

TIMBERS ESTATES METROPOLITAN DISTRICT

**A RESOLUTION ADOPTING A POLICY GOVERNING USE OF DISTRICT
POND PROPERTIES FOR RECREATION**

WHEREAS, the Timbers Estates Metropolitan District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, the District provides water service to the residential properties located within the District by operation of an adjudicated water augmentation plan that provides for the operation of individual residential wells, water storage structures for aesthetic and augmentation water supply, and water from such structures for common area irrigation; and

WHEREAS, the District owns and maintains ponds within its boundaries identified as Pond 1, Pond 2, and Pond 3 (“Timbers Estates Ponds”). Ponds 1 and 2 are located near the Gatehouse Entryway Arch and lie east of Timbers Drive, with Pond 1 being the larger, lower pond and Pond 2 being the smaller, upper pond. Pond 3 is located in the southwest corner of the District’s territory and adjacent to North Turkey Creek Road.

WHEREAS, the District desires to open Ponds 1 and 3 to limited recreational uses as described herein, and to prohibit other activities as also described herein; and

WHEREAS, the District is authorized to provide for recreational use of its water storage structures and to determine appropriate regulations of such use as provided by §32-1-1001(m), C.R.S. and §32-1-1004(2) and (3), C.R.S.; and

WHEREAS, the District’s service plan does not explicitly specify the District’s power to provide park and recreation services with respect to its water storage structures and therefore it is appropriate for the District to follow the procedures authorized by §32-1-207(3)(b), C.R.S. for notification of the District’s adoption of the explicit powers to provide such services; and

WHEREAS, recreational uses of the Timbers Estates Ponds shall be regulated and managed by the District as described in the District’s policies; and

WHEREAS, the Board of Directors (“Board”) of the District hereby finds and determines that providing recreational services on certain ponds is appropriate, beneficial, and in the best interests of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Timbers Estates Metropolitan District as follows:

1. Publication of a 45-day Notice of Intent to Provide Recreational Services. By adoption of this Resolution, the Board directs the District's manager and legal counsel to publish and submit per the procedures described in §32-1-207(3)(b), C.R.S., a 45-day Notice of the District's intent and adoption of the explicit powers to provide recreational services on properties owned and operated by the District.

2. Adoption of Policies and Procedures. As of the effective date of this Resolution, the hereby approves and adopts Policies and Procedures Governing Recreational Use of the Timbers Estates Ponds, attached hereto and incorporated herein as **Exhibit A**.

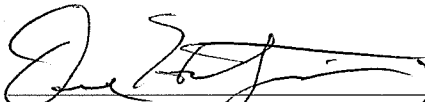
3. Waiver and Release Required. Any person seeking to make recreational use of the Timbers Estates Ponds shall sign and submit to the District the Waiver and Release of Liability, attached hereto and incorporated herein as **Exhibit B**.

4. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity will not affect the validity of the remaining provisions.

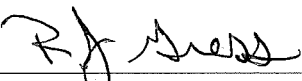
5. Effective Date. This Resolution will take effect and be enforced immediately upon its approval by the District Board on August 16, 2021.

ADOPTED this 16th day of August, 2021.

TIMBERS ESTATES METROPOLITAN
DISTRICT

By 
Dave Hartvigsen, ~~Chairman~~ *President*

ATTEST:


Robert Gress, Secretary