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**RESOLUTION OF THE BOARD OF DIRECTORS OF
OF THE HORIZON METROPOLITAN DISTRICT NO. 1**

A RESOLUTION APPROVING THE IMPOSITION OF A TRASH AND RECYCLING FEE
ON CERTAIN REAL PROPERTY IN HORIZON METROPOLITAN DISTRICT NOS. 1 - 10

WHEREAS, certain real property within Horizon Metropolitan District No. 1-10 (the "Districts"), as such real property is more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference (the "Property"), is being developed for residential use including single-family attached and detached homes and townhomes, with each single family attached and detached home and townhome referred to herein as a "Unit," and

WHEREAS, for purposes of this resolution (the "Trash and Recycling Fee Resolution"), the term "Unit" shall not include residential condominiums and apartments, or commercial property unless this Trash and Recycling Fee Resolution is further amended to include residential condominiums and apartments or commercial property; and

WHEREAS, pursuant to the "Declaration of Covenant and Delegation to Horizon Metropolitan District No. 2 Authority to Enforce, Perform of Contract for the Provision of Trash Collection Services" recorded in the records of the Arapahoe County Clerk and Recorder on March 1, 2021 at Reception No. E1034529 (the "Declaration"), , Horizon Metropolitan District No. 2 ("District No. 2") was granted the authority to provide trash and recycling services including, without limitation, regularly scheduled pick-ups of waste and provide for fees, costs and fines for implementation and enforcement; and

WHEREAS, Section 10 of the Declaration permits District No. 2 to assign its rights and responsibilities set forth in the Declaration Horizon Metropolitan District No. 1 (the "District" or "District No. 1"), which was contemplated pursuant to an intergovernmental agreement between and among Districts; and

WHEREAS, the District, District No. 2, and Horizon Metropolitan District No. 3 (collectively, the "Districts") entered into a District Facilities Funding, Construction and Operation Agreement dated November 30, 2017, as amended by that First Amendment to District Facilities Funding, Construction and Operation Agreement dated August 7, 2020, pursuant to which District No. 1 agreed to provide operation, maintenance and administrative services for the Districts; and

WHEREAS, pursuant to § 32-1-1004(2)(k), C.R.S., the Board of Directors (the "Board") for Horizon Metropolitan District No. 1 (the "District") has the power and authority to collect and transport solid waste as specified in § 32-1-1006(6) and (7), C.R.S.; and

WHEREAS, pursuant to § 32-1-1006(6), C.R.S., the Board has the power to contract with a third-party service provider to provide waste services and impose fees, rates, penalties, or charges for such services pursuant to § 32-1-1001(1)(j)(I), C.R.S.; and

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WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the Board has the power to fix and from time to time increase or decrease fees, rates, tolls, penalties, or charges for services, programs or facilities furnished by the District and, until paid, all such fees, rates, tolls, penalties, or charges shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens; and

WHEREAS, the First Amended and Restated Service Plan for the District similarly empowers the District to impose fees, rates, tolls, charges, and penalties for services and facilities; and

WHEREAS, the District has entered into contract with a third-party service provider to provide trash and recycling collection to the Units located within the Property (collectively, "Trash and Recycling Services"); and

WHEREAS, to defray the District's costs associated with providing Trash and Recycling Services, the Board desires to impose a quarterly fee on such Units receiving Trash and Recycling Services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HORIZON METROPOLITAN DISTRICT NO. 1 AS FOLLOWS:

1. Trash and Recycling Fee. The District will provide Trash and Recycling Services to the Units (each property owner of a Unit is referred to herein as an "Owner"). To defray the District's direct and indirect costs, including administration, collection, and management, associated with the provision of Trash and Recycling Services, the District hereby establishes a quarterly "Trash and Recycling Fee" upon each Unit. For fiscal year 2024, the Trash and Recycling Fee imposed on each Unit shall be \$84 per Unit per quarter. The District shall invoice each Unit Owner for the Trash and Recycling Fee for those Units that have been issued a certificate of occupancy and at such time certificates of occupancy are issued for future Units. Thereafter, the District will send a quarterly invoice on the first day of each month preceding the quarter to each Unit Owner reflecting the quarterly Trash and Recycling Fee due and owing from the Unit Owner. The Trash and Recycling Fee must be paid by the Unit Owner on the last day of the month prior to each quarter. The District may adjust the amount of the Trash and Recycling Fee from time to time to defray the costs associated with the Trash and Recycling Services and shall post any changes to the amount of the Trash and Recycling Fee on the Districts' website.

2. Delinquent Payments. If the Trash and Recycling Fee is not paid in full on the eleventh (11th) day of the first month of the quarter for which it is due, the District may impose a late fee of Fifteen Dollars (\$15.00). Interest will also accrue on any amount outstanding as of the eleventh (11th) day of the first month of the quarter for which it is due, exclusive of said assessed late fee, at the rate of 18% per annum, pursuant to §29-1-1102(7), C.R.S. All Trash and Recycling Fees, late fees, and penalty interest shall be paid to the District in immediately available funds.

