

**RESOLUTION OF THE BOARD OF DIRECTORS OF
ROAM METROPOLITAN DISTRICT NO. 2
APPROVING THE INCLUSION
OF REAL PROPERTY INTO THE DISTRICT**

WHEREAS, Fraser River Development Co LLC ("Petitioner") has submitted a petition, attached hereto as Exhibit A and incorporated herein by reference (the "Petition"), to Roam Metropolitan District No. 2 (the "District") requesting that certain real property described in the Petition (the "Property") be included into the boundaries of the District; and

WHEREAS, Petitioner is the fee owner of one hundred percent (100%) of the Property; and

WHEREAS, the Property includes, in part, real property comprising the airspace above the first story of a proposed mixed-use building (defined in the Petition as the "Air Space Parcels"), which Air Space Parcels are anticipated for residential development; and

WHEREAS, no portion of the Building A Property (as defined in the Petition) other than the Air Space Parcels comprises any portion of the Property to be included and the remainder of the Building A Property is expected to be developed for commercial, rather than residential, purposes; and

WHEREAS, concurrently with submitting the Petition to the District, Petitioner submitted a petition for the exclusion of that portion of the Property comprising the Air Space Parcels from the boundaries of Roam Metropolitan District No. 1 ("District No. 1"); and

WHEREAS, as provided in the Petition, Petitioner anticipates that it or its successors or assigns may record one or more plats describing all or a portion of the Building A Property and the Air Space Parcels (the "Plat"); and

WHEREAS, the Petition authorizes the description of the Building A Property and the Air Space Parcels set forth in such Plat to be substituted for the description of all or a portion of the Building A Property and the Air Space Parcels as set forth in the Petition, at such time as the Plat is recorded; and

WHEREAS, the Property also includes additional real property the Petitioner seeks to include within the boundaries of the District (defined in the Petition as the "Parcel F Property"); and

WHEREAS, the Property is capable of being served with the facilities and services of the District; and

WHEREAS, in accordance with Section 32-1-401(1)(b), C.R.S., on April 9, 2020, the District published notice in *The Middle Park Times* of the filing of the Petition and stated, in addition to other notice requirements, that a public hearing would be held on the Petition; and

WHEREAS, the Board of Directors of the District (the "Board") conducted a public hearing on the Petition on April 14, 2020 as required by Section 32-1-401(1)(b), C.R.S.; and

WHEREAS, the Consolidated Service Plan (the "Service Plan") for Roam Metropolitan Districts Nos. 1, 2, and 3 (the "Districts") approved by the Town of Winter Park ("Town") Town Council on August 7, 2018 provides in Section III that the inclusion of property located within the Future Inclusion Area Boundaries (as defined in the Service Plan) into any of the Districts may be accomplished without further approval of the Town; and

WHEREAS, the Property is located within the Future Inclusion Area Boundaries, meaning no additional Town consent is necessary to include it within the District.

FOLLOWING THE PUBLIC HEARING ON THE PETITION, THE BOARD MAKES THE FOLLOWING FINDINGS:

- a. Public notice of the hearing on the Petition was duly published in accordance with Section 32-1-401(1)(b), C.R.S.
- b. All members of the public were given the opportunity to address the Board at the public hearing on the Petition.
- c. There were no statements from the general public, written or verbal, opposing the inclusion presented at the public hearing on the Petition.
- d. No municipality or county has filed any written objection to the inclusion of real property, as described in the Petition, into the boundaries of the District.
- e. Pursuant to Section 32-1-401(1)(c)(I), C.R.S., the Board desires to grant the Petition in whole.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ROAM METROPOLITAN DISTRICT NO. 2 AS FOLLOWS:

1. The Board hereby grants the Petition in whole and orders the inclusion of the Property, as more particularly described in Section 2 below, into the boundaries of the District, subject to the terms and conditions set forth below.

2. The name and address of the Petitioner and the description of the Property to be included into the boundaries of the District are as follows:

Petitioner: Fraser River Development Co LLC
124 County Road 8317
Tabernash, CO 80478

Property:

- The Air Space Parcels, as defined in the Petition (attached hereto as Exhibit A); and
- The Parcel F Property, as defined in the Petition (attached hereto as Exhibit A).

