

**RESOLUTION OF THE BOARD OF DIRECTORS OF CHAPEL HEIGHTS
METROPOLITAN DISTRICT, CITY OF COLORADO SPRINGS, COUNTY OF EL
PASO, STATE OF COLORADO, ADOPTING DISTRICT FEES**

WHEREAS, the Chapel Heights Metropolitan District, City of Colorado Springs, Colorado (the “District”), is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the District was formed to provide public improvements to the Chapel Heights development along with the operation and maintenance of the improvements and certain services, including but not limited to, snow removal, trash collection services, community center operations, landscaping, and covenant enforcement (“District Functions”); and

WHEREAS, pursuant to Section 32-1-1001(1)(j), C.R.S., the District is authorized to fix and from time to time increase fees, rates, tolls, charges, and penalties for services, programs, or facilities the District provides which, until paid, shall constitute a perpetual lien on and against the property served, and the District may utilize the revenues from such fees, rates, tolls, and charges for all lawful purposes of the District;

WHEREAS, the District Functions will benefit the property within the District as established by the District’s Service Plan and described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, the District will require payment of fees by all Units (defined below) within the District to fund the District Functions; and

WHEREAS, the District desires to adopt this Resolution to assure that property owners within the District are required to pay the fees necessary to assist with the funding of the District Functions and to otherwise clarify procedures for payment of fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CHAPEL HEIGHTS METROPOLITAN DISTRICT AS FOLLOWS:

1. The Board of Directors of the District has determined, and does hereby determine that it is in the best interests of the District and its respective future property owners and inhabitants to exercise its power granted by statute to establish a schedule of fees (the “Fee(s)”) to be imposed upon the Property.

2. The Fees shall be comprised of the following:

a) a working capital fee in the amount of \$600.00 to be assessed and collected against each Unit (defined below) within the Property upon sale or transfer of that unit for the first time for residential occupation and upon every subsequent sale or transfer of that unit; and

b) a monthly operations fee for the provision of the District Functions, including snow removal, trash collection services, community center operations, landscaping

services, and covenant enforcement in the amount of \$50.00 to be assessed and collected each month against each Unit; shall commence upon transfer of the Unit by the homebuilder to a homeowner; and shall be payable the fifteenth day of each month. The amount for the first month shall be collected at the closing of the transfer of a Unit. In the event the transfer of a Unit occurs on a date other than the first day of the month, the amount of the fee for the first month shall be prorated accordingly.

The District reserves the right to amend this Resolution in the future to increase or decrease the amount of the Fees.

For purposes of this Resolution, a Unit shall be any individually platted portion of the Property that is zoned and intended for the construction and use as a detached single family home. A Unit shall not be any area within the Property designated by plat as a public right of way, open space or property otherwise utilized for the provision of public utilities.

3. The Fees shall be imposed as stated above, beginning upon the effective date of this Resolution.

4. Attached single family dwelling units or multi-family dwelling units shall be subject to Fees based on the provision of amenities and improvements (community center, playground, open space, etc.) constructed as part of the attached single family or multi-family project. The Board of Directors of the District shall determine the amount of the Fees upon review of the proposed project and the amenities and improvements proposed.

5. Any unpaid Fees shall constitute a statutory and perpetual lien against the Property pursuant to Section 32-1-1001(1)(j)(I), C.R.S., such lien being a charge imposed for the provision of the services and facilities to the Property. 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 El Paso County, Colorado.

6. Failure to make payment of the Fees due hereunder shall constitute a default in the payment of such Fees. Upon a default, interest shall accrue on such total amount of Fees due at the rate of twelve percent (12%) per annum and the District shall be entitled to institute such remedies and collection proceedings as may be authorized under Colorado law, including but not limited to foreclosure of its perpetual lien. The defaulting property owner shall pay all costs, including attorneys' fees, the District incurs in connection with the foregoing. In foreclosing the lien, the District will enforce the lien only to the extent necessary to collect unpaid fees, interest and costs.

7. Judicial 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 circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

8. Inquiries pertaining to the Fees may be directed to the District's manager or general counsel at: Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, Colorado 80203.

RESOLUTION APPROVED AND EFFECTIVE this 30th day of November, 2020.

CHAPEL HEIGHTS METROPOLITAN
DISTRICT

By: 

President

Attest:



Secretary

EXHIBIT A
“PROPERTY”

PARCEL A:

LOT 1, NAZARENE BIBLE COLLEGE SUBDIVISION NO. 1, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL B:

A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 23 BEARS S40° 27'01" W, A DISTANCE OF 4,219.34 FEET (ALL BEARINGS USED IN THIS DESCRIPTION ARE RELATIVE TO THE WEST LINE OF SAID SECTION 23, WHICH WAS ASSUMED TO BE N 0° 25'09" W); SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF MURRAY BOULEVARD AS RECORDED IN SANDPIPER SUBDIVISION FILING NO. 1 AS RECORDED IN PLAT BOOK M-3 AT PAGE 85 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE TO THE LEFT, WHICH CURVE HAS A CENTRAL ANGLE OF 48° 50'09", A RADIUS OF 394.95 FEET, AND AN ARC LENGTH OF 336.64 FEET, (CHORD OF SAID CURVE BEARS N 51° 59'20" W); THENCE S 55° 23'06" W, 223.03 FEET; THENCE S 80° 25'40" E, 447.08 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO

AND

THAT PORTION OF SECTION 23 IN TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO.