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3. Lien. Until paid, the quarterly Trash and Recycling Fee shall constitute a perpetual lien on and against the Unit, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens as provided in § 32-1-1001(1)(j)(I), C.R.S.

4. Collection Efforts. The District shall be entitled to charge any and all legal fees and expenses incurred for collection efforts to Unit Owners. Furthermore, the District hereby covenants that, in the event that the lien imposed hereby is purported to be extinguished as the result of any foreclosure proceeding, the District will reassert such lien as a perpetual lien until paid, as authorized pursuant to §32-1-1001(1)(j)(I), C.R.S.

5. Severability. If any clause or provision of this Trash and Recycling Fee Resolution is adjudged invalid and/or unenforceable by a court of competent jurisdiction or by operation of any law, such clause or provision shall not affect the validity of this Trash and Recycling Fee Resolution as a whole, but shall be severed herefrom, leaving the remaining terms intact and enforceable.

6. Effective Date; Recording. This Trash and Recycling Fee Resolution shall take effect on January 1, 2024, and shall be recorded in the office of the Arapahoe County Clerk and Recorder against the Property.

(Signature Page Follows.)

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ADOPTED AND APPROVED THIS 6th DAY OF DECEMBER 2023.

**HORIZON METROPOLITAN DISTRICT NO.
1**

DocuSigned by:



57F34BD4ED90115...

By: David Crowder, President

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EXHIBIT A
(To Trash and Recycling Fee Resolution)

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID LINE BEING MONUMENTED AT ITS WEST END BY A 3" BRASS CAP STAMPED "LS 16848", AND AT ITS EAST END BY A 2" ALLOY CAP STAMPED "LS 8141", WITH THE LINE CONSIDERED TO BEAR N00°27'40"W.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1;

THENCE N89°17'24"E ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1, A DISTANCE OF 1075.00 FEET;

THENCE N00°42'36"W, A DISTANCE OF 242.00 FEET;

THENCE N89°17'24"E PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1, A DISTANCE OF 100.00 FEET;

THENCE S00°42'36"E, A DISTANCE OF 242.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1;

THENCE S89°17'24"W ALONG THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING,

CONTAINING A CALCULATED AREA OF 24,200 SQUARE FEET OR 0.556 ACRES.

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A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID LINE BEING MONUMENTED AT ITS WEST END BY A 3" BRASS CAP STAMPED "LS 16848", AND AT ITS EAST END BY A 2" ALLOY CAP STAMPED "LS 8141", WITH THE LINE CONSIDERED TO BEAR N00°27'49"W.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1;

TENCE N89°17'24"E ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1, A DISTANCE OF 976.00 FEET;

TENCE N00°42'36"W, A DISTANCE OF 242.00 FEET;

TENCE N89°17'24"E PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1, A DISTANCE OF 100.00 FEET;

TENCE S00°42'36"E, A DISTANCE OF 242.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1;

TENCE S89°17'24"W ALONG THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING,

CONTAINING A CALCULATED AREA OF 24,200 SQUARE FEET OR 0.556 ACRES.

SECTION 1, TOWNSHIP 4 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, EXCEPT THOSE PORTIONS GRANTED TO THE DEPARTMENT OF HIGHWAYS IN DEED RECORDED APRIL 9, 1956 IN BOOK 961 AT PAGE 515, APRIL 30, 1965 IN BOOK 1222 AT PAGE 570, RE-RECORDED APRIL 25, 1969 IN BOOK 1809 AT PAGE 692, MARCH 5, 1973 IN BOOK 2105 AT PAGE 661, AND EXCEPT THAT PART CONVEYED TO GUN CLUB PROPERTY CO. IN DEED RECORDED NOVEMBER 8, 1967 IN BOOK 1734 AT PAGE 417 AND EXCEPT THOSE PORTIONS LYING WITHIN THE RIGHT-OF-WAY OF GUN CLUB ROAD, 6TH AVENUE, AND PICCADILLY ROAD AND EXCEPT THAT PART CONVEYED TO E-470 PUBLIC HIGHWAY AUTHORITY IN RULE AND ORDER RECORDED AT RECEPTION NO. A8083185.

