

**RESOLUTION CONCERNING THE IMPOSITION  
OF DISTRICT WATER SYSTEM CONNECTION FEES**

WHEREAS, pursuant to an Order of the District Court of Douglas County, Foxhill Metropolitan District Nos. 1 & 2 (the "Districts") were duly and validly created as a metropolitan district in accordance with all applicable law and is empowered under a Consolidated Service Plan ("Service Plan"); and

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

WHEREAS, pursuant to §32-1-1001(1)(j)(I), C.R.S., the Districts may pledge revenue derived from fees, rates, tolls, charges and penalties for the payment of any indebtedness of the Districts; and

WHEREAS, the Service Plan similarly empowers the imposition of such fees and rates for services and facilities provided by the Districts; and

WHEREAS, the Districts desire to facilitate the connection to the District water system and concerning the imposition of District Connection Fees as they relate to the costs associated with the construction, installation, connection and provision of a meter pits, connecting the residential units to the Foxhill water system to residential dwelling units and related costs incurred in establishing, testing, connecting, metering and administering connection to and service from the Foxhill water system, as defined herein (hereinafter the "Water System Connection Fee"); and

WHEREAS, the Districts and Developer are incurring or will incur actual capital costs in installing a meter pit, water meter and to costs related to connection of the Foxhill Water System and all the inspection and metering requirements based upon estimated costs related to the Foxhill Water System installed and completed on the Districts' behalf, according to approved development plans, infrastructure acquisition requirements, District water rules and regulations and upon acknowledgement and consent of the Board of Directors of the Districts.

NOW, THEREFORE, the Boards of Directors of the Districts resolve as follows:

1. A one-time residential Connection Fee is hereby established for residential dwelling units to be constructed within the boundaries of the Districts as those boundaries are described in Exhibit A. All single-family attached or detached residences shall be considered "dwelling units" under this Resolution. The Connection Fee for the residential dwelling units is currently estimated at \$2,750.00 per dwelling unit. Exhibit B, attached hereto, describes how the fee is calculated.

2. Such Connection Fees shall become due, owing and payable upon the date

of the initial transfer of title of any property to any purchaser in which a residential dwelling unit shall be constructed on such property as contemplated herein or upon connection to the Foxhill Water System.

3. Any Connection Fee not timely paid shall be paid in full within five (5) days after the initial transfer of title of any property from Windsor Farms Investments, LLC, to any purchaser, and may be assessed a late fee of five percent (5%) per month, not to exceed twenty-five percent (25%) of the amount due, pursuant to §29-1-1102(3), C.R.S. Interest will also accrue on the outstanding fee, exclusive of assessed late fees, at the rate of 18% per annum pursuant to §29-1-1102(7), C.R.S. General Counsel for the Districts may take any and all legal action deemed necessary for the collection of delinquent fees and charges due hereunder, which shall include imposition of late fees, interest and other costs of collection, including but not limited to general legal fees incurred in the matter of collection and filing and recording a lien against the property.

4. All fees contemplated herein shall, until paid, constitute a perpetual lien on and against the property served or to be served by any improvements provided by the Districts or to be provided by the Districts within a reasonable time pursuant to §32-1-1001(1)(j)(1), C.R.S. All such liens shall be in a senior position as against all other liens of record affecting the property served or benefited, or to be served or benefited by improvements of the Districts and shall run with the property within the Districts and remain in effect as to any portion of such property as to which the appropriate fee has not been paid. All liens contemplated herein may be foreclosed in any manner authorized by law at such time as the Districts may determine that the fees hereunder have not been paid as required.

5. Provided the infrastructure construction, meter pit and meter installation, accounting, and dedication is compliant with the Districts' standards, and provided adequate and sufficient accounting, easements, and other supporting documentation are conveyed to the Districts for the Foxhill water system infrastructure constructed, the Districts shall account for the fees due and owing to the District for each residential lot including those fees related to the connection costs and fees due and owing to the District on a per dwelling unit basis which is to be collected at the time of transfer of the lot from the owner to a third party builder or resident.

6. Invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase, or word herein, or the application thereof in any given circumstance, shall not affect the validity of any other provision of this Resolution.

THIS RESOLUTION ADOPTED AND APPROVED on this 7th day of December 2018.

FOXHILL METROPOLITAN DISTRICT NOS. 1 & 2

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

ATTEST:

  
Secretary

EXHIBIT A  
Description of Property Subject to Connection Fee

*General Description: Foxhill Subdivision, Lots 1-94, Tracts A-G and I-O, inclusive, Fox Hill Filing No. 1, County of Douglas, State of Colorado (see attached)*