

RESOLUTION NO. 2018-08- 04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SHERIDAN STATION
WEST METROPOLITAN DISTRICT REGARDING THE IMPOSITION OF DISTRICT
FEES FOR OPERATIONS AND MAINTENANCE

A. Sheridan Station West Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Lakewood (the “**City**”), Jefferson County (the “**County**”), Colorado.

B. The District was organized pursuant to a Service Plan approved by the City on August 22, 2016 (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. The District is authorized, pursuant to the Service Plan, to provide for the ownership, operation, maintenance and construction of facilities to benefit the Property, as well as design review and covenant enforcement services (the “**Improvements and Services**”).

E. The District is authorized by the Service Plan, and pursuant to Section 32-1-1001(1)(j), C.R.S., to fix and impose fees, rates, tolls, charges and penalties for services of facilities provided by the District, which, until paid, shall constitute a perpetual lien on and against all property served.

F. The Property will benefit from the Improvements and Services and the District’s operation and maintenance of the same.

G. The District has determined that, to meet the costs associated with the Improvements and Services and the cost of operating and maintaining the Improvements and Services, it is necessary to impose District Fees for Operations and Maintenance on the Property, as set forth in the attached Exhibit B – Schedule of District Fees for Operations and Maintenance, as may be amended from time to time, and District Fees for Late Payment and Lien Enforcement, as set forth in the attached Exhibit C, as may be amended from time to time (collectively, “**District O&M Fees**”).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SHERIDAN STATION WEST METROPOLITAN DISTRICT:

1. The Board of Directors of the District hereby finds, determines and declares that it is in the best interests of the District, its inhabitants and taxpayers, to exercise its power by imposing District Fees for Operations and Maintenance as set forth in the attached Exhibit B – Schedule of District Fees for Operations and Maintenance, as may be amended from time to time.

2. Failure to make payment of any District Fees for Operations and Maintenance due hereunder shall constitute a default in the payment of such District O&M Fees. Upon default,

Owner shall be responsible for a late payment (“**Late Payment Fee**”) as set forth in the attached **Exhibit C** – Schedule of District Fees for Late Payment and Lien Enforcement.

3. District O&M Fees shall not be imposed on real property conveyed or dedicated to non-profit owners’ associations, governmental entities or utility providers.

4. NOTICE IS HEREBY GIVEN THAT FAILURE TO MAKE PAYMENT OF ALL PAST DUE AMOUNTS, INCLUDING INTEREST, MAY SUBJECT AN OWNER’S PROPERTY TO A LIEN PURSUANT TO Section 38-22-109(3), C.R.S., as more particularly described below and in the attached **Exhibit C** – Schedule of District Fees for Late Payment and Lien Enforcement.

5. District O&M Fees 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 Jefferson County, Colorado.

6. 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 of unpaid District Fees, Late Payment Fees, interest and costs of collection (including, but not limited to, reasonable attorneys’ fees).

7. 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.

8. Nothing herein shall be interpreted or construed as limiting the Board’s authority, in its sole and absolute discretion, to supplement or amend this Resolution from time to time.

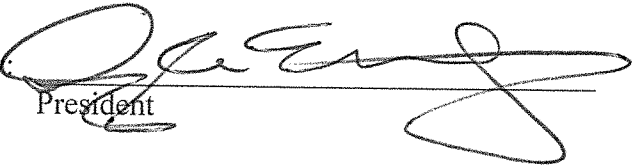
9. Any inquiries pertaining to the District Fees may be directed to the Manager for the District at: Lisa Johnson, Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, phone number: 303-987-0835.

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

[SIGNATURE PAGE FOLLOWS]

APPROVED AND ADOPTED this 24th day of August, 2018.

**SHERIDAN STATION WEST
METROPOLITAN DISTRICT**

By: 
President

Attest:

