

RESOLUTION 11-2023

RESOLUTION OF THE BOARD OF DIRECTORS OF COLORADO CITY
METROPOLITAN DISTRICT

WHEREAS, Colorado City Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, C.R.S. § 32-1-1001(D)(m) states that, among other powers, the Board of Directors (the “Board”) has the power “[t]o adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district”; and

WHEREAS, many of the properties within the District are subject to recorded Declarations of Protective Covenants (the “Covenants”) that require approval of design plans by an architectural committee before any building may be constructed on the lot, to ensure compliance with covenant requirements and restrictions and to review the proposed location, form, texture, color and external appearance of the proposed structure; and

WHEREAS, the District has assumed the duties of the architectural control committee as set forth in the Covenants and has the power to enforce the Covenants and provide design review and approval for property in the District; and

WHEREAS, pursuant to Resolution 16-2019, the CCMD Board established the Colorado City Architectural Advisory Committee (“CCAAC”) and authorized the CCAAC to review architectural design applications for compliance with the Covenants and to make recommendations regarding approval or disapproval; and

WHEREAS, pursuant to Resolution 16-2019, the CCAAC also reviews and investigates complaints of violations of the Covenants, sends out courtesy letters to correct violations, and makes recommendations to the Board regarding further enforcement actions; and

WHEREAS, as part of the District’s authority to enforce the Covenants, it may make determinations on ambiguous Covenants, including interpreting ambiguous terms and phrases so long as doing so does not materially change the Covenants; and

WHEREAS, questions have arisen regarding which uses are permitted on properties which are restricted to Commercial Use under the covenants; and

WHEREAS, the Board finds that it is in the best interest of the residents of the District to establish the meaning of the phrase “Commercial Use”, for the purposes of the District’s review of architectural design applications and for the District’s review, investigation and enforcement complaints of Covenant violations, in order to ensure that the Covenants are consistently applied by the District; and

WHEREAS, nothing herein shall be deemed to amend the Covenants, which shall continue in full force and effect.

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

- 1) Resolution 16-2019 is hereby amended to add a new Section III, which will read as follows:
 - III. The District shall interpret the following terms when used in the Covenants as set forth below, for purposes of review and approval/disapproval of architectural design applications and for purposes of review, investigation and enforcement of alleged violations of the Covenants.

A. Commercial Use – any use permitted as a use by right or a use by review


(after approval by Pueblo County), allowed by Pueblo County Code, Title 17
Division I Zoning, as amended from time to time, in the following zone
districts:

- a) 17.56 Neighborhood Office District (O-1) or
 - b) 17.60 Neighborhood Business District (B-1) or
 - c) 17.64 Community Business District (B-4)
- 2) Resolution 16-2019 shall continue in full force and effect, except as hereby amended.
- 3) This Resolution shall take effect upon adoption.

Adopted and approved on April 25, 2023, by the Board of Directors of Colorado City
Metropolitan District, Pueblo County, Colorado.

COLORADO CITY METROPOLITAN DISTRICT

By: 
Neil Elford, Chairman

ATTEST:

Gregory Collins, Secretary