



**JOINT RESOLUTION OF THE BOARDS OF DIRECTORS  
OF WOODMEN HEIGHTS METROPOLITAN DISTRICT NOS 1, 2 AND 3**

**COPY**

**CONCERNING THE IMPOSITION  
OF DISTRICT FACILITY FEES**

WHEREAS, pursuant to Orders of the District Court of El Paso County, Woodmen Heights Metropolitan District Nos. 1, 2 and 3 (the "Districts") were duly and validly created as metropolitan districts in accordance with all applicable law and is empowered under a Consolidated Service Plan ("Service Plan"); and

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

WHEREAS, pursuant to §32-1-1001(1)(j)(I), C.R.S., the District may pledge revenue derived from fees, rates, tolls, charges and penalties for the payment of any indebtedness of the Districts; and

WHEREAS, the Service Plan similarly empowers the imposition of such fees and rates for services and facilities provided by the Districts; and

WHEREAS, the Districts desire the establishment and imposition of a residential Facility Fee for land within and included in District No. 2 as well as a commercial/non-residential Facility Fee for land within and included in District No. 3 for services and facilities the Districts provide or cause to be provided inclusive of the costs associated with the construction, installation, provision, operation and maintenance of the Districts' public improvements, facilities and services.

NOW, THEREFORE, be it resolved by the Boards of Directors of the Districts as follows:

1. Except as dwelling units may be exempted here from, a one-time residential Facility Fee ("residential Facility Fee") is hereby established for residential dwelling units to be constructed within the boundaries of Woodmen Heights Metropolitan District No. 2. All single-family attached or detached residences, and multi-family residences shall be considered "dwelling units" under this Resolution. The Facility Fee for the residential dwelling units shall be in the amount of \$2,000.00 for single-family, and \$1,200.00 for multi-family. Said residential Facility Fees shall automatically increase by 5% on January 1 of each year, beginning January 1, 2008, and continuing until no dwelling units remain to be constructed within District No. 2. Said fees shall become due and owing to Woodmen Heights Metropolitan District No. 2 at or prior to, and as a condition of the City of Colorado Springs issuing a building permit(s).

2. A one-time commercial and non-residential Facility Fee ("non-residential Facility Fee") is hereby established for commercial and non-residential buildings constructed within the boundaries of the Woodmen Heights Metropolitan District No 3. The non-residential Facility Fee shall be in the amount of \$0.50/building square foot. Said non-residential Facility Fee shall automatically increase by

5% on January 1 of each year, beginning January 1, 2008, and continuing until no commercial and non-residential buildings remain to be constructed within District No. 3. Said fees shall become due and owing to Woodmen Heights Metropolitan District No. 3 at or prior to, and as a condition of the City of Colorado Springs issuing a building permit(s).

3. Any Facility Fee that is not timely paid in full within five (5) days after the date of any building permit issuance shall be assessed a late fee of five percent (5%) per month, not to exceed twenty-five percent (25%) of the amount due, pursuant to §29-1-1102(3), C.R.S. Interest will also accrue on the outstanding fee, exclusive of assessed late fees, at the rate of 18% per annum pursuant to §29-1-1102(7), C.R.S. The Districts, through legal counsel, district manager or others will commence collection efforts for all unpaid accounts which remain unpaid on the forty-first (41<sup>st</sup>) day after such Facility Fee is due by sending a letter to the delinquent account which advises that full payment must be made within thirty-five (35) days thereof or legal action will be initiated. Thereafter, legal counsel is authorized to continue collection efforts and initiate all actions necessary to file a lien on the property.

4. All fees contemplated herein shall, until paid, constitute a perpetual lien on and against the property served or to be served by any improvements provided by the Districts or to be provided by the Districts. All such liens shall be in a senior position as against all other liens of record affecting the property served or benefited, or to be served or benefited by improvements of the Districts and shall run with the property within the appropriate District and remain in effect as to any portion of such property as to which the appropriate fee has not been paid. All liens contemplated herein may be foreclosed in any manner authorized by law at such time as the Districts may determine that the fees hereunder have not been paid as required.

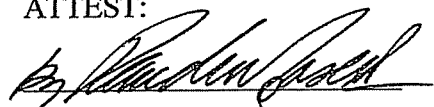
5. Invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase, or word herein, or the application thereof in any given circumstance, shall not affect the validity of any other provision of this Resolution.

