

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CITY CENTER WEST RESIDENTIAL METROPOLITAN DISTRICT NO. 2
REGARDING ADOPTION OF DISTRICT
RULES AND REGULATIONS REGARDING PARKING**

THIS RESOLUTION CONCERNING THE ADOPTION OF DISTRICT RULES AND REGULATIONS REGARDING PARKING (the “Resolution”) is made and entered into by the City Center West Residential Metropolitan District No. 2 (the “District”) to be effective as of the 7th day of January, 2023.

WHEREAS, the District is authorized pursuant to §32-1-1001(1)(j)(I) of the Colorado Revised Statutes (“C.R.S.”), to fix and impose fees, rates, tolls, charges and penalties for services, programs or facilities provided by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, pursuant to §32-1-1004(8), C.R.S., the District is authorized and empowered to provide covenant enforcement and design review services within the District as law permits so long as the revenues used to provide such services are derived from the area in which the services are furnished; and

WHEREAS, the District desires to authorize and implement the establishment of parking regulations that would encompass the District Service Area and/or District property including as permitted by statute to be performed by the District, which would include the utilization of the District’s fine and enforcement policies and procedures; and

WHEREAS, the District previously passed “Resolution Concerning the Implementation of District Fine and Enforcement Policy and Imposition of District Fine Schedule Regarding Covenant Enforcement and Architectural Review” on June 22, 2022 (the “Resolution”) to implement and enforce the Declaration of Covenants, Conditions, Restrictions, and Easements for City Center West Residential Metropolitan District No. 2 (the “Declaration”) which was recorded on October 14, 2020 at Reception No. 4640071. Since the District passed the Resolution, it has come to the District’s attention that a number of vehicles have been parked behind garages behind the townhome and multi-family units within the community which could potentially cause safety hazards, interfere with operations, snow removal and access for residents and could impede the fire lanes and emergency access or constitute a detriment to the health, safety, welfare or orderly operation and use of the areas behind townhomes and multi-family units. In order to better regulate parking in these alleys and shared alleyways, which are owned and operated by the District.

NOW THEREFORE, the Boards of Directors of the District hereby RESOLVE as follows:

1. The District hereby adopts the following Resolution to clarify both the Architectural Control Handbook and Design Guidelines and current covenants of the District:
 - a. No Parking Behind Townhome Unit Garages or in Non-Designated Sections of Shared Alleyways. Section 3.7 of the Declaration of Covenants, Conditions, Restrictions, and Easements for City Center West Residential Metropolitan District No. 2 (the

“Declaration”), “Vehicular Parking, Storage and Repairs” states “vehicles shall be parked on in the garages and driveways, if any, serving the Lots, or in appropriate spaces or areas.”

- b. For clarification, the Board hereby adopts the following additional or clarifying resolution to provide **parking behind Townhome garage units is not permitted. The small concrete slabs outside of the garages are not considered driveways and parking on these slabs behind Townhome garage units is similarly not permitted.**
- c. Enforcement. Enforcement of the restrictions and other provisions contained in this Declaration, as amended, may be by any proceeding at law or in equity against any Person(s) violating or attempting to violate any such provision. The District and/or its governing board shall have the right to institute, maintain and prosecute any such violation in accordance with the fine and enforcement policies and procedures of the District or as permitted by law.
 - i. The decision of the District, the Governing Board or the ARC to pursue enforcement action in any particular case shall be left to its discretion, subject to the duty to exercise judgment and be reasonable and shall not be arbitrary or capricious in taking enforcement action. A decision of the District not to pursue enforcement action shall not be construed as a waiver of its right to enforce such provisions at a later time under other circumstances or preclude them from enforcing any other covenant, restriction or rule.
 - ii. Waiver of enforcement of the parking regulations may be considered by the District if made in writing and consideration will be given to whether enforcement or a waiver is in the best interest of the District, based upon hardship, expense, limited effect on other owners or other reasonable criteria, to pursue enforcement action.
- d. The District Fine And Enforcement Policy, As Supplemented And Amended, Shall Be In Effect At All Times, Including Weekends And Holidays. All Fees Imposed By The District Are Subject To Change, The District Manager Should Be Contacted With Questions Regarding Parking Within The District.
 2. Amendment. The District expressly reserve the right to amend, revise, redact, waive and/or repeal this Resolution in whole or in part, from time to time in order to further the purposes of carrying on the business and services of the District. The foregoing shall specifically include, but not be limited to the right to adopt new policies as may be deemed necessary in the District’s sole discretion.
 3. Deviations. The Board may deviate from the procedures set forth in this policy if in its sole discretion such deviation is reasonable under the circumstances.
 4. Validity. If any clause or provision of this Resolution is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid

or unenforceable clause or provision shall not affect the validity of the Resolution as a whole but shall be severed here from, leaving the remaining clauses or provisions in full force and effect.

5. Effective Date. This Resolution shall be immediately effective as of the date reflected below.

ADOPTED AND APPROVED to be effective as of the 7th day of February, 2023.

**CITY CENTER WEST RESIDENTIAL
METROPOLITAN DISTRICT NO. 2**

ATTEST:
DocuSigned by:

Mike Welty

C075A2F02630408...
Asst. Secretary/Treasurer

DocuSigned by:

Patrick McMeekin

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President

EXHIBIT A**Fine and Enforcement Policies of City Center West Residential Metropolitan District No. 2
as Supplemented and Amended**

The District Fine and Enforcement Policy Schedule is amended as follows:

SCHEDULE OF FINES (amended):

Violation	Amount of Fine				Assess	
	1st	2nd	3rd	Thereafter		
Architectural Committee Review and Approval Required	Warning	\$100	\$200	\$200	Bi-weekly	
Architectural Review, Improvement not Conforming to Request/Approval	Warning	\$100	\$200	\$200	Bi-weekly	
Residential Use: Professional or Home Occupation	Warning	\$100	\$200	\$200	Bi-weekly	
Declaration of Covenants, Other Violations of District Policies, Rules and Regulation Not Listed	Warning	\$100	\$200	\$200	Bi-weekly	
Drainage & Irrigation	Warning	\$100	\$200	\$200	Bi-weekly	
Household Pets	Warning	\$100	\$200	\$200	Bi-weekly	
Leases	Warning	\$100	\$200	\$200	Bi-weekly	
Vehicle Parking, Storage and Repairs (including parking behind garages in the Townhomes or other areas with shared alleyways, or parking in other non-designated portions of shared alleyways)	Warning	\$100	\$200	\$200	Bi-weekly	
Light, sound and Orders	Warning	\$100	\$200	\$200	Bi-weekly	
Nuisances	Warning	\$100	\$200	\$200	Bi-weekly	
Hazardous Activities	Warning	\$100	\$200	\$200	Bi-weekly	
Completion of Landscape	Warning	\$100	\$200	\$200	Bi-weekly	
Lot Maintenance	Warning	\$100	\$200	\$200	Bi-weekly	
Miscellaneous Requirement & Improvements including signage	Warning	\$100	\$200	\$200	Bi-weekly	
Temporary Structures	Warning	\$100	\$200	\$200	Bi-weekly	
Trash and Materials	Warning	\$100	\$200	\$200	Bi-weekly	
Damage to District Property, Landscaping or Improvements	Warning	\$100	\$200	\$200	Bi-weekly	