

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  
PAINTED PRAIRIE METROPOLITAN DISTRICT NO. 1**

**CONCERNING THE IMPOSITION OF A PARK AND REC. FEE  
(Painted Prairie Metropolitan District No. 6 Boundaries)**

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WHEREAS, Painted Prairie Metropolitan District No. 1 (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended, by order of the District Court for Adams County (“**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 finance, acquire, construct, install, repair, replace, improve, reconstruct, operate and maintain certain public improvements, amenities and facilities within or otherwise serving and benefitting the property owners, taxpayers and residents of the District, which public improvements, amenities and facilities generally include parks, playgrounds, trails, open space, green belts, landscaping, and other park and recreation facilities, appurtenances and rights-of-way (collectively, the “**Park and Rec. Facilities**”); 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, programs 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, the District incurs or will incur certain direct and indirect costs associated with the financing, acquisition, construction, installation, repair, replacement, improvement, reconstruction, operation and maintenance of the Park and Rec. Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs (collectively, the “**Park and Rec. Facility Costs**”) in order that the Park and Rec. Facilities may be properly provided and maintained; and

WHEREAS, the revenue derived from the District’s current ad valorem property taxes is insufficient to pay the Park and Rec. Facility Costs; and

WHEREAS, the establishment of a fair and equitable fee to provide a source of funding to pay for the Park and Rec. Facilities Costs (the “**Park and Rec. Facilities Fee**”), which are generally attributable to each Lot (defined below), and other property in the boundaries of Painted Prairie Metropolitan District No. 6 (“**District No. 6**”), is necessary to provide for the common good and for the prosperity and general welfare of the District and its inhabitants; and

WHEREAS, the District finds that the Park and Rec. Facilities Fee, as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, as may be amended from time to time by the Board, is reasonably related to the overall cost of providing the Park and Rec. Facilities and paying the Park and Rec. Facilities Costs, and that imposition thereof is necessary and appropriate; and

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 District No. 6, as the same are established and amended from time to time pursuant to §§32-1-101, *et seq.*, C.R.S., as more particularly set forth in the map and legal description attached hereto as **Exhibit B** and incorporated herein by this reference.

“**Due Date**” means the date by which each Park and Rec. Facilities Fee is due, which Due Date is reflected on the Fee Schedule.

“**End User**” means any third-party homeowner or tenant of any homeowner occupying or intending to occupy a Residential Unit.

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

“**Lot**” means each lot established by a recorded final subdivision plat and which is located within the District Boundaries.

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

“**Responsible Party**” means the owner of the Lot at the time a building permit is issued for any Residential Unit on said Lot. If a Lot is owned by more than one party, then the obligation to pay the Park and Rec. Fee (as set forth below) shall be the joint and several obligation of all the parties constituting the Responsible Party.

“**Transfer**” or “**Transferred**” shall include a sale, conveyance or transfer by deed, instrument, writing, lease or any other documents or otherwise by which real property is sold, granted, let, assigned, transferred, exchanged or otherwise vested in a tenant, tenants, purchaser or purchasers. Notwithstanding the foregoing, the following shall not be considered a “Transfer,” “Transferred” or “Transferring” for purposes of this definition: (i) a conveyance to secure a debt or obligation (or a release, reconveyance or foreclosure

of any such security); or (ii) any conveyance that the District, in its sole and absolute discretion, determines should not trigger the payment of the Park and Rec. Facilities Fee.

2. PARK AND REC. FACILITIES FEE.

a. A one-time Park and Rec. Facilities Fee is hereby established and imposed upon each Residential Unit within the District Boundaries.

b. The Park and Rec. Facilities Fee shall be in the amount, and due and owing as outlined in **Exhibit A**. The amount of each Park and Rec. Facilities Fee due under this Resolution may be adjusted from time to time in the Board's discretion and shall be at the rate in effect at the time of payment.

c. The Board does hereby determine that the Park and Rec. Facilities Fee is reasonably related to the overall cost of providing the Park and Rec. Facilities, and is imposed on those who are reasonably likely to benefit from or use the Park and Rec. Facilities.

d. The revenues generated by the Park and Rec. Facilities Fee will be accounted for separately from other revenues of the District. The Park and Rec. Facilities Fee revenue will be used solely for the purpose of paying Park and Rec. Facilities Costs (including the repayment of any indebtedness of the District used to pay Park and Rec. Facilities Costs) and may not be used by the District to pay for general administrative costs of the District. This restriction on the use of the Park and Rec. Facilities Fee revenue shall be absolute and without qualification.

3. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Park and Rec. Facilities Fee not paid in full within fifteen (15) days after the scheduled due date 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 Park and Rec. Facilities Fee, 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 Responsible Party 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 imposed pursuant to this Resolution shall be made by check or equivalent form acceptable to the District, made payable to the "Painted Prairie Metropolitan District No. 1" and sent to the address indicated on the Fee Schedule. The District may change the payment address from time to time and such change shall not require an amendment to this Resolution.

5. LIEN. The fees imposed pursuant to this Resolution, 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 the County.

6. 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.

7. PREPAYMENT OF FEES. The District may enter into agreements for the prepayment of Park and Rec. Facilities Fees, in its sole and absolute discretion.

8. 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 after the date of this Resolution.

9. EFFECTIVE DATE. This Resolution shall become effective immediately.

*[Signature Page follows]*

ADOPTED this 22nd day of June, 2022.

PAINTED PRAIRIE METROPOLITAN  
DISTRICT NO. 1, a quasi-municipal corporation  
and political subdivision of the State of Colorado

Christopher H Fellows  
Christopher H Fellows (Jun 24, 2022 10:51 MDT)

\_\_\_\_\_  
Officer of the District

ATTEST:

Dustin Anderson  
Dustin Anderson (Jun 23, 2022 16:00 MDT)

*[Signature Page to Resolution Concerning the Imposition of a Park and Rec. Facilities Fee]*

**EXHIBIT A**

**PAINTED PRAIRIE METROPOLITAN DISTRICT NO. 1**

**Fee Schedule  
 Effective June 22, 2022**

<b>Fee Schedule</b>		
<b>Fee Type</b>	<b>Classifications</b>	<b>Rate</b>
<b>Park and Rec. Facilities Fee</b>	Detached Single Family and Attached Single Family Residential Unit	If paid on or before December 31, 2022, the fee is \$3,650 per Residential Unit
<b>Park and Rec. Facilities Fee</b>	Detached Single Family and Attached Single Family Residential Unit	On January 1, 2023, and each January 1 <sup>st</sup> thereafter, the fee shall increase by 3% annually.
<b>Park and Rec. Facilities Fee</b>	Multi-Family Residential Unit	If paid on or before December 31, 2022, the fee is \$995 per Residential Unit
<b>Park and Rec. Facilities Fee</b>	Multi-Family Residential Unit	On January 1, 2023, and each January 1 <sup>st</sup> thereafter, the fee shall increase by 3% annually.
<p>Due Date: The Due Date for each Park and Rec. Facilities Fee is the date of issuance of the building permit for each Residential Unit.</p> <p>The Park and Rec. Facilities Fee shall be due and payable by the Responsible Party, in full, to the District, on the Due Date.</p>		

**PAYMENTS:** Payment for each fee shall be made payable to the Painted Prairie Metropolitan District No. 1 and sent to the following address for receipt by the Due Date:

Painted Prairie Metropolitan District No. 1  
 c/o Simmons & Wheeler, P.C.  
 304 Inverness Way South, Suite 490  
 Englewood, CO 80112  
 Office 303-689-0833

**EXHIBIT B**  
**PAINTED PRAIRIE METROPOLITAN DISTRICT NO. 6**  
**District Boundaries**

## EXHIBIT A

SE 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.  
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

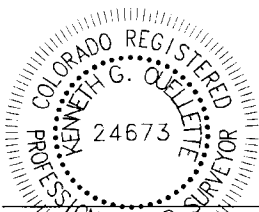
### PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

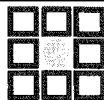
BEARINGS ARE ASSUMED AND ARE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING N00°13'50"W BETWEEN THE SOUTHEAST CORNER OF SAID SECTION 11 AND THE EAST QUARTER CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

