

After Recording, Return to:
WBA, PC
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

**AMENDED AND RESTATED RESOLUTION
OF THE BOARD OF DIRECTORS
OF THE VENTANA METROPOLITAN DISTRICT**

CONCERNING THE IMPOSITION OF A TRASH COLLECTION 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, pursuant to Section VIII.C. of the District’s Amended and Restated Service Plan approved by the City on August 9, 2022 (the “**Service Plan**”), the District is authorized to assess fees, rates, tolls, penalties, or charges that are reasonably related to the cost of operating and maintaining District services; and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District to provide trash removal services within the District (“**Trash Collection Services**”); and

WHEREAS, the District incurs certain direct and indirect costs associated with the provision of the Trash Collection Services in order that the Trash Collection Services may be properly provided, the property within the District maintained, and that the health, safety, and welfare of the District and its inhabitants may be safeguarded (the “**Trash Costs**”); and

WHEREAS, the establishment and continuation of a fair and equitable fee (the “**Trash Collection Fee**”) to provide a source of funding to pay for the Trash Costs, which Trash Costs are generally attributable to the persons and/or properties subject to such Trash Collection 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 Trash Collection Fee, as set forth in this Resolution, is reasonably related to the overall cost of providing the Trash Collection Services and paying the Trash Costs, and that the imposition thereof is necessary and appropriate; and

WHEREAS, on April 5, 2016, the Board adopted a Resolution Establishing a Trash Collection Fee, and, on August 15, 2022, the Board adopted a Resolution Amending the Trash Collection Fee (collectively, the “**Prior Fee Resolutions**”), and the Board desires to adopt this Resolution to amend and restate the Prior Fee Resolutions and any other resolutions concerning the Trash Collection Fee in their entirety. Any fees, rates, tolls, penalties or charges due under the Prior Fee Resolutions or any other resolutions concerning the Trash Collection 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:

“**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 Trash Collection Fee is due, which Due Date is reflected on the Fee Schedule.

“**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.

“**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.

2. TRASH COLLECTION FEE.

a. The Board has determined, and does hereby determine, that it is in the best interests of the property owners, taxpayers, and occupants within the District, and the general public, to impose, and does hereby impose a Trash Collection Fee on each Residential Unit within the District Boundaries to fund the Trash Costs. The Trash Collection 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 Board does hereby determine that the Trash Collection Fee is reasonably related to the overall cost of providing the Trash Collection Services and paying the Trash Costs, and is imposed on those who are reasonably likely to benefit from or use the Trash Collection Services.

c. The revenues generated by the Trash Collection Fee will be accounted for separately from other revenues of the District. The Trash Collection Fee revenue will be used solely for the purpose of paying Trash 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 Trash Collection 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 Trash Collections Fees, 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 Trash Collection Fees, in its sole and absolute discretion.

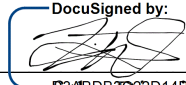
8. THE PROPERTY. This Resolution shall apply to all property within the District Boundaries, including, but not limited to, the property set forth in **Exhibit B**, attached hereto and

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 July 1, 2026.

ADOPTED this 23rd day of February, 2026.

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

DocuSigned by:


Officer of the District

ATTEST:

DocuSigned by:


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[Signature Page to Amended and Restated Resolution Concerning the Imposition of a Trash Collection Fee]

After Recording, Return to:
WBA, PC
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

EXHIBIT A
VENTANA METROPOLITAN DISTRICT
Fee Schedule
Effective July 1, 2026

Fee Schedule		
Fee Type	Classification	Rate
Trash Collection Fee	Residential Unit	\$18.75/month
Due Date: The Trash Collection Fee shall be due and payable in quarterly installments of \$56.25 on the first day of January, April, July, and October.		

