

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 A PARK PERMIT FEE

WHEREAS, the Ventana Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended, by order of the District Court for El Paso County (“**County**”), Colorado, and after approval of the District’s eligible electors at an election; 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, programs or facilities furnished by the District which, until such fees, rates, tolls, penalties and charges are paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, the District, the City of Fountain, Colorado (“**City**”), Rivers Ventana, LLC, and Firstire Bank Nebraska are parties to that certain Park and Open Space Dedication Credit Agreement with an effective date of August 14, 2014 (the “**Park Agreement**”); and

WHEREAS, pursuant to Section VI.A.6 of the District’s Amended and Restated Service Plan approved by the City on August 9, 2022 (the “**Service Plan**”), it is anticipated that the District shall assess a Park Permit Fee (as defined herein) in the initial amount of \$3,015 per Lot to meet the needs of the District and to otherwise satisfy and comply with the Park Agreement; and

WHEREAS, pursuant to Section VI.A.6 of the Service Plan, the Park Permit Fee is a one-time capital fee collected by the District at the initial closing of homes from a builder and the Park Permit Fee will be used to reimburse the developer for capital construction costs incurred in connection with the construction of the parks and recreation amenities, including, without limitation, a 13.1-acre park, community center, fitness center and a pool and approximately 12,000 linear feet of trails (collectively the “**Park Amenities**”); and

WHEREAS, the establishment of a fair and equitable fee (the “**Park Permit Fee**”) to provide a source of funding to reimburse the developer for capital construction costs of the Park Amenities, which are generally attributable to each Lot (defined below), and other property in the District, is necessary to provide for the common good and for the prosperity and general welfare of the District and its inhabitants; and

WHEREAS, the District finds that the Park Permit Fee, as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, as may be amended from time to time

by the Board, is reasonably related to the overall cost of the construction of the Park Amenities, 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 and restate the Prior Fee Resolution and any other resolutions concerning the Park Permit Fee in their entirety. Any fees, rates, tolls, penalties or charges due under the Prior Fee Resolution or any other resolutions concerning the Park Permit 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 §§32-1-101, *et seq.*, C.R.S., 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 each Park Permit Fee is due, which Due Date is reflected on the Fee Schedule.

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

“**Fee Schedule**” 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 lot established by a recorded final subdivision plat and which is located within the District Boundaries.

“**Residential Unit**” means each single family attached and single family detached residential dwelling unit (including, without limitation, condominiums, townhomes, paired homes, rowhouses, duplexes and any other attached and detached single family dwelling units) located within the District.

“**Responsible Party**” means the owner or owners of a Lot before it is transferred to an End User, and if the Responsible Party consists of more than one party, then the obligation to pay the Park Permit Fee is the joint and several obligation of all of the

parties constituting the Responsible Party.

“**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 a tenant, tenants, purchaser or purchasers. Notwithstanding the foregoing, the following shall not be considered a “Transfer,” “Transferred” or “Transferring” for purposes of this definition: (i) a conveyance to secure a debt or obligation (or a release, reconveyance, or foreclosure of any such security); or (ii) any conveyance that the Ventana Metropolitan District, in its sole and absolute discretion, determines should not trigger the payment of the Park Permit Fee.

2. PARK PERMIT FEE.

a. A one-time Park Permit Fee is hereby established and imposed upon each Lot within the District Boundaries.

b. The Park Permit Fee shall be in the amount, and due and owing as outlined in **Exhibit A**. The amount of each Park Permit Fee due under this Resolution may be adjusted from time to time in the Board’s discretion and shall be at the rate in effect at the time of payment.

c. The Board does hereby determine that the Park Permit Fee is reasonably related to the overall cost of providing the Park Amenities, and is imposed on those who are reasonably likely to benefit from or use the Park Amenities.

d. The revenues generated by the Park Permit Fee will be accounted for separately from other revenues of the District. The Park Permit Fee revenue will be used solely for the purpose of the developer for capital construction costs incurred in connection with the Park Amenities, and may not be used by the District to pay for general administrative costs of the District. This restriction on the use of the Park Permit Fee revenue shall be absolute and without qualification.

3. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Park Permit 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 Park Permit, exclusive of assessed late fees, penalties, interest and any other costs of collection, specially including, but not limited, to attorney 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 Responsible Party 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 fees, rates, tolls, penalties, charges, interest and attorney fees imposed pursuant to this Resolution shall be made by check or equivalent form acceptable to the District, made payable to the “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 fees imposed pursuant to this Resolution, 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 the County.

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. PREPAYMENT OF FEES. The District may enter into agreements for the prepayment of Park Permit Fees, in its sole and absolute discretion.

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

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

ADOPTED this 27th day of January, 2025.

