

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
MARABOU RANCH METROPOLITAN DISTRICT**

**DESIGNATING THE DISTRICT'S WEBSITE FOR THE ONLINE POSTING OF
MEETING NOTICES AND 24-HOUR POSTING LOCATION**

WHEREAS, the Marabou Ranch Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to § 24-6-402(1)(a), C.R.S., the District is a local public body and subject to the provisions of §§ 24-6-401, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 32-1-903(2) and § 24-6-402(2)(c), C.R.S., the District shall be considered to have given full and timely notice to the public if notice of the meeting is posted, with specific agenda information if available, on a public website of the District no less than twenty-four (24) hours prior to the meeting; and

WHEREAS, pursuant to § 24-6-402(2)(c), C.R.S., the District shall make the notice posted on the public website accessible at no charge to the public, consider linking the notice to any appropriate social media accounts of the District, and, to the extent feasible, make the notices searchable by type of meeting, date of meeting, time of meeting, agenda contents, and any other category deemed appropriate by the District; and

WHEREAS, pursuant to § 24-6-402(2)(c), C.R.S., the District shall designate a place within the boundaries of the local public body at which it may post a notice no less than twenty-four (24) hours in advance of the meeting in the event that the District is unable to post the notice online due to exigent or emergency circumstances.

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

1. Pursuant to § 24-6-402(2)(c), C.R.S., the Board hereby designates <https://coloradocommunities.org/marabou-ranch-metro> as the website at which notices of District meetings will be posted twenty-four (24) hours in advance.

2. Pursuant to § 24-6-402(2)(c), C.R.S., the Board hereby designates the following location for the posting of its meeting notices twenty-four (24) hours in advance in the event that the District is unable to post notice on the District's website:

42375 River Keeper Path,
Steamboat Springs, CO 80457

ADOPTED this 23rd day of August, 2021.

MARABOU RANCH METROPOLITAN
DISTRICT

Rudi P. Fronk

Rudi P. Fronk (Oct 6, 2021 10:09 MDT)

Officer of the District

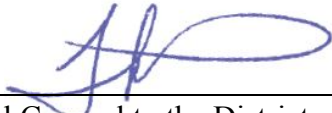
ATTEST:

David M Blandford

David M Blandford (Aug 25, 2021 11:18 MDT)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

[Signature Page to Resolution Designating the 24-Hour Posting Location.]

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
MARABOU RANCH METROPOLITAN DISTRICT**

**DESIGNATING THE LOCATION OF REGULAR MEETINGS OF THE BOARD OF
DIRECTORS**

WHEREAS, the Marabou Ranch Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the Board of Directors of the District (“**Board**”) previously adopted a Resolution Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings (the “**Emergency Resolution**”); and

WHEREAS, pursuant to the Emergency Resolution, any actions, including, but not limited to the adoption of the Emergency Resolution, taken at a regular or special meeting held by teleconference platform shall be ratified at the first regular or special in-person Board meeting that takes place after adoption of the Emergency Resolution; and

WHEREAS, pursuant to § 32-1-903(1), C.R.S., the Board shall meet regularly at a time and in a location to be designated by the Board; and

WHEREAS, the Colorado Legislature enacted House Bill 21-1278 amending § 32-1-903, C.R.S., to clarify what qualifies as a meeting location for purposes of special district board meetings; and

WHEREAS, pursuant to § 32-1-903(5)(a), C.R.S., “location” means the physical, telephonic, electronic, or other virtual place, or combination of such means where a meeting can be attended; and

WHEREAS, § 32-1-903(4), C.R.S., provides that the method of conducting any meeting held prior to the effective date of this section, as amended, by telephonic, electronic, or other virtual means is validated, ratified, confirmed, and may not be challenged; and

WHEREAS, the Board desires to repeal the Emergency Resolution; and

WHEREAS, the Board desires to designate the location for regular meetings of the Board.

