

RESOLUTION NO. 2018-08 - 01

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE CIMARRON METROPOLITAN DISTRICT

RESOLUTION ADOPTING THE THIRD AMENDMENT TO POLICIES AND
PROCEDURES GOVERNING THE ENFORCEMENT OF THE PROTECTIVE
COVENANTS AND EASEMENTS OF CANDELAS AND THE LANDSCAPE
COVENANTS OF CERTAIN LOTS IN CANDELAS

A. The Cimarron Metropolitan District (the “**District**”) is a duly organized and validly existing special district, quasi-municipal corporation and political subdivision of the State of Colorado pursuant to Title 32, Colorado Revised Statutes.

B. 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.”

C. Pursuant to Section 32-1-1001(1)(j)(I), C.R.S., the District has the power “to fix and from time to time to increase or decrease fees, rates, tolls, penalties or charges for services, programs, or facilities furnished by the special district.”

D. The District adopted Resolution No. 2014-06-01, Resolution Adopting the Policies and Procedures Governing the Enforcement of the Protective Covenants and Easements of Candelas and the Landscape Covenants of Certain Lots in Candelas on June 17, 2014.

E. The District adopted Resolution No. 2015-05-02, Resolution Adopting the First Amendment to Policies and Procedures Governing the Enforcement of the Protective Covenants and Easements of Candelas and the Landscape Covenants of Certain Lots in Candelas on May 26, 2015.

F. The District adopted Resolution No. 2016-01-02, Resolution Adopting the Second Amendment to Policies and Procedures Governing the Enforcement of the Protective Covenants and Easements of Candelas and the Landscape Covenants of Certain Lots in Candelas on January 27, 2016.

G. The District desires to further amend the Policies and Procedures Governing the Enforcement of the Protective Covenants and Easements of Candelas and the Landscape Covenants of Certain Lots in Candelas.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CIMARRON METROPOLITAN DISTRICT, JEFFERSON COUNTY, COLORADO THAT:


1. The Board of Directors of the District hereby adopts the “Third Amendment to Policies and Procedures Governing the Enforcement of the Protective Covenants and Easements of Candelas and the Landscape Covenants of Certain Lots in Candelas,” as described in **Exhibit A**, attached hereto and incorporated herein by this reference (“**Third Amendment**”).

2. The Board of Directors declares that the Third Amendment is effective as of AUGUST 22, 2018.

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.


APPROVED AND ADOPTED this 22 day of Aug -, 2018.

CIMARRON METROPOLITAN DISTRICT

By: 

President

Attest:



Secretary

EXHIBIT A

**THIRD AMENDMENT TO POLICIES AND PROCEDURES GOVERNING THE
ENFORCEMENT OF THE PROTECTIVE COVENANTS AND EASEMENTS OF
CANDELAS AND THE LANDSCAPE COVENANTS OF CERTAIN LOTS IN
CANDELAS**

Article 2 is hereby deleted and replaced in its entirety by the following:

ARTICLE 2.
VIOLATIONS OF THE COVENANTS

2.1 Violations. Any Person violating any provisions of the Covenants shall be liable to the District for any expense, loss, or damage occasioned by reason of such violation and shall also be liable to the District for the penalties set forth in Article 2.3 below.

2.2 Notice of Violation. A Notice of Violation or Notice of Non-Compliance (the “**Notice**”) shall be sent upon a determination, following investigation, by the District Manager that a violation is likely to exist. Such Notice shall set forth the specifics of the alleged violation and the time period within which the alleged violation must be corrected, pursuant to the following classification guidelines:

a. Class I Violation: a violation that, in the sole discretion of the Board, can be corrected immediately and/or does not require submission to, and approval by, the Board of any plans and specifications. Class I Violations include, but are not limited to, parking violations, trash violations and other violations of the Covenants concerning annoying lights, sounds or odors. Class I Violations can in most cases be corrected within seven (7) days of notification. If the violation is not corrected within seven (7) days of notification or such longer period as required by the Covenants, the District may take any appropriate action necessary to remedy the violation, including but not limited to, abatement of unsightly conditions, towing and storage of improperly parked vehicles, and removal of trash, etc.

b. Class II Violation: a violation that, in the sole discretion of the Board, cannot be corrected immediately and/or require plans and specifications to be submitted to, and approval by, the District prior to any corrective action. Class II Violations include, but are not limited to, violations of the Covenants related to landscaping and construction of, or modification to, improvements. Class II Violations can in most cases be corrected within forty five (45) days of notification. If the violation is not corrected within forty five (45) days of receipt of the Notice, the District may take any appropriate action necessary to remedy the violation, including but not limited to, removing the non-complying landscaping or improvement, or recording a notice of non-compliance against the Property pursuant to Section 2.11 of the Protective Covenants.

2.3 Penalties. Penalties for violations of the Covenants shall be assessed as follows. Any penalties that have not been paid by the applicable due date shall be considered delinquent (the “**Delinquent Account**”).

a. Penalties for violations that the District has identified in Exhibit A (the “**Fee Schedule**”) attached hereto shall be assessed as specified in the Fee Schedule. The District reserves the right to amend the Fee Schedule from time to time and in its sole discretion. In no way shall the Fee Schedule or any other provision in this Article prevent the District from making determinations concerning penalty assessments for violations of the Covenants not specified in the Fee Schedule.

b. Penalties for all other violations of the Covenants not specified in the Fee Schedule shall be assessed as follows.

- no penalty
- 2.3.2.1 First Offense – Notice of Violation/Notice of Non-Compliance,
 - 2.3.2.2 Second Repeated Offense –Fee of up to \$100.00
 - 2.3.2.3 Third Repeated Offense – Fee of up to \$250.00
 - 2.3.2.4 Continuing Repeated Violation – Fee of up to \$500.00 each day violation continues (each day constitutes a separate violation).

EXHIBIT A
THE FEE SCHEDULE

VIOLATION	CLASS/TIME TO CORRECT	FIRST OFFENSE	SECOND REPEATED OFFENSE	THIRD REPEATED OFFENSE	CONTINUING REPEATED VIOLATION (EACH DAY CONSTITUTES A SEPARATE VIOLATION)
Fence Stain and Repairs	Class I Violation - 7 days	Notice of Violation/Notice of Non-Compliance, no penalty	Fee of \$25.00	Fee of \$50.00	Fee of \$25.00 each day violation continues
Improperly Stored Trash or Recycling Containers	Class I Violation - 7 days	Notice of Violation/Notice of Non-Compliance, no penalty	Fee of \$25.00	Fee of \$50.00	Fee of \$25.00 each day violation continues
Landscape Maintenance	Class I Violation - 7 days	Notice of Violation/Notice of Non-Compliance, no penalty	Fee of \$25.00	Fee of \$75.00	Fee of \$100.00 each day violation continues
Noncompliant Exterior Items (Excluding Permanent Structures)	Class I Violation - 7 days	Notice of Violation/Notice of Non-Compliance, no penalty	Fee of \$25.00	Fee of \$75.00	Fee of \$100.00 each day violation continues
Items Noncompliant With or Lacking CDRC Approval	Class II Violation - 45 days	Notice of Violation/Notice of Non-Compliance, no penalty	Fee of \$25.00	Fee of \$75.00	Fee of \$100.00 each day violation continues
Backyard Landscape Not Installed After 6 Months	Class II Violation - 45 days	Notice of Violation/Notice of Non-Compliance, no penalty	Fee of \$100.00	Fee of \$200.00	Fee of \$100.00 each day violation continues