

RESOLUTION NO. 2019-07- 02

RESOLUTION OF THE BOARD OF DIRECTORS OF STONE CREEK
METROPOLITAN DISTRICT CONCERNING USE OF DISTRICT RECREATIONAL
FACILITIES BY OUTSIDE USERS – 2019 SEASON

A. Stone Creek Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in Douglas County, Colorado (the “County”).

B. The District was organized pursuant to its Service Plan approved by the County on September 23, 2014, as it may be amended from time to time (the “Service Plan”).

C. The Service Plan and Section 32-1-1001(j) and (k) authorize the District to furnish services and facilities within and without its boundaries, and to establish fees, rates, tolls, penalties, or charges for such services and facilities.

D. The District provided for the construction, installation and/or financing of certain recreation facilities contemplated in the Service Plan, including a community center/pool, common parks, and open space (the “Recreational Facilities”).

E. The Recreational Facilities are intended to be open and available as public facilities to residents and owners of property within the District.

F. The District has adopted, or will adopt, rules and regulations related to District facilities, including the Recreational Facilities, as may be amended from time-to-time (the “Clubhouse Rules and Regulations”).

G. The Recreational Facilities may, on a limited basis and at the District’s discretion, be open and made available to non-residents/non-property owners of the District as determined by the District (the “Outside Users”), so long as capacity and the safe and enjoyable use of such facilities by District residents and property owners (“District Users”) can reasonably accommodate the Outside Users and/or the health, safety and welfare of District Users are not negatively impacted, all as determined by the District’s Board of Directors in its sole discretion.

H. The Board of Directors of the District (the “Board”) desires to establish proportionate rates, fees and charges for the provision of the Recreational Facilities and related services to Outside Users as contemplated by and otherwise limited by this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Stone Creek Metropolitan District, Douglas County, Colorado:

1. The Board hereby adopts this Resolution Concerning Use of District Recreational Facilities by Outside Users.

2. Outside Users may utilize the District’s Recreational Facilities in accordance with, and to the extent set forth in and limited by this Resolution and the Clubhouse Rules and Regulations. Outside Users may, at any time, be restricted and eliminated at the sole discretion of

the Directors as necessary to ensure the safe and enjoyable use of the Recreational Facilities by District Users, as well as to promote the health, safety and welfare of District Users, as further described below.

3. An Outside User (together with his/her legal spouse as such term is defined pursuant to the laws of the State of Colorado, collectively referred to herein as the “**Outside User**”) and the Immediate Family members thereof is further qualified and limited herein as follows. The “**Immediate Family**” of an Outside User includes the unmarried lineal or adopted children of the Outside User, who are under the age of twenty-three (23) and either permanently residing in the Outside User’s home (or part-time due to parental custodian decree) or living apart while and solely due to attending school on a full-time basis.

4. As set forth in the Clubhouse Rules and Regulations, charges applicable to Outside Users for the use of the Recreational Facilities are designed to be similar to the estimated average annual mill levy payments and other annual fees associated with such amenities paid by District Users, plus a reasonable administrative charge. In accordance herewith, the Board shall adopt an “**Annual Fee**” for use of the Recreational Facilities by Outside Users.

5. The Annual Fee for an Outside User’s household for 2019 shall be: Nine Hundred Fifty Dollars (\$950) (“**Annual Outside Membership**”); and the number of Annual Outside Memberships shall be limited to twenty (20) households. Annual Outside Memberships shall be sold on a “first-come, first-served” basis. The Board may increase the number of households to which an Annual Outside Membership may be sold in the Board’s sole discretion, provided that the increased number of Annual Outside Memberships does not negatively impact the health, safety and welfare of District Users.

6. Annually, each Outside User household desiring access to the Recreational Facilities for any given year, shall, no later than May 1, or as otherwise determined by the Board and the District Manager: (1) pay in full the Annual Fee that is due and owing pursuant to this Resolution; and (2) complete and turn in all forms required by the Recreation Policies and Procedures. The “first-come, first-served” basis is determined at the time the District receives the Annual Fee and executed forms.

7. The District always has the right, in its sole discretion, to limit access to the Recreational Facilities by Outside Users based upon the safe and enjoyable use by District Users, and based upon reasonable health, safety, welfare and capacity factors related to the Recreational Facilities, with priority of use given to District Users. Nothing herein shall be construed as giving any prior, current or future Outside Users any future entitlement to access and use of the Recreational Facilities from one year to the next. Outside User access and the number of Outside Users allowed is determined on an annual basis, and future years’ access and number of allowed Outside Users may be eliminated in their entirety as determined by the Board, without notice.

8. This Resolution shall apply in every instance where the District furnishes services related to Recreational Facilities to Outside Users, except as may be otherwise provided pursuant to written agreement. Nothing in this Resolution shall limit the District’s ability to enter into future agreements related to provision of park and recreation facilities and services.

9. 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 circumstance, shall not affect the validity of any other provision of this Resolution.

[Signature Page Follows]

[SIGNATURE PAGE TO RESOLUTION OF THE BOARD OF DIRECTORS OF STONE CREEK METROPOLITAN DISTRICT CONCERNING USE OF DISTRICT RECREATIONAL FACILITIES BY OUTSIDE USERS – 2019 SEASON]

APPROVED AND ADOPTED ON Oct. 23rd, 2019.

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

By: 

President

Attest:



Secretary or Assistant Secretary