

RESOLUTION 2007-12- 01

**RESOLUTION OF DANCING WILLOWS METROPOLITAN DISTRICT  
REGARDING IMPOSITION OF FACILITIES FEES**

WHEREAS, Dancing Willows Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the District's Service Plan, as approved by the Board of County Commissioners of Jefferson County, Colorado, authorizes the District to construct, acquire and install park and recreation, street, and safety protection improvements ("Improvements") within and outside the boundaries of the District; and

WHEREAS, the District is authorized pursuant to Section 32-1-1001(1)(j)(I), C.R.S. to fix fees and charges for services or facilities provided by the District; and

WHEREAS, the District has determined that it is in the best interests of its inhabitants and taxpayers to provide the Improvements; and

WHEREAS, the property within the District's boundaries (the "Property") identified in **Exhibit A**, attached hereto, will be benefited by the Improvements; and

WHEREAS, the District has determined that, to meet the costs of operating and maintaining the Improvements, it is necessary to impose certain fees on the Property; and

WHEREAS, the Board undertook a financial analysis and determined that, in conjunction with other sources of revenue available, the District must realize or collect fees from the property owners within the District in order to operate and maintain the Improvements; and

WHEREAS, the District has determined that, to meet the costs of providing the Facilities, it is necessary to impose Facilities Fees on the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DANCING WILLOWS METROPOLITAN DISTRICT, AS FOLLOWS:

1. The Board does hereby determine that it is in the best interests of the District and its taxpayers and inhabitants to exercise its power by imposing Facilities Fees on the Property.
2. The following words and phrases used herein shall have the following meaning:
  - (a) **Board**: the duly elected or appointed Board of Directors of the District, as constituted from time to time.
  - (b) **Commercial Space**: a commercial building on the Property, the square footage of which commercial building shall be determined based upon the square footage described on the building permit for such commercial building.

(c) District Service System: the system of park and recreation, street, and safety protection improvements constructed by the District.

(d) Residential Dwelling Unit: a residential building located on the Property, intended for occupancy by one or more individuals and consisting of one self-contained living unit whether attached or detached, as reasonably determined by the District.

(e) Residential Equivalent Unit: the right to use the District Service System for one (1) Residential Dwelling Unit.

(f) Facilities Fee(s): the payment made or to be made by the owner(s) of the Property to the District as consideration for one (1) Residential Equivalent Unit.

3. There shall be assessed and charged a Facilities Fee pursuant to Section 32-1-1001(1)(j), C.R.S., for use of the District Service System. The owners of all land within the District, other than governmental owners, shall be subject to the Facilities Fee.

4. The Facilities Fees shall be imposed at a rate of Two Hundred Dollars (\$200) per Residential Equivalent Unit, which amount may increase or decrease from time to time at the discretion of the District.

5. The Facilities Fee is due with respect to any Residential Dwelling Unit on or before the date of the sale of any such Residential Dwelling Unit.

6. The Facilities Fees shall not be imposed on real properties conveyed to or owned by non-profit homeowners' associations.

7. Any unpaid Facilities Fees shall constitute a statutory and perpetual lien against the Property pursuant to Section 32-1-1001(1)(j)(I), C.R.S., such lien being a charge imposed for the provision of the services and facilities to the Property. 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.

8. Failure to make payment of the Facilities Fees due hereunder shall constitute a default in the payment of such Facilities Fees. Upon a default, interest shall accrue on such total amount of Facilities Fees due at the rate of 12% per annum and 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 property owner shall pay all costs, including attorneys' fees, incurred by the District in connection with the foregoing. In foreclosing its lien, the District will enforce the lien only to the extent necessary to collect unpaid Facilities Fees and costs.


9. 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.

APPROVED AND ADOPTED THIS 17<sup>th</sup> day of December, 2007.