3. The Property is currently in the initial stages of development and Petitioner, or its successors or assigns, anticipates recording the Plat describing the Building A Property and the Air Space Parcels. The description of the Building A Property and the Air Space Parcels as described in the Petition shall be superseded by the description contained in the Plat, effective upon approval by the District Court of the County of Grand, Colorado (the "Court"), and the recording of such description with the Grand County Clerk and Recorder's Office. The Board states, for clarity, that that portion of the Building A Property that does not constitute the Air Space Parcels shall not be included into the District and is not included within the legal description of the Property.

4. In accordance with Section 32-1-402(1)(b), C.R.S., after the date of inclusion of the Property, the Property shall be subject to all of the taxes and charges imposed by the District and shall be liable for its proportionate share of existing bonded indebtedness of the District, but it shall not be liable for any taxes or charges levied or assessed prior to its inclusion in the District.


5. In accordance with Section 32-1-402(1)(c), C.R.S., after the date of inclusion, the Property shall be liable for its proportionate share of any annual operation and maintenance charges and the cost of facilities of the District, and taxes, rates, fees, tolls, or charges shall be certified and levied or assessed therefor.

6. In accordance with Section 32-1-401(1)(c)(I), C.R.S., the Board directs that this Resolution be certified and filed with the Clerk of the Court in and for Grand County, Colorado, requesting an order to include the Property into the boundaries of the District. The inclusion of the Property into the boundaries of the District shall be effective upon the recording of the Order for Inclusion for the Property in the Grand County Clerk and Recorder's Office.


(Signatures Begin on Next Page.)

ADOPTED AND APPROVED THIS 14TH DAY OF APRIL, 2020.

ROAM METROPOLITAN DISTRICT NO. 2


By: Melinda Besse
Its: President

ATTEST:


By: ALAN D. POGUE

I, Alan D. Pogue, general counsel to Roam Metropolitan District No. 2 (the "District"), do hereby certify that the annexed and foregoing Resolution is a true copy from the records of the proceedings of the Board of Directors of the District, on file with Icenogle Seaver Pogue, P.C., general counsel to the District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District, in the City and County of Denver, Colorado this 14th day of April, 2020.





Alan D. Pogue, General Counsel

EXHIBIT A
(To Resolution Approving Inclusion)

PETITION FOR INCLUSION OF LAND
(Petitioner Fraser River Development Co LLC)

PETITION FOR INCLUSION OF LAND
(Into Roam Metropolitan District No. 2)

TO: ROAM METROPOLITAN DISTRICT NO. 2

Fraser River Development Co LLC, a Colorado limited liability company ("Petitioner"), hereby respectfully petitions Roam Metropolitan District No. 2 (the "District") acting by and through its Board of Directors, for the inclusion of real property comprising the airspace above the first story (the "Air Space Parcels") of the proposed mixed-use building to be constructed on the real property described in **Exhibit A-1** attached hereto and incorporated herein by this reference (the "Building A Property") into the boundaries of the District pursuant to Section 32-1-401, *et seq.*, C.R.S.

The Petitioner further respectfully petitions the District, acting by and through its Board of Directors, for the inclusion of the real property described in **Exhibit A-2** attached hereto and incorporated herein by this reference (the "Parcel F Property") into the boundaries of the District pursuant to Section 32-1-401, *et seq.*, C.R.S. The Air Space Parcels and Parcel F Property are collectively referred to herein as the "Property."

Petitioner represents that it is the fee owner of one hundred percent (100%) of the Property capable of being served with the facilities of the District and assents to the inclusion of the Property into the District.

Petitioner further represents that the Air Space Parcels and Building A Property are in the initial stages of development and that Petitioner, or its successors or assigns, anticipates recording one or more plats describing the Air Space Parcels and Building A Property (the "Plat"). Petitioner authorizes the description of the Air Space Parcels and Building A Property described in such Plat to be substituted for the description of all or a portion of the Air Space Parcels and Building A Property as described herein at such time as the Plat is recorded.

Petitioner acknowledges that after the date of inclusion of the Property into the District, the Property shall be liable for any and all taxes, fees, and charges imposed by the District and for its proportionate share of existing bonded indebtedness of the District, if any.

