

When recorded return to:
MaryAnn McGeady
McGeady Becher P.C.
450 E. 17th Avenue, Suite 400
Denver, CO 80203

RESOLUTION NO. 2016-04-04

**JOINT RESOLUTION OF THE PRAIRIESTAR METROPOLITAN DISTRICT NO. 1
AND THE PRAIRIESTAR METROPOLITAN DISTRICT NO. 2**

**RESOLUTION REGARDING THE IMPOSITION OF TRANSFER FEES AND DESIGN
REVIEW FEES**

WHEREAS, the PrairieStar Metropolitan District No. 1 (the “**Operating District**”) and the PrairieStar Metropolitan District No. 2 (the “**Taxing District**” and together with the Operating District, the “**Districts**”) are quasi-municipal corporations and political subdivisions of the State of Colorado located in the Town of Berthoud (the “**Town**”), Larimer County, Colorado; and

WHEREAS, the Districts operate pursuant to their respective Service Plans approved by the Town on July 27, 2010, as the same may be amended and/or modified from time to time (the “**Service Plans**”); and

WHEREAS, the Districts were formed to provide those services listed in the Service Plans, including but not limited to the design, acquisition, construction, installation, financing, and operation and maintenance of certain water, sanitation (including storm and sanitary sewer), streets, safety protection, park and recreation, television relay and translation, transportation, mosquito control and limited fire protection facilities and services to benefit the property within their boundaries and/or service areas, as such service area/boundaries may be modified from time to time (the “**Property**”); and

WHEREAS, PrairieStar is a residential community located within the Property; and

WHEREAS, PrairieStar, Inc. (the “**Master Developer**”) has caused to be recorded the Declaration of Protective Covenants of PrairieStar, recorded on November 18, 2014, at Reception No. 20140066221 of the Larimer County, Colorado, real property records (the “**Covenants**”); and

WHEREAS, the Covenants provide that it is the intention of the Master Developer to empower the Taxing District to provide covenant enforcement and design review services to the residents of the Taxing District (the “**Services**”); and

WHEREAS, the Taxing District has entered into a Facilities Funding, Construction and Operations Agreement (the “**FFCO**”) with the Operating District whereby the Operating District agreed to perform the Services on behalf of the Taxing District; and

WHEREAS, pursuant to the Covenants, the FFCO and pursuant to § 32-1-1004(8) C.R.S., the Districts may provide design review services and covenant enforcement to PrairieStar; and

WHEREAS, the Districts are authorized pursuant to their Service Plans and pursuant to Section 32-1-1001(1)(j)(I), C.R.S., to fix fees and penalties for services or facilities provided by the Districts; and

WHEREAS, the Districts have determined that in order to offset administrative costs associated with a transfer of ownership of any dwelling unit located within the Property, the Taxing District shall impose certain Transfer Fees (the “**Transfer Fees**”) on the Property, as described herein; and

WHEREAS, the Districts have determined that in order to offset the costs associated with the PrairieStar Design Review Committee (the “**PRDC**”) design review process, the Taxing District shall impose certain Design Review Fees (the “**Design Review Fees**,” and together with the Transfer Fee, the “**Fees**”) on the Property, as more particularly described herein; and

WHEREAS, the Districts desire to offset the costs associated with the transfer of ownership of dwelling units and the design review process by setting a schedule of Transfer and Design Review Fees; and

WHEREAS, the Districts have determined that for efficiency purposes and pursuant to the FFCO, it is appropriate for the Operating District to collect the Fees on behalf of the Taxing District; and

WHEREAS, this Resolution shall be recorded on the Property to put the current and future owners of the Property on notice of the imposition and collection of the Fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS OF DIRECTORS OF THE PRAIRIESTAR METROPOLITAN DISTRICT NO. 1 AND THE PRAIRIESTAR METROPOLITAN DISTRICT NO. 2:

1. The Boards of Directors do hereby determine that it is in the best interests of the Districts and its taxpayers and inhabitants that the Taxing District impose the Transfer Fees and Design Review Fees as described in **Exhibit A**, attached hereto and incorporated herein by this reference (“**Transfer and Design Review Fees**”).

