

**RESOLUTION NO. 2016-12-29**

**SPRING VALLEY METROPOLITAN DISTRICT NO. 3  
FACILITIES FEE RESOLUTION**

A. Spring Valley Metropolitan District No. 3 (the “**District**”) is situated in Elbert County (the “**County**”), State of Colorado. 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

B. The property within the boundaries of the District is currently being platted and subdivided for home construction (the “**Property**”).

C. The District Board of Directors has determined that prior to maturation of its tax base it is necessary and appropriate to fix and charge rates for use of its services and facilities in order to pay all or a portion of the cost of capital used to construct such facilities and to operate and maintain such facilities.

D. The adoption of services and facilities rates in the form of a “**Facilities Fee**” will serve a public purpose and promote the health, safety and general welfare of the District by providing for the orderly payment of the District’s costs of operation, maintenance and capital.

E. The District Board of Directors finds that such a Facilities Fee is authorized by Section 32-1-1001(1)(j)(I), C.R.S.

NOW, THEREFORE, be it resolved by the Board of Directors of the Spring Valley Metropolitan District No. 3:

1. The Board of Directors hereby finds, determines and declares the necessity of providing for the orderly payment of the District’s operation, maintenance and capital costs in order to ensure the full satisfaction of the District’s financial obligations incurred for the construction, operation and maintenance of the District Service System, as hereafter defined, all to ensure the health, safety and welfare of the inhabitants of the District.

2. The following words and phrases used herein shall have the following meaning:

(a) **Board**: the duly elected or appointed Board of Directors of the District, as constituted from time to time.

(b) **District Service System**: the system of water, sanitation, street and safety protection, park and recreation, transportation, television relay and translation, fire protection and mosquito control facilities constructed by the District.

(c) Lot: means a lot as shown on a recorded final plat for the Property or any portion thereof, which has been subdivided for the construction of a single dwelling unit<sup>1</sup>.

(d) Facilities Fee(s): the payment made or to be made by the owner(s) of the Property to the District as consideration for the right to connect to and/or use the District Service System for one (1) Lot.

3. There shall be assessed and charged a Facilities Fee pursuant to Section 32-1-1001(1)(j)(I), C.R.S., for use of the District Service System.

4. The Facilities Fee shall be imposed at a rate of \$3,950 per Lot.

5. The owners of all land within the District, other than non-profit organizations or governmental owners, shall be subject to the Facilities Fee.

6. Such Facilities Fees shall be revised upward or downward from time to time upon adoption of a resolution by the District Board of Directors.

7. The Facilities Fee with respect to any Lot shall be due and payable on or before the date of issuance of a building permit by Elbert County for improvements to be constructed on such Lot.

8. The Facilities Fee shall constitute a statutory and perpetual charge and lien upon the Property in the District pursuant to Section 32-1-1001(1)(j)(I), C.R.S., from the date the same becomes due and payable until paid, 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 Elbert County, Colorado.

9. Failure to make payment of the Facilities Fees due hereunder shall constitute a default in the payment of such Facilities Fees. Upon a default, interest shall accrue on such total amount of Facilities Fees due at the rate of 10% per annum and 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 property owner shall pay all costs, including attorneys' fees, incurred by the District in connection with the foregoing. In foreclosing its lien, the District will enforce the lien only to the extent necessary to collect unpaid Facilities Fees, accrued interest thereon and costs of collection (including, but not limited to, reasonable attorneys' fees).

10. Judicial invalidation of any of the provisions of this 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 this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

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<sup>1</sup> A "dwelling unit" means a single family, detached residential building, intended for occupancy by one or more individuals and consisting of one self-contained living unit.

11. Any inquiries pertaining to the Facilities Fee may be directed to the District's Manager at: 141 Union Blvd., Suite 150, Lakewood, CO 80228, (303) 987-0835.

The Facilities Fee set forth herein is hereby approved and adopted by Resolution of the Spring Valley Metropolitan District No. 3 effective as of the 29<sup>th</sup> day of December, 2016.

