

**RESOLUTION NO. 2019-11-03**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE VAUXMONT METROPOLITAN DISTRICT ACKNOWLEDGING AND ADOPTING PROTECTIVE COVENANTS AND EASEMENTS OF CANDELAS AND LANDSCAPE COVENANTS OF CERTAIN LOTS IN CANDELAS**

WHEREAS, Vauxmont Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the County of Jefferson, Colorado; and

WHEREAS, the District operates pursuant to its Service Plan approved by the City Council of the City of Arvada, Colorado, on March 1, 2004, as the same may be amended and/or modified from time to time (the “**Service Plan**”); and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district”; and

WHEREAS, Arvada Residential Partners, LLC, (the “**Developer**”) has caused to be recorded the Protective Covenants and Easements of Candelas, recorded on March 26, 2012, at Reception No. 2012032029 of the County of Jefferson, Colorado, real property records, as amended by that certain: (1) First Amendment to Protective Covenants and Easements of Candelas, recorded on September 10, 2012, at Reception No. 2012095878 of the County of Jefferson, Colorado, real property records; (2) Supplemental Declaration Annexing Property to the Protective Covenants and Easements of Candelas, recorded on July 21, 2014, at Reception No. 2014059270 of the County of Jefferson, Colorado, real property records; (3) Second Amendment to Protective Covenants and Easements of Candelas, recorded on November 21, 2014, at Reception No. 2014100102 of the County of Jefferson, Colorado, real property records; and (4) Third Amendment to Protective Covenants and Easements of Candelas, recorded on September 9, 2015, at Reception No. 2015096329 of the County of Jefferson, Colorado, real property records (as the same may be amended and/or modified from time to time, collectively and as may be amended or modified from time to time, the “**Protective Covenants**”) applicable to the real property within the District (the “**Property**”); and

WHEREAS, the Developer has also caused to be recorded the Landscape Covenants of Certain Lots in Candelas, and Certain Snow Removal, recorded on February 1, 2013, at Reception No. 2013012192 of the County of Jefferson, Colorado, real property records as the same may be amended and/or modified from time to time (the “**Landscape and Snow Removal Covenants**,” together with the Protective Covenants, the “**Covenants**”); and

WHEREAS, pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District’s Service Plan, a metropolitan district may provide covenant enforcement within the District if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement and design review entity; and

WHEREAS, the Covenants name the District as the enforcement entity and assign to the District the duties, rights and obligations to enforce the Covenants and to promulgate adopt, enact, modify, amend, and repeal rules, regulations, and other documents concerning the Covenants in conjunction with their respective requirements (the “**Enforcement Services**”); and

WHEREAS, pursuant to prior agreement between the District, the Developer, and Cimarron Metropolitan District (“**Cimarron**”), Cimarron has previously been providing the Enforcement Services; and

WHEREAS, the District, Cimarron, and the Developer agree it is appropriate for the District to provide, and the Board of Directors of the District (“**Board**”) desires to provide, for the orderly and efficient enforcement of the Covenants; and

WHEREAS, the Board wishes to adopt the Covenants as an official policy of the District, to acknowledge the duties, obligations and rights assigned to the District pursuant to each of the Covenants.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE VAUXMONT METROPOLITAN DISTRICT:

1. The Board hereby determines it is in the best interests of the District and its property owners and users for the District to accept assignment of all duties, rights and obligations under the Covenants and to provide the Enforcement Services established thereby.

2. The Board hereby authorizes and directs the officers of the District and District staff to take all actions necessary to execute the duties, rights and obligations assigned to the District by the Covenants.

3. Judicial invalidation of any of the provisions of this Resolution 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 Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.


4. This Resolution shall be effective January 1, 2020, and shall be recorded in the Real Property Records of Jefferson County, Colorado.

**[SIGNATURE PAGE FOLLOWS]**

[SIGNATURE PAGE TO RESOLUTION NO. 2019- 11 - 03]

APPROVED AND ADOPTED this 20<sup>th</sup> day of November, 2019.

**VAUXMONT METROPOLITAN  
DISTRICT**

By:   
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary or Assistant Secretary