

After Recording, Return to:
WHITE BEAR ANKELE TANAKA & WALDRON
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

**AMENDED AND RESTATED
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
HASKINS STATION METROPOLITAN DISTRICT**

CONCERNING THE IMPOSITION OF AN OPERATIONS FEE

WHEREAS, the Haskins Station Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for Jefferson County (“**County**”), Colorado, and after approval of the District’s eligible electors at an election; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control and supervision of all the business and affairs of the District; and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to acquire, construct, operate and maintain certain amenities and facilities benefitting property and inhabitants within the District, which amenities and facilities generally include park and recreation, open space, and landscaping improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to provide certain services to property and inhabitants within the boundaries of the District, including without limitation, landscape maintenance, snow removal, and covenant enforcement (collectively, the “**Services**”); and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose fees, rates, tolls, penalties and charges for services or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, the District incurs certain direct and indirect costs associated with the repair, replacement, improvement, reconstruction operation and maintenance of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs, in order that the Facilities may be properly provided and maintained, and the District also incurs certain direct and indirect costs associated with the provision of the Services in order that the Services may be properly provided, the property within the District maintained, and that the health, safety and welfare of the District and its inhabitants may be safeguarded (collectively, the “**Operations Costs**”); and

WHEREAS, the estimated Operations Costs for the District in 2022 is approximately \$270,000; and

WHEREAS, the District estimates that in 2022 its general fund mill levy will generate approximately \$33,000; and

WHEREAS, the revenue from the District's general fund mill levy is insufficient to pay the Operations Costs; and

WHEREAS, based on the Operations Fee Calculation prepared by the District's accountant, attached hereto as **Exhibit B**, the board of directors of the District has determined that the fees set forth in **Exhibit A** are reasonable; and

WHEREAS, the establishment and continuation of a fair and equitable fee (the "**Operations Fee**") to provide a source of funding to pay for the Operations Costs, which Operations Costs are generally attributable to the persons and/or properties subject to such Operations Fees, is necessary to provide for the common good and for the prosperity and general welfare of the District and its inhabitants and for the orderly and uniform administration of the District's affairs; and

WHEREAS, the District finds that the Operations Fee, as set forth in this Resolution, is reasonably related to the overall cost of providing the Facilities and Services and paying the Operations Costs, and that imposition thereof is necessary and appropriate; and

WHEREAS, on September 4, 2019, the Board adopted a Resolution of the Board of Directors of the Haskins Station Metropolitan District Concerning the Imposition of an Operations Fee, which was recorded in the real property records of the Jefferson County Clerk and Recorder's Office on September 6, 2019 at Reception No. 2019081283 (the "**Prior Fee Resolution**"), and the Board desires to adopt this Resolution to amend and restate the Prior Fee Resolution in its entirety. Any fees, rates, tolls, penalties, or charges due under the Prior Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

NOW, THEREFORE, be it resolved by the Board as follows:

1. **DEFINITIONS.** Except as otherwise expressly provided or where the context indicates otherwise, the following capitalized terms shall have the respective meanings set forth below:

"**Apartment Unit**" means a unit within an apartment building which unit is held for lease or rent for residential occupancy and for which a final certificate of occupancy has been issued.

"**District Boundaries**" means the legal boundaries of the District, as the same are established and amended from time to time pursuant to §§32-1-101, *et seq.*, C.R.S., as more particularly set forth in the map and legal description attached hereto as **Exhibit C** and incorporated herein by this reference.

“**Due Date**” means the date by which the Operations Fee is due, which Due Date is reflected on the Schedule of Fees.

“**End User**” means any third-party homeowner or tenant of any homeowner occupying or intending to occupy a Residential Unit. End User specifically excludes a tenant occupying an Apartment Unit.

“**Fee Schedule**” or “**Schedule of Fees**” means the schedule of fees set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, until and unless otherwise amended and/or repealed.

“**Lot**” means each parcel of land established by a recorded final subdivision plat and which is located within the District Boundaries.

“**Residential Unit**” means each residential dwelling unit (including, without limitation, condominiums, townhomes, and any other attached dwelling unit and detached single family dwelling units) located within the District Boundaries which has been Transferred to an End User.

