

RESOLUTION

A RESOLUTION OF THE BOARD OF DIRECTORS OF GARDENS AT NORTH CAREFREE METROPOLITAN DISTRICT AUTHORIZING THE IMPOSITION OF OPERATIONS AND MAINTENANCE FEES

WHEREAS, Gardens at North Carefree Metropolitan District, El Paso County, Colorado (the "District") is a quasi-municipal corporation duly organized and existing as a metropolitan district under the laws of the State of Colorado (the "State"), including particularly Title 32 of the Colorado Revised Statutes; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District shall have the management, control, and supervision of all the business and affairs of the District; and

WHEREAS, the District was formed in order to design, construct, maintain, and finance certain public improvements within the District and the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents within the District, to provide certain services to the property owners, taxpayers, and residents within the District, and the general public, including without limitation, landscaping, snow removal, stormwater, repairs and maintenance; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose fees, rates, tolls, penalties and charges for services or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, the District incurs certain direct and indirect costs associated with the provision of the Services in order that the Services may be properly provided, the property within the District maintained, and that the health, safety and welfare of the District and its inhabitants may be safeguarded; and

WHEREAS, the establishment and continuation of a fair and equitable fee to provide a source of funding to pay for the Service Costs, which Service Costs are generally attributable to the persons and/or properties subject to such Service Fee, is necessary to provide for the common good and for the prosperity and general welfare of the property owners, taxpayers, and residents within the District, and the general public and for the orderly and uniform administration of the District's affairs; and

WHEREAS, the District finds that the Service Fee, as set forth in this Resolution, is 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

GARDENS AT NORTH CAREFREE METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO AS FOLLOWS:

1. OPERATIONS AND MAINTENANCE FEE. The Board has determined, and does hereby determine, that it is in the best interests of the property owners, taxpayers, and residents within the District, and the general public to impose, and does hereby impose an Operations and Maintenance Fee (hereinafter “Fee” to fund the Operations and Maintenance Costs. The Operations and Maintenance Fee is hereby established and imposed in an amount as set forth by the District from time to time pursuant to the “Fee Schedule” and shall constitute the rate in effect until such schedule is amended or repealed. The Fee Schedule is set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

2. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Fee not paid in full within fifteen (15) days after the scheduled Due Date will be assessed a late fee in the amount of Fifteen Dollars (\$15.00). Interest will also accrue on any outstanding Fee, exclusive of assessed late fees, penalties, interest and any other costs of collection, specially including, but not limited, to attorneys’ fees, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S. The District may institute such remedies and collection procedures as authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting property owner shall pay all fees and costs, specifically including, but not limited to, attorneys’ fees and costs and costs associated with the collection of delinquent fees, incurred by the District and/or its consultants in connection with the foregoing.

3. PAYMENT. Payment for all Fees, rates, tolls, penalties, charges, interest and attorneys’ fees shall be made by check or equivalent form acceptable to the District, made payable to “Gardens at North Carefree Metropolitan District” and sent to the address indicated on the Fee Schedule. The District may change the payment address from time to time and such change shall not require an amendment to this Resolution.

4. LIEN. The Fee imposed hereunder, together with any and all late fees, interest, penalties and costs of collection, shall, until paid, constitute a statutory, perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado for the foreclosure of mechanic’s liens, pursuant to § 32-1-1001(1)(j)(I), C.R.S. Said lien may be foreclosed at such time as the District, in its sole discretion, may determine. 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.

5. SEVERABILITY. If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

6. THE PROPERTY. This Resolution shall apply to all property within the District Boundaries, including, but not limited to, the property set forth in **Exhibit B**, attached hereto and incorporated herein by this reference, and any additional property included into the District after the date of this Resolution.

7. EFFECTIVE DATE. This Resolution shall become effective January 1, 2025.

PASSED, ADOPTED AND APPROVED by the Board of Directors of Gardens at North Carefree Metropolitan District this 19th day of December 2024.

Ron Covington
Ron Covington (Mar 5, 2025 10:39 MST)

Ron Covington, President

ATTEST:

Grace Covington
Grace Covington (Mar 7, 2025 12:11 MST)

EXHIBIT A
GARDENS AT NORTH CAREFREE METROPOLITAN DISTRICT
Schedule of Fees
Effective January 1, 2025

Schedule of Fees		
Fee Type	Classifications	Rate
Operations and Maintenance Service Fee – Recurring Payment		
	Residential Unit (Maintenance)	\$120.00/quarter
The Due Date for the Fee is the 1 st day of each month.		
Transfer Service Fee – Payment Due Upon a Transfer		
	Residential Unit	\$100.00 per Transfer
The Due Date for the Transfer Service Fee—Payment Due Upon Transfer is the date upon which the Transfer occurs.		

