RESOLUTION NO. 2019-01-____

RESOLUTION OF THE BOARD OF DIRECTORS OF SKY RANCH COMMUNITY AUTHORITY BOARD REGARDING THE IMPOSITION OF OPERATIONS AND MAINTENANCE FEES

A. The Sky Ranch Community Authority Board (the "**CAB**") is an authority and separate legal entity created pursuant to Section 29-1-203.5, C.R.S., and that certain Amended & Restated Sky Ranch Community Authority Board Establishment Agreement ("**CABEA**"), dated September 18, 2018, and effective November 13, 2017, by and between Sky Ranch Metropolitan District No. 1 and Sky Ranch Metropolitan District No. 5, each a quasi-municipal corporation and political subdivision of the State of Colorado located in Arapahoe County, Colorado (each a "**Sky Ranch District**" and collectively the "**Sky Ranch Districts**"), as may be amended from time to time.

B. The CABEA enables the CAB to impose and, from time to time, increase or decrease fees, rates, tolls, penalties or charges for services, programs and facilities furnished by the CAB on behalf of the Sky Ranch Districts, in accordance with the approved Service Plans for the Sky Ranch Districts and Section 32-1-1001(1)(j) and (k), C.R.S.

C. Section 32-1-1001(1)(j), C.R.S., provides that until paid, all such fees, rates, tolls, penalties or charges shall constitute a perpetual lien on and against the property served, which lien may be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics' liens.

D. The CABEA provides that the CAB is authorized to provide for various public improvements and the operations and maintenance of such public improvements, as well as design review and covenant enforcement services (the "**Improvements and Services**") for the benefit of the Sky Ranch Districts and the residents and property owners within the Sky Ranch Districts.

E. The property currently within the boundaries of Sky Ranch Metropolitan District No. 1, and subject to the fees imposed by this Resolution, is described on **Exhibit A** attached hereto and incorporated herein (the "**Property**").

F. The Property will benefit from the CAB's operation and maintenance of the Improvements and Services.

G. The CAB has determined that, to meet the costs associated with the Improvements and Services and the cost of operating and maintaining the Improvements and Services, it is necessary to impose Operations and Maintenance Fees on the Property, as set forth in the attached **Exhibit B** – Schedule of Operations and Maintenance Fees, as may be amended from time to time, and Fees for Late Payment and Lien Enforcement, as set forth in the attached **Exhibit C**, as may be amended from time to time (collectively, "**CAB O&M Fees**").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SKY RANCH COMMUNITY AUTHORITY BOARD OF ARAPAHOE COUNTY, COLORADO:

1. The Board of Directors of the CAB hereby finds, determines and declares that it is in the best interests of the CAB, the Sky Ranch District and their inhabitants and taxpayers, to exercise its power by imposing Operations and Maintenance Fees as set forth in the attached **Exhibit B** – Schedule of Operations and Maintenance Fees, as may be amended from time to time.

2. Failure to make payment of any Operations and Maintenance Fees due hereunder shall constitute a default in the payment of such CAB O&M Fees. Upon default, Owner shall be responsible for a late payment ("**Late Payment Fee**") as set forth in the attached **Exhibit C** – Schedule of Fees for Late Payment and Lien Enforcement.

3. CAB O&M Fees shall not be imposed on real property conveyed or dedicated to non-profit owners' associations, governmental entities or utility providers.

4. NOTICE IS HEREBY GIVEN THAT FAILURE TO MAKE PAYMENT OF ALL PAST DUE AMOUNTS, INCLUDING INTEREST, MAY SUBJECT AN OWNER'S PROPERTY TO A LIEN PURSUANT TO Section 38-22-109(3), C.R.S., as more particularly described below and in the attached **Exhibit C** – Schedule of Fees for Late Payment and Lien Enforcement.

5. CAB O&M Fees shall constitute a statutory and perpetual charge and lien upon the Property pursuant to Section 32-1-1001(1)(j), C.R.S., from the date the same becomes due and payable until paid. 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 and such lien may be foreclosed by the CAB in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens. This Resolution shall be recorded in the real property records of the Clerk and Recorder of Arapahoe County, Colorado.

