

RESOLUTION NO. 2020-08-01

**RESOLUTION OF THE AURORA HIGHLANDS COMMUNITY AUTHORITY BOARD
ACKNOWLEDGING AND ADOPTING THE FIRST AMENDMENT TO MASTER
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE
AURORA HIGHLANDS**

A. The Aurora Highlands Community Authority Board, (the “**CAB**”) is a political subdivision and public corporation of the State of Colorado, established November 21, 2019 pursuant to Sections 29-1-203 and -203.5, C.R.S., and with the powers and authority of the First Amended and Restated The Aurora Highlands Community Authority Board Establishment Agreement, dated April 16, 2020 (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**”).

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 which was recorded in the real property records of Adams County, State of Colorado, on February 2, 2020, at reception number 2020000010483 (the “**Original Declaration**”), which declares that the Property is and shall be subject to the Original 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. On April 10, 2020, the CAB adopted Resolution No. 20-04-02, acknowledging and adopting the Original Declaration.

D. The Developer has executed that certain First Amendment to Master Declaration of Covenants, Conditions and Restrictions for the Property, dated November 19, 2020 (the “**First Amendment**”), which was recorded in the real property records of Adams County, State of Colorado, on November 19, 2020, at reception number 2020000121141.

E. The Original Declaration provides that the CAB shall enforce each of the provisions provided therein on behalf of the CAB Districts.

F. 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, named the district as the enforcement or design review entity.

G. The First Amendment further clarifies the CAB’s duties, rights and obligations to enforce the Original 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 Original Declaration.

H. The CAB wishes to adopt the First Amendment as an official policy of the CAB and to acknowledge the duties, obligations and rights assigned to the Districts and the CAB pursuant to the Original Declaration and the First Amendment.

NOW THEREFORE, BE IT RESOLVED BY THE AURORA HIGHLANDS COMMUNITY AUTHORITY BOARD OF THE COUNTY OF ADAMS, STATE OF COLORADO, AS FOLLOWS:

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

2. The CAB hereby determines that it is in the best interests of the CAB and the Districts for the CAB to accept the assignment of all duties, rights and obligations under the Original Declaration and First Amendment and to provide the covenant enforcement and design review services established by the Original Declaration and the First Amendment.

3. The CAB hereby authorizes and directs the officers of the CAB and CAB staff to take all actions necessary to execute the duties, rights and obligations assigned to the CAB by the Original Declaration and the First Amendment.

4. 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.

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

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION OF THE AURORA HIGHLANDS
COMMUNITY AUTHORITY BOARD ACKNOWLEDGING AND ADOPTING THE
FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR THE AURORA HIGHLANDS]**

APPROVED AND ADOPTED on August 24, 2020.

**THE AURORA HIGHLANDS
COMMUNITY AUTHORITY BOARD**

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President

Attest:

DocuSigned by:



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Secretary