

RESOLUTION NO. 2021-04-05

**AMENDED AND RESTATED
FACILITIES FEE RESOLUTION**

A. Second Creek Farm Metropolitan District No. 4 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and operates pursuant to its Service Plan approved by the City of Commerce City on September 19, 2005 (the “**Service Plan**”).

B. The District’s boundaries are described in the legal description attached hereto as **Exhibit A**, which legal description may be amended from time to time, pursuant to the inclusion and/or exclusion of property into or from the District (the “**Property**”).

C. The District is authorized under its Service Plan to provide for the design, acquisition, construction, installation, perpetual maintenance, and financing of certain public improvements within the District (the “**Public Improvements**”).

D. The District’s Board of Directors (the “**Board of Directors**”) has determined that it is in the best interest of its inhabitants and taxpayers to provide the Public Improvements.

E. The adoption of services and facilities rates in the form of a “**Facilities Fee**” will serve a public purpose and promote the health, safety and general welfare of the District by providing for the orderly payment of the District’s costs of the Public Improvements.

F. The Board of Directors finds that such a Facilities Fee is authorized by Section 32-1-1001(1)(j), C.R.S.

G. The Board of Directors previously adopted that certain Resolution No. 2019-01-01, Facilities Fee Resolution, effective as of January 4, 2019 (the “**Original Fee Resolution**”).

H. The Board of Directors desires to amend and restate the Original Fee Resolution in its entirety to impose the Facilities Fee on Commercial Land (as defined herein) on the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4, ADAMS COUNTY, COLORADO:

1. The Board of Directors hereby amends and restates in its entirety the Original Fee Resolution.

2. The Board of Directors hereby finds, determines and declares the necessity of providing for the orderly payment of the District’s costs of capital in order to ensure the full satisfaction of the District’s financial obligations incurred for the construction of the Public Improvements, all to ensure the health, safety and welfare of the inhabitants of the District.

3. The following words and phrases used herein shall have the following meaning:

(a) Dwelling Unit means a residential building located on the Property, intended for occupancy by one or more individuals and consisting of one self-contained living unit whether attached or detached, as reasonably determined by the District.

(b) Commercial Land means any portion of the Property that is zoned or subdivided for and use(s) other than residential uses.

(c) Facilities Fee means the payment made or to be made by the owner(s) of the Property to the District.

4. There shall be assessed and charged a Facilities Fee pursuant to Section 32-1-1001(1)(j), C.R.S., for use of the Public Improvements. The owners of all land within the District, other than governmental owners, shall be subject to the Facilities Fee.

5. The Facilities Fee for Dwelling Units shall be as follows:

(a) Two Thousand Five Hundred Dollars (\$2,500) per single-family detached Dwelling Unit.

(b) One Thousand Five Hundred Dollars (\$1,500) per attached single-family attached Dwelling Unit.

6. The Facilities Fee for Commercial Land shall be as follows:

(a) Thirty Cents (\$0.30) per square foot of Commercial Land.

7. The Board of Directors reserves the right to adjust the rates of the Facilities Fee from time to time at its discretion.

8. The Facilities Fee is due with respect to any Dwelling Unit or Commercial Land on or before the date of issuance of a building permit by the City of Commerce City or Adams County (the "**County**"), as the case may be, for such Dwelling Unit or Commercial Land.

9. The Facilities Fee shall be a perpetual charge and lien upon the Property in the District, from the date the same becomes due and payable until paid, and such lien may be foreclosed by the District in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens. The lien shall be perpetual in nature as defined by the laws of the State of Colorado and shall run with the land. This Resolution shall be recorded in the offices of the Clerk and Recorder of the County.

10. Failure to make payment of the Facilities Fees due hereunder shall constitute a default in the payment of such Facilities Fees. Upon a default, interest shall accrue on such total amount of Facilities Fees due at the rate authorized by statute, 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, incurred by the District in connection with the

foregoing. In foreclosing its lien, the District will enforce the lien only to the extent necessary to collect unpaid Facilities Fees, accrued interest thereon and costs of collection (including, but not limited to, reasonable attorneys' fees).

11. 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.

12. Any inquiries pertaining to the Facilities Fee may be directed to the District's General Counsel at: 450 E. 17th Avenue, Suite 400, Denver, Colorado 80203-1254; (303) 592-4380.

