

**RESOLUTION OF THE
BOARD OF DIRECTORS
OF THE
BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 7

CONCERNING THE IMPOSITION OF FACILITIES FEES**

WHEREAS, the Brighton Crossing Metropolitan District No. 7 (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 Adams County, Colorado, and after approval of the District’s eligible electors at an election; and

WHEREAS, the City of Brighton, Colorado, finally approved a Consolidated Service Plan for the District, collectively with each of the Brighton Crossing Metropolitan District Nos. 5-6, and Brighton Crossing Metropolitan District No. 8 (collectively the “**Districts**”), on March 6, 2018 (the “**Service Plan**”); 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 finance, acquire and construct, certain amenities and facilities benefitting property and inhabitants within the District, which amenities and facilities generally include streets, parks and recreation, water, sanitation/storm sewer, transportation, safety control and security improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); 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 Districts incur certain direct and indirect costs associated with the financing, construction, repair, replacement, improvement, and reconstruction of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs (collectively, the “**Facilities Costs**”) in order that the Facilities may be properly provided; and

WHEREAS, the establishment and continuation of fair and equitable fees (the “**Facilities Fees**”) to provide a source of funding to pay for a portion of the Facilities Costs, which Facilities Costs are generally attributable to the persons and/or properties subject to such Facilities 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, as set forth in the Service Plan, the estimated Facilities Costs of the Districts were One Hundred One Million One Hundred Thirteen Thousand Dollars (\$101,113,000); and

WHEREAS, the District finds that the Facilities Fees, as set forth in this Resolution, are reasonably related to the overall cost of providing a portion of the Facilities and paying a portion of the Facilities 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:

“**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 B** and incorporated herein by this reference.

“**Due Date**” means the date by which the respective Facilities Fees are due, which each respective Due Date is reflected on the Schedule of Fees.

“**Fee Schedule**” or “**Schedule of Fees**” means the schedule of Facilities 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.

2. **FACILITIES FEE**

- a. A Facilities Fee is hereby established for the costs associated with the financing, construction, repair, replacement, improvement, and reconstruction of the Facilities built within or without the boundaries of the District and for other related costs of the District.
- b. The Facilities Fee shall be imposed upon all Lots at a rate established by the District from time to time pursuant to an annual Schedule of Fees and shall constitute the rate in effect until such Schedule of Fees is amended.
- c. All Facilities Fees shall be due and owing not later than ten (10) days after which a building permit is obtained by the owner of a Lot. The amount of each Facilities Fee due hereunder shall be at the rate in effect at the time of payment.

3. **LATE FEES AND INTEREST**. Pursuant to § 29-1-1102(3), C.R.S., the Facilities Fees, if not paid within ten (10) days after the scheduled Due Date will be assessed a late fee in the amount of Fifteen Dollars (\$15.00). Interest will also accrue on any outstanding Facilities Fees, exclusive of assessed late fees, penalties, interest and any other costs of

collection, specifically 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 reserves the right to waive any late fee or interest in its sole discretion. 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 "Brighton Crossing Metropolitan District No. 7" and sent to the address indicated on the Fee Schedule. The District may change the payment address from time to time and such change shall not require an amendment to this Resolution.

5. **LIEN.** The Facilities 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 Adams County, Colorado.

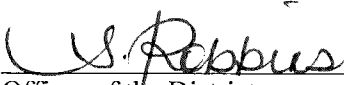
6. **SEVERABILITY.** If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void 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 B**, attached hereto and incorporated herein by this reference, and any additional property included into the District after the date of this Resolution.

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

ADOPTED this 15th day of April, 2019.

