

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF  
MIRABELLE METROPOLITAN DISTRICT NO. 1**

**RESOLUTION ADOPTING RULES AND REGULATIONS OF  
MIRABELLE METROPOLITAN DISTRICT NO. 1**

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WHEREAS, Mirabelle Metropolitan District No. 1 (the “**District**”) is a duly organized and validly existing special district, quasi-municipal corporation and political subdivision of the State of Colorado pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, pursuant to Section 32-1-1001(l)(m), C.R.S., the District has the power to 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, pursuant to that certain Declaration of Architectural, Use and Maintenance Restrictions for Solstice recorded at Reception No. 2020007055 on January 31, 2020 with the Douglas County Clerk and Recorder (the “**Declaration**”), the District is authorized to promulgate and amend reasonable rules not in conflict with the restrictions contained in the Declaration; and

WHEREAS, the Boards of Directors (each reference to a “**Board**” herein shall mean a reference to each of the Boards individually) finds that the adoption of these Rules and Regulations is in the best interest of the public health, safety, and welfare of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Adoption. The Board hereby adopts the Rules and Regulations of Mirabelle Metropolitan District No. 1 (the “**Rules and Regulations**”), attached hereto and incorporated herein as **Exhibit A**.
2. Authorization. The Board hereby directs the District Manager, as may be necessary, to implement and otherwise oversee compliance with the Rules and Regulations.
3. Amendments. The District expressly reserves the right to amend, revise, redact, and/or repeal this Resolution and the Rules and Regulations in whole or in part, from time to time, in order to further the purpose of carrying on the business, objects, and affairs of the District.
4. Effective Date. This Resolution and the Rules and Regulations shall be effective immediately and shall remain in full force and effect until such time as such processes is repealed by the Board.

5. Severability. If any term or provision of the Rules and Regulations are found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable term or provision shall not affect the validity of the Rules and Regulations as a whole but shall be severed from the Rules and Regulations, leaving the remaining terms or provisions in full force and effect.

*[Remainder of Page Intentionally Left Blank. Signature Page to Follow.]*

APPROVED AND ADOPTED this 9<sup>th</sup> day of March, 2022.

**MIRABELLE METROPOLITAN  
DISTRICT NO. 1**, a quasi-municipal corporation  
and political subdivision of the State of Colorado

DocuSigned by:

*Tim Roberts*

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Officer of the District

ATTEST:

DocuSigned by:

*Michele Miller*

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APPROVED AS TO FORM

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

DocuSigned by:

*Trisha Harris*

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General Counsel to the District

## ATTACHMENT A

### RULES AND REGULATIONS OF MIRABELLE METROPOLITAN DISTRICT NO. 1

Effective: March 9, 2022

#### Preamble

The Board of Directors (the “**Board**”) of Mirabelle Metropolitan District No. 1 (the “**District**”) has adopted the following Rules and Regulations of Mirabelle Metropolitan District No. 1 (the “**Rules and Regulations**”) pursuant to Section 32-1-1001(l)(m), C.R.S., by Resolution dated March 9, 2022, to provide for the orderly management, operation and control of the District’s public facilities and services and to promote the health, safety and welfare of the residents and property owners of the District and its Service Area.

All references herein to “**District Manager**” shall refer to an independent contractor engaged by the District to perform such services, with and to the extent authorized by the District, by contract or other valid allocation of authority.

#### ARTICLE 1 DEFINITIONS

1.1 Definitions. All words and phrases used in these Rules and Regulations shall have the meaning provided in the Declaration of Architectural, Use and Maintenance Restrictions for Solstice recorded at Reception No. 2020007055 on January 31, 2020 with the Douglas County Clerk and Recorder, as amended (the “**Covenants**”), unless otherwise defined herein.

1.2 Rules and Regulations. These Rules and Regulations, together with such other amendments, policies, procedures, rules and resolutions which may be adopted by the Board from time to time, are incorporated herein.

#### ARTICLE 2 GENERAL

2.1 Purpose. The purpose of these Rules and Regulations is to provide for the regulation and management of the District and to set forth certain guidelines relating to the ownership and use of the Lots subject to the Covenants.

2.2 Authority. These Rules and Regulations are authorized to be made and promulgated by the Board, pursuant to Section 32-1-1001(1)(m), C.R.S. and the Covenants. The authority to create, adopt, enforce, amend and repeal the Rules and Regulations lies with the Board.

