

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
PRAIRIE SONG METROPOLITAN DISTRICT NO. 8  
CONCERNING THE IMPOSITION OF DISTRICT SERVICE FEES**

WHEREAS, Prairie Song Metropolitan District No. 8 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”); and

WHEREAS, the District was organized in together with Prairie Song Metropolitan District Nos. 3-6 and 9 (together with the District, the “**Districts**”); and

WHEREAS, pursuant to that certain Coordinating Services Agreement among the Districts, dated June 30, 2022 (the “**Coordinating Agreement**”), the District is responsible for all administrative and operational services within the Districts and may, from time to time, establish fair and equitable fees to provide a source for funding such administrative and operational services and impose the same on the property owners within the Districts; and

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

WHEREAS, the Board of Directors of the District (the “**Board**”) has determined it to be in the best interests of the Districts, and the property owners, taxpayers, and residents of the Districts, to acquire, operate and maintain certain amenities and facilities benefitting property and inhabitants within the Districts, which amenities and facilities generally include swimming pool, fitness and gathering building and related recreational facilities, irrigation pump house, non-potable irrigation water system, landscape and hardscape improvements, open space, improvements, appurtenances, and rights-of-way (collectively, the “**Facilities**”); and

WHEREAS, the Board has determined it to be in the best interests of the Districts, and the property owners, taxpayers, and residents of the Districts, to provide certain services to property and inhabitants within the boundaries of the Districts, including without limitation, landscape maintenance, snow removal, covenant enforcement, and design review (collectively, the “**Services**”); 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 Service Plan for the Districts (the “**Service Plan**”) authorizes the District to impose fees, rates, tolls, charges and penalties for services provided by the District; and

WHEREAS, pursuant to §32-1-1004(8), C.R.S. and the Service Plan, the District is authorized and empowered to provide covenant enforcement and design review services within the Districts; and

WHEREAS, the District incurs certain direct and indirect costs associated with the upkeep, repair, replacement, improvement, reconstruction operation and maintenance of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs (collectively, the “**Facility Costs**”) in order that the Facilities may be properly provided, operated, and maintained; 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 Districts maintained, and that the health, safety and welfare of the Districts and their inhabitants may be safeguarded (collectively, the “**Service Costs**”); and

WHEREAS, the establishment and continuation of fair and equitable fees (the “**Service Fees**”) to provide a source of funding to pay for the Facility Costs and the Service Costs, (collectively, the “**Operations Costs**”), which Operations Costs are generally attributable to the persons and/or properties subject to such Service Fees, is necessary to provide for the common good and for the prosperity and general welfare of the Districts and their inhabitants and for the orderly and uniform administration of the District’s affairs; and

WHEREAS, the District finds that the Service Fees, as set forth in this Resolution, are reasonably related to the overall cost of providing the Facilities and Services and paying the Operations Costs, and that imposition thereof is necessary and appropriate; and

NOW THEREFORE, the Board hereby resolves as follows:

1. Definitions. Except as otherwise expressly provided or where the context indicates otherwise, the following capitalized terms shall have the respective meanings set forth below:

a. “**District Boundaries**” means the legal boundaries of the Districts, as the same are established and amended from time to time pursuant to the Special District Act, as more particularly set forth in the map and legal description attached hereto as **Exhibit B** and incorporated herein by this reference.

b. “**Due Date**” means the date by which the Service Fees is due, which Due Date is reflected on the Schedule of Fees.

c. “**End User**” means any third-party homeowner or tenant of any homeowner occupying or intending to occupy a Residential Unit.

d. “**Fee Schedule**” or “**Schedule of Fees**” means the schedule of fees set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, until and unless otherwise amended and/or repealed. The Board shall review and update the Fee Schedule on a periodic basis based upon budget needs of the District.

e. “**Lot**” means each parcel of land established by a recorded final subdivision plat and which is located within the District Boundaries.

f. **“Non-Potable Irrigation Water System”** means the facilities and improvements of the non-potable water system intended to deliver non-potable water to the Lots and tracts within the District Boundaries for the purpose of irrigation.

g. **“Residential Unit”** means each residential dwelling unit (including, without limitation, condominiums, townhomes, and any other attached dwelling unit and detached single family dwelling units) located on a Lot which has been Transferred to an End User.

h. **“Transfer”** or **“Transferred”** shall include a sale, conveyance or transfer by deed, instrument, writing, lease or any other documents or otherwise by which real property is sold, granted, let, assigned, transferred, exchanged or otherwise vested in an End User.

i. **“Vacant Lot”** means each parcel of land within the District established by a recorded final subdivision plat which has been Transferred to an End User, but specifically excluding any parcel upon which one or more Residential Units is situated and specifically excluding any parcel owned by the District.

2. Service Fees. The Board has determined, and does hereby determine, that the Service Fees are reasonably related to the overall cost of providing the Services, and paying the Operations Costs, and are imposed on those who are reasonably likely to benefit from or use the Facilities and Services. The revenues generated by the Services Fees will be accounted for separately from other revenues of the District. The Services Fees revenue will be used solely for the purpose of paying Operations Costs and may not be used by the District to pay for general administrative costs of the District.

a. General 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 Districts, and the general public to impose, and does hereby impose a General Operations and Maintenance Fee to fund the general Operations Costs, including but not limited to community amenity and landscape maintenance, covenant enforcement, and administrative expenses in conjunction with services for End Users. The General 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 the Fee Schedule is amended or repealed. The General Operations and Maintenance Fee shall be imposed and collected assessed against all Residential Units and Vacant Lots, commencing at the closing of a sale of a Residential Unit or Vacant Lot to an End User.

