



## Windshire Park Metro Districts Nos. 1 & 2

### A SUMMARY

The Windshire Park Metropolitan District Nos. 1 & 2 (“Districts”) are governmental entities and political subdivisions of the State of Colorado, designed to serve as perpetual quasi-municipal corporations each operating with an elected five-person Board of Directors. The primary purpose of the Districts are to finance infrastructure required by the Windshire Park development and to provide an on-going institutional structure for the operation and maintenance of signage, park, recreation and landscaping facilities.

The primary benefits of utilizing a Colorado Special District rather than a homeowner’s association are:

1. Limited liability through the Colorado Governmental Immunity Act;
2. The ability to use, among other sources of revenue, the power of taxation to collect the cost of service and infrastructure on an equitable basis, through income tax deductible means;
3. Exemption of the District and its assets from Colorado property, sales and, income taxes.

The Service Plan for the Districts was approved by the Windsor Town Board July 11, 2005 and approved by the voters of the District in November of 2005. The Service Plan was amended in September of 2006 to add covenant enforcement and design review powers. The Districts have certified a mill levy of 35.0 mills for 2009 and have the potential of utilizing water irrigation system fees, operations and maintenance fees, and out-of-District pool user fees for the purposes of recovering the infrastructure costs and the on-going costs of operation of District facilities and improvements.

### THE SERVICES

The Service Plan for the Districts, as amended in 2006, provides the Districts with the ability to finance the construction, acquisition, and installation the public improvements and additional “Enhancements” and amenities needed within Windshire Park. It also authorizes the Districts to provide for ongoing operations and maintenance of the signage and monumentation, park and recreation facilities including "public" pool operations, irrigation water systems and landscaping services. The main function of the raw water irrigation is to provide untreated water for irrigating greenbelts, parks and open spaces, and to the residential lots for irrigation thereby





avoiding expensive and unnecessary treatment. The Districts could, through a future amendment to the Service Plan, provide additional services if the constituents were to so choose at some future date. The Districts have been designed to avoid the necessity of a homeowners association, and as currently permitted by law, may be utilized for covenant enforcement and design review. The Districts, the developers and the builders within the Districts have elected to have the Districts provide covenant enforcement, design review, and any homeowners' association functions permissible under Colorado law and eliminate the necessity of a separate homeowners' association and a separate homeowners' association fee.

### HOW TO CALCULATE THE ASSESSMENT

The cost to fund the district will be billed to each homeowner annually as part of the Weld County Property Tax Bill. Each homeowner will be assessed based on the following formula:

Appraised value as determined by the County Assessor X the assessed rate (currently 7.96%) X .035

The assessed rate changes each year and is set by Weld County.

### DEBT AND FEES

District 2 (in conjunction with District 1 as the Service District) currently is authorized to issue \$7.4 million of limited general obligation debt, and to assess up to a 35.0 mill levy. The total combined mill levy for both operations and debt service is capped pursuant to the Service Plan at 35 mills. The mill levies may be adjusted upward or downward over time as permitted in the Service Plan. This debt will primarily be for the District's amenities, including but not limited to, parks, landscaping, greenbelts, open space, recreation facilities and improvements, and raw water system infrastructure and will be to pay for a portion of the costs of construction for public infrastructure primarily streets and roadways, water systems, parks and recreation, sanitation and drainage, landscaping, open space, and raw water system infrastructure as permitted by the Service Plan. In addition to the 35.0 mill levy which is authorized, it is anticipated that raw water use service charges will be utilized to finance operational costs.

Windshire Park Metro Districts No. 1 and No. 2 does operate a non-potable water system for home irrigation systems. Homeowners are charged a set monthly fee for water usage, during the months of April through October of each year. Watering days are set and or water restrictions in place due to droughts. Non-potable water rates are not pro-rated if non-potable water is limited. District residents pay the cost of running the system for the whole community. Rates are approved by the Board of Directors and changed as needed. Check with the District for current rates. Water restrictions may apply.

The water rights are either purchased or leased with an option to purchase at a future date. Additionally, the District has currently established a one-time Irrigation System Impact Fee of \$2,750 per residential unit for costs associated with the construction, installation, connection, and provision of a non-potable irrigation system to residential dwelling units for all residential property within the District's boundaries.



In May 2007, the Districts established an Operations and Maintenance Fee to be assessed against all platted lots or residential dwelling units within the Districts' boundaries. As of this date the \$540.00 per year fee (Subject to change), with administration fees. The O and M fee will pay for the annual costs and expenses associated with the operation and maintenance of public facilities, amenities, services, and functions to be provided by the Districts including but not limited to: Day to Day operations, accounting, management, landscaping, common areas, operations and maintenance of the "public" pool, park and recreation facilities and improvements, and the costs associated with assuming the ownership and operation of all facilities, improvements and services traditionally provided by homeowners associations as permitted by Colorado law.

A "Non-District Pool User Fee" of up to one thousand dollars (\$1,000.00) per year for each family residing outside of the Districts desiring to use the Districts' "public" Pool was also established for out of District users in order to pay for the costs associated with the use, operation, maintenance, and related services of the Districts' "Public" Pool and related facilities and improvements, and to include an administrative fee and to account for other fees and taxes paid by residents of the Districts to subsidize the construction, operation and maintenance of public facilities and improvements related to the District Public Pool and recreation facilities.

**BOARD MEMBERSHIP AND PUBLIC REVIEW**

Each District is controlled by a five-person Board of Directors, elected at-large, serving four-year staggered terms. Board Member elections are held in May of even numbered years by state statute. The Districts are responsible for producing and filing with the state independent audits of their financial activities, annual budgets, and they are otherwise subject to many state requirements for filings and reporting's.

**BOARD MEMBERS OF THE DISTRICTS**

The current Board Members of the Districts and their current terms are as follows:

- |   |   |
|---|---|
| Dino A. DiTullio<br>(Term expires May 2016)     | Jonathan A. Turner<br>(Term expires May 2014) |
| Jennifer L. DiTullio<br>(Term expires May 2016) | Martha F. Turner<br>(Term expires May 2014)   |
| Michael J. DiTullio<br>(Term expires May 2016)  |   |

Next election: 2014, 2016, 2018 and so forth.

Note: Board members may change due to elections and or a board member resigning, see District web site or call the District for updates. Elections are May every two years, next election 2014, then 2016 and so forth, see web site for more information.

Any other questions visit our web site: [www.windshireparkmetrodistrict.com](http://www.windshireparkmetrodistrict.com)

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