

**RESOLUTION OF THE
BOARD OF DIRECTORS
OF THE
BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 8

CONCERNING THE IMPOSITION OF FACILITIES FEES**

WHEREAS, the City of Brighton, Colorado (the “**City**”) approved that certain Service Plan for Brighton Crossing Metropolitan District Nos. 5-8 on March 6, 2018, as amended by that certain First Amendment to Service Plan for Brighton Crossing Metropolitan District Nos. 5-8, as approved by the City on July 7, 2020 (collectively, the “**Service Plan**”); and

WHEREAS, Brighton Crossing Metropolitan District No. 8 (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 (“**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 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 such fees, rates, tolls, penalties, and charges are 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 acquisition, construction, installation, repair, replacement, improvement, and reconstruction of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement (collectively, the “**Facilities Costs**”) in order that the Facilities may be properly provided and maintained; and

WHEREAS, the revenue derived from the District’s current *ad valorem* property taxes is insufficient to pay the entirety of Facility Costs; and

WHEREAS, the establishment of a fair and equitable fee (the “**Facilities Fee**”) to provide a source of funding to pay for a portion of the Facilities Costs, which Facilities Costs are generally attributable to each Lot (defined below), and other property in the District, is necessary

to provide for the common good and for the prosperity and general welfare of the District and its inhabitants; and

WHEREAS, the District finds that the Facilities Fee, as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, as may be amended from time to time by the Board, is reasonably related to the overall cost of providing 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:

“**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.

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

“**Fee Area Boundaries**” means the boundaries of the area within the District that is subject to the Facilities Fee, as more particularly set forth in the map and legal description attached hereto as **Exhibit B** and incorporated herein by this reference.

“**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 Fee Area 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 Fee Area Boundaries.

2. FACILITIES FEE

a. A one-time Facilities Fee is hereby established and imposed upon each Residential Unit within the Fee Area Boundaries.

b. The Facilities Fee shall be first due and owing as outlined in **Exhibit A**. The amount of each Facilities Fee due hereunder may be adjusted from time to time at the Board’s discretion and shall be at the rate in effect at the time of payment.

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

d. The revenues generated by the Facilities Fee will be accounted for separately from other revenues of the District. The Facilities Fee revenue will be used solely for the purpose of paying Facilities Costs and may not be used by the District to pay for general administrative costs of the District. This restriction on the use of the Facilities Fee revenue shall be absolute and without qualification.

e. 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. 8" and submitted in accordance with the instructions indicated on the Fee Schedule. The District may change the payment instructions 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 Fee Area Boundaries, as set forth in **Exhibit B**, attached hereto and incorporated herein by this reference.

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

ADOPTED NOVEMBER 30, 2023.

DISTRICT:

BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 8, a quasi-municipal corporation and political subdivision of the State of Colorado

By: 


Officer of the District

Attest:

By: 

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

Fee Schedule

BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 8

Schedule of Fees

Effective January 1, 2024

Adopted pursuant to the following Resolution:

