

RESOLUTION 11-4

FIRST AMENDMENT TO THE
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BATTLEMENT MESA METROPOLITAN DISTRICT
CONCERNING SYSTEM DEVELOPMENT FEES

WHEREAS, the Battlement Mesa Metropolitan District (f/k/a Consolidated Metropolitan District), County of Garfield, is a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"); and

WHEREAS, the District was organized to provide, and is providing public services, facilities and programs within its boundaries pursuant to its Service Plan; and

WHEREAS, the District, pursuant to Section 32-1-1001(1)(j), C.R.S., as amended, may fix and from time to time increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, pursuant to that certain Resolution of the Board of Directors of the Consolidated Metropolitan District (n/k/a Battlement Mesa Metropolitan District) Concerning System Development Fees, dated October 17, 2008 (the "Resolution"), the Board of Directors of the District previously determined and declared that it is in the best interests of the District to plan for the accumulation and recoupment of the costs to develop and to repair and replace all categories of District facilities, including without limitation streets, water, sewer, storm and surface drainage, and park and recreation improvements and adopted, in part, both a Tap Fee and Capital Reserve Fee (together the "Fees"); and

WHEREAS, the Board hereby finds and determines that it is in the best interests of the District to amend the Fees in order to allow for the bifurcation of the Tap Fee and Capital Reserve Fee in order to provide separately for the water and sewer components of each, as provided herein; and

WHEREAS, pursuant to Section 5 of the Resolution, the Fees may be amended by action of the Board of Directors of the District, without notice, at any time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District, that:

1. Effective immediately upon the date set forth below, the Tap Fee and Capital Reserve Fee shall be assessed and paid as follows:

A. For each EQR of development, calculated as described on Exhibit A of the Resolution, a Tap Fee of \$5000, which may be bifurcated and allocated \$2500 for water improvements and \$2500 for sewer improvements, to be accumulated and allocated to repayment of prior infrastructure costs and the development, repair and replacement of water and sewer improvements within and without the District.

B. For each EQR of development, calculated as described on Exhibit A of the Resolution, a Capital Reserve Fee of \$4000, which may be bifurcated and allocated \$2000 for water improvements and \$2000 for sewer improvements, to be accumulated and allocated to the

development, repair and replacement of all categories of System Improvements within and without the District, generally.

2. All other portions of the Resolution shall remain in full force and effect unless and until later amended.

3. All capitalized terms used herein shall be given the same meaning as provided in the Resolution.

RESOLVED this 26th day of MAY, 2011.

BATTLEMENT MESA METROPOLITAN DISTRICT

(SEAL)

ATTEST:

Jose B. Cruz
Secretary

[Signature]
President