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RESOLUTION OF THE BOARDS OF DIRECTORS OF KINSTON METROPOLITAN DISTRICT NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10

AN AMENDED AND RESTATED RESOLUTION ESTABLISHING PARKING RULES AND REGULATIONS FOR DISTRICT-OWNED ALLEYWAYS, ROADWAYS AND PARKING AREAS

WHEREAS, Kinston Metropolitan District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 (individually, the "District; and, collectively, the "Districts") are special districts formed pursuant to Sections 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, Section 32-1-1001(1)(m), C.R.S., allows the Districts to adopt parking rules and regulations to carry on their business, objects, and affairs; and

WHEREAS, the Districts are authorized by their Service Plan and Section 32-1-1004(2)(d) C.R.S. to provide safety protection through traffic and safety controls and devices on streets and highways; and

WHEREAS, in addition to any authority granted by any other law, Section 18-9-117(1)(f), C.R.S. authorizes the Districts to adopt such rules or regulations as are reasonably necessary for the administration, protection, and maintenance of the Districts' public buildings and property, including, inter alia, rules or regulations pertaining to the use of all vehicles as to place, time, and manner of use; and

WHEREAS, the Districts owns or will own certain alleyways, roadways and parking lots, areas and facilities within the boundaries of the Districts; and

WHEREAS, to promote the general public welfare and safety, the Boards of Directors of the Districts (the "Boards") previously adopted a Resolution Establishing Parking Rules on June 8, 2023 (the "Previous Resolution"); and

WHEREAS, in the interest of public health, welfare and safety, the Boards have determined that additional parking rules are necessary and desire to amend and restate the Previous Resolution as provided herein.

NOW, THEREFORE, THE BOARDS OF DIRECTORS OF KINSTON METROPOLITAN DISTRICTS NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 HEREBY RESOLVE AS FOLLOWS:

1. Parking Rules and Regulations. The Boards hereby adopt the Parking Rules and Regulations (the "Parking Rules") attached hereto as **Exhibit A** and incorporated herein by this reference.

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2. Signage. The Districts' Manager shall ensure that appropriate signage regarding parking and non-parking zones, and including towing information, have been installed in all District-owned alleyways, roadways, and parking areas, as appropriate.

3. Modification. The Boards may change, modify, or amend the Parking Rules set forth in this Resolution at any time.

4. Superseding Effect. The Parking Rules amend and restate the rules set forth in the Previous Resolution and supersede any other policies and/or rules that may conflict with the Parking Rules. The Previous Resolution shall be void and no longer in effect as of the Effective Date.

5. Effective Date. This Resolution shall take effect on the date and at the time of its adoption.

(Signatures Begin on Next Page.)

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ADOPTED AND APPROVED THIS 8TH DAY OF OCTOBER, 2026.

KINSTON METROPOLITAN DISTRICT NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10

Signed by:
Jeff Breidenbach
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By: Jeff Breidenbach
Its: President

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EXHIBIT A

PARKING RULES AND REGULATIONS FOR DISTRICT-OWNED ALLEYWAYS, ROADWAYS AND PARKING AREAS

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KINSTON METROPOLITAN DISTRICT NOS. 1-10
PARKING RULES AND REGULATIONS FOR DISTRICT-OWNED ALLEYWAYS, ROADWAYS AND PARKING AREAS

1. Applicability. These Parking Rules and Regulations for District-Owned Alleyways, Roadways and Parking Areas (the "Parking Rules") shall apply to all alleyways ("Alleyways"), roadways ("Roadways") and parking lots, areas and facilities ("Parking Areas") currently owned, operated and maintained or may be owned, operated and maintained in the future by Kinston Metropolitan District No. 1-10 (collectively, the "Districts," and, individually, a "District").

2. Enforcement Party. The Boards of Directors for the Districts (the "Boards") direct Kinston Metropolitan District No. 1 ("District No. 1") to engage a third party provider to enforce and implement the Parking Rules (the "Enforcement Party") on the Districts' behalf. Contact information of the Enforcement Party shall be posted on the Districts' website.

3. Vehicle. As used herein, the term "Vehicle" means and includes any self-propelled motorized vehicle including automobiles, trucks and commercial vehicles, motorcycles, mopeds, scooters, mobile homes, recreational vehicles, campers, trailers of any kind, boats and other watercraft, recreational vehicles, and golf carts. Vehicle does not include any "Authorized Emergency Vehicle" so designated in Section 42-1-102(6)(a) and (b), C.R.S. As used herein, the terms "parked" and "parking" shall mean the standing of a Vehicle, whether occupied or not.

