

**REVISED JOINT RESOLUTION OF THE BOARD OF DIRECTORS OF
SOUTH BEEBE DRAW METROPOLITAN DISTRICT,
ADAMS EAST METROPOLITAN DISTRICT AND
BROMLEY PARK METROPOLITAN DISTRICT NOS. 3, 5 and 6
IMPOSING FEES UPON PROPERTY WITHIN THE DISTRICTS**

WHEREAS, South Beebe Draw Metropolitan District (“SBDMD”), Adams East Metropolitan District (“Adams East”), and Bromley Park Metropolitan District Nos. 3 (“BPMD3”), 5 (“BPMD5”) and 6 (“BPMD6”) (collectively, the “Districts”) are quasi-municipal corporations and political subdivisions of the State of Colorado, duly organized and existing as metropolitan districts pursuant to §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, the purposes for which the Districts were formed include the provision of water, sewer, storm drainage, street, traffic and safety, and park and recreation facilities, programs and services (collectively, the “Improvements”); and

WHEREAS, the Districts provide essential public infrastructure and Improvements to residents, property owners and service users within their respective boundaries; and

WHEREAS, pursuant to § 32-1-1001(1)(j) and (k), C.R.S., the Districts are authorized to impose and, from time to time, to increase or decrease fees, rates, tolls, penalties or charges for services, programs or facilities furnished by the Districts; and

WHEREAS, § 32-1-1001(1)(j), C.R.S., also 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; and

WHEREAS, pursuant to a joint resolution adopted by SBDMD, BPMD3, BPMD5 and BPMD6 on March 7, 2000, which resolution has since that date been amended from time to time, a System Development Fee, Infrastructure Fee, Storm Drainage Plan Review Fee, Storm Drainage Facility Fee, Storm Drainage Account Set-Up Fee, Storm Drainage Maintenance Fee, Sewer Line Connection Fee, and Infrastructure Support Fee were imposed on the property within the respective Districts; and

WHEREAS, pursuant to a Third Amendment to the Annexation Agreement between Bromley Park Metropolitan District Nos. 1-4, the City of Brighton and BPK Holdings, L.L.C. dated May 28, 1996, SBDMD and BPMD3 are authorized to retain \$300 of the Brighton's Water Plant Investment Fee, each time such fee is assessed for the connection of a water line to the City of Brighton Water Plant; and

WHEREAS, pursuant to an amendment to the joint fee resolution dated February 10, 2011, BPMD3, BPMD5 and BPMD6 imposed Infrastructure Support Fees in order to assist in the repayment of their respective bonds due to slower-than-expected growth and lower-than-expected tax revenues; and

WHEREAS, pursuant to that same amendment to the joint fee resolution dated February 10, 2011, Adams East was added as a party to the joint fee resolution in order to impose fees in the same manner as SBDMD, BPMD3, BPMD5 and BPMD6; and

WHEREAS, the City of Brighton charges certain Traffic Impact Fees, Community Park Impact Fees, Neighborhood Park Impact Fees, and Crossing Fees (collectively, the "Brighton Impact Fees"); and

WHEREAS, the Districts have determined that System Development Fees are not required for the residential properties within the Districts for fiscal year 2022, provided that such residential properties are subject to the Brighton Impact Fees; and

WHEREAS, BPMD5 and BPMD6 have determined that Infrastructure Support Fees are not required for undeveloped lots within those Districts for fiscal year 2022; and

WHEREAS, the Districts retain the authority under statute to impose the same or similar fees in the future if the Districts determine it is necessary; and

WHEREAS, § 32-1-1101(1)(e), C.R.S., provides that a special district may elect, by resolution, at a public meeting held after receipt of notice by the affected parties, including the property owner, to have certain delinquent fees, rates, tolls, penalties, charges, or assessments made or levied solely for water, sewer, or water and sewer services, certified to the treasurer of the county to be collected and paid over pursuant to § 39-10-107, C.R.S.; and

WHEREAS, the Board of Directors of the Districts hereby approve the Fees to be imposed for fiscal year 2022 subject to finalization of the CPI Adjustment by the Districts' accountants.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS OF DIRECTORS OF SOUTH BEEBE DRAW METROPOLITAN DISTRICT, ADAMS EAST METROPOLITAN DISTRICT AND BROMLEY PARK METROPOLITAN DISTRICT NOS. 3, 5 & 6 THAT:

