

RESOLUTION NO. 2021-02-03

**RESOLUTION OF THE AURORA HIGHLANDS COMMUNITY AUTHORITY BOARD
APPROVING STANDING RULES OF THE AURORA HIGHLANDS DESIGN REVIEW
COMMITTEE**

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. The Declaration and CABEA provide that the CAB shall enforce each of the provisions provided therein on behalf of the Districts.

D. Section 29-1-203.5, C.R.S., authorizes the CAB to “exercise any general power of a special district specified in part 10 of article 1 of title 32, C.R.S., so long as each of the parties to the contract may lawfully exercise the power.”

E. 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.

F. The Board of Directors for the CAB (the “**Board**”) adopted Resolution 2020-04-02, Resolution of the Board of Directors of The Aurora Highlands Community Authority Board Acknowledging and Adopting the Master Declaration of Covenants, Conditions and Restrictions for The Aurora Highlands, which acknowledged the CAB’s authority to administer and enforce the Declaration, and adopt design guidelines and rules and regulations for the Property (the “**Original Resolution**”).

G. The Developer has also executed that certain First Amendment to Master Declaration of Covenants, Conditions and Restrictions for the Property, dated November 19, 2020, which was recorded in the real property records of Adams County, State of Colorado, on

November 19, 2020, at reception number 2020000121141, (the “**First Amendment**” and together with the Original Declaration, the “**Master Declaration**”).

H. On August 24, 2020, the CAB adopted the Resolution Acknowledging and Adopting a First Amendment to the Master Declaration of Covenants, Conditions and Restrictions for the Aurora Highlands (the “**First Amendment Resolution**” and together with the Original Resolution, the “**CAB Resolution**”).

I. In accordance with Section 2.05 of the Master Declaration, the CAB has the authority to create a committee to enforce the Design Guidelines (as defined in the Master Declaration) to be known as the Community Wide Architectural Review Committee (the “**CARC**”). The CAB has accepted such delegation related to the Design Guidelines in the CAB Resolution.

J. Pursuant to such authority granted by the Master Declaration, the CAB established the Design Review Committee (the “**DRC**”) to review and consider approval for all subsequent Improvements to residential Lots (as defined in the Master Declaration) proposed after initial construction of the home.

K. The DRC will operate in accordance with the Standing Rules of the Aurora Highlands Design Review Committee.

L. The CAB desires to approve the Standing Rules of the Aurora Highlands Design Review Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AURORA HIGHLANDS COMMUNITY AUTHORITY BOARD, 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 property owners, residents, and users of the Property for the CAB to approve the Standing Rules of the Aurora Highlands Design Review Committee. The CAB further reserves the right to adopt supplemental design standards and guidelines, and rules and regulations, as contemplated by the Master Declaration as necessary to serve the Property, and the property owners, residents, and users within the Property.

3. Accordingly, the Board of Directors of the CAB hereby approves the Standing Rules of the Aurora Highlands Design Review Committee as described in **Exhibit A**, attached hereto and incorporated herein by this reference.

4. The Board hereby authorizes and directs the officers of the CAB, the committees of the CAB, and CAB staff to take all actions necessary to implement and enforce the Standing Rules of the Aurora Highlands Design Review Committee.

5. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

6. Nothing herein shall be interpreted or construed as limiting the Board's authority, in its sole and absolute discretion, to supplement or amend this Resolution from time to time.

APPROVED AND ADOPTED this 18th day of February, 2021.

**THE AURORA HIGHLANDS
COMMUNITY AUTHORITY BOARD**

DocuSigned by:



45E4943B33D44F2...

Matt Hopper, President

Attest:

DocuSigned by:



77517AF6E925439...

Secretary

EXHIBIT A

Standing Rules of the Aurora Highlands Design Review Committee

**STANDING RULES
OF THE DESIGN REVIEW COMMITTEE
OF THE AURORA HIGHLANDS**

1. Improvements subject to Administrative Review and Approval– In order to streamline the review and approval of proposed Improvements and to comply with applicable, federal, state and local laws, the items listed in Exhibit A (attached hereto) may be reviewed and approved administratively by any one member of the DRC or the Management Company, provided the proposed Improvement strictly complies with the criteria and requirements of “The Aurora Highlands Homeowner Handbook Rules & Regulations” dated February 2021 as the same may be amended and supplemented from time to time (“Rules and Regulations”). Any proposed Improvement that does not strictly comply with the criteria or requirements set forth in the Rules and Regulations shall require the review and approval of the full DRC.

EXHIBIT A

Improvements Subject to Expedited Administrative Review

1. Antennas or satellite dishes less than one (1) meter in diameter proposed to be located in one of the following locations, require no prior approval of the DRC:

- Inside the residence.
- Rear yard or in a side yard behind the front 1/3rd of the home, behind and below the fence line.
- Rear yard or in a side yard behind the front 1/3rd of the home, mounted on the house, in the least visible location behind the roofline.

If the above sites do not provide an adequate signal and one of the alternate preferred sites is desired, the Owner shall complete an application for DRC review and deliver it to the Management Company, along with a statement signed by the Owner and the installer of the antenna/dish stating that all positions have been tried in order of rank (with the preferred location at the top), and that the site of installation is the first site whereby an acceptable quality signal is available. Such application shall be subject to expedited administrative approval if all required criteria are met. The alternate preferred sites are:

- Side yard in front of wing fence, screened by and integrated into landscaping.
- Back rooftop
- Front yard screened by and integrated into landscaping.

If any other location is proposed, the review and approval of the full DRC is required.

2. Privacy fences on Lots less than 60' wide to be installed along property lines may be approved administratively provided they comply with the Fence requirements set forth in Article 2, Section w) of the Rules and Regulations. Privacy fences on Lots greater than 60' wide require the prior review and approval of the entire DRC. Fences installed by the Declarant or a Builder are not subject to DRC approval.