2.3 Scope. These Rules and Regulations shall be effective when approved by the Board.

2.4 Rules of Construction. These Rules and Regulations shall be liberally construed to effect the general purpose set forth herein, and each and every part is separate and distinct from all other parts. No omission or additional material in these Rules and Regulations shall be construed as an alteration; waiver; deviation; limitation, or restriction from any grant of power, duty, or responsibility imposed or conferred upon the Board by virtue of statutes now existing. Nothing contained herein shall be construed as prejudice or affect the right of the District to secure the full benefit and protection of any law which is now enacted or may subsequently be enacted by the Colorado General Assembly pertaining to the governmental or proprietary affairs of the District.

2.5 Rules, Regulations, Procedures, Resolutions and Policies. Any rules, regulations, procedures, resolutions, and policies in effect and adopted prior to the effective date of these Rules and Regulations shall remain in full force and effect unless specifically amended and restated herein.

2.6 Amendment. The Board expressly reserves the right to amend, repeal or revoke these Rules and Regulations, and any exhibits or appendices attached hereto, either in whole or in part, by resolution of the Board at any time. Prior public notice shall not be required by the District when exercising its amendment powers pursuant to this Section. In addition, supplemental rules, regulations, procedures and policies of the District may be adopted from time to time in order to assist the Board and its management staff in managing the affairs of the District. When possible, copies of such rules, regulations, procedures and policies shall be attached hereto. Additional documents affecting these Rules and Regulations may also be added by Board resolution from time to time and may also be found in the minutes of the District meetings.

2.7 Publication. The Board may publish new rules, regulations, policies and procedures adopted by the Board by such means as are determined from time to time by the Board. The new rules, regulations and policies shall become effective on the date specified by the Board and shall automatically become a part of these Rules and Regulations. Failure to receive the new rules, regulations, policies and procedures (and/or these Rules and Regulations) shall not be a defense to any attempt to enforce any rules, regulations or policies of the District and shall not be a defense to any fines, expenses, or attorneys' fees imposed by the District as a result of any violations.

2.8 Deviation. The Board may deviate from the procedures set forth in these Rules and Regulations if in its sole discretion such deviation is reasonable under the circumstances.

2.9 Conflicts. In case of any conflict between any provision of these Rules and Regulations, the District shall be entitled to resolve such conflict in its own favor at the District's sole discretion. In the event a court of competent jurisdiction finds any provisions of these Rules and Regulations unenforceable, the other provisions shall remain in full effect.

2.10 Governmental Immunity. Nothing contained in the Rules and Regulations shall be construed as a waiver of the rights and privileges of the District pursuant to the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S., as amended from time to time.

2.11 Public Health, Safety and Welfare. It is hereby declared that the Rules and Regulations hereinafter set forth serve a public interest and are necessary for the protection of the

health, safety, prosperity, security, and general welfare of the residents and property owners of the District.

2.12 Regulations by Other Governmental Entities. Any limitation, restriction, or prohibition validly placed upon the District by any governmental entity, or by any agreement between the District and any other governmental entity, is hereby incorporated into the Rules and Regulations by this reference, and shall constitute a limitation, restriction, or prohibition on each resident, visitor or property owner of the District.

### **ARTICLE 3 AMENITIES USE POLICIES**

3.1 District Amenities Use Generally. The District’s recreation amenities and property includes certain amenities to serve the community known as Solstice, including parks, open spaces, landscaped tracts, and all associated parking lots (the “**Amenities**”), which are available for use by residents of the District and the general public in accordance with the following provisions of this Amenities Use Policy (the “**Policy**”) on a first come, first serve basis.

HOURS OF OPERATION:  
5:00 a.m. – 10:00 p.m.

3.2 Prohibited Activities. Unless specifically authorized in writing by the District, the activities described in this Section 3.2 are prohibited within or on the Amenities.

- a. Enter or remain in or refuse to leave during those times when the Amenities are not open for public use.
- b. Hold organized sports team practices or games.
- c. Allow personal property to remain on the Amenities at the end of the hours of operation, including parking motor vehicles overnight.
- d. Operate private or commercial drones, or other recreational aircraft.
- e. Deposit, leave or bury refuse, trash, pet waste, or litter except in designated trash receptacles, including, but not limited to, brush, lawn trimmings, and tree branches.
- f. Place or post signs, or stick or place any handbill, poster, placard, sticker, or painted or printed matter on any public building, fence, power or light or telephone pole, or any other public structure.
- g. Permit pets to be off leash. Domestic animals must be under the owner’s or handler’s control at all times, and on a leash. Owner or handler will be responsible for any damages caused by their animal.
- h. Camp overnight.

