

After Recording, Return to:
WHITE BEAR ANKELE TANAKA & WALDRON
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

**SECOND
AMENDED AND RESTATED
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
HANCE RANCH METROPOLITAN DISTRICT**

CONCERNING THE IMPOSITION OF AN OPERATIONS FEE

WHEREAS, the Hance Ranch Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for Jefferson County, Colorado, and after approval of the District’s eligible electors at an election; 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, the District and Hance Ranch Station, LLC (the “**Developer**”) have entered into that certain Access Easement and Maintenance Agreement dated August 26, 2020 and recorded on October 20, 2020 at Reception Number 2020137209 in Jefferson County, Colorado (the “**Access Easement and Maintenance Agreement**”); and

WHEREAS, pursuant to the Access Easement and Maintenance Agreement, the District is responsible for providing certain services to be performed, subject to taxes, fees and charges that may be imposed upon lots by the District in connection with the provision of such services; and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to acquire, construct, operate and maintain certain amenities and facilities benefitting property and inhabitants within the District, which amenities and facilities generally include the following: (1) landscape improvements, which may include, but are not limited to, plantings, trees, shrubs, grass, ground cover, irrigation lines and sprinkler systems and other landscape features, and including any such improvements that may be installed or constructed by a subsequent owner of the lot; (2) storm water drainage improvements, including mainline and drains; and (3) other public improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to provide certain services to property and inhabitants within the boundaries of the District, including without limitation, landscape maintenance, snow removal, and covenant enforcement (collectively, the “**Services**”); and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose fees, rates, tolls, penalties and charges for services 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 repair, replacement, improvement, reconstruction operation and maintenance of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs (collectively, the “**Facility Costs**”) in order that the Facilities may be properly provided and maintained; and

WHEREAS, the District incurs certain direct and indirect costs associated with the provision of the Services 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 (collectively, the “**Service Costs**”); and

WHEREAS, the establishment and continuation of a fair and equitable fee (the “**Operations Fee**”) to provide a source of funding to pay for the Facility Costs and the Service Costs, (collectively, the “**Operations Costs**”), which Operations Costs are generally attributable to the persons and/or properties subject to such Operations Fees, 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, is reasonably related to the overall cost of providing the Facilities and Services and paying the Operations Costs, and that imposition thereof is necessary and appropriate;

WHEREAS, on November 18, 2020, the Board adopted an Amended and Restated Resolution of the Board of Directors of Hance Ranch Metropolitan District Concerning the Imposition of an Operations Fee, which was recorded in the real property records of the Jefferson County Clerk and Recorder’s Office on November 24, 2020, at Reception No. 20201562277 (the “**Prior Fee Resolution**”), and the Board desires to adopt this Resolution to amend and restate 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 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 §§32-1-101, *et seq.*, C.R.S., 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 date by which the Operations Fee is due, which Due Date is reflected on the Schedule of Fees.

“**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.

“**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 within the District Boundaries which has been Transferred to an End User.

“**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 a tenant, tenants, purchaser or purchasers.

2. OPERATIONS FEE.

a. The Board has determined, and does hereby determine, that it is in the best interests of the District and its respective residents and property owners 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 an annual “Fee Schedule” and shall constitute the rate in effect until such schedule is amended or repealed. The initial 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**”) and a separate payment imposed on transfers of a Residential Unit (the “**Transfer Payment**”), which together shall comprise the Operations Fee.

b. The Transfer Payment shall be imposed on all Transfers of a Residential Unit to an End User. The Transfer Payment shall not apply to any of the following, except to the extent the District determines that such exception is being undertaken for the purpose of improperly avoiding the Operations Fee:

i. Any Transfer wherein the United States, or any agency or instrumentality thereof, the State of Colorado, any county, city and county, municipality, district or other political subdivisions of this State, is either the grantor or the grantee.

ii. Any Transfer by document, decree or agreement partitioning, terminating or evidencing termination of a joint tenancy, tenancy in common or

other co-ownership; however, if additional consideration or value is paid in connection with such partition or termination the Transfer Payment shall apply and be based upon such additional consideration.

iii. Any Transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.

iv. Any Transfer made and delivered without consideration for the purpose of: confirming, correcting, modifying or supplementing a Transfer previously made; making minor boundary adjustments; removing clouds of title; or granting easements, rights-of-way or licenses.

v. Any decree or order of a court of record quieting, determining or resting title, except for a decree of foreclosure.

vi. Transfers to secure a debt or other obligation, or releases other than by foreclosure, which is security for a debt or other obligation.

vii. Transfers pursuant to a decree or separation of divorce.

c. The Board has determined, and does hereby determine, that the Operations Fee is reasonably related to the overall cost of providing the Facilities and Services, and is imposed on those who are reasonably likely to benefit from or use the Facilities and Services.

d. 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 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 in the amount 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, specially including, but not limited to, attorney 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/or its consultants in connection with the foregoing.

