

When recorded return to:

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RESOLUTION NO. 2019-11-06

SECOND AMENDED AND RESTATED JOINT RESOLUTION OF CIMARRON METROPOLITAN DISTRICT AND VAUXMONT METROPOLITAN DISTRICT REGARDING THE IMPOSITION OF COVENANT ENFORCEMENT RELATED FEES

- A. Cimarron Metropolitan District (“**Cimarron**”) and Vauxmont Metropolitan District (the “**District**” and together with Cimarron, the “**Districts**”) are quasi-municipal corporations and political subdivisions of the State of Colorado located in the City of Arvada (the “**City**”), Jefferson County, Colorado.
- B. The Districts operate pursuant to their respective Service Plans approved by the City on March 1, 2004 (as the same may be amended and/or modified from time to time (the “**Service Plans**”).
- C. The purpose for which the Districts were formed is the design, acquisition, construction, installation, financing, and operation and maintenance of certain water, sanitation (including storm and sanitary sewer), streets, safety protection, park and recreation, television relay and translation, transportation, mosquito control and limited fire protection facilities and services (the “**Public Improvements**”) to benefit the property within their boundaries and/or service areas, which are more particularly set forth on **Exhibit A** attached hereto and incorporated herein by reference, (as such service area/boundaries may be modified from time to time, the “**Property**”).
- D. Candelas is a residential community located within the Property.
- E. Arvada Residential Partners, LLC (“**ARP**”) is the master developer within Candelas.
- F. ARP has caused to be recorded the Protective Covenants and Easements of Candelas, recorded on March 26, 2012, at Reception No. 2012032029 of the County of Jefferson, Colorado, real property records, as amended by that certain: (1) First Amendment to Protective Covenants and Easements of Candelas, recorded on September 10, 2012, at Reception No. 2012095878 of the County of Jefferson, Colorado, real property records; (2) Supplemental Declaration Annexing Property to the Protective Covenants and Easements of Candelas, recorded on July 21, 2014, at Reception No. 2014059270 of the County of Jefferson, Colorado, real property records; (3) Second Amendment to Protective Covenants and Easements of Candelas, recorded on November 21, 2014, at Reception No. 2014100102 of the County of Jefferson, Colorado, real property records; and (4) Third Amendment to Protective Covenants and Easements of Candelas, recorded on September 9, 2015, at Reception No. 2015096329 of the County of Jefferson, Colorado, real property records as the same may be amended and/or

modified from time to time (collectively, the “**Protective Covenants**”); and the Landscape Covenants of Certain Lots in Candelas, and Certain Snow Removal, recorded on February 1, 2013, at Reception No. 2013012192 of the County of Jefferson, Colorado, real property records as the same may be amended and/or modified from time to time applicable to the Property (the “**Landscape and Snow Removal Covenants,**” together with the Protective Covenants, the “**Covenants**”).

G. The Covenants provide that it is the intention of ARP to empower the Districts to provide certain services, including covenant enforcement services (the “**Covenant Services**”), to Candelas.

H. The Districts previously adopted that certain Amended and Restated Joint Resolution of Cimarron Metropolitan District and Vauxmont Metropolitan District Regarding the Imposition of Transfer Fees and Plan Review Fees on December 15, 2015, recorded on February 4, 2016, at Reception Number 2016011068 of the Jefferson County, Colorado, real property records, as amended by that certain First Amendment to Amended and Restated Joint Resolution of Cimarron Metropolitan District and Vauxmont Metropolitan District Regarding the Imposition of Transfer Fees and Plan Review Fees, adopted November 16, 2016, and recorded November 19, 2016, at Reception Number 2016125096 of the Jefferson County, Colorado, real property records (collectively, the “**Original Resolution**”).

I. Pursuant to the Original Resolution, certain responsibilities and obligations concerning the provision of the Covenant Services and collection of related fees were divided among the Districts.

J. Pursuant to Resolution No. 2019-11-04 of the District (as it may be amended from time to time, the “**Enforcement Resolution**”), and pursuant to the Covenants and Section 32-1-1004(8), C.R.S., prior to January 1, 2020, Cimarron provided the Covenant Services and from January 1, 2020 forward, the District provides the Covenant Services in accordance with the Covenants and the Enforcement Resolution.

