

**RESOLUTION**  
**ADOPTING BUDGET, APPROPRIATING FUNDS AND CERTIFYING MILL LEVIES**  
**FOR THE CALENDAR YEAR 2023**

---

The Board of Directors of Cherry Creek South Metropolitan District No. 5 (the “**Board**”), Town of Parker, Douglas County, Colorado (the “**District**”), held a regular meeting, via teleconference on October 27, 2022, at the hour of 3:00 P.M.

Prior to the meeting, each of the directors was notified of the date, time and place of the budget meeting and the purpose for which it was called and a notice of the meeting was posted or published in accordance with §29-1-106, C.R.S.

*[Remainder of Page Intentionally Left Blank]*

NOTICE AS TO PROPOSED 2023 BUDGET

Colorado Community Media  
750 W. Hampden Ave. Suite 225  
Englewood, CO 80110

Public Notice

NOTICE OF PUBLIC HEARING  
ON THE AMENDED 2022 BUDGETS  
AND  
NOTICE OF PUBLIC HEARING  
ON THE PROPOSED 2023 BUDGETS

Cherry Creek South Metro Districts (wba) \*\*  
c/o White Bear Ankele, Law  
2154 East Commons Avenue, Suite 2000  
Centennial CO 80122

NOTICE IS HEREBY GIVEN that the Boards of Directors (collectively the "Boards") of the CHERRY CREEK METROPOLITAN DISTRICT NOS. 4-6 (collectively the "Districts"), will hold a meeting via teleconference on **October 27, 2022 at 3:00 P.M.**, for the purpose of conducting such business as may come before the Boards including a public hearing on the 2023 proposed budgets (the "Proposed Budgets"). The necessity may also arise for amendments to the 2022 budgets (the "Amended Budgets"). This meeting can be joined using the following teleconference information:

Link:  
<https://us06web.zoom.us/j/88149752954?pwd=Z2xyMUdwN01RNSsrMXFrUg5Snc1Zz09>  
Meeting ID: 881 4975 2954  
Passcode: 788924  
Call-In Number: 1-720-707-2699

# AFFIDAVIT OF PUBLICATION

State of Colorado }  
County of Douglas } ss

NOTICE IS FURTHER GIVEN that the Proposed Budgets and Amended Budgets (if applicable) have been submitted to the Districts. A copy of the Proposed Budgets and Amended Budgets are on file in the office of CliftonLarsonAllen, LLP, 8390 E Crescent Pkwy #300, Englewood, CO 80111, where the same are open for public inspection.

This Affidavit of Publication for the Douglas County News Press, a weekly newspaper, printed and published for the County of Douglas, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 10/20/2022, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.

Any interested elector of the Districts may file any objections to the Proposed Budgets and Amended Budgets at any time prior to final adoption of the Proposed Budgets or the Amended Budgets by the Boards. This meeting is open to the public and the agenda for any meeting may be obtained by calling (303) 858-1800.

BY ORDER OF THE  
BOARDS OF DIRECTORS:

CHERRY CREEK SOUTH METROPOLITAN  
DISTRICT NOS. 4-6,  
quasi-municipal corporations and political  
subdivisions of the State of Colorado

/s/ WHITE BEAR ANKELE  
TANAKA & WALDRON  
Attorneys at Law

Legal Notice No. 943981  
First Publication: October 20, 2022  
Last Publication: October 20, 2022  
Publisher: Douglas County News-Press

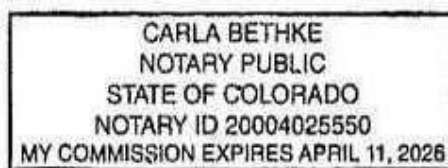


For the Douglas County News-Press

State of Colorado }  
County of Arapahoe } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 10/20/2022. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20004025550-061216  
Carla Bethke  
Notary Public  
My commission ends April 11, 2026



WHEREAS, the Board has designated its accountant to prepare and submit a proposed budget to the Board in accordance with Colorado law; and

WHEREAS, the proposed budget has been submitted to the Board for its review and consideration; and

WHEREAS, upon due and proper notice, provided in accordance with Colorado law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held and interested electors were given the opportunity to register their protest to the proposed budget prior to the adoption of the budget by the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. Adoption of Budget. The budget attached hereto and incorporated herein is approved and adopted as the budget of the District for fiscal year 2023. In the event of recertification of values by the County Assessor's Office after the date of adoption hereof, staff is hereby directed to modify and/or adjust the budget and certification to reflect the recertification without the need for additional Board authorization. Any such modification to the budget or certification as contemplated by this Section 1 shall be deemed ratified by the Board.

