

**RESOLUTION OF THE BOARD OF DIRECTORS OF
ROAM METROPOLITAN DISTRICT NO. 1
APPROVING THE EXCLUSION
OF REAL PROPERTY FROM THE DISTRICT**

WHEREAS, Fraser River Development Co LLC, a Colorado limited liability company (“Petitioner”) has submitted a petition, attached hereto as Exhibit A and incorporated herein by reference (the “Petition”), to Roam Metropolitan District No. 1 (the “District”) requesting that certain real property described in the Petition (the “Property”) be excluded from the boundaries of the District; and

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

WHEREAS, the Property to be excluded is anticipated for residential development and property within the District is intended to be developed for commercial purposes; 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 other 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 excluded; and

WHEREAS, concurrently with submitting the Petition to the District, Petitioner submitted a petition for the inclusion of that portion of the Property comprising the Air Space Parcels into the boundaries of Roam Metropolitan District No. 2 (“District No. 2”); 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 Air Space Parcels set forth in such Plat to be substituted for the description of all or a portion of the Air Space Parcels as set forth in the Petition, at such time as the Plat is recorded; and

WHEREAS, the Property also includes real property that has been within the District’s boundaries since its organization, but which has since been platted and intended to be developed for residential purposes (defined in the Petition as the “Block 1 Property”); and

WHEREAS, because the Block 1 Property is intended to be developed as residential property, rather than commercial, the Petitioner previously sought to include it into District No. 2; and

WHEREAS, the District No. 2 Board of Directors approved the inclusion of the Block 1 Property into the boundaries of District No. 2 on September 12, 2019, and the Grand County District Court’s Order for Inclusion was recorded in the office of the Grand County Clerk and Recorder on October 17, 2019 at Reception No. 2019008526; and

WHEREAS, in accordance with Section 32-1-501(2), 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, on April 14, 2020, the District's Board of Directors (the "Board") conducted a public hearing on the Petition in accordance with Section 32-1-501(2), C.R.S.; and

FOLLOWING THE PUBLIC HEARING ON THE PETITION, THE BOARD CONSIDERED CERTAIN FACTORS SET FORTH IN SECTION 32-1-501(3), C.R.S., AND HEREBY MAKES THE FOLLOWING FINDINGS:

- (a) It is in the best interests of the Property, the District, the Town of Winter Park, Colorado, and Grand County, Colorado to exclude the Property from the District;
- (b) The District finds that there is no measurable additional cost or benefit to the Property to be excluded from the provision of the District's services;
- (c) The District has the ability to provide economical and sufficient service to the Property to be excluded and all of properties within the District's boundaries, and the exclusion of the Property will not affect the District's ability to continue to provide economical and sufficient service to the remaining properties within the District;
- (d) The District is able to provide services at reasonable costs similar to costs that would be imposed by other entities providing similar services in the surrounding area;
- (e) There is no measurable effect of denying the Petition on employment and other economic conditions in the District and surrounding area;
- (f) There is no measurable economic impact on the region, the District and surrounding area, and the state as a whole if the Petition is denied or a resolution is adopted granting the Petition;
- (g) Petitioner has (1) previously included a portion of the Property into the boundaries of District No. 2; and (2) submitted a petition to include the remaining portion of the Property into the boundaries of District No. 2, which petition District No. 2's Board of Director has granted. District No. 2 will be able to provide economically feasible services to the Property in lieu of the District.
- (h) No significant additional costs are expected to be levied on other property within the District if the exclusion is granted.

WHEREAS, the exclusion is undertaken in the exercise of discretion as a governmental function in the interest of public health, safety and welfare.

NOW, THEREFORE, BASED UPON THE BOARD'S CONSIDERATION OF THE STATUTORY CRITERIA AND ITS FINDINGS FOLLOWING THE HEARING ON THE PETITION, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ROAM METROPOLITAN DISTRICT NO. 1 AS FOLLOWS:

1. After considering all of the factors set forth in Section 32-1-501(3), C.R.S., the Board hereby grants the Petition, as attached hereto as Exhibit A, and orders that the Property, as more particularly described in the Petition, be excluded from the boundaries of the District.