NOW, THEREFORE, the Board hereby RESOLVES as follows:

1. **Ratification of Prior Actions.** The Board hereby finds and determines that, pursuant to § 32-1-903(4), C.R.S., actions taken by the Board before July 7, 2021, are automatically validated, ratified and confirmed and cannot be challenged. All actions taken by the Board in meetings on or after July 7, 2021, and prior to the date of this resolution, are hereby ratified by the Board.

2. **Designation of Regular Meeting Location.** As of the date hereof, all regular meetings of the Board will be held at the following location(s):

By telephonic, electronic, or other virtual means, and notice of all meetings of the Board shall include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.

AND/OR

Physical Meeting Location: 42375 River Keeper Path
Steamboat Springs, CO 80487

3. **Notice of Meetings Location.** All notices of meetings shall designate whether such meeting will be held by electronic means, at a physical location, or both, and notices of electronic meetings shall include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.

4. **Effect of Resolution.** The above location shall remain in effect until contrary action is taken by the Board, which action must comply with §32-1-903(1), C.R.S., or §§ 32-1-903(1)(a) - 32-1-903(1)(b), C.R.S.

[Remainder of page intentionally left blank.]

ADOPTED this 23rd day of August, 2021.

MARABOU RANCH METROPOLITAN DISTRICT

Rudi P. Fronk

Rudi P. Fronk (Oct 6, 2021 10:09 MDT)

Officer of the District

ATTEST:

David M Blandford

David M Blandford (Aug 25, 2021 11:18 MDT)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

Signature Page to Resolution Designating the Location of Regular Meetings

**MARABOU RANCH METROPOLITAN DISTRICT
ANNUAL ADMINISTRATIVE RESOLUTION
(2022)**

WHEREAS, the Marabou Ranch Metropolitan District (the “**District**”), was organized as a special district pursuant to an Order and Decree of the District Court in and for the County of Routt, Colorado (the “**County**”); and

WHEREAS, the Board of Directors (the “**Board**”) of the District, has a duty to perform certain obligations in order to assure the efficient operation of the District and hereby directs its consultants to take the following actions.

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

1. The Board directs legal counsel to cause an accurate map of the District’s boundaries to be prepared in accordance with the standards specified by the Division of Local Government (“**Division**”) and to be filed in accordance with § 32-1-306, C.R.S.

2. The Board directs legal counsel to notify the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, the governing body of any municipality in which the District is located, and the Division of the name of the chairman of the Board, the contact person, telephone number and business address of the District, as required by § 32-1-104(2), C.R.S.

3. The Board directs legal counsel to prepare and file with the Division, within thirty (30) days of a written request from the Division, an informational listing of all contracts in effect with other political subdivisions, in accordance with § 29-1-205, C.R.S.

4. The Board directs the District’s accountant to cause the preparation of and to file with the Department of Local Affairs the annual public securities report for nonrated public securities issued by the District within sixty (60) days of the close of the fiscal year, as required by §§ 11-58-101, *et seq.*, C.R.S.

5. The Board directs the District’s accountant to: 1) obtain proposals for auditors to be presented to the Board; 2) to cause an audit of the annual financial statements of the District to be prepared and submitted to the Board on or before June 30; and 3) to cause the audit to be filed with the State Auditor by July 31st, or by the filing deadline permitted under any extension thereof, all in accordance with §§ 29-1-603(1) and 29-1-606, C.R.S. Alternatively, if warranted by § 29-1-604, C.R.S., the Board directs the District’s accountant to apply for and obtain an audit exemption from the State Auditor on or before March 31st in accordance with § 29-1-604, C.R.S.

6. The Board directs legal counsel if the District has authorized but unissued general obligation debt as of the end of the fiscal year, to cause to be submitted to the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the District, the District’s audit report or a copy of its application for exemption from audit in accordance with § 29-1-606(7), C.R.S.

