

**THIRD 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, 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; and the 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, approved on October 28, 2021, and recorded with the Routt County Clerk and Recorder on January 7, 2022, at Reception Number 833610 (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, 2023.

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

APPROVED AND ADOPTED this 5th day of December, 2022.


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



Marlin B Dailey (Dec 5, 2022 18:24 MST)

Officer of the District

ATTEST:




Teresa VanOrden (Dec 5, 2022 19:03 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 Third 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, 2023**

Schedule of Capital Facilities Fees	
Vacant Lots	\$1,057/year, payable in four quarterly installments of \$264.25 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

**THIRD 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, 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; and 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; and the 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, adopted on October 28, 2021, and recorded with the Routt County Clerk and Recorder on January 7, 2022, at Reception number 833611 (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, 2023.

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

APPROVED AND ADOPTED this 5th day of December, 2022.


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



Martin B. Dailey (Dec 5, 2022 18:24 MST)

Officer of the District

ATTEST:

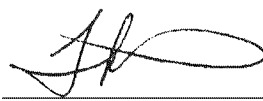


Teresa VanOrden (Dec 5, 2022 19:03 MST)

Officer of the District

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

*Signature Page to Third Amendment to Second 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, 2023**

Schedule of Maintenance Fees	
Vacant Lots	\$2,643/year, payable in four quarterly installments of \$660.75 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