

RESOLUTION NO. 2020-04-01

RESOLUTION OF ATEC METROPOLITAN DISTRICT NO. 2 ACKNOWLEDGING AND ADOPTING THE MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE AURORA HIGHLANDS

- A. ATEC Metropolitan District No. 2 (“**ATEC No. 2**”) is a duly and regularly created, established, organized, and existing metropolitan district, existing as such under and pursuant to Title 32, Article 1 of the Colorado Revised Statutes, as amended (“**C.R.S.**”).
- B. Aurora Highlands, LLC, a Nevada limited liability company (the “**Developer**”), the master developer of The Aurora Highlands project (the “**Property**”), has executed a Master Declaration of Covenants, Conditions and Restrictions for the Property recorded in the real property records of Adams County, State of Colorado, on February 2, 2020, at reception number 2020000010483 (as the same may be amended, supplemented, and/or modified from time to time, the “**Declaration**”), which Declaration declares that the Property is and shall be subject to the Declaration and shall be owned, held, conveyed, encumbered, leased, improved, used, occupied, enjoyed, sold, transferred, hypothecated, maintained, and altered in accordance with and subject to the covenants and use restrictions contained therein.
- C. The Declaration provides that The Aurora Highlands Community Authority Board, (the “**CAB**”), a political subdivision and public corporation of the State of Colorado, created pursuant to Section 29-1-203, C.R.S. and that certain The Aurora Highlands Community Authority Board Establishment Agreement, made and entered into effective November 21, 2019 (as may be amended and/or restated, the “**CABEA**”), by and between Aerotropolis Area Coordinating Metropolitan District, The Aurora Highlands Metropolitan District No. 1, The Aurora Highlands Metropolitan District No. 2, The Aurora Highlands Metropolitan District No. 3, ATEC Metropolitan District No. 1, and ATEC Metropolitan District No. 2, each a quasi-municipal corporation and political subdivision of the State of Colorado (individually, a “**District**” and collectively the “**Districts**”), shall enforce each of the provisions provided therein on behalf of the Districts.
- D. WHEREAS, Section 32-1-1004(8), C.R.S. authorizes Title 32 metropolitan districts to furnish covenant enforcement and design review services within the district if the declaration, rules and regulations, or similar document containing the covenants to be enforced for the area within the metropolitan district, name the metropolitan district as the enforcement or design review entity.
- E. The Declaration assigns to the CAB all duties, rights and obligations to enforce the Declaration, design guidelines, and rules and regulations for covenant enforcement on behalf of each of the Districts with respect to real property within the boundaries of each District that is subject to the Declaration; and
- F. The CABEA contemplates that ATEC No. 2 will adopt a resolution: (a) acknowledging its powers to enforce covenants pursuant to state statute and acknowledging its intention to provide for uniform enforcement of the covenants and the uniform provision of design review services; and (b) authorizing the CAB to perform such covenant enforcement and

design review services within its boundaries, in order to achieve such uniform enforcement of covenants and uniform provision of design review services.

G. The Board of Directors for ATEC No. 2 (the “**Board**”) wishes to adopt the Declaration as an official policy of ATEC No. 2 and to acknowledge the duties, obligations and rights assigned to the Districts and the CAB pursuant to such Declaration.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ATEC METROPOLITAN DISTRICT NO. 2 OF THE COUNTY OF ADAMS, STATE OF COLORADO:

1. The foregoing Recitals are incorporated into and made a substantive part of this Resolution.

2. The Board hereby determines that it is in the best interests of ATEC No. 2 and its property owners and users for ATEC No. 2 to adopt the Declaration as an official policy of ATEC No. 2 and to acknowledge the duties, obligations and rights assigned to the Districts and the CAB pursuant to such Declaration.

3. The Board hereby determines that it is in the best interests of ATEC No. 2 and its property owners and users for ATEC No. 2 to adopt this Resolution (a) acknowledging its powers to enforce covenants pursuant to state statute and acknowledging its intention to provide for uniform enforcement of the covenants and the uniform provision of design review services; and (b) authorizing the CAB to perform such covenant enforcement and design review services within its boundaries, in order to achieve such uniform enforcement of covenants and uniform provision of design review services.

4. The Board hereby authorizes the CAB to perform such covenant enforcement and design review services on behalf of ATEC No. 2 within the boundaries of ATEC No. 2, and directs the officers of ATEC No. 2 and ATEC No. 2 staff to take all actions necessary to execute the duties, rights and obligations of ATEC No. 2 as provided in the Declaration.

5. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase, or word hereof, or the application thereof in any given circumstance, shall not affect the validity of the remainder of this Resolution, which shall be given effect in accordance with the manifest intent hereof.


6. This Resolution shall be effective upon recording of the Declaration in the Office of the Clerk and Recorder for the County of Adams, Colorado.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION OF ATEC METROPOLITAN DISTRICT NO. 2 ACKNOWLEDGING AND ADOPTING THE MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE AURORA HIGHLANDS]

APPROVED AND ADOPTED on the 10th day of April 2020.

ATEC METROPOLITAN DISTRICT NO. 2

By: 
President

Attest:


Assistant Secretary