

When recorded return to:
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450 E. 17th Avenue, Suite 400
Denver, CO 80203

RESOLUTION NO. 2016-12-04

**FIRST AMENDMENT TO AMENDED AND RESTATED JOINT RESOLUTION OF
CIMARRON METROPOLITAN DISTRICT AND VAUXMONT METROPOLITAN
DISTRICT REGARDING THE IMPOSITION OF LANDSCAPING AND SNOW
REMOVAL FEES**

WHEREAS, Cimarron Metropolitan District (the “**Management District**”) and Vauxmont Metropolitan District (the “**Financing District**” and together with the Management District, the “**Districts**”) are quasi-municipal corporations and political subdivisions of the State of Colorado located in the City of Arvada (the “**City**”), Jefferson County, Colorado; and

WHEREAS, the Districts operate pursuant to their respective Service Plans approved by the City on March 1, 2004, as the same may be amended and/or modified from time to time (the “**Service Plans**”); and

WHEREAS, the purpose for which the Districts were formed is the design, acquisition, construction, installation, financing, and operation and maintenance of certain water, sanitation (including storm and sanitary sewer), streets, safety protection, park and recreation, television relay and translation, transportation, mosquito control and limited fire protection facilities and services (the “**Public Improvements**”) to benefit the property within their boundaries and/or service areas, which are more particularly set forth on **Exhibit A** attached hereto and incorporated herein by reference, (as such service area/boundaries may be modified from time to time, the “**Property**”); and

WHEREAS, on December 15, 2015 , the Districts adopted that certain Amended and Restated Joint Resolution of Cimarron Metropolitan District and Vauxmont Metropolitan District Regarding the Imposition of Landscaping and Snow Removal Fees, recorded on December 23, 2015, at Reception Number 2015135707 of the Jefferson County, Colorado, real property records (the “**Original Resolution**”); and

WHEREAS, pursuant to the Original Resolution, the Financing District shall impose a Landscaping Fee and a Snow Removal Fee as defined in the Original Resolution on the Property; and

WHEREAS, the Districts desire to amend the Original Resolution to amend the amount of the Fees to be paid; and

WHEREAS, this First Amendment shall be recorded on the Property to put the current and future owners of the Property on notice of the imposition and collection of the Fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS OF DIRECTORS OF CIMARRON METROPOLITAN DISTRICT AND VAUXMONT METROPOLITAN DISTRICT, AS FOLLOWS:

1. All capitalized terms used herein and not otherwise defined shall have the meaning ascribed to them in the Original Resolution.

2. Paragraphs 1(a) and 1(b) of the Original Resolution are hereby deleted and replaced in their entirety with the following:

“Landscaping and Snow Removal Fee. A monthly fee of One Hundred Ten Dollars (\$110.00) will be charged to each Unit (the **“Landscaping and Snow Removal Fee”**). The Landscaping and Snow Removal Fee will cover the cost of snow removal, as further described in the Landscape Covenants, and the cost of the maintenance, repair, and replacement of front yard landscaping and adjacent tree lawns, as further described in the Landscape Covenants, regardless of when such landscaping is installed. The Landscaping and Snow Removal Fee may be amended from time-to-time in the Boards’ sole discretion.”

3. This First Amendment is effective as of January 1, 2017.

4. This First Amendment is an amendment to the Original Resolution and the Original Resolution, as amended by this First Amendment, is in all respects ratified and confirmed and shall remain in full force and effect.

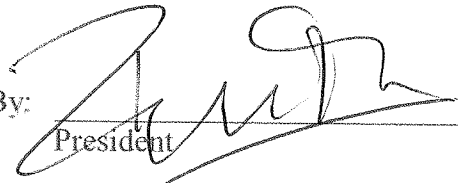
5. Judicial invalidation of any of the provisions of this First Amendment or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this First Amendment, unless such invalidation would act to destroy the intent or essence of this First Amendment.

SIGNATURE PAGE FOLLOWS

**SIGNATURE PAGE TO FIRST AMENDMENT TO AMENDED AND RESTATED
JOINT RESOLUTION OF CIMARRON METROPOLITAN DISTRICT AND
VAUXMONT METROPOLITAN DISTRICT REGARDING THE IMPOSITION OF
LANDSCAPING AND SNOW REMOVAL FEES**

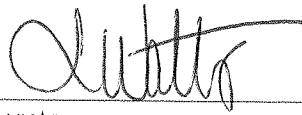
APPROVED AND ADOPTED this 14th day of December, 2016.

CIMARRON METROPOLITAN DISTRICT

By: 

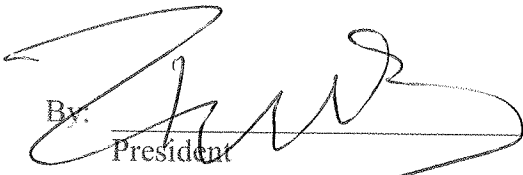
President

Attest:




Secretary

VAUXMONT METROPOLITAN DISTRICT

By: 

President

Attest:



Secretary

EXHIBIT A

PROPERTY

THE FOLLOWING PROPERTY AS SHOWN ON THE PLAT OF CANDELAS FILING NO. 1, RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, COLORADO AT RECEPTION NUMER 2011039877, AS AMENDED AND SUPPLEMENTED:

Lots 1 through 13, inclusive, Block 12,
Lots 1 through 9, inclusive, Block 13,
Lots 1 through 4, inclusive, Block 14,
Lots 1 through 4, inclusive, Block 15,
Lots 1 through 3, inclusive, Block 16,
Lots 1 through 4, inclusive, Block 17,
Lots 1 through 16, inclusive, Block 19,
Lots 1 through 13, inclusive, Block 20.