Section 1. *Schedule of Fees.* The schedule setting forth the System Development Fee, Infrastructure Fee, Storm Drainage Plan Review Fee, Storm Drainage Facility Impact Fee, Storm Drainage Account Set-Up and Transfer Fee, Storm Drainage Maintenance Fee, Sewer Line Connection Fee, Water Line Connection Fee, Non-potable Water Fees and Infrastructure Support Fees (hereinafter "Fees") is attached hereto as **Exhibit A**. All Fees are effective as of January 1, 2022 and are due and payable upon issuance of a building permit, except the Storm Drainage Maintenance Fee, which is due and payable on or before May 31 for the then-current calendar year; the Non-Potable Water Fee and the Non-Potable Base Water Charge, which are due and payable on a monthly basis, and the Infrastructure Support Fees, which are due and payable on or before August 1 of each year. Nothing herein shall prevent any party from prepaying Fees at any time with the consent of the Districts, or pursuant to separate contract.

Section 2. *Noncompliance.* The Districts may impose such penalties for non-compliance herewith as may be permitted by law. Without limiting the foregoing, a late charge of Five Dollars (\$5.00) will be assessed for any late payment, and additional interest will accrue on any past-due amounts, including late charges, at the rate of one percent (1%) per month, from the due date. In addition, the Districts may assess a penalty of One Hundred Dollars (\$100.00) for any fees that remain unpaid for six (6) months or more and may charge all costs of collection of past due amounts, including interest, late charges, penalties and attorney fees, to the property owner who has failed to pay such amounts and fees when due.

Section 3. *Modification/Future Events.* The policy and Fees being adopted herein have been established based on projected budgetary requirements of the Districts using various assumptions regarding cost of improvements, bond issues and interest rates therefor, together with expenses for operation and maintenance. Actual costs may differ from projections and the Districts may modify the Fees imposed hereunder based upon actual circumstances.

Section 4. *Notification/Collection.* The appropriate officers, agents and/or employees of the Districts are hereby authorized to establish a system for notification of adoption of this Resolution, and collection of amounts due hereunder. Such notification shall provide for the recording of an appropriate Notice of Fees upon the property to be charged.

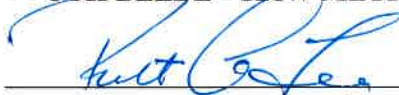
Section 5. *Status as Lien/Foreclosure.* Pursuant to § 32-1-1001(1)(j), C.R.S., the Fees shall, until paid, be deemed a perpetual lien against the property subjected to the Fees hereunder, from and after the date of adoption of this Resolution by the Boards of Directors of the Districts, which lien may, in the event of non-payment of the Fees as required in this Resolution, be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics' liens, which lien amount may include interest and any costs of collection of the Fees, including engineering and attorney's fees. Upon payment of the appropriate Fees, and upon request of the party making the payment, the properties subject to such Fees shall be released from the lien thereof by the recording of a form of Release of Lien by the Districts.

Section 6. *Certification to County Treasurer.* In accordance with § 32-1-1101(1)(e), C.R.S., the Districts may elect, by resolution, at a public meeting held after receipt of notice by the affected parties, including the property owner, to have certain delinquent fees, rates, tolls, penalties, charges, or assessments made or levied solely for water, sewer, or water and sewer services, certified to the treasurer of the county to be collected and paid over to the Districts pursuant to § 39-10-107, C.R.S. Without limiting the foregoing, the Board of Directors of BPMD3 has determined that 24.68% of the Infrastructure Support Fee is levied solely for water and/or sewer services and that such percentage of any delinquent Infrastructure Support Fees may therefore be certified to the county treasurer in accordance with this Section 6. The remaining balance of 75.32% of any delinquent Infrastructure Support Fees owed to BPMD3 shall be deemed a perpetual lien against the property pursuant to Section 5 above.

PASSED AND ADOPTED at a meeting this 25th day of January, 2022.

SIGNATURE PAGE FOLLOWS.

SOUTH BEEBE DRAW METROPOLITAN DISTRICT



ATTEST:

Robert A. Lembke, President



Ronald E. vonLembke, Treasurer/Assistant Secretary

ADAMS EAST METROPOLITAN DISTRICT



ATTEST:

Robert A. Lembke, President




Ronald E. von Lembke, Secretary/Treasurer

BROMLEY PARK METROPOLITAN DISTRICT NO. 3



ATTEST:

Robert A. Lembke, President



Ronald E. von Lembke, Secretary/Treasurer

BROMLEY PARK METROPOLITAN DISTRICT NO. 5



ATTEST:

