

When recorded return to:
McGeady Becher P.C.
450 E. 17th Avenue, Suite 400
Denver, CO 80203

RESOLUTION NO. 2022-11-09
RESOLUTION OF THE BOARD OF DIRECTORS OF WILDGRASS AT
ROCKRIMMON METROPOLITAN DISTRICT FURTHER AMENDING AND
RESTATING THE IMPOSITION OF DISTRICT FEES

- A. Wildgrass at Rockrimmon Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Colorado Springs (the “City”), County of El Paso, Colorado.
- B. The District was organized pursuant to its Amended and Restated Service Plan approved by the City on May 22, 2018, as it may be amended from time to time (the “Service Plan”).
- C. 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”).
- D. Century at Wildgrass, LLC, a Colorado limited liability company (the “Developer”), caused the Covenants and Restrictions of Wildgrass to be recorded in the real property records of El Paso County on May 25, 2018, at Reception No. 218059535 as the same may be amended and/or modified from time to time (the “Covenants”) and applicable to the Property.
- E. The Covenants provide the District with the authority to enforce each of the provisions provided therein.
- F. The District, pursuant to the Covenants and the Service Plan, is authorized to furnish covenant enforcement and design review services and is authorized and responsible for the ownership, operation, maintenance and construction of facilities to benefit the Property (the “District Improvements”).
- G. The Board of Directors of the District (the “Board”) previously determined that the Property would benefit from the District furnishing covenant enforcement and design review services.
- H. The Board further determined that the District would benefit from the District Improvements and the District’s operation and maintenance of the same.
- I. The District is authorized pursuant to Section 32-1-1001(1)(j), C.R.S., and its Service Plan to fix and impose fees, rates, tolls, charges and penalties for services, programs, or

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facilities provided by the District, which, until paid, shall constitute a perpetual lien on and against all property served.

J. The District is providing a service by operating and maintaining the District Improvements and furnishing covenant enforcement and design review services (collectively, the "Services").

K. The Board previously determined that, to meet the costs of providing the Services (the "Service Costs"), it was necessary to impose a fee (the "Operations Fee") on each lot and/or single-family residential dwelling unit ("Residential Unit") on the Property.

L. The Board previously adopted Resolution No. 2018-11-05, *Resolution of the Board of Directors of the Wildgrass at Rockrimmon Metropolitan District Regarding the Imposition of District Fees*, which was recorded in the real property records of El Paso County, Colorado, at Reception No. 219062415, Resolution No. 2020-11-02, *Amended and Restated Resolution of the Board of Directors of the Wildgrass at Rockrimmon Metropolitan District Regarding the Imposition of District Fees*, which was recorded in the real property records of El Paso County, Colorado, at Reception No. 220196090, and Resolution No. 2021-11-05, *Resolution of the Board of Directors of the Wildgrass at Rockrimmon Metropolitan District Amending and Restating the Imposition of District Fees*, which was recorded in the real property records of El Paso County, Colorado, at Reception No. 222085811 (collectively, the "Previous Resolutions").

M. The District has determined that the Operations Fee, as set forth in the Previous Resolutions, is reasonably related to the overall cost of providing the Services and paying the Service Costs, and that imposition thereof is necessary and appropriate.

N. Since the District's adoption of the Previous Resolutions, the costs to operate and maintain the District Improvements have increased, and, therefore, a related increase in the amount of fees imposed on each Residential Unit on the Property is necessary.

O. The District wishes to amend and restate the amount of the Operations Fee as set forth in the Previous Resolutions through the adoption of this Resolution in order to increase the amount of fees imposed on each Residential Unit on the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WILDGRASS AT ROCKRIMMON METROPOLITAN DISTRICT, AS FOLLOWS:

1. The Board hereby amends and restates the amount of the Operations Fee as set forth in the Previous Resolutions.

2. The Board 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 fee:

(a) **Operations Fee.**

(i) The Board hereby imposes an Operations Fee as follows:

(1) Upon sale of a lot to an Owner (other than the homebuilder constructing the initial Residential Unit).

a) One Hundred Thirty and 00/100 Dollars (\$130.00) per month per Residential Unit.

(ii) The District reserves the right to amend this Resolution in the future to increase or decrease the amount of the Operations Fee.

(iii) The Operations Fee shall be paid monthly as provided above. An invoice for the Operations Fee payable for each month will be mailed to each property owner ("Owner") on or before the 1st day of each month, unless such day falls on a weekend or holiday, then the invoice will be mailed on the next day that is not on a weekend or holiday (each a "Bill Date"). The Owner shall pay the Operations Fee for each month within thirty (30) days of the Bill Date ("Due Date"). If payment in full is not received by the Due Date, following a five (5) day grace period thereafter, 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.

(iv) Failure to make payment of any Operations Fee due hereunder shall constitute a default in the payment of such Operations Fee. Upon default, Owner shall be responsible for a late payment ("Late Payment Fee") in the amount of Fifteen Dollars (\$15.00) per late payment.

(v) If the Owner does not make payment of all past due amounts, which in the District's sole discretion may include simple interest as permitted by Section 29-1-1102(7), C.R.S. (the "Delinquent Balance"), within sixty (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 Residential Unit by recording a Lien Statement in the office of the El Paso 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.

3. The Operations Fee 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 El Paso 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 attorneys' fees, incurred by the District in connection with the foregoing. In foreclosing such lien, the District will enforce the lien only to the extent necessary to collect the Delinquent Balance and costs of collection (including, but not limited to, reasonable attorneys' fees).

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 Operations Fee may be directed to the District Manager at: Adam Noel, Walker Schooler District Managers, 614 N. Tejon St., Colorado Springs, CO 80903, phone number: (719) 447-1777.

7. This Resolution shall take effect immediately upon its adoption and approval.

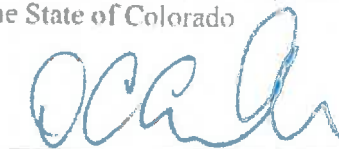
[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2022-11-09]

APPROVED AND ADOPTED this 17th day of November 2022.

**WILDGRASS AT ROCKRIMMON
METROPOLITAN DISTRICT**, a quasi-
municipal corporation and political subdivision
of the State of Colorado

By:



President

Attest:



Secretary or Assistant Secretary

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Lots 1 through 76 inclusive,
Wildgrass Filing No. 1,
City of Colorado Springs, County of El Paso, State of Colorado.