

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
INSPIRATION METROPOLITAN DISTRICT**

ADOPTING A DISTRICT FENCE MAINTENANCE POLICY

WHEREAS, Inspiration Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized pursuant to Article 1, Title 32, Colorado Revised Statutes; and

WHEREAS, the District was organized for the purpose of providing certain improvements, facilities and services to and for the use and benefit of the District, its residents, users, property owners and the public; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the District has the power to adopt, amend, and enforce bylaws and rules and regulations for the purpose of carrying on the business, objects, and affairs of the board and the special district; and

WHEREAS, certain fencing has been installed on District owned or maintained property which fencing abuts or is adjacent to privately owned lots within the District, which fencing is for the benefit of owners of property within the District; and

WHEREAS, such fencing requires periodic maintenance, repair and/or replacement; and

WHEREAS, the District desires to set forth a fence maintenance policy regarding the maintenance, repair and/or replacement such fencing.

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

1. Definitions. Any initially capitalized terms used in this Resolution shall have the same meaning as set forth in the Declaration unless specifically defined herein.

(a) “Declaration” means the Covenants and Restrictions of Rockinghorse, recorded in the real property records of the Clerk and Recorder of Douglas County, Colorado on April 11, 2007, at Reception Number 2007028666, as may be amended.

(b) “District Fence” means any fence within the District that is installed or constructed along the property line between any portion of the District Property and any Lot.

(c) “District Property” means any real property owned or maintained by the District.

(d) “Exterior Side” means the side of any District Fence that faces the District Property.

(e) “Interior Side” means the side of any District Fence that faces the Lot to which the District Fence abuts or is adjacent.

2. District Fence Maintenance Obligations.

(a) Except as otherwise provided in this Resolution, the District shall be responsible for maintaining, repairing and replacing all of the District Fences. The District shall determine the specifications, scope, extent, nature, parameters, and scheduling of the District’s maintenance, repair and/or replacement of the District Fences. Notwithstanding the above, however, the District shall not be responsible for staining of the Interior Side of any District Fence, which staining shall be the responsibility of the Owner of the Lot which abuts such District Fence, at such Owner’s sole cost and expense. The District shall be responsible for the staining of the Exterior Side of all District Fences.

(b) Notwithstanding the above, the Owner of any Lot which abuts a District Fence may, but shall not be obligated to, stain the Exterior Side of the portion of the District Fence abutting such Owner’s Lot, in accordance with the following standards and guidelines:

(i) The only acceptable stain for the Interior and Exterior Side of the District Fence is Diamond Vogel Paint #76415-270, which can be obtained at Diamond Vogel, 250 E. Dry Creek Road #110, Littleton, Colorado 80122 or which can be obtained at Sherwin-Williams (23850 E Smoky Hill Road, Aurora, Colorado 80016 (303) 766-1845) with their custom color-matched stain identified as Inspiration Custom Manual Match Exterior Architectural, Flat FM8000DE, Superdeck Solid Color Stain and further identified as:

CCE* Colorant	02	32	64	128
W1-White	-	17	-	-
B1-Black	8	50	1	-
R2-Maroon	-	26	1	-
Y3-Deep Gold	-	33	1	-

You may also reference the above to Sherwin-Williams as the “Inspiration Fence Stain”

(ii) The Owner of the Lot must submit a request to the Board of Directors of the District for approval to stain the Exterior Side of such District Fence in the same manner as required for any other exterior modification to a Lot, as set forth Article 2 of the Declaration. If the Owner desires to stain the Interior Side of such District Fence at the same time, the Owner may submit the request for approval of the same together with the request for approval to stain the Exterior Side of the District Fence.

(iii) Upon approval from the Board of Directors of the District to stain the Exterior Side of the District Fence adjacent to the Owner’s Lot, the Owner may access the District Property as necessary to stain the Exterior Side of the District Fence and proceed to stain the same, at the Owner’s sole cost and expense. Nothing contained in this Resolution or any approval granted by the District for such staining shall entitle the Owner to any compensation or reimbursement from the District for the Owner’s staining of the Exterior Side of the District Fence. Further, nothing in this Resolution or any approval granted by the District for such staining shall prevent or preclude the District from thereafter staining the Exterior Side of such District Fence or otherwise maintaining, repairing or replacing the District Fence.

(iv) If an Owner undertakes to stain the Exterior Side of the District Fence adjacent to such Owner’s Lot, the Owner shall defend, indemnify and hold harmless the District and each of its directors, officers, contractors, employees, agents and consultants from and against any and all claims, demands, losses, liabilities, actions, lawsuits, damages, and expenses, including reasonable legal expenses and attorneys’ fees actually incurred, by the District and each of its directors, officers, contractors, employees, agents and consultants arising directly or indirectly, in whole or in part, out of the errors or omissions, negligence, willful misconduct, or any criminal or tortious act or omission of the Owner or such Owner’s family, guests, lessees, invitees or contractors in connection with such staining of the Exterior Side of the District Fence.


(c) In the event any repair, maintenance and/or replacement of any District Fence results from the willful, negligence, or intentional act of an Owner his family, guests, lessees, or invitees, the Board of Directors of the District shall have the right to charge and collect the costs of such repair and/or replacement to such Owner.

3. Effective Date. The provisions of this resolution shall take effect as of the date of this Resolution.

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RESOLVED AND ADOPTED THIS 22 DAY OF August, 2019.

INSPIRATION METROPOLITAN DISTRICT,
a quasi-municipal corporation and political
subdivision of the State of Colorado



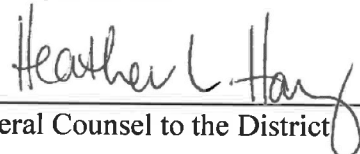
Officer of the District

ATTEST:



APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law



General Counsel to the District

Signature page to Resolution Adopting a District Fence Maintenance Policy