

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
POWHATON COMMUNITY AUTHORITY**

ADOPTING PARK & OPEN SPACE RULES AND REGULATIONS

WHEREAS, Powhaton Road Metropolitan District Nos. 1-11 (collectively, the “**Districts**”) are special districts duly formed pursuant to Title 32 of the Colorado Revised Statutes; and

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

WHEREAS, pursuant to § 32-1-1001(1)(j), C.R.S., the Districts are authorized to fix and impose fees, rates, tolls, charges and penalties for services or facilities provided by the Authority; and

WHEREAS, pursuant to § 32-1-1001(n), C.R.S., the Board of Directors of the Districts are authorized to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the Districts by Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to § 18-9-117(1), C.R.S., in addition to any authority granted by any other law, the Districts may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of public property under its control, management or supervision, regarding, *inter alia*, the following matters: (i) the preservation of property, grounds and structures; (ii) restriction or limitation of the use of such public property as to time, manner, or permitted activities; (iii) prohibition of activities or conduct on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance; (iv) necessary sanitation, health, and safety measures; (v) camping, picnicking, assemblages, and other individual or group usages including the time, place, and manner in which such activities may be permitted; (vi) use of all vehicles as to place, time, and manner of use; and (vii) control and limitation on fires; and

WHEREAS, pursuant to § 18-9-117(2), C.R.S., such limitations or prohibitions must be prominently posted at all public entrances to such property or such notice must be given by an officer or agency, including any agent thereof, or by any law enforcement officer having jurisdiction or authority to enforce the limitations, restrictions, or prohibitions; and

WHEREAS, the Powhaton Community Authority (the “**Authority**”) was formed pursuant to the Colorado Constitution Article XIV, Sections 18(2)(a) and (b) and Section 29-1-203 and Section 29-1-203.5, C.R.S., as amended (the “**Authority Act**”) pursuant to that certain Agreement Establishing the Powhaton Community Authority dated March 24, 2021 (the “**Establishment Agreement**”) by and among the Districts; and

WHEREAS, the Authority and the Districts are parties to that certain Operating Agreement dated April 14, 2021 (the “**Operating Agreement**”); and

WHEREAS, pursuant to the Operating Agreement, all rules and regulations, and amendments thereto, promulgated by the Authority from time to time concerning the provision of any Services (as defined in the Operating Agreement) will be fully enforceable within the boundaries of the Districts; and

WHEREAS, the Board has determined that it is in the best interest of the Authority and the residents and property owners of the Authority to adopt rules and regulations in order to provide for the preservation of the health, safety, and welfare of residents, property owners, and the public and in order to preserve and protect public property and facilities owned and/or operated by the Authority, and prohibit activities that interfere with the use and enjoyment of such property and facilities.

NOW, THEREFORE, be it resolved by the Board of Directors of Powhatan Community Authority as follows:

1. Adoption of Park & Open Space Rules and Regulations. The Park & Open Space Rules and Regulations attached hereto as **Exhibit A** and incorporated herein by this reference (the “**Rules and Regulations**”) are hereby adopted pursuant to § 32-1-1001(1)(m) and § 18-9-117, C.R.S.

2. Variances. The Board hereby authorizes the Authority manager or general counsel to grant written variances from the Rules and Regulations for good cause shown.

3. Amendment. The Authority expressly reserves the right to amend, revise, redact, and/or repeal the Rules and Regulations adopted hereby in whole or in part, from time to time in order to further the purpose of carrying on the business, objects, and affairs of the Authority. The foregoing shall specifically include, but not be limited to, the right to adopt new rules and regulations and/or policies and procedures as may be necessary, all in the Board's discretion.

4. Effective Date. The provisions of this resolution shall take effect as of the date this resolution is adopted by the Board.

5. Severability. If any term or provision of this resolution or if any rule or regulation is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable term or provision shall not affect the validity of the remainder of the resolution or rules and regulations, as a whole, but shall be severed, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

6. Penalties. Persons who violate any of the Rules and Regulations shall be subject to criminal and civil penalties.

a. Criminal Remedies. Pursuant to § 18-9-117(3)(a) and (b), C.R.S., any violation of the Rules and Regulations is unlawful and persons found in violation shall be subject to criminal penalties enforceable by authorized law enforcement officers.

b. Civil Penalties. A violation of any of the Rules and Regulations is subject to any and all civil remedies available to the Authority under Title 32, C.R.S. or other applicable laws, including a civil penalty hereby imposed in the amount of \$50 for the first violation, \$100 for the second violation, and \$250 for the third and subsequent violations, and actual costs and attorneys' fees incurred by the Authority. The Authority may collect such penalties, charges, costs and fees by any means authorized by law.

[Signature page follows]

RESOLVED AND ADOPTED this 6th day of April, 2022.

POWHATON COMMUNITY AUTHORITY,
a public corporation and political subdivision of the
State of Colorado

CJ Kirst

CJ Kirst (Jun 6, 2022 14:32 MDT)

Officer of the Authority

ATTEST:

Roger Hollard

Roger Hollard (Jun 6, 2022 15:34 MDT)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

Meghan G. Murphy

General Counsel to the Authority

[Signature page to Resolution Adopting Park & Open Space Rules and Regulations.]

EXHIBIT A

POWHATON COMMUNITY AUTHORITY

PARK & OPEN SPACE RULES AND REGULATIONS

- Park Hours are from 6 a.m. to 11 p.m., unless otherwise posted.
- Park areas are on a “first come, first serve” basis, unless you have a reservation.
- Amplified sound is not allowed, unless authorized by the Authority.
- Use of artificial lighting is prohibited, unless authorized by the Authority.
- Pick up and dispose of all litter.
- Pets must be leashed and under physical control at all times. Pet waste must be picked up and disposed. Pet owners are responsible for damage caused by their animal.
- Sales and commercial activities are prohibited, unless authorized by the Authority.
- No posting of any notices, letters, or signs (permanent or temporary).
- Do not attach anything to trees or structures.
- Bicycles, skateboards, and rollerblades are allowed only on sidewalks and designated trails.
- Motorized vehicles are restricted to parking lots and streets.
- No unauthorized motorbikes, go carts, golf carts, ATVs, motorized scooters, motorized toy vehicles, or other self-propelled, motorized vehicles designed for recreational purposes are allowed on paths, trails, along greenbelts and drainage ways, in open space or park areas, or beyond designated roadways or parking areas. No off-road use is permitted. Prohibitions shall include electric and fuel powered motors.
- Removal or damage to any Authority property is prohibited.
- No trespassing in restricted areas.
- Golfing, archery, or discharge of any firearm is prohibited.
- Fires and charcoal are allowed in grills and designated areas only. Extinguish all charcoals and dispose of them properly before leaving.
- No camping unless authorized by the Authority.
- Tents, booths, stands, bounce houses, etc. are strictly prohibited.

Violators Are Subject to Eviction

Please notify the Aurora City Police Department at 303-627-3100 if you witness damage, vandalism, or unusual behavior in the park.

Park Address:

275 S. Robertsdale St, Aurora, CO 80018

For Emergencies – Call 911