

RESOLUTION
CONCERNING THE
PARK OBLIGATION PLATTING FEE

WHEREAS, pursuant to an Order of the District Court of El Paso, Woodmen Heights Metropolitan District No. 1 (the "District") was duly and validly created, along with Woodmen Heights Metropolitan District Nos. 2 and 3 (collectively the "Districts"), as metropolitan districts in accordance with all applicable law and is empowered under a Consolidated Service Plan, as amended (the "Service Plan"); and

WHEREAS, the Districts are authorized, within and without the boundaries of the Districts, including the Service Area described in the Service Plan, to provide for various public improvements, services and programs as further contemplated by such Service Plan; and

WHEREAS, the Districts are also authorized pursuant to §§32-1-1001(1)(j) and (k), C.R.S., to furnish services and facilities within and without the boundaries of the Districts, and to establish, to fix and from time to time increase or decrease fees, rates, tolls, charges and penalties for those services, programs or facilities furnished by the Districts; and

WHEREAS, §§32-1-1001(1)(j) and (k), C.R.S., also provides that, until paid, all such fees, rates, tolls, penalties or charges shall constitute a perpetual lien on and against the property served, which lien may be foreclosed; 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 have determined that the public improvements, services and programs provided by the Districts related to the provision of certain yet to be constructed parks (i.e.(i) the one five-acre park located northwest of the Vollmer and Cowpoke intersection (the "Cowpoke Park"), (ii) the nine-acre park located southwest of the Marksheffel and Cowpoke intersection (the "East Park"), (iii) the park improvements which are contemplated to be incorporated into and a part of Regional Detention Pond No. 3 when it is completed (the "Pond Park"), and (iv) the park improvements which are contemplated to be incorporated into and be a part of Regional Detention Pond No. 6 when it is completed, with those improvements being limited to a trail system through that pond) (collectively the "Remaining Parks"), which will benefit the in-District and out of-District Service Area, the Districts, their residents, property owners, and taxpayers (the "Served Property"); and

WHEREAS, pursuant to a proposed intergovernmental agreement between the Districts and the City of Colorado Springs, Colorado (the "City") (the "City/District IGA") the Districts are to impose a park obligation fee in the amount of \$1,700 per acre on all unplatted ground within the Districts (the "Park Obligation Fee").

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

1. Park Obligation Fee. Effective as of August 7, 2013, the District hereby imposes a one-time Park Obligation Fee in the amount of \$1,700 per acre on all ground within the Districts and the Served Property that subsequently plats including as such ground is contemplated and may be further described in the final City/District IGA, if any. The Districts determined that the Remaining Parks will benefit the Served Property and provides opportunities for such property to be developed. The revenues raised from the Park Obligation Fee assists the District in its funding participation of the various and multiple costs associated with the provision, construction, and maintenance of the Remaining Parks.

2. Time of Payment. Consistent with the City/District IGA, if any, the Park Obligation Fee (and any interest earned thereon) shall be due to, collected and retained by the District at or before and pursuant to the City's plat approval process.

3. Notice of Fee. The District manager is authorized to establish a system for notification of adoption of this Resolution, which may include sending correspondence regarding the Park Obligation Fee to property owners. Attached hereto as **Exhibit A** is a map depicting the current in-district and out-of-district grounds that, unless otherwise exempted as determined by the City/District IGA, depicts the Served Property subject to the Park Obligation Fee as set forth herein.

4. Late Charges, Collections and Liens. The District may impose such penalties for non-compliance herewith as may be permitted by law. Any Park Obligation Fee that is not timely paid 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. Collection costs may also be added to delinquent accounts.

To the extent permitted by law, the District may commence collection efforts on delinquent accounts and shall comply with both the Colorado Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act.

The Park Obligation Fee shall, until paid, constitute a perpetual lien on and against the served property, and any such lien may be foreclosed in the manner as provided by the laws of the State of Colorado for the foreclosure of mechanic's liens, pursuant to § 32-1-1001(1)(j), C.R.S. All such liens shall run with the property.

5. Payment. Payment for all Park Obligation Fees, interest and delinquent charges shall be by check or equivalent form acceptable to the District, and made payable to the District, on or before the due date imposed by the District. The District may change the payment and payee address from time and time and such changes shall not require an amendment to this Resolution.

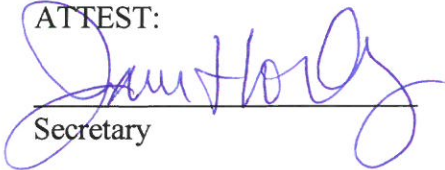
6. Invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase, or word herein, or the application thereof in any given circumstance, shall not affect the validity of any other provision of this Resolution.


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

8. This Resolution is effective as of August 7, 2013.

**WOODMEN HEIGHTS METROPOLITAN
DISTRICT NO. 1**

ATTEST:


Secretary


Lindsay J. Case, President

APPROVED AS TO FORM:

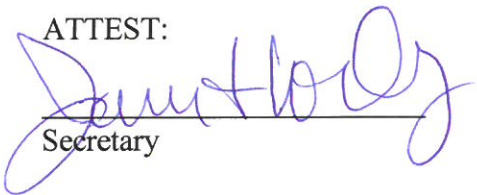
WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law


General Counsel to the Districts

Park Obligation Platting Fee Resolution Acknowledged by:

**WOODMEN HEIGHTS METROPOLITAN
DISTRICT NO. 2**

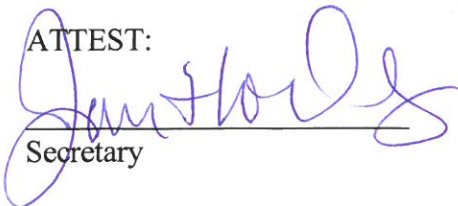
ATTEST:


Secretary


Lindsay J. Case, President

**WOODMEN HEIGHTS METROPOLITAN
DISTRICT NO. 3**

ATTEST:


Secretary



Lindsay J. Case, President

EXHIBIT A

Districts Boundary Map and Legal Description