**COMMENCING** AT SAID SOUTHEAST CORNER OF SECTION 11;  
THENCE N42°37'01"W A DISTANCE OF 106.80 FEET TO THE **POINT OF BEGINNING**;  
THENCE S89°38'19"W A DISTANCE OF 617.97 FEET;  
THENCE N00°13'50"W A DISTANCE OF 909.94 FEET;  
THENCE N89°46'10"E A DISTANCE OF 617.97 FEET TO A POINT ON A LINE BEING 72.00 FEET WESTERLY OF AND PARALLEL WITH SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11;  
THENCE S00°13'50"E ALONG SAID PARALLEL LINE A DISTANCE OF 908.53 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 12.899ACRES, MORE OR LESS.



KENNETH G. QUILETTE, P.L.S. 24673  
DATE: FEBRUARY 8, 2022  
JOB NO. 65419757  
FOR AND ON BEHALF OF MERRICK & COMPANY



**MERRICK®**

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111  
Telephone: 303-751-0741

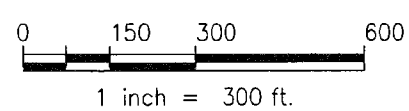
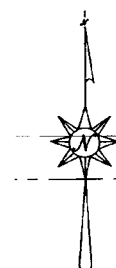
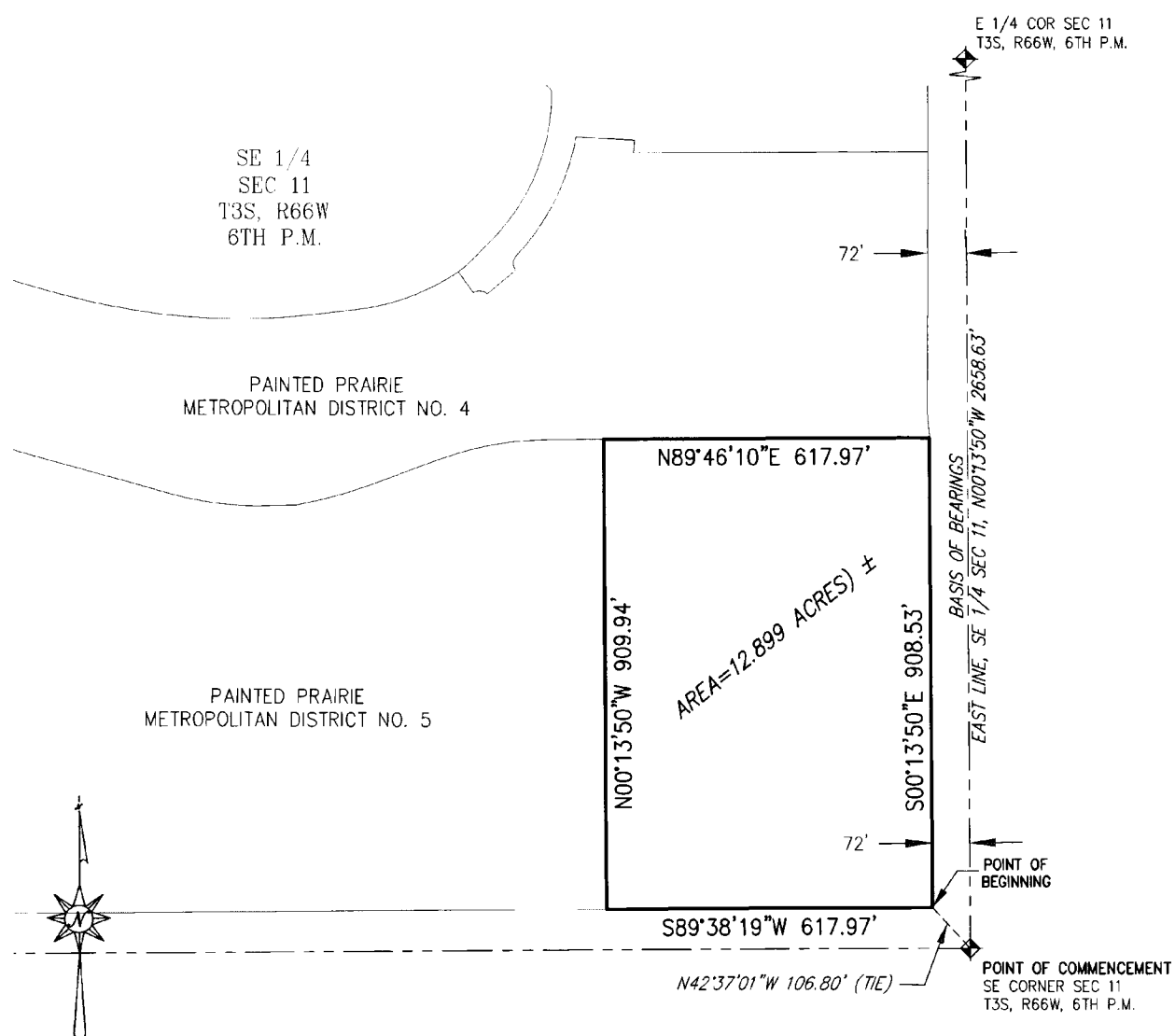
PAINTED PRAIRIE METROPOLITAN  
DISTRICT NO. 6

