

DocuSign Envelope ID: F3357B25-A114-43EC-90C3-075E10E063BF

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
OF THE HORIZON METROPOLITAN DISTRICT NO. 1**

A RESOLUTION APPROVING THE IMPOSITION OF A STORMWATER SYSTEM MAINTENANCE FEE ON CERTAIN REAL PROPERTY IN THE SERVICE AREA OF THE DISTRICT

WHEREAS, pursuant to the First Amended and Restated Service Plan for Horizon Metropolitan District No. 1, Horizon Metropolitan District No. 1 (the "District" or "District No. 1") has the power and authority to finance, construct, install, acquire, repair, replace, operate, and maintain drainage, sanitation, and water improvements, and impose fees, rates, tolls, charges, and penalties for services and facilities; and subject to the limitations set forth therein; and

WHEREAS, in addition to the powers granted to the District in its Service Plan, the Board of Directors (the "Board") for the District has the power to fix and from time to time increase or decrease fees, rates, tolls, penalties, or charges for services, programs or facilities furnished by the District and, until paid, all such fees, rates, tolls, penalties, or charges shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens, pursuant to § 32-1-1001(1)(j)(I), C.R.S.; and

WHEREAS, the District, Horizon Metropolitan District No. 2 ("District No. 2"), and Horizon Metropolitan District No. 3 (collectively, the "Districts") entered into a District Facilities Funding, Construction and Operation Agreement dated November 30, 2017, as amended by that First Amendment to District Facilities Funding, Construction and Operation Agreement dated August 7, 2020, pursuant to which District No. 1 agreed to construct, own, operate and maintain public improvements within the boundaries of the Districts; and

WHEREAS, the District provides on-going stormwater system maintenance on District owned property and diverts water collected around certain residential units in District No. 2 (collectively, "Stormwater Maintenance"), as such residential units are more particularly described and depicted in **Exhibit A** attached hereto and incorporated herein by reference (the "Units"), to the District's stormwater system; and

WHEREAS, on September 7, 2022, the Boards of Directors of Horizon Metropolitan District No. 1-10 approved a resolution imposing a monthly fee in order to defray the District's costs associated with ongoing Stormwater Maintenance on each Unit (the "2022 Stormwater System Maintenance Fee Resolution"); and

WHEREAS, to further defray the District's costs associated with ongoing Stormwater Maintenance, the District desires to impose a quarterly maintenance fee, rather than a monthly maintenance fee, on each Unit pursuant to the terms and provisions of this resolution (the "Stormwater System Maintenance Fee Resolution").

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HORIZON METROPOLITAN DISTRICT NO. 1 AS FOLLOWS:

1. Stormwater System Maintenance Fee. The District will provide Stormwater Maintenance for the Units (each property owner of a Unit is referred to herein as an “Owner”). To defray the District’s costs associated with the provision of Stormwater Maintenance, the District hereby establishes a quarterly “Stormwater System Maintenance Fee” upon each Unit. For fiscal year 2024, the Stormwater System Maintenance Fee imposed on each Unit shall be \$75 per Unit per quarter. The District shall invoice each Unit Owner for the Stormwater System Maintenance Fee for those Units that have been issued a certificate of occupancy and at such time certificates of occupancy are issued for future Units. Thereafter, the District will send a quarterly invoice to each Unit Owner on the first day of each month of the preceding quarter reflecting the quarterly Stormwater System Maintenance Fee due and owing from the Unit Owner. The Stormwater System Maintenance Fee must be paid by the Unit Owner on the last day of the month prior to each quarter. The District may adjust the amount of the Stormwater System Maintenance Fee for any year after fiscal year 2024 as the Board deems necessary to defray the accosts associated with the District’s Stormwater Maintenance and shall post any changes to the amount of the Stormwater System Maintenance Fee on the District’s website.

2. Delinquent Payments. If the Stormwater System Maintenance Fee is not paid in full on the eleventh (11<sup>th</sup>) day of the first month of the quarter for which it is due, the District may impose a late fee of Fifteen Dollars (\$15.00). Interest will also accrue on any amount outstanding as of the eleventh (11<sup>th</sup>) day of the first month of the quarter for which it is due, exclusive of said assessed late fee, at the rate of 18% per annum, pursuant to §29-1-1102(7), C.R.S. All Stormwater System Maintenance Fees, late fees, and penalty interest shall be paid to the District in immediately available funds.

3. Lien. Until paid, the quarterly Stormwater System Maintenance Fee shall constitute a perpetual lien on and against the Unit, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics’ liens as provided in § 32-1-1001(1)(j)(I), C.R.S.

4. Collection Efforts. The District shall be entitled to charge any and all legal fees and expenses incurred for collection efforts to Unit Owners. Furthermore, the District hereby covenants that, in the event that the lien imposed hereby is purported to be extinguished as the result of any foreclosure proceeding, the District will reassert such lien as a perpetual lien until paid, as authorized pursuant to §32-1-1001(1)(j)(I), C.R.S.

5. Severability. If any clause or provision of this Stormwater System Maintenance Fee Resolution is adjudged invalid and/or unenforceable by a court of competent jurisdiction or by operation of any law, such clause or provision shall not affect the validity of this Stormwater System Maintenance Fee Resolution as a whole, but shall be severed herefrom, leaving the remaining terms intact and enforceable.

6. Effective Date; Recording. This Stormwater System Maintenance Fee Resolution shall take effect on January 1, 2024 (the “Effective Date”), and shall be recorded in the office of

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the Arapahoe County Clerk and Recorder against the Units. On the Effective Date, the 2022 Storm System Maintenance Fee Resolution shall be terminated and no longer in effect.

