

After Recording, Return to:
WBA, PC
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122

**AMENDED AND RESTATED RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
LEGACY METROPOLITAN DISTRICT NO. 12**

CONCERNING THE IMPOSITION OF AN OPERATIONS FEE

WHEREAS, the Legacy Metropolitan District No. 12 (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, 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, pursuant to Section IV.A.8 of the Service Plan for Legacy Metropolitan District Nos. 1-12 approved by the City Council of the City of Wheat Ridge, Colorado on February 24, 2025 (the “**Service Plan**”) the District may impose and collect fees as a source of revenue for, among other things, operations and maintenance; and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents within the District, and the general public, to acquire, construct, operate and maintain certain amenities and facilities benefitting property owners, taxpayers, and residents within the District, and the general public, which amenities and facilities generally include streets, alleyways, sidewalks and landscaping, open space, improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents within the District, to provide certain services to the property owners, taxpayers, and residents within the District, and the general public, including without limitation, insurance coverage, management services, billing services, covenant enforcement services, landscaping, snow removal, water and sewer services, electricity and gas, trash and recycling, lighting, holiday lighting, detention pond maintenance, pest control, repairs, social committee activities, and contingency/reserves (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 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 District maintained, and that the health, safety and welfare of the District and its inhabitants may be safeguarded (collectively, the “**Service Costs**”); and

WHEREAS, the establishment and continuation of a fair and equitable fee (the “**Operations Fee**”) 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 Operations Fees, is necessary to provide for the common good and for the prosperity and general welfare of the property owners, taxpayers, and residents within the District, and the general public and for the orderly and uniform administration of the District’s affairs; and

WHEREAS, the District finds that the Operations Fee, as set forth in this Resolution, is 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

WHEREAS, on November 19, 2025, the Board adopted the Resolution of the Board of Directors of the Legacy Metropolitan District No. 12 Concerning the Imposition of an Operations Fee, which was recorded in the real property records of the Jefferson County Clerk and Recorder’s Office on December 16, 2025, at Reception No. 2025081045 (the “**Prior Fee Resolution**”), and the Board desires to adopt this Resolution to amend, restate, and supersede the Prior Fee Resolution in its entirety. Any fees, rates, tolls, penalties or charges due under the Prior Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

NOW, THEREFORE, be it resolved by the Board 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:

“**Developer**” means The LLC, LLC, a Colorado limited liability company.

“**District Boundaries**” means the legal boundaries of the District, 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.

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

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

“**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.

“**Homebuilder**” means a company whose business is the construction of Residential Units and who has purchased a Lot.

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

“**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.

“**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.

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

2. OPERATIONS FEE.

a. The Board has determined, and does hereby determine, that it is in the best interests of the property owners, taxpayers, and residents within the District, and the general public to impose, and does hereby impose an Operations Fee to fund the Operations Costs. The Operations 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 such schedule is amended or repealed. The Board may amend, restate, or repeal the Fee Schedule from time to time by resolution, as further provided in the notes to **Exhibit A**. The Fee Schedule is set forth in **Exhibit A**, attached hereto and incorporated herein by this reference. The Operations Fee shall consist of a recurring payment (the “**Recurring Payment**”) and a separate payment imposed on the Transfer of a Residential Unit to an End User (the “**Transfer Payment**”), which together shall comprise the Operations Fee.

b. The Operations Fee shall be imposed on each Homebuilder but in no event shall it be imposed upon the Developer.

c. The Transfer Payment shall be imposed on all Transfers of a Residential Unit to an End User. The Transfer Payment 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 Operations Fee:

i. 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.

ii. 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 Transfer Payment shall apply and be based upon such additional consideration.

iii. 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.

iv. 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.

v. Any decree or order of a court of record quieting, determining or vesting title, except for a decree of foreclosure.

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

vii. Transfers pursuant to a decree of separation or divorce.

d. The Board has determined, and does hereby determine, that the Operations Fee is reasonably related to the overall cost of providing the Facilities and Services, and paying the Operations Costs, and is imposed on those who are reasonably likely to benefit from or use the Facilities and Services.

e. The revenues generated by the Operations Fee will be accounted for separately from other revenues of the District. The Operations Fee 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.