K. The Districts have determined that, in conjunction with the Enforcement Resolution, it is necessary to amend, restate and replace the Original Resolution with this Resolution, effective as of the Effective Date (defined herein).

L. The District has determined that in order to maintain accurate records for purposes of providing the Covenant Services and to offset administrative costs associated with confirming, updating and accurately recording a transfer of ownership of any dwelling unit located within the Property, as of the Effective Date, the District shall impose certain Administrative Fees (the “**Administrative Fees**”) on the Property, as described herein.

M. The District has determined that in order to offset the costs associated with the design review process of the Candelas Design Review Committee (the “**CDRC**”), the District shall impose certain Plan Review Fees (the “**Plan Review Fees,**” and together with the Administrative Fees, the “**Fees**”) on the Property, as more particularly described herein.

N. This Resolution shall be recorded on the Property to put the current and future owners of the Property on notice of the imposition and collection of the Fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS OF DIRECTORS OF CIMARRON METROPOLITAN DISTRICT AND VAUXMONT METROPOLITAN DISTRICT, AS FOLLOWS:

1. By its execution hereof, Cimarron hereby recognizes the District's acceptance of responsibility for the Covenant Services by virtue of the Enforcement Resolution, effective as of the Effective Date. Cimarron acknowledges, as of the Effective Date, the Original Resolution shall be replaced and superseded by this Resolution. As of the Effective Date, the District shall have the right and obligation to enforce any delinquent or otherwise unpaid amounts outstanding under the Original Resolution in the same manner and method as set forth in the Original Resolution, as it is the intent of this Resolution that the District be assigned the rights and obligations of the Original Resolution.

2. The Board of Directors of the District does hereby determine that it is in the best interests of the District and its taxpayers and inhabitants that the District impose and collect the Administrative Fees and Plan Review Fees on the Property.

3. In order to offset administrative costs associated with the transfer of ownership of a dwelling unit within the Property, the District hereby imposes the following Administrative Fees as described below. The Transfer Fees shall be due and payable to the District at the time of any sale, transfer, or resale of any dwelling unit that has a certificate of occupancy.

- a. An Administrative Fee of One Hundred Fifty Dollars (\$150.00) per completed dwelling unit within the Property shall be due upon the initial transfer or sale of the completed dwelling unit by a homebuilder.
- b. An Administrative Fee of Two Hundred Ninety-Five Dollars (\$295.00) per completed dwelling unit within the Property shall be due upon the subsequent resale or transfer of any completed dwelling unit within the Property.

4. In order to offset costs associated with the CDRC's design review process, the District hereby imposes the following Plan Review Fees as generally described below and as more particularly described in the Amended and Restated Policies and Procedures Governing the Enforcement of the Protective Covenants and Easements of Candelas and the Landscape Covenants of Certain Lots in Candelas, adopted by the Districts to be effective January 1, 2020 (as amended or modified from time to time, the "**Policies and Procedures**"). The Plan Review Fees shall be due and payable to the District as noted below.

- a. A Plan Review Fee of One Hundred Fifty Dollars (\$150.00) shall be due and payable at the closing of the initial sale of the dwelling unit pursuant to the Policies and Procedures.
- b. A Plan Review Fee of Seventy-Five Dollars (\$75.00) shall be due and payable at the time of submittal of any subsequent request for design review for each completed dwelling unit pursuant to the Policies and Procedures.

5. Fee payments shall be provided to the District and delivered to the District Manager. Inquiries regarding the Fees may be directed to Vauxmont Metropolitan District, care of the District Manager, Capital Consultants Management Corporation, at (303) 390-1222.

6. Pursuant to Section 32-1-1001(1)(j)(I), C.R.S., all Fees, until paid, shall constitute a perpetual lien on and against the Property. Except for the lien against the Property created by the imposition of property taxes by the Districts and other taxing jurisdictions pursuant to Section 32-1-1202, C.R.S., all liens for unpaid Fees shall to the fullest extent permitted by law, have priority over all other liens of record affecting the Property and shall run with the Property and remain in effect until paid in full.