DATE: 2/8/22


SHEET: 1 OF 2



### ILLUSTRATION FOR EXHIBIT A



This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

 <b>MERRICK</b> 5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111 Telephone: 303-751-0741	PAINTED PRAIRIE METROPOLITAN DISTRICT NO. 6	DATE: 2/8/22
		SHEET: 2 OF 2

**EXHIBIT A-1**  
**PAINTED PRAIRIE METROPOLITAN DISTRICT No. 6**  
**INITIAL INCLUSION AREA BOUNDARIES**

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS N 89°45'01" E;

**COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11;**  
 THENCE N 24°14'33" E, A DISTANCE OF 814.88 FEET TO THE POINT OF BEGINNING;

THENCE N 12°48'18" E, A DISTANCE OF 150.00 FEET;  
 THENCE S 77°13'42" E, A DISTANCE OF 72.60 FEET;  
 THENCE S 12°48'18" W, A DISTANCE OF 150.00 FEET TO A POINT, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 11 BEARS S 29°08'46" W, A DISTANCE OF 832.38 FEET;  
 THENCE N 77°13'42" W, A DISTANCE OF 72.60 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 10,890 SQUARE FEET OR 0.25 ACRES, MORE OR LESS.


**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE ATTACHED PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY, RESPONSIBLE CHARGE AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

RICHARD F. BARTON, PLS 9872  
 FOR AND ON BEHALF OF  
 STANTEC CONSULTING INC.



V:\02171\tech\040000\resub\021000.dwg 1:0400.dwg, L.S. 2/16/06 1:10:24 PM, 1:1

 <b>Stantec</b>	Stantec Consulting Inc. 2136 South Cherry St. Ste 310 Denver, CO 80222 Tel. 303.768.4068 Fax. 303.768.4828 www.stantec.com	<b>PAINTED PRAIRIE METRO.</b> <b>DIST. NO. 6</b> <b>INCLUSION AREA BOUNDARIES</b> SE 1/4 OF SECTION 11 T 3 S, R 68 W OF THE 6TH PM CITY OF AURORA COUNTY OF ADAMS STATE OF COLORADO	PROJECT NO: 1871 04000
			DATE: 02/16/06
			CAD OPER.: SDW

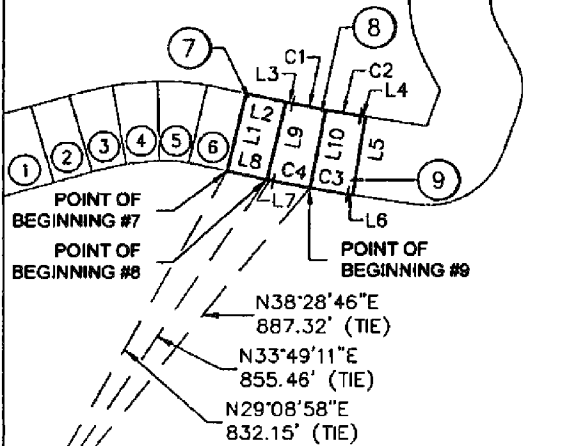
### PAINTED PRAIRIE METROPOLITAN DISTRICTS 1-9 INITIAL DISTRICT BOUNDARY MAP

W1/4 COR. SEC. 11  
 REBAR & 3-1/4" ALUM. CAP  
 "LS 25379 1998"

