

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE  
WESTGLENN METROPOLITAN DISTRICT**

Imposing a Development Fee and Repealing Prior Development Fee  
Which was recorded with the Jefferson County Clerk and Recorder at reception number  
2017094363 on September 13, 2017

**RECITALS**

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

B. The District was organized under Title 32 of the Colorado Revised Statutes to provide public facilities and services, including, but not limited to the financing, construction, operation and maintenance of water and sanitation systems; storm sewer systems; streets, traffic and safety controls; park and recreation improvements; sidewalks etc. (the “**Public Improvements**”).

C. The District is authorized, pursuant to § 32-1-1001(1)(j) and (k), C.R.S., to impose and, from time to time, to increase or decrease fees, rates, tolls, penalties or charges for services, programs, or facilities furnished by the District, including the Public Improvements.

D. The District purchased property and constructed Westglenn Park for the ongoing benefit of its residents and taxpayers and financed the acquisition and construction with bonds that remain outstanding.

E. The District completed its Phase 1-III irrigation projects and installed pumps and other facilities to improve landscape, tree lawn and park maintenance.

F. The District incurred additional costs for maintenance of the Park and landscape areas due to changes in weather patterns, recent new improvements and usage of the parks.

G. The District Board will provide new access points and will face increased maintenance costs attributable to new construction in the District and increased park usage by new residents.

H. The Resolution of the Board of Directors of the Westglenn Metropolitan District Regarding the Imposition of a Development Fee was recorded in the real property records of Jefferson County, Colorado at reception number 2017094363 on September 13, 2017 (“**Prior Development Fee**”).

I. The Prior Development Fee was imposed to address the same District concerns and purposes as expressed herein, however; the Board has reconsidered the amount of the Prior Development Fee.

J. To offset some of the costs of the financing, construction, operation and maintenance of the Public Improvements, the District has determined that it is necessary to impose a development fee on all property located within the District (“**Development Fee**”), as described in the attached **Exhibit A**, and upon such additional property which may be included into the District’s boundaries from time to time (the “**Property**”).

THEREFORE, be it resolved by the Board of Directors of the Westglenn Metropolitan District that:

1. Repeal of Prior Development Fee. The Prior Development Fee is repealed and replaced in its entirety by the Development Fee imposed by this Resolution.

2. Development Fee. A Development Fee is imposed on the Property according to the following schedule:

<u>Property Type:</u>	<u>Development Fee</u>
Residential (Single-Family)	\$ 2,615.00 per single-family unit
Residential (Multifamily)	\$ 2,615.00 per multifamily unit

3. The Development Fee is due upon issuance of a building permit for construction of any single-family home or multifamily structure issued after the date of adoption of this resolution or upon any change of use determined by the Board to increase the maintenance burden on the park or District facilities.

Payment shall be made to:

Westglenn Metropolitan District  
c/o Seter & Vander Wall, P.C.  
7400 East Orchard Road, Suite 3300  
Greenwood Village, CO 80111  
T: (303) 770-2700  
F: (303) 770-2701

4. Failure to Pay When Due. If the Development Fee is not paid when due:

a. Interest shall accrue on the unpaid Development Fee at the rate of 12% per annum from the date due; and

b. A delinquency charge of 5% of the unpaid amount of any Development Fee shall be charged each month and shall accrue until paid, not to exceed a total of 25% of the unpaid amount of the Development Fee; and

c. The District may initiate collection of all unpaid Development Fees, interest, and delinquency charges in accordance with the procedures set forth in § 32-1-1001, C.R.S. or pursuant to any other remedies available at law or equity. The District may recover its attorney fees and other costs of collection which will be added to the Fee.

5. Perpetual Lien. Pursuant to § 32-1-1001(1)(j), C.R.S., until paid the Development Fee, together with any interest, delinquency charges, and costs of collection due, constitutes a perpetual lien on and against the property for which the Development Fee is due.

APPROVED AND ADOPTED THIS 8TH DAY OF JANUARY, 2020.