7. Judicial 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 circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

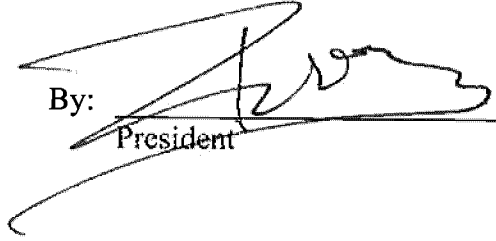
8. This Resolution shall replace and supersede the Original Resolution and shall be effective as of January 1, 2020 (the “**Effective Date**”).

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE FOR SECOND AMENDED AND RESTATED JOINT
RESOLUTION OF CIMARRON METROPOLITAN DISTRICT AND VAUXMONT
METROPOLITAN DISTRICT REGARDING THE IMPOSITION OF COVENANT
ENFORCEMENT RELATED FEES]**


APPROVED AND ADOPTED this 20th day of November, 2019.

CIMARRON METROPOLITAN DISTRICT

By: 

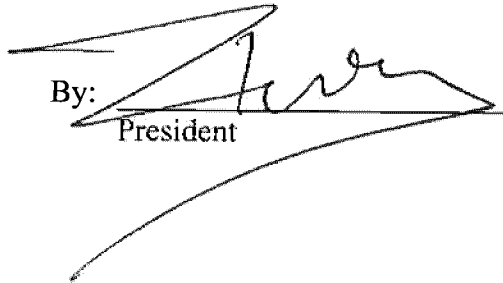
President

Attest:



Secretary

VAUXMONT METROPOLITAN DISTRICT

By: 

President

Attest:



Secretary

EXHIBIT A PROPERTY

PARCELS OF LAND LOCATED IN THE NORTH HALF OF SECTION 21 AND SECTIONS 22, 23, AND 24, ALL IN TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE FOLLOWING BLOCKS, LOTS, AND TRACTS OF CANDELAS FILING NO. 1 PLAT AS RECORDED AT RECEPTION NUMBER 2011039877:

- BLOCK 1, LOTS 1-28; BLOCK 1, TRACT A1; BLOCK 1, TRACT A2; BLOCK 1, TRACT B; BLOCK 1, TRACT C; BLOCK 1, TRACT D; BLOCK 1, TRACT E; BLOCK 1, TRACT F; BLOCK 1, TRACT G; BLOCK 1, TRACT H; BLOCK 1, TRACT W; BLOCK 1, TRACT W W; BLOCK 1, TRACT FFF;
- BLOCK 2, LOTS 1-10; BLOCK 2, TRACT I;
- BLOCK 3, LOTS 1-16; BLOCK 3, TRACT R;
- BLOCK 4, LOTS 1-13; BLOCK 4, TRACT J; BLOCK 4, TRACT K; BLOCK 4, TRACT L; BLOCK 4, TRACT M; BLOCK 4, TRACT XX;
- BLOCK 5, LOTS 1-20; BLOCK 5, TRACT N; BLOCK 5, TRACT O; BLOCK 5, TRACT P; BLOCK 5, TRACT Q;
- BLOCK 6, LOTS 1-19; BLOCK 6, TRACT S; BLOCK 6, TRACT T; BLOCK 6, TRACT U; BLOCK 6, TRACT V;
- BLOCK 7, LOTS 1-19; BLOCK 7, TRACT X; BLOCK 7, TRACT Y; BLOCK 7, TRACT Z; BLOCK 7, TRACT AA; BLOCK 7, TRACT BB; BLOCK 7, TRACT EEE;
- BLOCK 8;
- BLOCK 9;
- BLOCK 10;
- BLOCK 11;
- BLOCK 12, LOTS 1-13; BLOCK 12, TRACT DD;
- BLOCK 13, LOTS 1-9; BLOCK 13, TRACT GG;
- BLOCK 14, LOTS 1-12; BLOCK 14, TRACT CC;
- BLOCK 15, LOTS 1-12; BLOCK 15, TRACT FF;
- BLOCK 16, LOTS 1-12; BLOCK 16, TRACT HH;
- BLOCK 17, LOTS 1-16; BLOCK 17, TRACT II;
- BLOCK 18, LOTS 1-35; BLOCK 18, TRACT A3; BLOCK 18, TRACT A4;
- BLOCK 19, LOTS 1-16; BLOCK 19, TRACT JJ;
- BLOCK 20, LOTS 1-13; BLOCK 20, TRACT MM;
- BLOCK 21;
- BLOCK 22;
- BLOCK 23, LOTS 1-8; BLOCK 23, TRACT NN;
- BLOCK 24, LOTS 1-22; BLOCK 24, TRACT A5;
- BLOCK 25, LOTS 1-46; BLOCK 25, TRACT OO1;