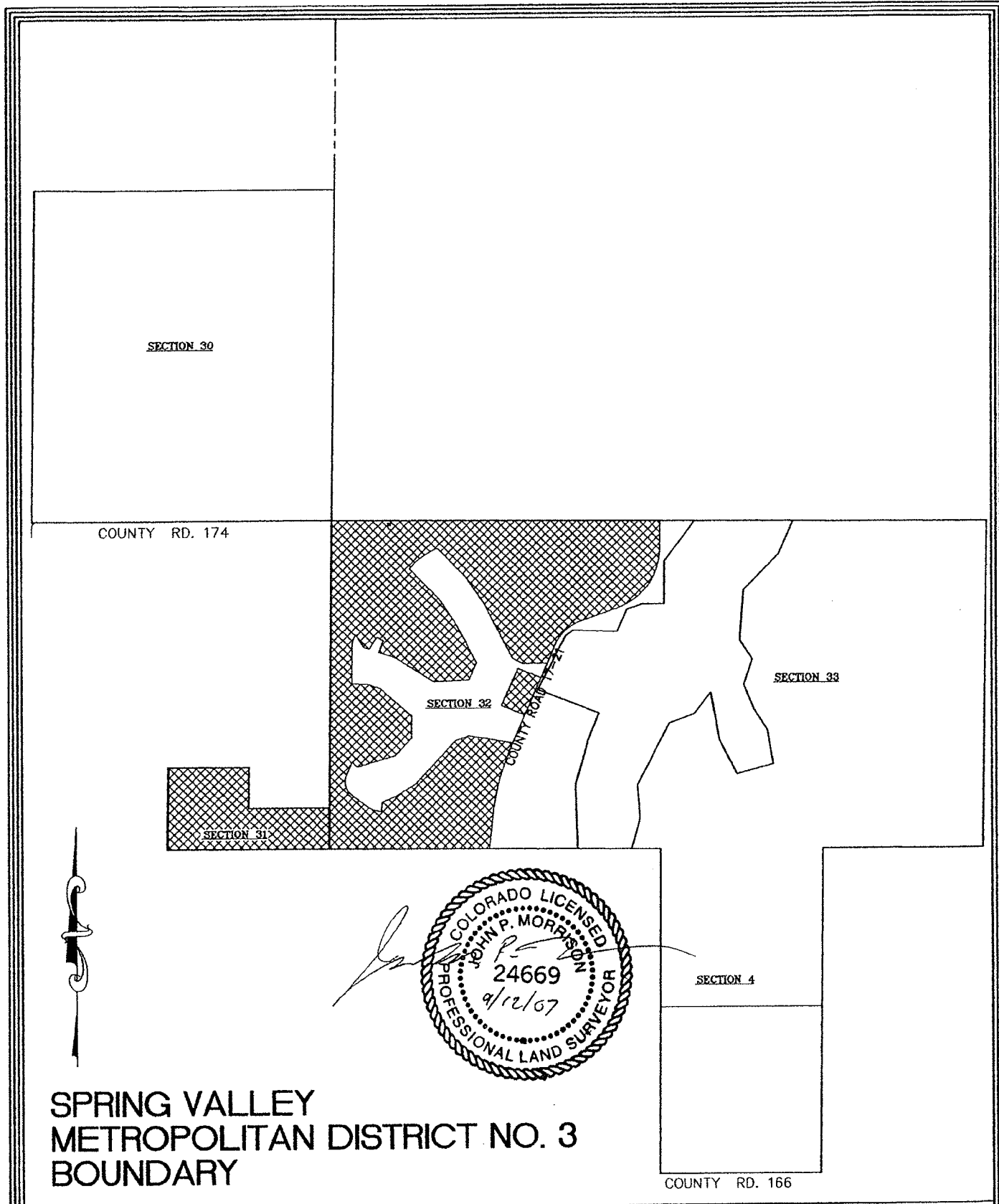
SPRING VALLEY METROPOLITAN DISTRICT NO. 3

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

**EXHIBIT A**  
**(LEGAL DESCRIPTION)**



*[Handwritten Signature]*  
 COLORADO LICENSED  
 JOHN P. MORRISON  
 24669  
 2/21/07  
 PROFESSIONAL LAND SURVEYOR

**SPRING VALLEY  
 METROPOLITAN DISTRICT NO. 3  
 BOUNDARY**



**HIGH COUNTRY ENGINEERING, INC.**  
 14 INVERNESS DRIVE EAST, SUITE F-120  
 ENGLEWOOD, COLORADO 80112  
 PH (303) 925-0544 FX (303) 925-0547  
 METRO-VICIN rev

**RUNNING CREEK  
 INVESTMENTS, LLC  
 ELBERT COUNTY, CO  
 SPRING VALLEY RANCH  
 VICINITY MAP**

SCALE 1"=2000'