SAID LAND ALSO BEING MORE PARTICULARLY DESCRIBED AS THE FOLLOWING TWO PARCELS:

WEST PARCEL:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 1;

TENCE SOUTH 89°16'37" WEST, 1308.03 FEET, ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF E470 PUBLIC HIGHWAY AS RECORDED AT RECEPTION NO. A8083185 OF THE ARAPAHOE COUNTY RECORDS;

TENCE NORTH 00°00'00" WEST, 30.00 FEET, ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 6TH AVENUE AND THE TRUE POINT OF BEGINNING:

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THENCE SOUTH 89°16'37" WEST, 1346.39 FEET, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, BEING 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 1;

THENCE SOUTH 89°17'28" WEST, 1477.84 FEET, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, BEING 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1;

THENCE NORTH 00°42'36" WEST, 212.06 FEET;

THENCE SOUTH 89°17'28" WEST, 100.00 FEET;

THENCE SOUTH 00°42'36" EAST, 212.06 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 6TH AVENUE;

THENCE SOUTH 89°17'28" WEST, 1044.82 FEET, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, BEING 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PICCADILLY ROAD;

THENCE NORTH 00°28'55" WEST, 2610.68 FEET, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, BEING 30.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID SOUTHWEST QUARTER, TO A POINT ON THE EAST-WEST CENTERLINE OF SAID SECTION 1;

THENCE NORTH 00°27'44" WEST, 2514.84 FEET, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, BEING 30.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF E-470 PUBLIC HIGHWAY;

THENCE NORTH 89°25'40" EAST, 82.09 FEET, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE;

THENCE EASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS SOUTH 00°34'20" EAST, 451.81 FEET, THROUGH A CENTRAL ANGLE OF 22°24'46", AN ARC LENGTH OF 176.74 FEET, WHOSE CHORD BEARS SOUTH 79°21'57" EAST, 175.61 FEET, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT OF TANGENCY;

THENCE SOUTH 68°09'34" EAST, 313.45 FEET, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE;

THENCE EASTERLY, ALONG THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS NORTH 21°50'26" EAST, 749.12 FEET, THROUGH A CENTRAL ANGLE OF 22°27'09", AN ARC LENGTH OF 293.55 FEET, WHOSE CHORD BEARS SOUTH 79°23'08" EAST, 291.68 FEET, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT OF TANGENCY;

THENCE NORTH 89°23'18" EAST, 2423.70 FEET, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE;

THENCE EASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS SOUTH 00°36'42" EAST, 946.50 FEET, THROUGH A CENTRAL ANGLE OF 78°06'37", AN ARC LENGTH OF 1290.35 FEET, WHOSE CHORD BEARS SOUTH 51°33'24" EAST, 1192.72 FEET, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF E470 PUBLIC HIGHWAY AND A POINT OF TANGENCY;

THENCE SOUTH 12°30'05" EAST, 1801.90 FEET, ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE;

THENCE SOUTHERLY, ALONG THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS SOUTH 77°29'55" WEST, 1223.24 FEET, THROUGH A CENTRAL ANGLE OF 11°10'18", AN ARC LENGTH OF 238.51 FEET, WHOSE CHORD BEARS SOUTH 06°54'56" EAST, 238.13 FEET, ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT OF NON-TANGENCY;

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THENCE SOUTH 09°28'21" WEST, 292.75 FEET, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE;
THENCE SOUTH 12°29'50" WEST, 1020.69 FEET, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE;
THENCE SOUTHERLY, ALONG THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS NORTH 77°30'10" WEST, 646.20 FEET, THROUGH A CENTRAL ANGLE OF 17°00'00", AN ARC LENGTH OF 191.73 FEET, WHOSE CHORD BEARS SOUTH 20°59'50" WEST, 191.03 FEET, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT OF TANGENCY;
THENCE SOUTH 29°29'50" WEST, 403.10 FEET, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE;
THENCE SOUTHWESTERLY, ALONG THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS SOUTH 60°30'10" EAST, 476.26 FEET, THROUGH A CENTRAL ANGLE OF 29°29'50", AN ARC LENGTH OF 245.19 FEET, WHOSE CHORD BEARS SOUTH 14°44'55" WEST, 242.49 FEET, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT OF TANGENCY;
THENCE SOUTH 00°00'00" EAST, 113.76 FEET, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

EAST PARCEL:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 1;
THENCE SOUTH 89°16'37" WEST, 700.59 FEET, ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF E470 PUBLIC HIGHWAY AS RECORDED AT RECEPTION NO. A8083185 OF THE ARAPAHOE COUNTY RECORDS;
THENCE NORTH 11°21'09" EAST, 30.68 FEET, ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 6TH AVENUE AND THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 11°21'09" EAST, 313.11 FEET, ALONG SAID EASTERLY RIGHT-OF-WAY LINE;
THENCE NORTH 06°52'41" EAST, 204.03 FEET, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE;
THENCE NORTH 12°29'53" EAST, 1031.46 FEET, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID E470 PUBLIC HIGHWAY;
THENCE SOUTH 77°30'07" EAST, 355.61 FEET, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GUN CLUB ROAD;
THENCE SOUTH 00°18'54" EAST, 1431.25 FEET, ALONG SAID WESTERLY RIGHT-OF-WAY LINE BEING 30.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID SOUTHEAST QUARTER TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF 6TH AVENUE;
THENCE SOUTH 89°16'37" WEST, 664.39 FEET, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.