

**TIMBERS ESTATES METROPOLITAN DISTRICT**

**RESOLUTION 2006-06-02**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE TIMBERS ESTATES METROPOLITAN  
DISTRICT AMENDING AND RESTATING ITS ROAD  
REGULATIONS**

**WHEREAS**, the Board of Directors of Timbers Estates Metropolitan District has previously adopted certain Road Regulations governing location, installation and use of all Roads within the District; and

**WHEREAS**, the Service Plan of the District, the Court Order and Decree creating the District, and the Special District Act (Section 32-1-101 *et seq.*, C.R.S.) governing the affairs of the District provide that the District shall have authority over all Roads and safety protection within the District and shall have the governmental power to control, supervise, regulate, and establish fees, tolls and charges for the use of all Roads; and

**WHEREAS**, the Board passed a Resolution on January 18, 1994 establishing a User Charge in the amount of \$1,600 for the usage of Roads within the District by trucks or other construction vehicles; and

**WHEREAS**, on May 17, 1995 the District established policies concerning regulation of the use of the District's roads, which included a reservation to the Board of full power and authority to regulate all vehicular traffic using the Roads within the jurisdiction of the District by fixing tolls, fees and charges therefore; and

**WHEREAS**, the Board subsequently ratified and readopted such Road Regulations on July 26, 1995; and

**WHEREAS**, the Board believes that the excessive wear and tear on District Roads occasioned by major construction projects by individual property owners within the District creates the need for a continuation of the User Charge assessed against such property owners to offset the deleterious affects of construction traffic on the District Roads; and

**WHEREAS**, the User Charge established in the past has not accounted for the normal increase in costs associated with repair and maintenance of District Roads, and the Board believes that the User Charge should escalate annually to account for such increase in costs.

**THEREFORE, BE IT RESOLVED** that the Board of Directors of the District, acting in its governmental capacity, hereby amends its regulations governing all Roads within the District as follows:

Section 1. Major construction projects are hereafter defined as projects with total costs of between \$100,000 and \$1,000,000. For 2006, the User Charge shall be assessed against the property owner at the rate of \$2,176 for each such major project. For projects that exceed \$1,000,000, the User Charge shall be increased in the same proportion as the cost of the project exceeds \$1,000,000. For example, in 2006 a \$1,500,000 project would incur a User Charge of \$3,264 (1.5 x \$2,176).

Section 2. The User Charge shall automatically increase on January 1<sup>st</sup> of each year beginning on January 1, 2007 by the amount that the Consumer Price Index for all Urban Customers (CPI-U) – U.S. City Average, All Items category – has increased over the immediately preceding 12-month period (January 1 – December 31). If the CPI-U decreases, there shall be no change to the User Charge.

Section 3. In addition, the Board reserves the discretion to assess fees or charges over and above the User Charge in the event of extraordinary impacts due to a construction project that causes use of the District's roads or entrance facilities.

Section 4. The User Charge, and any additional related fees and charges, shall become due and payable upon the issuance of a building permit for any construction on any lot or property within the District. The User Charge shall be determined on the basis of the estimated project cost at time of the building permit. The landowner, or his contractor in the case of construction of a new residence, shall pay such User Charge within sixty (60) days of the issuance of the building permit or thirty (30) days of the issuance of the District's invoice, whichever occurs sooner. All User Charges shall be delinquent thirty (30) days after the due date and shall be subject to a delinquency penalty of \$15 per month per Section 29-1-1102(3), C.R.S. Until paid, such User Charge shall constitute a first and perpetual lien on and against the subject property, and such lien may be collected or foreclosed upon as authorized by law.

Section 5. This amendment of the District's Road Regulations shall be effective as of April 24, 2006. The Road Regulations may be enforced by appropriate legal action or other proceeding brought by District officials.

Section 6. If any portion of this Resolution is found to be void, ineffective or in excess of the lawful authority of the District, it shall be deemed severed from this Resolution, and the other provisions of this Resolution shall remain valid and in full force and effect.

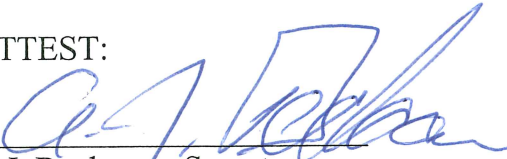
This Resolution of the Board of the Timbers Estates Metropolitan District was duly adopted at the public meeting held on April 24, 2006, and duly considered, ratified

and signed at the public meeting held on August 29, 2006, at the Timbers Estates Gatehouse.

TIMBERS ESTATE METROPOLITAN DISTRICT

By   
\_\_\_\_\_  
Jeff Mains  
President of the Board of Directors

ATTEST:

  
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A.J. Beckman, Secretary

(S E A L)