

After Recording, Return to:  
WHITE BEAR ANKELE TANAKA & WALDRON  
2154 East Commons Avenue, Suite 2000  
Centennial, Colorado 80122

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
VENTANA METROPOLITAN DISTRICT**

**CONCERNING THE IMPOSITION OF AN ANNUAL COMMUNITY CENTER FEE**

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WHEREAS, the Ventana District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”); and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control, and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose fees, rates, tolls, penalties and charges for services or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, pursuant to Section VIII.A of the District’s Amended and Restated Service Plan approved by the City on August 9, 2022 (the “**Service Plan**”), with respect to the community center, fitness center and pool (collectively, the “**Facilities**”), the District is authorized to assess, from time to time, an annual community center fee against each residential unit; the fee will initially equal \$360/residential unit per year and can be adjusted annually by the Board (so long as the Board has at least three (3) members that are homeowners in the District) to a maximum of \$540/unit per year adjusted for inflation; and

WHEREAS, pursuant to Section VIII.A of the Service Plan, the District is further authorized to determine and assess, from time to time and on terms and conditions satisfactory to the District, one or more community center fees for non-residential users of the community center, fitness center, and pool; and

WHEREAS, pursuant to Section VIII.A of the Service Plan, it is anticipated that the non-residential user fees will correspond to the extent, frequency and nature of the use of the community center, fitness center and pool; and

WHEREAS, pursuant to Section VIII.A of the Service Plan, the initial annual fee is established at \$600 (\$50/month); and

WHEREAS, fees will be used solely to defray the District's costs of operating the community center, fitness center and pool, and will help enable residents and non-residents use and enjoy the community center, the fitness center and pool; and

WHEREAS, the District incurs certain direct and indirect costs associated with the upkeep, repair, replacement, improvement, reconstruction operation and maintenance of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs (collectively, the “**Facility Costs**”) in order that the Facilities may be properly provided, operated and maintained; and

WHEREAS, the establishment and continuation of a fair and equitable fee (the “**Community Center Fee**”) to provide a source of funding to pay for the Facility Costs, which Facilities Costs are generally attributable to the persons and/or properties subject to such Community Center Fees, is necessary to provide for the common good and for the prosperity and general welfare of the property owners, taxpayers, and residents within the District, and the general public and for the orderly and uniform administration of the District’s affairs; and

WHEREAS, the District finds that the Community Center Fee, as set forth in this Resolution, is reasonably related to the overall cost of providing the Facilities and paying the Facilities Costs, and that imposition thereof is necessary and appropriate; and

WHEREAS, on December 18, 2023, the Board adopted a Resolution Amending Park and Recreation Fees and Park Permit Fees (the “**Prior Fee Resolution**”), and the Board desires to adopt this Resolution to amend, restate, and supersede the Prior Fee Resolution and any other resolutions concerning the Community Center Fee in its entirety. Any fees, rates, tolls, penalties or charges due under the Prior Fee Resolution or any other resolutions concerning the Community Center Fee, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

NOW, THEREFORE, be it resolved by the Board as follows:

1. DEFINITIONS. Except as otherwise expressly provided or where the context indicates otherwise, the following capitalized terms shall have the respective meanings set forth below:

“**Apartment Unit**” means a unit within an apartment building which unit is held for lease or rent for residential occupancy and for which a final certificate of occupancy has been issued.

“**District Boundaries**” means the legal boundaries of the District, as the same are established and amended from time to time pursuant to the Special District Act, as more particularly set forth in the map and legal description attached hereto as **Exhibit B** and incorporated herein by this reference.

“**Due Date**” means the date by which the Community Center Fee is due, which Due Date is reflected on the Schedule of Fees.

“**End User**” means any third-party homeowner or tenant of any homeowner occupying or intending to occupy a Residential Unit.

“**Fee Schedule**” or “**Schedule of Fees**” means the schedule of fees set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, until and unless otherwise amended and/or repealed.

“**Lot**” means each parcel of land established by a recorded final subdivision plat and which is located within the District Boundaries.

“**Non-Resident**” means all persons not residing or owning property within the boundaries of the District.

“**Resident**” means all residents and property owners of property within the legal boundaries of the District. All persons claiming status as a Resident shall present proof of such residency or property ownership to the District Manager. Acceptable proof of residency or property ownership shall include, but not be limited to, a valid Colorado driver’s license or identification issued by the Colorado Department of Motor Vehicles showing an address in the District or a deed or lease for any such property. The District Manager shall accept or reject any such proof of residency or property ownership in its discretion.