“**Transfer**” or “**Transferred**” shall include a sale, conveyance or transfer by deed, instrument, writing, lease or any other documents or otherwise by which real property is sold, granted, let, assigned, transferred, exchanged or otherwise vested in a tenant, tenants, purchaser or purchasers.

“**Vacant Lot**” means each parcel of land within the District established by a recorded final subdivision plat, but specifically excluding any parcel upon which one or more Residential Units or Apartment Units is situated and specifically excluding any parcel owned by the District.

2. OPERATIONS FEE.

a. The Board has determined, and does hereby determine, that it is in the best interests of the District and its respective residents and property owners to impose, and does hereby impose an Operations Fee to fund the Operations Costs. The Operations Fee is hereby established and imposed in an amount as set forth by the District from time to time pursuant to a “Fee Schedule” and shall constitute the rate in effect until such schedule is amended or repealed. The initial Fee Schedule is set forth in **Exhibit A**, attached hereto and incorporated herein by this reference. The Operations Fee shall consist of a recurring payment (the “**Recurring Payment**”) and a separate payment imposed on transfers of a Residential Unit (the “**Transfer Payment**”), which together shall comprise the Operations Fee.

b. The Transfer Payment shall be imposed on all Transfers of a Residential Unit to an End User. The Transfer Payment shall not apply to any of the following, except to the extent the District determines that such exception is being undertaken for the purpose of improperly avoiding the Operations Fee:

i. Any Transfer wherein the United States, or any agency or instrumentality thereof, the State of Colorado, any county, city and county, municipality, district or other political subdivisions of this State, is either the grantor or the grantee.

ii. Any Transfer by document, decree or agreement partitioning, terminating or evidencing termination of a joint tenancy, tenancy in common or other co-ownership; however, if additional consideration or value is paid in connection with such partition or termination the Transfer Payment shall apply and be based upon such additional consideration.

iii. Any Transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.

iv. Any Transfer made and delivered without consideration for the purpose of: confirming, correcting, modifying or supplementing a Transfer previously made; making minor boundary adjustments; removing clouds of title; or granting easements, rights-of-way or licenses.

v. Any decree or order of a court of record quieting, determining or resting title, except for a decree of foreclosure.

vi. Transfers to secure a debt or other obligation, or releases other than by foreclosure, which is security for a debt or other obligation.

vii. Transfers pursuant to a decree of separation or divorce.

c. The Board has determined, and does hereby determine, that the Operations Fee is reasonably related to the overall cost of providing the Facilities and Services, and is imposed on those who are reasonably likely to benefit from or use the Facilities and Services.

d. The revenues generated by the Operations Fee will be accounted for separately from other revenues of the District. The Operations Fee revenue will be used solely for the purpose of paying Operations Costs, and may not be used by the District to pay for general administrative costs of the District.

3. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Operations Fee not paid in full within fifteen (15) days after the scheduled due date will be assessed a late fee in the amount of Fifteen Dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due. Interest will also accrue on any outstanding Operations Fees, exclusive of assessed late fees, penalties, interest and any other costs of collection, specially including, but not limited, to attorney fees, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S. The District may institute such remedies and collection procedures as authorized under Colorado law, including,

but not limited to, foreclosure of its perpetual lien. The defaulting property owner shall pay all fees and costs, specifically including, but not limited to, attorneys' fees and costs and costs associated with the collection of delinquent fees, incurred by the District and/or its consultants in connection with the foregoing.

4. PAYMENT. Payment for all fees, rates, tolls, penalties, charges, interest and attorney fees shall be made by check or equivalent form acceptable to the District, made payable to "Haskins Station Metropolitan District" and sent to the address indicated on the Fee Schedule. The District may change the payment address from time and time and such change shall not require an amendment to this Resolution.

5. LIEN. The fees imposed hereunder, together with any and all late fees, interest, penalties and costs of collection, shall, until paid, constitute a statutory, perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado for the foreclosure of mechanic's liens, pursuant to § 32-1-1001(1)(j)(I), C.R.S. Said lien may be foreclosed at such time as the District, in its sole discretion, may determine. 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. This Resolution shall be recorded in the offices of the Clerk and Recorder of the County, Colorado.