Resolution Concerning the Imposition of Facilities Fees

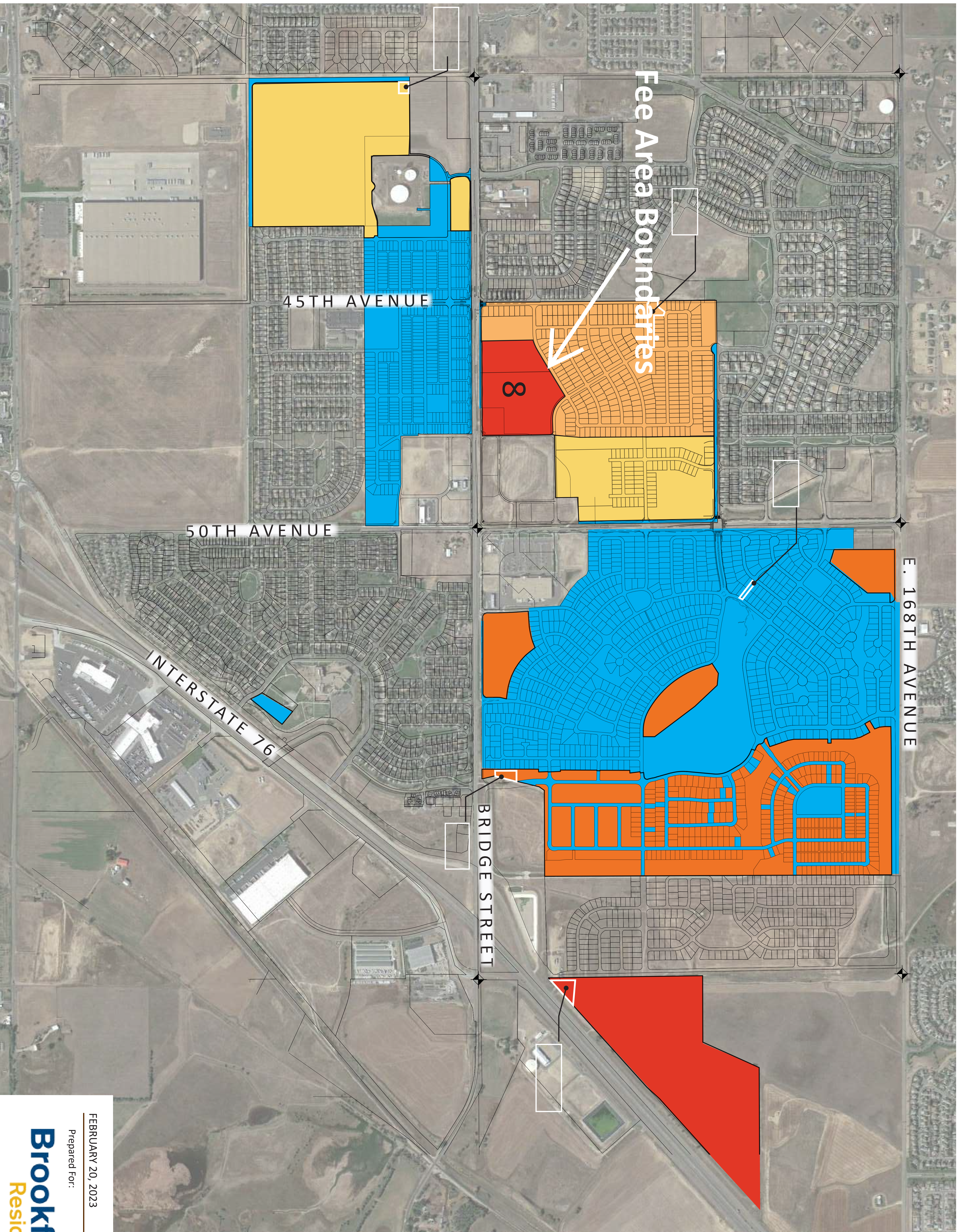
Schedule of Fees		
Fee Type	Classifications	Rate
Facilities Fee collected by District	Residential Unit	\$3,000/Unit Due Upon Issuance of Building Permit

Payments by check made out to Brighton Crossing Metropolitan District No. 8 may be mailed to:

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

EXHIBIT B

Fee Area Boundaries



BRIGHTON CROSSINGS
 Brighton Crossings
 Metropolitan
 Districts

- LEGEND:**
- ◆ Section Corner
 - District 4
 - District 5
 - District 6
 - District 7
 - District 8

BRIGHTON CROSSING METRO DISTRICT LAND DISTRIBUTION TABLE

PARCEL	AC	% OF TOTAL
Metro District 4	533,764	57.1%
Metro District 5	107,767	11.5%
Metro District 6	73,611	7.9%
Metro District 7	131,159	14.0%
Metro District 8	88,671	9.5%
TOTAL:	934,972	100.0%

FEBRUARY 20, 2023

Prepared For:



Prepared By:

