

After Recording, Return to:
White Bear Ankele Tanaka & Waldron
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

**AMENDED AND RESTATED
RESOLUTION
OF THE BOARD OF DIRECTORS OF
HIGHLANDS-MEAD METROPOLITAN DISTRICT**

CONCERNING THE IMPOSITION OF AN OPERATIONS FEE

WHEREAS, Highlands-Mead Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”); 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, consistent with the purposes of the District’s organization and Service Plan for the District, dated August 12, 2019, the Board has previously determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to provide covenant control, architectural review, landscape maintenance, snow removal, and trash disposal services to residents and property owners within the District (the “**Services**”); and

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

WHEREAS, the District incurs certain direct and indirect costs associated with the Services (collectively, the “**Operations Costs**”), in order that the Services may be properly provided, the property within the District maintained, and that the health, safety, and welfare of the District and its inhabitants may be safeguarded; and

WHEREAS, the establishment and continuation of a fair and equitable fee to provide a source of funding to pay for the Operations Costs (the “**Operations Fee**”), which costs are generally attributable to the persons and properties subject to such fees and charges, is necessary to provide for the common good and for the prosperity and general welfare of the District and its inhabitants and for the orderly and uniform administration of the District’s affairs; and

WHEREAS, the District finds that the Operations Fee as set forth in this Resolution are reasonably related to the overall cost of providing the Services and paying the Operations Costs, and that imposition thereof is necessary and appropriate; and

WHEREAS, on June 28, 2021, the Board adopted a Resolution Concerning the Imposition of an Operations Fee, which was recorded in the real property records of the Weld County Clerk and

Recorder's Office on September 27, 2021 at Reception No. 4760124 (the "**Prior Fee Resolution**"), and the Board desires to adopt this Resolution to amend, restate, and supersede the Prior Fee Resolution in its entirety. Any fees, rates, tolls, penalties, or charges due under the Prior Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

NOW, THEREFORE, be it resolved by the Board of Directors of the District 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 established and amended from time to time pursuant to the Special District Act, 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 first day of the quarter.

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

"**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 otherwise amended and/or repealed.

"**Lot**" means each parcel of land established by a recorded final subdivision plat and which is located within the District Boundaries with a Residential Unit located on it.

"**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 on a Lot which has been Transferred to an End User.

"**Vacant Lot**" means each parcel of land within the District established by a recorded final subdivision plat, but specifically excluding any parcel upon which one or more Residential Units is situated and specifically excluding any parcel owned by the District.

"**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 an End User.

2. OPERATIONS FEE. The Board has determined, and does hereby determine, that it is in the best interests of the property owners, taxpayers, and residents within the District, and the general public to impose, and does hereby impose an Operations Fee to fund the Operations

Costs. The Operations Fee is hereby established and imposed in an amount as set forth by the District from time to time pursuant to the “Fee Schedule” and shall constitute the rate in effect until such schedule is amended or repealed. The Fee Schedule is set forth in **Exhibit A**, attached hereto and incorporated herein by this reference. The Operations Fee shall consist of a recurring payment (the “**Recurring Payment**”).

- a. The Board has determined, and does hereby determine, that the Operations Fee is reasonably related to the overall cost of providing the Services, and paying the Operations Costs, and is imposed on those who are reasonably likely to benefit from or use the Facilities and Services.
- b. The revenues generated by the Operations Fee will be accounted for separately from other revenues of the District. The Operations Fee revenue will be used solely for the purpose of paying Operations Costs, and may not be used by the District to pay for general administrative costs of the District.

3. LATE FEES AND PENALTY INTEREST. Pursuant to § 29-1-1102(3), C.R.S, any Operations Fee not paid in full within fifteen (15) days after the scheduled Due Date will be assessed a late fee 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 Operations Fees, exclusive of assessed late fees, penalties, interest, and any other costs of collection, including attorney’s 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 its consultants in connection with the foregoing.