13. The Facilities Fee set forth herein is hereby approved and adopted by resolution of the Board of Directors of Second Creek Farm Metropolitan District No. 4 effective as of April 7, 2021

**SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 4**

By: Joel Farkas
President

Attest:

By: Jon Dene
Secretary

EXHIBIT A

Legal Description of the District

EXHIBIT A
SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 4
LGID NO. 65623
SHEET 1 OF 4

LEGAL DESCRIPTION

THAT PART OF SECOND CREEK FARM FILING NO. 2, LOCATED IN THE EAST HALF OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 28, 2013 AT RECEPTION NO. 20060428000434700, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION BEARS SOUTH 89°59'51" EAST BETWEEN THE MONUMENTS SHOWN HEREON;

THENCE SOUTH 48°11'58" EAST, A DISTANCE OF 90.02 FEET;

THENCE SOUTH 89°59'51" EAST, A DISTANCE OF 1313.29 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°59'51" EAST, A DISTANCE OF 166.03 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 10°24'28", A RADIUS OF 940.00 FEET, AN ARC LENGTH OF 170.75 FEET, THE CHORD OF WHICH BEARS SOUTH 84°47'37" EAST, A DISTANCE OF 170.52 FEET;

THENCE SOUTH 79°35'23" EAST, A DISTANCE OF 316.04 FEET TO A CURVE TO THE LEFT;

THENCE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 10°24'28", A RADIUS OF 1060.00 FEET, AN ARC LENGTH OF 192.55 FEET, THE CHORD OF WHICH BEARS SOUTH 84°47'37" EAST, A DISTANCE OF 192.28 FEET;

THENCE SOUTH 89°59'51" EAST, A DISTANCE OF 299.35 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 89°39'02", A RADIUS OF 35.00 FEET, AN ARC LENGTH OF 54.76 FEET, THE CHORD OF WHICH BEARS SOUTH 45°10'20" EAST, A DISTANCE OF 49.35 FEET;

THENCE SOUTH 00°20'49" EAST, A DISTANCE OF 1,067.16 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 35.00 FEET, AN ARC LENGTH OF 54.98 FEET, THE CHORD OF WHICH BEARS SOUTH 44°39'11" WEST, A DISTANCE OF 49.50 FEET;

THENCE SOUTH 89°39'11" WEST, A DISTANCE OF 403.19 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 45°16'58", A RADIUS OF 318.00 FEET, AN ARC LENGTH OF 251.33 FEET, THE CHORD OF WHICH BEARS NORTH 67°42'21" WEST, A DISTANCE OF 244.84 FEET;

THENCE NORTH 45°03'52" WEST, A DISTANCE OF 610.08 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 41°01'11", A RADIUS OF 318.00 FEET, AN ARC LENGTH OF 227.67 FEET, THE CHORD OF WHICH BEARS NORTH 24°33'16" WEST, A DISTANCE OF 222.83 FEET;

*** LEGAL DESCRIPTION CONTINUES ON SHEET 2 OF 6 ***



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SECOND CREEK FARM METROPOLITAN DISTRICT NO.4

CITY OF COMMERCE CITY, COUNTY OF ADAMS, COLORADO

EXHIBIT A

PROJ. MGR.: BJP

SHEET

DRAWN BY: JCS

1 OF **4**

DATE: 12/10/2018

SCALE: N/A

000.SCCCCO.11

EXHIBIT A
SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 4
LGID NO. 65623
SHEET 2 OF 4

*** LEGAL DESCRIPTION CONTINUED FROM SHEET 1 OF 4 ***

THENCE NORTH 04°02'41" WEST, A DISTANCE OF 345.12 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 04°02'49", A RADIUS OF 268.00 FEET, AN ARC LENGTH OF 18.93 FEET, THE CHORD OF WHICH BEARS NORTH 02°01'16" WEST, A DISTANCE OF 18.93 FEET;

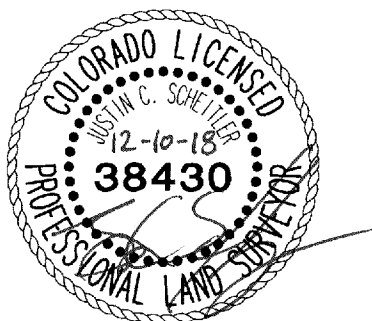
THENCE NORTH 00°00'09" EAST, A DISTANCE OF 104.99 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 35.00 FEET, AN ARC LENGTH OF 54.98 FEET, THE CHORD OF WHICH BEARS NORTH 45°00'09" EAST, A DISTANCE OF 49.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING ANY STREETS OR OTHER PUBLIC RIGHT OF WAYS GRANTED TO THE CITY OF COMMERCE CITY.

