

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  
HOME PLACE METROPOLITAN DISTRICT**

**CONCERNING THE IMPOSITION OF A BUILDER OPERATIONS AND  
MAINTENANCE FEE**

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WHEREAS, the Home Place Metropolitan 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, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents within the District, and the general public, to acquire, construct, operate and maintain certain amenities and facilities benefitting property owners, taxpayers, and residents within the District, and the general public, which amenities and facilities generally include improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); 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 such fees, rates, tolls, penalties and charge are paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, the District incurs or will incur 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 revenue derived from the District’s current ad valorem property taxes is insufficient to pay the Facility Costs; and

WHEREAS, the establishment and continuation of a fair and equitable fee to provide a source of funding to pay for the Facility Costs (the “**Builder Operations Fees**”), which are generally attributable to the properties, 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 Builder Operations Fee, as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, is reasonably related to the overall cost

of providing the Facilities and paying the Facility Costs, and that imposition thereof is necessary and appropriate.

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 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 Operations 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. End User specifically excludes a tenant occupying an Apartment 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.

“**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. BUILDER OPERATIONS FEE.

a. The Board hereby imposes a one-time Builder Operations Fee upon each Residential Unit within the District’s Boundaries.

b. The Builder Operations Fee shall be in the amount, and due and owing as outlined in Exhibit A. The amount of each Builder Operations Fee 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 has determined, and does hereby determine, that the Builder Operations Fee is reasonably related to the overall cost of providing the Facilities and is imposed on those who are reasonably likely to benefit from or use the Facilities.

d. The revenues generated by the Builder Operations Fee will be accounted for separately from other revenues of the District. The Builder Operations Fee revenue will be used solely for the purpose of paying Facility Costs and may not be used by the District to pay for general administrative costs of the District. This restriction on the use of the Builder Operations Fee revenue shall be absolute and without qualification.

3. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Builder Operations 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 Builder Operations 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 Builder Operations 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 "Home Place 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 Builder Operations 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 Adams 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 February 11, 2022.

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

ADOPTED this 11<sup>th</sup> day of February, 2022.

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

David B Ware

David B Ware (Feb 14, 2022 08:34 MST)

\_\_\_\_\_  
Officer of the District

ATTEST:

Patrick J Murphy

Patrick J Murphy (Feb 14, 2022 14:57 MST)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys At Law



\_\_\_\_\_  
General Counsel to the District

*Signature page to Resolution Concerning the Imposition of an Operations Fee*

**EXHIBIT A**

**HOME PLACE METROPOLITAN DISTRICT  
Schedule of Fees  
Effective February 11, 2022**

<b>Schedule of Fees</b>		
<b>Fee Type</b>	<b>Classifications</b>	<b>Rate</b>
Builder Operations Fee – One-Time Payment	Single-Family Front Loaded Homes	\$1,500.00
	Single Family Alley-Loaded Homes	\$1,750.00
	Townhomes	\$2,000.00
<p>The Due Date for each Builder Operations Fee for any Lot for which a building permit has been issued prior to the date of this Resolution shall be on or prior to the date of Transfer of such Lot to an End User, to be paid by the seller of such Lot to the District. For Lots for which a building permit has not been issued as of the date of this Resolution, the Due Date for the Builder Operations Fee shall be no later than the issuance of a building permit for such Lot.</p> <p>The Builder Operations Fee shall be due and payable by the owner of the Lot, in full, to the District, on the Due Date.</p>		

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

Home Place Metropolitan District  
c/o Advance HOA Management, Inc.  
P.O. Box 370390  
Denver, CO 80237

**EXHIBIT B**

**HOME PLACE METROPOLITAN DISTRICT**

**District Boundaries**

SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 2016000092611, IN SAID RECORDS;

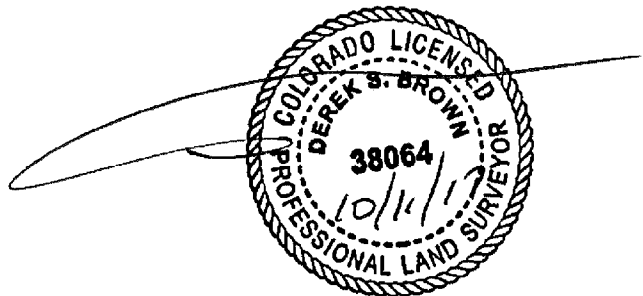
THENCE DEPARTING SAID SOUTH LINE, ALONG SAID EASTERLY BOUNDARY, NORTH 00°22'39" EAST, A DISTANCE OF 1,210.99 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY OF EAST 104<sup>TH</sup> AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1. DEPARTING SAID EASTERLY BOUNDARY, SOUTH 89°37'21" EAST, A DISTANCE OF 1,053.01 FEET;
2. NORTH 00°22'45" WEST, A DISTANCE OF 10.00 FEET;
3. SOUTH 89°37'21" EAST, A DISTANCE OF 231.63 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 43.005 ACRES, (1,873,291 SQUARE FEET), MORE OR LESS.