4. No Parking in Alleyways or on Roadways. Unless otherwise posted, all Alleyways and Roadways are designated as no parking zones. "No Parking" signs shall be posted in designated areas of the Alleyways and Roadways. No person shall park a Vehicle, partially or fully, in any manner within any Alleyway or on any Roadway, except: (i) when necessary to avoid conflict with other traffic, or (ii) in compliance with the directions of a police officer, traffic-control signal, sign, or device, or (iii) for a period of fifteen minutes or less with hazard lights activated for the purpose of loading or unloading passengers and/or cargo, provided that such parking does not obstruct, impede or endanger any traffic or block the passage of another Vehicle, the entrance to a driveway or to any abutting property during loading and unloading of the Vehicle.

5. Overnight and Extended Vehicle Parking in District Parking Areas.

(a) Designated Parking Areas. Vehicles may be parked overnight only in areas designated and posted for overnight parking. Except as otherwise expressly authorized by the District, overnight parking (between the hours of 10pm and 5am) is prohibited in areas that are not designated and posted for overnight parking.

(b) Maximum Continuous Parking Period. No Vehicle shall remain parked in the same parking space or substantially the same location for more than seventy-two (72) consecutive hours. For purposes of this Paragraph, moving a Vehicle a short distance within the same parking area, moving a Vehicle from one space to another within the same parking area, or

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otherwise repositioning a Vehicle without removing it from the parking area shall not constitute a new parking period. A Vehicle must be removed from the parking area for a period of at least twenty-four (24) consecutive hours before a new seventy-two (72)-hour parking period may begin. The District may establish a shorter maximum parking period for particular locations by posting appropriate signs. In determining whether a Vehicle has remained parked in violation of this Paragraph, the District may consider photographs, observations, parking records, markings, notices, or other reasonably reliable evidence establishing the Vehicle's location over time. The District may mark or otherwise document a Vehicle for purposes of determining whether it has remained continuously parked in the same location. The maximum parking period established by this Paragraph shall not apply when a Vehicle is present:

(1) At the direction or with the express authorization of the District;
(2) For District-approved construction, maintenance, utility, emergency, or public-service purposes;
(3) As part of a District-approved event or activity; or
(4) Under circumstances that the District determines constitute a temporary emergency or other reasonable exception.

(c) Inoperable Vehicles. No person shall park, store, or leave an inoperable, or substantially deteriorated Vehicle in District Parking Areas. For purposes of this Paragraph, an "inoperable or substantially deteriorated Vehicle" means a Vehicle that, by reason of its physical condition or lack of necessary equipment, is incapable of being safely and lawfully operated on a public roadway, or that exhibits one or more of the following conditions:

(1) One or more missing wheels, tires, windows, doors, or other essential components;
(2) A substantially dismantled engine, transmission, or other essential mechanical component;
(3) Is visibly damaged or dismantled to the extent that it cannot reasonably be operated as a Vehicle;
(4) Has substantial body damage, extensive rust, deterioration, or other physical conditions that materially impair the Vehicle's safe operation or indicate that the Vehicle is being stored rather than regularly used;
(5) Is being used primarily for storage of personal property, parts, equipment, trash, or debris rather than as a functioning Vehicle; or
(6) Has no license plate when registration is required by applicable law.

A Vehicle shall not be deemed inoperable or substantially deteriorated solely because it is old, has cosmetic damage, has a flat tire, is temporarily disabled, or is undergoing a reasonable repair, provided that the Vehicle otherwise complies with this Paragraph 5. and applicable law.

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6. Towing and Fines.

(a) Except as set forth in Paragraph 6(c) below, which allows for immediate towing of a Vehicle, if the Enforcement Party determines that a Vehicle is parked in violation of the Parking Rules, the Enforcement Party will issue or cause to be issued a written notice (the "Citation"), which Citation shall be placed and secured on the windshield of the Vehicle or other appropriate place on the Vehicle, demanding the Vehicle's removal within twenty-four (24) hours of the Citation. The Citation shall contain the following information:

(1) The date and time the notice is issued;

(2) A description of the Vehicle and Vehicle's license plate number;

(3) A description of the Violation that has caused the Citation to be given;

(4) A statement that, if the Vehicle is not removed within twenty-four (24) hours of the notice, the Vehicle will be towed without consent or further notice.

(b) If the Vehicle has not been removed within the time stated on the Citation, the Vehicle will be towed. The Owner of a towed Vehicle shall be solely responsible for all towing and storage charges. "Owner" shall mean the person or persons listed on the Vehicle's license plate registration on file with the Colorado Department of Motor Vehicles regardless of any party the Owner authorized to operate the Vehicle. To reclaim a towed Vehicle, contact information of the towing company will be posted on the No Parking Signs and on the Districts' website.

(c) Subject to applicable law, a Vehicle will be subject to immediate towing, without notice, if:

(1) The Vehicle is obstructing the roadway such that emergency vehicles or equipment cannot freely pass through any Alleyway or Roadway;

(2) The removal is expressly ordered or authorized by a court order, an administrative order, or a peace officer, or by operation of law;

(3) The Vehicle blocks a driveway or roadway enough to effectively obstruct a person's access to the driveway or roadway; or

(4) The Violator has received two previous Citations.

