

**EAGLE SHADOW METROPOLITAN DISTRICT No. 1  
Adams County, Colorado**

**RESOLUTION NO. 2005-5**

**A RESOLUTION PROVIDING FOR THE REGULATION OF THE DISTRICT PERIMETER FENCES AND ADOPTING AND ENACTING RULES AND REGULATIONS PERTAINING THERETO.**

**BE IT RESOLVED** by the Board of Directors of the Eagle Shadow Metropolitan District No. 1 as follows:

**Section 1.** There is hereby adopted and enacted the Rules and Regulations—Perimeter Fencing, in the form attached hereto and incorporated herein by reference.

**Section 2.** Should any one or more sections or provisions of this Resolution or of the Rules and Regulations enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution or of the said Rules and Regulations, the intention being that the various sections and provisions are severable.

**Section 3.** All Rules and Regulations, general policies and procedures of the District pertaining to perimeter fencing in existence prior to the effective date of this Resolution, and all other policies, procedures and regulations or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

**ADOPTED AND APPROVED**, at Regular Meeting of the Board of Directors, held on the 20<sup>th</sup> day of September, 2005.

EAGLE SHADOW METROPOLITAN DISTRICT No. 1

( S E A L )

ATTEST:

By:

Mara Grannell, Secretary

By:

Gene A. Osborne, President

EAGLE SHADOW METROPOLITAN DISTRICT No. 1  
Rules and Regulations—Perimeter Fencing

1. Eagle Shadow Metropolitan District No. 1 (“ESMD” or the “District”) has installed 3-rail white vinyl fencing along the exterior perimeter of many of the subdivisions in the District (the “Fence”). The Fence is and shall remain the property of ESMD. ESMD will be solely responsible for the operation, maintenance and repair of the Fence.
2. It is the duty of the owners of property abutting the Fence (“property owner”) not to modify, alter or remove the Fence, and to take reasonable care not to damage it.
3. The following provisions shall govern any proposed improvement/connection to the Fence, (improvement to include animal containment wire, *etc.*) initiated by any property owner after October 1, 2005:
  - a. No person shall make any improvement/connection to the Fence without prior written approval from the District. A property owner who desires to make any improvement/connection to the Fence must apply in writing at the ESMD Management Office for District approval.
  - b. The property owner shall, as part of such application, furnish a drawing or plans showing the location of the Fence and all details of the proposed improvement/connection to the Fence.
  - c. The property owner shall also submit an improvement/connection fee of \$250, payable to the District, with the application.
  - d. The District will reply to any application filed under these Rules and Regulations within 10 days after receipt of a complete submittal, as follows:
    - the proposed improvement/connection is approved; or
    - the proposed improvement/connection is approved with conditions, which conditions shall be set forth in writing; or
    - the proposed improvement/connection is not approved, in which event the property owner may resubmit within 10 days a new application and related submittals. If no new submittal is received, the \$250 payment will be returned to the property owner.
  - e. These Rules and Regulations are in addition to any and all other requirements that may be applicable to any proposed improvement/connection. ESMD shall have no responsibility whatever for any necessary approvals from the Todd Creek Village Master Association or the respective subdivision’s Homeowners Association or any agency thereof, such as an architectural review committee, or for any other permitting required for the improvement/connection to the Fence. No District approval issued pursuant to these Rules and Regulations shall

supersede requirements of any association or architectural review committee regarding improvements to the lot.

- f. All improvements/connections made to the Fence by the property owner shall be in accordance with plans approved by ESMD, including any conditions of district approval.
  - g. After an approved improvement/connection has been completed, the ESMD will continue to repair and maintain its Fence to its original installed condition. Should the property owner's improvement/connection also need repair, it shall remain the responsibility of the property owner to repair/replace.
4. A property owner who has installed an improvement/connection to the Fence before October 1, 2005 will not be required to submit the items and fees listed in Section 3 above for that improvement/connection, but any further or additional improvement/connection shall be subject to the provisions of these Rules and Regulations.
  5. Any person who makes improvements/connections to the Fence or alters, modifies or removes the Fence or any portion thereof without District approval, or who damages or destroys the Fence or any portion thereof shall be liable to the District for all of the costs, direct and indirect, incurred by the District to restore or repair the Fence. Such costs include the District's administrative and other costs incurred to investigate the matter and enforce its rights under these Rules and Regulation. If any person liable to the District under this Section 5 owns property in the District, the District shall have a perpetual lien against the said property of such person to secure the payment of such amounts to the fullest extent provided by §32-1-1001(1)(j), C.R.S.