



07/27/2017 01:42 PM
City & County of Denver
Electronically Recorded

R \$38.00

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NTC

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

NOTICE TO TITLE COMPANIES: THE FOLLOWING RESOLUTION IMPOSES FEES WHICH, UNTIL PAID, CONSTITUTE A STATUTORY AND PERPETUAL LIEN ON AND AGAINST THE PROPERTY SERVED. CONTACT SPECIAL DISTRICT MANAGEMENT SERVICES, INC., AT (303) 987-0835 TO VERIFY PAYMENT.

RESOLUTION NO. 2017-05-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
DENVER CONNECTION WEST METROPOLITAN DISTRICT
REGARDING THE IMPOSITION OF DISTRICT FEES**

A. Denver Connection West Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City and County of Denver, Colorado.

B. The District was organized pursuant to its Service Plan approved by the City and County of Denver, Colorado on September 12, 2016, 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. William Lyons Homes, Inc., a California corporation (the “**Developer**”), has caused to be recorded that certain Declaration of Covenants and Restrictions of Denver Connection West, dated July 19, 2017, and recorded in the real property records of the City and County of Denver on July 21, 2017, at Reception No. 2017095170, as the same may be amended and/or modified from time to time (the “**Covenants**”) and applicable to the Property.

E. The Covenants provide that the District shall enforce each of the provisions provided therein.

F. The District, pursuant to the Covenants and Service Plan, 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 Improvements and the District’s operation and maintenance of the same.

H. 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.

I. The District is providing a service by operating and maintaining the District Improvements and administering the transfer of ownership of any dwelling Unit (hereinafter defined) located within the Property.

J. The District has determined that, to meet the costs associated with the District Improvements and the cost of operating and maintaining the District Improvements, it is necessary to impose an Operations and Maintenance Fee (hereinafter defined) and, to offset the administrative expenses incurred when property within the Districts is sold, an Administrative Fee on each single family residential dwelling unit ("**Residential Unit**"), each rear-loaded single family residential dwelling unit ("**RL Residential Unit**"), and each townhome unit ("**Townhome Unit**") (each a "**Unit**" and collectively the "**Units**") on the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DENVER CONNECTION WEST 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 fees:

(a) Operations and Maintenance Fee.

(i) The Board hereby imposes an Operations and Maintenance Fee (the "**O&M Fee**") as follows:

(ii) In the amount of \$168.00 per quarter for each Residential Unit;

(iii) In the amount of \$183.00 per quarter for each RL Residential Unit;

and

(iv) In the amount of \$183.00 per quarter for each Townhome Unit.

(v) The District reserves the right to amend this Resolution in the future to increase or decrease the amount of the O&M Fee.

(vi) The O&M Fee shall be paid in quarterly amounts as provided above per calendar quarter invoiced on each January 1st, April 1st, July 1st and October 1st and due on each January 25th, April 25th, July 25th and October 25th. An invoice for the O&M Fee payable for each calendar quarter will be mailed to each 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 30th 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 O&M Fee for said calendar year in one (1) installment on or before January 15th, in which event, the Owner shall be entitled to a five percent (5%) discount.

(vii) Failure to make payment of any O&M Fees due hereunder shall constitute a default in the payment of such O&M Fee. Upon default, Owner shall be responsible for a late payment ("**Late Payment Fee**") in the amount of \$15.00 per late payment.

(viii) 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 Property by recording a Lien Statement in the office of the City and County of Denver 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 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 Fee (the "**Administrative Fee**" and, collectively with the O&M Fee, the "**Fees**") in the amount of \$100.00 per Unit, and shall be due and payable at the time of any sale, transfer or re-sale of any 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 the City and County of Denver, 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 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).

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 Manager at: Lisa Johnson, 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]

[SIGNATURE PAGE TO RESOLUTION NO. 2017-~~65~~-01]

APPROVED AND ADOPTED this 23rd day of May, 2017.