2. The Transfer and Design Review Fees are applicable to the Property, as more fully described in **Exhibit B**.

3. The Boards of Directors declare that the Transfer and Design Review Fees are effective as of April 5, 2016.

4. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given

circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2016-04-04]

APPROVED AND ADOPTED this 5th day of April, 2016.

**PRAIRIESTAR METROPOLITAN
DISTRICT NO. 1**

By: _____

President

Attest:

Secretary or Assistant Secretary

**PRAIRIESTAR METROPOLITAN
DISTRICT NO. 2**

By: _____

President

Attest:

Secretary or Assistant Secretary

EXHIBIT A
TRANSFER AND DESIGN REVIEW FEES

Preamble

The Board of Directors of the PrairieStar Metropolitan District No. 1 (the “**Operating District**”) and the Board of Directors of the PrairieStar Metropolitan District No. 2 (the “**Taxing District**”) and together with the Operating District, the “**Districts**”), determined that it is in the best interests of the Districts and its taxpayers and inhabitants that it impose the Transfer Fees and Design Review Fees (the “**Fees**”) on the property within the Districts’ boundaries and/or service areas, as such service area/boundaries may be modified from time to time (the “**Property**”), pursuant Section 32-1-1001(1)(j)(I), C.R.S.

The Districts have retained a management company (the “**District Manager**”) to assist it in managing its affairs, including the assessment and collection of fee payments as provided herein. Inquiries regarding the Fees may be directed to the District Manager.

ARTICLE 1. TRANSFER FEES

1.1 Costs In order to offset administrative costs associated with the transfer of ownership of a dwelling unit within the Property, the Taxing District hereby imposes the following Transfer Fees. The Transfer Fees shall be due and payable to the Operating District at the time of any sale, transfer, or resale of any dwelling unit that has a certificate of occupancy:

a. Property Ownership Transfer Fee: A Transfer Fee of Fifty Dollars (\$50.00) per completed dwelling unit within the Property shall be due upon the sale or transfer of any completed dwelling unit within the Property.

b. Title Company Status Letter Fee: A Title Company Status Fee of Twenty-five Dollars (\$25.00) shall be due upon request for a title company status letter per completed dwelling unit within the Property.

ARTICLE 2. DESIGN REVIEW FEES

2.1 Costs In order to offset costs associated with the PrairieStar Design Review Committee’s (the “**PRDC**”) design review process, the District hereby imposes the following Design Review Fees as generally described below and as more particularly described in the Declaration of Protective Covenants of PrairieStar, recorded on November 18, 2014, at Reception No. 20140066221 of the Larimer County, Colorado, real property records, as the same may be amended and/or modified from time to time (the “**Covenants**”). The Design Review Fees shall be due and payable to the Operating District at the time of submittal of a request for design review:

a. Landscape and/or Fence Review Fee: A Landscape and/or Fence Review Fee of Fifty Dollars (\$50.00) per plan shall be due upon submittal of the plan for PRDC review.

b. Main Building Addition, Addition of Accessory Building, Site Plan, Footprint (including Driveway) Review Fee: A Main Building Addition, Addition of Accessory Building, Site Plan, Footprint (including Driveway) Review Fee of One Hundred Dollars (\$100.00) per plan shall be due upon submittal of the plan for PRDC review.

c. Paint Color Review Fee: A Paint Color Review Fee of Fifty Dollars (\$50.00) per plan shall be due upon submittal of the plan for PRDC review.

d. Sustainable Appearance and Screening Fee: A Sustainable Appearance and Screening Fee of Fifty Dollars (\$50.00) per plan shall be due upon submittal of the plan for PRDC review.

e. Other Review Fee: All other items not contemplated or listed above, submitted to the PRDC for review shall incur a Fee of Fifty Dollars (\$50.00) per plan.

ARTICLE 3. FEES AND LIENS

3.1 Pursuant to Section 32-1-1001(1)(j)(I), C.R.S., all Fees, until paid, shall constitute a perpetual lien on and against the property. Except for the lien against the property created by the imposition of property taxes by the Districts and other taxing jurisdictions pursuant to Section 32-1-1202, C.R.S., all liens for unpaid Fees shall to the fullest extent permitted by law, have priority over all other liens of record affecting the property and shall run with the property and remain in effect until paid in full.

