

**RESOLUTION NO. 2021-10-05**

**SECOND AMENDED AND RESTATED RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 1 REGARDING THE IMPOSITION OF DISTRICT FEES**

A. East Creek Metropolitan District No. 1 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Aurora, Colorado.

B. 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**”).

C. The District, pursuant to its Service Plan and the Intergovernmental Agreement with the City of Aurora, is authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance and provide for the operation and maintenance of certain street improvements, safety protection improvements, park and recreation improvements and related irrigation systems, television relay and translator facilities, and mosquito and pest control systems (the “**District Improvements**”).

D. The Property will benefit from the District Improvements and the Districts’ operation and maintenance of the same.

E. The District is authorized pursuant to Section 32-1-1001(1)(j)(I), C.R.S., and its Service Plan to fix fees and charges for capital costs and operation and maintenance costs.

F. The District adopted Resolution No. 2019-04-02 on April 10, 2019 regarding the Imposition of District Fees (the “**Original Resolution**”), which Original Resolution was recorded in the official records of Arapahoe County, Colorado at Reception No. D9039668 on May 1, 2019.

G. The District adopted the Amended and Restated Resolution No. 2019-10-07 on October 28, 2019 regarding the Imposition of District Fees (the “**First Amended and Restated Resolution**”), which First Amended and Restated Resolution was recorded in the official records of Arapahoe County, Colorado, at Reception No. E0087622 on July 16, 2020.

H. Within the District, there are certain properties, consisting of townhome residences (the “**Townhome Units**”)(meaning residences that are attached to one or more additional units) that receive additional services (the “**Additional Services**”) not provided to the single family detached residential units within the District boundaries.

I. The Additional Services include, but may not be limited to, front yard landscaping and snow removal on the Townhome Units. The District has determined that, to meet the costs associated with Additional Services, it is necessary to impose an additional Operations and Maintenance Fee on the Townhome Units. Accordingly, the District desires to amend and restate the First Amended and Restated Resolution in its entirety.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 1, ARAPAHOE COUNTY, COLORADO, AS FOLLOWS:

1. The Board of Directors 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 fees:

(a) Operations Fees.

(i) The Board hereby imposes an Operations and Maintenance Fee (the “**Operations Fee**”) in the amount of \$720.00 per year on each residential lot (each, a “**Lot**”) within the District. The District reserves the right to amend this resolution in the future to increase or decrease the amount of the Operations Fee.

(ii) The Board hereby imposes an additional Operations and Maintenance Fee (the “**Townhome Operations Fee**”) in the amount of \$120.00 per year on each Townhome Unit within the District. The District reserves the right to amend this resolution in the future to increase or decrease the amount of the Townhome Operations Fee.

(iii) The Operations Fee shall be paid in quarterly amounts of \$180.00 per calendar quarter and the Townhome Operations Fee shall be paid in quarterly amounts of \$30.00 per calendar quarter. The Operations Fee and the Townhome Operations Fee shall be invoiced on each January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup> and due on each January 25<sup>th</sup>, April 25<sup>th</sup>, July 25<sup>th</sup> and October 25<sup>th</sup>.

(iv) An invoice for the Operations Fee and the Townhome Operations Fee payable for each calendar quarter will be mailed to each applicable property owner (“**Owner**”) thirty (30) days prior to the final due date (the “**Bill Date**”), following a five (5) day grace period after the initial due date. If payment in full is not received by the 30<sup>th</sup> day following the Bill Date (the “**Past Due Date**”), the fee is deemed past due and otherwise outstanding. A “Reminder Notice” may be, but is not required to be, sent at such time. Notwithstanding the above, the Owner shall have the right to pay the Operations Fee for said calendar year in one installment on or before January 15<sup>th</sup>, in which event, the Owner shall be entitled to a five percent (5%) discount.

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

(vi) If the Owner does not make payment of all past due amounts, including interest (the “**Delinquent Balance**”), within 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 Property by recording a Lien Statement in the office of the Arapahoe 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.

(b) Administrative Transfer Fee.

(i) The Board hereby determines that in order to offset administrative costs associated with a transfer of ownership of any dwelling unit located within the Property, the District shall impose an Administrative Transfer Fees (the “**Administrative Transfer Fee**” and, collectively with the Operations Fee and Townhome Operations Fee, the “**Fees**”) in the amount of \$300.00 per Lot and shall be due and payable at the time of any sale, transfer or re-sale of any single-family dwelling unit constructed on a Lot which has a certificate of occupancy.

2. The Fees shall not be imposed on real property actually conveyed or dedicated to non-profit owners’ associations, governmental entities, or utility providers.

3. The Fees 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 Arapahoe County, Colorado.

4. 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 attorney 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 attorney fees).

5. 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.

6. Any inquiries pertaining to the Fees may be directed to the District’s Manager at: Peggy Ripko, Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, phone number: 303-987-0835.

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

**[SIGNATURE PAGE FOLLOWS]**

APPROVED AND ADOPTED THIS 16<sup>th</sup> day of November, 2021.

**EAST CREEK METROPOLITAN DISTRICT NO. 1**, a quasi-municipal corporation and political subdivision of the State of Colorado

By: [Signature]  
President

Attest:

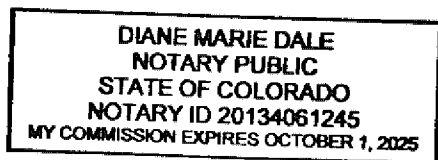
By: [Signature]  
Secretary

STATE OF COLORADO )  
  ) ss.  
COUNTY OF ARAPAHOE                       )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of NOVEMBER 2021, by MATT LARSEN, as PRESIDENT of East Creek Metropolitan District No. 1.

Witness my hand and official seal.

My commission expires: 10/1/2025



[Signature]  
Notary Public

**EXHIBIT A****Legal Description of the Property**

Lots 1 through 13, inclusive, Block 1,  
Lots 1 through 5, inclusive, Block 2,  
Lots 1 through 22, inclusive, Block 3,  
Lots 1 through 24, inclusive, Block 4,  
Lots 1 through 20, inclusive, Block 5,  
Lots 1 through 20, inclusive, Block 6,  
Lots 1 through 26, inclusive, Block 7,  
Lots 1 through 16, inclusive, Block 8,  
East Creek Subdivision Filing No. 1,  
County of Arapahoe, State of Colorado