

When recorded return to:

Megan Becher, Esq.
McGeady Becher, P.C.
450 E. 17th 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 LAW FIRM OF MCGEADY BECHER, P.C., AT (303) 592-4380 TO VERIFY PAYMENT.

RESOLUTION NO. 2016-07-02

**RESOLUTION OF THE BOARD OF DIRECTORS
OF HERITAGE RIDGE METROPOLITAN DISTRICT
CONCERNING THE IMPOSITION OF DISTRICT FEES**

WHEREAS, Heritage Ridge Metropolitan District (the "District") is authorized pursuant to Section 32-1-1001(1)(j) of the Colorado Revised Statutes ("C.R.S."), to fix and impose fees, rates, tolls, charges and penalties for services, programs or facilities provided by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, the Service Plan for Heritage Ridge Metropolitan District approved by the Town of Berthoud, Colorado on August 25, 2015 (as it may be amended from time to time, the "Service Plan") similarly empowers the District to impose fees, rates, tolls, charges and penalties for services and facilities provided by the District; and

WHEREAS, the District has determined it is necessary to impose certain fees to pay for costs and expenses of certain services provided by the District, including, but not limited to the those items and fees listed in the attached Exhibit A – Schedule of Fees for all of these contemplated costs in the District.

NOW THEREFORE, the Board of Director of the District hereby RESOLVE as follows:

1. Effective as of July 12, 2016, the District hereby establishes the fees set forth in the attached Exhibit A, which Exhibit A is incorporated herein by this reference (the "District Fees"). The first payment of the District Fees shall become due and payable to the District in one (1) lump sum payment at the closing on the initial sale of a residential unit by a builder to an end user, and on each sale, transfer or resale of a residential unit thereafter.

2. Any District Fee contemplated herein that is not paid in full within five (5) days after the scheduled due date shall be assessed a late fee of fifteen dollars (\$15.00), per §29-1-1102(3), C.R.S. Pursuant to §29-1-1102(7), C.R.S., interest will also accrue on any outstanding Fee, exclusive of assessed late fees, at the rate of eighteen percent (18%) per annum.

3. All District Fees shall be due, owing and payable to the District, in cash or an equivalent form made payable to "Heritage Ridge Metropolitan District." In the event that any District Fee established hereunder remains unpaid thirty-one (31) days after its respective due date, the District's Manager and/or General Counsel shall be authorized to undertake collection efforts for any and all outstanding amounts. All collections efforts shall be made pursuant to, and in accordance with, applicable state and federal laws. The District's General Counsel shall be entitled to charge reasonable legal fees and any related costs and expenses to the owners of any such real property for said collections efforts.

4. All District 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 District or to be provided by the District within a reasonable amount of time. Except for the lien against the property created by the imposition of property taxes by the District and any other taxing jurisdiction, all liens for unpaid District Fees shall, to the fullest extent permitted by law, have priority over all other liens of record affecting the property, shall run with the property and remain in effect until paid in full. All liens contemplated herein may be foreclosed in any manner authorized by law at such time as the District may determine that the District Fees have not been paid as required.

5. If any clause or provision of this Resolution is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Resolution as a whole but shall be severed here from, leaving the remaining clauses or provisions in full force and effect.

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EXHIBIT A

**Heritage Ridge Metropolitan District
2016 Fee Schedule**

The following District Fees are hereby established and payable in accordance with the provisions of the Resolution for properties within the Heritage Ridge Metropolitan District:

1. **Transfer Fee: \$150**
2. **Set-up Fee: \$100**

EXHIBIT B

**Description of Property Subject to District Fees
(Heritage Ridge Metropolitan District)**



DESCRIPTION:

A tract of land located in the Southeast Quarter of Section 23, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of the Southeast Quarter of Section 23 as bearing North 00° 18' 12" West and with all bearings contained herein relative thereto:

COMMENCING at the Center Quarter Corner of Section 23; thence along said West line, South 00° 18' 12" East, 30.00 feet to the South right-of-way line of Spartan Avenue, said point being the POINT OF BEGINNING; thence along said South line, North 89° 35' 45" East, 757.50 feet; thence, North 00° 18' 23" West, 30.00 feet to the North line of the Southeast Quarter of Section 23; thence along said North line, North 89° 35' 45" East, 185.81 feet; thence, South 00° 24' 17" East, 406.72 feet; thence, South 00° 23' 46" East, 49.58 feet; thence, South 07° 54' 40" East, 73.01 feet; thence, South 07° 13' 28" East, 10.00 feet; thence, South 82° 46' 32" West, 158.51 feet; thence along a curve concave to the southeast having a central angle of 92° 40' 18" with a radius of 5.00 feet, an arc length of 8.09 feet and the chord of which bears South 36° 26' 23" West, 7.23 feet; thence along a curve concave to the northeast having a central angle of 20° 26' 53" with a radius of 949.00 feet, an arc length of 338.69 feet and the chord of which bears South 20° 07' 12" East, 336.89 feet; thence, South 30° 20' 39" East, 761.45 feet; thence along a curve concave to the southwest having a central angle of 29° 59' 44" with a radius of 607.00 feet, an arc length of 317.78 feet and the chord of which bears South 15° 20' 47" East, 314.16 feet; thence, South 00° 20' 55" East, 808.14 feet to the South line of the Southeast Quarter of Section 23; thence along said South line, South 89° 39' 04" West, 1370.87 feet to the South Quarter Corner of Section 23; thence along the West line of the Southeast Quarter of Section 23, North 00° 18' 12" West, 2620.56 feet to the Point of Beginning.