WESTGLENN METROPOLITAN DISTRICT  
*James M. Sullivan*  
James M. Sullivan, President

ATTEST:  
*Michael R. Seeley*  
Michael R. Seeley, Secretary

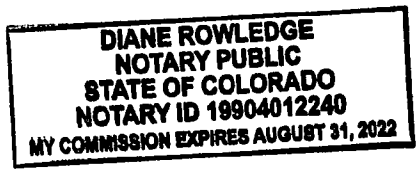
STATE OF COLORADO )  
*City of* ) ss.  
*10* COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of January, 2020 by James M. Sullivan and Michael R. Seeley as the President and Secretary, respectively, of the Westglenn Metropolitan District.

WITNESS my hand and official seal.

My commission expires: 08/31/2022

*Diane Rowledge*  
Notary Public



**EXHIBIT A TO RESOLUTION IMPOSING A DEVELOPMENT FEE AND  
REPEALING PRIOR DEVELOPMENT FEE**

The Property

DESCRIPTION

A TRACT OF LAND LOCATED IN PORTIONS OF THE SW 1/4 SECTION 24 AND THE SE 1/4 OF SECTION 23, ALL IN TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, JEFFERSON COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE N  $0^{\circ}33'15''$  E ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 23 A DISTANCE OF 50.02' TO A POINT ON THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 3026, PAGE 931 OF THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING, THENCE S  $88^{\circ}51'31''$  W ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN SAID BOOK 3026, PAGE 931, PARALLEL WITH THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 23 A DISTANCE OF 2536.36' TO A POINT ON THE NORTHEASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 1944, PAGE 197 OF THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE EASTERLY LINES OF THOSE TRACTS OF LAND DESCRIBED IN SAID BOOK 1944, PAGE 197 AND BOOK 2017, PAGE 202 OF THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO THE FOLLOWING 3 COURSES:

- 1) N  $44^{\circ}52'52''$  W A DISTANCE OF 41.53';
- 2) N  $0^{\circ}25'23''$  E PARALLEL WITH THE WEST LINE OF THE SE 1/4 OF SAID SECTION 23 A DISTANCE OF 1484.22';
- 3) N  $32^{\circ}56'07''$  W A DISTANCE OF 127.20' TO A POINT 30.00' EAST OF THE WEST LINE OF THE SE 1/4 OF SAID SECTION 23;

THENCE N  $39^{\circ}51'04''$  W A DISTANCE OF 91.52' TO A POINT OF CURVATURE, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF WADSWORTH BOULEVARD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT WHOSE CENTRAL ANGLE IS  $7^{\circ}32'30''$ , WHOSE RADIUS IS 2029.90' AND WHOSE CHORD BEARS N  $25^{\circ}27'06''$  W A DISTANCE OF 267.00'; THENCE N  $31^{\circ}42'53''$  W A DISTANCE OF 257.80'; THENCE N  $32^{\circ}58'30''$  W A DISTANCE OF 264.20' TO A POINT OF CURVATURE, SAID POINT BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF WADSWORTH BOULEVARD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT WHOSE CENTRAL ANGLE IS  $22^{\circ}54'00''$ , WHOSE RADIUS IS 92.50' WHOSE CHORD BEARS N  $42^{\circ}53'16''$  E A DISTANCE OF 36.72' TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT WHOSE CENTRAL ANGLE IS  $32^{\circ}21'15''$  WHOSE RADIUS IS 712.88' WHOSE CHORD BEARS N  $70^{\circ}30'54''$  E A DISTANCE OF 397.23'; THENCE N  $89^{\circ}15'50''$  E A DISTANCE OF 59.98' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF OLD WADSWORTH BOULEVARD; THENCE N  $00^{\circ}25'23''$  E ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 48.23'; THENCE N  $0^{\circ}25'23''$  E PARALLEL

WITH THE WEST LINE OF THE SE 1/4 OF SAID SECTION 23 A DISTANCE OF 960.72' TO A POINT 30.00' SOUTH OF THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 23; THENCE N 89°15'50" E PARALLEL WITH THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 23 A DISTANCE OF 976.42' TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY AS DESCRIBED IN BOOK 34, PAGE 522 OF THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO; THENCE S 51°35'51" E ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY A DISTANCE OF 79.80' TO A POINT ON THE NORTHEASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN RECEPTION NUMBER 84040894 OF THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO; THENCE NORTHWESTERLY, WESTERLY, SOUTHWESTERLY AND EASTERLY ALONG THE NORTHERLY AND SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN SAID RECEPTION NUMBER 84040894, THE FOLLOWING 4 COURSES;