DANCING WILLOWS METROPOLITAN  
DISTRICT

By:   
Charles Regan Hauptman, President

Attest:

  
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Lisa Johnson, Secretary

**EXHIBIT A**

**Property**

**PROPERTY DESCRIPTION**

**DANCING WILLOWS METROPOLITAN DISTRICT**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS N 89°42'40" E;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 17;  
THENCE N 00°03'11" E, ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 426.00 FEET TO THE POINT OF BEGINNING;

THENCE N 00°03'11" E, CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 402.47 FEET;  
THENCE N 00°03'11" E, ALONG THE EASTERLY LINE OF TRACT A, ALKIRE ACRES FILING NO. 1, AS DESCRIBED UNDER RECEPTION NUMBER 85007423 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 492.74 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 17;

THENCE N 89°43'37" E, ALONG THE SOUTHERLY LINE OF TRACT B, WESTGOLD MEADOWS FILING NO. 1, AS DESCRIBED UNDER RECEPTION NUMBER 85083655 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 187.08 FEET;

THENCE N 89°43'37" E, ALONG THE SOUTHERLY LINE OF CAMBRIDGE IN THE FOOTHILLS PHASE 2 AS DESCRIBED UNDER RECEPTION NUMBER F1144731 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 125.58 FEET;

THENCE N 89°43'37" E, ALONG THE SOUTHERLY LINE OF CAMBRIDGE COMMONS AMENDMENT NO. 1 AS DESCRIBED UNDER RECEPTION NUMBER F0350091 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 481.30 FEET;

THENCE ALONG THE SOUTHERLY AND WESTERLY LINES OF TRACT C, SAID WESTGOLD MEADOWS FILING NO. 1 THE FOLLOWING SIX (6) COURSES:

1. N 89°43'37" E, A DISTANCE OF 836.63 FEET;
2. S 00°16'20" W, A DISTANCE OF 224.35 FEET;
3. N 56°30'35" E, A DISTANCE OF 188.89 FEET;
4. N 64°56'44" E, A DISTANCE OF 80.58 FEET;
5. N 81°48'59" E, A DISTANCE OF 80.58 FEET;
6. S 89°45'18" E, A DISTANCE OF 196.13 FEET;

THENCE S 00°13'17" W, A DISTANCE OF 580.88 FEET;

THENCE N 89°46'36" W, A DISTANCE OF 505.64 FEET;

THENCE S 00°13'17" W, A DISTANCE OF 606.51 FEET;

THENCE S 89°42'40" W, ALONG THE NORTHERLY RIGHT-OF-WAY OF WEST BOWLES AVENUE AS DESCRIBED UNDER RECEPTION NUMBER 91026812 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 801.96 FEET;

THENCE N 00°03'53" E, A DISTANCE OF 366.00 FEET;

THENCE S 89°42'40" W, A DISTANCE OF 825.00 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 2,027,520 SQUARE FEET OR 46.546 ACRES, MORE OR LESS;

