

JOINT RESOLUTION
OF THE BOARDS OF DIRECTORS OF
SERRATOGA FALLS METROPOLITAN DISTRICT NO. 1 AND SERRATOGA FALLS
METROPOLITAN DISTRICT NO. 3
CONCERNING THE IMPOSITION OF TAP FEES AND WATER USAGE FEES

WHEREAS, Serratoga Falls Metropolitan District No. 1 and Serratoga Falls Metropolitan District No. 3 (collectively, the "Districts"), were formed pursuant to §32-1-101 et seq., C.R.S., as amended, by order of the District Court in and for Larimer County, Colorado, and after approval of the eligible electors of the Districts at a special, court ordered election held on May 2, 2006, for the purpose of assisting in the financing and development of the area generally in the northeast corner of Prospect Road and CRS in the Town of Timnath (the "Service Area"); and

WHEREAS, on April 1, 2016, the Town Board of the Town of Timnath, Colorado, approved the Amended and Restated Model Consolidated Service Plan for Serratoga Falls Metropolitan District No. 1 and No. 3 (the "Service Plan") for the purpose of providing certain parameters for the financing and development of the Service Area; and

WHEREAS, pursuant to §32-1-1001(1)(j), C.R.S. and the Districts' Service Plan, the Districts are authorized to fix and impose fees, rates, tolls, charges, and penalties for services or facilities provided by the Districts which, until paid, shall constitute a perpetual lien on and against the property served, the revenues from which fees, rates, tolls, and charges may be pledged to the payment of any of the Districts' debt; and

WHEREAS, the District's Service Plan assumes the receipt of various sources of revenue including tap fees and user charges; and

WHEREAS, pursuant to the Districts' Service Plan and the District Facilities Construction and Service Agreement among the Districts, District No. 1 will construct, own and operate an irrigation water system to provide non-potable water service to owners and residents of District No. 1 and 3; and

WHEREAS, a "Residential Dwelling Unit" is hereby defined as each single-family attached or detached units and each multifamily unit; and

WHEREAS, the Boards desire to impose a Tap Fee and a Water Charge as described herein for the connection to and the use of District No. 1's non-potable water irrigation system.

NOW THEREFORE, the Districts' Boards of Directors hereby RESOLVE as follows:

1. Effective December 1 2018, a one-time Tap Fee is hereby established and shall be charged against each Residential Dwelling Unit constructed within the boundaries of District No. 1 and No. 3, as the same are more particularly described in Exhibit "A" attached hereto. The Tap Fee, in the initial amounts set forth in Exhibit B, attached hereto shall become due, owing and payable at the time of the first application for a building permit for each Residential Dwelling Unit to be constructed within the Districts.

2. Until such time that District No. 1 begins to meter for actual water usage, an annual "Water Charge" for use of the non-potable water irrigation system is hereby established, effective January 1, 2019, for each Residential Dwelling Unit, in the amount of \$325.00 per year. The Water Charge shall become due, owing and payable upon the date of written notification that said Water Charge is due. Once metering is established, the Water Charge will be established and charged in a manner determined by the Boards in the exercise of their discretion.
3. If the applicable Tap Fee or annual Water Charge remains unpaid fifteen (15) days after the date upon which it is due and owing, an interest charge of one percent (1%) per month shall be applied against the unpaid balance. The obligated party shall also be charged for any and all legal fees, court costs and expenses incurred by the Districts in order to collect any unpaid fees or interest due. At the option of District No.1 service to the property in question may be suspended until payment has been received.
4. Upon their assessment as described herein, any and all Tap Fees or Water Charges, including interest thereon shall constitute a first, prior and perpetual lien on and against the property of the Residential Dwelling Unit by District No. 1 pursuant to §32-1-100l(1)(j) C.R.S. and may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens.
5. Nothing herein shall be deemed or construed as a limitation upon the Districts' remedies, causes of action or manner in which the Districts may proceed in the event any fee or charge of the Districts is unpaid.
6. If any clause or provision of this 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 Resolution as a whole, but shall be severed herefrom, leaving the remaining terms intact and enforceable.
7. This Resolution shall be recorded in the Larimer County Clerk and Recorder's Office against the real property located within the boundaries of the Districts.

ADOPTED AND APPROVED this 4th day of December 2018.

SERRATOGA FALLS METROPOLITAN DISTRICT NO. 1



Its: President

SERRATOGA FALLS METROPOLITAN DISTRICT NO. 3



Its: President

EXHIBIT A

Legal Description
Serratoga Falls Metropolitan District #1 and #3

EXHIBIT B

TAP FEES FOR SERRATOGA FALLS DISTRICT #1 AND #3
(KITCHEL LAKE PHASES 1-5)

Lot Size (SF)	Tap Fee
5,000-6,999	\$4,188.00
7,000-8,999	\$5,226.00
9,000-10,999	\$6,265.00
11000-12, 999	\$7,303.00
13,000-14,999	\$8,341.00
15,000-16,999	\$9,380.00
17,000-18,999	\$10,476.00
19,000-20,000	\$11,514.00