EXHIBIT B
LEGAL DESCRIPTION OF THE PROPERTY

Filing No. 1

LEGAL DESCRIPTION

PART OF THE S1/2 OF SECTION 2, T4N, R60W OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 2, FROM WHICH THE W1/4 CORNER OF SAID SECTION 2 BEARS N00°37'55"W, 2863.62 FEET (BASIS OF BEARING), THENCE N00°37'55"W, 1775.63 FEET ALONG THE WEST LINE OF SAID S1/2 OF SECTION 2 TO THE NORTHERLY RIGHT-OF-WAY LINE OF PARCEL 232A CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, AS DESCRIBED IN RULE AND ORDER RECORDED MAY 28, 2003, AT RECEPTION NO. 20030065028 OF THE RECORDS OF LARIMER COUNTY, COLORADO AND THE POINT OF BEGINNING;

THENCE CONTINUING N00°37'55"W, 857.78 FEET ALONG SAID WEST LINE OF THE S1/2 OF SECTION 2 TO SAID W1/4 CORNER OF SECTION 2;

THENCE N89°10'30"E, 1480.64 FEET ALONG THE NORTH LINE OF SAID S1/2 OF SECTION 2;

THENCE S00°15'55"W, 209.40 FEET TO A NON-TANGENT POINT OF CURVE TO THE RIGHT;

THENCE 36.15 FEET ALONG THE ARC OF SAID CURVE, CONCAVE TO THE SOUTHWEST, SAID ARC HAVING A RADIUS OF 58.00 FEET, A CENTRAL ANGLE OF 35°42'36", AND BEING SUBTENDED BY A CHORD WHICH BEARS S45°07'24"E, 35.57 FEET TO A NON-TANGENT POINT;

THENCE S89°44'05"E, 91.16 FEET;

THENCE S00°15'55"W, 640.01 FEET;

THENCE N89°44'05"W, 1485.04 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID PARCEL 232A CONVEYED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, AS DESCRIBED IN SAID RULE AND ORDER RECORDED MAY 28, 2003, AT RECEPTION NO. 20030065028;

THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PARCEL 232A THE FOLLOWING THREE (3) COURSES:

1. N00°14'09"E, 6.17 FEET;
2. N13°58'20"W, 163.02 FEET;
3. S89°22'05"W, 57.01 FEET TO THE POINT OF BEGINNING;

AREA = 1,850,160 SQUARE FEET OR 37.882 ACRES, MORE OR LESS.

Filing No. 2

LEGAL DESCRIPTION

PART OF THE S1/2 OF SECTION 2, T4N, R69W OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 2, FROM WHICH THE W1/4 CORNER OF SAID SECTION 2 BEARS N00°37'55"W, 2663.62 FEET (BASIS OF BEARING), THENCE N69°36'41"E, 60.00 FEET ALONG THE SOUTH LINE OF SAID S1/2 OF SAID SECTION 2 TO THE EASTERLY LINE OF PARCEL 232 CONVEYED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, AS DESCRIBED IN RULE AND ORDER RECORDED MAY 28, 2003, AS RECEPTION NO. 20030065028 OF THE RECORDS OF LARIMER COUNTY, COLORADO AND THE POINT OF BEGINNING;

THENCE NORTHERLY AND EASTERLY ALONG SAID EASTERLY AND ALONG THE SOUTHERLY LINE OF SAID PARCEL 232 CONVEYED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, AS DESCRIBED AT SAID RECEPTION NO. 20030065028, THE FOLLOWING FIVE (5) COURSES:

1. N01°21'00"E, 343.17 FEET;
2. N45°48'28"E, 72.05 FEET;
3. S89°44'05"E, 2184.56 FEET;
4. S80°34'52"E, 518.60 FEET;
5. S89°44'05"E, 809.48 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN & SANTA FE RAILROAD;

THENCE S03°06'38"E, 270.69 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN & SANTA FE RAILROAD TO SAID SOUTH LINE OF THE S1/2 OF SECTION 2;

THENCE S89°36'41"W, 3580.15 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING;

AREA = 1,241,733 SQUARE FEET OR 28.506 ACRES, MORE OR LESS.