7. The Board directs the District's accountant to submit a proposed budget to the Board by October 15th, to prepare the final budget and budget message, including any amendments thereto, if necessary, and directs legal counsel to schedule a public hearing on the proposed budget and/or amendments, and to post or publish notices thereof, to prepare all budget resolutions and to file the budget, budget resolution and budget message with the Division on or before January 30th, all in accordance with §§ 29-1-101, *et seq.*, C.R.S.

8. The Board directs the District's accountant to monitor expenditures and contracted expenditures and, if necessary, to notify legal counsel and the Board when expenditures or contracted expenditures are expected to exceed appropriated amounts, and directs legal counsel to prepare all budget amendment resolutions and directs legal counsel to schedule a public hearing on a proposed budget amendment and to post or publish notices thereof and to file the amended budget with the Division on or before the date of making such expenditure or contracting for such expenditure, all in accordance with §§ 29-1-101, *et seq.*, C.R.S.

9. The Board directs legal counsel to cause the preparation of the Unclaimed Property Act report and submission of the same to the State Treasurer by November 1st if there is property presumed abandoned and subject to custody as unclaimed property, in accordance with § 38-13-110, C.R.S.

10. The Board directs the District's accountant to prepare the mill levy certification form and directs the District's accountant to file the mill levy certification form with the Board of County Commissioners on or before December 15th, in accordance with § 39-5-128, C.R.S.

11. The Board directs that all legal notices shall be published in accordance with § 32-1-103(15), C.R.S.

12. The Board determines that each director shall not receive compensation for their services as directors subject to the limitations set forth in §§ 32-1-902(3)(a)(I) & (II), C.R.S.

13. The District hereby acknowledges, in accordance with § 32-1-902, C.R.S., the following officers for the District:

President:	Marlin B. Dailey, Jr.
Treasurer:	Rudi P. Fronk
Secretary:	William Vogelpohl
Assistant Secretary:	Teresa L. VanOrden
Assistant Secretary:	David M. Blandford
Recording Secretary:	Legal Counsel

14. The Board hereby determines that each member of the Board shall, for any potential or actual conflicts of interest, complete conflicts of interest disclosures and directs legal counsel to file the conflicts of interest disclosures with the Board and with the Colorado Secretary of State at least seventy-two (72) hours prior to every regular and special meeting of the Board, in accordance with §§ 32-1-902(3)(b) and 18-8-308, C.R.S. Written disclosures provided by Board

members required to be filed with the governing body in accordance with § 18-8-308, C.R.S. shall be deemed filed with the Board when filed with the Secretary of State. Additionally, at the beginning of each year, each Board member shall submit information to legal counsel regarding any actual or potential conflicts of interest and, throughout the year, each Board member shall provide legal counsel with any revisions, additions, corrections or deletions to said conflicts of interest disclosures.

15. The Board confirms its obligations under § 24-10-110(1), C.R.S., with regards to the defense and indemnification of its public employees, which, by definition, includes elected and appointed officers.

16. The Board hereby appoints the legal counsel as the official custodian for the maintenance, care and keeping of all public records of the District, in accordance with §§ 24-72-202, *et seq.*, C.R.S. The Board hereby directs its legal counsel, accountant, manager and all other consultants to adhere to the Colorado Special District Records Retention Schedule as adopted by the District.

17. The Board directs the District's accountant (for posting on the District's website) and the District's manager (for physical posting) to post notice of all regular and special meetings in accordance with § 32-1-903(2) and § 24-6-402(2)(c), C.R.S. The Board hereby designates <https://colo-communities.org/marabou-ranch-metro> as the District's website for the posting of its regular and special meeting notices. The Board also hereby designates, unless otherwise designated by the Board, 42375 River Keeper Path, Steamboat Springs, Colorado, as the location the District will post notices of meetings in the event of exigent or emergency circumstances which prevent the District from posting notice of the meeting on the District's website. The Board directs legal counsel to provide the website address set forth above to the Department of Local Affairs for inclusion in the inventory maintained pursuant to § 24-32-116, C.R.S.