Name and Address of Petitioner:

Fraser River Development Co LLC
124 County Road 8317
Tabernash, CO 80478

[Remainder of page intentionally left blank.]

SUBMITTED THIS 30 DAY OF March, 2020.

PETITIONER:

Fraser River Development Co LLC,
a Colorado limited liability company

Chip Besse

By: Byron Besse
Its: President

STATE OF COLORADO)
) ss.
COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 30th day of March, 2020, by Byron (Chip) Besse as President of Fraser River Development Co LLC, a Colorado limited liability company.

WITNESS my hand and official seal.

My commission expires:

May 20, 2020

Jolene F Larson
Notary Public

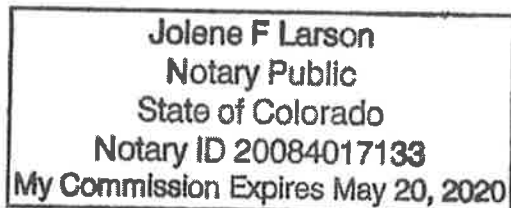


EXHIBIT A-1
To
Petition for Inclusion of Land
(Legal Description of Building A Property)



MARCH 25, 2020

EXHIBIT "A"
LEGAL DESCRIPTION
COMMERCIAL DISTRICT I
BUILDING A
PARCEL B, ROAM FILING NO. I

COMMERCIAL DISTRICT I, BUILDING A BEING A PORTION OF PARCEL B, OF THE ROAM FILING NO. I SUBDIVISION PLAT, RECORDED AT RECEPTION NO. 2019008310 IN THE RECORDS OF THE GRAND COUNTY CLERK AND RECORDER'S OFFICE, AND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE NORTH LINE OF THE SOUTH HALF, OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH P.M., BEING ASSUMED TO BEAR N 89°55'32" E, FROM THE NORTHWEST CORNER, OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 33, BEING A 2-1/2 INCH BRASS CAP, STAMPED "CW MCCCELLAND 1/16" TO THE NORTHEAST CORNER, OF THE SOUTHEAST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 33, BEING A 2 INCH ALUMINUM CAP STAMPED "JIM WARD 1997 PLS 11415", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHWEST CORNER, OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 33, THENCE S 41°41'14" E, 785.72 FEET TO THE POINT OF BEGINNING;

THENCE N90°00'00"E, 107.89 FEET;

THENCE S00°00'00"E, 59.67 FEET;

THENCE N90°00'00"W, 107.89 FEET;



THENCE N00°00'00"E, 59.67 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 6,437 SQUARE FEET, MORE OR LESS.



Michael Sean Kervin, PLS 34592

Date: 03-25-20

Project: 18-061

For and on Behalf of
Core Consultants, Inc.

Notes:

- 1.) NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown.
- 2.) Legal description was prepared by Michael S. Kervin, PLS, 1950 W. Littleton Blvd, Suite 103, Littleton, CO 80120.

EXHIBIT

NE QUARTER, SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH P.M.,
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO.

POINT OF COMMENCEMENT

NW COR., SW1/4, NE1/4, SEC. 33

T1S, R75W, 6TH P.M.

