

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
CLEAR CREEK STATION METROPOLITAN DISTRICT NO. 1**

**CONCERNING DISTRICT ASSUMPTION OF CERTAIN TREE LAWN  
MAINTENANCE RESPONSIBILITIES**

At the regular meeting of the Board of Directors (the "Board") of Clear Creek Station Metropolitan District No. 1 (the "District"), Adams County, Colorado, held at 9:30 A.M., on March 10, 2015, at 6465 S. Greenwood Plaza Blvd., Suite 700, Centennial, Colorado, it was moved by the Board to adopt the following Resolution:

WHEREAS, the District is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing pursuant to §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board is empowered with management, control, and supervision of all business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(d), C.R.S., the Board is authorized to enter into contracts and agreements affecting the affairs of the District; and

WHEREAS, the pursuant to § 32-1-1001(1)(j)(I), C.R.S., the Board is authorized to fix and from time to time increase or decrease, fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, residents and property owners within the District are currently responsible for all maintenance of tree lawn areas; and

WHEREAS, the District, at its discretion, in order to provide an added benefit to the residents and property owners within the Midtown at Clear Creek community, wishes to assume certain maintenance responsibilities of tree lawn areas which are within public right of way within the District; and

WHEREAS, the District may change the scope of maintenance that it is undertaking, or eliminate the same in the future.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. District Responsibilities. Beginning in Spring 2015, the District, through its contract with Schultz Landscaping, shall assume the following responsibilities for maintenance in all tree lawn areas:

- a. Mowing: Once a week between the months of March and October, at a maximum height of 2-3 inches depending on the weather;

- b. Edging: At least once a month, between the months of March and October;
- c. Fertilization: All areas landscaped with sod or turf will be fertilized with a granular fertilizer a minimum of two times per growing season; and
- d. Aeration: All turf areas, once per contract season.

2. Homeowner Responsibilities. The following maintenance in the tree lawns will remain the responsibility of individual homeowners:

- a. Adherence to all required water restrictions. The District will send a mow schedule to all residence once restrictions are set. Owners may be required to adjust watering schedules within any such restrictions windows to allow for mowing;
- b. Replacement, maintenance and programming of irrigation clocks;
- c. Maintaining irrigation system, and making necessary repairs;
- d. Watering of sod and trees in tree lawn, and replacing sod and trees as necessary. In order for the District to adequately perform the services described above, residents shall not water on days scheduled for mowing of the tree lawns; and
- e. Fertilization and pruning of trees.

3. Severability. If any term 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 term or provision shall not affect the validity of the remainder of the resolution, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.


4. Binding Effect. This resolution shall be binding on all real property within the boundaries of Clear Creek Station Metropolitan District Nos. 1, 2 and 3, as amended from time to time.

5. Effective Date. The provisions of this resolution shall take effect as of the date of this resolution.

RESOLUTION APPROVED AND ADOPTED this 10th day of March, 2015.

*Signature on Following Page*

CLEAR CREEK STATION METROPOLITAN  
DISTRICT NO. 1

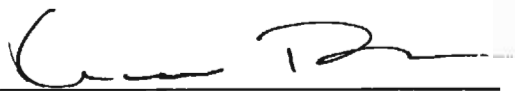
  
\_\_\_\_\_  
Officer of the District

ATTEST:

  
\_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

  
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General Counsel to the District

*Signature page to Resolution Approving District Assumption of Certain Tree Lawn Maintenance  
Responsibilities.*

**CERTIFICATION OF RESOLUTION**

STATE OF COLORADO  
COUNTY OF ADAMS  
CLEAR CREEK STATION METROPOLITAN DISTRICT NO. 1

I hereby certify that the foregoing resolution constitutes a true and correct copy of the record of proceedings of the Board adopted at a joint meeting held on Tuesday, March 10, 2015, at 6465 S. Greenwood Plaza Blvd., Ste. 700, Centennial, Colorado, as recorded in the official record of the proceedings of the District.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10<sup>th</sup> day of March, 2015.

  
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