

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF  
MIRABELLE METROPOLITAN DISTRICT NO. 1**

**CONCERNING THE IMPOSITION OF AN OPERATIONS FEE**

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WHEREAS, Mirabelle Metropolitan District No. 1 (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 Douglas 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, pursuant to a District Operating Services Agreement (the “**Agreement**”) with Mirabelle Metropolitan District No. 2 (“**District No. 2**”), the District provides O&M Services, as defined therein, on behalf of District No. 2 with the intent of implementing a coordinated system of services and facilities to the residents and taxpayers within the Solstice development in Douglas County, Colorado (the “**Project**”); and

WHEREAS, in furtherance of providing the O&M Services under the Agreement, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the Project, to acquire, construct, operate and maintain certain amenities and facilities benefitting property and inhabitants within the District, which amenities and facilities generally include water, storm sewer, sanitation and wastewater treatment, street, traffic safety protection, parks and recreations, television relay and translation, and fire protection improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); and

WHEREAS, in furtherance of providing the O&M Services under the Agreement, 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, underdrain operations, water quality and detention system operations, landscape maintenance and snow removal (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 (collectively, the “**Facility Costs**”) in order that the Facilities may be properly provided and maintained; and

WHEREAS, the District 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 “**Service Costs**”); 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 Facility Costs and the Service Costs, (collectively, the “**Operations Costs**”), which Operations Costs are generally attributable to the persons and/or properties subject to such Operations Fees within the Project, is necessary to provide for the common good and for the prosperity and general welfare of the District, District No. 2 and the Project and 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.

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:

“**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.

“**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.

“**Project Boundaries**” means the legal boundaries of the District and District No. 2, 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 B** and incorporated herein by this reference.

“**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 Project 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 as a Residential Unit.

2. OPERATIONS FEE.

a. The Board has determined, and does hereby determine, that it is in the best interests of the District and residents and property owners to which Facilities and Services are provided 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 an annual “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.

b. 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 within the Project Boundaries.

c. 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 forty-five (45) 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 “Mirabelle Metropolitan District No. 1” 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 Douglas 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.

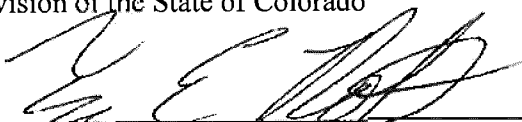
7. THE PROPERTY. This Resolution shall apply to all property within the Projects Boundaries, including, but not limited to, the property set forth in **Exhibit B**, attached hereto and incorporated herein by this reference, and any additional property included into the Project Boundaries after the date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

8. EFFECTIVE DATE. This Resolution shall become effective December 11, 2019.

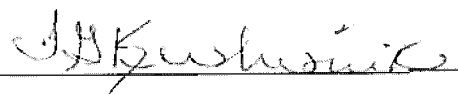
*[Remainder of Page Intentionally Left Blank. Signature Page to Follow].*

ADOPTED this 11<sup>th</sup> day of December, 2019.

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


  
\_\_\_\_\_  
Officer of the District

ATTEST:

  
\_\_\_\_\_

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys At Law

  
\_\_\_\_\_  
General Counsel to the District

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

**EXHIBIT A****MIRABELLE METROPOLITAN DISTRICT NO. 1****Schedule of Fees****Effective December 11, 2019**

<b>Schedule of Fees</b>		
<b>Fee Type</b>	<b>Classifications</b>	<b>Rate</b>
<b>Operations Fee</b>	Residential Unit	\$40/month
The Due Date for the Operations Fee is the 1 <sup>st</sup> day of each quarter		

**PAYMENTS:** Payment for each fee shall be made payable to Mirabelle Metropolitan District No. 1 and sent to the following address for receipt by the Due Date:

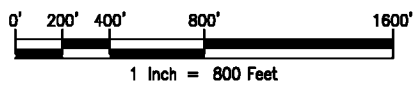
Mirabelle Metropolitan District No. 1  
 c/o CliftonLarsonAllen  
 8390 E. Crescent Parkway, Suite 300  
 Greenwood Village, CO 80111

**EXHIBIT B**

**Project Boundaries**

# MIRABELLE METROPOLITAN DISTRICT

A PORTION OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 68 WEST  
AND SECTION 13, TOWNSHIP 6 SOUTH, RANGE 69 WEST  
OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF DOUGLAS, STATE OF COLORADO



NE 1/4 SEC. 13,  
T.6S., R.69W., SIXTH P.M.

NW 1/4 SEC. 18,  
T.6S., R.68W., SIXTH P.M.

