

When recorded return to:  
Mary Jo Dougherty, Esq.  
McGeady Sisneros, P.C.  
450 E. 17<sup>th</sup> Avenue, Suite 400  
Denver, CO 80203-1214

**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 HYLAND VILLAGE METROPOLITAN DISTRICT MANAGER AT (303) 987-0835 TO VERIFY PAYMENT.**

**RESOLUTION NO. 2014-11-03**

**AMENDED AND RESTATED HYLAND VILLAGE METROPOLITAN DISTRICT  
ADMINISTRATION FEE RESOLUTION**

- A. Hyland Village Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado.
- B. The District previously adopted its Resolution No. 2011-11-06, which was recorded in the real property records of Jefferson County, Colorado, at Reception No. 2012043008 (the “**Original Resolution**”) pertaining to the imposition of an annual Administration Fee (defined below).
- C. The District has determined that certain provisions of the Original Resolution require modification, including, with the consent of the City of Westminster (the “**City**”), extending the term for which the District is authorized to impose its Administration Fee (defined herein). Accordingly, the District hereby desires to amend and restate the Original Resolution (the “**Amended Resolution**”).
- D. The Amended and Restated Service Plan for the District, as approved by the City of Westminster, Colorado (the “**City**”) (the “**Service Plan**”) authorizes the District to provide for the construction and financing of certain water, sanitary and storm sewer, street, and safety protection improvements and services within and without the boundaries of the District (the “**Improvements**”).
- E. The Service Plan authorizes the District to pay for costs incurred in the administration of the District, debt management, and continuing statutory compliance (the “**Administration Costs**”).
- F. The District has constructed and issued debt to finance Improvements that benefit certain property within the District’s boundaries.
- G. The Service Plan limits the rate of the *ad valorem* property tax the District may impose for payment of debt service and Administration Costs to twenty-five (25) mills, subject to certain adjustments (the “**Maximum Mill Levy**”).
- H. The District anticipates that revenues derived from the Maximum Mill Levy will not be sufficient for the District to pay its debt service and Administration Costs until such time as additional development occurs.

I. The District has determined that owners of residential units pay a disproportionate share of the District's Administration Costs because the assessed valuation of their property upon which the Maximum Mill Levy is imposed is higher on a per-square-foot basis than the assessed valuation of undeveloped property within the District's boundaries for which building permits have not been issued (the "**Vacant Land**"). As of the date of this Amended Resolution, the Vacant Land is more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

J. As required by the Service Plan and that certain Intergovernmental Agreement Regarding Hyland Village Metropolitan District Administration Fee between the City and the District, effective as of December 30, 2011, and amended by that certain First Amendment dated November 14, 2014 (as amended, the "**IGA**"), the City has consented to the District's imposition and collection of a fee (the "**Administration Fee**") through fiscal year 2020, subject to the terms and conditions set forth in the IGA.

K. The District has determined that in order to enable the District to pay its Administration Costs, it is necessary to impose the Administration Fee on the Vacant Land.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Hyland Village Metropolitan District, as follows:

1. The Board of Directors of the District (the "**Board**") does hereby determine that it is in the best interest of the District and its inhabitants and taxpayers to impose an Administration Fee on the Vacant Land and to use the revenues from the Administration Fee for the payment of the Administration Costs.

2. The District hereby imposes the Administration Fee effective for the fiscal year commencing on January 1, 2012, and continuing through fiscal year 2020, unless the City provides written consent to extend the term of the Administration Fee in accordance with the IGA.

3. The rate of the Administration Fee shall be determined annually at the time the District is statutorily required to adopt its budget and subject to statutory notice requirements in accordance with the following methodology:

(a) First, the District will determine the estimated General Fund shortfall (the "**Shortfall Amount**") by subtracting from the anticipated Administration Costs the total of projected: (i) General Fund mill levy revenues; (ii) specific ownership tax revenues credited to the General Fund; and (iii) other income the District may credit to its General Fund;

(b) Second, the District will divide the lesser of: (i) such Shortfall Amount; or (ii) \$25,000 by the total square footage of the Vacant Land as of October 1<sup>st</sup> of the current fiscal year (the "**Fee Determination Date**") in order to establish the rate of the Administration Fee to be imposed for the next fiscal year following such Fee Determination Date (the "**Fee Collection Year**");

4. The amount of the annual Administration Fee payable by the owner of any Vacant Land (the "**Owner**") shall be calculated on the Fee Determination Date, as set forth in Section

3(b) above. The District's Manager shall prepare and maintain a schedule which lists the Owners and the amount of the Administration Fee payable by each (the "**Administration Fee Schedule**"). The Administration Fee Schedule shall be available for inspection during regular business hours at the address specified in paragraph 12 of this Amended Resolution.