Robert A. Lembke, President



Ronald E. von Lembke, Secretary/Treasurer

BROMLEY PARK METROPOLITAN DISTRICT NO. 6



ATTEST:

Robert A. Lembke, President



Ronald E. von Lembke, Secretary/Treasurer

APPROVED AS TO FORM:



Michael E. Davis
Law Office of Michael E. Davis, LLC
General Counsel, AEMD, BPMD3, 5 and 6, and SBDMD

EXHIBIT A
SCHEDULE OF FEES

**SOUTH BEEBE DRAW METROPOLITAN DISTRICT,
ADAMS EAST METROPOLITAN DISTRICT AND
BROMLEY PARK METROPOLITAN DISTRICT NOS. 3, 5 AND 6
SCHEDULE OF FEES
EFFECTIVE AS OF JANUARY 1, 2022**

I. Classification of Properties: For the purpose of assessing the applicable Fees set forth in this Schedule of Fees, all developments, capital improvements, or building construction requiring a building permit from the City of Brighton or Town of Lochbuie, as applicable, shall be classified by the Districts into either a single family attached unit, single family detached unit, low density multi-family unit, high density multi-family unit, commercial property, office property or industrial property, as further defined below. For the purpose of assessing the Infrastructure Support Fees set forth herein, “Undeveloped Lot” shall be defined as set forth in Section VIII.

A. Single-family detached units are generally defined as residences for one family that are typically located on a privately-owned lot which may be in an urban neighborhood, suburban or rural setting, with private yards on each side of the unit. Single-family detached homes may also be located on property that is covered by a condominium declaration, surrounded by limited common elements for use by residents of the single-family detached unit, which would serve the same purpose as a private yard.

B. Single family attached units are generally defined as those residential properties where each residential unit is located on a separate lot or legal description, but not including condominiums, apartments or similar facilities. Examples of single family attached units include duplexes, quadplexes and townhomes, if such units are constructed on a defined lot, or are divided into non-condominium ownership by means of a party wall agreement.

C. High-density multi-family units are generally defined as those multi-family projects, not including single family attached units, where the density of dwelling units per acre (“d.u./acre”) is greater than 12.

D. Low-density multi-family units are generally defined as those multi-family projects, not including single family attached units, where the density is equal to or less than 12 d.u./acre.

E. Commercial, Office and Industrial properties will be classified in the same manner as determined by the City of Brighton or Town of Lochbuie.

II. Time of Assessment and Place of Payment: All fees imposed by the Districts shall be due and payable to the Districts at the offices of Wipfli, LLP, 7887 E. Belleview Avenue, Suite 700, Denver, CO 80111 (phone number 303-759-0089), prior to application for a building permit from the City of Brighton or Town of Lochbuie.

III. CPI Adjustment. Certain fees are subject to annual adjustments in accordance with the cost of living. Such fees to be adjusted are noted herein as "subject to CPI adjustment." The CPI adjustment refers to the index published by the United States Department of Labor (U.S. Bureau of Labor Statistics) using the CPI-U, U.S. City Average, all items and index base period (1982-84=100). The base index month shall be the month of January 2000, and the index month shall be the month of January of each calendar year thereafter. Applicable fees for each calendar year will be adjusted as soon as practicable after the CPI Index values are published for the month of January and such adjusted fees shall be effective

as of January 1 of that year. The CPI-U for the U.S. City Average may be accessed at: <https://www.bls.gov/cpi/data.htm>.

FEE	SUBJECT TO CPI ADJUSTMENT
Infrastructure Fee	YES
System Development Fee	YES
Storm Drainage Plan Review Fee	NO
Storm Drainage Facility Impact Fee	YES
Storm Drainage Account Set-Up or Transfer Fee	NO
Storm Drainage Maintenance Fee (Residential)	YES
Storm Drainage Maintenance Fee (Non-Residential)	YES
Sewer Line Connection Fee	NO
Water Line Connection Fee	NO
Non-Potable Water Fee	NO
Non-Potable Base Water Charge	NO
Non-Potable Water Plant Investment Fee	NO
Non-Potable Water Rights Fee	NO
Infrastructure Support Fee -- Bromley Park Metropolitan District No. 3	NO
Infrastructure Support Fee -- Bromley Park Metropolitan District No. 5	NO
Infrastructure Support Fee -- Bromley Park Metropolitan District No. 6	NO

IV. Infrastructure & System Development Fees. The Districts (other than SBDMD) hereby impose the following Infrastructure Fee and System Development Fee for properties in the City of Brighton for the purpose of defraying the costs of public improvements within the boundaries of the Districts in which the fee is collected, including, but not limited to, street, traffic safety, water, sewer, storm drainage, transportation, and park and recreation improvements. Both the Infrastructure Fee and the System Development Fee are subject to the CPI adjustment. Note that the Infrastructure Fee and System Development Fee are not applicable to properties in the Town of Lochbuie.