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

DocuSigned by:


Officer of the District

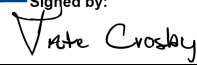
ATTEST:

DocuSigned by:


E21B46AAF0D2443...

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law

Signed by:


0E83287C58934031
General Counsel to the District

[Signature Page to Resolution Concerning the Imposition of Park Permit Fee]

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

EXHIBIT A
VENTANA METROPOLITAN DISTRICT
Fee Schedule
Effective January 27, 2025

Fee Schedule		
Fee Type	Classifications	Rate
Park Permit Fee	Lot	\$3,015 / Residential Unit
<p>The Due Date for each Park Permit Fee is the date of the initial Transfer of a Lot to an End User from a builder.</p> <p>The Park Permit Fee shall be due and payable by the Responsible Party, in full, to the District, on the Due Date.</p>		

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:

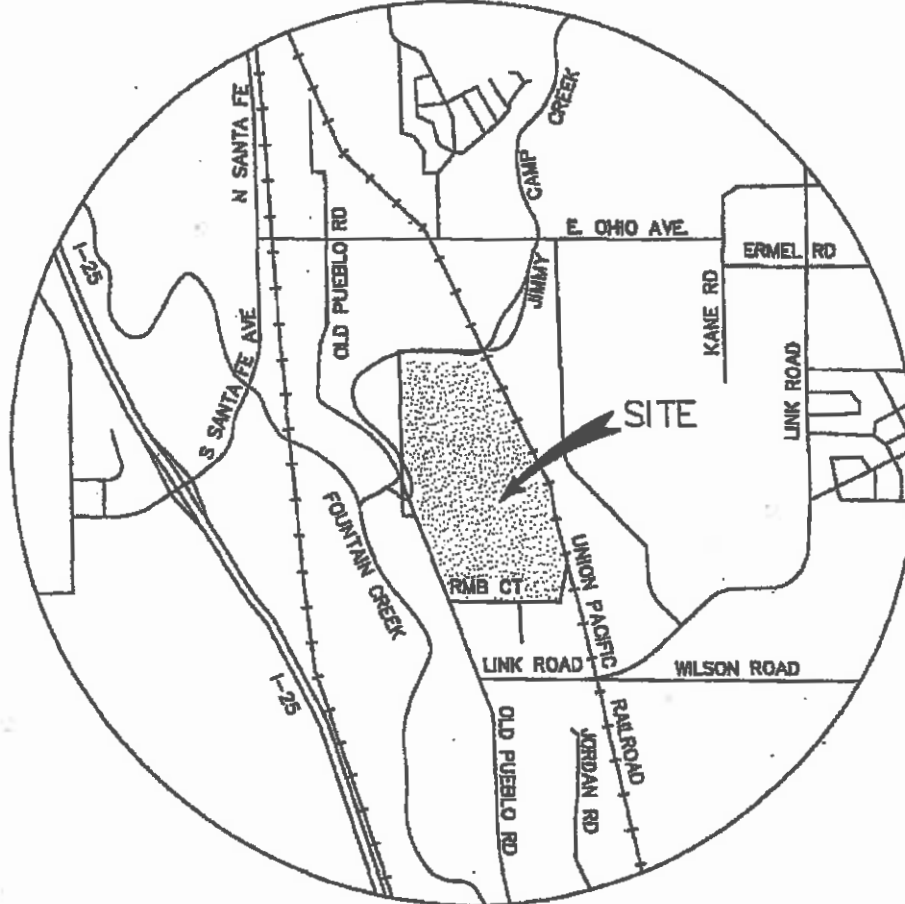
Ventana Metropolitan District
c/o CliftonLarsonAllen LLP
8390 East Crescent Parkway, Suite 300
Greenwood Village, CO 80111

EXHIBIT B

VENTANA METROPOLITAN DISTRICT

District Boundaries


H:\C7782\FINAL\Metropolitan District\C7782\vicmap.dwg, 2/21/2006 1:11:54 PM, 1:1, DREXEL, BARRELL & Co.,JTW



VICINITY MAP
N.T.S.