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

PARCEL C

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS N 89°42'40" E;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 17;  
THENCE N 17°12'29" E, A DISTANCE OF 864.68 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08°06'50", A RADIUS OF 231.00 FEET, AND AN ARC LENGTH OF 32.71 FEET, THE CHORD OF WHICH BEARS N 13°01'34" E, A DISTANCE OF 32.69 FEET;  
THENCE N 17°04'59" E, A DISTANCE OF 27.41 FEET;  
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 29°52'18", A RADIUS OF 209.00 FEET, AND AN ARC LENGTH OF 108.96 FEET;  
THENCE N 36°35'11" E, A DISTANCE OF 7.68 FEET;  
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 52°43'28", A RADIUS OF 9.50 FEET, AND AN ARC LENGTH OF 8.74 FEET;  
THENCE ALONG THE ARC OF A COMPOUND CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03°44'25", A RADIUS OF 218.50 FEET, AND AN ARC LENGTH OF 14.26 FEET;  
THENCE N 19°52'42" W, A DISTANCE OF 21.13 FEET;  
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°32'05", A RADIUS OF 9.50 FEET, AND AN ARC LENGTH OF 2.74 FEET;  
THENCE N 88°52'00" E, A DISTANCE OF 42.35 FEET;  
THENCE N 88°52'00" E, A DISTANCE OF 180.00 FEET;  
THENCE N 49°11'35" E, A DISTANCE OF 45.76 FEET;  
THENCE N 82°31'44" E, A DISTANCE OF 180.00 FEET;  
THENCE N 84°22'03" E, A DISTANCE OF 20.75 FEET;  
THENCE S 89°59'01" E, A DISTANCE OF 180.00 FEET;  
THENCE S 81°27'10" E, A DISTANCE OF 20.22 FEET;  
THENCE S 89°59'01" E, A DISTANCE OF 180.00 FEET;  
THENCE N 86°10'34" E, A DISTANCE OF 20.05 FEET;  
THENCE S 89°59'01" E, A DISTANCE OF 105.00 FEET;  
THENCE N 00°00'59" E, A DISTANCE OF 9.81 FEET;  
THENCE S 89°59'01" E, A DISTANCE OF 75.00 FEET;  
THENCE S 89°59'01" E, A DISTANCE OF 44.15 FEET;  
THENCE S 11°23'09" W, A DISTANCE OF 55.17 FEET;  
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20°38'57", A RADIUS OF 530.00 FEET, AND AN ARC LENGTH OF 191.01 FEET, THE CHORD OF WHICH BEARS S 06°23'24" E, A DISTANCE OF 189.98 FEET;  
THENCE S 16°42'52" E, A DISTANCE OF 22.52 FEET;  
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 29°39'33", A RADIUS OF 30.00 FEET, AND AN ARC LENGTH OF 15.53 FEET;  
THENCE ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 27°17'06", A RADIUS OF 30.00 FEET, AND AN ARC LENGTH OF 14.29 FEET;  
THENCE ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 27°31'07", A RADIUS OF 80.00 FEET, AND AN ARC LENGTH OF 38.42 FEET;  
THENCE N 87°11'45" W, A DISTANCE OF 68.56 FEET;  
THENCE N 61°44'15" W, A DISTANCE OF 155.49 FEET;  
THENCE N 86°18'43" W, A DISTANCE OF 75.00 FEET;  
THENCE S 03°41'17" W, A DISTANCE OF 5.00 FEET;  
THENCE N 86°18'43" W, A DISTANCE OF 30.00 FEET;

THENCE N 03°41'17" E, A DISTANCE OF 5.00 FEET;  
THENCE N 86°18'43" W, A DISTANCE OF 75.00 FEET;  
THENCE S 61°22'45" W, A DISTANCE OF 69.44 FEET;  
THENCE S 83°08'13" W, A DISTANCE OF 75.00 FEET;  
THENCE S 06°51'47" E, A DISTANCE OF 5.00 FEET;  
THENCE S 83°08'13" W, A DISTANCE OF 30.00 FEET;  
THENCE N 06°51'47" W, A DISTANCE OF 5.00 FEET;  
THENCE S 83°08'13" W, A DISTANCE OF 75.00 FEET;  
THENCE S 76°57'19" W, A DISTANCE OF 26.73 FEET;  
THENCE S 89°42'40" W, A DISTANCE OF 75.00 FEET;  
THENCE S 00°17'20" E, A DISTANCE OF 6.11 FEET;  
THENCE S 89°42'40" W, A DISTANCE OF 30.00 FEET;  
THENCE N 00°17'20" W, A DISTANCE OF 6.11 FEET;  
THENCE S 89°42'40" W, A DISTANCE OF 75.00 FEET;  
THENCE S 40°29'55" W, A DISTANCE OF 32.08 FEET;  
THENCE N 68°40'37" W, A DISTANCE OF 75.00 FEET;  
THENCE S 21°19'23" W, A DISTANCE OF 19.26 FEET;  
THENCE N 68°40'37" W, A DISTANCE OF 30.00 FEET;  
THENCE S 21°19'23" W, A DISTANCE OF 7.95 FEET;  
THENCE N 68°40'37" W, A DISTANCE OF 75.00 FEET;  
THENCE S 75°39'21" W, A DISTANCE OF 51.36 FEET;  
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 50°31'55", A RADIUS OF 9.50 FEET, AND AN ARC LENGTH OF 8.38 FEET, THE CHORD OF WHICH BEARS N 19°17'11" W, A DISTANCE OF 8.11 FEET;  
THENCE N 44°33'08" W, A DISTANCE OF 7.42 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 282,020 SQUARE FEET OR 6.474 ACRES, MORE OR LESS.