3. LATE FEES AND INTEREST. Pursuant to § 29-1-1102(3), C.R.S., any Operations Fee not paid in full within fifteen (15) days after the scheduled Due Date will be assessed a late fee in the amount of Fifteen Dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due. Interest will also accrue on any outstanding Operations Fees, exclusive of assessed late fees, penalties, interest and any other costs of collection, specifically including, but not limited, to attorneys' fees, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S. The District may institute such remedies and collection procedures as authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting property owner shall pay all fees and costs, specifically including, but not limited to, attorneys' fees and costs and costs associated with the

collection of delinquent fees, incurred by the District and/or its consultants in connection with the foregoing.

4. PAYMENT. Payment for all Operations Fees, fees, rates, tolls, penalties, charges, interest and attorneys' fees shall be made by check or equivalent form acceptable to the District, made payable to "Legacy Metropolitan District No. 12" and sent to the address indicated on the Fee Schedule. The District may change the payment address from time to time and such change shall not require an amendment to this Resolution.

5. LIEN. The Operations 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 Jefferson County, Colorado.

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 District after the date of this Resolution.

8. EFFECTIVE DATE. This Resolution shall become effective on October 21, 2026.

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

ADOPTED OCTOBER 21, 2026

DISTRICT:

**LEGACY METROPOLITAN DISTRICT
NO. 12**, a quasi-municipal corporation and
political subdivision of the State of Colorado

By: 
Sarah Hunsche (Oct 22, 2026 12:17:53 MDT)
Officer of the District

Attest:

By: 
Jonathan Adkins (Oct 22, 2026 09:55:54 MDT)

*Signature page to Amended and Restated Resolution Concerning the Imposition of an
Operations Fee*

EXHIBIT A
LEGACY METROPOLITAN DISTRICT NO. 12
Schedule of Fees
Effective October 21, 2026

Part 1 – Base Operations Fee

Each Residential Unit, Vacant Lot, and parcel of non-residential property is subject to the Base Operations Fee for its product type, as set forth below.

Product Type	Base Operations Fee – Recurring Payment	Operations Fee – One-Time Payment
Residential Unit (Single Family Detached)	\$105.00/month	\$600 per Transfer
Residential Unit (Single Family Attached, including townhomes and duplexes)	\$105.00/month	\$600 per Transfer
Multifamily (Apartments, including senior apartments)	N/A	N/A
Non-residential property	N/A	N/A
Vacant Lot	\$36.75/month	N/A

Part 2 – Planning Area Operations Fee

Property located within a Planning Area identified below is subject to a higher Operations Fee. The Recurring Payment for such property equals the Base Operations Fee – Recurring Payment for the applicable product type set forth in Part 1, plus the Planning Area Additional Fee set forth below. The Planning Areas are those identified in the Lutheran Conceptual Plan – 10-09-2026 attached hereto as **Exhibit C**.

Planning Area	Base Product Type	Planning Area Additional Fee – Recurring Payment (added to Base Operations Fee)
PA-1 (Multifamily)	Multifamily (Apartments)	N/A
PA-2 (Multifamily)	Multifamily (Apartments)	N/A
PA-3 (Townhome)	Residential Unit (Single Family Attached)	N/A
PA-4 (Townhome)	Residential Unit (Single Family Attached)	N/A
PA-4 (Duplex)	Residential Unit (Single Family Attached)	N/A
PA-4 (SFD 1)	Residential Unit (Single Family Detached)	N/A
PA-4 (SFD 2)	Residential Unit (Single Family Detached)	+ \$100.00/month
PA-5 (SFD 3)	Residential Unit (Single Family Detached)	N/A

PA-5 (SFD 4)	Residential Unit (Single Family Detached)	N/A
PA-6 (DUP)	Residential Unit (Single Family Attached)	+ \$100.00/month
PA-7 (Senior)	Multifamily (Apartments)	N/A

The Operations Fee – One-Time Payment due on each Transfer is the amount set forth in Part 1 for the applicable product type and does not vary by Planning Area.