The above described area contains 69.160 acres more or less and is subject to all easements and rights of way now existing or of record.

Surveyor's Certificate: To Kenneth and Virginia Schleiger Living Trust dated March 17, 1993 and Edward Michael Davis; This is to certify that this Description and Exhibit is based on a field survey completed in April, 2014 by Northern Engineering and the records of the Clerk and Recorder of Larimer County. This description does not represent a monumented boundary survey.

For and on Behalf of Northern Engineering Services, Inc.
Gerald D. Gilliland
Reg. Land Surveyor
Colorado Reg. No. 14823



January 27, 2015
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DESCRIPTION:

A tract of land located in the Southeast Quarter of Section 23, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Southeast Quarter of Section 23 as bearing North $89^{\circ} 35' 45''$ East and with all bearings contained herein relative thereto:

COMMENCING at the Center Quarter Corner of Section 23; thence along said North line, North $89^{\circ} 35' 45''$ East, 943.31 feet to the POINT OF BEGINNING; thence, North $89^{\circ} 35' 45''$ East, 794.28 feet; thence, South $64^{\circ} 45' 47''$ East, 177.65 feet; thence along a non-tangent curve concave to the northeast having a central angle of $10^{\circ} 29' 26''$ with a radius of 2654.51 feet, an arc length of 486.03 feet and the chord of which bears South $26^{\circ} 03' 47''$ East, 485.35 feet; thence, South $31^{\circ} 18' 30''$ East, 255.12 feet; thence along a curve concave to the southwest having a central angle of $16^{\circ} 48' 01''$ with a radius of 2635.89 feet, an arc length of 772.89 feet and the chord of which bears South $22^{\circ} 54' 30''$ East, 770.13 feet; thence, South $14^{\circ} 30' 29''$ East, 220.70 feet; thence along a curve concave to the southwest having a central angle of $02^{\circ} 41' 40''$ with a radius of 6088.82 feet, an arc length of 286.35 feet and the chord of which bears South $13^{\circ} 09' 39''$ East, 286.32 feet; thence, South $00^{\circ} 21' 21''$ East, 715.06 feet; thence, South $89^{\circ} 39' 04''$ West, 1283.90 feet; thence, North $00^{\circ} 20' 55''$ West, 808.14 feet; thence along a curve concave to the southwest having a central angle of $29^{\circ} 59' 44''$ with a radius of 607.00 feet, an arc length of 317.78 feet and the chord of which bears North $15^{\circ} 20' 47''$ West, 314.16 feet; thence, North $30^{\circ} 20' 39''$ West, 761.45 feet; thence along a curve concave to the northeast having a central angle of $20^{\circ} 26' 53''$ with a radius of 949.00 feet, an arc length of 338.69 feet and the chord of which bears North $20^{\circ} 07' 12''$ West, 336.89 feet; thence along a curve concave to the southeast having a central angle of $92^{\circ} 40' 18''$ with a radius of 5.00 feet, an arc length of 8.09 feet and the chord of which bears North $36^{\circ} 26' 23''$ East, 7.23 feet; thence, North $82^{\circ} 46' 32''$ East, 158.51 feet; thence, North $07^{\circ} 13' 28''$ West, 10.00 feet; thence, North $07^{\circ} 54' 40''$ West, 73.01 feet; thence, North $00^{\circ} 23' 46''$ West, 49.58 feet; thence, North $00^{\circ} 24' 17''$ West, 406.72 feet to the Point of Beginning.

The above described area contains 76.744 acres more or less and is subject to all easements and rights of way now existing or of record.

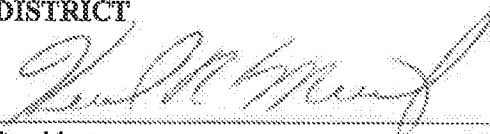
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June 8, 2015

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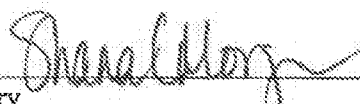
ADOPTED AND APPROVED to be effective as of the 12th day of July, 2016.

HERITAGE RIDGE METROPOLITAN
DISTRICT



President

ATTEST:



Secretary