- 1) N 68°12'00" W A DISTANCE OF 87.18' TO A POINT OF CURVATURE;
- 2) ALONG A CURVE TO THE LEFT WHOSE CENTRAL ANGLE IS 43°02'00", WHOSE RADIUS IS 199.19' AND WHOSE CHORD BEARS N 89°43'00" W A DISTANCE OF 146.11' TO A POINT OF TANGENCY;
- 3) S 68°46'00" W A DISTANCE OF 123.24';

4) N 89°15'50" E A DISTANCE OF 350.82' TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY; THENCE S 51°35'51" E ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY A DISTANCE OF 326.08' TO THE NORTHWEST CORNER OF TRACT 13, SEMPER GARDEN TRACTS, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO, SAID CORNER BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 2524, PAGE 247 OF THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO; THENCE SOUTH, SOUTHEASTERLY AND NORTHEASTERLY ALONG THE WEST, SOUTHERLY AND EASTERLY LINES OF THAT TRACT OF LAND DESCRIBED IN SAID BOOK 2524, PAGE 247 THE FOLLOWING 3 COURSES:

1) S 0°29'18" W ALONG THE WEST LINE OF TRACT 13 SAID SEMPER GARDEN TRACTS A DISTANCE OF 422.63';

2) S 70°03'41" E A DISTANCE OF 240.63';

3) N 49°10'14" E A DISTANCE OF 261.83' TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY; THENCE S 51°35'51" E ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY A DISTANCE OF 86.24' TO A POINT ON THE NORTHEAST BANK OF THE FARMER'S HIGHLINE CANAL AND RESERVOIR COMPANY'S DITCH, SAID POINT BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 337, PAGE 337 OF THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO; THENCE ALONG THE PERIMETER OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 337 AT PAGE 337, SOUTHWESTERLY

2 COURSES ALONG THE SOUTHEASTERLY BANK OF SAID FARMER'S HIGHLINE CANAL AND RESERVOIR COMPANY'S DITCH, SOUTHEASTERLY 5 COURSES ALONG THE LOWER BANK OF SAID ALLEN DITCH AND NORTHERLY 1 COURSE ALONG THE EAST LINE OF TRACT 13 OF SAID SEMPER GARDEN TRACTS, DESCRIBED AS FOLLOWS:

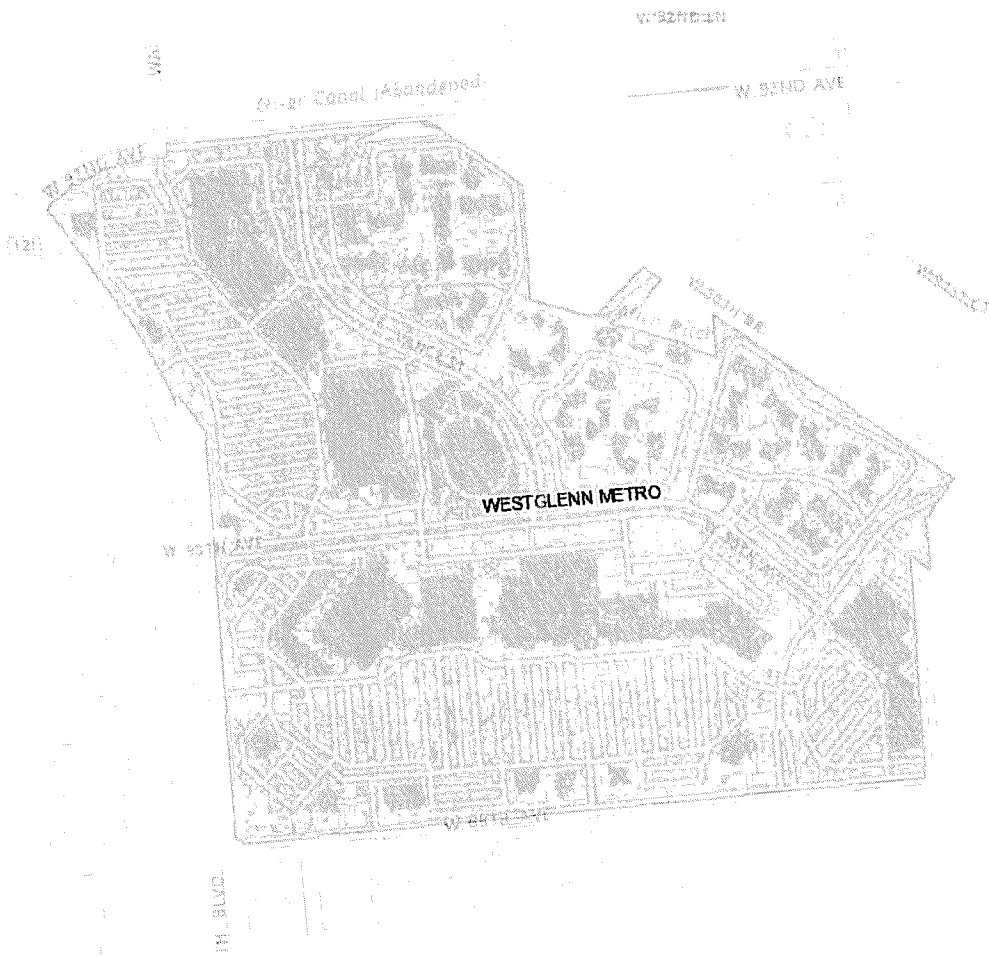
- 1) S 43°19'28" W A DISTANCE OF 143.90';
- 2) S 68°39'47" W A DISTANCE OF 116.00';
- 3) S 75°12'01" E A DISTANCE OF 108.71';
- 4) S 65°57'57" E A DISTANCE OF 81.02';
- 5) S 71°56'22" E A DISTANCE OF 96.77';
- 6) S 47°36'09" E A DISTANCE OF 31.14';
- 7) S 64°07'06" E A DISTANCE OF 95.27';
- 8) N 0°31'16" E A DISTANCE OF 162.00' TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY; THENCE S 51°35'51" E ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILWAY COMPANY A DISTANCE OF 1079.62' TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 3026, PAGE 932 OF THE OFFICIAL RECORDS OF JEFFERSON COUNTY, COLORADO; THENCE S 38°53'15" W ALONG THE NORTHWESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN SAID BOOK 3026, PAGE 932 A DISTANCE OF 298.78' TO A POINT ON THE EAST LINE OF THE SE 1/4 OF SAID SECTION 23; THENCE S 0°33'15" W ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 23 A DISTANCE OF 855.42' TO THE POINT OF BEGINNING; CONTAINING 129.661 ACRES, MORE OR LESS. (SEE AREA NOTE BELOW)

NOTE: THIS DESCRIPTION IS A COMPOSITE OF THOSE DESCRIPTIONS RECITED IN SECURITY TITLE GUARANTY COMPANY COMMITMENT NO. G5156-B, DATED JANUARY 5, 1984 AT 8:00A.M., AND THOSE DESCRIPTIONS RECITED IN LAND TITLE GUARANTY COMPANY COMMITMENT NO. A0153869-2, DATED MAY 21, 1984 AT 8:00A.M.

AREA NOTE:

THIS TRACT AS DESCRIBED AND SHOWN HEREON "CLOSES", HOWEVER THE AREA IS SUBJECT TO ADJUSTMENT DEPENDING UPON THE RIGHTS OF OTHERS PERTAINING TO BUT NOT NECESSARILY LIMITED TO POSSIBLE ENCROACHMENTS.

All Property is located within the Westglenn Metropolitan District, City of Westminster, County of Jefferson, Colorado. The Property is more or less depicted on the following map:



**CERTIFICATION**

I, Michael R. Seeley, Secretary of the Board of the Westglenn Metropolitan District do hereby certify that the attached and foregoing Resolution Imposing a Development Fee and Repealing Prior Development Fee is a true copy from the records of the proceedings of the Board of said District, on file with Seter & Vander Wall, P.C., legal counsel to the District.

IN WITNESS WHEREOF, I have hereunto set my hand at City of Westminster, County of Jefferson, Colorado, this 8<sup>th</sup> day of January, 2020.



Michael R. Seeley, Secretary