18. The Board determines to hold regular meetings on December 1, at 11:00 a.m. at 42375 River Keeper Path, Steamboat Springs, Colorado, and/or by telephone, electronic, or other means not including physical presence. All notices of meetings shall designate whether such meeting will be held by electronic means, at a physical location, or both, and shall designate how members of the public may attend such meeting, including the conference number or link by which members of the public can attend the meeting electronically, if applicable.

19. In the event of an emergency, the Board may conduct a meeting outside of the limitations prescribed in § 24-6-402(2)(c), C.R.S., provided that any actions taken at such emergency meeting are ratified at the next regular meeting of the Board or at a special meeting conducted after proper notice has been given to the public.

20. For the convenience of the electors of the District, and pursuant to its authority set forth in § 1-13.5-1101, C.R.S., the Board hereby deems that all regular and special elections of the District shall be conducted as independent mail ballot elections in accordance with §§ 1-13.5-1101, *et seq.*, C.R.S., unless otherwise deemed necessary and expressed in a separate election resolution adopted by the Board.

21. Pursuant to the authority set forth in § 1-1-111, C.R.S., the Board hereby appoints Ashley B. Frisbie, of the law firm of WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law, as the Designated Election Official (the “DEO”) of the District for any elections called by the Board, or called on behalf of the Board by the DEO, and hereby authorizes and directs the DEO to take all actions necessary for the proper conduct of the election, including, if applicable, cancellation of the election in accordance with § 1-13.5-513, C.R.S.

22. In accordance with § 1-11-103(3), C.R.S., the Board hereby directs the DEO to certify to the Division the results of any elections held by the District and, pursuant to § 32-1-1101.5(1), C.R.S., to certify results of any ballot issue election to incur general obligation indebtedness to the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the district and file a copy of such certification with the Division of Securities.

23. The Board directs legal counsel to cause a notice of authorization of or notice to incur general obligation debt to be recorded with the County Clerk and Recorder within thirty (30) days of authorizing or incurring any indebtedness, in accordance with § 32-1-1604, C.R.S.

24. Pursuant to the authority set forth in § 24-12-103, C.R.S., the Board hereby designates, in addition to any officer of the District, George M. Rowley of the law firm of WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law as a person with the power to administer all oaths or affirmations of office and other oaths or affirmations required to be taken by any person upon any lawful occasion.

25. The Board directs legal counsel to cause the preparation of and filing with the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the District, if requested, the application for quinquennial finding of reasonable diligence in accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S.

26. The Board directs legal counsel to cause the preparation of and the filing with the Board of County Commissioners or the governing body of any municipality in which the District is located, the Division, the State Auditor, the County Clerk and Recorder and any interested parties entitled to notice pursuant to § 32-1-204(1), C.R.S., an annual report, if requested, in accordance with § 32-1-207(3)(c), C.R.S.

27. The Board directs legal counsel to obtain proposals and/or renewals for insurance, as applicable, to insure the District against all or any part of the District’s liability, in accordance with §§ 24-10-115, *et seq.*, C.R.S. The Board directs the District’s accountant to pay the annual SDA membership dues, agency fees and insurance premiums, as applicable, in a timely manner. The Board appoints legal counsel to designate the proxy for the SDA Annual meeting for voting and quorum purposes.

28. The Board hereby opts to exclude elected or appointed officials as employees within the meaning of § 8-40-202(1)(a)(I)(A), C.R.S., and hereby directs legal counsel to file a statement with the Division of Workers’ Compensation in the Department of Labor and Employment not less than forty-five (45) days before the start of the policy year for which the option is to be exercised, in accordance with § 8-40-202(1)(a)(I)(B), C.R.S.

29. The Board hereby directs legal counsel to prepare the disclosure notice required by § 32-1-809, C.R.S., and to disseminate the information to the electors of the District accordingly.