4. PAYMENT. Payment for all fees, rates, tolls, penalties, charges, interest and attorney fees shall be made by check or equivalent form acceptable to the District, made payable to "Hance Ranch 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 fees imposed hereunder, 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 Jefferson 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. EFFECTIVE DATE. This Resolution shall become effective March 26, 2021.

[Remainder of Page Intentionally Left Blank. Signature Page to Follow.]

ADOPTED this 26th day of March, 2021.

HANCE RANCH METROPOLITAN DISTRICT, a
quasi-municipal corporation and political
subdivision of the State of Colorado



Matt Cavanaugh (Mar 26, 2021 11:25 MDT)

Officer of the District

ATTEST:



Guillaume Pouchot (Mar 26, 2021 10:25 MDT)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law



General Counsel to the District

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

EXHIBIT A

HANCE RANCH METROPOLITAN DISTRICT

Schedule of Fees

Effective March 26, 2021

Schedule of Fees		
Fee Type	Classifications	Rate
Operations Fee – Recurring Payment		
	Residential Unit	\$85.00/month
The Due Date for each Operations fee is the 10 th day of each month.		
Operations Fee – Payment Due Upon a Transfer		
	Residential Unit	\$600 per Transfer
The Due Date for each Operations Fee—Payment Due Upon Transfer is the date upon which the Transfer occurs.		

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

Hance Ranch Metropolitan District
c/o CliftonLarsonAllen LLP
8390 East Crescent Parkway, Suite 300
Greenwood Village, CO 80111

EXHIBIT B

HANCE RANCH METROPOLITAN DISTRICT

District Boundaries

EXHIBIT A

LEGAL DESCRIPTION OF THE DISTRICT

LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO;

LOTS 1 THROUGH 17, INCLUSIVE BLOCK 1;

LOTS 1 THROUGH 12, INCLUSIVE BLOCK 2;

LOTS 1 THROUGH 12, INCLUSIVE BLOCK 3;

LOTS 1 THROUGH 11, INCLUSIVE BLOCK 4;

LOTS 1 THROUGH 11, INCLUSIVE BLOCK 5;

AND TRACTS A THROUGH H INCLUSIVE; HANCE'S SUBDIVISION REPLAT NO. 2, AS RECORDED AT RECEPTION NUMBER 2018087433 IN THE OFFICIAL RECORDS OF THE COUNTY OF JEFFERSON, STATE OF COLORADO.

ALSO DESCRIBED AS FOLLOWS:

COMMENCING AT SAID EAST QUARTER CORNER OF SECTION 17; THENCE S 89°11'07" W ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 17 A DISTANCE OF 1058.53 FEET; THENCE S 00°18'02" E A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF TRACT E, HANCE'S SUBDIVISION REPLAT NO. 2, AND THE POINT OF BEGINNING;

THENCE THE FOLLOWING FIVE (5) COURSES:

1. S 00°18'02" E A DISTANCE OF 391.10 FEET, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF TAFT COURT TO THE NORTH RIGHT-OF-WAY LINE OF WEST FIFTY-FIRST (51 ST) STREET;
2. N 89°43'26" E ALONG SAID NORTH RIGHT-OF-WAY LINE OF WEST FIFTY-FIRST (51 ST) STREET A DISTANCE OF 433.54 FEET, TO THE WEST RIGHT-OF-WAY LINE OF TABOR STREET;
3. N 00°16'34" W ALONG SAID WEST RIGHT-OF-WAY LINE OF TABOR STREET A DISTANCE OF 394.72 FEET, TO A POINT OF A NON-TANGENT CURVE;
4. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 14°01'54", A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 3.67 FEET, AND WHOSE CHORD BEARS N 83°47'55" W A DISTANCE OF 3.66 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WEST 52ND AVENUE;
5. THENCE S 89°11'07" W ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WEST 52ND AVENUE A DISTANCE OF 430.08 FEET TO THE POINT OF BEGINNING.



