

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
STC METROPOLITAN DISTRICT NO.1- 3**

A Resolution Providing for the Waiver of Design Review and Fees

At a special meeting of the Board of Directors of the STC Metropolitan District No. 2, Boulder County, Colorado, held at 9:00 a.m., on Wednesday, February 9, 2022, via online meeting at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone at 1-253-215-8782, Meeting ID: 897 9736 4658, Passcode: 115782, at which a quorum was present, the following resolution was adopted:

WHEREAS, STC Metropolitan District No. 1 ("District No. 1"), STC Metropolitan District No. 2 ("District No. 2") and STC Metropolitan District No. 3 ("District No. 3") (each a "District" and, collectively, the "Districts") are quasi-municipal corporations and political subdivisions of the State of Colorado located in the Town of Superior (the "Town"), Boulder County (the "County"), Colorado; and

WHEREAS, the Districts were organized pursuant to Service Plans approved by the Town on May 13, 2013, ("Service Plans"); and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the Districts have the power "to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district"; and

WHEREAS, pursuant to Section 32-1-1001(1)(j)(I), C.R.S., the Districts have the power "to fix and from time to time to increase or decrease fees, rates, tolls, penalties or charges for services, programs, or facilities furnished by the special district"; and

WHEREAS, RC Superior, LLC, a Delaware limited liability company (the "Developer"), has caused to be recorded the Master Declaration of Covenants, Conditions and Restrictions, dated April 13, 2015, and recorded in the real property records of the County as Reception No. 3439339, as the same may be amended and/or modified from time to time (the "Original Declaration") and applicable to the real property within the Districts described in Exhibit A of the Original Declaration (the "Property"); and

WHEREAS, Aweida Properties, Inc., a Colorado corporation (the "Discovery Ridge Developer") has caused to be recorded the Declaration of Covenants, Conditions and Restrictions, dated November 22, 2019, and recorded in the real property records of the County as Reception No. 3750773, as the same may be amended and/or modified from time to time (the "Discovery Ridge Declaration" and, together with the Original Declaration, the "Declarations")

and applicable to the property within the Districts described in Exhibit A of the Discovery Ridge Declaration; and

WHEREAS, the Declarations provide that one or more of the Districts shall enforce each of the provisions provided therein.

WHEREAS, Section 32-1-1004(8), C.R.S., authorizes the Districts to furnish covenant enforcement and design review services within the Districts if the declaration, rules and regulations, or similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement or design review entity; and

WHEREAS, the Declarations provide for the Superior Town Center Rules, Regulations and Design Guidelines (the "Rules, Regulations and Guidelines") to be promulgated, amended, revised from time to time, administered and enforced by the Districts; and

WHEREAS, the Districts entered into that certain Facilities Funding, Construction and Operation Agreement (the "FFCOA"), dated January 1, 2015, pursuant to which the Districts agreed that District No. 2 is the Operating District responsible for all operations and maintenance services for the Districts; and

WHEREAS, the Districts entered into that certain Intergovernmental Agreement for Covenant Enforcement and Design Review (the "GIGA"), dated June 7, 2017, which may be amended from time to time, pursuant to which the Districts authorized District No. 2 to administer and enforce the Declarations and the Rules, Regulations and Guidelines for the Property; and

WHEREAS, District No. 2 previously adopted the Superior Town Center Rules, Regulations and Design Guidelines, which have been amended and restated (the "Third Amended and Restated Rules, Regulations and Design Guidelines"); and

WHEREAS, on Thursday, December 30, 2021, the Marshall Fire devastatingly swept through the County, specifically impacting the Town and property within the Districts, destroying a number of existing residential structures located within the Districts; and

WHEREAS, the Third Amended and Restated Rules, Regulations and Design Guidelines generally require design review and approval for the construction or alteration of improvements located on property within the Districts, along with the payment of associated fees; and

WHEREAS, the Districts' residents and developers intend to rebuild and repair those residential structures that were damaged and/or destroyed in the Marshall Fire, and the Board wishes to assist residents and developers with their rebuilding efforts; and

WHEREAS, the Board has determined it is in the best interests of the Districts and their residents, as well as in furtherance of the health, safety and welfare of the community, to waive the design review requirement and associated fee for those improvements on residential lots which are being rebuilt or reconstructed without modification from the original design as a result of the Marshall Fire.


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

1. The Board hereby waives the design review requirement and design review fee contained in Section 3 of the Third Amended and Restated Rules, Regulations and Design Guidelines for those applicants who are rebuilding or reconstructing improvements damaged or destroyed in the Marshall Fire on a residential lot without modification. .. Applicants who are rebuilding or reconstructing improvements without modification to the original design of the improvements are still required to submit final construction plans to the STC Metropolitan District No. 2.

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ADOPTED, APPROVED, AND MADE EFFECTIVE the 9th day of February, 2022.

STC METROPOLITAN DISTRICT NO. 2



By: Jim Brzostowicz
Its: 03 / 16 / 2022

ATTEST:



By: Peggy Ripko
Its: 03 / 16 / 2022