30. The Board hereby directs legal counsel to prepare and record with the County Clerk and Recorder updates to the disclosure statement notice and map required by § 32-1-104.8, C.R.S., if additional property is included within the District's boundaries.

31. In accordance with § 38-35-109.5(2), C.R.S, the District hereby designates the President of the Board as the official who shall record any instrument conveying title of real property to the District within 30 days of any such conveyance.

32. The Board directs the legal counsel to prepare and submit the documentation required by any continuing disclosure obligation signed in conjunction with the issuance of debt by the District.

33. The Board directs legal counsel to monitor, and inform the Board of, any legislative changes that may occur throughout the year.

[Remainder of page intentionally left blank, signature page follows.]

ADOPTED this 28th day of October, 2021.

MARABOU RANCH METROPOLITAN DISTRICT

By: 
Marlin Dailey (Jan 7, 2022 08:32 MST)

Officer of the District

Attest:

By: 
Bill Vogelpohl (Dec 15, 2021 09:55 MST)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

CERTIFICATION OF RESOLUTION

I hereby certify that the foregoing constitutes a true and correct copy of the resolution of the Board adopted at a meeting held on October 28, 2021, via teleconference.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of December, 2021.


Bill Vogelpohl (Dec 15, 2021 09:55 MST)

Signature

Bill Vogelpohl

Printed Name

**SECOND AMENDMENT
TO THE
AMENDED AND RESTATED RESOLUTION
OF THE
BOARD OF DIRECTORS
OF
MARABOU RANCH METROPOLITAN DISTRICT

CONCERNING THE IMPOSITION OF A CAPITAL FACILITIES FEE

(Adoption of a New Schedule of Fees)**

WHEREAS, Marabou Ranch Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for Routt County, Colorado, and after approval of the District’s eligible electors at an election; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control, and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose and, from time to time, increase or decrease fees, rates, tolls, penalties, and charges for services or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, such fees, rates, tolls, penalties, or charges, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, on November 7, 2019, the Board adopted the Amended and Restated Resolution of the Board of Directors of Marabou Ranch Metropolitan District Concerning the Imposition of a Capital Facilities Fee, effective as of January 1, 2020, and which was recorded with the Routt County Clerk and Recorder on January 17, 2020, at Reception Number 806789 , as amended by the First Amendment to the Amended and Restated Resolution of the board of Directors of Marabou Ranch Metropolitan District Concerning the Imposition of a Capital Facilities Fee, approved on October 20, 2020, and recorded with the Routt County Clerk and Recorder on October, 21, 2020 at Reception Number 815591 (together the “**Fee Resolution**”); and

WHEREAS, the Board has determined that modification of the Schedule of Fees in the Fee Resolution is necessary and in the best interests of the District, present and future property owners within the District, and the properties served by the District.

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

1. AMENDMENT. The Schedule of Fees set forth in Exhibit A of the Fee

Resolution is replaced in its entirety by the Schedule of Fees set forth in Exhibit A to this Resolution, which is attached hereto and incorporated herein by this reference.

2. PRIOR PROVISIONS EFFECTIVE. Except as specifically amended hereby, all the terms and provisions of the Fee Resolution shall remain in full force and effect.


3. PRIOR FEES. Any fees, rates, tolls penalties or charges due under the Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

4. EFFECTIVE DATE. This Resolution shall become effective on January 1, 2022.

[Remainder of Page Intentionally Left Blank. Signature Page to Follow].

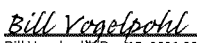
APPROVED AND ADOPTED this 28th day of October, 2021.