(BASIS OF BEARINGS)  
 N00°17'08"W 2651.52'  
 W. LINE, SW 1/4, SEC. 11

HIGHLINE CANAL  
 BOOK 343, PAGE 257

- ① PAINTED PRAIRIE METROPOLITAN DIST. #1  
REC. NO. 20060524000534590
- ② PAINTED PRAIRIE METROPOLITAN DIST. #2  
REC. NO. 20060524000534600
- ③ PAINTED PRAIRIE METROPOLITAN DIST. #3  
REC. NO. 20060524000534610
- ④ PAINTED PRAIRIE METROPOLITAN DIST. #4  
REC. NO. 20060524000534620
- ⑤ PAINTED PRAIRIE METROPOLITAN DIST. #5  
REC. NO. 20060524000534630
- ⑥ PAINTED PRAIRIE METROPOLITAN DIST. #6  
REC. NO. 20060524000534640
- ⑦ PAINTED PRAIRIE METROPOLITAN DIST. #7
- ⑧ PAINTED PRAIRIE METROPOLITAN DIST. #8
- ⑨ PAINTED PRAIRIE METROPOLITAN DIST. #9



POINT OF COMMENCEMENT  
 SW COR. SEC. 11  
 REBAR & 3-1/4" ALUM. CAP  
 "LS 33204 2010"

S. LINE, SW1/4  
 SEC. 11

E. 56TH AVENUE

300 150 0 300 600

SCALE: 1" = 300'

OWNER:  
 64TH HOLDINGS, LLC.  
 5600 GREENWOOD PLAZA BLVD., STE 220  
 GREENWOOD VILLAGE, CO 80111

This illustration does not represent a monumented survey. It is intended only to depict the initial district boundary parcels.

<b>CITY OF AURORA, COLORADO</b>			PARCELS OF LAND SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 11, T3S, R66W, 6TH P.M., CITY OF AURORA, ADAMS COUNTY, COLORADO.
DRAWN BY:	SCALE: 1" = 300'	R.O.W. FILE NUMBER	
CHECKED BY:	DATE: 6/6/2017	JOB NUMBER: 30155402	

**PAINTED PRAIRIE METROPOLITAN DISTRICTS 1-9  
 INITIAL DISTRICT BOUNDARY MAP**

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N12°46'26"E	150.00'
L2	S77°13'34"E	72.60'
L3	S77°13'34"E	11.53'
L4	S81°10'34"E	8.92'
L5	S08°49'26"W	150.00'
L6	N81°10'34"W	8.92'
L7	N77°13'34"W	11.53'
L8	N77°13'34"W	72.60'
L9	S12°46'26"W	150.00'
L10	S10°50'25"W	150.00'

CURVE TABLE					
CURVE NO.	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	1809.95'	1°56'01"	61.09'	S78°11'34"E	61.08'
C2	1809.95'	2°00'59"	63.70'	S80°10'05"E	63.69'
C3	1959.95'	2°00'59"	68.97'	S80°10'05"E	68.97'
C4	1959.95'	1°56'01"	66.15'	S78°11'34"E	66.15'

OWNER:  
 64TH HOLDINGS, LLC.  
 5600 GREENWOOD PLAZA BLVD., STE 220  
 GREENWOOD VILLAGE, CO 80111

<b>CITY OF AURORA, COLORADO</b>			PARCELS OF LAND SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 11, T3S, R66W, 6TH P.M., CITY OF AURORA, ADAMS COUNTY, COLORADO.
DRAWN BY: MJP	SCALE: 1" = 300'	R.O.W. FILE NUMBER	
CHECKED BY: WFH	DATE: 6/6/2017	JOB NUMBER: 30155402	