

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
SUBDISTRICT NO. 1 OF THE COALTON METROPOLITAN DISTRICT**

**A RESOLUTION APPROVING THE IMPOSITION OF A GROUNDS MAINTENANCE FEE  
ON REAL PROPERTY IN THE SUBDISTRICT**

WHEREAS, on July 14, 2020, Coalton Metropolitan District (the "District") adopted a resolution (the "Formation Resolution") approving the formation of "Subdistrict No. 1 of the Coalton Metropolitan District" (the "Subdistrict"); and

WHEREAS, the formation of the Subdistrict became effective upon the recording of the Formation Resolution in the records of the Boulder County Clerk and Recorder on August 26, 2020 at Reception No. 03810310; and

WHEREAS, the property within the Subdistrict is being developed for multi-family residences consisting of townhomes, with each townhome referred to herein as a "Unit" and collectively as "Units;" and

WHEREAS, pursuant to Section 32-1-1101(1)(f)(II), C.R.S., the Subdistrict possesses all of the rights, privileges and immunities of the District, and is subject to the same powers and authority set forth in the District's Service Plan approved by the Town of Superior Board of Trustees on August 23, 2010; and

WHEREAS, pursuant to the Service Plan, the District and thus, the Subdistrict, have the power and authority to provide for, finance, construct, install, acquire, repair, replace, operate, and maintain streets, traffic and safety controls, drainage, sanitation, water, parks and recreation, transportation, mosquito and pest control, television relay and translation, security services and covenant enforcement, subject to the limitations set forth therein; and

WHEREAS, pursuant to § 32-1-1001(1)(j), C.R.S., the Subdistrict is authorized to fix and impose fees, rates, tolls, charges, and penalties for services or facilities provided by the Subdistrict which, until paid, shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens; and

WHEREAS, the Service Plan similarly empowers the District and thus, the Subdistrict, to impose fees, rates, tolls, charges, and penalties for services and facilities; and

WHEREAS, the Subdistrict will provide on-going grounds maintenance of the Subdistrict-owned property including, but not limited to, street and walkway maintenance, landscaping, irrigation, parks, site furnishings, signage, site lighting, EV charging stations, and snow removal (collectively, "Grounds Maintenance"); and

WHEREAS, in order to defray the Subdistrict's costs associated with ongoing Grounds Maintenance, the Subdistrict desires to impose a monthly grounds maintenance fee on each Unit

located within the Subdistrict pursuant to the terms and provisions of this resolution (the "Grounds Maintenance Fee Resolution").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SUBDISTRICT NO. 1 OF THE COALTON METROPOLITAN DISTRICT AS FOLLOWS:

1. Grounds Maintenance Fee. The Subdistrict will provide Grounds Maintenance of the real property within the Subdistrict for the benefit of the property owners and residents of the Units (each property owner of a Unit is referred to herein as an "Owner"). To defray the Subdistrict's costs associated with the provision of Grounds Maintenance, the Subdistrict hereby establishes a monthly "Grounds Maintenance Fee" upon each Unit located within the Subdistrict, as more particularly described on Exhibit A attached hereto and incorporated herein by reference. The Grounds Maintenance Fee shall be determined annually via the Subdistrict's budget process without the recording of a new resolution each year. The initial monthly Grounds Maintenance Fee shall be \$77 per Unit. The Subdistrict shall invoice each Unit Owner for the initial Grounds Maintenance Fee commencing with the issuance of a certificate of occupancy for the unit. Thereafter, the Subdistrict will send a monthly invoice to each Unit Owner reflecting the monthly Grounds Maintenance Fee due and owing from the Unit Owner. The Grounds Maintenance Fee must be paid by the Unit Owner within thirty (30) days of the date of the invoice.

2. Delinquent Payments. If the Grounds Maintenance Fee is not paid in full within five (5) calendar days after the due date, the Subdistrict may impose a late fee of five percent (5%) per month, not to exceed twenty-five percent (25%) of the amount due, pursuant to §29-1-1102(3), C.R.S. Interest will also accrue on any amount outstanding as of five (5) calendar days after the due date, exclusive of said assessed late fee, at the rate of 18% per annum, pursuant to §29-1-1102(7), C.R.S. All Grounds Maintenance Fees, late fees, and penalty interest shall be paid to the Subdistrict in immediately available funds.

3. Lien. Until paid, the monthly Grounds Maintenance Fee shall constitute a perpetual lien on and against the Unit, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens as provided in § 32-1-1001(1)(j)(I), C.R.S.

4. Collection Efforts. The Subdistrict shall be entitled to charge any and all legal fees and expenses incurred for collection efforts to Unit Owners. Furthermore, the Subdistrict hereby covenants that, in the event that the lien imposed hereby is purported to be extinguished as the result of any foreclosure proceeding, the Subdistrict will reassert such lien as a perpetual lien until paid, as authorized pursuant to §32-1-1001(1)(j)(I), C.R.S.

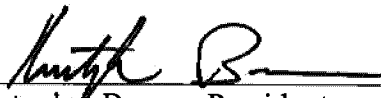
5. Severability. If any clause or provision of this Grounds Maintenance Fee Resolution is adjudged invalid and/or unenforceable by a court of competent jurisdiction or by operation of any law, such clause or provision shall not affect the validity of this Grounds Maintenance Fee Resolution as a whole, but shall be severed herefrom, leaving the remaining terms intact and enforceable.

6. Effective Date; Recording. This Grounds Maintenance Fee Resolution shall take effect upon the adoption and approval of the Board of Directors for the Subdistrict, and shall be recorded in the office of the Boulder County Clerk and Recorder against the real property described in Exhibit A attached hereto and incorporated by reference.

*(Signature Page Follows)*

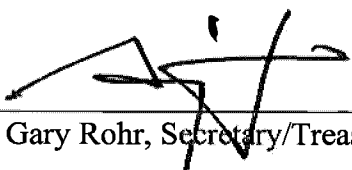
ADOPTED AND APPROVED THIS 27<sup>th</sup> DAY OF APRIL, 2022.

**SUBDISTRICT NO. 1 OF THE COALTON  
METROPOLITAN DISTRICT**



By: Kristopher Barnes, President

**ATTEST:**



By: Gary Rohr, Secretary/Treasurer

**EXHIBIT A**  
(To Grounds Fee Maintenance Resolution)

**LEGAL DESCRIPTION**

LOT 1-94, REPLAT A OF LOT 1, BLOCK1, ROCK CREEK RANCH FILING NO. 17D,  
TOWN OF SUPERIOR, COUNTY OF BOULDER, STATE OF COLORADO