DES.	CK.	TEW	FILE NO.	SHEET 1
DR. RCE	DATE 07/31/07		9820101	OF 1

METROPOLITAN DISTRICT NO. 3  
PROPERTY DESCRIPTION

A parcel of land being the Southwest Quarter of the Southeast Quarter and the South Half of the Southeast Quarter and the South Half of the Southeast Quarter of the Southeast Quarter of Section 31, Township 6 South, Range 64 West of the Sixth Principal Meridian, County of Elbert, State of Colorado; said parcel being more particularly described as follows:

Commencing at the Southeast corner of said Section 31, a 2-1/2" aluminum cap L.S. # 6935 in place, the POINT OF BEGINNING;  
Thence North 89°55'54" West along the southerly line of said Section 31 a distance of 2567.23 feet to the South Quarter corner of said Section 31, a 2-1/2" aluminum cap L.S. # 6935 in place;  
Thence leaving said southerly line North 00°50'18" East along the north-south centerline of said Section 31 a distance of 1320.65 feet to the South-Center Sixteenth corner of said Section 31, a 2-1/2" aluminum cap L.S. # 6935 in place;  
Thence South 89°55'33" East along the northerly line of the Southwest Quarter of the Southeast Quarter of said Section 31 a distance of 1280.88 feet to the Southeast Sixteenth corner of said Section 31, a 3-1/4" aluminum cap L.S. #19598 in place;  
Thence South 00°43'10" West along the easterly line of said Southwest Quarter of the Southeast Quarter a distance of 660.24 feet to the Center-South-Southeast Sixty-fourth corner of said Section 31, a 3-1/4" aluminum cap L.S. #19598 in place;  
Thence South 89°55'44" East along the northerly line of the South Half of the Southeast Quarter of the Southeast Quarter of said Section 31 a distance of 1282.25 feet to the South-South Sixty-fourth corner of Section 31 and Section 32, a 3-1/4" aluminum cap L.S. #19598 in place;  
Thence South 00°36'02" West along the easterly line of said Section 31 a distance of 660.16 feet to the POINT OF BEGINNING; said parcel containing 58.312 acres, more or less.

TOGETHER WITH:

A parcel of land in Section 32, Township 6 South, Range 64 West of the Sixth Principal Meridian, County of Elbert, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 32, a 2-1/2" aluminum cap L.S. #6935 in place;  
Thence North 00°36'02" East along the westerly line of said Section 32 a distance of 2640.65 feet to the West Quarter corner of said Section 32, a 2-1/2" aluminum cap L.S. #7361 in place;  
Thence continuing along the westerly line of said Section 32 North 00°34'15" East a distance of 2651.85 feet to the Northwest corner of said Section 32, a 3-1/4" aluminum cap L.S. #6935 in place;  
Thence South 89°35'36" East along the northerly line of said Section 32 a distance of 2648.33 feet to the North Quarter corner of said Section 32, a 3-1/4" aluminum cap L.S. #6935 in place;

Thence continuing along said northerly line South 89°36'48" East a distance of 2606.23 feet to a point on the westerly right-of-way County Road 17-21;

Thence along said westerly right-of-way the following ten (10) courses:

1. South 00°21'47" West a distance of 436.03 feet;
2. along the arc of a curve to the right having a central angle of 70°28'07", a radius of 1,030.00 feet and an arc distance of 1,266.81 feet (chord bears South 35°35'51" West 1,188.46 feet);
3. South 70°49'54" West a distance of 598.65 feet;
4. along the arc of a curve to the left having a central angle of 48°06'03", a radius of 725.00 feet and an arc distance of 608.65 feet (chord bears South 46°46'53" West, 590.93 feet);
5. South 22°43'51" West a distance of 538.33 feet;
6. South 23°46'34" West a distance of 1,069.65 feet to a point of curvature;
7. along the arc of a curve to the left having a central angle of 04°53'18", a radius of 3,050.00 feet and an arc distance of 260.21 feet (chord bears South 21°19'55" West, 260.14 feet);
8. South 18°53'16" West a distance of 378.31 feet;
9. along the arc of a curve to the left having a central angle of 12°38'51", a radius of 2,450.00 feet and an arc distance of 540.82 feet (chord bears South 12°33'51" West, 539.72 feet);
10. South 06°14'25" West a distance of 670.27 feet to point on the southerly line of said Section 32;

Thence North 89°38'02" West along said southerly line a distance of 2571.32 feet to the POINT OF BEGINNING. Said parcel containing 443,409 acres, more or less.