**ROXBOROUGH PARK ROAD**  
BOOK 1 OF PLATS, PAGE 8 & 28  
60' WIDE PUBLIC ROW

NE 1/4 SEC. 18, T.6S.,  
R.68W., SIXTH P.M.

C 1/4 COR. SEC. 18  
T.6S., R.68W., 6TH P.M.

C 1/4 COR. SEC. 13  
T.6S., R.69W., 6TH P.M.

E 1/4 COR. SEC. 13  
T.6S., R.69W., 6TH P.M.

HIGHLINE CANAL  
BK N PG 132  
BK 3 PG 430

SW 1/4 SEC. 18,  
T.6S., R.68W.,  
SIXTH P.M.

HIGHLINE CANAL  
BK K PG 404

M.M.D. NO. 2-LGID 66756

SE 1/4 SEC. 18,  
T.6S., R.68W., SIXTH P.M.

SE 1/4 SEC. 13,  
T.6S., R.69W.,  
SIXTH P.M.

SE COR. SEC. 13  
T.6S., R.69W., 6TH P.M.

M.M.D. NO. 1-LGID 18018

M.M.D. NO. 2-LGID 66756

M.M.D. NO. 3-LGID 66757

M.M.D. NO. 4-LGID 66758

S 1/4 COR. SEC. 13  
T.6S., R.69W., 6TH P.M.

NE 1/4 SEC. 24,  
T.6S., R.69W., SIXTH P.M.

**ROXBOROUGH  
PARK RD.**

S 1/4 COR. SEC. 18  
T.6S., R.68W., 6TH P.M.

NW 1/4 SEC. 19,  
T.6S., R.68W., SIXTH P.M.

NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

PATH: G:\121618-01\DWG\EXHIBITS\  
DWG NAME: \_\_\_\_\_  
DWG: **DSB** CHK: \_\_\_\_\_  
DATE: **5/9/2018**  
SCALE: **1" = 800'**

**AZTEC**  
CONSULTANTS, INC.  
300 East Mineral Ave,  
Suite 1  
Littleton, Colorado 80122  
Phone: (303)713-1898  
Fax: (303)713-1897  
www.aztecconsultants.com

**DISTRICT MAP**  
MIRABELLE METRO. DISTRICTS 1, 2, 3 & 4  
DOUGLAS COUNTY, COLORADO  
JOB NUMBER 121618-01 1 OF 1 SHEETS



## MIRABELLE METROPOLITAN DISTRICT NO. 1

### LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID SECTION 18, WHENCE THE SOUTH LINE OF SAID SOUTHWEST QUARTER BEARS NORTH 89°56'00" EAST WITH ALL BEARINGS HEREIN REFERENCED THERETO;

THENCE ALONG SAID SOUTH LINE, NORTH 89°56'00" EAST, A DISTANCE OF 421.71 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00°04'00" WEST, A DISTANCE OF 51.00 FEET;

THENCE NORTH 89°56'00" EAST, A DISTANCE OF 110.00 FEET;

THENCE SOUTH 00°04'00" EAST, A DISTANCE OF 51.00 FEET TO SAID SOUTH LINE;

THENCE ALONG SAID SOUTH LINE, SOUTH 89°56'00" WEST, A DISTANCE OF 110.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.129 ACRES, (5,610 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST, JR.  
COLORADO P.L.S. NO. 25645  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVENUE, SUITE 1  
LITTLETON, COLORADO 80122  
303-713-1898

## MIRABELLE METROPOLITAN DISTRICT NO. 2

### LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID SECTION 18, WHENCE THE SOUTH LINE OF SAID SOUTHWEST QUARTER BEARS NORTH 89°56'00" EAST WITH ALL BEARINGS HEREIN REFERENCED THERETO;

THENCE ALONG SAID SOUTH LINE, NORTH 89°56'00" EAST, A DISTANCE OF 531.71 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00°04'00" WEST, A DISTANCE OF 51.00 FEET;

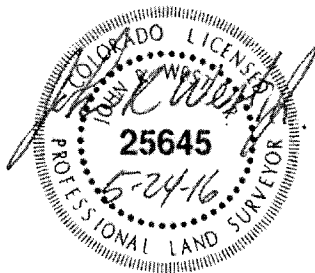
THENCE NORTH 89°56'00" EAST, A DISTANCE OF 110.00 FEET;

THENCE SOUTH 00°04'00" EAST, A DISTANCE OF 51.00 FEET TO SAID SOUTH LINE;