Notes Regarding “N/A.”

1. *Part 1.* Where “N/A” appears in Part 1 for a product type, no Base Operations Fee (Recurring Payment or One-Time Payment, as applicable) is due for that product type at this time.
2. *Part 2.* Where “N/A” appears in the Planning Area Additional Fee column of Part 2, no Planning Area Additional Fee is due for that Planning Area at this time. The Base Operations Fee for the applicable product type under Part 1 continues to apply, except where Part 1 also provides “N/A.”
3. *Reservation of Board Authority.* “N/A” means only that no fee is due at this time under this Resolution. It is not a waiver, release, or exemption of any property or owner from the Operations Fee, nor a determination that any property will not use or benefit from the Facilities and Services. The Board may amend, restate, or supplement this Resolution and this **Exhibit A** from time to time, in accordance with applicable law, including to impose, increase, decrease, or eliminate any fee, to establish a fee for any product type or Planning Area for which “N/A” appears, and to add or modify product types or Planning Areas. Any such change will apply from the effective date of the amending resolution, and no owner acquires a vested right to the fees in effect at any time.

PAYMENTS: Payment for each fee shall be made payable to the Legacy Metropolitan District No. 12 and sent to the following address for receipt by the Due Date:

Legacy Metropolitan District No. 12
c/o CliftonLarsonAllen, LLP
2001 16th Street, Suite 1700
Denver, CO 80202

EXHIBIT B

LEGACY METROPOLITAN DISTRICT NO. 12

District Boundaries

DISTRICT 12 (ENTIRE PROPERTY)

SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 26 AND THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 27 BEING S 00°03'59" E AND MONUMENTED AS FOLLOWS:

- EAST 1/4 CORNER OF SECTION 27, BEING A FOUND 3.25" BRASS CAP IN RANGE BOX, LS 13212, PER MON REC DATED 5-5-06.

- NORTHEAST CORNER OF SECTION 27, BEING A FOUND 3.25" BRASS CAP IN RANGE BOX, LS 28279, PER MON REC DATED 1-11-08.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27;

THENCE S 00°03'59" E, ALONG SAID EAST LINE OF THE NORTHEAST 1/4 OF SECTION 27 A DISTANCE OF 35.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE AND THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE THE FOLLOWING FOUR (4) COURSES:

1. S 00°03'59" E A DISTANCE OF 10.00 FEET;
2. N 89°37'55" E A DISTANCE OF 837.47 FEET;
3. N 00°31'12" W A DISTANCE OF 8.00 FEET;
4. N 89°37'55" E A DISTANCE OF 148.83 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THAT UNPLATTED PARCEL OF LAND RECORDED AT 2024008375;

THENCE S 00°09'47" E ALONG SAID WESTERLY BOUNDARY AND THE WESTERLY BOUNDARIES OF THOSE UNPLATTED PARCELS OF LAND RECORDED AT RECEPTION NO.'S 2009029437, 2016133249, 2013121563 AND THE WESTERLY BOUNDARY OF CAL-HAR ESTATES, A SUBDIVISION RECORDED AT RECEPTION NO. 56635273, A DISTANCE OF 1288.78 FEET TO THE SOUTHWEST CORNER OF SAID CAL-HAR ESTATES;

THENCE N 89°41'29" E ALONG THE SOUTHERLY BOUNDARY OF SAID CAL-HAR ESTATES A DISTANCE OF 269.47 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND RECORDED IN BOOK 2652 AT PAGE 50;

THENCE S 00°11'43" E ALONG THE WESTERLY BOUNDARY OF SAID PARCEL OF LAND RECORDED IN BOOK 2652 AT PAGE 50 A DISTANCE OF 878.65 FEET TO THE SOUTHWEST CORNER THEREOF, SAID POINT BEING A POINT ON THE NORTHERLY BOUNDARY OF LUCOCK SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 52520515;

