

## RESOLUTION

### CONCERNING THE BRIDGE OBLIGATION and MARKSHEFFEL ROAD EXTENSION 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 the crossing over Sand Creek at Marksheffel Road (the "Bridge") and extension of Marksheffel Road generally Kenosha Dr. to the City Limit line are of benefit to and will benefit the 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 "pending City/District IGA"), the Districts are to impose a fee on all unplatted ground within the Districts for the Bridge and Marksheffel Road extension (the "Bridge and Marksheffel Road Extension Fee").

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

1. Bridge and Marksheffel Road Extension Fee. Effective as of August 7, 2013, the District hereby imposes a one-time Bridge and Marksheffel Road Extension Fee in the amount of \$500 per acre on all ground within the Districts and Served Property that subsequently plats including as such ground is contemplated and may be further described in the finale City/District IGA, if any. The Districts determined that the Bridge Marksheffel Road extension will benefit the

Served Property and provides opportunities for such property to be developed. The revenues raised from the Bridge and Marksheffel Road Extension Fee assists the District in its funding participation of the various and multiple costs associated with the provision and construction of the Bridge.

2. Time of Payment. If the pending City/District IGA is approved, then the Bridge and Marksheffel Road Extension Fee (and any interest earned thereon) shall be due, collected and retained by the City pursuant to and at or before the City's plat approval process, and shall be held in a segregated account used exclusively by the City for the costs of the design and construction of the Bridge and Marksheffel Road extension, pursuant to the City's schedule for construction. If there is no such IGA, then the District will collect and retain such fee revenue as it deems appropriate.

3. Notice of Fee. The District manager is authorized to establish a system for notification of the Bridge and Marksheffel Road Extension Fee, which may include sending correspondence regarding said 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 Bridge and Marksheffel Road Extension Fee as set forth herein.

4. Late Charges, Collections and Liens. The District (or by extension the City) may impose such penalties for non-compliance herewith as may be permitted by law. Any Bridge and Marksheffel Road Extension 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 (or by extension the City) 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 Bridge and Marksheffel Road Extension 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 Bridge and Marksheffel Road Extension Fee, interest and delinquent charges shall be by check or equivalent form acceptable to the District and City, and made payable to the City if required by the IGA, and if no IGA then payable to the District, on or before the platting due date imposed by the City. The District may change the payment and payee address from time and time and such changes shall not require an amendment to this Resolution.

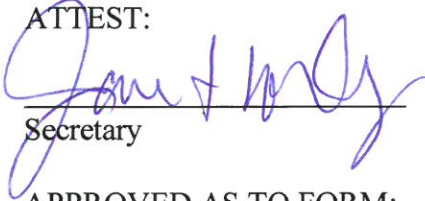
6. Invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase, or word herein, or the application thereof in any given circumstance, shall not affect the validity of any other provision of this Resolution.


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:

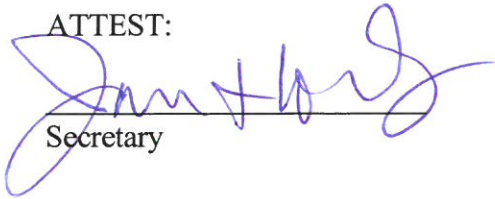
WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

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General Counsel to the Districts

**Bridge and Marksheffel Road Extension Fee Resolution Acknowledged by:**

**WOODMEN HEIGHTS METROPOLITAN  
DISTRICT NO. 2**

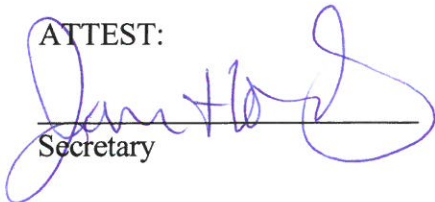
ATTEST:


  
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