6. SEVERABILITY. If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

7. THE PROPERTY. This Resolution shall apply to all property within the District's boundaries, including, but not limited to, the property set forth in **Exhibit C**, attached hereto and incorporated herein by this reference, and any additional property included into the District after the date of this Resolution.

8. EFFECTIVE DATE. This Resolution shall become effective September 1, 2022.

[Remainder of Page Intentionally Left Blank. Signature Page to Follow.]

ADOPTED this 21st day of September, 2022.

HASKINS STATION METROPOLITAN
DISTRICT, a quasi-municipal corporation and
political subdivision of the State of Colorado

C Janke

Officer of the District

ATTEST:

[Handwritten Signature]

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law

Megan G. Murphy

General Counsel to the District

*Signature page to Amended and Restated Resolution Concerning the Imposition of an
Operations Fee*

EXHIBIT A

HASKINS STATION METROPOLITAN DISTRICT

Schedule of Fees

Effective October 1, 2022

Schedule of Fees		
Fee Type	Classifications	Rate
Operations Fee – Recurring Payment	Apartment Unit	N/A
	Residential Unit	\$47/month, collected quarterly
	Vacant Lot	N/A
The Due Date for the Operations Fee is the first day of January, April, July, and October.		
Operations Fee – Payment Due Upon a Transfer	Apartment Unit	N/A
	Residential Unit	\$600 per Transfer
	Vacant Lot	\$600 per Transfer
The Due Date for each Operations Fee – Payment Due Upon Transfer is the date upon which the Transfer occurs.		

PAYMENTS: Payment for each fee shall be made payable to the Haskins Station Metropolitan District and sent to the following address for receipt by the Due Date:

Haskins Station Metropolitan District
c/o CliftonLarsonAllen LLP
8390 East Crescent Parkway, Suite 300
Greenwood Village, CO 80111

EXHIBIT B

HASKINS STATION METROPOLITAN DISTRICT

Operations Fee Calculation

**HASKINS STATION METROPOLITAN DISTRICT
OPERATIONS FEE FUND**

ESTIMATED (at build-out)

BEGINNING FUND BALANCE	\$	-	
REVENUE			
Operations fees		269,028	<u>477 units x \$564/yr</u>
Transfer fees		-	<u>\$600 per transfer;</u>
			<u>receipts for contingency/ reserve fund</u>
Total revenue		<u>269,028</u>	
Total funds available		<u>269,028</u>	
EXPENDITURES			
General and Administrative			
District Management		75,000	
Insurance and bonds		8,000	
Contingency		13,528	
Operations and Maintenance			
Website		2,000	
Lighting		2,500	
Electricity		2,000	
Water		24,000	
Park equipment		4,000	
Landscaping		80,000	
Snow Removal		40,000	
Repairs and maintenance		18,000	
Total expenditures		<u>269,028</u>	
Total expenditures and transfers out requiring appropriation		<u>269,028</u>	
ENDING FUND BALANCE	\$	<u>-</u>	

EXHIBIT C

HASKINS STATION METROPOLITAN DISTRICT

District Boundaries

EXHIBIT A

LEGAL DESCRIPTION

10/17/17

A PARCEL OF LAND BEING ALL OF TRACT L, SKYLINE ESTATES FILING NO. 1, A SUBDIVISION RECORDED AT RECEPTION NO. F0988769 TOGETHER WITH THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 2015097882 AND LOCATED IN THE WEST 1/2 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 16 BEING N 00°16'51" W AND MONUMENTED AS FOLLOWS:

-NORTHWEST CORNER OF SECTION 16, BEING A 3-1/4" BRASS CAP IN RANGE BOX, PLS 13212, PER MON. REC. DATED 5-5-06.

-WEST QUARTER CORNER OF SECTION 16, BEING A 3-1/4" BRASS CAP IN RANGE BOX, PLS 13212, PER MON. REC. DATED 2-17-05.