FOUND 1-1/4" PIPE WITH 2-1/2" BRASS CAP

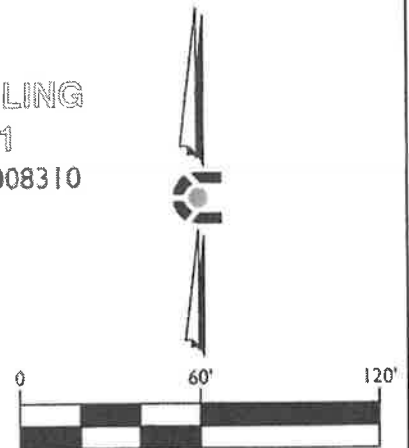
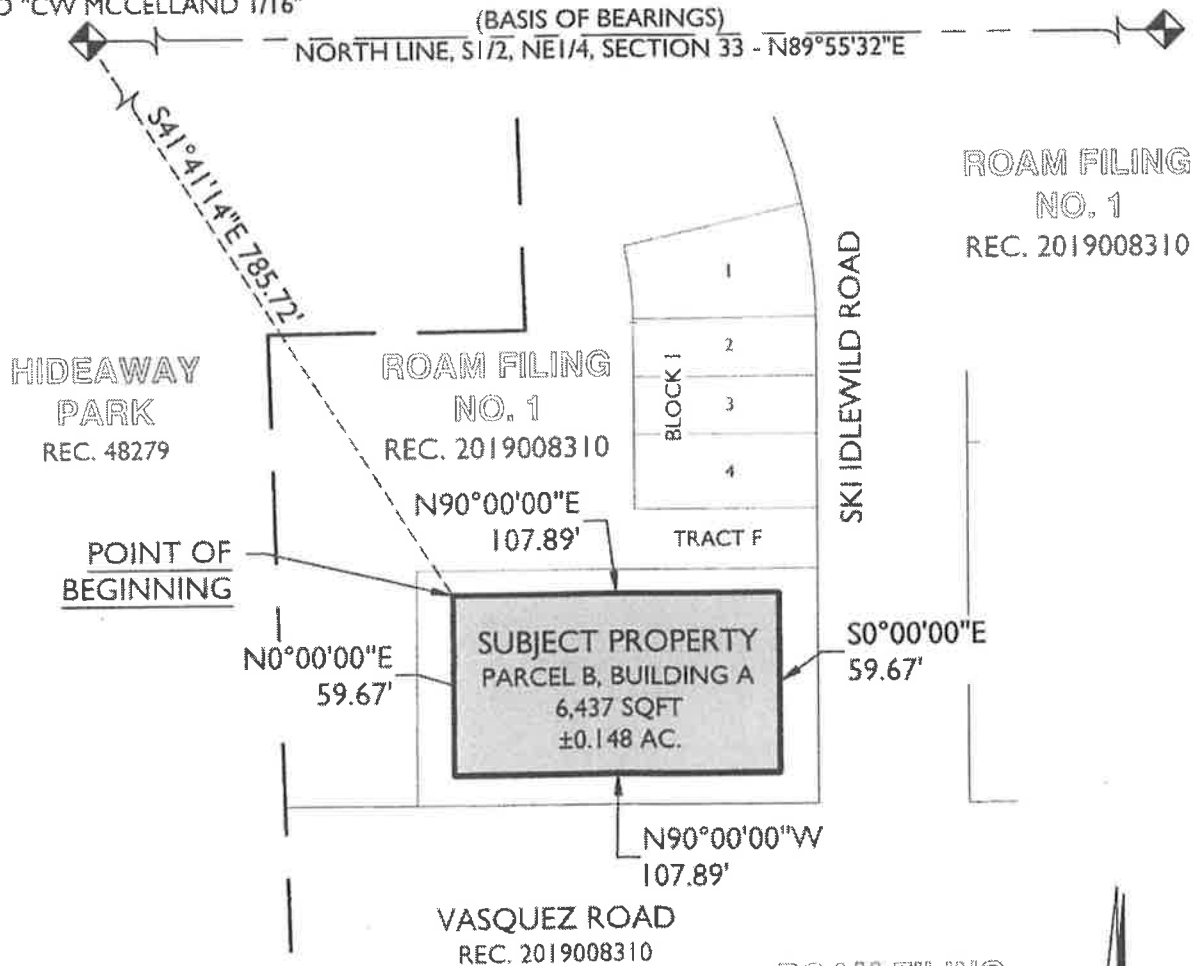
STAMPED "CW MCCLELLAND 1/16"

NE COR., SE1/4, NE1/4, SEC. 33

T1S, R75W, 6TH P.M.

FOUND #5 REBAR WITH 2" ALUMINUM CAP

STAMPED "JIM WARD 1997 PLS 11415"



1 inch = 60 ft.

PARCEL CONTAINS 6,437 SQFT, MORE OR LESS.

NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

PROJECT: 18-061

DATE: 3/25/2020

SHEET 1 OF 1

DR: K. SIBLEY

DS: M. KERVIN



CORE
CONSULTANTS

CIVIL ENGINEERING
DEVELOPMENT CONSULTING
NATURAL RESOURCES
LAND SURVEYING
303.703.4444
1950 W. Littleton Blvd., Ste. 109
Littleton, CO 80120

EXHIBIT A-2
To
Petition for Inclusion of Land
(Legal Description of Parcel F Property)



March 18, 2020

EXHIBIT "A"
LEGAL DESCRIPTION
DIRECTOR'S PARCEL
ROAM FILING NO. 1

A PARCEL OF LAND BEING A PORTION OF PARCEL F, ROAM FILING NO. 1, A SUBDIVISION PLAT RECORDED OCTOBER 11, 2019 AT RECEPTION NO. 2019008310, IN THE RECORDS OF THE GRAND COUNTY CLERK AND RECORDER'S OFFICE, AND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

THE BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE NORTH LINE OF THE SOUTH HALF, OF THE NORTHEAST QUARTER OF SAID SECTION 33, BEARING N $89^{\circ}55'32''$ E, FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, BEING A FOUND #5 REBAR WITH A 3" ALUMINUM CAP STAMPED "JIM WARD 1997 PLS 11415," TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, BEING A FOUND 1-1/4" PIPE WITH A 2-1/2" BRASS CAP STAMPED "CW MCCELLAND 1/16," WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERE TO.

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, THENCE S $37^{\circ}15'39''$ W, A DISTANCE OF 1095.19 FEET TO THE POINT OF BEGINNING;

THENCE S $00^{\circ}00'00''$ W, 60.00 FEET;

THENCE N $90^{\circ}00'00''$ W, 100.00 FEET;

THENCE N $00^{\circ}00'00''$ E, 60.00 FEET;



THENCE N 90° 00' 00" E, 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 6,000 SQUARE FEET OR 0.138 ACRES, MORE OR LESS.



Michael S. Kervin PLS 38151

Date: 3/18/20

Project: 18-061

For and on Behalf of
Core Consultants, Inc.

Notes:

- 1.) NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown.
- 2.) Legal description was prepared by Michael S. Kervin PLS, 1950 W. Littleton Blvd, Suite 103, Littleton, CO 80120.

EXHIBIT

NORTHEAST QUARTER, SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH P.M.,
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO

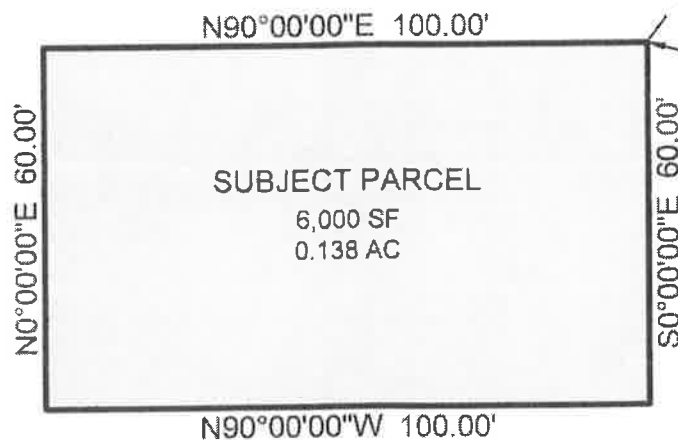
NW CORNER, SW1/4, NE1/4, SECTION 33
T1S, R75W, 6TH P.M.
FOUND 1-1/4" PIPE WITH 2-1/2" BRASS CAP
STAMPED "CW MCCLELLAND 1/16"

POINT OF COMMENCEMENT
NE CORNER, SE1/4, NE1/4, SECTION 33
T1S, R75W, 6TH P.M.
FOUND #5 REBAR WITH 3" ALUM. CAP
STAMPED "JIM WARD 1997 PLS 11415"

BASIS OF BEARINGS

N. LINE, S1/2, NE1/4, SECTION 33 - S89°55'32"W

PARCEL F
ROAM FILING NO. 1
REC. 2019008310



POINT OF
BEGINNING

S37°15'39\"/>



1 inch = 30 ft.

PARCEL F
ROAM FILING NO. 1
REC. 2019008310



PARCEL CONTAINS 6,000 S.F. OR 0.138 Ac, MORE OR LESS.
NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
PROJECT: 18-061 DR: KDS
DATE: 3/19/20 DS: MSK
SHEET 1 OF 1



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1950 W. Littleton Blvd., Ste. 108
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