

**RESOLUTION NO. 2021-10-01**

**RESOLUTION OF DENARGO MARKET METROPOLITAN DISTRICT NO. 1  
ESTABLISHING IMPACT FEE FOR DEVELOPMENTS OUTSIDE OF DISTRICT**

A. Denargo Market Metropolitan District No. 1 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and operates pursuant to its Service Plan approved by the City and County of Denver, (the “**City**”) on March 8, 2010 (the “**Service Plan**”).

B. Pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.

C. The District has financed, and owns and maintains, certain public improvements, including, but not limited to, roadways, sidewalks, lighting, landscaping, and irrigation systems within the District’s service area (collectively, the “**District Property**”), the location of which facilities are generally depicted on **Exhibit A** attached hereto and incorporated herein by this reference.

D. Developments outside of the District (“**Developments**”) will benefit from the use of the District Property.

E. The District desires to authorize the establishment of a one-time impact fee to assist in defraying the costs associated with the financing and construction of the District Property (“**Impact Fee**”).

NOW, THEREFORE, be it resolved by the Board of Directors of the District (the “**Board**”) as follows:

1. The Board hereby finds, determines and declares that it is in the best interests of the District, their inhabitants, and taxpayers to exercise their power to impose an Impact Fee on Developments that will benefit from the use of District Property.

2. The Board hereby determines to impose an Impact Fee of four hundred dollars (\$400) per unit in each Development.

3. The Impact Fee shall be payable to the Management District and shall be due and payable ten (10) days after issuance of a building permit by the City for each Development (the “**Due Date**”).

4. Any Impact Fee that is not paid in full within five (5) days after the Due Date 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 Section 29-1-1102(3), C.R.S. Interest will also accrue on the outstanding Impact Fee, exclusive of assessed late fees, from and after the Due Date, at the rate of 18% per annum pursuant to Section 29-1-102(7), C.R.S.

5. The Impact Fee shall constitute a statutory and perpetual charge and lien upon the Developments pursuant to Section 32-1-1001(1)(j)(I), C.R.S., from the Due Date until paid. The lien shall be perpetual in nature as defined by the laws of the State of Colorado and shall run with the land and such lien may be foreclosed by the District in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens. This Resolution shall be recorded in the real property records of the Clerk and Recorder of the City and County of Denver, Colorado.

6. The District shall be entitled to institute such remedies and collection proceedings as may be authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien on any Development for which payment of the Impact Fee is in default. The defaulting Development owner shall pay all costs, including attorney fees, incurred by the District in connection with the foregoing. In foreclosing such lien, the District will enforce the lien only with respect to any Development that is in default with regard to payment of the Impact Fee, and only to the extent necessary to collect the unpaid Impact Fee, accrued interest thereon, and costs of collection (including, but not limited to, reasonable attorney fees).

7. 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.

8. Any inquiries pertaining to this Resolution or the Impact Fee may be directed to the Districts' manager, controller, or other person, as directed by the District: Denargo Market Metropolitan District No. 1, Special District Management Services, Inc., 141 Union Blvd., Ste. 150, Lakewood, CO 80228; (303)987-0835.

**[SIGNATURE PAGE TO FOLLOW]**

**[SIGNATURE PAGE TO RESOLUTION OF DENARGO MARKET METROPOLITAN  
DISTRICT NO. 1 ESTABLISHING IMPACT FEE FOR DEVELOPMENTS OUTSIDE  
OF DISTRICT]**

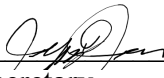
ADOPTED AND APPROVED this 5<sup>th</sup> day of October 2021.