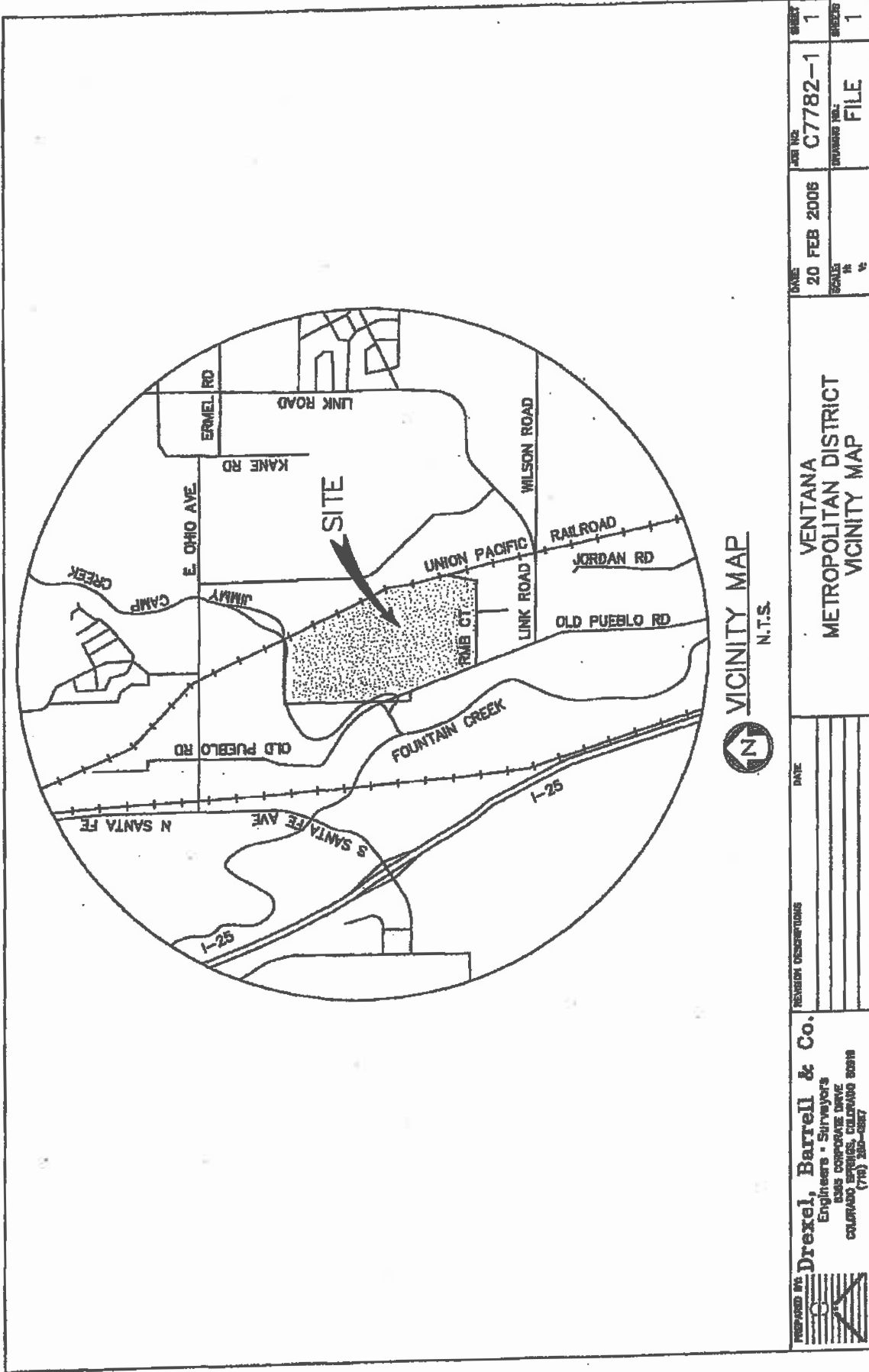
PAYMENTS: Payment for each fee shall be made payable to the Ventana Metropolitan District and sent to the following address for receipt by the Due Date:

Ventana Metropolitan District
c/o CliftonLarsonAllen LLP
121 S. Tejon Street, #1100
Colorado Springs, CO 80903

EXHIBIT B

VENTANA METROPOLITAN DISTRICT

District Boundaries



PROPOSED BY:  Drexel, Barrell & Co. Engineers - Surveyors 6345 CORPORATE DRIVE COLORADO SPRINGS, COLORADO 80918 (719) 530-8867	REVISION DESCRIPTIONS _____ _____ _____ _____ _____	DATE _____ _____ _____ _____ _____	DATE 20 FEB 2006	JOB NO. C7782-1	SHEET 1
	VICINITY MAP N.T.S.	VENTANA METROPOLITAN DISTRICT VICINITY MAP	SCALE IN FEET	DRAWING NO. FILE	SHEETS 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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