“**Residential Unit**” means each residential dwelling unit (including, without limitation, condominiums, townhomes, and any other attached dwelling unit and detached single family dwelling units) located on a Lot which has been Transferred to an End User.

“**Transfer**” or “**Transferred**” shall include a sale, conveyance or transfer by deed, instrument, writing, lease or any other documents or otherwise by which real property is sold, granted, let, assigned, transferred, exchanged or otherwise vested in an End User.

2. COMMUNITY CENTER FEE.

a. The Board has determined, and does hereby determine, that it is in the best interests of the property owners, taxpayers, and residents within the District, and the general public to impose, and does hereby impose an Community Center Fee to fund the Facilities Costs. The Community Center Fee is hereby established and imposed in an amount as set forth by the District from time to time pursuant to the “Fee Schedule” and shall constitute the rate in effect until such schedule is amended or repealed. The Fee Schedule is set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

b. The Community Center Fee must be prepaid by the End User on a quarterly basis of three (3) months before being granted access to the Facilities. The Community Center Fee charged to an End User cannot and will not be prorated, which means the End User will be charged the quarterly amount of the Community Center Fee regardless of how much they use the Facilities in a given quarter.

c. The Board has determined, and does hereby determine, that the Community Center Fee is reasonably related to the overall cost of paying the Facilities Costs, and is imposed on those who are reasonably likely to benefit from or use the Facilities.

d. The revenues generated by the Community Center Fee will be accounted for separately from other revenues of the District. The Community Center Fee revenue will be used solely for the purpose of paying Facilities Costs, and may not be used by the District to pay for general administrative costs of the District.

3. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Community Center Fee not paid in full within fifteen (15) days after the scheduled Due Date will be assessed a late fee in the amount of Fifteen Dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due. Interest will also accrue on any outstanding Community Center Fees, exclusive of assessed late fees, penalties, interest and any other costs of collection, specially including, but not limited, to attorneys' fees, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S. The District may institute such remedies and collection procedures as authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting property owner shall pay all fees and costs, specifically including, but not limited to, attorneys' fees and costs and costs associated with the collection of delinquent fees, incurred by the District and/or its consultants in connection with the foregoing.

4. PAYMENT. Payment for all Community Center Fees, fees, rates, tolls, penalties, charges, interest and attorneys' fees shall be made by check or equivalent form acceptable to the District, made payable to "Ventana Metropolitan District" and sent to the address indicated on the Fee Schedule. The District may change the payment address from time to time and such change shall not require an amendment to this Resolution.

5. LIEN. The Community Center Fees imposed hereunder, together with any and all late fees, interest, penalties and costs of collection, shall, until paid, constitute a statutory, perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado for the foreclosure of mechanic's liens, pursuant to § 32-1-1001(1)(j)(I), C.R.S. Said lien may be foreclosed at such time as the District, in its sole discretion, may determine. 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. SEVERABILITY. If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

7. THE PROPERTY. This Resolution shall apply to all property within the District Boundaries, including, but not limited to, the property set forth in **Exhibit B**, attached hereto and incorporated herein by this reference, and any additional property included into the District after the date of this Resolution.

8. EFFECTIVE DATE. This Resolution shall become effective January 27, 2025

*[Remainder of Page Intentionally Left Blank. Signature Page Follows].*

ADOPTED this 27<sup>th</sup> day of January, 2025.

VENTANA METROPOLITAN DISTRICT, a  
quasi-municipal corporation and political  
subdivision of the State of Colorado

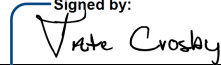
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SC-9DA89170E57189  
\_\_\_\_\_  
Officer of the District

ATTEST:

DocuSigned by:  
  
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APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys At Law

Signed by:  
  
0E61367C5893403  
\_\_\_\_\_  
General Counsel to the District

*Signature page to Resolution Concerning the Imposition of an Annual Community Center Fee*

**EXHIBIT A**  
**VENTANA METROPOLITAN DISTRICT**  
**Schedule of Fees**  
**Effective January 27, 2025**

Schedule of Fees		
Fee Type	Classifications	Rate
<b>Resident Community Center Fee</b>	Apartment Unit	\$540/year
	Residential Unit	\$540/year
The Due Date for each Community Center Fee is the 1st day of January, April, July, and October.		
<b>Non-Resident Community Center Fee</b>	Apartment Unit	\$600/year
	Residential Unit	\$600/year
The Due Date for each Community Center Fee is the 1st day of January, April, July, and October.		

