

RESOLUTION NO. 2022-11-06

**FIRST AMENDED AND RESTATED RESOLUTION OF
THE BOARD OF DIRECTORS OF
PRAIRIE CENTER METROPOLITAN DISTRICT NO. 7 REGARDING
THE IMPOSITION OF DISTRICT FEES**

A. Prairie Center Metropolitan District No. 7 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Brighton, Adams County, Colorado (the “**County**”).

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 approved by the City of Brighton, Colorado, is authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance and provide for the operation and maintenance of certain improvements generally described in the Special District Act, including without limitation, 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. Pursuant to the determination by the District’s Board of Directors (the “**Board**”) that, to meet the costs associated with the District Improvements and the cost of operating and maintaining the District Improvements, it was necessary to impose an “Operations Fee” and a “Capital Working Fee” (as such terms are defined below) on the Property, the Board adopted that certain Resolution No. 2019-05-02 Regarding the Imposition of District Fees (“**Original Fee Resolution**”), as recorded on July 13, 2019, in the real property records of the County at Reception No. 2019000058369.

G. The Board has determined that the rate of the Operations Fee as established by the Original Fee Resolution is insufficient to pay the ongoing operation and maintenance costs of the District Improvements and that an increase in the Operations Fee as set forth in this First Amended and Restated Resolution Regarding the Imposition of District Fees (this “**Resolution**”) is necessary and appropriate.

H. Notwithstanding the date of adoption and recording of this Resolution, the rate of the Operations Fee set forth in the Original Resolution of \$360 per year shall remain in effect through December 31, 2022, and on January 1, 2023, the rate of the Operations Fee as set forth herein shall take effect and this Resolution shall replace and supersede in its entirety the Original Fee Resolution, which thereafter shall be of no further force or effect.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PRAIRIE CENTER METROPOLITAN DISTRICT NO. 7, CITY OF BRIGHTON, ADAMS 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 Fee.

(i) Effective on January 1, 2023, the Board hereby imposes an operations and maintenance fee (the "**Operations Fee**") in the amount of \$600.00 per year on each residential lot (each, a "**Lot**" and collectively, "**Lots**") within the District. The first Operations Fee payment for a Lot shall become due and payable to the District at closing on the initial sale of such Lot with a completed residence thereon by a homebuilder to the initial homeowner (the "**Initial Payment Date**"), such Operations Fee amount pro-rated for the portion of the calendar quarter then remaining. The District reserves the right to amend this resolution in the future to increase or decrease the amount of the Operations Fee.

(ii) Thereafter, following the Initial Payment Date, the Operations Fee shall be payable on a quarterly basis and shall be due by the 23rd day of each calendar quarter (meaning, January 23rd, April 23rd, July 23rd and October 23rd) (each, a "**Payment Date**"). An invoice will be mailed to each property owner ("**Owner**") on or before December 31st, March 31st, June 30th and September 30th of each year (the "**Bill Date**"). If payment in full is not received by 5:00 p.m. on 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.

(iii) Failure to make payment of any Operations Fees due hereunder shall constitute a default in the payment of such Operations Fees. Upon default, a late fee of \$15.00 shall be added to the amount due and payable (the "**Late Fee**").

(iv) If the Owner does not make payment of all past due amounts, including the Late Fee (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 Adams 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) Working Capital Fee.

(i) The Board hereby imposes a working capital fee (the "**Working Capital Fee**") and, collectively with the Operations Fee, the "**Fees**") in the amount of \$200.00 per Lot and shall be due and payable at the same time as the Initial Payment Date for the Operations Fee, and thereafter, at the time of any sale, transfer or re-sale of a Lot with a completed residence thereon.

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 Adams 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.


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 Prairie Center Community Manager at: 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.

APPROVED AND ADOPTED THIS 10th day of November, 2022.

**PRAIRE CENTER METROPOLITAN
DISTRICT NO. 7**, a quasi-municipal corporation
and political subdivision of the State of Colorado

By: 

President

Attest:

By: 

Secretary

EXHIBIT A

Legal Description of the Property

Prairie Center Village I Subdivision Filing No. 1, according to the plat thereof recorded in the real property records of Adams County, Colorado, at Reception No. 2017000114002, County of Adams, State of Colorado.