

RESOLUTION 08-036

A RESOLUTION APPROVING AN AMENDMENT TO THE SERVICE PLAN FOR CUMBERLAND GREEN METROPOLITAN DISTRICT

WHEREAS, the City of Fountain, County of El Paso, State of Colorado (the "City") is a political subdivision of the State, a body corporate and politic, and home-rule city pursuant to Article XX of the State Constitution; and

WHEREAS, pursuant to the provision of Part 2 of Article 1 of Title 32, C.R.S., as amended, (the "Act"), the City approved a service plan for Cumberland Green Metropolitan District ("District") on August 9, 2005 under Resolution 05-057; and

WHEREAS, the Colorado Legislature amended Colorado Revised Statutes, Title 32 and extended the authority to special districts to furnish covenant enforcement and design review services [C.R.S.32-1-1004(8)]; and

WHEREAS, the Service Plan approved for the District did not include the power to do covenant enforcement; and

WHEREAS, the District desires to do limited covenant enforcement in order to enhance and protect the quality, value, aesthetic nature, desirability, and attractiveness of the properties located within the District which covenant enforcement will be limited to (1) funding the cost of covenant enforcement, (2) appointing the members of the Design Review Committee, and (3) appointing the covenant management entity with the condition that covenant enforcement issues and design review issues shall not be determined by the District but shall be assigned; and

WHEREAS, since covenant enforcement is an addition to the type of services approved in the Service Plan for the District, the Service Plan needs to be amended accordingly [C.R.S 32-1-207(2)].

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain, Colorado:

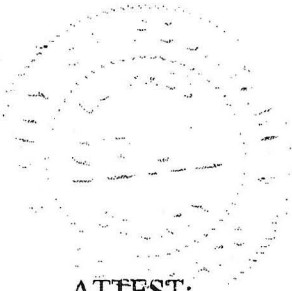
1. That the City Council hereby determines that **A. INTRODUCTION** of the Service Plan for Cumberland Green Metropolitan District is amended by adding the following to **OTHER POWERS** to allow for limited covenant enforcement:

(7) The District is authorized to do limited covenant enforcement in order to enhance and protect the quality, value, aesthetic nature, desirability, and attractiveness of the properties located within the District which covenant enforcement will be limited to (1) funding the cost of covenant enforcement, (2) appointing the members of the Design Review Committee, and (3) appointing the covenant management entity with the condition that covenant enforcement issues and design review issues shall not be determined by the District but shall be assigned.

2. This Amendment to the Service Plan will be in the best interests of the area within the District boundaries.

3. That this Resolution is effective upon its adoption by the City Council.

Done this 8th day of July, 2008



ATTEST:

Jeri C. Howell
Mayor 7-8-08

Sharon A. Masley
City Clerk

RESOLUTION

A RESOLUTION OF THE BOARD OF DIRECTORS OF CUMBERLAND GREEN METROPOLITAN DISTRICT AUTHORIZING AN AMENDMENT TO THE SERVICE PLAN.

WHEREAS, Cumberland Green Metropolitan District, City of Fountain, El Paso County, Colorado (the "District") is a quasi-municipal corporation duly organized and existing as a metropolitan district under the laws of the State of Colorado (the "State"), including particularly Title 32 of the Colorado Revised Statutes; and

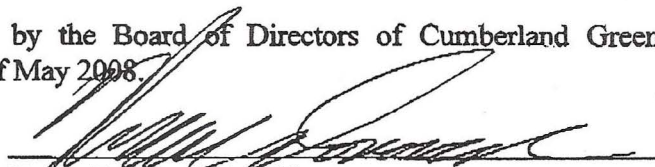
WHEREAS, the City of Fountain is the authorizing authority for the District's Service Plan having approved the same on August 9, 2005 under Resolution 05-057; and

WHEREAS, Colorado statutes now allow metropolitan districts to do covenant enforcement; and

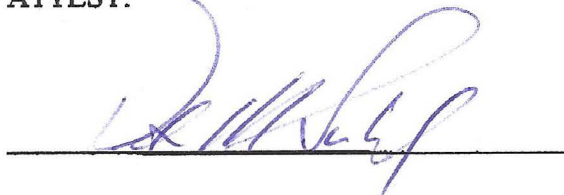
WHEREAS, the District has now determined that it is in the best interest of the District and its residences that the District assist, in a limited manner, with covenant enforcement all as set forth in those certain Master Declaration of Covenants, Conditions, and Restrictions for Cumberland Green recorded June 6, 2006 in the real property records of El Paso County at reception number 206082765.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CUMBERLAND GREEN METROPOLITAN DISTRICT, CITY OF FOUNTAIN, EL PASO COUNTY, COLORADO, THAT THE DISTRICT SERVICE PLAN MAY BE AMENDED IN ORDER TO PROVIDE THE POWER AND AUTHORITY FOR COVENANT ENFORCEMENT LIMITED TO (1) FUNDING THE COST OF COVENANT ENFORCEMENT, (2) APPOINTING THE MEMBERS OF THE DESIGN REVIEW COMMITTEE, AND (3) APPOINTING THE COVENANT MANAGEMENT ENTITY WITH THE CONDITION THAT COVENANT ENFORCEMENT ISSUES AND DESIGN REVIEW ISSUES SHALL NOT BE DETERMINED BY THE DISTRICT BUT SHALL BE ASSIGNED.

PASSED, ADOPTED AND APPROVED by the Board of Directors of Cumberland Green Metropolitan District effective this 14th day of May 2008.


Kevin Donovan, President

ATTEST:



579-9399

PETITION
CUMBERLAND GREEN METROPOLITAN DISTRICT

COMES NOW the Cumberland Green Metropolitan District ("District") and hereby petitions the City of Fountain, Colorado to amend the District's approved Service Plan to allow for limited power of covenant enforcement all as set forth in that Board Resolution dated May 14, 2008 a copy of which is attached.



Kevin Donovan, President