

FIRST AMENDMENT TO THE SERVICE PLAN FOR THE COLORADO'S TIMBER RIDGE METROPOLITAN DISTRICT

ARCHULETA COUNTY, COLORADO

FIRST AMENDMENT TO THE SERVICE PLAN

This First Amendment to the Service Plan for the Colorado's Timber Ridge Metropolitan District ("Amendment") amends the Service Plan originally approved by the Board of County Commissioners of Archuleta County, Colorado, in November 2012.

I. RECITALS

A. Colorado's Timber Ridge Metropolitan District ("District") is a quasi-municipal corporation and political subdivision of the State of Colorado organized pursuant to Article 1 of Title 32, Colorado Revised Statutes.

B. The Board of County Commissioners of Archuleta County approved the District's Service Plan in November 2012.

C. Since approval of the original Service Plan, the Colorado General Assembly enacted amendments to the Special District Act, including Sections 32-1-1004 and 32-1-1004.5, C.R.S., and HB24-1267 expressly authorizing metropolitan districts to provide covenant enforcement, design review, architectural review, and related services under specified circumstances.

D. The Colorado's Timber Ridge Homeowners Association ("HOA") has requested that the District provide declaration enforcement and architectural/improvement review services on behalf of the HOA in order to promote efficient administration, expense savings, preserve community standards, protect property values, and provide a stable and accountable governance structure.

E. The Board of Directors of the District has determined that providing such services constitutes an authorized special district service, is consistent with applicable Colorado law, and is in the best interests of the residents and property owners within the District.

F. This Amendment is intended solely to expand the authorized powers and services of the District and does not otherwise materially modify the financial limitations, debt limitations, election requirements, or other provisions of the original Service Plan unless specifically stated herein.

II. AMENDMENT TO AUTHORIZED SERVICES

Service Plan amended by adding the following subsection:

Declaration Enforcement and Architectural/Improvement Review Services

In addition to all other services authorized under the Service Plan, the District is authorized to provide, either directly or through contracts with third-party professionals, the following services for property located within the Timber Ridge Subdivision :

1. Administration, management and enforcement of recorded declarations, covenants, conditions and restrictions (CC&Rs), rules, regulations, policies, guidelines, and related governing documents.
2. Architectural/Improvement review and approval of improvements, including administration of an Improvement Review Committee.
3. Review of applications for construction, remodeling, landscaping, fencing, grading, exterior modifications, and other improvements.
4. Inspection of properties for compliance with approved plans and governing documents.
5. Investigation of alleged covenant violations.
6. Notice of violations.
7. Informal resolution of violations.
8. Administrative hearings conducted in accordance with adopted policies.
9. Imposition and collection of fines, fees, reimbursement assessments, and other charges authorized by applicable law and governing documents.
10. Maintenance of enforcement records and improvement review records.
11. Adoption and enforcement of architectural and improvement standards, design guidelines, rules, regulations, and procedures.
12. Employment or retention of covenant enforcement officers, compliance managers, architects, engineers, planners, legal counsel, hearing officers, consultants, or other professionals.
13. Any additional activities reasonably necessary or incidental to declaration enforcement or architectural review that are authorized under Sections 32-1-1004 and 32-1-1004.5, C.R.S., and HB24-1267.

III. AGREEMENT WITH THE HOMEOWNERS ASSOCIATION

The District may enter into one or more Intergovernmental Agreements, Service Agreements, Cooperation Agreements, Assignment Agreements, or other lawful contracts with the Colorado's Timber Ridge Homeowners Association for the performance of declaration enforcement and architectural and improvement review services.

Such agreements may provide for:

- transfer or delegation of administrative responsibilities;
- reimbursement of District costs;
- collection of fees and fines;
- assignment of enforcement authority;
- transfer of records;
- transition of improvement review functions;
- staffing and administrative support;
- dispute resolution procedures; and
- any other lawful provisions necessary to implement the authorized services.

IV. FUNDING

The District may finance declaration enforcement and improvement review services through any lawful source of revenue, including:

- service charges;
- user fees;
- review fees;
- inspection fees;
- reimbursement assessments;
- fines authorized by law;
- payments from the HOA;
- property taxes otherwise authorized under the Service Plan; and
- any other revenues authorized by Colorado law.

Nothing herein authorizes taxation beyond the limitations contained in the original Service Plan unless separately approved in accordance with law.

V. RULE MAKING AUTHORITY

The District may adopt policies, procedures, rules, regulations, standards, schedules of fees, enforcement procedures, hearing procedures, and architectural guidelines necessary to administer these services, provided such rules are consistent with:

- Colorado law;
- the governing documents applicable to the HOA ;
- this Service Plan; and
- due process requirements.

VI. COMPLIANCE WITH COLORADO LAW

The District shall exercise the authority granted herein in accordance with:

- Sections 32-1-1004 and 32-1-1004.5, C.R.S. and HB24-1267
- the Colorado Common Interest Ownership Act, where applicable;
- the Colorado Special District Act;
- all applicable county land use regulations; and
- any other applicable state or federal law.

VII. NO EXPANSION OF DISTRICT BOUNDARIES

This Amendment authorizes additional services only. It does not modify the District's boundaries or authorize service outside the District except as otherwise permitted by Colorado law.

VIII. NO EFFECT ON OTHER SERVICE PLAN PROVISIONS

Except as expressly amended herein, all provisions of the original Service Plan approved in November 2012 shall remain in full force and effect.

IX. EFFECTIVE DATE

This Amendment shall become effective upon approval by the Board of County Commissioners of Archuleta County in accordance with Article 1 of Title 32, Colorado Revised Statutes.

X. FINDINGS

The Board of County Commissioners finds that:

1. The Amendment complies with the Special District Act.
2. The additional services are authorized by Colorado law.
3. The Amendment promotes efficient and accountable local government.
4. The Amendment is in the best interests of the residents and property owners within the District.
5. The Amendment does not materially alter the financial assumptions of the original Service Plan except as expressly provided herein.

APPROVED

APPROVED this ____ day of _____, **20**.

**BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO**

By: _____

Chair

ATTEST:

County Clerk