- BLOCK 26, LOTS 1-11; BLOCK 26, TRACT PP;
- BLOCK 27, LOTS 1-50; BLOCK 27, TRACT QQ; BLOCK 27, TRACT RR; BLOCK 27, TRACT AAA;
- BLOCK 28, LOTS 1-11; BLOCK 28, TRACT A6; BLOCK 28, TRACT BBB;
- BLOCK 29, LOTS 1-6; BLOCK 29, TRACT A7;
- BLOCK 30, LOTS 1-19; BLOCK 30, TRACT OO2;
- BLOCK 31, TRACT UU; BLOCK 31, TRACT V V;
- BLOCK 32, LOTS 1-15; BLOCK 32, TRACT A8; BLOCK 32, TRACT SS; BLOCK 32, TRACT CCC;
- BLOCK 33, LOTS 1-21; BLOCK 33, TRACT TT;
- BLOCK 34;
- BLOCK 35;
- BLOCK 36; LOTS 1-3; BLOCK 36, TRACT A9;
- BLOCK 37, TRACT KK; BLOCK 37, TRACT LL; BLOCK 37, TRACT ZZ;
- BLOCK 38
- BLOCK 38, TRACT EE; BLOCK 38, TRACT YY;

SAID BLOCKS, LOTS, AND TRACTS CONTAIN 553.816 ACRES (24,124,219 SQ. FT.), MORE OR LESS.

TOGETHER WITH (PORTION OF BLOCK 1A):

A PORTION OF BLOCK 1A OF VAUXMONT MINOR SUBDIVISION NO. 2 AS RECORDED AT RECEIPTION NO. 2007042669, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 72 AS RECORDED AT BOOK 421, PAGE 86 FROM WHENCE THE NORTHEAST CORNER OF SAID SECTION 21 BEARS N27°55'14"W A DISTANCE OF 2610.62 FEET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE N83°48'07"W A DISTANCE OF 570.04 FEET TO A POINT ON THE EASTERLY LINE OF THE MARUYAMA PARCEL; THENCE ALONG THE BOUNDARY LINE OF SAID MARUYAMA PARCEL THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) N00°47'22"W A DISTANCE OF 931.99 FEET; 2) THENCE S89°25'35"W A DISTANCE OF 627.87 FEET; 3) THENCE S00°38'35"E A DISTANCE OF 857.14 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 72; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE N84°06'06"W A DISTANCE OF 1329.95 FEET TO A POINT ON THE EASTERLY LINE OF THE ENGWIS PARCEL; THENCE ALONG THE BOUNDARY LINE OF SAID ENGWIS PARCEL THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) N00°31'36"W A DISTANCE OF 708.75 FEET; 2) THENCE S89°30'36"W A DISTANCE OF 383.81 FEET; THENCE DEPARTING SAID ENGWIS BOUNDARY LINE N20°17'41"W A DISTANCE OF 1154.83 FEET TO A POINT ON THE EASTERLY LINE OF TRACT 1, VAUXMONT MINOR SUBDIVISION AS RECORDED AT RECEIPTION NO. 2006000891 (SMART RESERVOIR); THENCE ALONG SAID EASTERLY LINE N31°19'14"E A DISTANCE OF 278.62 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 21; THENCE ALONG SAID NORTH LINE N89°36'20"E A DISTANCE OF 1944.33 FEET TO THE NORTHWEST CORNER OF SAID SECTION 22; THENCE N88°55'16"E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22 A DISTANCE OF 921.97 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF BLOCK 34 OF SAID CANDELAS FILING NO. 1 PLAT; THENCE DEPARTING SAID SECTION LINE ALONG SAID BOUNDARY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) S00°08'51"W A DISTANCE OF 691.76 FEET; 2) THENCE S25°59'48"W A DISTANCE OF 641.48 FEET; 3) THENCE 1298.96 FEET ALONG

THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 972.79 FEET, A CENTRAL ANGLE OF 76°30'24" AND A CHORD WHICH BEARS N28°47'01"W A DISTANCE OF 1204.59 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 117.940 ACRES (5,137,483 SQ. FT.), MORE OR LESS.