Section 2. Levy for General Operating Expenses. For the purpose of meeting all general operating expenses of the District during the 2023 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 3. Levy for Debt Service Obligations. For the purposes of meeting all debt service obligations of the District during the 2023 budget year, there is hereby levied a tax of 62.615 mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 4. Levy for Contractual Obligation Expenses. For the purposes of meeting all contractual obligations of the District during the 2023 budget year, there is hereby levied a tax of

10.984 mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 5. Levy for Capital Project Expenses. For the purposes of meeting all capital project obligations of the District during the 2022 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 6. Mill Levy Adjustment. When developing the attached budget, consideration was given to any changes in the method of calculating assessed valuation, including any changes to the assessment ratios, or any constitutionally mandated tax credit, cut or abatement, as authorized in the District's service plan. The Board hereby determines in good faith (such determination to be binding and final), that to the extent possible, the adjustments to the mill levies made to account for changes in Colorado law described in the prior sentence, and the actual tax revenues generated by the mill levies, are neither diminished nor enhanced as a result of those changes.

Section 7. Certification to County Commissioners. The Board directs its legal counsel, manager, accountant or other designee to certify to the Board of County Commissioners of Douglas County, Colorado the mill levies for the District as set forth herein. Such certification shall be in compliance with the requirements of Colorado law.

Section 8. Appropriations. The amounts set forth as expenditures in the budget attached hereto are hereby appropriated.

Section 9. Filing of Budget and Budget Message. The Board hereby directs its legal counsel, manager or other designee to file a certified copy of the adopted budget resolution, the budget and budget message with the Division of Local Government by January 30 of the ensuing year.

Section 10. Budget Certification. The budget shall be certified by a member of the District, or a person appointed by the District, and made a part of the public records of the District.

*[Remainder of Page Intentionally Left Blank]*


ADOPTED THIS OCTOBER 27, 2022.

**DISTRICT:**

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5**, a quasi-municipal corporation and political subdivision of the State of Colorado

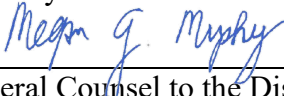
By:   
Kurt Wolter (Nov 2, 2022 14:04 MDT)  
Officer of the District

Attest:

By:   
Kim Jensen (Nov 3, 2022 09:18 MDT)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

  
General Counsel to the District

STATE OF COLORADO  
COUNTY OF DOUGLAS  
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5

I hereby certify that the foregoing resolution constitutes a true and correct copy of the record of proceedings of the Board adopted by a majority of the Board at a District meeting held via teleconference on Thursday, October 27, 2022, as recorded in the official record of the proceedings of the District.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of November, 2022.

  
Kim Jensen (Nov 3, 2022 09:18 MDT)

**EXHIBIT A**  
**BUDGET DOCUMENT**  
**BUDGET MESSAGE**

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5**  
**ANNUAL BUDGET**  
**FOR THE YEAR ENDING DECEMBER 31, 2023**



**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5  
SUMMARY  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

1/30/23

	ACTUAL 2021	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCES	\$ -	\$ 65,745,643	\$ 66,741,425
<b>REVENUES</b>			
Property taxes	-	131	130
Property taxes - Infrastructure Capital	-	12	12
Property taxes - Town Capital and Maintenance	-	12	11
Specific ownership taxes	-	10	12
Specific ownership taxes - Infrastructure Capital	-	1	1
Specific ownership taxes - Town Capital and Maintenance	-	1	1
Interest income	128	1,068,119	950,000
Developer advance	-	3,515,458	30,000,000
Transfers from CCSMD No. 6	-	104	270
Bond issuance	68,549,000	-	-
Total revenues	<u>68,549,128</u>	<u>4,583,848</u>	<u>30,950,437</u>
TRANSFERS IN	<u>-</u>	<u>4,000</u>	<u>4,000</u>
Total funds available	<u>68,549,128</u>	<u>70,333,491</u>	<u>97,695,862</u>
<b>EXPENDITURES</b>			
Debt Service Fund	-	4,015	4,014
Capital Projects Fund	2,803,485	3,584,051	97,687,169
Total expenditures	<u>2,803,485</u>	<u>3,588,066</u>	<u>97,691,183</u>
TRANSFERS OUT	<u>-</u>	<u>4,000</u>	<u>4,000</u>
Total expenditures and transfers out requiring appropriation	<u>2,803,485</u>	<u>3,592,066</u>	<u>97,695,183</u>
ENDING FUND BALANCES	<u>\$ 65,745,643</u>	<u>\$ 66,741,425</u>	<u>\$ 679</u>

No assurance provided. See summary of significant assumptions.

