

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 THE MANAGER OF THE DISTRICT, PUBLIC ALLIANCE, AT (720) 213-6621 TO VERIFY PAYMENT.

RESOLUTION NO. 2023-10-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE RED BARN METROPOLITAN DISTRICT REGARDING THE IMPOSITION OF DISTRICT FEES

- A. Red Barn Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the Town of Mead, Colorado.
- B. 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**”).
- C. The District, pursuant to its Amended and Restated Service Plan and the Intergovernmental Agreement with the Town of Mead is authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance and provide for the operation and maintenance of certain street improvements, safety protection improvements, park and recreation improvements and related irrigation systems, television relay and translator facilities, and mosquito and pest control systems (the “**District Improvements**”).
- D. The Property will benefit from the District Improvements and the Districts’ operation and maintenance of the same.
- E. The District is authorized pursuant to Section 32-1-1001(1)(j)(I), C.R.S., and its Service Plan to fix fees and charges for capital costs and operation and maintenance costs.
- F. The District has determined that, to meet the costs associated with the District Improvements and the cost of operating and maintaining the District Improvements, it is necessary to impose District Fees on the Property, as set forth in the attached **Exhibit B** – Schedule of District Fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE RED BARN METROPOLITAN DISTRICT, WELD COUNTY, COLORADO, AS FOLLOWS:

1. The Board of Directors 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 as set forth in the attached **Exhibit B** – Schedule of District Fees.
2. Failure to make payment of any District Fees due hereunder shall constitute a default in the payment of such District Fees. Upon default, Owner shall be responsible for a late payment (“**Late Payment Fee**”) as set forth in the attached **Exhibit B** – Schedule of District Fees.

3. District Fees shall not be imposed on real property actually 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 B** – Schedule of District Fees.

5. District 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 Districts 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 Weld 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 attorney 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 attorney 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. Any inquiries pertaining to the Fees may be directed to the District's Manager at: Public Alliance, 405 Urban Street, Lakewood, Colorado 80228, phone number: 720-213-6621.

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

[SIGNATURE PAGE FOLLOWS]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO DISTRICT FEES

Lots 1-12 of Block 46
Lots 1-8 of Block 43
Lots 1-16 of Block 44
Lots 1-16 of Block 45
Lots 1-11 of Block 47
Lots 1-3 of Block 42
Lots 1-6 of Block 41
Lots 1-6 of Block 39
Lots 1-11 of Block 40
Lots 1-12 of Block 38
Lots 1-3 of Block 37
Lots 1-5 of Block 36
Lots 1-6 of Block 35
Lots 1-4 of Block 34
Lots 1-9 of Block 33
Lots 1-2 of Block 9
Lots 1-2 of Block 8
Lots 1-5 of Block 10
Lot 1 of Block 6
Lot 8 of Block 4
Lots 1-7 of Block 5
Lots 12-20 of Block 43
Lots 21-26 of Block 31
Lots 1-7 of Block 26
Lots 1-16 of Block 25
Lots 1-9 of Block 24
Lots 1-8 of Block 21
Lots 11-35 of Block 20
Lots 1-26 of Block 23
Lots 1-24 of Block 22

RED BARN SUBDIVISION FINAL PLAT FILING NO. 2, TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO

EXHIBIT B

SCHEDULE OF DISTRICT FEES

| <u>District Fee Type</u> | <u>District Fee Amount</u> | <u>District Fee Billing Schedule</u> |
|---------------------------------|---|---|
| Operations and Maintenance Fee | \$155.00 per month | Billed monthly |
| Administration Fee | \$250.00 per residential unit | At the closing on the initial sale of a residential unit by a builder to an end user; and On each sale, transfer or resale of a residential unit thereafter, including rentals. |
| Late Payment Fee | \$15.00 per billing cycle | Upon failure to pay the Operations and Maintenance Fee and/or the Administration Fee |
| Lien Process | Delinquent balance of unpaid Operations and Maintenance Fee and/or Administration Fee; 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 District intends to perfect its lien against the property by recording a Lien Statement in the office of the Weld County Clerk and Recorder if the delinquent balance is not paid in full within thirty (30) days after the Lien Notice is served. |