

RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
LEWIS POINTE METROPOLITAN DISTRICT

Establishing a District Fence Ownership and Maintenance Policy (“Policy”)

WHEREAS, Lewis Pointe Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the District Board of Directors (“Board”) desires to identify and clarify which fence lines within the District boundaries are owned and maintained by the District and establish standards and rules to maintain and protect such fence lines;

WHEREAS, the Board desires to adopt this Resolution.

NOW, THEREFORE, the Board hereby RESOLVES:

1. **Definitions.**

Plat Maps: Defined collectively as Lewis Pointe Subdivision Plat Map executed on January 25, 2007 and filed with the Adams County Clerk & Recorder’s Office at Reception No. 2007000009602 and all subsequent amendments thereto.

2. **District-Owned Fence Lines.**

The District owns and maintains the fence lines as identified in **Exhibit A** to this Policy. The District does not own or maintain any fence lines within the Property other than those fence lines designated in **Exhibit A**.

3. **Fence Maintenance.**

Generally, the District desires to ensure all fence lines bordering common areas maintain a consistent design and color. The District will exercise reasonable discretion in maintaining and replacing its fence assets. Funds to replace fence assets will be drawn from the District capital reserve account, if adequate funds are available.

4. **Reserve Study.**

The district will allocate a portion of annual maintenance fee revenue to its capital reserve account in accordance with its most recent reserve study.

5. **Homeowner Damages to District Fence Lines.**

Owners of Lots bordering District-owned fence lines are responsible for repairing damages to the fence line caused by themselves, their guests, their pets, their renters, plants/trees/landscaping located on their Lots. If the Owners fail to make such repairs within 15 days after receiving written notice from the District, the District may perform all necessary repairs to its fence line and bill all costs incurred back to the respective property account as a reimbursement fee.

Damages to the District fence line caused by weather or by events originating outside of the Owner's Lot are not considered damages caused by Owners.

6. **Fence Lines Dividing Owner Lots.**

Owners are responsible for maintaining fence lines that run along property lines dividing Lots. The ownership and maintenance responsibilities of fence lines running along Lot lines are shared between the Lot Owners. Owners (not the District) are responsible for establishing agreements between Owners regarding the division of costs and maintenance responsibilities regarding shared fence lines. Although the District will not serve as an arbitrator regarding Owner disputes regarding the cost and maintenance responsibilities of shared fence lines, the District considers Owners equally responsible for maintaining such fence lines in compliance with the Design Guidelines and restrictive covenants of the neighborhood.

7. **Deviations.**

The District may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.

8. **Definitions.**

Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

9. **Supplement to Law.**

The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the District and the Property.

10. **Severability.**

If any term, condition or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such term, condition or provision shall not affect any other provision contained in this Policy, the intention being that such provisions are severable. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Policy a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

ADOPTED this 2nd day of August 2021.

LEWIS POINTE METROPOLITAN DISTRICT

DocuSigned by:

Peter Adler

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Peter Adler, Board President

ATTEST:

DocuSigned by:

Anthony Garcia

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Tony Garcia, Board Secretary

Exhibit A

Map of District Owned/Maintained Fence Lines