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

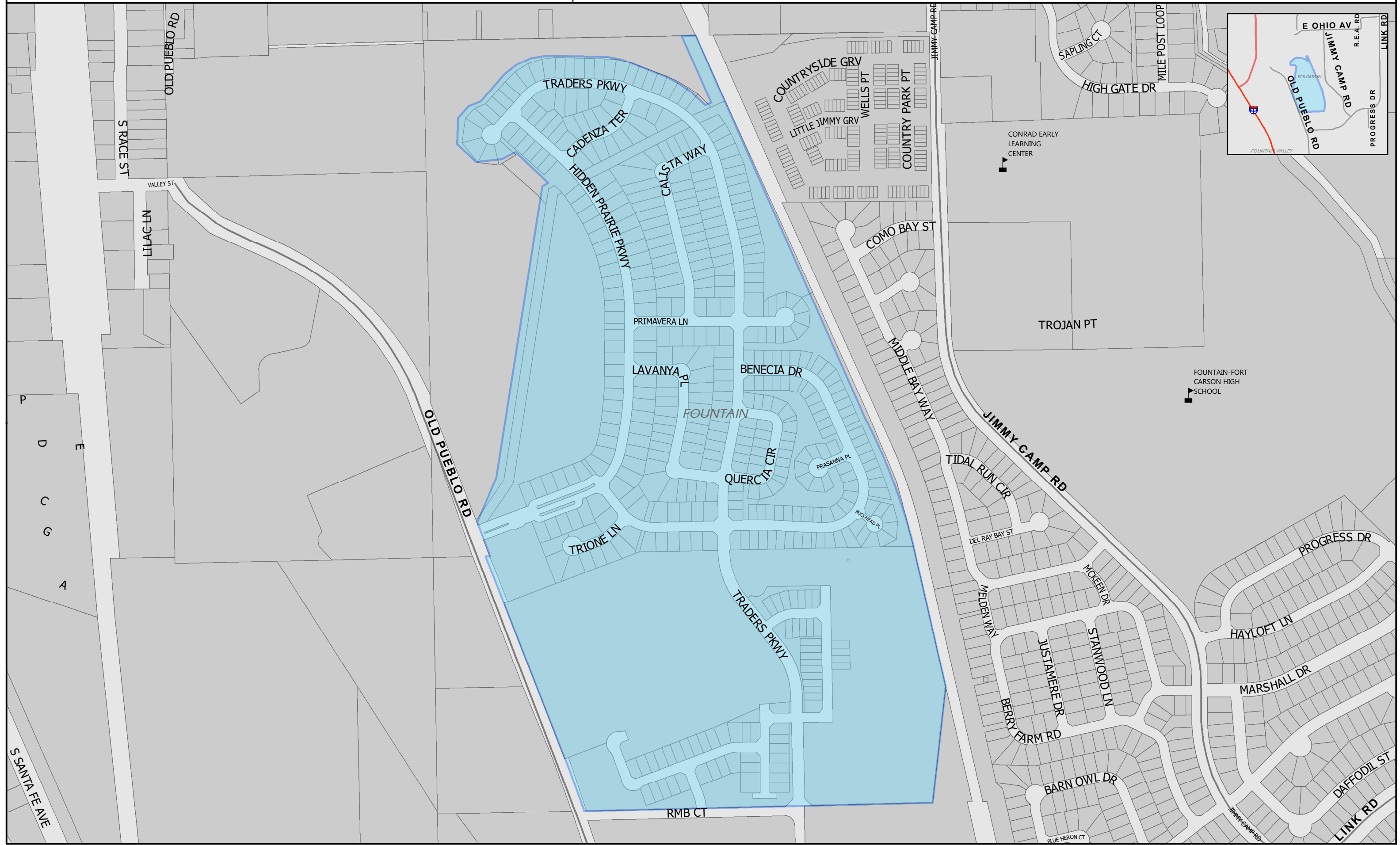
VENTANA MD

 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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P
D
C
G
A

S SANTA FE AVE

OLD PUEBLO RD
S RACE ST
VALLEY ST
LILAC LN

OLD PUEBLO RD

TRADERS PKWY
CADENZA TER
HIDDEN PRAIRIE PKWY
CALISTA WAY

PRIMAVERA LN

LAVANYA PL

BENECIA DR

FOUNTAIN

QUERCIA CIR

TRIONE LN

TRADERS PKWY

RMB CT

COUNTRYSIDE GRV
LITTLE JIMMY GRV
WELLS PT
COUNTRY PARK PT

COMO BAY ST

MIDDLE BAY WAY

JIMMY CAMP RD

TIDAL RUN CIR

DEL RAY BAY ST

MILDEN WAY

JUSTAMERE DR

BERRY FARM RD

BARN OWL DR

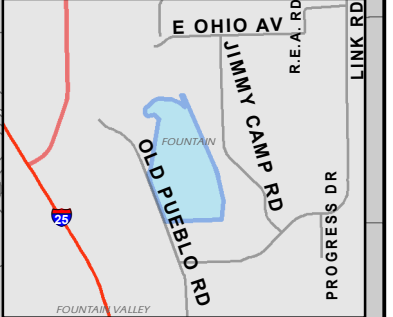
BLUE HERON CT

CONRAD EARLY LEARNING CENTER

TROJAN PT

FOUNTAIN-FORT CARSON HIGH SCHOOL

SAPLING CT
HIGH GATE DR
MILE POST LOOP



PROGRESS DR

HAYLOFT LN

MARSHALL DR

PROGRESS DR

DAFFODIL ST
LINK RD