102 N. FURBER DRIVE, SUITE 200 • GOLDEN, COLORADO 80401
P. 303.441.8888 • F. 303.441.8889 • www.baselinenc.com

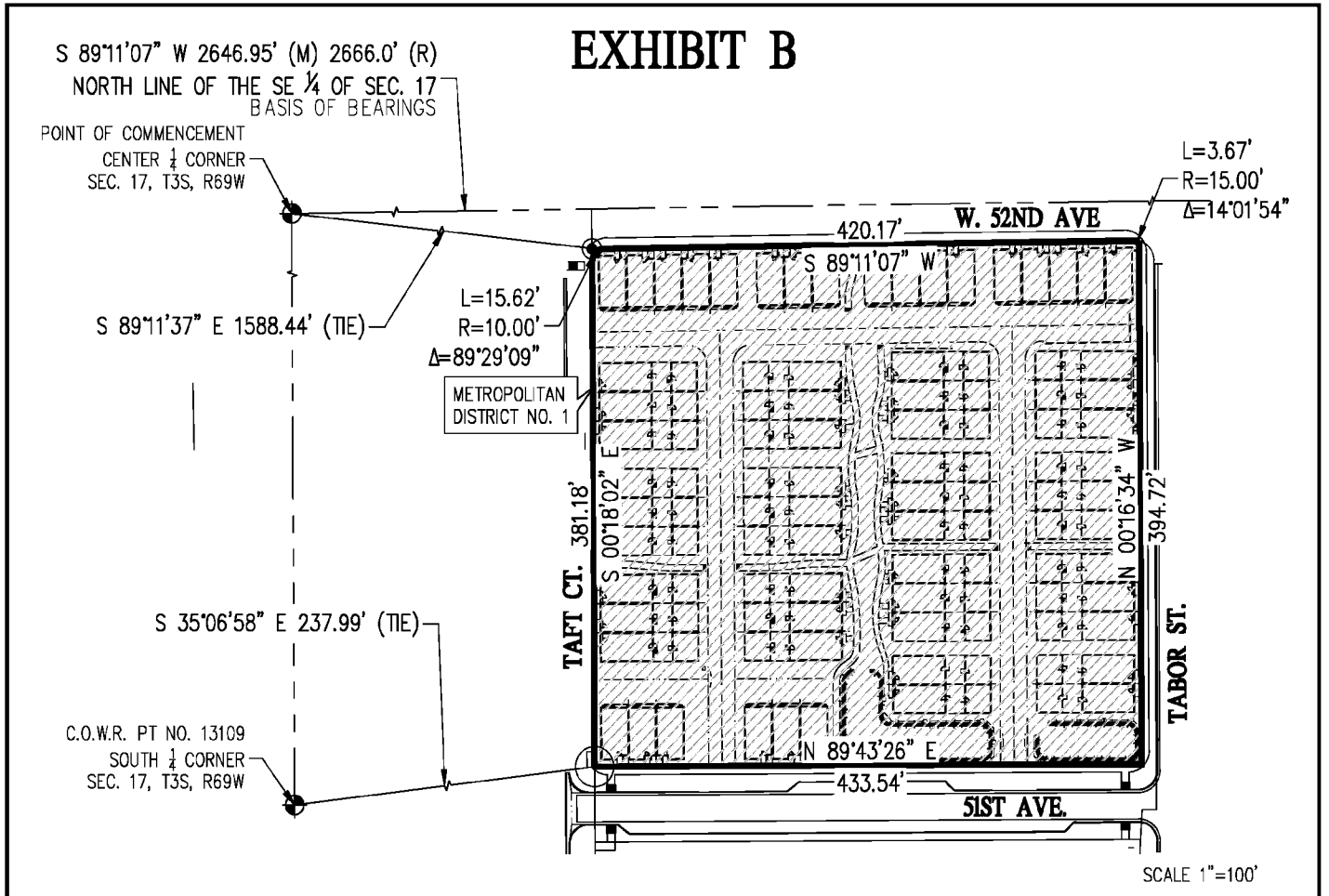
REVISION DESCRIPTION	PREPARED BY	DATE	DRAWN BY	CHECKED BY
			XXX	
			XXX	
			XXX	
			XXX	

HANCE RANCH DEVELOPMENT, LLC

WHEAT RIDGE
JEFFERSON COUNTY
HANCE RANCH
11818 W. 52ND AVE.
LEGAL DESCRIPTION

INITIAL SUBMITTAL	06.01.2019
DRAWING SIZE	8 1/2" X 11"
DRAWN BY	NOAH NEMMERS
CHECKED BY	07.11.2019
JOB NO.	003206
DRAWING NAME	3206 DESCRIPTIONS.dwg
SHEET	1 OF 1
	A

EXHIBIT B



102 N FLORISS DRIVE, SUITE 200 • GOLDEN, COLORADO 80401
P. 303.650.8888 • F. 303.650.8889 • www.baselineinc.com

REVISION DESCRIPTION	PREPARED BY	DATE	DESIGNED BY
			XXX
			XXX
			XXX
			XXX

HANCE RANCH DEVELOPMENT, LLC

WHEAT RIDGE
HANCE RANCH
11818 W. 52ND AVE.
DISTRICT BOUNDARIES MAP

JEFFERSON COUNTY

INITIAL SUBMITTAL	05.07.2019
DRAWING SIZE	8.5" X 11"
REVISION	06.11.2019
BASIS	07.11.2019
JOB NO.	000000
DRAWING NAME	3206 DESCRIPTIONS.dwg
SHEET	1 OF 1
	B