4. PAYMENT. Payment for all Operations Fees, fees, rates, tolls, penalties, charges, interest and attorneys’ fees shall be made by check or equivalent form acceptable to the District, made payable to “Highlands-Mead 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 Operations Fees imposed by 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 Weld County, Colorado.

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. THE PROPERTY. This Resolution shall apply to all property within the District's 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.

8. PRIOR FEE RESOLUTION. This Resolution shall supersede and replace in its entirety the Prior Fee Resolution.

9. EFFECTIVE DATE. This Resolution shall become effective as of December 16, 2024.

[Remainder of Page Intentionally Left Blank. Signature Page Follows]

APPROVED and ADOPTED this 16th day of December, 2024

**HIGHLANDS-MEAD METROPOLITAN
DISTRICT**, a quasi-municipal corporation and
political subdivision of the State of Colorado



Officer of the District

ATTEST



*Signature page to Amended and Restated Resolution Concerning the Imposition of an
Operations Fee*

EXHIBIT A

**HIGHLANDS-MEAD METROPOLITAN DISTRICT
Schedule of Fees
Effective December 16, 2024**

Schedule of Fees		
Fee Type	Classifications	Rate
Operations Fee – Built-Out Lots	All Lots with a Residential Unit	\$350/quarter
Operations Fee – Vacant Lots	Vacant Lots within the District	\$250/quarter

PAYMENTS: Payment for each fee shall be made payable to the Highlands-Mead Metropolitan District and sent to the following address for receipt by the Due Date:

Highlands-Mead Metropolitan District
c/o Public Alliance LLC
Attention: AJ Beckman
7555 E. Hampden Ave, Ste 501
Denver, CO 80231

EXHIBIT B

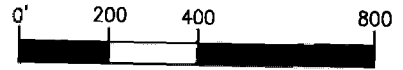
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