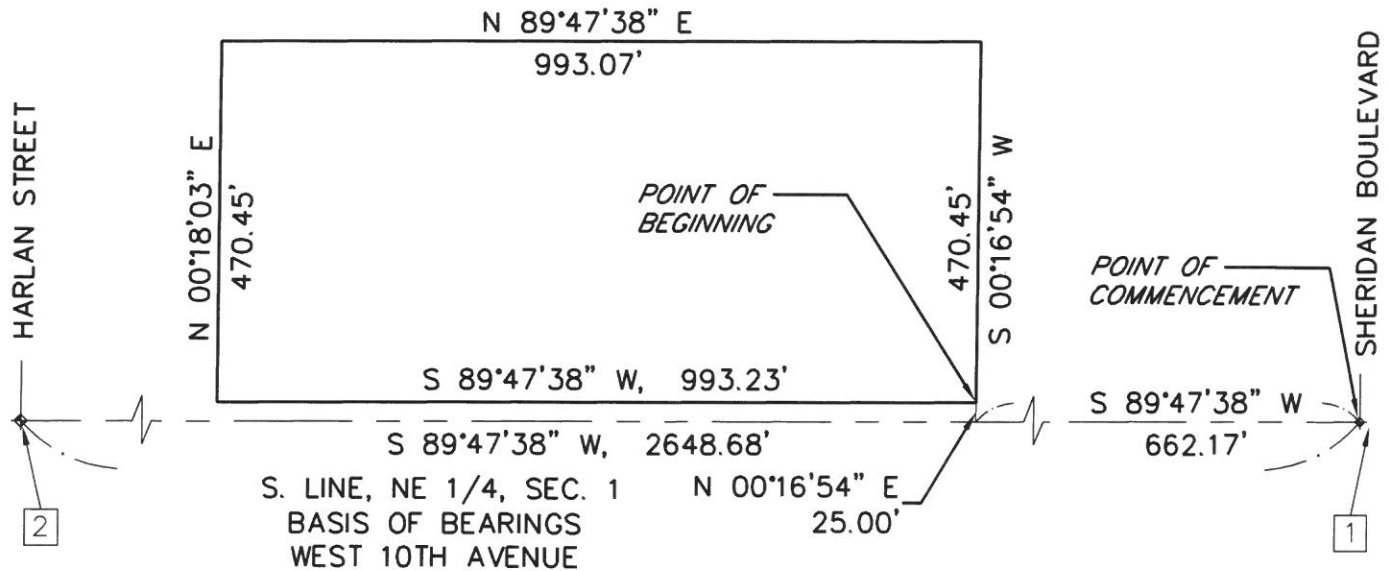

Secretary or Assistant Secretary

EXHIBIT A

**LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO DISTRICT FEES FOR
OPERATIONS AND MAINTENANCE**

EXHIBIT C-2 INCLUSION AREA DISTRICT BOUNDARY MAP

A PORTION OF THE S1/2 OF THE S1/2 OF THE NE1/4, SECTION 1, T.4S., R.69W., 6TH P.M.
CITY OF LAKEWOOD, JEFFERSON COUNTY, COLORADO



- 1 E 1/4 COR., SEC. 1, T.4S., R.68W., 6TH P.M.
FOUND 3 1/4" BRASS CAP IN RANGE BOX (ILLEGIBLE)
- 2 S 1/4 COR., SEC. 1, T.4S., R.68W., 6TH P.M.
FOUND 3 1/4" BRASS CAP IN RANGE BOX (ILLEGIBLE)



SCALE: 1"=200'

PARCEL CONTAINS 467,213 SQ. FT. OR 10.725 ACRES

NOTE
THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

INCLUSION AREA BOUNDARY MAP		Sheet 2 of 2		R&R ENGINEERS-SURVEYORS, INC. 710 WEST COLFAX AVENUE DENVER, COLORADO 80204 PH: 303-753-6730 - FAX: 303-753-6568 WWW.RRENGINEERS.COM
Date: 05/15/2016				
Drawn: DF				
Checked: AWS				
Job No.: TP15066.1				

EXHIBIT B

SCHEDULE OF DISTRICT FEES FOR OPERATIONS AND MAINTENANCE

Fee Description	Fee Cycle	Fee Amount per Cycle
District O&M Fees	Monthly	\$31.60

EXHIBIT C

SCHEDULE OF DISTRICT FEES FOR LATE PAYMENT AND LIEN ENFORCEMENT

<u>District Fee Type</u>	<u>District Fee Amount</u>	<u>District Fee Billing Schedule</u>
Late Payment Fee	\$15 per billing cycle	Upon failure to pay the District O&M Fees
Lien Process	Delinquent balance of unpaid District O&M Fees; Late Payment Fees; Interest; and Costs of collection (including, but not limited to, reasonable attorneys' fees).	Upon failure to pay the delinquent balance, and pursuant to Section 38-22-109(3), C.R.S., the District may serve a Notice of Intent to File a Lien Statement (a " Lien Notice ") upon the Owner by certified mail, return receipt requested. The Lien Notice shall give notice to the Owner that the District intends to perfect its lien against the property by recording a Lien Statement in the office of the Jefferson County Clerk and Recorder if the delinquent balance is not paid in full within thirty (30) days after the Lien Notice is served.