- i. Install any structure, including but not limited to, tents, booths, stands, awnings, tree houses, rope swings, inflatable amusements or canopies, except that temporary awnings and umbrellas or other temporary portable structures for shade are permitted as long as such structures are not left unattended and are removed when user leaves. No stakes may be driven into the ground.
- j. Destroy, vandalize, deface or damage any property, buildings, structures, signs, equipment, fences, gates or locks regulating access.
- k. Climb on retaining walls.
- l. Use any amplified sound system that produces audible sound beyond 25 feet.
- m. Play or practice golf or archery.
- n. Sell, serve, or dispense any alcoholic beverages. The private, personal consumption of alcohol is permitted for persons 21 years of age or older and in compliance with all applicable State and local laws and regulations.
- o. Smoke, including vaping and electronic cigarettes.
- p. Consume or possess any illegal drugs.
- q. Consume or possess marijuana.
- r. Bring into, possess, or have any glass bottles, containers, plates, or any other object made of glass.
- s. Engage in disorderly conduct or abusive language.
- t. Discharge explosives or fireworks or operate launch model rockets or other devices which may have an explosive charge.
- u. Conduct any commercial activity without prior written approval of the District Manager.
- v. Block, close off, or impair access to any trails or facilities.
- w. Hunt, shoot, kill, injure, harass, trap or maim any animal.
- x. Feed or attempting to feed wildlife.
- y. Enter, without authorization, those areas and facilities posted or otherwise designated as closed to the general public, if any.

- z. Remove, cut down, or disfigure rocks, trees, shrubs or other features of the natural environment.
- aa. Plant any trees, shrubs or other vegetation anywhere within the Recreation Amenities.
- bb. Build a fire or operate a fire pit or charcoal grill, including propane fire pits.
- cc. Operate unauthorized motorized vehicles, including all off-road vehicles such as ATVs, dirt bikes, and other recreational vehicles. Electric scooters and bicycles are permitted.

3.3 Parking: Except as provided below, overnight parking (when the Amenities are closed) of in District parking lot(s) is prohibited. Recreational vehicles (including but not limited to campers, camper trailers, motorhomes, boats, boat trailers, and hauling trailers) shall not be parked in the District's parking lots. All other vehicles, including bicycles and scooters shall be parked only in designated parking areas such as marked parking spaces and bicycle racks. Vehicles shall not be parked in violation of handicapped parking laws, over the curb, or on the grass. Vehicles parked in violation of these rules shall be subject to towing, fines and other sanctions, including, but not limited to, loss or modification of Amenity privileges.

3.4 Enforcement. All persons must obey any order, rule or regulation of the District and the instructions of any sign posted by the District and the directives of the District Manager, or designee, administering the same. Should any person fail to observe and obey any such directive, order, rule, regulation or sign posted by the District, the District Manager, or designee, may immediately remove or cause to be removed any such person and may ban such person from the use of the Amenities for such period of time as may be necessary to secure compliance with order, rules, regulations or posted signs, or the District Manager, or designee, may impose a fine, at the discretion of the Board. The Board of Directors reserves the right to revoke access to the Amenities due to misuse or misconduct. Further use of the Amenities after revocation of a privileges will be considered trespassing. The District shall enforce this Policy in accordance with any applicable enforcement resolution or other rules and regulations of the District as may be adopted and amended from time to time.

#### **ARTICLE 4 SITE RESTRICTIONS**

4.1 Site Restrictions Generally. The following restrictions are applicable to Lots subject to the Covenants, and are in addition to and/or supplement the provisions therein.

4.2 Flags. Approval is required for any freestanding flagpole. Approval is not required for flagpoles mounted to the front of a residence provided that the height of the flagpole does not exceed the height of the roofline of the residence. Flag size cannot exceed sixty (60) inches by thirty-six (36) inches. Flags may not be illuminated without the prior approval of the ACC. Any request for lighting must detail the type and location of the lighting, and any such lighting shall be placed so as not to disturb Owners or occupants of neighboring Lots.



4.3 Signs. Except as provided herein, no more than three (3) signs, no more than forty-eight (48) inches by thirty-six (36) inches in size each, may be displayed on a Lot without prior approval. Signs may not be illuminated without the prior approval of the ACC. Any request for lighting must detail the type and location of the lighting, and any such lighting shall be placed so as not to disturb Owners or occupants of neighboring Lots.

Notwithstanding the above, Commercial Signs may be displayed on a Lot in accordance with the following. “**Commercial Signs**” are defined as signs that carry a message making or intended to make a profit, or advertising for the same purpose. The following Commercial Signs may be displayed:

- a) One for sale or for rent sign per Lot may be placed on a Lot during the marketing period of that Lot. Such sign must be removed upon sale or rent of the Lot.
- b) If work is actively being done on a Lot by a contractor engaged by the Owner of the Lot, one Commercial Sign of the contractor doing such work may be displayed on that Lot during for the lesser of the time work is being performed or 60 days.