SAID PARCELS CONTAIN A TOTAL OF 671.756 ACRES, MORE OR LESS

BASIS OF BEARING

BASIS OF BEARING ARE BASED ON THE PLATTED BEARING OF N89°58'12"E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 22, AS SHOWN ON VAUXMONT MINOR SUBDIVISION NO. 2 AS RECORDED AT RECEPTION NO. 2007042669, AND AS DETERMINED BY MONUMENTS BEING A FOUND NO. 6 REBAR WITH A 2-1/2" ALUMINUM CAP STAMPED LS 31169 AT THE NORTH QUARTER CORNER AND BEING A FOUND NO. 6 REBAR WITH A 2-1/2" ALUMINUM CAP STAMPED LS 31169 AT THE NORTHEAST CORNER OF SECTION 22.

PREPARED BY DAVID A KUNTZ, PE
FOR AND ON BEHALF OF
MARTIN/MARTIN INC.
12499 W. COLFAX AVE.
LAKEWOOD, CO. 80215
(303) 431-6100
(303) 431-4028 FAX
SEPTEMBER 26, 2011

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 21 FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 21 BEARS N00°12' 09"W; THENCE N89°25'31"E 3967.73 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 21 TO THE EAST SIXTEENTH CORNER OF SAID SECTION 21; THENCE N00°31'36"W 607.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 72 AS RECORDED AT BOOK 421, PAGE 86 OF THE RECORDS OF JEFFERSON COUNTY, COLORADO, AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE N84°06'06"W A DISTANCE OF 133.40 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE N20°17'41"W A DISTANCE OF 742.87 FEET TO A POINT ON THE EAST-WEST CENTERLINE OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE ALONG SAID EAST-WEST CENTERLINE THENCE N89°30'36"E A DISTANCE OF 383.81 FEET TO THE NORTHEAST SIXTEENTH CORNER OF SAID SECTION 21; THENCE ALONG THE NORTH-SOUTH CENTERLINE OF THE NORTHEAST QUARTER OF SAID SECTION 21 S00°31'36"E A DISTANCE OF 713.78 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY STREETS AND PUBLIC WAYS DEDICATED BY THE PLAT RECORDED AT RECEPTION NO. 2013117890, INCLUDING WITHOUT LIMITATION, IRON MOUNTAIN WAY, WEST 93RD AVENUE AND WEST 93RD PLACE.

THE FOREGOING DESCRIBED PARCEL BEING ALSO KNOWN AS:

LOTS 8 THROUGH 15, INCLUSIVE, BLOCK 11 (ALL)
LOTS 6, 7, 16 AND 17, BLOCK 11 (PORTIONS)
LOTS 11 AND 12, BLOCK 12 (PORTIONS)
LOT 19, BLOCK 13 (ALL)
LOT 1, 2, 3, 4, 17 and 18, BLOCK 13 (PORTIONS)
TRACTS J AND K, BLOCK 11 (PORTIONS)

CANDELAS FILING NO. 3, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE FOLLOWING PROPERTY AS SHOWN ON THE PLAT OF CANDELAS FILING NO. 1,
RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY,
COLORADO, AT RECEPTION NUMBER 2011039877, AS AMENDED AND
SUPPLEMENTED:

Lots 1 through 13, inclusive, Block 12,
Lots 1 through 9, inclusive, Block 13,
Lots 1 through 4, inclusive, Block 14,
Lots 1 through 4, inclusive, Block 15,
Lots 1 through 3, inclusive, Block 16,
Lots 1 through 4, inclusive, Block 17,
Lots 1 through 16, inclusive, Block, 19,
Lots 1 through 13, inclusive, Block 20.