

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5, CITY OF COLORADO SPRINGS, COLORADO, ADOPTING A SYSTEM DEVELOPMENT FEE

WHEREAS, Banning Lewis Ranch Metropolitan District No. 5, City of Colorado Springs, El Paso County, Colorado (the "District"), is a quasi-municipal corporation and political subdivision of the State of Colorado; and

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

WHEREAS, the District is empowered to provide street, water, wastewater, storm drainage, park and recreation, and other improvements and services within its service area (the "Improvements"); and

WHEREAS, the District's Service Plan provides that the District may finance, design, construct and install the Improvements to serve the future inhabitants of the Property (defined below); and

WHEREAS, the District's Service Plan anticipated that the District would impose a system development fee to assist with the financing the construction, reconstruction, replacement and repair of the Improvements; and

WHEREAS, certain property described on **Exhibit A** attached hereto and incorporated herein by this reference has been and will be benefited by the Improvements (the "Property"); and

WHEREAS, it is the intention of the District that one system development fee ("Fee") be paid (i) per Lot, (ii) per unit of multi-family development, and (iii) per square foot of commercial development, as set forth below; and

WHEREAS, the District desires to adopt this Resolution to assure that purchasers of the Property or portions thereof are required to pay the Fees necessary to assist with the financing of the Improvements and the payment of the Bonds, and to otherwise clarify procedures for payment of Fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5 AS FOLLOWS:

1. The Board has determined, and does hereby determine that it is in the best interests of the District and its inhabitants to exercise its power granted by statute to establish a System Development Fee (the "Fee(s)") to be imposed upon the Property as follows:

\$1,000 per new single family residence constructed;

\$900 per new multifamily unit constructed with 6-16 units per acre, whether rental or condominium;

\$600 per new multifamily unit constructed with over 16 units per acre, whether rental or condominium;

\$0.53 per square foot of new commercial building space constructed.

2. The Fee shall be assessed as set forth above, and shall be considered due and payable (i) upon lot sale and (ii) upon the issuance by the Pikes Peak Regional Building Department, a building permit for any commercial space or rental apartment development on which a Fee is assessed. Nothing in this Resolution shall prohibit a buyer, developer or builder from prepaying the Fee prior to the times described above.

3. Any unpaid 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. This Resolution shall be recorded in the offices of the Clerk and Recorder of El Paso County, Colorado.


4. Failure to make payment of the Fees due hereunder shall constitute a default in the payment of such Fees. Upon a default, interest shall accrue on such total amount of Fees due at the rate of twelve percent (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 fees, interest and costs.

5. 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.

6. Inquiries pertaining to the Fees may be directed to the District's Manager at: CliftonLarsonAllen, 8390 East Crescent Parkway, Suite 600, Greenwood Village, Colorado 80111-2811.

RESOLUTION APPROVED AND ADOPTED on August 2, 2018.

BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5, CITY OF COLORADO SPRINGS, COLORADO

By:  _____
President

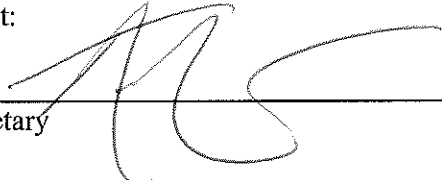
Attest:  _____
Assistant Secretary

EXHIBIT A
“PROPERTY”