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 16 SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT L, SKYLINE ESTATES FILING NO. 1, A SUBDIVISION RECORDED AT RECEPTION NO. F0988769;

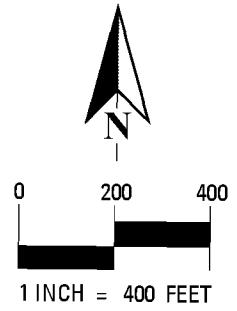
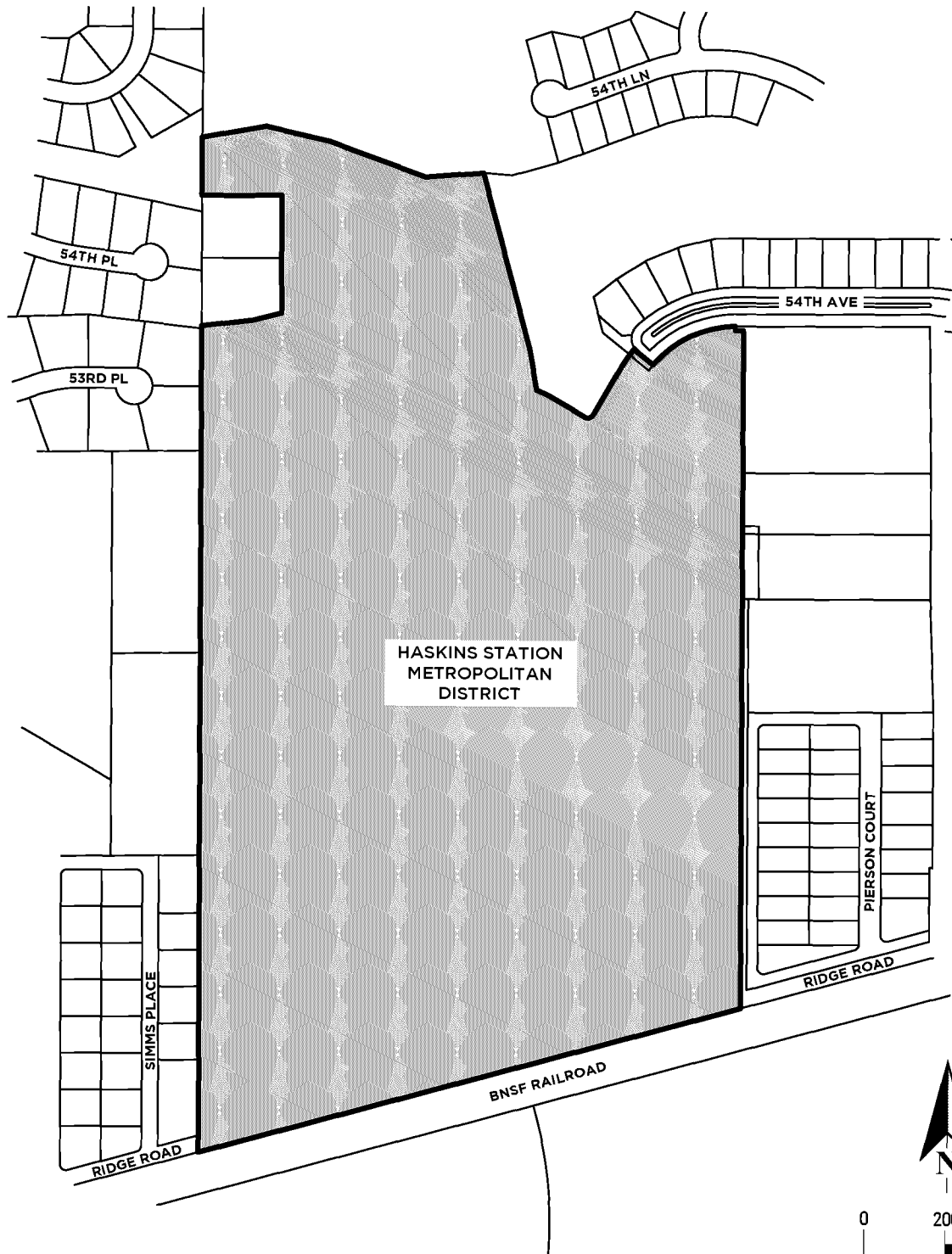
THENCE ALONG THE BOUNDARY OF SAID TRACT L THE FOLLOWING TWENTY THREE (23) COURSES:

1. N 00°16'51" W A DISTANCE OF 1329.82 FEET;
2. N 83°23'44" E A DISTANCE OF 127.55 FEET;
3. N 75°44'21" E A DISTANCE OF 71.68 FEET;
4. N 00°16'51" W A DISTANCE OF 135.29 FEET;
5. N 00°16'51" W A DISTANCE OF 154.08 FEET;
6. S 89°43'09" W A DISTANCE OF 196.33 FEET;
7. N 00°16'51" W A DISTANCE OF 142.45 FEET;
8. N 79°55'19" E A DISTANCE OF 159.62 FEET;
9. S 77°09'22" E A DISTANCE OF 160.18 FEET;
10. S 70°05'26" E A DISTANCE OF 250.41 FEET;
11. N 85°47'18" E A DISTANCE OF 143.03 FEET;
12. S 15°10'30" E A DISTANCE OF 444.97 FEET;
13. S 10°15'04" E A DISTANCE OF 103.87 FEET;
14. ALONG A CURVE TO THE RIGHT HAVING A CHORD OF S 64°09'21" E 45.65 FEET, A RADIUS OF 300.00 FEET, AN ARC OF 45.69 FEET, AND A DELTA OF 8°43'37";

15. S 59°47'33" E A DISTANCE OF 89.55 FEET;
 16. ALONG A CURVE TO THE LEFT HAVING A CHORD OF N 75°12'27" E 21.21 FEET, A RADIUS OF 15.00 FEET, AN ARC OF 23.56 FEET, AND A DELTA OF 89°58'58";
 17. N 30°12'27" E A DISTANCE OF 134.63 FEET;
 18. ALONG A CURVE TO THE RIGHT HAVING A CHORD OF N 35°11'40" E 57.37 FEET, A RADIUS OF 330.00 FEET, AN ARC OF 57.44 FEET, AND A DELTA OF 9°58'24";
 19. ALONG A CURVE TO THE LEFT HAVING A CHORD OF S 42°41'21" E 12.95 FEET, A RADIUS OF 45.00 FEET, AN ARC OF 12.99 FEET, AND A DELTA OF 16°32'41";
 20. S 50°57'41" E A DISTANCE OF 47.18 FEET;
 21. ALONG A CURVE TO THE RIGHT HAVING A CHORD OF N 64°24'30" E 222.84 FEET, A RADIUS OF 270.00 FEET, AN ARC OF 229.70 FEET, AND A DELTA OF 48°44'41";
 22. S 00°14'56" E A DISTANCE OF 9.97 FEET;
 23. N 89°37'21" E A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 16;
- THENCE S 00°14'56" E ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 16 A DISTANCE OF 424.00 FEET TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND RECORDED AT RECEPTION NUMBER 2015097882;
- THENCE S 00°14'56" E CONTINUING ALONG SAID EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 16 A DISTANCE OF 895.22 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 16;
- THENCE S 00°16'15" E ALONG THE EAST LINE OF NORTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 16 A DISTANCE OF 345.56 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF REGIONAL TRANSPORTATION DISTRICT PARCEL RECORDED AT RECEPTION NO. 2010028793;
- THENCE S 74°39'24" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 1376.28 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 16;
- THENCE N 00°19'28" W ALONG SAID WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 16 A DISTANCE OF 699.19 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,666,395 SQUARE FEET, OR 61.2120 ACRES MORE OR LESS.

EXHIBIT C



TITLE:
HASKINS STATION METROPOLITAN DISTRICT

LOCATION:
A PART OF THE WEST HALF OF SECTION 16
TOWNSHIP 3 SOUTH, RANGE 69 WEST, 6TH P.M.,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

SCALE: 1"=400'	DATE: 06-04-18	PROJECT NO: 0049-1613	AREA: 61.21 AC	PATH: J:\0049\1613\SURVEY\DISTRICT\HASKINS_STATION_DISTRICT-N01.DWG
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KT ENGINEERING
12500 W. 58th AVE. #230
ARVADA, CO 80002
PH. 720.638.5190