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5**  
**PROPERTY TAX SUMMARY INFORMATION**  
**2023 BUDGET**  
**WITH 2021 ACTUAL AND 2022 ESTIMATED**  
**For the Years Ended and Ending December 31,**

1/30/23

ACTUAL	ESTIMATED	BUDGET
2021	2022	2023

**ASSESSED VALUATION**

Agricultural	\$ 2,210	\$ 2,290	\$ 2,080
Certified Assessed Value	\$ 2,210	\$ 2,290	\$ 2,080

**MILL LEVY**

Debt Service	0.000	57.398	62.615
Contractual Obligation - Infrastructure Capital	0.000	5.034	5.492
Contractual Obligation - Town Capital and Maintenance	0.000	5.034	5.492
Total mill levy	0.000	67.466	73.599

**PROPERTY TAXES**

Debt Service	\$ -	\$ 131	\$ 130
Contractual Obligation - Infrastructure Capital	-	12	12
Contractual Obligation - Town Capital and Maintenance	-	12	11
Budgeted property taxes	\$ -	\$ 155	\$ 153

**BUDGETED PROPERTY TAXES**

Debt Service	-	131	130
Contractual Obligation - Infrastructure Capital	-	12	12
Contractual Obligation - Town Capital and Maintenance	-	12	11
Total	\$ -	\$ 155	\$ 153

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5  
GENERAL FUND  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

1/30/23

	ACTUAL 2021	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCES	\$ -	\$ -	\$ -
REVENUES			
Developer advance	-	-	-
Total revenues	-	-	-
Total funds available	-	-	-
EXPENDITURES			
General and administrative			
Accounting	-	-	-
Dues	-	-	-
Insurance	-	-	-
Legal	-	-	-
Contingency	-	-	-
Total expenditures	-	-	-
Total expenditures and transfers out requiring appropriation	-	-	-
ENDING FUND BALANCES	\$ -	\$ -	\$ -

No assurance provided. See summary of significant assumptions.

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5  
DEBT SERVICE FUND  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

1/30/23

	ACTUAL 2021	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCES	\$ -	\$ -	\$ 256
<b>REVENUES</b>			
Property taxes	-	131	130
Property taxes - Infrastructure Capital	-	12	12
Property taxes - Town Capital and Maintenance	-	12	11
Specific ownership tax	-	10	12
Specific ownership taxes - Infrastructure Capital	-	1	1
Specific ownership taxes - Town Capital and Maintenance	-	1	1
Transfers from CCSMD No. 6	-	104	270
Total revenues	-	271	437
<b>TRANSFERS IN</b>			
Transfer from other funds	-	4,000	4,000
Total funds available	-	4,271	4,693
<b>EXPENDITURES</b>			
County Treasurer's fee	-	2	2
Transfers to Town of Parker	-	13	12
Paying agent fees	-	4,000	4,000
Total expenditures	-	4,015	4,014
Total expenditures and transfers out requiring appropriation	-	4,015	4,014
ENDING FUND BALANCES	\$ -	\$ 256	\$ 679

No assurance provided. See summary of significant assumptions.

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5  
CAPITAL PROJECTS FUND  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

1/30/23

	ACTUAL 2021	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCES	\$ -	\$ 65,745,643	\$ 66,741,169
<b>REVENUES</b>			
Interest income	128	1,068,119	950,000
Developer advance	-	3,515,458	30,000,000
Bond issuance	68,549,000	-	-
Total revenues	68,549,128	4,583,577	30,950,000
<b>EXPENDITURES</b>			
Legal services	-	19,772	-
Bond issue costs	1,748,322	-	-
Contingency	-	-	37,169
Capital Projects			
Repay developer advance	-	-	30,000,000
Transfers to CCSMD No. 4	1,055,163	3,564,279	67,650,000
Total expenditures	2,803,485	3,584,051	97,687,169
<b>TRANSFERS OUT</b>			
Transfers to other fund	-	4,000	4,000
Total expenditures and transfers out requiring appropriation	2,803,485	3,588,051	97,691,169
ENDING FUND BALANCES	\$ 65,745,643	\$ 66,741,169	\$ -

No assurance provided. See summary of significant assumptions.

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5  
2023 BUDGET  
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

**Services Provided**

The District was organized by Order and Decree of the District Court of Douglas County, Colorado on November 18, 2004, to provide financing for design, acquisition, construction and installation, relocation and redevelopment of essential public-purpose facilities such as water, streets, traffic and safety controls, parks, open space and recreation, sewer and drainage facilities, public transportation, and the operation and maintenance of the District. The District's service area is located entirely within the boundaries of the Town of Parker, Douglas County, Colorado.

