

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
EAGLE BROOK MEADOWS METROPOLITAN DISTRICT NO. 1**

A RESOLUTION APPOINTING MEMBERS TO THE ARCHITECTURAL REVIEW COMMITTEE, APPROVING DESIGN GUIDELINES FOR BUILDERS OF RESIDENCES IN THE EAGLE BROOK MEADOWS DEVELOPMENT, AND IMPOSING A DESIGN REVIEW FEE

WHEREAS, pursuant to Section 32-1-1004(8), C.R.S. and the Consolidated Service Plan for Eagle Brook Meadows Metropolitan District Nos. 1 - 3 (“Service Plan”), the Eagle Brook Meadows Metropolitan Districts Nos. 1 - 3 (the “Districts”) have the power and authority to furnish covenant enforcement and design review services within the Districts; and

WHEREAS, pursuant to that certain “Master Declaration of Covenants, Conditions, and Restrictions for Eagle Brook Meadows” recorded against the real property, as described therein and as more particularly described in Exhibit A attached hereto (the “Property”), in the records of the Larimer County Clerk and Recorder on October 17, 2019 at Reception No. 20190064271 (the “Declaration”), the Eagle Brook Meadows Metropolitan District No. 1 (the “District”) has been empowered to provide covenant enforcement and design review services to the Property in the Eagle Brook Meadows development (“Development”); and

WHEREAS, unless otherwise defined herein, capitalized terms used herein shall have the designated meanings given to them in the Declaration; and

WHEREAS, Section 7.1 of the Declaration establishes an Architectural Review Committee (“ARC”) to be responsible for the establishment and administration of the Design Guidelines, and to act on behalf of the District in enforcing the provisions of Article 7 of the Declaration; and

WHEREAS, the ARC is to consist of three (3) members and shall be appointed by the Board of Directors (the “Board”) of the District; and

WHEREAS, as set forth in Section 7.1 of the Declaration, members of the ARC may include, but not be limited to, directors of the Board, architects, landscape architects, engineers or other Persons qualified to review applications submitted by Owners for Lot Improvements; and

WHEREAS, pursuant to the Declaration, the Design Guidelines may include those design guidelines promulgated and adopted by the Declarant, the ARC and/or the District, and may include the Site Development Plan, Amendment 1 (as may be further amended) for the Development, as approved by the City; and

WHEREAS, pursuant to Section 7.6 of the Declaration, the ARC shall have the right to charge fees and deposits for its review of plans submitted to the ARC, in an amount which may be established by the ARC from time to time, to recover the fair and reasonable costs of such service as is directly related to such application, including the cost of hiring outside experts when deemed appropriate by the ARC; and

WHEREAS, the District desires to appoint the initial members of the ARC, to adopt Design Guidelines for Builders constructing Residences on any Lot in the Development for administration and enforcement by the ARC, and to establish a “Design Review Fee” to recover the fair and reasonable costs for the review of Builder plans by the ARC.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE EAGLE BROOK MEADOWS METROPOLITAN DISTRICT NO. 1 HEREBY RESOLVES AS FOLLOWS:

1. The Board hereby appoints the following three (3) members to serve as the initial members of the ARC and to act on behalf of the District pursuant to Article VII of the Declaration:

Crystal Clemens
Tanya Fisher
Laura Hillger

The members of the ARC may change from time to time as provided in the Declaration. The ARC shall administer and enforce any Design Guidelines adopted by the Declarant, the District or the ARC, including the Design Guidelines adopted and set forth in Paragraph 2 herein, and impose such fees as deemed necessary to recover the costs incurred by the ARC to administer and enforce the Design Guidelines.

2. The District hereby adopts the Site Development Plan, Amendment 1, as approved by the City of Loveland on December 5, 2019 (“SDP”), and any subsequent amendments thereto, as the Design Guidelines for Builders constructing Residences on Lots in the Development. Builders shall be required to comply with the SDP, and any other applicable Design Guidelines then-adopted by the Declarant, ARC, or District, in constructing Residences on any Lot in the Development.

3. Prior to commencing construction of a Residence on any Lot, all Builders shall be required to submit an Architectural Design Review Application-Builders (“Application”) to the ARC. The ARC shall review the Application for compliance with the SDP and any other Design Guidelines then-adopted by the ARC as of the date of submission of the Application.

4. To recover the fair and reasonable costs incurred for the ARC to review each Application, the District hereby imposes a design review fee in the amount of \$200.00 (“Design Review Fee”) for each Architectural Design Review Application submitted to the ARC. If the ARC requires the Builder to revise its initial Application, the District hereby imposes an additional review fee in the amount of \$100.00 (“Additional Review Fee”) for the submission of each revised Application.

5. All Design Review Fees shall be submitted at the time the Application is submitted to the ARC. No Application or revised Application shall be reviewed until the Design Review Fee or Additional Review Fee, as applicable, has been paid. The Design Review Fee and Additional Review Fee shall be paid to the District in immediately available funds.

6. Additional Design Guidelines may be adopted by the Declarant, the District or the ARC in the future and may not be recorded. Each Builder should ensure that it has obtained copies of all Design Guidelines then in-effect at the time of submission of the Application.


7. If any clause or provision of this Resolution is adjudged invalid and/or unenforceable by a court of competent jurisdiction or by operation of any law, such clause or provision shall not affect the validity of this Resolution as a whole, but shall be severed herefrom, leaving the remaining terms intact and enforceable.

8. This Resolution shall be effective upon adoption, executed by the President of the District and attested by a designated representative of the District, including the District's legal counsel or other officer of the District, and shall be recorded in the Larimer County Clerk and Recorder's Office against the Property, as more particularly described in Exhibit A attached hereto.

(Signatures begin on next page.)

ADOPTED AND APPROVED THIS 21st DAY OF MAY, 2020

EAGLE BROOK MEADOWS METROPOLITAN
DISTRICT NO. 1



By: Robert Eck, II, President

ATTEST:



By: Deborah A. Farley
Its: Legal Counsel

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Lots 1 through 32, both inclusive, Block 1;
Lots 1 through 12, both inclusive, Block 2;
Lots 1 through 12, both inclusive, Block 3;
Lots 1 through 22, both inclusive, Block 4;
Lots 1 through 18, both inclusive, Block 5;
Lots 1 through 15, both inclusive, Block 6;
Lots 1 through 19, both inclusive, Block 7;
Lots 1 through 19, both inclusive, Block 8;
Lots 1 through 17, both inclusive, Block 9;
Lots 1 through 16, both inclusive, Block 10;
Lots 1 through 18, both inclusive, Block 11;
Lots 1 through 9, both inclusive, Block 12;
Lots 1 through 12, both inclusive, Block 13;
Lots 1 through 12, both inclusive, Block 14;
Lots 1 through 10, both inclusive, Block 15;
Lots 1 through 14, both inclusive, Block 16;
Lots 1 through 9, both inclusive, Block 17;
Lots 1 through 11, both inclusive, Block 18;
Lots 1 through 12, both inclusive, Block 19;
Lots 1 through 8, both inclusive, Block 20;
Tracts A, B, C, D, E, F, G, H, I, J, K, L; and
Outlot A;

All being in Eagle Brook Meadows First Subdivision to the City of Loveland, Colorado, according to the plat thereof recorded in the Clerk and Recorder's Office of Larimer County, Colorado on November 28, 2006 at Reception No. 20060089602, City of Loveland, County of Larimer, State of Colorado.