**DENVER CONNECTION WEST
METROPOLITAN DISTRICT**

By: _____

President

Attest:

Secretary or Assistant Secretary

EXHIBIT A**LEGAL DESCRIPTION OF THE PROPERTY**

A PARCEL OF LAND LOCATED IN THE NORTH ONE-HALF OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20, WHENCE THE NORTH ONE-QUARTER CORNER OF SAID SECTION 20 BEARS NORTH 89° 37' 46" EAST AT A DISTANCE OF 2652.47 FEET, SAID LINE ALSO BEING THE BASIS OF BEARINGS FOR THIS DESCRIPTION:

THENCE NORTH 89° 37' 46" EAST ALONG SAID NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 20, A DISTANCE OF 90.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CHAMBERS ROAD,

THENCE SOUTH 00° 14' 04" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF CHAMBERS ROAD TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GREEN VALLEY RANCH BOULEVARD, A DISTANCE OF 83.00 FEET TO THE TRUE POINT OF BEGINNING,

THENCE NORTH 89° 37' 46" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, BEING PARALLEL WITH AND 83.00 FEET SOUTH OF SAID NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 20, A DISTANCE OF 2563.30 FEET TO A POINT ON THE NORTH-SOUTH CENTER-LINE OF SECTION 20 WHENCE THE NORTH ONE-QUARTER CORNER OF SAID SECTION 20 BEARS NORTH 00° 20' 10" WEST A DISTANCE OF 83.00 FEET,

THENCE NORTH 89° 37' 19" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY, BEING PARALLEL WITH AND 83.00 FEET SOUTH OF THE NORTH LINE OF NORTHEAST ONE-QUARTER OF SAID SECTION 20, A DISTANCE OF 746.46 FEET,

THENCE DEPARTING FROM SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 44° 37' 19" WEST, A DISTANCE OF 21.35 FEET,

THENCE SOUTH 00° 22' 40" EAST, A DISTANCE OF 48.14 FEET,

THENCE SOUTH 12° 03' 45" WEST, A DISTANCE OF 60.34 FEET,

THENCE SOUTH 00° 22' 41" EAST, A DISTANCE OF 1388.21 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF BOLLING DRIVE, ALSO BEING THE NORTHERLY LINE OF GATEWAY PARK IV - DENVER FILING NO. 5 AS RECORDED APRIL 12, 2000 UNDER RECEPTION NO. 2000051305, WHENCE THE NORTHEAST CORNER OF SAID GATEWAY PARK IV - DENVER FILING NO. 5, BEARS NORTH 89° 22' 37" EAST A DISTANCE OF 925.19 FEET,

THENCE SOUTH 89° 22' 37" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 1854.03 FEET TO A NON-TANGENT CURVE,

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07° 38' 49", A RADIUS OF 600.00 FEET AND AN ARC LENGTH OF 80.08 FEET, WHOSE CHORD BEARS SOUTH 68° 36' 19" EAST A DISTANCE OF 80.02 FEET TO A POINT ON THE NORTHERLY LINE OF THE GATEWAY PARK IV-DENVER FILING NO. 1 AS RECORDED APRIL 10, 1998 IN BOOK 32 AT PAGES 14-16,

THENCE ALONG SAID NORTHERLY LINE SOUTH 89° 22' 37" WEST, A DISTANCE OF 1518.59 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY FOR CHAMBERS ROAD,

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 00° 14' 04" EAST, A DISTANCE OF 1554.90 FEET TO THE POINT OF BEGINNING:

SAID PARCEL OF LAND CONTAINING 115.66 ACRES OR 5,038,109 SQUARE FEET, MORE OR LESS.

ALL REFERENCES TO RECORDED DOCUMENTS ARE FILED AT THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE.



RY PATRICK RUSK
PLS No. 38226
FORESIGHT WEST SURVEYING, INC.
4955 IRIS STREET
WHEAT RIDGE, CO 80033
303.901.0479
JUNE 8, 2016