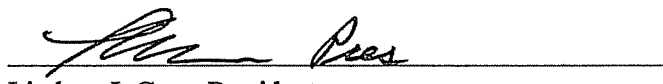
6. The Districts may modify, revise, amend and restate any provision here of at its sole discretion.

THIS RESOLUTION ADOPTED AND APPROVED this 2<sup>nd</sup> day of June 2005.

**WOODMEN HEIGHTS METROPOLITAN  
DISTRICT NO. 1**

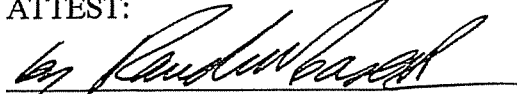
ATTEST:

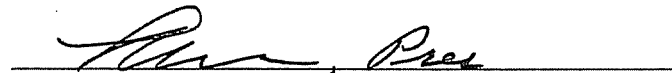
  
Secretary

  
Lindsay J. Case, President

**WOODMEN HEIGHTS METROPOLITAN  
DISTRICT NO. 2**

ATTEST:


  
Secretary

  
Lindsay J. Case, President

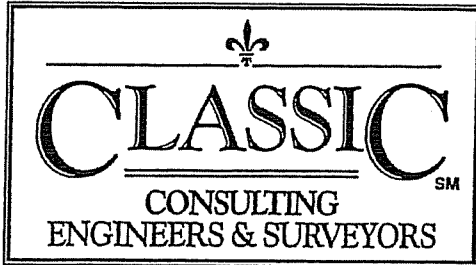
**WOODMEN HEIGHTS METROPOLITAN  
DISTRICT NO. 3**

ATTEST:

  
Secretary

  
Lindsay J. Case, President

**EXHIBIT B**  
Legal Descriptions



6385 Corporate Drive (719)785-0790  
Colorado Springs, Colorado 80919 (719)785-0799)Fax)  
JOB NO. 2077.00-21  
JUNE 16, 2004

**LEGAL DESCRIPTION: WOODMEN HEIGHTS METRO DISTRICT 1**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO BEING MONUMENTED AT THE EAST END BY A 3 1/4" ALUMINUM CAP STAMPED "PLS 17496" AND AT THE WEST END BY A 3 1/4" ALUMINUM CAP STAMPED "PLS 17496", ASSUMED TO BEAR S89°23'04"W, A DISTANCE OF 5221.44 FEET.

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE N00°32'11"E, ON THE WESTERLY BOUNDARY OF A TRACT OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 9810781, RECORDS OF EL PASO COUNTY, COLORADO, A DISTANCE OF 1149.44 FEET TO THE POINT OF BEGINNING;

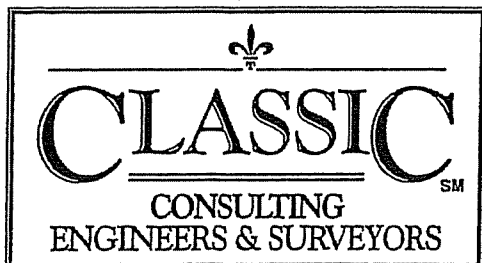
THENCE N89°27'49"W, A DISTANCE OF 74.83 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD.

THENCE N38°57'08"E, ON SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 71.70 FEET TO THE MOST WESTERLY CORNER OF SAID TRACT OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 9810781;

THENCE ON THE BOUNDARY OF SAID TRACT, THE FOLLOWING TWO (2) COURSES:

1. N88°48'02"E, A DISTANCE OF 30.29 FEET;
2. S00°32'11"W, A DISTANCE OF 57.10 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 0.068 ACRES.



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JOB NO. 2077.00-22  
JUNE 16, 2004

**LEGAL DESCRIPTION: WOODMEN HEIGHTS METRO DISTRICT 2 – PARCEL A**

A PARCEL OF LAND BEING A PORTION OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO BEING MONUMENTED AT THE EAST END BY A 3 1/4" ALUMINUM CAP STAMPED "PLS 17496" AND AT THE WEST END BY A 3 1/4" ALUMINUM CAP STAMPED "PLS 17496", ASSUMED TO BEAR S89°23'04"W, A DISTANCE OF 5221.44 FEET.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 5;

THENCE S89°15'14"E, A DISTANCE OF 30.00 FEET TO A POINT ON A LINE THAT IS 30.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, SAID POINT BEING THE EASTERLY RIGHT-OF-WAY LINE OF BLACK FOREST ROAD, ALSO BEING THE POINT OF BEGINNING;

THENCE N00°44'23"E, ON SAID WESTERLY LINE AND SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 2529.83 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 5;

THENCE N89°14'56"E, ON SAID NORTH LINE, A DISTANCE OF 2621.01 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 5;

THENCE S89°55'43"E, ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 818.63 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD.

