

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

NOTICE TO TITLE COMPANIES: THE FOLLOWING RESOLUTION IMPOSES FEES WHICH, UNTIL PAID, CONSTITUTE A STATUTORY AND PERPETUAL LIEN ON AND AGAINST THE PROPERTY SERVED. CONTACT SPECIAL DISTRICT MANAGEMENT SERVICES, INC., AT (303) 987-0835 TO VERIFY PAYMENT.

RESOLUTION NO. 2017-12-13

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
INDY OAK TOD METROPOLITAN DISTRICT
REGARDING THE IMPOSITION OF DISTRICT FEES**

A. Indy Oak TOD Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Lakewood, Jefferson County, State of Colorado (the “**City**”).

B. The District was organized pursuant to its Service Plan approved by the City on September 25, 2017, as it may be amended from time to time (the “**Service Plan**”).

C. Pursuant to the Service Plan, the District is authorized to provide for the design, acquisition, construction, installation and financing of certain water, sanitation, street, safety protection, park and recreation, transportation and mosquito control improvement and services (the “**Improvements**”).

D. The District, pursuant to the Service Plan and in accordance with Section 32-1-1004(8), C.R.S., is authorized to provide covenant enforcement and design review services.

E. The District’s boundaries are described in the legal description attached hereto as **Exhibit A**, which legal description may be amended from time to time, pursuant to the inclusion and/or exclusion of property into or from the District (the “**Property**”).

F. Century at Oak Street, LLC, a Colorado limited liability company (the “**Developer**”), caused to be recorded the Covenants and Restrictions of Oak Street Townhomes in the real property records of Jefferson County, State of Colorado, on August 10, 2018, at Reception No. 2018073655 (as the same may be amended and/or modified from time to time, the “**Covenants**”) and applicable to the Property.

G. The Covenants provide that the District shall enforce each of the provisions provided therein.

H. Pursuant to the Covenants, the District will also provide for centralized trash removal and recycling services and potable water service (the “**Services**”) for each Unit, as defined in the Covenants.

I. The Property will benefit from the District providing the Services.

J. The District is authorized pursuant to Section 32-1-1001(1)(j), C.R.S., and its Service Plan to fix and impose fees, rates, tolls, charges and penalties for services, programs, or facilities provided by the District, which, until paid, shall constitute a perpetual lien on and against all property served.

K. The District has determined it is in the best interest of the District and its property owners, taxpayers and residents to provide the Services.

L. The District has determined that, to meet the costs associated with the Services (the “**Service Costs**”) it is necessary to impose a fee for trash removal and recycling services (“**Trash Removal Fee**”) and a fee for potable water service (“**Water Service Fee**” and with the Trash Collection Fee, the “**Fees**”) on each Unit on the Property.

M. The District has determined that the Trash Removal Fee and the Water Service Fee, as set forth in this Resolution, are reasonably related to the overall cost of providing the Services and paying the Service Costs, and that imposition thereof is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE INDY OAK TOD METROPOLITAN DISTRICT (“**BOARD**”), JEFFERSON COUNTY, COLORADO:

1. The Board hereby finds, determines and declares that it is in the best interests of the District, its inhabitants and taxpayers to exercise its power by imposing the following fees:

(a) **Trash Removal Fee.**

(i) The Board hereby imposes a Trash Removal Fee in the amount of Fifteen Dollars (\$15) per month on each Unit within the District. The District reserves the right to amend this resolution in the future to increase or decrease the amount of the Trash Removal Fee.

(b) **Water Service Fee.**

(i) The Board hereby imposes a Water Service Fee in the amount of Sixty-Five Dollars (\$65) per month on each Unit within the District. The District reserves the right to amend this resolution in the future to increase or decrease the amount of the Water Service Fee.

(c) **Invoicing of Fees.**

(i) The Trash Removal Fee and Water Service Fee shall be paid monthly. An invoice for the Trash Removal Fee and the Water Service Fee payable for each month will be mailed to each property owner (the “**Owner**”) on or before the 1st day of each month (the “**Bill Date**”). The Owner shall pay the Trash Removal Fee and Water Service Fee for said month within fifteen (15) days of the Bill Date. If payment in full is not received by the

30th day of the Bill Date (the “**Past Due Date**”), the fee is deemed past due and otherwise outstanding. A “Reminder Notice” may be, but is not required to be, sent at such time.

(ii) Failure to make payment of any Trash Removal Fee and/or Water Service Fee due hereunder shall constitute a default in the payment of such Fee. Upon default, Owner shall be responsible for a late payment fee (“**Late Payment Fee**”) in the amount of Fifteen Dollars (\$15.00) per late payment of the respective Fee.

(iii) If the Owner does not make payment of all past due amounts, which in the District’s sole discretion may include simple interest as permitted by Section 29-1-1102(7), C.R.S. (the “**Delinquent Balance**”), within sixty (60) days from the Past Due Date, the District may deliver to the Owner a Notice of Intent to File a Lien Statement (a “**Lien Notice**”). The Lien Notice shall give notice to the Owner that the District intends to perfect its lien against the Property by recording a Lien Statement in the office of the Jefferson County Clerk and Recorder if the Delinquent Balance is not paid in full within thirty (30) days after said Lien Notice is served upon Owner by certified mail, return receipt requested, pursuant to Section 38-22-109(3), C.R.S.

2. The Fees shall not be imposed on real property actually conveyed or dedicated to non-profit owners’ associations, governmental entities or utility providers.

3. The Fees shall constitute a statutory and perpetual charge and lien upon the Property pursuant to Section 32-1-1001(1)(j), C.R.S., from the date the same becomes due and payable until paid. 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 and such lien may be foreclosed by the District in the same manner as provided by the laws of Colorado for the foreclosure of mechanics’ liens. This Resolution shall be recorded in the real property records of the Clerk and Recorder of Jefferson County, Colorado.

4. The District shall be entitled to institute such remedies and collection proceedings as may be authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting Owner shall pay all costs, including attorneys’ fees, incurred by the District in connection with the foregoing. In foreclosing such lien, the District will enforce the lien only to the extent necessary to collect the Delinquent Balance and costs of collection (including, but not limited to, reasonable attorneys’ fees).

5. Judicial invalidation of any of the provisions of the 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 the Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

6. Any inquiries pertaining to the Fees may be directed to the District Manager at: Lisa Johnson, Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, phone number: 303-987-0835.

7. The Resolution shall take effect on August 10, 2018.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2017-12-13]

APPROVED AND ADOPTED THIS 14th day of December, 2017.

**INDY OAK TOD METROPOLITAN
DISTRICT**

By: 
President

Attest:

By: 
Secretary

EXHIBIT A

Legal Description of the Property

Lots 1 through 8 inclusive, Block 1,
Lots 1 through 6 inclusive, Block 2,
Lots 1 through 10 inclusive, Block 3,
Lots 1 through 7 inclusive, Block 4,
Lots 1 through 6 inclusive, Block 5,
Lots 1 through 7 inclusive, Block 6,
Lots 1 through 6 inclusive, Block 7,
Lots 1 through 6 inclusive, Block 8,
Lots 1 and 2, Block 9,
Lots 1 through 7, inclusive, Block 10,
Lots 1 through 8 inclusive, Block 11,
Lots 1 through 8 inclusive, Block 12, and
Tracts A and B,
Oak Street Subdivision Filing No. 1,
City of Lakewood, County of Jefferson, State of Colorado.