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RESOLUTION NO. 2024-01-02

SECOND AMENDMENT TO AMENDED AND RESTATED RESOLUTION OF THE
BOARD OF DIRECTORS OF BEEBE DRAW FARMS AUTHORITY
ADOPTING FEES FOR AMENITIES

A. Beebe Draws Farms Authority is an authority and separate legal entity duly established pursuant to Section 29-1-203, C.R.S. (the “**Authority**”) in accordance with the applicable laws of the State of Colorado.

B. Pursuant to that certain Authority Establishment Agreement dated April 12, 2011 (the “**AEA**,” as the same may be amended from time to time), between Beebe Draw Farms Metropolitan District No. 1 and Beebe Draw Farms Metropolitan District No. 2 (collectively, the “**Districts**”), the Authority was established for the purpose of furnishing, operating, and planning for the Public Improvements, as defined in the AEA.

C. Pursuant to Sections 3.5(b), (c) and (j) of the AEA, the Authority will own, operate, maintain, finance and construct the Public Improvements, and may set fees, rates, tolls, charges and penalties for services and facilities provided by the Authority, including, without limitation, the “**Amenities**,” as defined in the AEA. Furthermore, pursuant to Section 9.2 of the AEA, the Authority shall establish differential fees for the use of the Amenities for those who do not reside or own property within the Districts.

D. The Board of Directors of the Authority (the “**Board**”) previously determined that, to provide for the costs associated with the Amenities, it is necessary to impose certain uniform fees for use of the Amenities (the “**Fee(s)**”).

E. The Board previously adopted an amended and restated resolution pursuant to Resolution 2021-05-03 on May 12, 2021, as amended pursuant to Resolution 2022-05-01 on May 11, 2022 as recorded in the official records of Weld County, Colorado at Reception No. 4828103 on May 17, 2022 (together, the “**Resolution**”).

F. The Board has determined to adjust the Fees for use of the Amenities adopted pursuant to the Resolution, considering increasing costs and the ongoing operations and maintenance needs of the Amenities and desires to amend the Resolution accordingly.

NOW, THEREFORE, by and through its Board, the Authority hereby resolves as follows:

1. The Fees, as set forth on **Exhibit A**, attached hereto and incorporated herein by this reference, are hereby adopted pursuant to the authority granted to the Authority by the AEA, to provide for, operate, and maintain the Amenities. The Fees shall be effective as of January 1, 2024.

2. Except as set forth herein, the provisions of the Resolution shall remain in full force and effect.

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APPROVED AND ADOPTED THIS 10th DAY OF JANUARY 2024.

BEEBE DRAW FARMS AUTHORITY

DocuSigned by:

Sharon Dillon

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By: Sharon Dillon
Its: President

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EXHIBIT A

Amenity Fees

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**Amenity Fees
(Effective Jan 1, 2024)**

The Authority may impose a fee of \$250 per incident for use of any Amenity without paying the set Fee.

A. Swimming Pool

1. Residents of/Property Owners within the Authority ("In-Authority"):
 - a. \$200/year family membership.
 - b. \$10 new or replacement key card fee.*
 - c. Full payment due at time of membership.
*Max 2 active key cards per membership.
2. Non-residents of/non-property owners within the Authority ("Non-Authority"):
 - a. \$400.00/year.
 - b. \$10 new or replacement key card fee.*
 - c. Full payment due at time of membership.
*Max 2 active key cards per membership.

B. Pavilion adjacent to Swimming Pool - Reservation

1. In-Authority:
 - a. \$25.00 non-refundable fee per event.*
 - b. Full payment due in conjunction with reservation booking.
*Includes gas grill.
2. Non-Authority:
 - a. \$100.00 non-refundable fee per event.*
 - b. Full payment due in conjunction with reservation booking.
*Includes gas grill.

C. Party at the Swimming Pool Including Adjacent Pavilion - Reservation

1. In-Authority (Pool membership required):
 - a. \$200.00 non-refundable fee per event, plus a \$50.00 refundable deposit.
 - b. Full payment (\$250.00) due in conjunction with reservation booking.

2. Non-Authority (Pool membership not required):
 - a. \$500.00 non-refundable fee per event, plus a \$250.00 refundable deposit.
 - b. Full payment (\$750.00) due at execution of Swimming Pool Event Agreement.

D. Lake Christina Area

In-Authority:

- a. No fee.*

2. Non-Authority:

- a. \$500.00 per vehicle per year.*
- b. Full payment due at execution of Park Use Permit and Agreement and/or Activity Participation, Assumption of Risk, Release and Waiver of Liability.

*Fishing at Lake Christina requires a fishing permit, see item E., below.

E. Annual Fishing Permits

The fine for fishing without a permit is \$100.00 per person, per occurrence.

1. In-Authority:

- a. \$15.00 non-refundable fee per family.
- b. Full payment due upon application for a fishing permit.

2. Non-Authority:

- a. \$100 non-refundable fee per person.
- b. Full payment due upon application for a fishing permit.

F. Pavilion at Lake Christina - Reservation

1. In-Authority:

- a. \$100.00 non-refundable payment and \$100.00 refundable deposit per event.
- b. Full payment due at execution of Park Use Permit and Agreement.

2. Non-Authority:
 - a. \$500.00 non-refundable fee per event.
 - b. Full payment due at execution of Park Use Permit and Agreement.

G. Community Information and Sales Center - Reservation

1. In-Authority:
 - a. \$50.00 non-refundable payment and \$50.00 refundable deposit per event.
 - b. Full payment (\$100.00) due at execution of Facility and Property Rental Contract.
2. Non-Authority:
 - a. \$300.00 non-refundable payment and \$300.00 refundable deposit per event.
 - b. Full payment (\$600.00) due at execution of Facility and Property Rental Contract.

H. Equestrian Facilities and Trail System**

- In-Authority:
 - a. No fee.
2. Non-Authority: \$500.00 per person, per year.
 - a. Payment due at execution of Park Use Permit and Agreement and/or Activity Participation, Assumption of Risk, Release and Waiver of Liability

**Does not include jump course, which is included in Item D., above.