*(Signature Page Follows)*

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ADOPTED AND APPROVED THIS 6<sup>th</sup> DAY OF DECEMBER 2023.

**HORIZON METROPOLITAN DISTRICT NO.**

**1**

DocuSigned by:



57E34BD4ED80446...

By: David Crowder, Jr., President

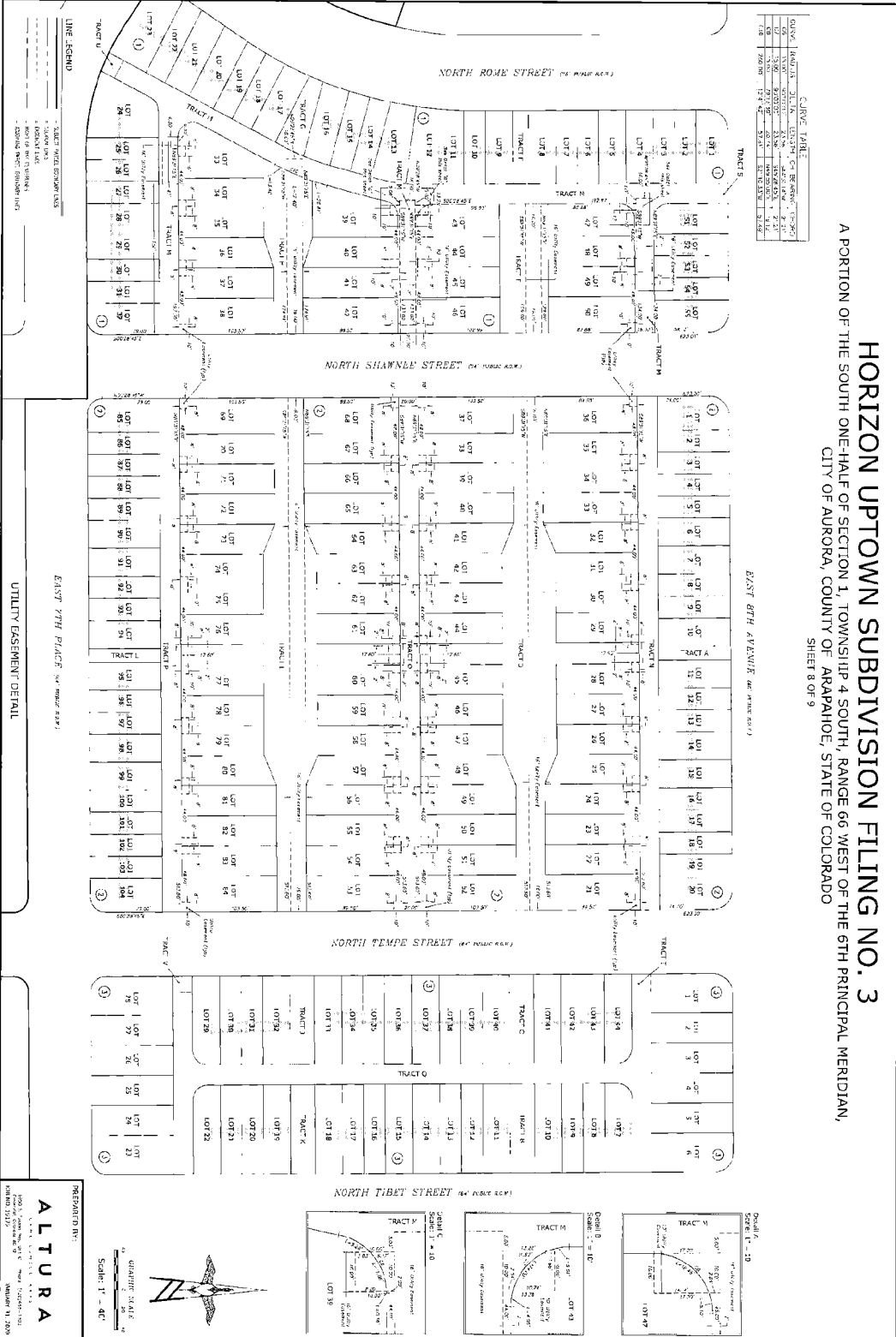
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**EXHIBIT A**  
(To Stormwater System Maintenance Fee Resolution)

**LEGAL DESCRIPTION**

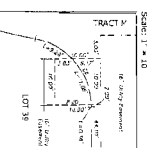
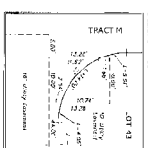
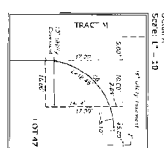
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HORIZON UPTOWN SUBDIVISION FILING NO. 3  
A PORTION OF THE SOUTH ONE-HALF OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO  
SHEET 8 OF 9



CURVE TABLE

STATION	CHORD BEARING	CHORD LENGTH	ARC BEARING	ARC LENGTH
1+00.00	S 89° 58' 00" W	100.00	101° 02' 00"	100.00
1+50.00	S 89° 58' 00" W	100.00	101° 02' 00"	100.00
2+00.00	S 89° 58' 00" W	100.00	101° 02' 00"	100.00
2+50.00	S 89° 58' 00" W	100.00	101° 02' 00"	100.00
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4+50.00	S 89° 58' 00" W	100.00	101° 02' 00"	100.00
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20+50.00	S 89° 58' 00" W	100.00	101° 02' 00"	100.00



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