b. Design Review 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 Districts, and the general public to impose, and does hereby impose a Design Review Fee to fund the Operations Costs related to the additional expenses associated with the design review and covenant enforcement services provided by the District, to ensure that such costs are the responsibility of the benefitted End User(s). The Design Review 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 the Fee Schedule is amended or repealed. The Design Review Fee shall be imposed and collected assessed against all Residential Units and Vacant Lots upon submittal of an application for design review.

c. Administrative Fees.

i. Insufficient Funds Fee: For each payment that for any reason is returned to the District unpaid, the Lot shall owe the District an Insufficient Funds Fee in the amount set forth in the Fee Schedule.

ii. Administrative Transfer Fee. The Administrative Transfer Fee shall be imposed on all Transfers of a Residential Unit to an End User. The Administrative Transfer Fee shall not apply to any of the following, except to the extent the District determines that such exception is being undertaken for the purpose of improperly avoiding the Administrative Transfer Fee:

(1) Any Transfer wherein the United States, or any agency or instrumentality thereof, the State of Colorado, any county, city and county, municipality, district, or other political subdivisions of this State, is either the grantor or the grantee.

(2) Any Transfer by document, decree, or agreement partitioning, terminating or evidencing termination of a joint tenancy, tenancy in common or other co-ownership; however, if additional consideration or value is paid in connection with such partition or termination the Administrative Transfer Fee shall apply and be based upon such additional consideration.

(3) Any Transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.

(4) Any Transfer made and delivered without consideration for the purpose of confirming, correcting, modifying or supplementing a Transfer previously made; making minor boundary adjustments; removing clouds of title; or granting easements, rights-of-way or licenses.

(5) Any decree or order of a court of record quieting, determining or resting title, except for a decree of foreclosure.

(6) Transfers to secure a debt or other obligation, or releases other than by foreclosure, which is security for a debt or other obligation.

(7) Transfers pursuant to a decree or separation of divorce.

iii. Late Fees. A late fee may be assessed on any Service Fees that are not paid in full within thirty (30) days after the scheduled Due Date. Pursuant to §29-1-1102(3), C.R.S., such late fees may be assessed by either of the following two methods:

(1) Fifteen dollars (\$15.00) per each Service Fee not fully paid prior to the thirtieth (30) calendar day following the Due Date; or

(2) A late fee of Five Percent (5%) per each fee not fully paid prior to the thirtieth (30) calendar day following the Due Date, and each month thereafter, may be

charged on unpaid fees until the Late Fee equals Twenty twenty-five percent (25%) of all outstanding Service Fees.

If a late fee is charged, the late fee charged shall be the greater of the two options listed above. Pursuant to §29-1-1102(7), C.R.S., interest may also accrue on any outstanding Service Fees, exclusive of assessed late fees, at the rate of eighteen percent (18%) per annum.

d. Exclusions from Service Fees. Notwithstanding anything contained in this Resolution to the contrary, no Service Fees shall be due from, or with respect to, any real property within the District for: (a) any property owned by the District; (b) any school site dedicated to a school district; (b) any property dedicated or conveyed to a homeowners association serving property within the Districts; and/or (c) any property required by a town, city or county to be dedicated to the town, city or county, the public, or any other governmental entity for public rights-of-way, or that is required to be conveyed to another special district.

3. Payment. Payment for all fees shall be made through the online portal available through the District's website or by check delivered to the address listed on the payment coupon, or equivalent form acceptable to the District, made payable to "Prairie Song Metropolitan District No. 8." All Service Fees shall be due and payable within thirty (30) days of the Due Date. In the event that any Service Fees established hereunder remain unpaid thirty-one (31) days after its respective Due Date, the District may undertake collection efforts for any and all outstanding amounts, in accordance with the District's Resolution Establishing Guidelines for the Processing and Collection of Delinquent Fees and Charges, as may be amended from time to time.

4. Perpetual Lien. All Service Fees 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. This Resolution shall be recorded in the offices of the Clerk and Recorder of Weld County, Colorado.

5. Amendment. The District expressly reserves the right to amend, revise, redact, waive and/or repeal this Resolution, in whole or in part, from time to time, in order to further the purposes of carrying on the business and services of the District.

6. 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.

7. 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 Districts after the date of this Resolution.

8. Effective Date. This Resolution shall become effective November 14, 2023.

*[Remainder of Page Intentionally Left Blank. Signature Page Follows]*



**EXHIBIT A**  
**PRAIRIE SONG METROPOLITAN DISTRICT NO. 8**  
**Schedule of Fees**  
**Effective November 14, 2023** \_\_

<b>Schedule of Service Fees</b>		
<b>Fee Type</b>	<b>Classifications</b>	<b>Rate</b>
<b>General Operations and Maintenance Fee</b>	Residential Unit	\$125.00/month
	Vacant Lot	\$125.00/month
The Due Date for each General Operations and Maintenance Fee is the 15th day of each month.		
<b>Design Review Fee</b>	Architectural Plan Review	\$250.00 per Application
	Initial Landscape Plan Review	\$250.00 per Application
The Due Date for each Design Review Fee is the date the Application is submitted.		
<b>Insufficient Funds Fee</b>	All Classifications	\$25 per returned payment
The Due Date for each Insufficient Funds Fee is the date upon which the payment is returned.		
<b>Administrative Transfer Fee</b>	All Classifications	\$250 per Transfer
The Due Date for each Administrative Transfer Fee is the date upon which the Transfer occurs.		

Payment for all fees shall be made through the online portal available through the District's website or by check delivered to the address listed on the payment coupon, or equivalent form acceptable to the District, made payable to "Prairie Song Metropolitan District No. 8."



**EXHIBIT B**

**District Boundaries**