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23; THENCE NORTHERLY ON THE WEST LINE OF SAID SECTION 23, 1,089.74 FEET; THENCE ANGLE RIGHT 90° 26'50" EASTERLY, 1092.56 FEET; THENCE ON THE ARC OF A CURVE TO THE RIGHT, WHICH CURVE HAS A CENTRAL ANGLE OF 28°

52'25", A RADIUS OF 1,000.00 FEET, AN ARC DISTANCE OF 503.93 FEET; THENCE ANGLE LEFT 90° 00'00" NORTHERLY FROM THE EASTERLY EXTENSION OF THE FORWARD TANGENT OF THE LAST MENTIONED CURVE, 50.00 FEET TO A POINT ON THE NORTHERLY LINE OF FOUNTAIN BOULEVARD; (ALL BEARINGS HEREINAFTER USED ARE RELATIVE); THENCE ANGLE RIGHT 90° 00'00" (SOUTH 60° 39'27" EAST) 313.83 FEET; THENCE NORTH 29° 20'33" EAST, 313.68 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED HEREIN; THENCE NORTH 00° 00'00" EAST, 1,159.22 FEET; THENCE NORTH 59° 13'03" EAST, 752.58 FEET, THENCE SOUTH 12° 28'18" WEST, 294.82 FEET; THENCE SOUTH 29°33" WEST, 1,305.93 FEET TO THE POINT OF BEGINNING, EXCEPT A PORTION CONVEYED IN SAID DEED RECORDED AUGUST 28, 1986 UNDER RECEPTION NO. 1445110 AND NOW PLATTED AS FIRST CHURCH OF THE NAZARENE SUBDIVISION NO. 1, RECORDED SEPTEMBER 30, 1985 UNDER RECEPTION NO. 1305207, AND EXCEPT THAT PORTION OF SUBJECT PROPERTY NOW PLATTED AS NAZARENE BIBLE COLLEGE SUBDIVISION FILING NO. 2, RECORDED AUGUST 08, 2002 UNDER RECEPTION NO. 202130722, COUNTY OF EL PASO, STATE OF COLORADO

AND

THAT PORTION OF SECTION 23 IN TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23; THENCE NORTHERLY ON THE WEST LINE OF SAID SECTION 23, 1069.74 FEET; THENCE ANGLE RIGHT $90^{\circ} 26' 50''$ EASTERLY, 1092.56 FEET; THENCE ON THE ARC OF A CURVE TO THE RIGHT, WHICH CURVE HAS A CENTRAL ANGLE OF $28^{\circ} 52' 25''$, A RADIUS OF 1000.00 FEET, AN ARC DISTANCE OF 503.93 FEET; THENCE ANGLE LEFT $90^{\circ} 00' 00''$ NORTHERLY FROM THE EASTERLY EXTENSION OF THE FORWARD TANGENT OF THE LAST MENTIONED CURVE, 50.00 FEET TO A POINT ON THE NORTHERLY LINE OF FOUNTAIN BOULEVARD; (ALL BEARINGS HEREINAFTER USED ARE RELATIVE); THENCE ANGLE RIGHT $90^{\circ} 00' 00''$ (SOUTH $60^{\circ} 39' 27''$ EAST) 313.83 FEET; THENCE NORTH $29^{\circ} 20' 33''$ EAST, 313.68 FEET; THENCE NORTH $00^{\circ} 00' 00''$ EAST, 1,159.22 FEET; TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED HEREIN; THENCE NORTH $69^{\circ} 13' 03''$ EAST, 1087.58 FEET; THENCE NORTH $27^{\circ} 08' 24''$ WEST, 616.62 FEET; THENCE NORTH $79^{\circ} 59' 13''$ WEST, 828.66 FEET TO INTERSECT A CURVE TO THE RIGHT; THENCE SOUTH $10^{\circ} 00' 47''$ WEST TO THE FORWARD TANGENT OF A CURVE TO THE RIGHT; THENCE ON THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $69^{\circ} 10' 53''$, A RADIUS OF 585.00 FEE, AN ARC DISTANCE OF 706.35 FEET; THENCE SOUTH $10^{\circ} 8' 20''$ EAST, 40.00 FEET; THENCE SOUTH $43^{\circ} 35' 50''$ EAST, 782.24 FEET, MORE OR LESS TO THE POINT OF BEGINNING, EXCEPT PORTION CONVEYED BY DEED RECORDED APRIL 02, 1982 IN BOOK 3549 AT PAGE 298 AND NOW BEING A PORTION OF CRESTLINE HEIGHTS FILING NO 4, RECORDED JUNE 19, 1996 UNDER RECEPTION NO. 96076353 AND A PORTION OF CRESTLINE HEIGHTS FILING NO. 5, RECORDED JUNE 11, 1997 UNDER RECEPTION NO. 97066444, COUNTY OF EL PASO, STATE OF COLORADO