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. S38°57'08"W, A DISTANCE OF 3585.68 FEET;
2. S40°45'52"W, A DISTANCE OF 1442.04 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 202217310;

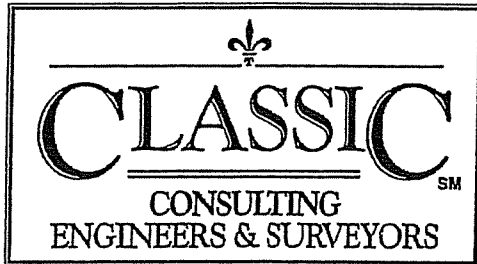
THENCE ON SAID TRACT OF LAND THE FOLLOWING THREE (3) COURSES:

1. N89°59'54"W, A DISTANCE OF 263.45 FEET;
2. N00°44'46"E, A DISTANCE OF 550.74 FEET;

3. N89°15'14"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE ALSO BEING ON A LINE 30 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5;

766.69 FEET  
THENCE N00°44'46"E, ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF  
TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 166.788 ACRES.



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JOB NO. 2077.00-23  
JUNE 16, 2004

**LEGAL DESCRIPTION: WOODMEN HEIGHTS METRO DISTRICT 2 – PARCEL B**

A PARCEL OF LAND BEING A PORTION OF SECTIONS 4 AND 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO BEING MONUMENTED AT THE EAST END BY A 3 1/2" ALUMINUM CAP STAMPED "PLS 17496" AND AT THE WEST END BY A 3 1/2" ALUMINUM CAP STAMPED "PLS 17496", ASSUMED TO BEAR S89°23'04"W, A DISTANCE OF 5221.44 FEET.

COMMENCING AT THE NORTHEASTERLY CORNER OF A TRACT OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 5528 AT PAGE 947, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. N40°45'52"E, A DISTANCE OF 626.44 FEET;
2. N38°57'08"E, A DISTANCE OF 1979.40 FEET;

THENCE S89°27'49"E, A DISTANCE OF 74.83 FEET;

THENCE S00°32'11"W, ON THE WESTERLY BOUNDARY LINE OF A TRACT OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 98107811, A DISTANCE OF 1149.44 FEET TO THE CENTER QUARTER CORNER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

THENCE N89°21'46"E ON THE SOUTHERLY BOUNDARY OF SAID TRACT AND A TRACT OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2647 AT PAGE 611, SAID LINE BEGIN ALSO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 2601.48 FEET;

THENCE ON THE BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 2647 AT PAGE 611, THE FOLLOWING TWO (2) COURSES:

1. N00°15'39"E, A DISTANCE OF 1320.73 FEET;
2. N89°17'09"E, A DISTANCE OF 1321.32 FEET TO THE SOUTHWESTERLY CORNER OF PAWNEE RANCHEROS FILING NO. 2 AS RECORDED IN PLAT BOOK U-2 AT PAGE 45;

THENCE N89°17'09"E ON THE SOUTHERLY BOUNDARY OF SAID PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 393.06 FEET;

THENCE S45°46'00"W, A DISTANCE OF 69.10 FEET;  
THENCE S60°48'00"W, A DISTANCE OF 348.00 FEET;  
THENCE S13°26'00"W, A DISTANCE OF 147.00 FEET;  
THENCE S17°10'00"E, A DISTANCE OF 104.00 FEET;  
THENCE S34°21'00"E, A DISTANCE OF 107.00 FEET;  
THENCE S41°34'00"E, A DISTANCE OF 204.00 FEET;  
THENCE S25°23'00"E, A DISTANCE OF 272.00 FEET;  
THENCE S17°08'00"W, A DISTANCE OF 222.00 FEET;  
THENCE S63°38'00"W, A DISTANCE OF 205.00 FEET;  
THENCE S31°25'00"W, A DISTANCE OF 224.00 FEET;  
THENCE S13°39'00"E, A DISTANCE OF 369.00 FEET;  
THENCE S30°42'00"W, A DISTANCE OF 193.00 FEET;  
THENCE N75°08'00"W, A DISTANCE OF 243.00 FEET;  
THENCE S37°48'00"W, A DISTANCE OF 218.00 FEET;  
THENCE S63°49'00"W, A DISTANCE OF 387.00 FEET;  
THENCE S38°30'00"W, A DISTANCE OF 305.06 FEET;  
THENCE N51°30'00"W, A DISTANCE OF 130.27 FEET;