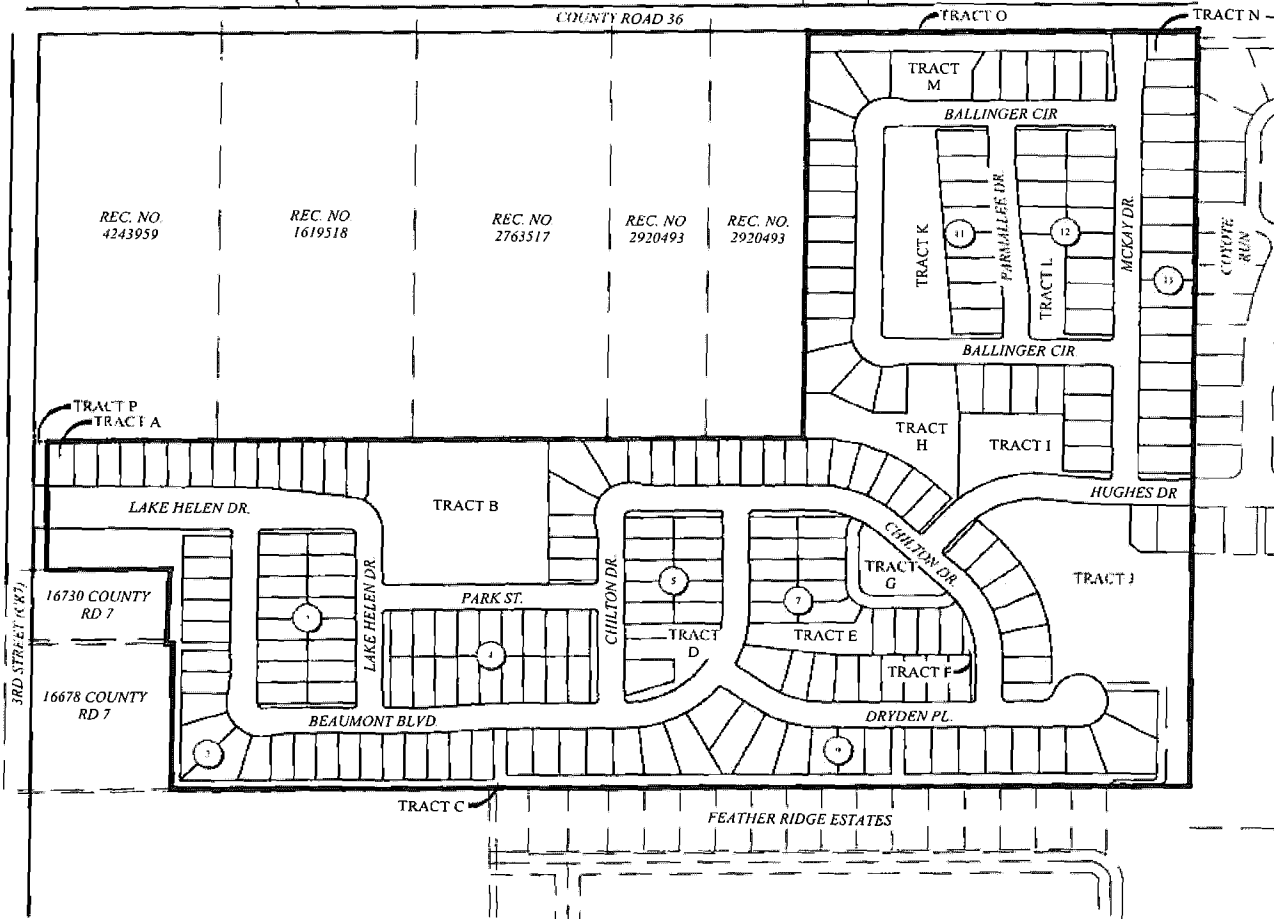
COMMENCING AT THE WEST SIXTEENTH CORNER OF SAID NORTHWEST QUARTER OF SAID SECTION 10;
 THENCE NORTH 00°23'44" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 25.51 FEET TO A POINT;
 THENCE NORTH 89°07'24" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 3RD STREET, A K A COUNTY ROAD 7, SAID POINT BEING THE POINT OF BEGINNING;
 THENCE NORTH 00°23'54" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 3RD STREET, A DISTANCE OF 302.29 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 4243959;
 THENCE NORTH 88°51'54" EAST, A DISTANCE OF 1729.99 FEET TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO 2920493;
 THENCE NORTH 00°23'54" WEST ALONG THE EAST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2920493, A DISTANCE OF 960.02 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 36;
 THENCE NORTH 88°52'10" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 36, A DISTANCE OF 879.40 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10;
 THENCE SOUTH 00°24'21" EAST ALONG SAID EAST LINE, A DISTANCE OF 1782.03 FEET TO A POINT OF THE NORTH LINE OF FEATHER RIDGE ESTATES, AS DESCRIBED AT RECEPTION NO 2469040;
 THENCE SOUTH 88°54'27" WEST ALONG SAID NORTH LINE, A DISTANCE OF 2293.98 FEET TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 2807299;
 THENCE NORTH 00°24'42" WEST ALONG THE EAST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2807299, A DISTANCE OF 341.63 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY;
 THENCE SOUTH 89°07'50" WEST ALONG THE NORTH LINE OF SAID PROPERTY, A DISTANCE OF 14.76 FEET TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 2807298;
 THENCE NORTH 01°48'59" EAST ALONG THE EAST LINE OF SAID PROPERTY, A DISTANCE OF 175.22 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY;
 THENCE SOUTH 89°07'28" WEST ALONG THE NORTH LINE OF SAID PROPERTY, A DISTANCE OF 307.43 FEET TO THE POINT OF BEGINNING

THE ABOVE DESCRIBED PARCEL CONTAINS 2,825,572 SQUARE FEET, OR 64.866 ACRES MORE OR LESS.

LEGEND	
	SITE BOUNDARY



SCALE: 1" = 400'



1529 MARKET STREET
 SUITE 200
 DENVER, CO 80202
 (303) 875-7131

THE HIGHLANDS
 MAP OF SERVICE AREA

DATE: MAY 8, 2019
 SCALE: 1" = 400'
 BY: BSC