall be made readily available to the Districts for review and

inspection. All records of maintenance of interceptors, removal of interceptor contents and of off-site hailing shall remain on the premises of each Facility for a minimum of two (2) years.

**8. Grease Interceptor Pumping Schedules.** Initially, all Facilities connected to a grease interceptor will be required to pump the interceptor every three (3) months. The removal of grease and solids shall be performed before the capacity of the interceptor is reached or exceeded. Facilities are required to pump their grease interceptor when the total accumulation of surface oil and grease (including floating solids) and settled solids reaches twenty-five percent (25%) of the grease interceptor's overall liquid depth. Pumping shall include removal of entire interceptor/trap contents. Partial removal of contents (i.e., removal of grease layer, oil layer or sludge layer) is not allowed. Contents removed from interceptors/traps shall be hauled off site and disposed of properly. Under no circumstances shall interceptor/trap contents be reintroduced to the Facility. Inspections by the District will determine if the pumping frequency needs to be increased or decreased to control grease, waste and other materials from entering the sanitary sewer grinder pump system.

**8. Abandoned Grease Interceptors.** When a change in business operations, practices, or owners or tenants results in the premises no longer qualifying as a "Facility" under this Policy, the grease interceptor shall be pumped and filled as required for abandoned sewers and sewage disposal facilities by the current property owner at the property owner's sole expense.

**9. Policy Enforcement and Fee Schedule.** All Facilities must follow the requirements of the Policy. Failure to comply with any provision of this Policy shall result in a violation from the District. Except as otherwise set forth in this Paragraph 9 and unless this Policy is amended by the District, the District enforcement of this Policy, including providing notice of violations, hearings on violations, and enforcement actions to be taken by the District, shall be as set forth in Sections 4, 5, 7, 8 and 9 of the District's Covenant Enforcement and Fine Policy adopted by the District on October 27, 2022, as may be amended from time to time; provided, however, requests to cure the violations requiring repairs or pumping of the interceptor shall be made within the following time periods:

Repair deadline: 15 calendar days

Pump deadline: 5 calendar days

For each violation of this Policy, the following fines shall be imposed on the property owner of the Facility:

First Violation	\$250.00
Second Violation	\$500.00
Third Violation	\$1000.00

Fourth and subsequent violations shall be fined \$1000.00 per violation per day and shall be turned over to the Districts' attorney for legal action, including but not limited to, the recording of a Statement of Lien against the property where the Facility is located.



**10. Monthly Maintenance Fee.** All Facilities are subject to a monthly maintenance fee of Nine Hundred and Fifty Dollars (\$950.00) per month (the “Monthly Maintenance Fee”) to cover the District’s inspection costs and all other related costs. Such Monthly Maintenance Fee may be adjusted or increased, in the District’s sole discretion, as necessary to reflect any increase in District costs.

**EXHIBIT B**

**PROPERTY SUBJECT TO THE GWC POLICY**

**DESCRIPTION: JOHNSTOWN NORTH METROPOLITAN DISTRICT No. 2**

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

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

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

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

**DESCRIPTION: JOHNSTOWN NORTH METROPOLITAN DISTRICT No. 3**

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

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

**Area No. 1 (Northwest)**

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

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

also:

**Area No. 2 (Northeast)**

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

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

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