

RESOLUTION OF THE BOARD OF DIRECTORS OF  
VENTANA METROPOLITAN DISTRICT WITH REGARD TO  
COVENANT CHARGES AND PENALTIES

WHEREAS, Ventana Metropolitan District, El Paso County, Colorado (the "District"), is a quasi-municipal corporation duly organized and existing as a metropolitan district under the laws of the State of Colorado (the "State"), including particularly Title 32, Article 1, C.R.S. (the "Special District Act"); and

WHEREAS, the District is authorized by the Special District Act to provide for covenant enforcement within the District; and

WHEREAS, pursuant to Section 32-1-1001(1)(j), C.R.S., the District is authorized to fix, and from time to time increase or decrease, fees, rates, tolls, penalties, or charges for services, programs or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served, and which lien may be foreclosed in the same manner as provided by the laws of the State for the foreclosure of mechanics' liens; and

WHEREAS, the District has agreed to fund the costs of covenant enforcement by the Declarant and/or Ventana Community Covenants, a Colorado not for profit corporation and has further agreed to set and adopt penalties and charges for the same;

WHEREAS, the Board has determined and hereby determines that the imposition of penalties and charges for covenant and architectural control violations are authorized by Section 32-1-1001(1)(j), C.R.S., are reasonably related to the provision of covenant enforcement, are fair and reasonable for the type and quality of services provided by the District, will serve a public purpose and will promote the health, safety and general welfare of the residents of the District by providing for the orderly payment of the costs of providing the services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF VENTANA METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO, AS FOLLOWS:

**Section 1. Imposition of Covenant Penalties and Charges..** A penalty and charge is hereby established for covenant and architectural control violations in the amounts as set forth in the fee schedule in Article V, page 24 of the Design Guidelines for the Ventana Community.

**Section 2. Noncompliance.** The District may impose such delinquency charges for noncompliance herewith as may be permitted by law, including, without limitation, Part 11 of Article 1 of Title 29, C.R.S.

**Section 3. Lien for Payment.** These penalties and charges imposed hereby shall, until paid, constitute a perpetual lien on and against the property against which it imposed, and any such lien may be foreclosed in the manner as provided by the laws of the State for the foreclosure of mechanic's liens, pursuant to Section 32-1-1001(1)(j), C.R.S.

**Section 4. Repealer.** All bylaws, orders, resolutions or parts thereof inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.


**Section 5. Severability.** If any clause or provision of this Resolution is determined to be invalid and/or unenforceable by a court of competent jurisdiction or by operation of any law, such determination shall not affect the validity of this Resolution as a whole, but shall be severed herefrom, leaving the remaining provisions intact and enforceable.

**Section 6. Authentication.** This Resolution, immediately on its adoption, shall be authenticated by the signatures of the President and the Secretary of the District and recorded in the District book of resolutions kept for that purpose.


**Section 7. Applicability and Recording.** The penalties and charges imposed by this Resolution shall apply to all residents and owners within the District's boundaries, and any additional property included into the District after the date of this Resolution.

**Section 8. Effective Date.** This Resolution and the Recreational Facility Fee shall be effective immediately, and shall continue in effect until repealed or amended by the District.

ADOPTED AND APPROVED this 13<sup>th</sup> day of November 2019.

  
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President

ATTEST:

  
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Secretary