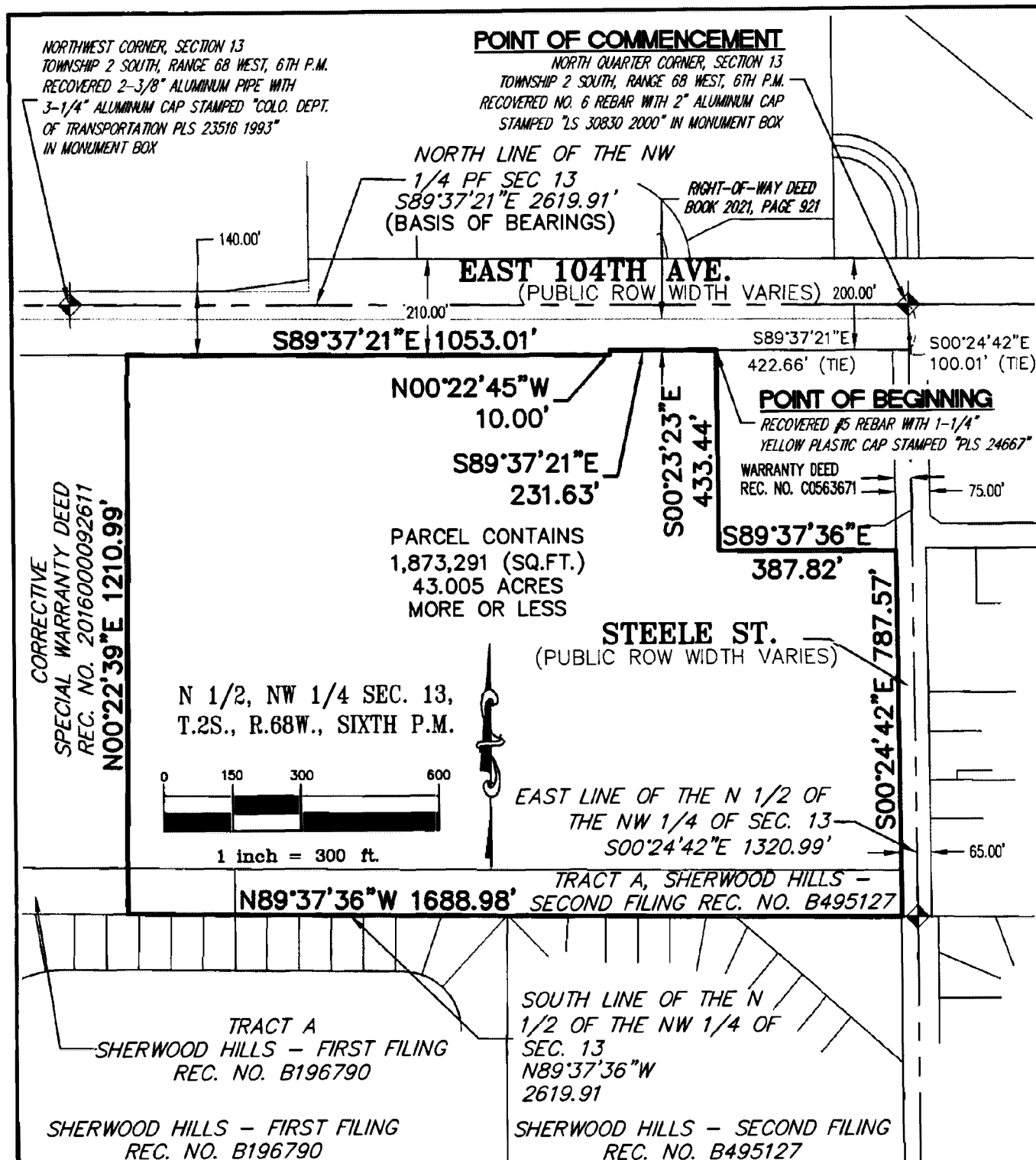
EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEREK S. BROWN  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38064  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVENUE, SUITE 1, LITTLETON, CO 80122  
303-713-1898



# ILLUSTRATION TO EXHIBIT B



**CORRECTIVE**  
**SPECIAL WARRANTY DEED**  
**REC. NO. 2016000092611**  
**N00°22'39"E 1210.99'**

NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: \_\_\_\_\_  
 DWG NAME: \_\_\_\_\_  
 DWG: **BAM** CHK: **D.SB**  
 DATE: **10-11-2017**  
 SCALE: **1" = 300'**

HO **MEADOWS** EXHIBIT.DWG



**ATEC**  
 CONSULTANTS, INC.

300 East Mineral Ave,  
 Suite 1  
 Littleton, Colorado 80122  
 Phone: (303)713-1898  
 Fax: (303)713-1897  
 www.atecconsultants.com

2:\40418-04 - Homeloca Design Survey\Dog

**BOUNDARY**

N 1/2, N 1/4, SEC 13, T.2S., R.682., SIXTH P.M.  
 CITY OF THORNTON, STATE OF COLORADO

JOB NUMBER 49416-04 3 OF 3 SHEETS