

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

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
HIGH PLAINS RANCH METROPOLITAN DISTRICT**

**CONCERNING THE IMPOSITION OF WATER TAP FEE AND WATER RESOURCE
FEES**

WHEREAS, the High Plains Ranch Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for El Paso County, Colorado, and after approval of the District’s eligible electors at an election; 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, control and supervision of all the business and affairs of the District; and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to acquire, construct, operate and maintain certain water related amenities and facilities benefitting property and inhabitants within the District, which amenities and facilities include water and water system delivery and distribution improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); and

WHEREAS, the District incurs certain direct and indirect costs associated with the acquisition, construction, installation, repair, replacement, improvement, reconstruction operation and maintenance of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs (collectively, the “**Facility Costs**”) in order that the Facilities may be properly provided and maintained; and

WHEREAS, the establishment of a fair and equitable fee (the “**Water Tap Fee**”) to provide a source of funding to pay the Facility Costs, including those costs associated with the initial capital direct and indirect costs associated with the construction, installation and acquisition of the Facilities, which Facilities Costs are generally attributable to each Residential Lot (defined below), is necessary to provide for water services and the common good and for the prosperity and general welfare of the District, its users and its inhabitants; and

WHEREAS, the establishment of a fair and equitable fee (the “**Water Resource Fee**”) to provide a source of funding to pay the cost associated with acquisition and provision of water and generally attributable to each Residential Lot (defined below), is necessary to provide water services and for the common good and for the prosperity and general welfare of the District, its users and its inhabitants; and

WHEREAS, the establishment of a fair and equitable fee (the “**Additional Water Resource Fee**”) to provide a source of funding to pay the cost associated with the optional and voluntary acquisition and provision of an additional one (1) acre foot of water and generally attributable to each Residential Lot (defined below), being in addition to the Water Resource Fee and subject to the availability thereof determined in the sole discretion of the District, and is necessary to provide additional water services and for the common good and for the prosperity and general welfare of the District, its users and its inhabitants; and

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

WHEREAS, pursuant to § 32-1-1006(1)(g), C.R.S., the District is empowered to fix and from time to time increase or decrease tap fees; and

WHEREAS, the District finds that the Water Tap Fee, Water Resource Fee and Additional Water Resource Fee (collectively the “**Water Fees**”), are reasonably related to the overall cost of providing the Facilities and paying the Facilities Costs, and that imposition thereof is necessary and appropriate.

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

1. DEFINITIONS. Except as otherwise expressly provided or where the context indicates otherwise, the following capitalized terms shall have the respective meanings set forth below:

“**District Boundaries**” means the legal boundaries of the District, as the same are currently established and amended from time to time in the future pursuant to §§32-1-101, *et seq.*, C.R.S., as shown in **Exhibit B**, attached hereto and incorporated by this reference depicting the District Boundaries as of the date of this Resolution.

“**Due Date**” means the date by which the Water Fees are due as further set forth herein.

“**Fee Schedule**” or “**Schedule of Fees**” means the schedule of fees set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, until and unless such Fee Schedule is otherwise amended and/or repealed by the Board of Directors at its discretion.

“**Residential Lot**” means each parcel of land established by a recorded final subdivision plat and which is located within the District Boundaries and which is or is intended to be improved with a Residential Unit.

“**Residential Unit**” means each residential dwelling unit (including, without limitation, condominiums, townhomes, and any other attached dwelling unit and detached single family dwelling units) located within the District Boundaries.

2. WATER FEES.

a. A one-time Water Tap Fee, Water Resource Fee and Additional Water Resource Fee is hereby established and imposed upon each Residential Lot within the District Boundaries.

b. The Water Fees shall be first due and owing in relation to each Residential Lot upon the issuance of a building permit from El Paso County, Colorado for the construction of a residence on the Residential Lot. The amount of each Water Fee due hereunder shall be at the rate in effect at the time of payment.

c. The Board has determined, and does hereby determine, that the Water Fees are reasonably related to the overall cost of providing the Facilities, for paying the Facility Costs, and is imposed on those who are reasonably likely to benefit from or use the same. The Water Fees revenue may not be used by the District to pay for general administrative costs of the District

3. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Tap Fees not paid in full within fifteen (15) days after the scheduled due is delinquent and will be assessed a late fee in the amount of Fifteen Dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due. Interest will also accrue on any outstanding Water Fees, exclusive of assessed late fees, penalties, interest and any other costs of collection, specially including, but not limited, to attorney fees, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S. The District may institute such remedies and collection procedures as authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting property owner shall pay all fees and costs, specifically including, but not limited to, attorneys' fees and costs and costs associated with the collection of delinquent fees, incurred by the District and/or its consultants in connection with the foregoing.

4. PAYMENT. Payment for all fees, rates, tolls, penalties, charges, interest and attorney fees shall be made by check or equivalent form acceptable to the District, made payable to "High Plains Ranch Metropolitan District" and sent to the address indicated on the Fee Schedule. The District may change the payment address from time and time and such change shall not require an amendment to this Resolution.

5. LIEN. The fees imposed hereunder, together with any and all late fees, interest, penalties and costs of collection, shall, until paid, constitute a statutory, perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado for the foreclosure of mechanic's liens, pursuant to § 32-1-1001(1)(j)(I), C.R.S. Said lien may be foreclosed at such time as the District, in its sole discretion, may determine. 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. This Resolution shall be recorded in the offices of the Clerk and Recorder of El Paso County, Colorado.

6. CERTIFICATION OF ACCOUNT TO COUNTY TREASURER. Pursuant to §32-1-1101(1)(e), C.R.S., the Board may elect to certify any delinquent account and late fees satisfying the criteria established therein to the El Paso County Treasurer for collection with the District's *ad valorem* property taxes. The certification process may be in addition to or in lieu of any procedures set forth in this Resolution in the Board's sole discretion. The fees for the certification process shall be in accordance with Colorado law and El Paso County policy.

7. SHUT OFF OR DISCONTINUATION OF SERVICE. Pursuant to § 32-1-1006(1)(d), C.R.S., the Board may elect to shut off or discontinue water service for delinquencies. The shut off or discontinuation of service may be in addition to or in lieu of any procedures set forth in this Resolution in the Board's sole discretion. The fees associated with the shut off or discontinuation of service as set forth in the Schedule of Fees and Charges.

8. SEVERABILITY. If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

9. THE PROPERTY. This Resolution shall apply to all property within the District 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 into the District Boundaries after the date of this Resolution.

10. EFFECTIVE DATE. This Resolution shall become effective May 11, 2021

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

ADOPTED this 11th day of May, 2021.

HIGH PLAINS RANCH 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 Resolution Concerning the Imposition of Water Fees

EXHIBIT A

**HIGH PLAINS RANCH METROPOLITAN DISTRICT
Schedule of Fees
Effective May 11, 2021**

Schedule of Fees		
Fee Type	Classifications	Rate
Water Tap Fee	Residential Lot	\$8,500
Water Resource Fee	Residential Lot	\$8,500
Additional Water Resource Fee	Residential Lot	\$3,000
Water Shut Off/Turn On	Residential Unit	\$100 each on/off
The Due Date for each Fee (other than the Additional Water Resource Fee, is no later than the date on which a building permit is issued by El Paso County, Colorado for the construction of the residence on a Residential Lot. The Due Date for the Additional Water Resource Fee is upon request for additional water subject to District's determination of availability thereof.		

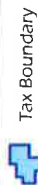
PAYMENTS: Payment for each fee shall be made payable to the High Plains Ranch Metropolitan District and sent to the following address for receipt by the Due Date:

High Plains Ranch Metropolitan
c/o Walker Schooler District Managers
614 N. Tejon St.
Colorado Springs, CO 80903

EXHIBIT B

**HIGH PLAINS RANCH METROPOLITAN DISTRICT
District Boundaries**

HIGH PLAINS RANCH MD



1 inch = 1,285.16 feet

06/28/2018 ERC Assessor's Office
 NAD_1983 StatePlane_Coalado_Central_FIPS_5002_Feet
 Projection: Lambert_Conformal_Conic

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