

TWO RIVERS METROPOLITAN DISTRICT

RESOLUTION ESTABLISHING AN INFRASTRUCTURE AND RECREATION USAGE FEE

SERIES 2020

WHEREAS, the Two Rivers Metropolitan District (“**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, the District was organized to finance, acquire, construct, install and provide various public improvements and facilities, including without limitation, roads, water, sewer, storm drainage, landscaping, traffic control and safety systems, and parks and recreation facilities (collectively, the “**Infrastructure**”) in accordance with the District’s Service Plan dated May 13, 1998; and

WHEREAS, pursuant to § 32-1-1001(1)(j), C.R.S., as amended, the Board is empowered to fix and, from time to time, to increase or decrease fees, rates, tolls, penalties or charges for services, programs or facilities furnished by the District; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., as amended, until paid, all such fees, rates, tolls, penalties or charges 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 establishment and imposition of a fee (the “**Infrastructure and Recreation Usage Fee**”) to pay for road repairs and maintenance expenses, snow plowing, road landscaping, and the design, construction, operation and maintenance of public park and recreation facilities and programs (including, but not limited to swimming pools and spas, tennis courts, exercise facilities, bike paths, hiking trails, snowshoe trails, pedestrian trails, pedestrian bridges, pedestrian malls, public fountains and areas and facilities, ski-ways, common areas landscaping and weed control, outdoor lighting of all types, and community events) and similar costs of providing the Infrastructure is necessary in order to maintain the Infrastructure; and

WHEREAS, the Infrastructure and Recreation Usage Fee will serve to promote the health, safety, prosperity, security and general welfare of the District, its residents and taxpayers; and

WHEREAS, the establishment of an annual Infrastructure and Recreation Usage Fee upon each lot within the District to provide a source of funding to pay for the costs

associated with Infrastructure of the District, which costs are generally attributable to the property subject to such Infrastructure and Recreation Usage Fee, is necessary to provide for the common good and for the prosperity and general welfare of the District and its residents and taxpayers, and for the orderly and uniform administration of the District's affairs; and

WHEREAS, the District has determined that the Infrastructure and Recreation Usage Fee, as set forth herein, is reasonably related to the overall costs of providing and maintaining the Infrastructure, and that imposition thereof is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Two Rivers Metropolitan District as follows:

1. **Imposition of Infrastructure and Recreation Usage Fee.** The District hereby imposes an annual Infrastructure and Recreation Usage Fee upon each platted lot (each a "Lot") within the District to fund a portion of the costs of maintaining and providing the Infrastructure. The Infrastructure and Recreation Usage Fee is hereby established initially at the rate of \$35 per Lot; provided, however, that the District may from time to time increase the amount of the Infrastructure and Recreation Usage Fee. The Board of Directors of the District finds that the Infrastructure and Recreation Usage Fee is fair and equitable.

The Infrastructure and Recreation Usage Fee is effective as of July 1, 2020 and thereafter shall be imposed annually as of January 1st of each year to be due no later than April 1st of each year. If payment in full is not received by October 5, 2020 and by April 5th of subsequent years, the Infrastructure and Recreation Usage Fee is deemed past due and otherwise outstanding. The District may impose such penalties for non-compliance herewith as may be permitted by applicable law. Without limiting the foregoing, a late charge on any past-due amounts shall accrue from the date due at a rate of Fifteen Dollars (\$15.00) or up to five percent (5%) per month, not-to-exceed a total of twenty-five percent (25%) of the amount of the Infrastructure and Recreation Usage Fee due, whichever is greater.

2. **Notification and Collection.** The Infrastructure and Recreation Usage Fee is applicable to the property located within the District as the same is shown in Exhibit A (the "Property"), attached hereto and set forth herein. The appropriate officers, agents and/or employees of the Districts are hereby authorized to establish a system for collection of amounts due under this Resolution and collection of amounts due hereunder.

3. **Status of Lien and Foreclosure.** As of the date of this Resolution and pursuant to § 32-1-1001(1)(j)(I), C.R.S., as may be amended, the Infrastructure and Recreation Usage Fee established herein shall, until paid, constitute a perpetual lien against the Property so charged. Delinquent amounts shall be collected in accordance with the provisions of Section 32-1-1001(1)(j), C.R.S., or Section 32-1-1101(1)(e), C.R.S., or as otherwise permitted by law. Until paid in full, such Infrastructure and Recreation Usage Fees together with penalties and interest accrued thereon, shall constitute a perpetual lien against the affected Lot as provided and permitted by law.

4. **Recording.** This Resolution, or any amendments thereto, shall be recorded in the official records of the Clerk and Recorder in and for the County of Eagle, State of Colorado; however, any failure to record this Resolution, or any amendments thereto, in the official records of the Clerk and Recorder in and for the County of Eagle, State of Colorado, shall in no way affect the validity of this Resolution or the District's ability to enforce the terms and provisions contained herein.

5. **Inquiries Regarding Fees.** Any inquiries regarding the imposition and the collection of the Fees may be directed to the District's Manager at: Marchetti & Weaver, LLC, 28 Second Street, Suite 213, Edwards, Colorado 81632, 970-926-6060.

6. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.


7. **Effective Date.** This Resolution shall take effect immediately upon its adoption. Upon such approval, this Resolution shall amend, supersede and replace the Prior Resolution in its entirety.

APPROVED this 14 day of April, 2020, by a vote of 4 in favor and 0 opposed.

TWO RIVERS METROPOLITAN
DISTRICT

By: 
Chairman

Attest:



Secretary

EXHIBIT A

The Property