CONTAINING 1,209,224 SQUARE FEET OR 27.7599 ACRES, MORE OR LESS.

I, JUSTIN C. SCHEITLER, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



JUSTIN C. SCHEITLER, P.L.S. 38430
FOR AND ON BEHALF OF MANHARD CONSULTING



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SECOND CREEK FARM METROPOLITAN DISTRICT NO.4
CITY OF COMMERCE CITY, COUNTY OF ADAMS, COLORADO

EXHIBIT A

PROJ. MGR.: BJP
DRAWN BY: JCS
DATE: 12/10/2018
SCALE: N/A

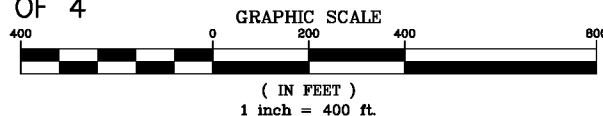
SHEET
2 OF **4**
000.SCCCO.11

EXHIBIT A

SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 4
LGID NO. 65623
SHEET 3 OF 4

POINT OF COMMENCEMENT

NORTH QUARTER CORNER
SECTION 21, T2S, R66W
FOUND 3.25" ALUMINUM CAP
STAMPED "2016, PLS 25379"
IN RANGE BOX



NORTHEAST CORNER
SECTION 21, T2S, R66W
FOUND 3.25" ILLEGIBLE
ALUMINUM CAP IN RANGE BOX

NORTH LINE OF THE NORTHEAST QUARTER OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 66 WEST (BASIS OF BEARINGS)

E. 96TH AVE.

POINT OF BEGINNING

S 48°11'58" E
90.02'

S 89°59'51" E 1313.29'

S 89°59'51" E 2626.81'

SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 4
1,209,224 S.F. (27.7599 AC.)±

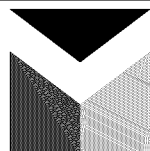
TELLURIDE ST.

TOWER RD.

NOTE:

- DENOTES CHANGE OF DIRECTION ONLY. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

SEE SHEET 4 OF 4 FOR LINE AND CURVE TABLES



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SECOND CREEK FARM METROPOLITAN DISTRICT NO.4
CITY OF COMMERCE CITY, COUNTY OF ADAMS, COLORADO

EXHIBIT A

PROJ. MGR.: BJP
DRAWN BY: JCS
DATE: 12/10/2018
SCALE: 1"=400'

SHEET

3 OF 4
000.SCCCCO.11

EXHIBIT A
 SECOND CREEK FARM
 METROPOLITAN DISTRICT NO. 4
 LGID NO. 65623
 SHEET 4 OF 4

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 89°59'51" E	166.03'
L2	S 79°35'23" E	316.04'
L3	S 89°59'51" E	299.35'
L4	S 00°20'49" E	1067.16'
L5	S 89°39'11" W	403.19'
L6	N 45°03'52" W	610.08'
L7	N 04°02'41" W	345.12'
L8	N 00°00'09" E	104.99'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	10°24'28"	940.00'	170.75'	S 84°47'37" E	170.52'
C2	10°24'28"	1060.00'	192.55'	S 84°47'37" E	192.28'
C3	89°39'02"	35.00'	54.76'	S 45°10'20" E	49.35'
C4	90°00'00"	35.00'	54.98'	S 44°39'11" W	49.50'
C5	45°16'58"	318.00'	251.33'	N 67°42'21" W	244.84'
C6	41°01'11"	318.00'	227.67'	N 24°33'16" W	222.83'
C7	4°02'49"	268.00'	18.93'	N 02°01'16" W	18.93'
C8	90°00'00"	35.00'	54.98'	N 45°00'09" E	49.50'



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SECOND CREEK FARM METROPOLITAN DISTRICT NO.4	
CITY OF COMMERCE CITY, COUNTY OF ADAMS, COLORADO	
EXHIBIT A	
PROJ. MGR.: <u>BJP</u> DRAWN BY: <u>JCS</u> DATE: <u>12/10/2018</u> SCALE: <u>N/A</u>	SHEET <div style="font-size: 2em; font-weight: bold; display: inline-block;">4</div> OF <div style="font-size: 2em; font-weight: bold; display: inline-block;">4</div> 000.SCCCO.11

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