BRIGHTON CROSSING METROPOLITAN
DISTRICT NO. 7, a quasi-municipal corporation
and political subdivision of the State of Colorado



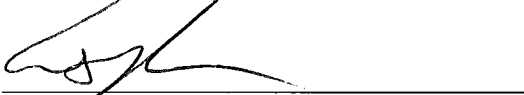
Officer of the District

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 Facilities Fees

EXHIBIT A

BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 7

Schedule of Fees

Effective December 3, 2018

Adopted pursuant to the following Resolution:
Resolution Concerning the Imposition of Facilities Fees

Schedule of Fees		
Fee Type	Classifications	Rate
Facilities Fee collected by District	SF Attached, SF Detached, Low Density MF	\$2,743/Unit Due Upon Issuance of Building Permit

- Payments by check made out to Brighton Crossing Metro District No. 7 may be mailed to:

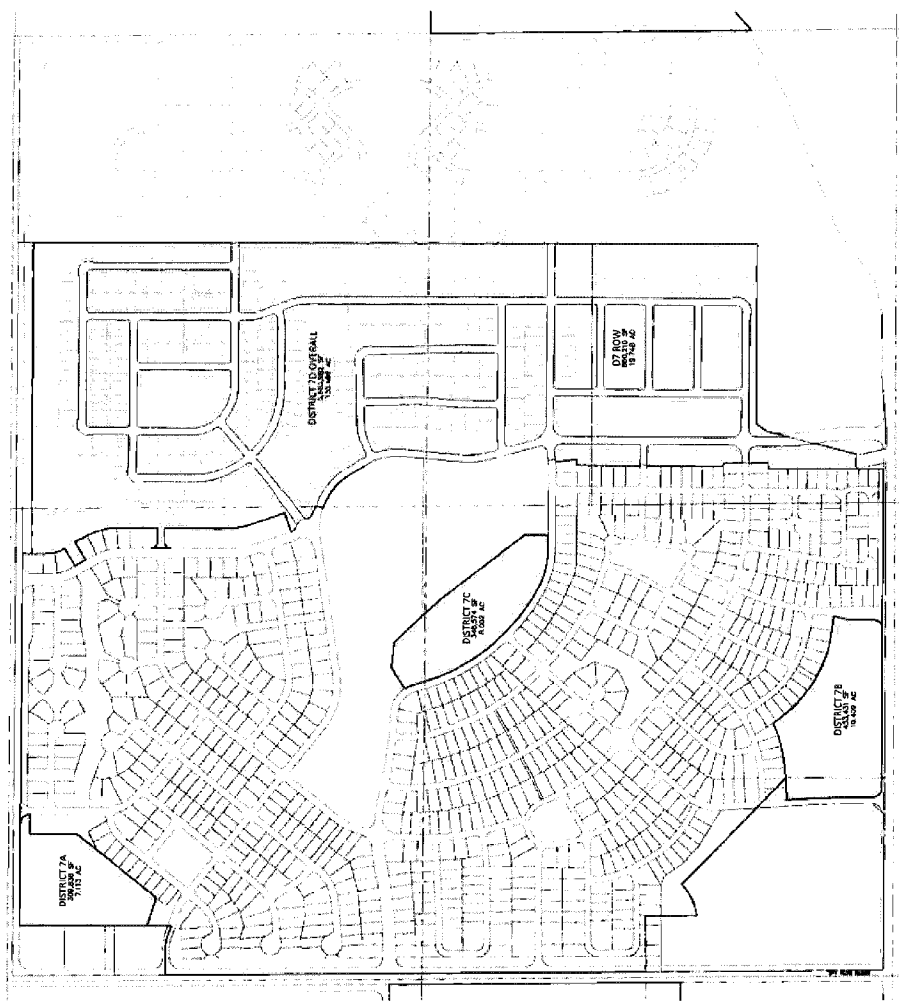
Pinnacle Consulting Group, Inc.
550 W. Eisenhower Blvd.
Loveland, CO 80537

EXHIBIT B

BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 7

District Boundaries

BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 7
 A PART OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 56 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO.



Parcel No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
2	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
3	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
4	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
5	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
6	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
7	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
8	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
9	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000

AZTEC
 CONSULTANTS, INC.
 300 East Harvard Ave. Suite 100
 Denver, Colorado 80202
 Phone: (303) 733-1000
 Fax: (303) 733-1001
 www.aztecconsultants.com

DISTRICT MAP
 BRIGHTON CROSSING METROPOLITAN
 DISTRICT NO. 7

SCALE
 1" = 100'

DATE	BY	REVISION
8/2/2019	JL	ISSUED FOR PERMIT