**PAYMENTS:** Payment for each fee shall be made payable to the Ventana Metropolitan District and sent to the following address for receipt by the Due Date:

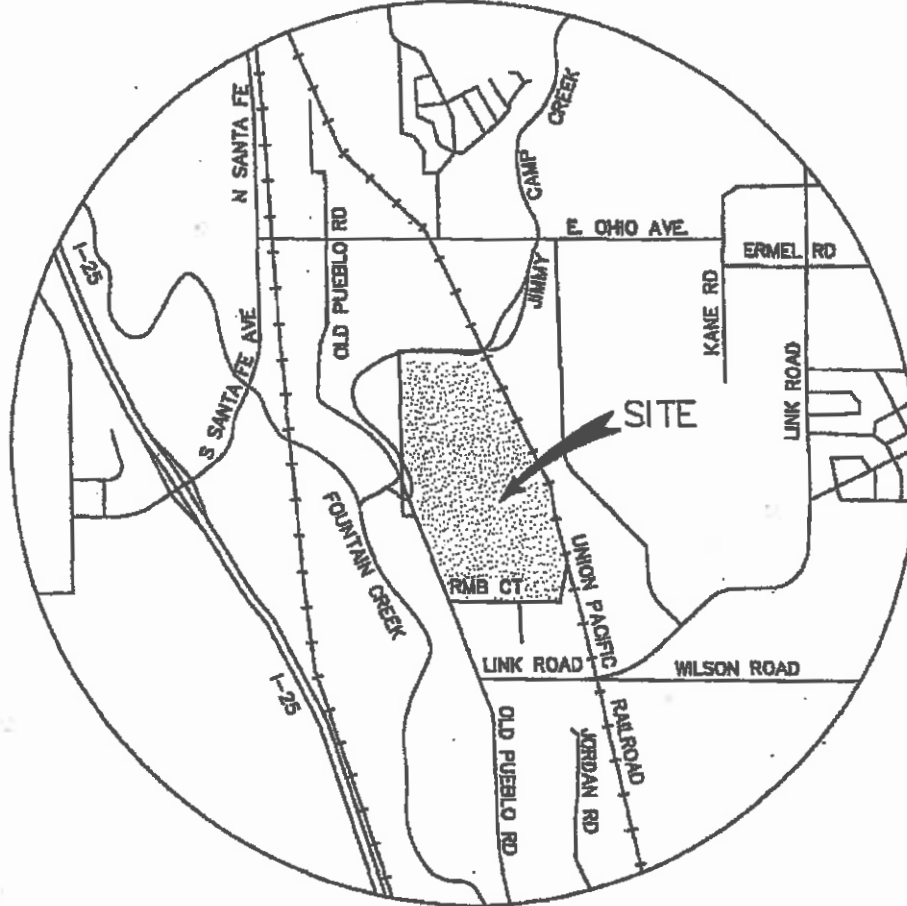
Ventana Metropolitan District  
c/o CliftonLarsonAllen LLP  
8390 East Crescent Parkway, Suite 300  
Greenwood Village, CO 80111

**EXHIBIT B**

**VENTANA METROPOLITAN DISTRICT**

**District Boundaries**

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 **VICINITY MAP**  
N.T.S.

 <b>PREPARED BY:</b> <b>Drexel, Barrell &amp; Co.</b> Engineers - Surveyors 8383 CORPORATE DRIVE COLORADO SPRINGS, COLORADO 80918 (719) 280-0887	<b>REVISION DESCRIPTIONS</b> _____ _____ _____	<b>DATE</b> _____ _____ _____	<b>VENTANA                  METROPOLITAN DISTRICT                  VICINITY MAP</b>	<b>DATE</b> 20 FEB 2006	<b>JOB NO.</b> C7782-1	<b>SHEET</b> 1
				<b>SCALE</b> IN FT	<b>DRAWING NO.</b> FILE	<b>SHEETS</b> 1

# VENTANA MD



Tax Boundary

1 inch = 434.38 feet

08/19/2022 EPC Assessor's Office  
NAD\_1983\_StatePlane\_Colorado\_Central\_FIPS\_0502\_Feet  
Projection: Lambert\_Conformal\_Conic

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