THENCE N90°00'00"W, A DISTANCE OF 787.30 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N79°38'05"W, HAVING A DELTA OF 78°50'07", A RADIUS OF 690.00 FEET, A DISTANCE OF 949.40 TO A POINT OF TANGENT;

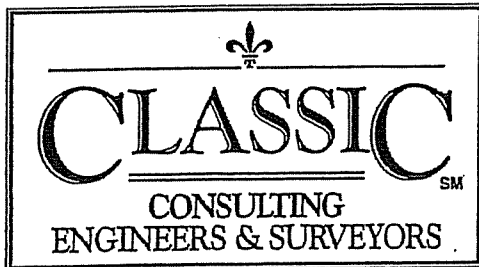
THENCE S89°12'02"W, A DISTANCE OF 2921.06 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 28°39'30", A RADIUS OF 500.00 FEET, A DISTANCE OF 250.09 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID TRACT DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 5528 AT PAGE 947;

THENCE N00°38'38"E, SAID LAST MENTIONED TRACT, A DISTANCE OF 718.25 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 231.796 ACRES.





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JOB NO. 2077.00-24  
JUNE 16, 2004

**LEGAL DESCRIPTION: WOODMEN HEIGHTS METRO DISTRICT 3**

A PARCEL OF LAND BEING A PORTION OF SECTIONS 4 AND 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO BEING MONUMENTED AT THE EAST END BY A 3 1/4" ALUMINUM CAP STAMPED "PLS 17496" AND AT THE WEST END BY A 3 1/4" ALUMINUM CAP STAMPED "PLS 17496", ASSUMED TO BEAR S89°23'04"W, A DISTANCE OF 5221.44 FEET.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO,;

THENCE N00°10'59"E, ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 30.00 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMEN ROAD, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S89°18'28"W ON SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1579.87 FEET TO A POINT ON THE NORTHERLY LINE OF WOODMEN ROAD AS DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 202224865;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY, THE FOLLOWING FOUR (4) COURSES:

3. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S08°44'31"W, HAVING A DELTA OF 09°11'43", A RADIUS OF 11991.00 FEET, A DISTANCE OF 1924.41 FEET TO A POINT OF TANGENT;
4. S89°21'29"W, A DISTANCE OF 2062.38 FEET TO A POINT ON CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS S01°09'01"E HAVING A DELTA OF 04°49'33", A RADIUS OF 10088.00 FEET, A DISTANCE OF 849.68 FEET TO A POINT OF REVERSE CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 03°16'39", A RADIUS OF 9912.00 FEET, A DISTANCE OF 566.92 FEET TO A POINT ON THE EASTERLY BOUNDARY OF A TRACT OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 5528 AT PAGE 947;

THENCE N00°38'38"E, ON SAID EASTERLY BOUNDARY, A DISTANCE OF 966.75 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N27°51'33"E, HAVING A DELTA OF 28°39'30", A RADIUS OF 500.00 FEET, A DISTANCE OF 250.09 FEET TO A POINT OF TANGENT;

THENCE N89°12'02"E, A DISTANCE OF 2921.06 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 78°50'07", A RADIUS OF 690.00 FEET, A DISTANCE OF 949.40 FEET TO A POINT ON CURVE;

THENCE N90°00'00"E, A DISTANCE OF 787.30 FEET;  
THENCE S51°30'00"E, A DISTANCE OF 130.27 FEET;  
THENCE S38°30'00"W, A DISTANCE OF 56.94 FEET;  
THENCE S49°06'00"W, A DISTANCE OF 381.00 FEET;  
THENCE S18°00'00"W, A DISTANCE OF 212.94 FEET;  
THENCE N90°00'00"E, A DISTANCE OF 1350.32 FEET;

THENCE N03°49'17"E, A DISTANCE OF 262.64 FEET TO A POINT OF CURVE;  
THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 16°36'05", A RADIUS OF 950.00 FEET, A DISTANCE OF 275.26 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N13°54'43"W, HAVING A DELTA OF 50°47'33", A RADIUS OF 500.00 FEET, A DISTANCE OF 443.25 FEET TO A POINT ON CURVE;

THENCE S64°42'16"E, A DISTANCE OF 101.02 FEET;

THENCE N87°36'42"E, A DISTANCE OF 867.76 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4;

THENCE S00°10'59"W, ON SAID EAST LINE A DISTANCE OF 1739.02 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 172.839 ACRES.