**DENARGO MARKET METROPOLITAN  
DISTRICT NO. 1**

*Laura Newman*

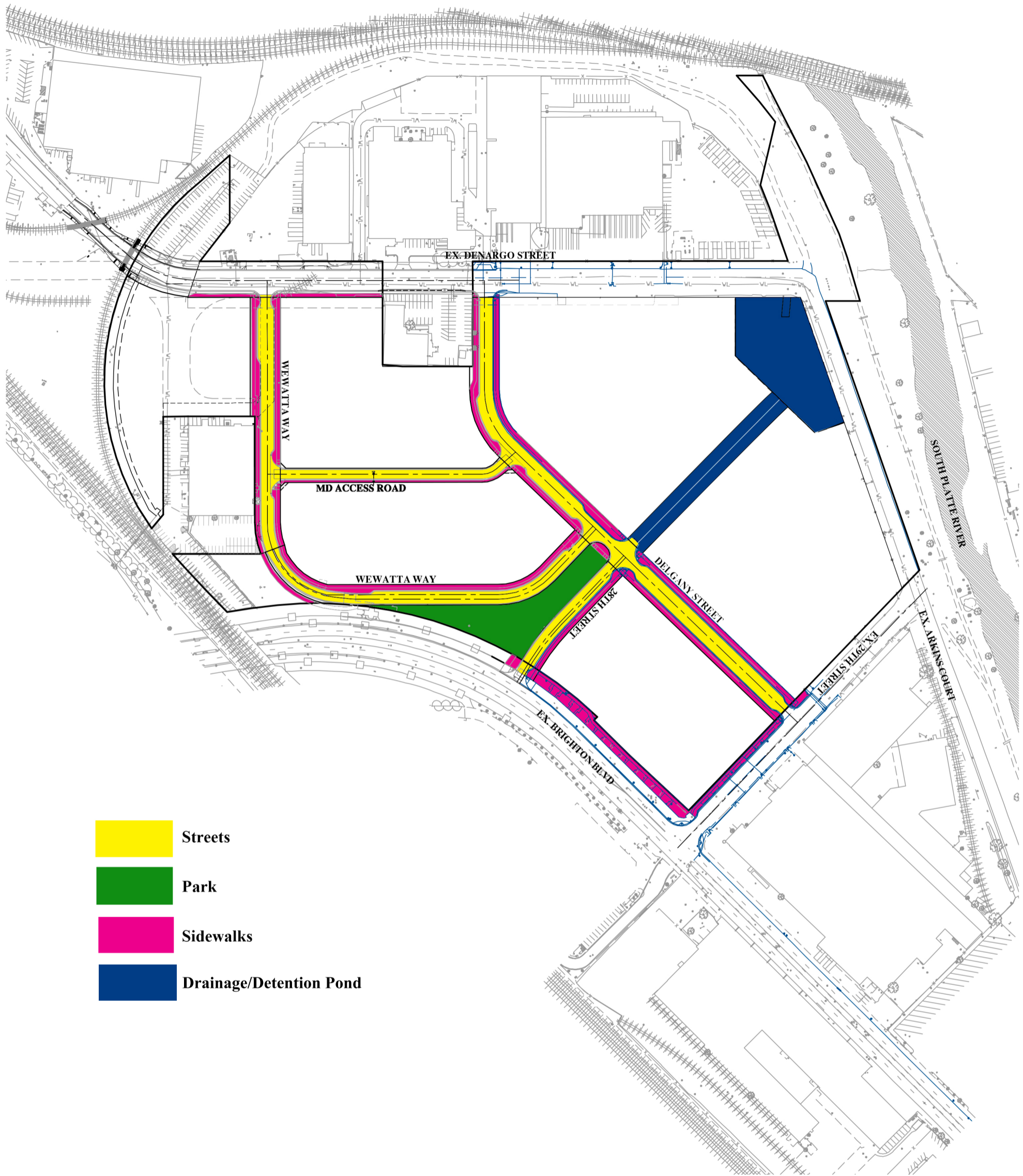
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary

**EXHIBIT A**  
**District Property**

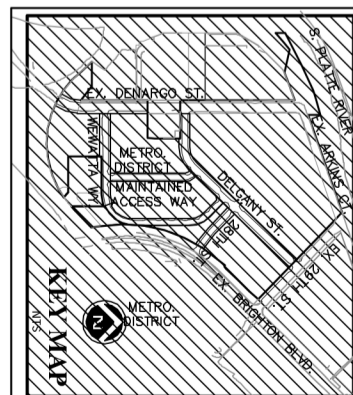
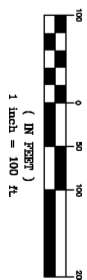
# ATTACHMENT A



- Streets
- Park
- Sidewalks
- Drainage/Detention Pond

To request marking of underground facilities  
**811**  
**Know what's below.**  
**Call before you dig.**  
 Call 811 or visit call811.com  
 for more information.

It is the contractor's responsibility to contact UNCC a minimum of 2 days prior to the start of construction operations. Inc. claims no responsibility for the underground facilities depicted in this plan set.



Project Number:  
**07200101**  
 Designed By: **BEC**  
 Drawn By: **SCD**  
 Checked By: **JAM**  
 Sheet Number:



No.	Date	Description

Denargo Market  
 Metropolitan District  
 141 Union Blvd.  
 Suite 150  
 Lakewood, CO 80228  
 Tel: (303) 987-0835  
 FAX: (303) 987-2032

## DENARGO MARKET METROPOLITAN DISTRICT NO. 1

OVERALL ROAD MAP

**J3 ENGINEERING CONSULTANTS**  
 Contact: Jason A. Monforton, PE  
 3151 S. Vaughn Way, Suite 680 - Aurora, CO 80014-3517  
 (303) 368-5601 - FAX: (303) 368-5603  
 Email: jmonforton@j3engineering.net