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**RESOLUTION OF THE BOARDS OF DIRECTORS OF  
KINSTON METROPOLITAN DISTRICT NO. 1**

**A RESOLUTION ADOPTING AND APPROVING A FIRST AMENDMENT TO THE  
SIDEWALK SNOW REMOVAL AND MAINTENANCE POLICY**

WHEREAS, Kinston Metropolitan District No. 1 (the "District") and Kinston Metropolitan District Nos. 2 – 9 ("District Nos. 2 – 9," together with the District, the "Districts") are special districts formed pursuant to Sections 32-1-101, *et seq.*, C.R.S. to assist in the financing, construction, operations and maintenance of certain public improvements for the Kinston development (the "Development"); and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the Board of Directors (the "Board") of the District has the power to adopt, amend and enforce and rules and regulations for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, on February 8, 2024, via resolution, the Board of Directors for Kinston Metropolitan District No. 1 adopted a Sidewalk Snow Removal and Maintenance Policy, as recorded in the Larimer County Clerk and Recorder's office on February 12, 2024 at Reception No. 20240005144 (the "Sidewalk Snow Removal and Maintenance Policy"); and

WHEREAS, the Board desires to amend the Sidewalk Snow Removal and Maintenance Policy to clarify the terms of enforcement of this same policy.

NOW THEREFORE, THE BOARD OF DIRECTORS OF KINSTON METROPOLITAN DISTRICT NO. 1 HEREBY ADOPTS THE FOLLOWING FIRST AMENDMENT TO THE SIDEWALK SNOW REMOVAL AND MAINTENANCE POLICY:

1. Amendment to Sidewalk Snow Removal and Maintenance Policy. The Board hereby amends and replaces "Section 2. Enforcement" of the Sidewalk Snow Removal and Maintenance Policy in its entirety as follows:

The District shall be responsible for the enforcement of the Sidewalk Snow Removal Policy and may engage a third-party provider including, without limitation, the Association to enforce the Sidewalk Snow Removal Policy (the "Enforcement Party").

If a Property Owner is found to be in violation of the Sidewalk Snow Removal Policy, the District may cause the removal of snow and ice from the sidewalk for which the Property Owner is responsible. The costs of the removal of snow and ice (the "Removal Cost") will be charged to the Property Owner, together with a fine of: (i) 5% of the Removal Cost for the first violation, (ii) 10% of the Removal Cost for the second violation, and (iii) 15% of the Removal Cost for the third violation and each violation thereafter (the "Fine").

Until paid, the Removal Cost and Fine shall, together, constitute a statutory, perpetual lien (the "Perpetual Lien") on and against the property of the Property Owner, and any such Perpetual Lien may be foreclosed in the manner provided by the laws of the State of

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Colorado for the foreclosure of mechanics' liens, pursuant to § 32-1-1001(1)(j), C.R.S. Said Perpetual Lien may be foreclosed at such time as the District, in its sole discretion, may determine. The Perpetual Lien shall be in a senior position as against all other liens of record affecting the property of the Property Owner.

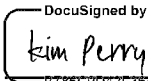
2. Future Amendments to Sidewalk Snow Removal Policy. The Board may further amend the Sidewalk Snow Removal Policy from time to time as the Boards deem necessary.
3. Effective Date. This Resolution shall take effect on the date and at the time of its adoption.

*(Signature Page Follows)*

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APPROVED AND ADOPTED THIS 11<sup>th</sup> DAY OF MARCH, 2024.

KINSTON METROPOLITAN DISTRICT NO. 1

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By:  \_\_\_\_\_  
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Kim L. Perry, President