THENCE S 89°45'02" W ALONG SAID NORTHERLY BOUNDARY OF LUCOCK SUBDIVISION, AND BEBBER SUBDIVISION RECORDED AT RECEPTION NO. 52521855 A DISTANCE OF 842.54 FEET TO THE NORTHEAST CORNER OF EXEMPLA/LUTHERAN HOSPICE FINAL PLAT RECORDED AT RECEPTION NO. 2005024146

THENCE S 00°03'59" E ALONG THE EASTERLY BOUNDARY OF SAID EXEMPLA/LUTHERAN HOSPICE FINAL PLAT A DISTANCE OF 417.40 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 32ND AVENUE;

DISTRICT 12 (ENTIRE PROPERTY)

SHEET 2 OF 2

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE RECORDED AT RECEPTION NO. F2016155 THE FOLLOWING FOUR (4) COURSES:

1. S 89°45'02" W A DISTANCE OF 180.07 FEET;
2. N 84°33'02" W A DISTANCE OF 25.18 FEET;
3. S 89°45'02" W A DISTANCE OF 212.17 FEET;
4. S 89°29'54" W A DISTANCE OF 200.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THAT UNPLATTED PARCEL OF LAND RECORDED AT RECEPTION NO. 2018081661;

THENCE N 00°04'02" W ALONG SAID EASTERLY BOUNDARY AND THE EASTERLY BOUNDARIES OF THOSE UNPLATTED PARCELS OF LAND RECORDED AT RECEPTION NO.'S 78077627, 2024035609, 2021028184 AND THE EXTENSION THEREOF A DISTANCE OF 414.91 FEET TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND RECORDED IN BOOK 940 AT PAGE 312;

THENCE S 89°29'54" W ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL OF LAND RECORDED IN BOOK 940 AT PAGE 312 AND THE NORTHERLY BOUNDARY OF QUINTANA SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 2006000557 AND THE NORTHERLY BOUNDARY OF DUDLEY ACRES, A SUBDIVISION RECORDED AT RECEPTION NO. 61876402 A DISTANCE OF 607.86 FEET TO THE SOUTHWEST CORNER LUTHERAN SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 81068093;

THENCE N 00°06'57" W ALONG THE WESTERLY BOUNDARY OF LOTS 1-8 OF SAID LUTHERAN SUBDIVISION AND A VACATION PARCEL RECORDED AT RECEPTION NO. 88017464 AND LOTS 18-24, LONGVIEW SUBDIVISION RECORDED AT RECEPTION NO. 41322356 A DISTANCE OF 1608.34 FEET TO THE SOUTHWEST CORNER OF LOT 17 OF SAID LONGVIEW SUBDIVISION;

THENCE ALONG THE SOUTHERLY AND EASTERLY BOUNDARY OF SAID LOT 17, LONGVIEW SUBDIVISION AND THE EXTENSION THEREOF THE FOLLOWING TWO (2) COURSES:

1. N 89°33'58" E A DISTANCE OF 199.50 FEET;
2. N 00°04'28" W A DISTANCE OF 122.83 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF LOT 1, FINAL PLAT OF FOOTHILLS MEDICAL CENTER, A SUBDIVISION RECORDED AT RECEPTION NO. 87042655;

THENCE ALONG THE SOUTHERLY AND WESTERLY BOUNDARY OF SAID LOT 1, FINAL PLAT OF FOOTHILLS MEDICAL CENTER THE FOLLOWING TWO (2) COURSES:

1. N 83°01'47" W A DISTANCE OF 57.32 FEET;
2. N 00°03'38" W A DISTANCE OF 435.24 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE THE FOLLOWING THREE (3) COURSES:

1. N 89°37'48" E A DISTANCE OF 389.81 FEET;
2. S 00°03'59" E A DISTANCE OF 5.00 FEET;
3. N 89°37'48" E A DISTANCE OF 276.80 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 4,295,246 SQUARE FEET, OR 98.6053 ACRES MORE OR LESS.

EXHIBIT C

LEGACY METROPOLITAN DISTRICT NO. 12

Map of Planning Areas

