

**SECOND AMENDED AND RESTATED RESOLUTION
OF THE BOARD OF DIRECTORS OF
MOUNTAIN SHADOWS METROPOLITAN DISTRICT**

ADOPTING A DISTRICT FENCE MAINTENANCE POLICY

WHEREAS, Mountain Shadows Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized pursuant to Article 1, Title 32, Colorado Revised Statutes; and

WHEREAS, the District was organized for the purpose of providing certain improvements, facilities and services to and for the use and benefit of the District, its residents, users, property owners and the public; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the District has the power to adopt, amend, and enforce bylaws and rules and regulations for the purpose of carrying on the business, objects, and affairs of the board and the special district; and

WHEREAS, the District constructed or caused to be constructed certain perimeter fences (the “District Fencing”) for the benefit of property owners, residents, and taxpayers of the District; and

WHEREAS, the District Fencing may require periodic maintenance, repair and/or replacement; and

WHEREAS, on March 18, 2019, the District adopted an Amended and Restated District Fence Maintenance Policy regarding the obligations of the District to maintain, repair, and/or replace certain District Fencing (the “Prior Policy”); and

WHEREAS, the District desires to amend the Prior Policy with regard to the obligations of the District to maintain, repair and/or replace certain District Fencing.

NOW, THEREFORE, be it resolved by the Board of Directors of Mountain Shadows Metropolitan District as follows:

1. District Obligations to Maintain, Repair and Replace District Fencing. The District shall be responsible for maintaining, repairing and replacing fencing that is on or adjacent to property owned by the District as identified in **Exhibit A**, attached hereto and incorporated herein by this reference. Notwithstanding the foregoing, with regard to any required staining of District Fencing, the District shall only be responsible for staining those portions of the District Fencing facing property owned by the District. Any improvements or alterations to District Fencing must receive prior written approval by the District.

2. Lot Owner Obligations to Maintain, Repair and Replace Perimeter Fencing.

Individual lot owners are responsible for staining the portion of the District Fencing that face private property. Notwithstanding any other provisions contained herein, in the event any repair, maintenance and/or replacement of any District Fencing by the District results from the willful, negligence, or intentional act by an Owner or such Owner's Guest, the District shall have the right after proper notice to charge and collect the costs of such repair and/or replacement to such Owner.

3. **Effective Date.** This Resolution shall become effective March 18, 2019, and shall amend and restate the Prior Policy in its entirety.

RESOLVED AND ADOPTED this 2nd day of June, 2025.

MOUNTAIN SHADOWS METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

Gregory Rutz

Gregory Rutz (Jun 20, 2025 09:07 MDT)

President

ATTEST:

Tadd Overstreet

Tadd Overstreet (Jun 5, 2025 13:05 MDT)

Secretary

EXHIBIT A

District Fencing