6. The CAB 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 Owner shall pay all costs, including attorneys' fees, incurred by the CAB in connection with the foregoing. In foreclosing such lien, the CAB will enforce the lien only to the extent necessary to collect the delinquent balance of unpaid CAB O&M Fees, Late Payment Fees, interest and costs of collection (including, but not limited to, reasonable attorneys' fees).

7. Judicial invalidation of any of the provisions of the 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 the Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

8. Nothing herein shall be interpreted or construed as limiting the Board's authority, in its sole and absolute discretion, to supplement or amend this Resolution from time to time.

9. Any inquiries pertaining to the CAB O&M Fees may be directed to the Manager for the CAB at: Lisa Johnson, Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, phone number: 303-987-0835.

10. This Resolution shall take effect immediately upon its adoption and approval.

SIGNATURE PAGE TO RESOLUTION OF THE BOARD OF DIRECTORS OF SKY RANCH COMMUNITY AUTHORITY BOARD REGARDING THE IMPOSITION OF OPERATIONS AND MAINTENANCE FEES

APPROVED AND ADOPTED this 18th day of January, 2019.

SKY RANCH COMMUNITY AUTHORITY BOARD

By: _____
President

Attest:

_____
Secretary or Assistant Secretary

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO OPERATIONS AND MAINTENANCE FEES

LOTS 1 THROUGH 43, INCLUSIVE, BLOCK 1;

LOTS 1 THROUGH 20, INCLUSIVE, BLOCK 2;

LOTS 1 THROUGH 20, INCLUSIVE, BLOCK 3;

LOTS 1 THROUGH 20, INCLUSIVE, BLOCK 4;

LOTS 1 THROUGH 24, INCLUSIVE, BLOCK 5;

LOTS 1 THROUGH 33, INCLUSIVE, BLOCK 6;

LOTS 1 THROUGH 35, INCLUSIVE, BLOCK 7;

LOTS 1 THROUGH 27, INCLUSIVE, BLOCK 8;

LOTS 1 THROUGH 14, INCLUSIVE, BLOCK 9;

LOTS 1 THROUGH 10, INCLUSIVE, BLOCK 10;

LOTS 1 THROUGH 14, INCLUSIVE, BLOCK 11;

LOTS 1 THROUGH 22, INCLUSIVE, BLOCK 12;

LOTS 1 THROUGH 11, INCLUSIVE, BLOCK 13;

LOTS 1 THROUGH 20, INCLUSIVE, BLOCK 14;

LOTS 1 THROUGH 27, INCLUSIVE, BLOCK 15;

LOTS 1 THROUGH 25, INCLUSIVE, BLOCK 16;

LOTS 1 THROUGH 17, INCLUSIVE, BLOCK 17;

LOTS 1 THROUGH 47, INCLUSIVE, BLOCK 18;

LOTS 1 THROUGH 49, INCLUSIVE, BLOCK 19;

SKY RANCH SUBDIVISION FILING NO. 1, RECORDED JULY 20, 2018 UNDER RECEPTION NO. D8071296, COUNTY OF ARAPAHOE, STATE OF COLORADO.

EXHIBIT B

SCHEDULE OF OPERATIONS AND MAINTENANCE FEES

Fee Description	Fee Cycle	Fee Amount per Cycle
CAB O&M Fees	**Monthly**	**$50.00**

EXHIBIT C

SCHEDULE OF FEES FOR LATE PAYMENT AND LIEN ENFORCEMENT

Fee Type	Fee Amount	Fee Billing Schedule
Late Payment Fee	$15 per billing cycle	Upon failure to pay the CAB O&M Fees
Lien Process	Delinquent balance of unpaid CAB O&M Fees; Late Payment Fees; Interest; and Costs of collection (including, but not limited to, reasonable attorneys' fees).	Upon failure to pay the delinquent balance, and pursuant to Section 38-22-109(3), C.R.S., the CAB may serve a Notice of Intent to File a Lien Statement (a "**Lien Notice**") upon the Owner by certified mail, return receipt requested. The Lien Notice shall give notice to the Owner that the CAB intends to perfect its lien against the property by recording a Lien Statement in the office of the Arapahoe County Clerk and Recorder if the delinquent balance is not paid in full within thirty (30) days after the Lien Notice is served.