

RESOLUTION NO. 2021-10-07

**SPRING VALLEY METROPOLITAN DISTRICT NO. 6
FACILITIES FEE RESOLUTION**

A. Spring Valley Metropolitan District No. 6 (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’s 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. 6:

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 unit¹.

(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.

¹ 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. 6 effective as of the 21st day of October, 2021.

SPRING VALLEY METROPOLITAN DISTRICT NO. 6

By: Jim Marshall
President

Attest:



Secretary

**EXHIBIT A
(LEGAL DESCRIPTION)**