THENCE ALONG SAID SOUTH LINE, SOUTH 89°56'00" WEST, A DISTANCE OF 110.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.129 ACRES, (5,610 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST, JR.  
COLORADO P.L.S. NO. 25645  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVENUE, SUITE 1  
LITTLETON, COLORADO 80122  
303-713-1898

**EXHIBIT A**  
**(The Property)**

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 68 WEST AND THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 69 WEST ALL OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF SAID SECTION 13 BEING MONUMENTED AT THE NORTHEAST CORNER BY A NO. 6 REBAR WITHOUT A CAP AND AT THE SOUTHEAST CORNER BY A 2-1/2" ALUMINUM CAP IN A RANGE BOX STAMPED "PLS 28656", SAID LINE ASSUMED TO BEAR NORTH 00°19' 30" WEST, A DISTANCE OF 5,312.57 FEET.

**BEGINNING** AT SAID SOUTHEAST CORNER OF SECTION 13;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 13, SOUTH 89°43'10" WEST, A DISTANCE OF 108.77 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00°16'56" WEST, A DISTANCE OF 215.27 FEET;

THENCE NORTH 16°49'35" EAST, A DISTANCE OF 320.06 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 158.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 248.19 FEET;

THENCE NORTH 73°10'25" WEST, A DISTANCE OF 322.46 FEET;

THENCE SOUTH 66°50'22" WEST, A DISTANCE OF 12.45 FEET;

THENCE SOUTH 16°49'35" WEST, A DISTANCE OF 20.00 FEET;

THENCE NORTH 73°10'25" WEST, A DISTANCE OF 60.00 FEET;

THENCE NORTH 16°49'35" EAST, A DISTANCE OF 20.00 FEET;

THENCE NORTH 33°11'12" WEST, A DISTANCE OF 12.45 FEET;

THENCE NORTH 73°10'25" WEST, A DISTANCE OF 829.38 FEET;

THENCE SOUTH 70°59'19" WEST, A DISTANCE OF 13.66 FEET;

THENCE SOUTH 16°43'34" WEST, A DISTANCE OF 20.00 FEET;

THENCE NORTH 73°14'17" WEST, A DISTANCE OF 60.01 FEET;

THENCE NORTH 16°45'43" EAST, A DISTANCE OF 20.06 FEET;

THENCE NORTH 37°19'35" WEST, A DISTANCE OF 13.68 FEET;

THENCE NORTH 73°10'25" WEST, A DISTANCE OF 184.91 FEET;

THENCE SOUTH 16°49'35" WEST, A DISTANCE OF 73.91 FEET;

THENCE NORTH 73°10'25" WEST, A DISTANCE OF 164.00 FEET;

THENCE SOUTH 16°50'18" WEST, A DISTANCE OF 215.00 FEET;

THENCE NORTH 73°10'25" WEST, A DISTANCE OF 177.87 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY OF THE HIGHLINE CANAL AS RECORDED IN BOOK "N", PAGE 132 AND IN BOOK 3, PAGE 430 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER OF SAID DOUGLAS COUNTY;

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY THE FOLLOWING SEVEN (7) COURSES:

1. NORTH 16°49'28" EAST, A DISTANCE OF 660.93 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 350.32 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 73°04'51" EAST;
2. NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°45'41", AN ARC LENGTH OF 163.63 FEET;
3. NORTH 43°44'31" EAST, A DISTANCE OF 518.66 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 498.54 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 46°11'41" EAST;
4. NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°56'03", AN ARC LENGTH OF 164.75 FEET;
5. NORTH 62°46'03" EAST, A DISTANCE OF 727.66 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 446.92 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 27°14'58" EAST;
6. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°21'44", AN ARC LENGTH OF 221.23 FEET;
7. SOUTH 88°49'16" EAST, A DISTANCE OF 329.33 FEET TO SAID EAST LINE OF SECTION 13;

THENCE ALONG SAID EAST LINE, NORTH 00°19'30" WEST, A DISTANCE OF 49.97 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF THE HIGHLINE CANAL AS RECORDED IN BOOK "K", PAGE 404 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY THE FOLLOWING SEVEN (7) COURSES:

1. SOUTH 88°56'37" EAST, A DISTANCE OF 94.20 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 334.31 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 01°05'18" WEST;
2. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 24°10'43", AN ARC LENGTH OF 141.08 FEET;
3. SOUTH 64°39'47" EAST, A DISTANCE OF 486.60 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1248.28 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 25°12'48" WEST;
4. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°25'01", AN ARC LENGTH OF 248.74 FEET;