(d) Fines. If the Enforcement Party determines that the same Vehicle is parked within any Alleyway, Roadway or Parking Area in violation of the Parking Rules more than twenty-four (24) hours after the first Citation was issued (even if the Vehicle is parked

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illegally in a different location than the location noted in the first Citation), a second Citation will be issued as provided in Paragraph 6.(a) above and include a $50.00 fine. For each subsequent Citation issued for the same Vehicle, the Owner will be fined $300.00 for each subsequent Citation. The Fines imposed in this Paragraph 6(d) shall be in addition to any towing charges to be paid by the Owner.

(e) Other Remedies Provided at Law. In addition to the rights and remedies set forth in these Parking Rules, the Enforcement Party may exercise any other rights or remedies it may be entitled to under law or in equity to enforce these Parking Rules. The Enforcement Party's right to tow is in addition to and not in limitation of any other rights available to the Districts.

(f) No Liability. If a Vehicle is towed in accordance with these Parking Rules, neither the Districts nor any officer or agent of the Districts, including the Enforcement Party, shall be liable to any person for towing and storage costs or for any claim of damage as a result of the towing activity.

(g) Administrative Fee for Towing. The Boards may adopt and assess an administrative fee for towing, which fee shall be collected as part of the general towing fee paid to the tow lot operator and remitted to District No. 1 or, alternatively, assessed to the Owner directly by District No. 1.

7. Hearing and Appeal Procedure. If the Violator wishes to dispute any fines or penalties imposed or any determination made by the Enforcement Party regarding the removal and towing of a Vehicle, such Owner may appeal such fines, penalties, or determination by following the procedure set forth below (such Owner filing an appeal is referred to in the remainder of this Paragraph 7 as the "Appellant"). Notwithstanding the filing of an appeal, the Appellant is required to pay any fines or penalties assessed by District No. 1, and such fines or penalties shall be held by District No. 1 until such time as the appeal is final. The hearing and appeal procedures established below shall apply to all disputes concerning the interpretation, application, or enforcement of the Parking Rules, as they now exist or may hereafter be amended. In the event a proper and timely request for an appeal is not made as provided herein, the right to an appeal shall be deemed forever waived.

(a) Appeal to Enforcement Party. The Appellant must first file a written request with the Enforcement Party within twenty (20) calendar days of being notified of a determination regarding the removal and towing of a Vehicle or of the due date specified for payment of a fine or penalty of District No. 1. Within thirty (30) calendar days of receiving the request from the Appellant and after a full and complete review of the record, the Enforcement Party shall issue a written determination regarding the application or enforcement of the fines, penalties, and/or application and enforcement of these Parking Rules, as may be applicable.

(b) Hearing Before Board. If the Appellant wishes to appeal the written determination of the Enforcement Party, the Appellant must file a written request with the Board of Directors for District No. 1 (the "District No. 1 Board") for a hearing within twenty (20) calendar days of the date the written determination of the Enforcement Party was mailed.

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The request for a hearing shall be filed at the District No. 1's principal business office as listed on its transparency notice and set forth with specificity the facts upon which the Appellant is relying and shall contain a brief statement of the Appellant's reasons for the appeal. The District No. 1 Board shall hold a formal hearing on the appeal at the next regularly scheduled meeting that is held no earlier than ten (10) calendar days after the filing of the Appellant's request for a hearing.

(1) Notice. A notice of hearing shall be served on the Appellant, specifying the time and place of the hearing to be held by the District No. 1 Board regarding the appeal and directing the Appellant to present evidence of why the determination regarding the application or enforcement of the fines, penalties, and/or application and enforcement of these Parking Rules, as may be applicable, is not correct ("Hearing Notice"). The Hearing Notice shall be served personally or by certified mail return receipt requested or by any mail delivery service that is the equivalent to or superior to certified mail return receipt requested, at least ten (10) calendar days before the hearing. Service may be made on any agent or officer of a corporation. When an Appellant is represented by an attorney and District No. 1 is aware thereof, notice of any action, finding, determination, decision, or order affecting the Appellant shall also be served upon the attorney.

(2) Conduct of Hearing. At the hearing, the Enforcement Party and the Appellant shall be entitled to present all evidence that is relevant and material to the dispute, and to examine and cross-examine witnesses. The District No. 1 Board may establish rules and procedures in addition to these Parking Rules governing the hearing. A record of the hearing shall be maintained.

(3) Written Determination. Based on the record established, the District No. 1 Board shall issue a written decision concerning the disposition of the dispute presented to it and shall cause notice of the decision to be hand delivered or sent by certified mail to the Appellant within fifteen (15) calendar days after the hearing.

(4) Board Determination Final. The decision issued by the District No. 1 Board shall be final and binding upon District No. 1 and the Appellant and shall constitute the final administrative action of the District No. 1. Any party to the hearing aggrieved or adversely affected by an order of the District No. 1 Board may appeal such order to the District Court in and for the County of Larimer, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.