

After Recording, Return to:
WHITE BEAR ANKELE TANAKA & WALDRON
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

RESOLUTION NO. 2018-10-02

**AMENDMENT TO THE
FIFTH AMENDED AND RESTATED RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
ESTANCIA METROPOLITAN DISTRICT**

**CONCERNING THE IMPOSITION OF OPERATIONS FEE AND CAPITAL
FACILITIES FEE**

(Adoption of New Fee Schedule)

WHEREAS, Estancia Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado; 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, controls and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix, impose and, from time to time to increase or decrease, fees, rates, tolls, charges and penalties for services of facilities provided by the District which, until such fees, rates, tolls, charges and penalties are paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, on October 26, 2016, the Board adopted the Fifth Amended and Restated Resolution of the Board of Directors of the Estancia Metropolitan District Concerning the Imposition of Operations Fee and Capital Facilities Fee, which was recorded in the real property records of the Arapahoe County Clerk and Recorder’s Office on May 25, 2017 at Reception No. D7058330 (the “**2016 Fee Resolution**”); and

WHEREAS, the Board has determined that modification of the schedule of fees in the 2016 Fee Resolution is necessary and in the best interests of the District, present and future property owners within the District and the properties served by the District.

NOW, THEREFORE, be it resolved by the Board as follows:

1. AMENDMENT. The schedule of fees set forth in Exhibit A of the 2016 Fee Resolution is hereby repealed and replaced in its entirety by the schedule of fees set forth in **Exhibit A** to this Resolution, which is attached hereto and incorporated herein by this reference.

2. PRIOR PROVISIONS EFFECTIVE. Except as specifically amended hereby, all the terms and provisions of the 2016 Fee Resolution shall remain in full force and effect.

3. PRIOR FEES. Any fees, rates, tolls, penalties or charges due under the 2016 Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

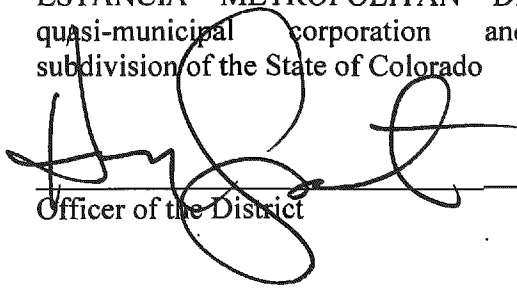
4. THE PROPERTY. This Resolution shall apply to all property within the District's boundaries, including, but not limited to, the property set forth in **Exhibit B**, attached hereto and incorporated herein by this reference, and any additional property included in the District after the date of this Resolution.

5. EFFECTIVE DATE. This Resolution shall become effective October 3, 2018.

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

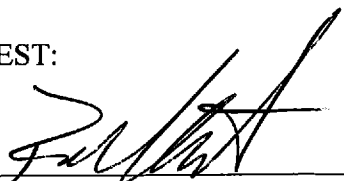
ADOPTED this 3rd day of October, 2018.

ESTANCIA METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado



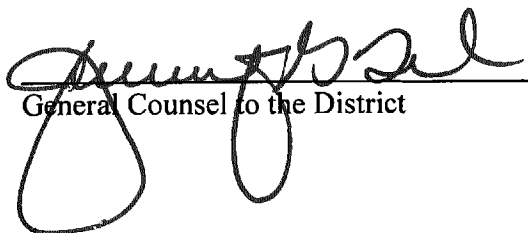
Officer of the District

ATTEST:



APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law



General Counsel to the District

Signature page to Amendment to the Resolution Concerning the Imposition of Operations Fee and Capital Facilities Fee – Adoption of New Fee Schedule

EXHIBIT A**ESTANCIA METROPOLITAN DISTRICT****Schedule of Fees****Effective October 3, 2018**

Schedule of Fees		
Fee Type	Classifications	Rate
Operations Fee	Residential Unit	\$875 twice annually
The Due Date for each Operations Fee is the 1 st day of January and July of each year. The Operations Fee for each Lot shall commence upon the initial transfer of a Lot to a builder and is 50% of the rate until the Lot is transferred to an End User at which point going forward 100% of the Operations Fee is due and owing.		
Capital Facilities Fee*	Single Family Residence	\$6,075/ Residential Unit
*Amount to increase by 5% on January 1, 2019, rounded to the nearest twenty-five dollars (\$25.00), and increased by 5%, compounded, on each January 1 thereafter until no Residential Units remain to be constructed within the District.		
The Due Date for each Capital Facilities Fee is: 1) the date of Transfer to an End User; or 2) when a Residential Unit is occupied for residential use, whichever shall first occur.		

