

1206

RESOLUTION NO. 2014-07-06
OF THE BOARD OF DIRECTORS OF VERVE METROPOLITAN DISTRICT NO. 1

ACKNOWLEDGING AND ADOPTING THE DECLARATION OF DESIGN COVENANTS, CONDITIONS AND RESTRICTIONS FOR VERVE INNOVATION PARK AT RMMA

WHEREAS, Verve Metropolitan District No. 1 (“**District No. 1**”) is a duly and regularly created, established, organized, and existing metropolitan district, existing as such under and pursuant to Title 32, Article 1 of the Colorado Revised Statutes, as amended (“**C.R.S.**”); and

WHEREAS, the County of Jefferson, State of Colorado, a body politic and corporate, the owner of the Verve Innovation Park at RMMA (the “**Property**”) has executed a Declaration of Design Covenants, Conditions and Restrictions (the “**Declaration**”) for the Property recorded as Reception No. 2014036764 in the Office of the Jefferson County Clerk and Recorder, which Declaration declares that the Property is and shall be subject to the Declaration and shall be held, conveyed, hypothecated, encumbered, leased, rented, improved, used and occupied, in accordance with and subject to the limitations, covenants, conditions, restrictions, reservations, easements, charges, liens, servitudes and other provisions contained therein, all of which are for the purposes of enhancing, maintaining and preserving the value and attractiveness of the Property; and

WHEREAS, 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 name the metropolitan district as the enforcement or design review entity; and

WHEREAS, the Declaration assigns to District No. 1, initially as the designated Administrative District, as such term is defined in the Declaration, and/or one or more of Verve Metropolitan District Nos. 2, 3 and 4 (collectively, the “**Districts**”), as may be designated by a duly adopted intergovernmental agreement of the Districts, the right to administer, regulate and enforce the covenants and restrictions contained in the Declaration; and

WHEREAS, the Declaration further assigns to the Districts the right to promulgate Design Guidelines, as such term is defined in the Declaration, to govern the construction, operation and maintenance of improvements upon the Property, including administration related thereto, with respect to real property within the boundaries of each District that is subject to the Declaration, and to create one or more Committees, as such term is defined in the Declaration, to carry out the foregoing delegation of duties on behalf of each of the Districts, including, but not limited to, the Verve Architectural Control Committee; and

WHEREAS, the Board of Directors for District No. 1 (the “**Board**”) wishes to adopt the Declaration as an official policy of District No. 1 and to acknowledge the duties, obligations and rights assigned to the Districts pursuant to such Declaration.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE VERVE METROPOLITAN DISTRICT NO. 1, COUNTY OF JEFFERSON, COLORADO:

1. The foregoing Recitals are incorporated into and made a substantive part of this Resolution.
2. The Board hereby determines that it is in the best interests of District No. 1 and its property owners and users for District No. 1 to accept the assignment of all duties, rights and obligations under the Declaration and to provide the covenant enforcement and design review services established thereby.
3. The Board hereby authorizes and directs the officers of District No. 1 and District No. 1 staff to (a) take all actions necessary to execute the duties, rights and obligations assigned to the Districts by the Declaration.
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.


[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2014-07- 06]

APPROVED AND ADOPTED this 9th day of July, 2014.

VERVE METROPOLITAN DISTRICT NO. 1

By:



President

Attest:



Secretary