#### EXCEPTING

A parcel of land situated in Section 32, Township 6 South, Range 64 West of the Sixth Principal Meridian, County of Elbert, State of Colorado, said parcel being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 32, a 3 1/4" aluminum cap L.S. #6935 in place;

Thence South 65°14'03" West a distance of 1,049.36 feet to the POINT OF BEGINNING;

Thence South 43°51'07" East a distance of 634.30 feet;

Thence South 34°52'56" East a distance of 523.58 feet;

Thence South 27°14'17" East a distance of 1,006.07 feet;

Thence South 62°39'47" East a distance of 184.27 feet;

Thence North 89°00'30" East a distance of 389.07 feet to a point on the northwesterly right-of-way of County Road 17-21;

Thence South 22°49'03" West along said right-of-way a distance of 258.70 feet;

Thence leaving said right-of-way North 67°16'09" West a distance of 400.34 feet;

Thence South 23°46'34" West a distance of 652.95 feet;

Thence South 67°16'09" East a distance of 400.34 feet to a point on the northwesterly right-of-way of County Road 17-21;


Thence South 23°37'02" West along said right-of-way a distance of 485.89 feet;

Thence leaving said right-of-way North 80°38'37" West a distance of 713.51 feet;

Thence South 69°35'19" West a distance of 227.61 feet;  
Thence South 42°42'24" West a distance of 938.90 feet;  
Thence South 57°48'22" West a distance of 383.17 feet;  
Thence South 67°35'15" West a distance of 232.90 feet;  
Thence South 07°25'37" West a distance of 151.84 feet;  
Thence North 82°34'23" West a distance of 18.89 feet;  
Thence along the arc of a curve to the right having a central angle of 31°00'37", a radius of 465.00 feet, and an arc length of 251.67 feet (chord bears North 67°04'04" West, 248.61 feet);  
Thence North 51°33'46" West a distance of 290.86 feet;  
Thence along the arc of a curve to the right having a central angle of 76°38'08", a radius of 265.00 feet and an arc length of 354.45 feet (chord bears North 13°14'42" West, 328.61 feet);  
Thence North 25°04'22" East a distance of 221.66 feet;  
Thence South 45°49'53" East a distance of 112.63 feet;  
Thence North 73°50'38" East a distance of 631.14 feet;  
Thence North 42°42'24" East a distance of 385.37 feet;  
Thence North 00°02'55" West a distance of 361.07 feet;  
Thence North 48°14'50" West a distance of 666.35 feet;  
Thence North 72°08'40" West a distance of 233.25 feet;  
Thence North 87°49'16" West a distance of 227.36 feet;  
Thence North 00°15'56" East a distance of 594.78 feet;  
Thence along the arc of a curve to the right having a central angle of 32°16'46", a radius of 365.00 feet and a distance of 205.63 feet (chord bears South 16°24'18" West 202.93 feet);  
Thence South 31°46'19" East a distance of 244.53 feet;  
Thence South 72°08'40" East a distance of 92.69 feet;  
Thence North 32°26'09" East a distance of 230.46 feet;  
Thence along a curve to the left having a central angle of 15°19'17", a radius of 430.00 feet and a distance of 114.99 feet (chord bears North 60°38'35" West, 114.64 feet);  
Thence South 21°42'24" West a distance of 200.61 feet;  
Thence South 72°08'40" East a distance of 275.08 feet;  
Thence South 56°50'08" East a distance of 729.00 feet;  
Thence North 87°30'10" East a distance of 576.72 feet;  
Thence North 21°48'46" East a distance of 302.81 feet;  
Thence North 27°14'17" West a distance of 755.58 feet;  
Thence North 34°52'56" West a distance of 443.70 feet;  
Thence North 43°51'07" West a distance of 667.11 feet;  
Thence along the arc of a curve to the right having a central angle of 21°09'10", a radius of 565.00 feet and a distance of 208.59 feet (chord bears South 44°12'56" West, 207.41 feet);  
Thence North 54°47'31" East a distance of 137.46 feet;  
Thence along the arc of a curve to the right having a central angle of 16°13'51", a radius of 765.00 feet and a distance of 216.71 feet (chord bears North 62°54'26" East, 215.99 feet) to the POINT OF BEGINNING. Said parcel contains 106.288 acres, more or less.



Containing a total of 395.433 acres, more or less.

  
John P. Morrison, PLS 24669  
For and on Behalf of  
High Country Engineering, Inc.  
14 Inverness Drive East, Suite F-120  
Englewood, CO 80112

