

When recorded return to:
McGeady Becher P.C.
450 E. 17th Avenue, Suite 400
Denver, CO 80203
Attn: Elisabeth A. Cortese

NOTICE TO TITLE COMPANIES: THE FOLLOWING RESOLUTION IMPOSES FEES WHICH, UNTIL PAID, CONSTITUTE A STATUTORY AND PERPETUAL LIEN ON AND AGAINST THE PROPERTY SERVED. CONTACT SPECIAL DISTRICT MANAGEMENT SERVICES, INC., AT (303) 987-0835 TO VERIFY PAYMENT.

RESOLUTION NO. 2018-09-10

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BELLEVIEW PLACE METROPOLITAN DISTRICT
REGARDING THE IMPOSITION OF DISTRICT FEES**

- A. Belleview Place Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Aurora, Arapahoe County, State of Colorado (the “**City**”).
- B. The District was organized pursuant to its Service Plan approved by the City on March 5, 2018, as it may be amended from time to time (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. Century at Belleview Place, LLC, a Colorado limited liability company (the “**Developer**”), caused to be recorded the Covenants and Restrictions of Belleview Place Townhomes in the real property records of Arapahoe County, State of Colorado, on January 14, 2019, at Reception No. D9003535 (as the same may be amended and/or modified from time to time, the “**Covenants**”) and applicable to the Property.
- E. The Covenants provide that the District shall enforce each of the provisions provided therein.
- F. The District, pursuant to the Covenants and Service Plan, is authorized and responsible for the ownership, operation, maintenance and construction of facilities to benefit the Property (the “**District Improvements**”).
- G. The Property will benefit from the District Improvements and the District’s operation and maintenance of the same.
- H. The District is authorized pursuant to Section 32-1-1001(1)(j), C.R.S., and its Service Plan to fix and impose fees, rates, tolls, charges and penalties for services, programs, or facilities provided by the District, which, until paid, shall constitute a perpetual lien on and against all property served.

I. The District is providing a service by operating and maintaining the District Improvements, and administering the transfer of ownership of any Residential Unit (defined below) located within the Property (the “**Services**”).

J. The District has determined that, to meet the costs associated with the District Improvements, the cost of operating and maintaining the District Improvements, and to meet the costs of providing the Services (the “**Service Costs**”) it is necessary to impose a fee (the “**Operations Fee**”) on each lot and/or single family residential dwelling unit (“**Residential Unit**”) on the Property.

K. The District has determined that to offset the Service Costs, in order to fund the administrative expenses incurred when property within the District is sold, and in order to pay the administrative cost associated with the establishment, maintenance, and transfer of the accounts to properly administer the Operations Fee and the District’s affairs, it is necessary to impose a fee (the “**Working Capital Fee**,” and collectively with the Operations Fee, the “**Fees**”) on each Residential Unit on the Property.

L. The District has determined that the Operations Fee and the Working Capital Fee, as set forth in this Resolution, are reasonably related to the overall cost of providing the Services and paying the Service Costs, and that imposition thereof is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BELLEVIEW PLACE METROPOLITAN DISTRICT (“**BOARD**”), ARAPAHOE COUNTY, COLORADO:

1. The Board 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 the following fees:

(a) **Operations Fee.**

(i) The Board hereby imposes an Operations Fee in the amount of Two Hundred Forty Dollars (\$240) per year on each Residential Unit within the District. The District reserves the right to amend this resolution in the future to increase or decrease the amount of the Operations Fee.

(ii) An invoice for the Operations Fee payable for the full calendar year will be mailed to each property owner (the “**Owner**”) on or before the 1st day of March each year (the “**Bill Date**”). The Owner shall pay the Operations Fee for said calendar year in one installment on or before April 1 of each year. If payment in full is not received by April 5 (the “**Past Due Date**”), the fee is deemed past due and otherwise outstanding. A “Reminder Notice” may be, but is not required to be, sent at such time.

(iii) Failure to make payment of any Operations Fee due hereunder shall constitute a default in the payment of such Operations Fee. Upon default, Owner shall be responsible for a late payment fee (“**Late Payment Fee**”) in the amount of Fifteen Dollars (\$15.00) per late payment.

(iv) If the Owner does not make payment of all past due amounts, which in the District's sole discretion may include simple interest as permitted by Section 29-1-1102(7), C.R.S.(the "**Delinquent Balance**"), within sixty (60) days from the Past Due Date, the District may deliver to the Owner a Notice of Intent to File a Lien Statement (a "**Lien Notice**"). 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 Arapahoe County Clerk and Recorder if the Delinquent Balance is not paid in full within thirty (30) days after said Lien Notice is served upon Owner by certified mail, return receipt requested, pursuant to Section 38-22-109(3), C.R.S.

(b) **Working Capital Fee.**

(i) The Board hereby determines that in order to fund the Service Costs and related account administration costs, the District shall impose a Working Capital Fee to be paid by each Owner (other than the builder constructing the initial Residential Unit) upon the sale, conveyance, or transfer by deed, instrument, writing, lease or other documents otherwise by which real property is sold, granted, let, assigned, transferred, exchanged or otherwise vested in a tenant, tenants, purchaser, or purchasers (a "**Transfer**") of such Residential Unit, beginning when the builders sell the Residential Unit to the initial Owner.

(ii) The Working Capital Fee shall be Two Hundred Fifty Dollars (\$250) per Transfer per Residential Unit and shall be due and payable at the time of any Transfer of any Residential Unit constructed on a lot which has a certificate of occupancy.

(c) The Working Capital Fee imposed hereunder shall not apply to any of the following, except to the extent the District determines that such exception is being undertaken for the purpose of improperly avoiding the Working Capital Fee:

(i) Any Transfer wherein the United States, or any agency or instrumentality thereof, the State of Colorado, any county, city and county, municipality, district or other political subdivisions of this State, is either the grantor or the grantee.

(ii) Any Transfer by document, decree or agreement partitioning, terminating or evidencing termination of a joint tenancy, tenancy in common or other co-ownership; however, if additional consideration or value is paid in connection with such partition or termination the Working Capital Fee shall apply and be based upon such additional consideration.

(iii) Any Transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.

(iv) Any Transfer made and delivered without consideration for the purpose of: confirming, correcting, modifying or supplementing a Transfer previously made; making minor boundary adjustments; removing clouds of title; or granting easements, rights-of-way or licenses.

(v) Any decree or order of a court of record quieting, determining or resting title, except for a decree of foreclosure.

(vi) Transfers to secure a debt or other obligation, or releases other than by foreclosure, which is security for a debt or other obligation.

(vii) Transfers pursuant to a decree or separation of divorce.

(d) The District reserves the right to amend this Resolution in the future to increase or decrease the amount of the Working Capital Fee.

2. The Fees shall not be imposed on real property actually conveyed or dedicated to non-profit owners' associations, governmental entities or utility providers.

3. The 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 Arapahoe County, Colorado.

4. 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 and costs of collection (including, but not limited to, reasonable attorneys' fees).

5. 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.


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

7. The Operations Fee and the Working Capital Fee set forth herein are hereby approved and adopted by resolution of the Belleview Place Metropolitan District effective as of January 14, 2019.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2018-09-10]

BELLEVUE PLACE METROPOLITAN DISTRICT

By: 
President

Attest:

By: 
Secretary

EXHIBIT A

Legal Description of the Property

Lots 1 through 90 inclusive,
Shalom Park Subdivision Filing No. 4,
City of Aurora, County of Arapahoe, State of Colorado.