

**RESOLUTION NO. 2022-06-03**

**SPRING VALLEY METROPOLITAN DISTRICT NO. 5  
FACILITIES FEE RESOLUTION**

A. Spring Valley Metropolitan District No. 5 (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. 5:

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 and/or financed 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. In the event that any portion of the Property is subdivided and used for any purpose other than single family, detached residential buildings, the Board shall have the discretion to adjust the rate of the Facilities Fee consistent with such use.

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 16<sup>th</sup> day of June, 2022.

SPRING VALLEY METROPOLITAN DISTRICT NO. 5

By: James E Marshall  
President

Attest:



Secretary

**EXHIBIT A  
(LEGAL DESCRIPTION)**

A PARCEL OF PROPERTY LOCATED IN SECTION 30, 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 NORTHEAST CORNER OF SECTION 30, AND CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 TO BEAR S 00°39'45" W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S 00°39'45" W ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 2653.20 FEET TO THE EAST 1/4 COR OF SAID SECTION 30; THENCE S 00°41'30" W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 30 A DISTANCE OF 2652.52 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE S 89°57'38" W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 30 A DISTANCE OF 1233.28 FEET; THENCE N 00°00'00" E A DISTANCE OF 424.73 FEET; THENCE N 07°50'30" E A DISTANCE OF 120.00 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 870.00 FEET, A LENGTH OF 64.17 FEET AND A DELTA ANGLE OF 4°13'34" (CHORD BEARS N84°16'17"W, 64.16 FEET); THENCE N 03°36'56" E A DISTANCE OF 60.00 FEET; THENCE N 05°39'58" W A DISTANCE OF 222.85 FEET; THENCE N 00°00'00" E A DISTANCE OF 950.15 FEET; THENCE N 24°16'30" W A DISTANCE OF 9.97 FEET; THENCE S 60°31'29" W A DISTANCE OF 15.16 FEET; THENCE N 75°30'03" W A DISTANCE OF 468.22 FEET; THENCE N 68°40'02" W A DISTANCE OF 89.24 FEET; THENCE N 55°04'39" W A DISTANCE OF 88.24 FEET; THENCE N 45°19'00" W A DISTANCE OF 39.31 FEET; THENCE N 30°56'18" W A DISTANCE OF 85.13 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 430.00 FEET, A LENGTH OF 287.22 FEET AND DELTA ANGLE OF 38°16'14" (CHORD BEARS N85°48'44"W, 281.91 FEET); THENCE S 23°19'23" W A DISTANCE OF 125.00 FEET; THENCE N 62°40'34" W A DISTANCE OF 77.44 FEET; THENCE N 54°40'30" W A DISTANCE OF 77.44; THENCE N 46°40'25" W A DISTANCE OF 77.44 FEET; THENCE N 38°40'21" W A DISTANCE OF 77.44 FEET; THENCE N 26°46'41" W A DISTANCE OF 214.82 FEET; THENCE N 26°40'14" W A DISTANCE OF 42.43 FEET; THENCE N 30°34'24" W A DISTANCE OF 60.00 FEET; THENCE N 41°52'28" W A DISTANCE OF 60.00 FEET; THENCE N 42°23'11" E A DISTANCE OF 180.00 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 13.19 FEET, A LENGTH OF 20.71 FEET AND A DELTA ANGLE OF 89°55'39" (CHORD BEARS N10°34'20"W, 18.65 FEET) TO A POINT OF REVERSE CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 280.00 FEET, A LENGTH OF 16.75 FEET AND DELTA ANGLE OF 3°25'40" (CHORD BEARS N32°52'48"E, 16.75 FEET); THENCE S 58°50'01" E A DISTANCE OF 120.00 FEET; THENCE N 23°28'11" EA DISTANCE OF 107.14 FEET; THENCE N 10°06'38" E A DISTANCE OF 85.80 FEET; THENCE N 00°00'00" E A

DISTANCE OF 372.31; THENCE N 90°00'00" W A DISTANCE OF 117.55 FEET;  
THENCE S 31°30'16" W A DISTANCE OF 56.77 FEET TO A POINT OF CURVE;  
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A  
RADIUS OF 57.00 FEET, A LENGTH OF 31.34 FEET AND A DELTA ANGLE OF  
31°30'16" (CHORD BEARS N74°14'52"W, 30.95 FEET); THENCE N 90°00'00" W A  
DISTANCE OF 16.16 FEET; THENCE N48°49'25" E A DISTANCE OF 1791.43 FEET;  
THENCE N 00°38'25" W A DISTANCE OF 999.01 FEET TO A POINT ON THE NORTH  
LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE S 89°58'39" E ALONG  
THE NORTH LINE OF THE NORTHEAST 1/4 A DISTANCE OF 1381.71 TO THE POINT  
OF BEGINNING.

PARCEL CONTAINS 9,302,696 SQUARE FEET, 231.56 ACRES MORE OR LESS.