

**RESOLUTION OF THE BOARD OF DIRECTORS OF
LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT
AMENDING THE RULES AND REGULATIONS GOVERNING THE
ENFORCEMENT OF CERTAIN COVENANTS, CONDITIONS AND
RESTRICTIONS OF LUPTON VILLAGE PUD, AND RATIFYING SUCH
RULES AND REGULATIONS**

WHEREAS, Lupton Village Residential Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado operating pursuant to its amended and restated service plan, approved by the City of Fort Lupton, Colorado on February 4, 2020; and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the Board of Directors of the District (the “Board”) has the power to adopt, amend and enforce bylaws and rules and regulations, not to conflict with the constitution and laws of the State, for carrying on the business, objects, and affairs of the District; and

WHEREAS, pursuant to Section 32-1-1001(1)(j)(I), C.R.S., the Board 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 District; and

WHEREAS, pursuant to Section 32-1-1004(8), C.R.S., the District may provide covenant enforcement and design review services within the District’s boundaries if the declaration or similar document containing the covenants to be enforced for the area within the District name the District as the enforcement entity;

WHEREAS, Lupton Village Land Declarants, LLC (the “Declarant”) has caused to be recorded in the real property records of Weld County, Colorado certain covenants, conditions and restrictions for the Lupton Village PUD (the “Property”) within the District’s boundaries (collectively, the “Covenants”), as follows:

- i. Declaration of Covenants, Conditions and Restrictions for Lupton Village PUD and Lupton Village Residential Metropolitan District dated July 15, 2021, recorded in the real property records of Weld County, Colorado on August 5, 2021 at reception number 4743200; and
- ii. Supplemental Declaration and Party Wall Agreement for Lupton Village Townhomes dated August 6, 2021, recorded in the real property records of Weld County, Colorado on August 6, 2021 at reception number 4743507; and
- iii. Second Supplemental Declaration and Party Wall Agreement for Lupton Village Townhomes dated February 11, 2022, recorded in the real property records of Weld County, Colorado on February 11, 2022 at reception number 4801822 (the “Second Supplement”); and

WHEREAS, the Covenants provide that it is the intention of the Declarant to empower the District to provide certain services to residents, including, among other things, covenant enforcement, design review, snow removal and trash collection (the “Services”); and

WHEREAS, on June 18, 2021 the Board approved a resolution regarding the imposition of District fees on certain portions of the Property in connection with the Services (which resolution was recorded in the real property records of Weld County on October 15, 2021 at reception number 4766191); and

WHEREAS, on July 8, 2021 the Board approved a resolution adopting the rules and regulations governing the District’s enforcement of the Covenants (the “Rules and Regulations”), such Rules and Regulations having an effective date of June 18, 2021; and

WHEREAS, on March 10, 2022 the Board approved a resolution regarding the imposition of District fees in connection with the Services to be provided to townhomes in the District pursuant to the Townhome Declarations as defined therein; and

WHEREAS, pursuant to the Covenants, the Board may promulgate, adopt, enact, modify, amend, and repeal Rules and Regulations concerning and governing the Property and the enforcement of the Covenants; and

WHEREAS, the Board wishes to amend certain portions of the Rules and Regulations regarding the enforcement of certain portions of the Covenants related to insurance coverage required of property owners within the District; and

WHEREAS, the Board wishes to ratify all prior acts related to the District’s enforcement of the Covenants and the imposition of any and all fees in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT AS FOLLOWS:

1. The Board hereby amends the Rules and Regulations to except the enforcement of Section 6.4 of the Second Supplement. For the avoidance of doubt, the District shall not enforce any requirement for the owners of any lots within the Property to obtain or keep in force and effect public liability insurance, regardless of the amount, upon such lots, nor shall the District impose any penalties or provide notices in connection with any violation of such requirement.

2. The Board hereby ratifies and affirms all prior actions of the District and all resolutions previously adopted by the Board in connection with the Rules and Regulations and/or the imposition of fees for the Services and re-affirms the District’s consent to the enforcements of the Covenants and provision of the Services pursuant to such Rules and Regulations as hereby amended.

3. Judicial invalidation of any of the provisions of this Resolution or 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 of essence of this Resolution.

APPROVED AND ADOPTED this 17th day of November, 2022.

LUPTON VILLAGE RESIDENTIAL
METROPOLITAN DISTRICT



[William Johannigmeier \(Jan 24, 2023 14:32 MST\)](#)

William J. Johannigmeier, President

ATTEST:



[Fred Croci \(Dec 5, 2022 18:43 MST\)](#)

By: Fred Croci, Secretary/Treasurer