#### PARCEL D

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS N 89°42'40" E;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 17;  
THENCE N 00°03'11" E, ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 737.32 FEET TO THE POINT OF BEGINNING;

THENCE N 00°03'11" E, CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 91.15 FEET;  
THENCE N 00°03'11" E, ALONG THE EASTERLY LINE OF TRACT A, ALKIRE ACRES FILING NO. 1, AS DESCRIBED UNDER RECEPTION NUMBER 85007423 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 129.34 FEET;  
THENCE N 89°21'46" E, A DISTANCE OF 230.88 FEET;  
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 22°24'59", A RADIUS OF 161.00 FEET, AND AN ARC LENGTH OF 62.99 FEET, THE CHORD OF WHICH BEARS S 05°52'29" W, A DISTANCE OF 62.59 FEET;  
THENCE S 17°04'59" W, A DISTANCE OF 27.41 FEET;  
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 26°24'26", A RADIUS OF 279.00 FEET, AND AN ARC LENGTH OF 128.59 FEET;  
THENCE S 87°57'03" W, A DISTANCE OF 208.12 FEET TO THE POINT OF BEGINNING;  
CONTAINING AN AREA OF 46,919 SQUARE FEET OR 1.077 ACRES, MORE OR LESS.

**PARCEL F**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS N 89°42'40" E;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 17;  
THENCE N 00°03'11" E, ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 828.47 FEET;  
THENCE N 00°03'11" E, CONTINUING ALONG SAID WESTERLY LINE AND ALONG THE EASTERLY LINE OF TRACT A, ALKIRE ACRES FILING NO. 1, AS DESCRIBED UNDER RECEPTION NUMBER 85007423 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 492.74 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 17;  
THENCE N 89°43'37" E, ALONG THE SOUTHERLY LINE OF TRACT B, WESTGOLD MEADOWS FILING NO. 1, AS DESCRIBED UNDER RECEPTION NUMBER 85083655 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 187.08 FEET;  
THENCE N 89°43'37" E, ALONG THE SOUTHERLY LINE OF CAMBRIDGE IN THE FOOTHILLS PHASE 2 AS DESCRIBED UNDER RECEPTION NUMBER F1144731 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 125.58 FEET;  
THENCE N 89°43'37" E, ALONG THE SOUTHERLY LINE OF CAMBRIDGE COMMONS AMENDMENT NO. 1 AS DESCRIBED UNDER RECEPTION NUMBER F0350091 OF THE JEFFERSON COUNTY RECORDS, A DISTANCE OF 481.30 FEET;  
THENCE N 89°43'37" E, ALONG THE SOUTHERLY LINE OF TRACT C, SAID WESTGOLD MEADOWS FILING NO. 1, A DISTANCE OF 438.65 FEET TO THE POINT OF BEGINNING;

THENCE N 89°43'37" E, CONTINUING ALONG THE SOUTHERLY LINE OF SAID TRACT C, A DISTANCE OF 397.98 FEET;  
THENCE S 00°16'20" W, ALONG THE WESTERLY LINE OF SAID TRACT C, A DISTANCE OF 224.35 FEET;  
THENCE N 50°03'45" W, A DISTANCE OF 66.52 FEET;  
THENCE S 74°24'08" W, A DISTANCE OF 136.71 FEET;  
THENCE S 51°21'05" W, A DISTANCE OF 63.11 FEET;  
THENCE N 03°15'13" E, A DISTANCE OF 64.44 FEET;  
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 93°55'06", A RADIUS OF 169.00 FEET, AND AN ARC LENGTH OF 277.02 FEET, THE CHORD OF WHICH BEARS N 43°01'28" W, A DISTANCE OF 247.03 FEET;  
THENCE N 00°16'23" W, A DISTANCE OF 10.99 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 55,576 SQUARE FEET OR 1.276 ACRES, MORE OR LESS;

PARCELS C, D AND F CONTAIN A COMBINED AREA OF 384,515 SQUARE FEET OR 8.827 ACRES, MORE OR LESS;

THE NET TOTAL AREA OF THIS PROPERTY DESCRIPTION IS 1,643,005 SQUARE FEET OR 37.718 ACRES, MORE OR LESS.