

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

ADOPTING A FENCE MAINTENANCE POLICY

WHEREAS, Powhaton Road Metropolitan District Nos. 1-7 and Sun Meadows Metropolitan District Nos. 1-4 (to be known as Powhaton Road Metropolitan District Nos. 8-11) (the “**Districts**”) are quasi-municipal corporations and political subdivisions of the State of Colorado, duly organized pursuant to Article 1, Title 32, Colorado Revised Statutes; and

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

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Districts have 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 Districts; and

WHEREAS, the Board of Directors of the Districts have determined it is in their best interest to form the Powhaton Community Authority (the “**Authority**”) pursuant to the Colorado Constitution Article XIV, Sections 18(2)(a) and (b) and Sections 29-1-203 and 29-1-203.5, C.R.S., as amended (the “**Authority Act**”), and simultaneously with the execution of this Resolution have entered into that certain Agreement Establishing the Powhaton Community Authority, dated March 24, 2021 (the “**Establishment Agreement**”) by and among the Districts; and

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

WHEREAS, pursuant to the Operating Pledge Agreement, the Authority is responsible for providing certain O&M Services (as defined in the Operating Pledge Agreement) on behalf of the Districts; and

WHEREAS, pursuant to the Authority Act and the Establishment Agreement, the Board of Directors of the Authority (the “**Board**”) shall have the management, control and supervision of all the business and affairs of the Authority; and

WHEREAS, the Authority and the Districts constructed or caused to be constructed certain perimeter fences (the “**Authority Fencing**”) for the benefit of homeowners of the Authority; and

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

WHEREAS, the Authority desires to set forth a fence maintenance policy regarding the obligations of the Authority to maintain, repair and/or replace certain Authority Fencing.

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

1. Authority Obligations to Maintain, Repair and Replace Authority Fencing.

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

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

Individual lot owners are responsible for staining the portion of the Authority Fencing that face private property. Notwithstanding any other provisions contained herein, in the event any repair, maintenance and/or replacement of any Authority Fencing by the Authority results from the willful, negligence, or intentional act by an Owner or such Owner's Guest, the Authority 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.** The provisions of this resolution shall take effect as of the date of this Resolution.

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RESOLVED AND ADOPTED this 14th day of April, 2021.

POWHATON COMMUNITY AUTHORITY


James Spehalski (Apr 27, 2021 15:16 MDT)

Officer of the Authority

ATTEST:


Roger Hollard (Apr 27, 2021 14:43 MDT)

APPROVED AS TO FORM:

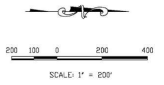
WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law



General Counsel to the Authority

EXHIBIT A
Authority Fencing

METRO DISTRICT FENCE MAINTENANCE EXHIBIT



LEGEND

- NEIGHBORHOOD FENCE (3,300 LF)
- THREE RAIL FENCE (5,800 LF)
- PRIVATE STORM SEWER
- GREEN SPACE
- PARK
- CSP BOUNDARY
- MONUMENTS
- MAILBOX LOCATIONS
- IRRIGATION METERS

		1033 E. Dry Creek Rd. Suite 200 Greenwood, CO 80113 TEL: 720-462-9025 CML@CML.NET		SCALE:	DRAWN BY:	SHEET NO.
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No.	Revisions	Date	Init.		Appr.	Date
						MAY 2003

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Powhaton.PowhatonAuthority.SunMeadows Documents for Signature 2021-04-27

Final Audit Report

2021-04-27

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"Powhaton.PowhatonAuthority.SunMeadows Documents for Signature 2021-04-27" History

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