

RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
BUCKHORN VALLEY METROPOLITAN DISTRICT NO 2

Establishing Facility Fees (“Facility Fee Resolution”)

WHEREAS, the Buckhorn Valley Metropolitan District No. 2 (the “District”) is a Colorado special district formed and functioning by authority of the Special District Act, C.R.S. §§ 32-1-101, et seq.; and

WHEREAS, pursuant to Articles I and II of the 2009 Consolidated Service Plan for Buckhorn Valley Metropolitan Districts No. 1 (BVMD1) and the District (“Service Plan”), the Districts are charged with providing water service to the Buckhorn Valley community in Gypsum, Eagle County, Colorado;

WHEREAS, pursuant to section II(G) of the Service Plan and C.R.S. § 32-1-1001(j)(I), the Districts may from time-to-time increase fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the Districts; and

WHEREAS, the District issued bond debt in 2003, 2008 and 2010 to subsidize the cost of installing the irrigation system servicing all properties located within BVMD2; and

WHEREAS, property owners within the District paid approximately \$9.97 million in property taxes under the Required Debt Levy between 2003 and 2024 to fund the repayment of such bonds and such amounts were insufficient in all such years to fully fund the annual interest due on such bonds; and

WHEREAS, a significant portion of the \$9.97 million in property taxes paid to the District was from owners of existing developed lots; and

WHEREAS, the District refinanced its bond debt in August 2025, with a resulting extension of the repayment term by 30 years; and

WHEREAS, the imposition of additional one-time facility fees on newly developing lots within the District’s service area is necessary and appropriate to reduce the disparity in tax funding received from all lot owners within the District over the past years of development in order to fund the repayment of debt issued by the District to subsidize the construction of the irrigation infrastructure that equally benefits all home lots within the District; and

WHEREAS, such facility fees were negotiated between the District, BVMD1 (who has previously adopted, by resolution, the imposition of the fees) and the developer of the newly developing lots.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Buckhorn Valley Metropolitan District No. 2 that:

- 1) Recitals. The above recitals are hereby incorporated as findings of the Board in support of the enactment of this Resolution.

- 2) New Irrigation Facility Fees. The Board hereby adopts the following fees:
 - A \$5,000 Capital Facility Fee shall be imposed against all newly developing lots to begin on the 142nd lot payable upon the sale of the lot or unit, or issuance of a Certificate of Occupancy, to a new owner. This Fee will be deposited into the District’s Irrigation System Enterprise Fund, from which the District agrees to transfer “necessary funds” to BVMD1 after the BVMD1 enterprise fund is exhausted from funding necessary repairs and improvements to the Irrigation System. The determination of “necessary funds” to be transferred to BVMD1 will be based upon the Districts’ mutual determination of what the Irrigation System funding needs are.

 - A \$10,000 Facility Fee shall be imposed upon all newly developing lots beginning with the 143rd lot (of the remaining approximately 390 lots), payable upon the sale of the lot or unit or issuance of a Certificate of Occupancy to new owner, to be applied toward debt service payments associated with a refinancing of the bonds. Such Fee shall be imposed in accordance with the table in **Exhibit A**.

 - An additional Facility Fee ranging from \$2,750 to \$4,500 per lot shall be imposed on the first 142 lots, payable upon the sale of the lot or unit or issuance of a Certificate of Occupancy to new owner, to pay off \$500,000 of bond debt. Such Fee shall be imposed in accordance with the table in **Exhibit A**.

- 3) Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

- 4) Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED AND APPROVED this 21st day of October 2025.

Buckhorn Valley Metropolitan District No 2

DocuSigned by:

Nick Viau

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Nick Viau, Board President

Attest:

DocuSigned by:

Pete Wehrenberg

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Pete Wehrenberg, Secretary

EXHIBIT A

	2025	2026	2027	2028	2029 - Full Build	
Village of Buckhorn (MF)						
Units	20	25	27	0	Debt Schedule for Final 239 Units to Full Build	
Rate	\$ 2,750.00	\$ 2,750.00	\$ 2,750.00	\$ 2,750.00		
Debt Payment	\$ 55,000.00	\$ 68,750.00	\$ 74,250.00	\$ -		
Village of Buckhorn (SF)						
Units	6	10	10	4		
Rate	\$ 4,500.00	\$ 4,500.00	\$ 4,500.00	\$ 4,500.00		
Debt Payment	\$ 27,000.00	\$ 45,000.00	\$ 45,000.00	\$ 18,000.00		
Phase 9 (SFH)						
Units	0	15	5	0		
Rate	\$ 4,175.00	\$ 4,175.00	\$ 4,175.00	\$ 4,175.00		
Debt Payment	\$ -	\$ 62,625.00	\$ 20,875.00	\$ -		
Phase 10 (SFH)						
Units	-	-	10	10		
Rate	\$ 4,175.00	\$ 4,175.00	\$ 4,175.00	\$ 4,175.00		
Debt Payment	\$ -	\$ -	\$ 41,750.00	\$ 41,750.00		
Remaining Phases						
Units					239	
Rate	Debt Schedule for First 142 Units				\$ 10,000.00	
Debt Payment					\$ 2,390,000.00	
TOTAL UNITS	26	50	52	14	239	
CUMMULATIVE	26	76	128	142	381	
TOTAL DEBT PAYMENT	\$ 82,000.00	\$ 176,375.00	\$ 181,875.00	\$ 59,750.00	\$ 2,390,000.00	
CUMMULATIVE	\$ 82,000.00	\$ 258,375.00	\$ 440,250.00	\$ 500,000.00	\$ 2,890,000.00	
					TOTAL FULL BUILD	
					Units 381	
					Debt Payments \$ 2,890,000.00	