PAYMENTS:

Payments for the Operations Fee shall be made payable to the Estancia Metropolitan District and sent to the following address for receipt by the Due Date:

Summit Management and Consulting, LLC
 4950 S. Yosemite Street, F2-506
 Greenwood Village, Colorado 80111
 Phone: (303) 459-4919
 Fax: (303) 484-9742

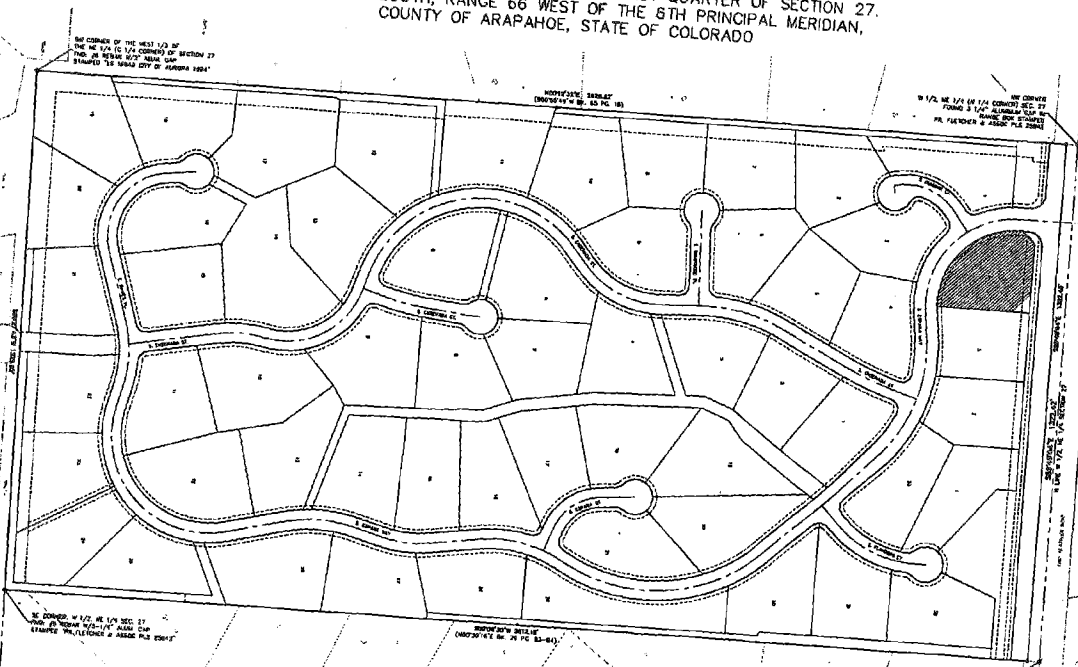
Payments for the Capital Facilities Fee shall be made payable to the Estancia Metropolitan District and sent to the following address for receipt by the Due Date:

Simmons & Wheeler, P.C.
 304 Inverness Way South, Suite 490
 Englewood, Colorado 80112
 Phone: (303) 689-0833
 Fax: (303) 689-0834

EXHIBIT B
ESTANCIA METROPOLITAN DISTRICT
District Boundaries

ESTANCIA METROPOLITAN DISTRICT

BOUNDARY MAP A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO



SW CORNER OF THE WEST 1/2 OF THE NE 1/4 OF 1/4 CORNER OF SECTION 27 TWP. 5 S. R. 66 W. 6TH PRINCIPAL MERIDIAN. STAMPED '68 WIND CITY OF ARAPAHOE DIST'

MONUMENT BEARING (2007) 44° 30' 00" W 65 FC 100

NE CORNER 1/2 1/4 NE 1/4 OF 1/4 CORNER SEC. 27 TWP. 5 S. R. 66 W. 6TH PRINCIPAL MERIDIAN. STAMPED '68 WIND CITY OF ARAPAHOE DIST'

SE CORNER 1/2 1/4 NE 1/4 SEC. 27 TWP. 5 S. R. 66 W. 6TH PRINCIPAL MERIDIAN. STAMPED '68 WIND CITY OF ARAPAHOE DIST'

MONUMENT BEARING (2007) 44° 30' 00" W 65 FC 100

NE CORNER 1/2 1/4 NE 1/4 SEC. 27 TWP. 5 S. R. 66 W. 6TH PRINCIPAL MERIDIAN. STAMPED '68 WIND CITY OF ARAPAHOE DIST'



NOTE: THIS MAP WAS PREPARED USING THE PROPERTY AND LOT DATA OBTAINED FROM THE 1978 AERIAL PHOTOGRAPHIC SURVEY OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSE.

LEGEND
--- DISTRICT BOUNDARY

1/20" = 1" HORIZ. SCALE
DATE: 12/22/08

SHEET 1 OF 1

Peak
Civil Consultants

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