5. For any Vacant Land for which a building permit has not been issued as of the Fee Determination Date of any year during the term hereof, the Owner, as of the Fee Determination Date, shall be responsible for one hundred percent (100%) of the annual Administrative Fee for such ensuing Fee Collection Year, regardless of the issuance of a building permit during said Fee Collection Year. Notwithstanding the foregoing, the District hereby agrees that the Administration Fee may be payable in two (2) equal installments during a given Fee Collection Year. The District shall mail an invoice for fifty percent (50%) of the Administration Fee to each Owner on or before January 15 and June 15 (each a "**Bill Date**"). If payment of the invoiced amount is not received within thirty (30) days after the Bill Date, then the Administration Fee will be deemed past due and outstanding. A "Reminder Notice" may be, but is not required to be, sent at such time.

6. Failure by an Owner to make payment of any portion of the Administration Fee due hereunder shall constitute a default under this Resolution. Upon default, simple interest shall accrue on such total amount of the Administration Fee due at the rate of the lesser: of (i) twelve percent (12%) per annum until paid; or (ii) the maximum interest rate permitted by Section 29-1-1102(7), C.R.S.

7. The Administration Fee shall constitute a statutory and perpetual charge and lien upon the Vacant Land, pursuant to Section 32-1-1001(1)(j), C.R.S., from the date the same becomes due and payable until paid, except as otherwise set forth herein. The lien shall be perpetual in nature as defined by the laws of the State of Colorado on the Vacant Land 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; provided, however, that the lien of the Administration Fee and any statement of lien filed by the District associated therewith shall be subordinate to any lien of the City on the subject property. This Amended Resolution and any further amendments hereto shall be recorded in the real property records of the Clerk and Recorder of Jefferson County, Colorado (the "**County Records**").

8. If the Owner does not make payment of all past due amounts, including interest, within sixty (60) days from the Bill Date (the "**Delinquent Balance**"), the District may deliver to the Owner a Notice of Intent to File a Lien Statement ("**Lien Notice**"). The Lien Notice shall give notice to the Owner that the District intends to perfect its lien against the Vacant Land by recording a Lien Statement in the County Records if the Delinquent Balance is not paid in full within thirty (30) days after said Lien Notice is served upon the Owner by certified, return receipt requested, pursuant to Section 38-22-109(3), C.R.S.

9. Notwithstanding anything to the contrary contained herein, the District intends that individual homeowners and owners of developed property shall not be required to pay the Administration Fee. Accordingly, upon the issuance of a building permit for any Vacant Land, such Vacant Land shall no longer be subject to the Administration Fee in the years following the year in which the building permit was issued. For the year following the year in which a

building permit was issued for Vacant Land, the District will record a lien release in the County Records to evidence same; provided, however, the foregoing shall not serve to release the Owner from the personal obligation to pay any Administrative Fee that came due prior to the issuance of a building permit, but which remains unpaid.

10. 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).

11. Judicial invalidation of any of the provisions of this Amended 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 this Amended Resolution unless such invalidation would act to destroy the intent or essence of this Amended Resolution.

12. Any inquiries pertaining to the Administration Fee may be directed to the District's Manager at: Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, 303-987-0835.

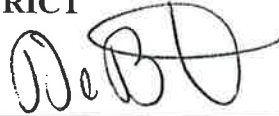
13. This Amended Resolution shall take effect immediately upon its approval and adoption.

**[SIGNATURE PAGE FOLLOWS]**

[SIGNATURE PAGE TO AMENDED AND RESTATED HYLAND VILLAGE  
METROPOLITAN DISTRICT ADMINISTRATION FEE RESOLUTION]

APPROVED AND ADOPTED this 14 day of November, 2014.

**HYLAND VILLAGE METROPOLITAN  
DISTRICT**

By:   
\_\_\_\_\_  
Its: President

Attest:

By:   
\_\_\_\_\_  
Its: Secretary

**EXHIBIT A**  
**LEGAL DESCRIPTION OF THE VACANT LAND**

All Blocks, Lots and Tracts of the Final Plat Hyland Village Subdivision, A Planned Unit Development in the City of Westminster, County of Jefferson, State of Colorado as recorded November 2, 2007 at Reception No. 2007123402

EXCEPT THE FOLLOWING:

Block 1, Lots 7 through 12, inclusive  
Block 1, Lots 21 through 26, inclusive  
Block 3, Lots 48, 49 and 50  
Block 5, Lot 8  
Tracts X and MM