2. 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 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 only that portion of the Building A Property comprising the Air Space Parcels shall be excluded from the District; the portion of the Building A Property that does not constitute the Air Space Parcels shall remain within the boundaries of the District.


3. In accordance with Section 32-1-501(4)(b), C.R.S., the Board hereby directs that this resolution be certified and be filed with the Clerk of the Court, requesting the Court to grant an order excluding the Property from the District.

4. Pursuant to Section 32-1-501(4)(d), C.R.S., the order for exclusion entered by the Court shall recite in the findings a description of any bonded indebtedness in existence immediately preceding the effective date of the order for which the Property is liable and the date that the bonded indebtedness is then scheduled to be retired. As of the date of this Resolution, the District has no bonded indebtedness and does not anticipate issuing any bonded indebtedness prior to the effective date of the order for exclusion to be entered by the Court.

(Signatures Begin on the Next Page.)

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

ROAM METROPOLITAN DISTRICT NO. 1


By: Melinda Besse
Its: President

ATTEST:


By: ALAN D. POGUE

I, Alan D. Pogue, general counsel to Roam Metropolitan District No. 1 (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 Exclusion)

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

PETITION FOR EXCLUSION OF LAND
(From Roam Metropolitan District No. 1)

TO: ROAM METROPOLITAN DISTRICT NO. 1

The undersigned Fraser River Development Co LLC, a Colorado limited liability company (the "Petitioner"), hereby respectfully petitions the Roam Metropolitan District No. 1 (the "District"), acting by and through its Board of Directors, for the exclusion 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") from the boundaries of the District in accordance with the provisions of Sections 32-1-501 *et seq.*, C.R.S.

The Petitioner further respectfully petitions the District, acting by and through its Board of Directors, for the exclusion of the real property described in **Exhibit A-2**, attached hereto and incorporated herein by this reference (the "Block 1 Property," and together with the Air Space Parcels, the "Property") from the boundaries of the District in accordance with the provisions of Sections 32-1-501 *et seq.*, C.R.S.

The undersigned Petitioner further requests that the Property be excluded from the boundaries of the District and that an Order be entered in the District Court in and for the County of Grand, State of Colorado effectuating and confirming the exclusion of the Property from the District.

The undersigned Petitioner represents to the District that it is the fee owner of one hundred percent (100%) of the Property and assents to the exclusion of the Property from the District.

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

Name and Address of Petitioner:	Fraser River Development Co LLC 124 County Road 8317 Tabernash, CO 80478
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[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 Berse

By: Byron Berse
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) Berse as President of Fraser River Development Co LLC, a Colorado limited liability company.

WITNESS my hand and official seal.

My commission expires:

May 20th, 2020

Jolene F Larson
Notary Public

Jolene F Larson
Notary Public
State of Colorado
Notary ID 20084017133
My Commission Expires May 20, 2020

EXHIBIT A-1
To
Petition for Exclusion 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. 1

COMMERCIAL DISTRICT I, BUILDING A BEING A PORTION OF PARCEL B, OF THE ROAM FILING NO. 1 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 MCCELLAND 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.