MARABOU RANCH METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado


Marlin Dailey (Jan 7, 2022 08:32 MST)

Officer of the District

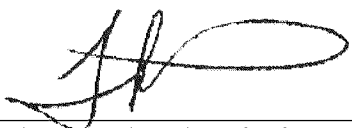
ATTEST:


Bill Vogelpoth (Dec 15, 2021 09:55 MST)

Officer of the District

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

*Signature Page to Second Amendment to Amended and Restated Resolution
Concerning the Imposition of a Capital Facilities Fee – Adoption of New Fee Schedule*

EXHIBIT A

**MARABOU RANCH METROPOLITAN DISTRICT
Schedule of Fees
Effective January 1, 2022**

Schedule of Capital Facilities Fees	
Vacant Lots	\$1,038/year, payable in four quarterly installments of \$259.50 each
Improved Lots	\$0.00
Due Date: Each quarterly installment of the Capital Facilities Fees shall be due and payable to the District on a quarterly basis, due on January 30, April 30, July 30 and October 30 of each year.	

PAYMENTS: Payment of the Capital Facilities Fee shall be made payable to Marabou Ranch Metropolitan District and sent to the following address for receipt by the Due Date:

Marchetti & Weaver, LLC
28 Second Street, Suite 213
Edwards, CO 81632

**SECOND AMENDMENT
TO THE
SECOND AMENDED AND RESTATED RESOLUTION
OF THE
BOARD OF DIRECTORS
OF
MARABOU RANCH METROPOLITAN DISTRICT
CONCERNING THE IMPOSITION OF A MAINTENANCE FEE**

(Adoption of a New Schedule of Fees)

WHEREAS, Marabou Ranch Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for Routt County, Colorado, and after approval of the District’s eligible electors at an election; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control, and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose and, from time to time, increase or decrease fees, rates, tolls, penalties, and charges for services or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, such fees, rates, tolls, penalties, or charges, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, on November 7, 2019, the Board adopted the Second Amended and Restated Resolution of the Board of Directors of Marabou Ranch Metropolitan District Concerning the Imposition of a Maintenance Fee, effective as of January 1, 2020, and which was recorded with the Routt County Clerk and Recorder on November 14, 2019, at Reception Number 804919; as amended by the First Amendment to the Second Amended and Restated Resolution of the Board of Directors of Marabou Ranch Metropolitan District Concerning the Imposition of a Maintenance Fee, adopted on October 20, 2020, and recorded with the Routt County Clerk and Recorder on October 21, 2020 at Reception number 815590 (together the “**Fee Resolution**”); and

WHEREAS, the Board has determined that modification of the Schedule of Fees in the Fee Resolution is necessary and in the best interests of the District, present and future property owners within the District, and the properties served by the District.

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

1. AMENDMENT. The Schedule of Fees set forth in Exhibit A of the Fee

Resolution is replaced in its entirety by the Schedule of Fees set forth in Exhibit A to this Resolution, which is attached hereto and incorporated herein by this reference.

2. PRIOR PROVISIONS EFFECTIVE. Except as specifically amended hereby, all the terms and provisions of the Fee Resolution shall remain in full force and effect.


3. PRIOR FEES. Any fees, rates, tolls penalties or charges due under the Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

4. EFFECTIVE DATE. This Resolution shall become effective on January 1, 2022.

[Remainder of Page Intentionally Left Blank. Signature Page to Follow].

APPROVED AND ADOPTED this 28th day of October, 2021.

MARABOU RANCH METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado



Martin Dalley (Jan 7, 2022 08:32 MST)
Officer of the District

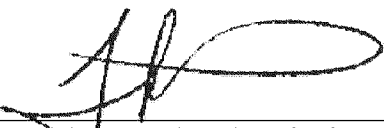
ATTEST:



Bill Vogelwohl (Dec 15, 2021 09:55 MST)
Officer of the District

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

*Signature Page to Second Amendment to Amended and Restated Resolution
Concerning the Imposition of a Maintenance Fee – Adoption of New Fee Schedule*

EXHIBIT A

**MARABOU RANCH METROPOLITAN DISTRICT
Schedule of Fees
Effective January 1, 2022**

Schedule of Maintenance Fees	
Vacant Lots	\$2,562/year, payable in four quarterly installments of \$640.50 each
Improved Lots	\$0.00
Due Date: Each quarterly installment of the Maintenance Fees shall be due and payable to the District on a quarterly basis, due on January 30, April 30, July 30 and October 30 of each year.	

