

When recorded return to:
McGeady Becher P.C.
450 E. 17th Avenue, Suite 400
Denver, CO 80203

RESOLUTION NO. 2020-12-02

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE CHAPARRAL POINTE METROPOLITAN DISTRICT
REGARDING THE IMPOSITION OF DISTRICT FEES**

- A. Chaparral Pointe Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Colorado Springs, Colorado (the “**City**”).
- B. The District was organized pursuant to its Service Plan approved by the City on September 11, 2018, as it may be amended from time to time (the “**Service Plan**”).
- C. The District’s boundaries are described in the legal description attached hereto as **Exhibit A**, which legal description may be amended from time to time, pursuant to the inclusion and/or exclusion of property into or from the District (the “**Property**”).
- D. Century Land Holdings, LLC, a Colorado limited liability company (the “**Developer**”), caused to be recorded the Covenants and Restrictions of the Vistas at Chaparral recorded in the real property records of El Paso County on January 25, 2021, at Reception No. 221014737 as the same may be amended and/or modified from time to time (the “**Covenants**”) and applicable to the Property.
- E. The Covenants provide the District with the authority to enforce each of the provisions provided therein.
- F. The District, pursuant to the Covenants and the Service Plan, is authorized to furnish covenant enforcement and design review services and is authorized and responsible for the ownership, operation, maintenance and construction of facilities to benefit the Property (the “**District Improvements**”).
- G. The Property will benefit from the District furnishing covenant enforcement and design review services.
- H. The Property will further benefit from the District Improvements and the District’s operation and maintenance of the same.
- I. The District is authorized pursuant to Section 32-1-1001(1)(j), C.R.S., and its Service Plan to fix and impose fees, rates, tolls, charges and penalties for services, programs, or facilities provided by the District, which, until paid, shall constitute a perpetual lien on and against all property served.

J. The District is providing a service by operating and maintaining the District Improvements and furnishing covenant enforcement and design review services (collectively, the “**Services**”).

K. The District has determined that to meet the costs of providing the Services (the “**Service Costs**”) it is necessary to impose a fee (the “**Operations Fee**”) on each lot and/or single family residential dwelling unit (“**Residential Unit**”) within the Property.

L. The District has determined that the Operations Fee, as set forth in this Resolution, is reasonably related to the overall cost of providing the Services and paying the Service Costs, and that imposition thereof is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CHAPARRAL POINTE METROPOLITAN DISTRICT, AS FOLLOWS:

1. The Board of Directors of the District hereby finds, determines and declares that it is in the best interests of the District, its inhabitants and taxpayers to exercise its power by imposing the following fee:

(a) **Operations Fee.**

(i) The Board hereby imposes an Operations Fee as follows:

(1) Upon sale of a lot to an Owner (other than the homebuilder constructing the initial Residential Unit).

a) Ninety-Nine Dollars (\$99.00) per month per Residential Unit.

(ii) The District reserves the right to amend this Resolution in the future to increase or decrease the amount of the Operations Fee.

(iii) The Operations Fee shall be payable on a monthly basis. A monthly invoice for the Operations Fee will be processed and mailed to each property owner (“**Owner**”) on or before the 21st of each month (the “**Bill Date**”). The Operations Fee shall be due by the 1st day of each month following the Bill Date (each, a “**Payment Date**”). If payment in full is not received by the 30th day following the Payment Date (the “**Past Due Date**”), the Operations Fee is deemed past due and otherwise outstanding. A “Reminder Notice” may be, but is not required to be, sent at such time.

(iv) Failure to make payment of any Operations Fee due hereunder shall constitute a default in the payment of such Operations Fee. Upon default, Owner shall be responsible for a late payment (“**Late Payment Fee**”) in the amount of \$15.00 per late payment.

(v) If the Owner does not make payment of all past due amounts, which in the District’s sole discretion may include simple interest as permitted by Section 29-1-1102(7), C.R.S. (the “**Delinquent Balance**”), within sixty (60) days from the Past Due Date, the District may deliver to the Owner a Notice of Intent to File a Lien Statement (a “**Lien Notice**”). The Lien Notice shall give notice to the Owner that the District intends to perfect its lien against

the Residential Unit by recording a Lien Statement in the office of the El Paso County Clerk and Recorder if the Delinquent Balance is not paid in full within thirty (30) days after said Lien Notice is served upon Owner by certified mail, return receipt requested, pursuant to Section 38-22-109(3), C.R.S.

2. The Operations Fee shall constitute a statutory and perpetual charge and lien upon the Property pursuant to Section 32-1-1001(1)(j), C.R.S., from the date the same becomes due and payable until paid. The lien shall be perpetual in nature as defined by the laws of the State of Colorado on the Property and shall run with the land and such lien may be foreclosed by the District in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens. This Resolution shall be recorded in the real property records of the Clerk and Recorder of El Paso County, Colorado.

3. The District shall be entitled to institute such remedies and collection proceedings as may be authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting Owner shall pay all costs, including attorneys' fees, incurred by the District in connection with the foregoing. In foreclosing such lien, the District will enforce the lien only to the extent necessary to collect the Delinquent Balance and costs of collection (including, but not limited to, reasonable attorneys' fees).

4. Judicial invalidation of any of the provisions of the Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances shall not affect the validity of the remainder of the Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

5. Any inquiries pertaining to the Operations Fee may be directed to the District Manager at: Josh Miller, CliftonLarsonAllen LLP, 111 South Tejon Street, Suite 705, Colorado Springs, CO 80903, phone number: 719-284-7226.

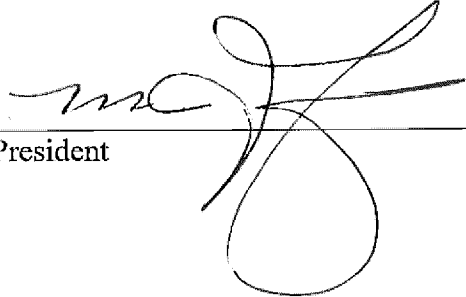
6. This Resolution shall take effect immediately upon its adoption and approval.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2020-12-02]

APPROVED AND ADOPTED this 8th day of December, 2020.

CHAPARRAL POINTE METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

By: 

President

Attest:



Secretary or Assistant Secretary

EXHIBIT A

Legal Description of the Property

Chaparral Pointe Filing No. 1, according to the plat thereof recorded in the real property records of El Paso County, Colorado, at Reception No. 220714594.