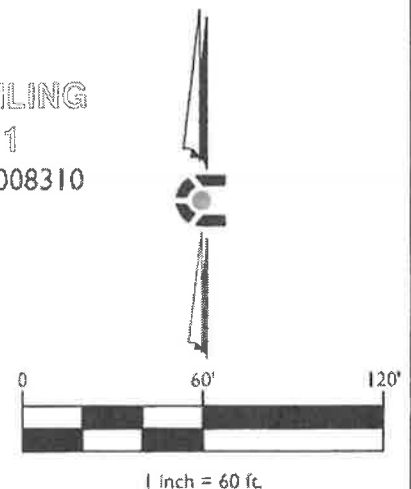
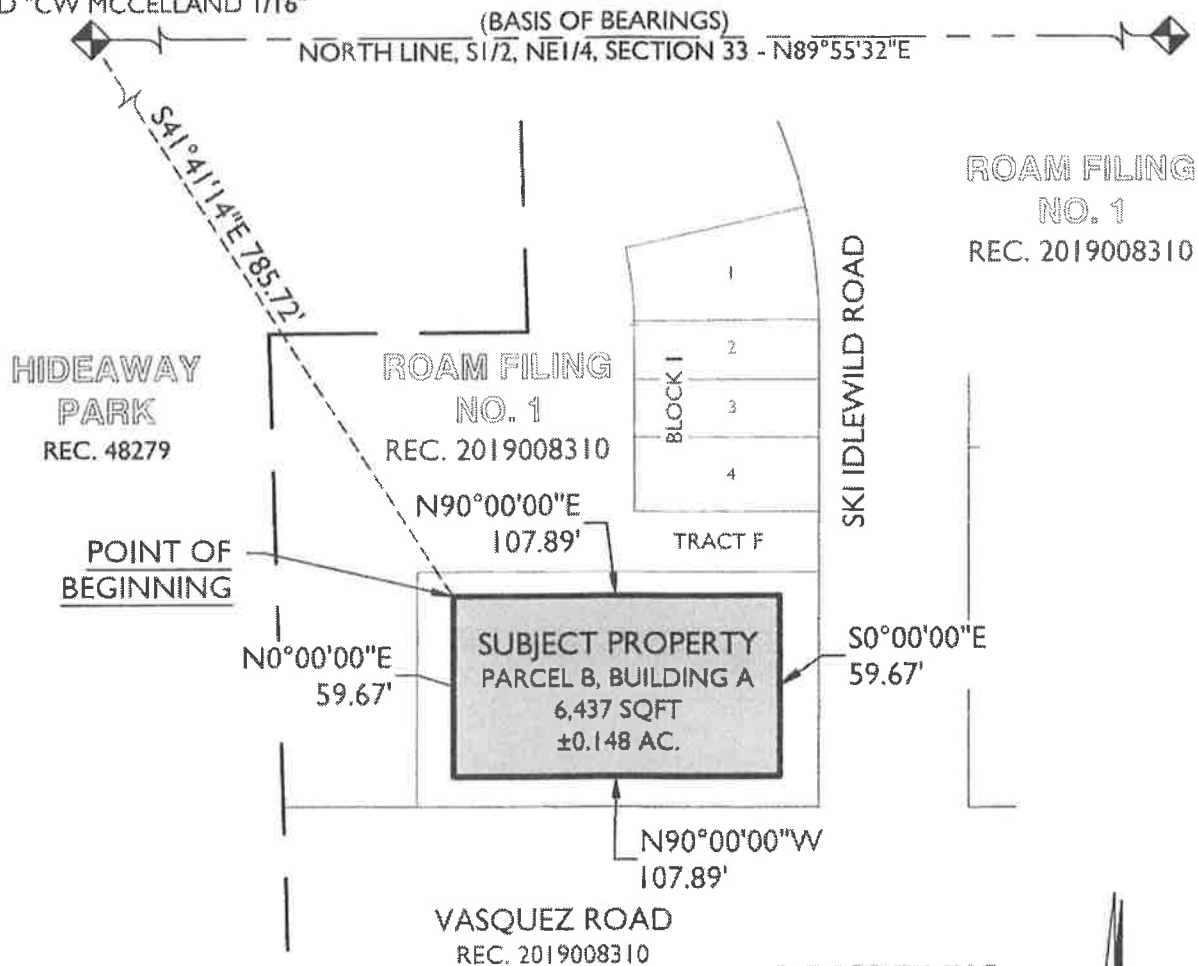
EXHIBIT

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"



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 Exclusion of Land

(Legal Description of Block 1 Property)

Lot 1, Block 1, Roam Filing No. 1, Town of Winter Park, County of Grand, State of Colorado
Lot 2, Block 1, Roam Filing No. 1, Town of Winter Park, County of Grand, State of Colorado
Lot 3, Block 1, Roam Filing No. 1, Town of Winter Park, County of Grand, State of Colorado
Lot 4, Block 1, Roam Filing No. 1, Town of Winter Park, County of Grand, State of Colorado