PAYMENTS: Payment for each fee shall be made payable to the Gardens at North Carefree Metropolitan District and sent to the following address for receipt by the Due Date:

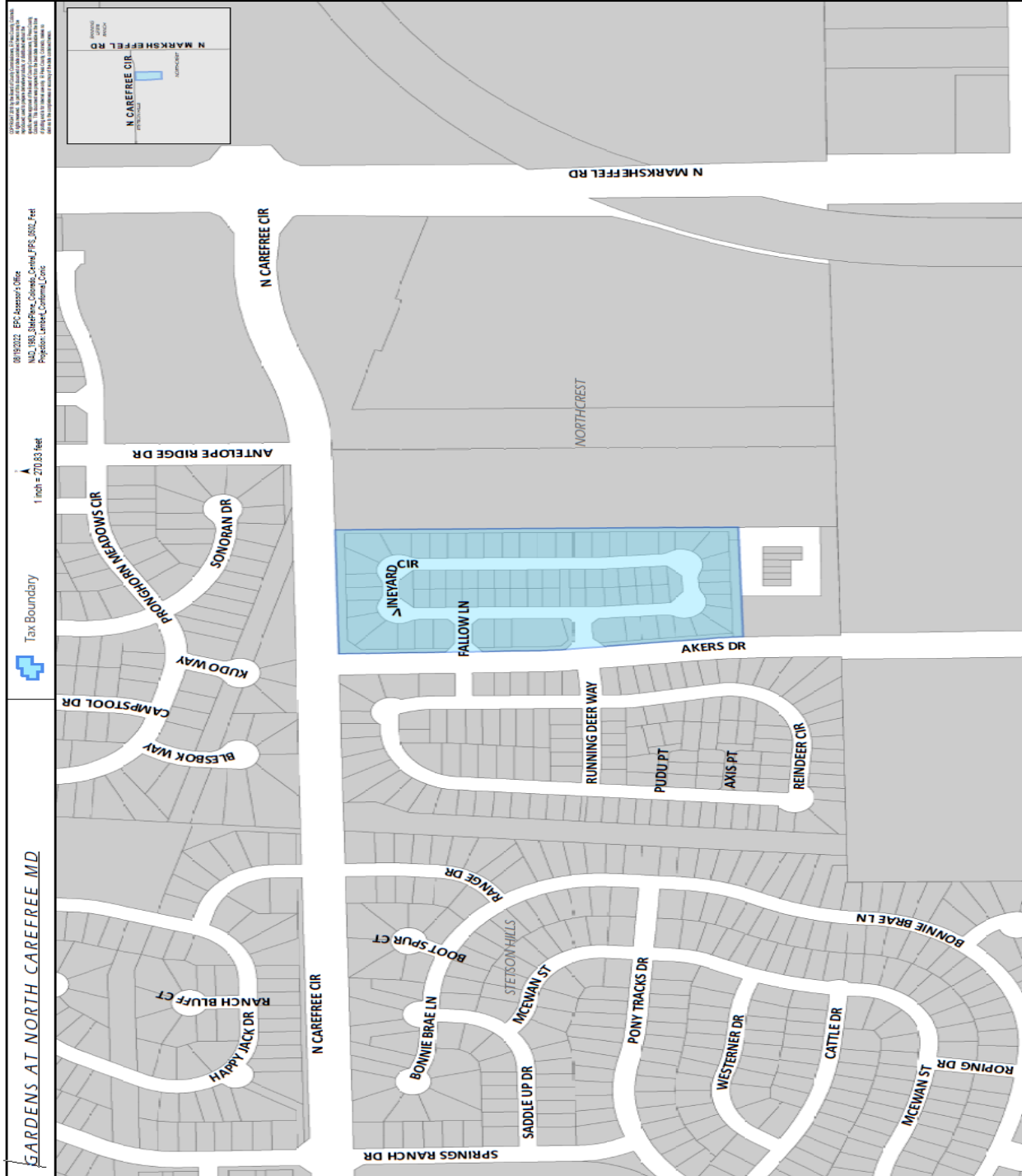
District Manager:

WSDM
614 N. Tejon St.
Colorado Springs, CO 80903

EXHIBIT B

GARDENS AT NORTH CAREFREE METROPOLITAN DISTRICT

District Boundaries



Resolution Regarding Implementation of Fees

Final Audit Report

2025-03-07

Created:	2025-03-05
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