At its organization election held on November 2, 2004, the voters approved general obligation indebtedness of \$37,560,000 for street improvements, \$37,560,000 for traffic safety, \$59,280,000 for parks and recreational facilities, \$14,280,000 for sanitary sewer system, \$8,880,000 for a complete potable and non-potable water system, \$130,000,000 for refunding District debt and \$10,000,000 for general operation and maintenance. District voters approved authorization to increase property tax up to \$1,000,000 annually to pay for the operations and maintenance expenditures of the District. Per the District's Service Plan, the Districts are limited to issuing a total of \$213,500,000, in the aggregate. Additionally, the election allows the District to collect, spend and retain all revenues, other than ad valorem taxes, without regard to the limitations contained in Article X, Section 20 of the Colorado constitution.

The District has no employees and all administrative function are contracted.

The District prepares its budget on the modified accrual basis of accounting in accordance with the requirements of Colorado Revised Statutes C.R.S. 29-1-105 using its best estimates as of the date of the budget hearing. These estimates are based on expected conditions and its expected course of actions. The assumptions disclosed herein are those that the District believes are significant to the budget. There will usually be differences between the budget and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

**Revenues**

**Property Taxes**

Property taxes are levied by the District's Board of Directors. The levy is based on assessed valuations determined by the County Assessor generally as of January 1 of each year. The levy is normally set by December 15 by certification to the County Commissioners to put the tax lien on the individual properties as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April or, if in equal installments, at the taxpayer's election, in February and June. Delinquent taxpayers are notified in August, and generally, sale of the tax liens on delinquent properties are held in November or December. The County Treasurer remits the taxes collected monthly to the District.

The calculation of the taxes levied is displayed on the Property Tax Summary page of the budget using the mill levy adopted by the District.

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5  
2023 BUDGET  
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

**Revenues (continued)**

**Specific Ownership Taxes**

Specific ownership taxes are set by the State and collected by the County Treasurer, primarily on vehicle licensing within the County as a whole. The specific ownership taxes are allocated by the County Treasurer to all taxing entities within the County. The budget assumes that the District's share will be equal to approximately 9.0% of the property taxes collected.

**Interest Income**

Interest earned on the District's available funds has been estimated on an average interest rate of approximately 3.0%.

**Expenditures**

**Transfers to Town of Parker**

On May 18, 2020, the District entered into an intergovernmental agreement with the Town of Parker to impose a property tax mill levy of 5.492 for the planning, design, construction and/or maintenance of the Town infrastructure. The District is required to remit the revenues to the Town of Parker.

**Transfers to Cherry Creek South Metropolitan District No. 4**

Pursuant to the Infrastructure Acquisition and Project Fund Disbursement Agreement between the District, Cherry Creek South Metropolitan District No. 4 ("District No. 4") and Cherry Creek South Metropolitan District No. 6 ("District No. 6"), the Districts have agreed that District No. 4 will own, operate and maintain all public improvements benefitting all Districts. The costs of the public improvements anticipated to be paid by the District in 2023 are transferred to District No. 4.

**County Treasurer's Fees**

County Treasurer's collection fees have been computed at 1.5% of property taxes.

**Capital Expenditures**

Estimated capital expenditures for public improvements are transferred to District No. 4.

**CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5  
2023 BUDGET  
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

**Debts and Leases**

On November 23, 2021, the District issued Limited Tax General Obligation Bonds, Series 2021<sup>(3)</sup> in the par amount of \$68,549,000 (“the Bonds”). Proceeds from the sale of the Bonds will be used to finance or reimburse the costs of public improvements related to a residential development in the Town and to pay costs of issuance of the Bonds.

The Bonds bear interest at the rate of 6.000% per annum and are payable annually on December 1, beginning on December 1, 2022, but only to the extent of available Pledged Revenue. The Bonds mature on December 1, 2051 and are subject to mandatory redemption to the extent of available Pledged Revenue.

The Bonds are structured as cash flow bonds meaning that there are no scheduled payments of principal or interest prior to the maturity date. Unpaid interest on the Bonds compounds annually on each December 1. In the event any amounts due and owing on the Bonds remain outstanding on December 1, 2061 after the application of all Pledged Revenue available therefor, such amounts shall be extinguished and no longer due and outstanding.

The District has no operating or capital leases.

**Reserve Funds**

The District has not provided for an emergency reserve equal to at least 3% of the fiscal year spending, as defined under TABOR, because the District has no operating budget. District No. 4 (Operating District) provides for such reserve.

**This information is an integral part of the accompanying budget.**