Infrastructure Fee	Rate
Single Family Attached Unit, Single Family Detached Unit, Low Density Multi-Family Unit	No Fee provided that the City of Brighton is collecting the Brighton Impact Fees, otherwise \$2,195.92 per Unit
High Density Multi-Family Unit	No Fee provided that the City of Brighton is collecting the Brighton Impact Fees, otherwise \$1,242.38 per Unit

System Development Fee	Rate
Single Family Attached Unit, Single Family Detached Unit, Low Density Multi-Family Unit; High Density Multi-Family Unit	No Fee provided that the City of Brighton is collecting the Brighton Impact Fees, otherwise \$2,521.41 per Unit

Commercial Property	\$0.95 per square foot of gross building area
Office Property	\$0.77 per square foot of gross building area
Industrial Property	\$0.38 per square foot of gross building area

V. Storm Drainage Fees. SBDMD hereby imposes the following Storm Drainage Fees to defray the cost of providing storm drainage infrastructure in both the City of Brighton and the Town of Lochbuie. If any Storm Drainage Fee is not paid to SBDMD for any reason, the District in which the property is located may impose and collect such Fee(s) and remit the same to SBDMD. The Storm Drainage Facility Fee and Storm Drainage Maintenance Fee are subject to CPI adjustment.

Storm Drainage Plan Review Fees	Rate
Deposit (*)	\$25,000.00
Review of Plat	\$500.00 plus 110% of actual cost of drainage consultants or drainage engineers engaged by SBDMD
Review of Site Development Plan	\$500.00 plus 110% of actual cost of drainage consultants or drainage engineers engaged by SBDMD
Review of Phase Area Master Plan	\$1,000.00 plus 110% of actual cost of drainage consultants or drainage engineers engaged by SBDMD

* **Deposit:** In addition to all other Storm Drainage Fees, a deposit of up to \$25,000 may be required by SBDMD at the time of submittal of a Plat, Site Development Plan or Phase Area Master Plan. The deposit shall be used to cover 110% of SBDMD's estimated costs (as determined by SBDMD) associated with drainage consultants or drainage engineers engaged by the District. In the event the original deposit is insufficient to cover such estimated costs incurred by SBDMD, one or more additional deposit(s) will be required. After all work is completed related to the submitted Plat, Site Development Plan or Phase Area Master Plan and SBDMD determines its final actual costs, all amounts remaining on deposit in excess of such actual costs will be reimbursed.

Storm Drainage Facility Impact Fee	Rate
Single Family Attached Unit, Single Family Detached Unit, Low Density Multi-Family Unit	\$3,304.21
High Density Multi-Family Unit	\$1,271.02
Commercial Property (per square foot of impervious surface area)	\$0.70
Office Property (per square foot of impervious surface area)	\$0.70
Industrial Property (per square foot of impervious surface area)	\$0.43

Exceptions: No Storm Drainage Facility Impact Fee shall be due for any streets, parks, or other similar public improvements.

Storm Drainage Account Set-Up or Transfer Fee	Rate
For all classifications of property	\$40.00 administrative fee to set-up or transfer an account.

Storm Drainage Maintenance Fee	Rate (payable annually on or before May 31 for the then-current calendar year)
Residential - Single Family Attached Unit, Single Family Detached Unit on lots less than 10,000 square feet in size	\$65.33 per calendar year, or any part thereof.
Non-Residential - Single Family Attached Unit, Single Family Detached Unit on lots 10,000 square feet or larger in size, Low Density Multi-Family Unit, High Density Multi-Family Unit	\$7.70 per 100 square feet of impervious area within a property, per calendar year, or any part thereof.

Exceptions: No Storm Drainage Maintenance Fee shall be due for any streets, parks, or other similar public improvements.