PAYMENTS: Payment of the Maintenance Fee shall be made payable to Marabou Ranch Metropolitan District and sent to the following address for receipt by the Due Date:

Marchetti & Weaver, LLC
28 Second Street, Suite 213
Edwards, CO 81632

**SECOND AMENDMENT
TO THE
SECOND AMENDED AND RESTATED RESOLUTION
OF THE
BOARD OF DIRECTORS
OF
MARABOU RANCH METROPOLITAN DISTRICT
CONCERNING THE IMPOSITION OF A MAINTENANCE FEE**

(Adoption of a New Schedule of Fees)

WHEREAS, Marabou Ranch Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for Routt County, Colorado, and after approval of the District’s eligible electors at an election; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control, and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose and, from time to time, increase or decrease fees, rates, tolls, penalties, and charges for services or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, such fees, rates, tolls, penalties, or charges, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, on November 7, 2019, the Board adopted the Second Amended and Restated Resolution of the Board of Directors of Marabou Ranch Metropolitan District Concerning the Imposition of a Maintenance Fee, effective as of January 1, 2020, and which was recorded with the Routt County Clerk and Recorder on November 14, 2019, at Reception Number 804919; as amended by the First Amendment to the Second Amended and Restated Resolution of the Board of Directors of Marabou Ranch Metropolitan District Concerning the Imposition of a Maintenance Fee, adopted on October 20, 2020, and recorded with the Routt County Clerk and Recorder on October 21, 2020 at Reception number 815590 (together the “**Fee Resolution**”); and

WHEREAS, the Board has determined that modification of the Schedule of Fees in the Fee Resolution is necessary and in the best interests of the District, present and future property owners within the District, and the properties served by the District.

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

1. AMENDMENT. The Schedule of Fees set forth in Exhibit A of the Fee

Resolution is replaced in its entirety by the Schedule of Fees set forth in Exhibit A to this Resolution, which is attached hereto and incorporated herein by this reference.

2. PRIOR PROVISIONS EFFECTIVE. Except as specifically amended hereby, all the terms and provisions of the Fee Resolution shall remain in full force and effect.

3. PRIOR FEES. Any fees, rates, tolls penalties or charges due under the Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

4. EFFECTIVE DATE. This Resolution shall become effective on January 1, 2022.

[Remainder of Page Intentionally Left Blank. Signature Page to Follow].


APPROVED AND ADOPTED this 28th day of October, 2021.

MARABOU RANCH METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado


Martin Dailey (Jan 7, 2022 08:32 MST)

Officer of the District

ATTEST:




Bill Vogelwohl (Dec 15, 2021 09:55 MST)

Officer of the District

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

*Signature Page to Second Amendment to Amended and Restated Resolution
Concerning the Imposition of a Maintenance Fee – Adoption of New Fee Schedule*

EXHIBIT A

**MARABOU RANCH METROPOLITAN DISTRICT
Schedule of Fees
Effective January 1, 2022**

Schedule of Maintenance Fees	
Vacant Lots	\$2,562/year, payable in four quarterly installments of \$640.50 each
Improved Lots	\$0.00
Due Date: Each quarterly installment of the Maintenance Fees shall be due and payable to the District on a quarterly basis, due on January 30, April 30, July 30 and October 30 of each year.	

PAYMENTS: Payment of the Maintenance Fee shall be made payable to Marabou Ranch Metropolitan District and sent to the following address for receipt by the Due Date:

Marchetti & Weaver, LLC
28 Second Street, Suite 213
Edwards, CO 81632