VI. Sewer Line Connection Fee. SBDMD hereby imposes the following Fee for connection to sewer lines constructed by South Beebe Draw Metropolitan District either south of Weld County Road No. 2 (“WCR2”) in the City of Brighton or Town of Lochbuie, or north of WCR2 in the Silver Peaks subdivisions in the Town of Lochbuie (*i.e.*, all of Section 35, Township 1N, Range 65W of the 6th P.M., Weld County). The Sewer Line Connection Fee is based on the water tap size serving the particular property as follows:

Water Tap Size	Sewer Line Connection Fee
¾”	\$1,301.60
1”	\$2,280.00
1½”	\$4,560.00
2”	\$9,120.00
3”	\$18,240.00
4”	\$36,480.00
6”	\$43,680.00

Exceptions: If any Sewer Line Connection Fee is not paid to SBDMD for any reason, the District in which the property is located may impose and collect such Fee and remit the same to SBDMD. No Sewer Line Connection Fee shall be collected by Districts 3, 5 or 6 or Adams East Metropolitan District for properties where South Beebe Draw Metropolitan District has assessed and collected its sewer line connection fee.

VII. Water Fees. The Districts hereby impose the following Water Fees:

Water Line Connection Fee	Rate
All classes of properties	\$300 for the connection of a property to the City of Brighton Water Plant

Non-Potable Water Fee	Rate (payable monthly)
a. The following monthly fixed charge shall be billed to all non-potable water accounts whether there is water usage or not:	1. ¾ inch meter - \$4.78 2. 1 inch meter - \$5.64 3. 1 ½ inch meter - \$6.82 4. 2 inch meter - \$10.04 5. 3 inch meter - \$33.76 6. 4 inch meter - \$ 42.56 7. 6 inch meter - \$63.08 8. 8 inch meter - \$86.53 9. Private fire - \$4.45
b. Non-potable irrigation water per 1,000 gallons of usage . The volume-based charge will be added to the monthly fixed charge as stated in subsection (a) above.	\$4.88 per 1,000 gallons

Non-potable Base Water Charge (for all classes of properties)	Rate (payable monthly)
¾" meter, 1" meter, 1½" meter	\$5.00
2" meter, 3" meter, 4" meter, 6" meter, 8" meter	\$10.00

Non-potable Water Plant Investment Fee* (for all classes of properties)	Rate
¾" connection	\$4,450.00
1" connection	\$7,565.00
1½" connection	\$14,685.00
2" connection	\$23,585.00
3" connection	\$47,481.50
4" connection	\$74,315.00

Non-potable Water Rights Fee **	Rate
All classes of properties	\$40,000.00 per acre foot

*Charges for Non-potable Water Meter installation will be added to the applicable Non-potable Water Plant Investment Fee

**A one-time fee which gives to the user the right to have annual water deliveries at the then-currently applicable non-potable water rate, as amended from time to time.

VIII. Infrastructure Support Fees. For purposes of the Infrastructure Support Fee, an “Undeveloped Lot” means a lot located within the boundaries of BPMD3, BPMD5 or BPMD6 designated and approved by plat for either a single family or multi-family residential structure, but which residential structure has not yet been constructed and a certificate of occupancy has not yet been issued. Lots that cannot be utilized for a residential structure because they are not approved on the plat for such structures shall not be subject to the Infrastructure Support Fee. While the issuance of a certificate of occupancy for a specific residential lot shall constitute *prima facie* evidence that a particular lot is not an Undeveloped Lot, the Board of Directors for the applicable District shall have the right and power to determine whether such a designation is appropriate on a case-by-case basis, subject to the principles of due process and equal protection. Such determination of the Board of Directors under such circumstances may be appealed once to that Board of Directors at any scheduled Board meeting of at which such appeal is listed on the meeting agenda.

The Infrastructure Support Fee is imposed on a calendar-year basis but the payment of same will not be considered late prior to August 1st of each year. The Infrastructure Support Fee may be imposed but waived on a dollar-for-dollar basis to the extent that the owner of an Undeveloped Lot provides any developer advances to a District between January 1 and July 31 of the year the Infrastructure Support Fee is imposed.

Nothing herein shall prevent any party from prepaying the Infrastructure Support Fee at any time with the consent of the applicable District or pursuant to separate contract.

Bromley Park Metropolitan District No. 3: BPMD3 has determined that an Infrastructure Support Fee is not required for fiscal year 2022 and will not be collected until such time as this joint fee resolution is amended to impose an Infrastructure Support Fee for BPMD3.

Bromley Park Metropolitan District No. 5: BPMD5 has determined that an Infrastructure Support Fee is not required for fiscal year 2022 and will not be collected until such time as this joint fee resolution is amended to impose an Infrastructure Support Fee for BPMD5.

Bromley Park Metropolitan District No. 6: BPMD6 has determined that an Infrastructure Support Fee is not required for fiscal year 2022 and will not be collected until such time as this joint fee resolution is amended to impose an Infrastructure Support Fee for BPMD6.