

**SECOND AMENDED AND RESTATED RESOLUTION
OF THE BOARD OF DIRECTORS OF
LEYDEN ROCK METROPOLITAN DISTRICT**

ADOPTING A PARK AND OPEN SPACE USE POLICY

WHEREAS, Leyden Rock 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 of Directors and the District; and

WHEREAS, pursuant to § 18-9-117(1), C.R.S., the District has the power to adopt orders, rules or regulations, as reasonably necessary for the administration, protection, and maintenance of public buildings and property, including but not limited to the prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance; and

WHEREAS, the City of Arvada owns and maintains certain parks and park and recreation amenities within the boundaries of the District including but not limited to Westridge Park (Tract E and Tract L, Filing No. 6), Lookout Park (Tract C, Filing No. 1), Leyden Rock Open Space (Tract B, Filing No. 1), Daybreak Park (Tract E, Filing No. 4) (the “**City Parks**”); and

WHEREAS, the District owns and maintains certain open space within the boundaries of the District (the “**District Open Space**”); and

WHEREAS, the District previously adopted a Park and Open Space Use Policy on December 5, 2016 (the “**Prior Policy**”); and

WHEREAS, the District desires to adopt this Resolution to replace, and terminate simultaneous herewith, the Prior Policy in its entirety, provided however that any fees, rates, tolls, penalties or charges due under the Prior Policy, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

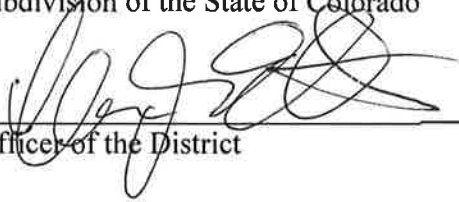
NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the District as follows:

1. Park and Open Space Use Policy. The District hereby adopts a Park and Open Space Use Policy attached hereto and incorporated herein as Exhibit A.
2. Effective Date. The Park and Open Space Use Policy shall be effective March 4, 2019.

[Remainder of Page Intentionally Left Blank. Signature Page to Follow].


ADOPTED this 4th day of March, 2019.

LEYDEN ROCK 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

Exhibit A

LEYDEN ROCK METROPOLITAN DISTRICT

PARK AND OPEN SPACE USE POLICY (the “Policy”)

(Revised March 4, 2019)

A. City Parks Use, Regulation, and Reservations: The pavilions, gazebos, clubhouse, pool, and turf fields at the City Parks are available for the general, informal use by the general public provided they have not been previously reserved. To make a reservation of a City Park individuals or groups must contact Apex Park and Recreation District (“APEX”), 13150 W. 72nd Avenue, Arvada, CO 80005, phone 303-424-2739, email info@apexprd.org. City Parks are regulated by the City of Arvada and APEX.

B. Prohibited Activities: Unless specifically authorized in writing by the District, the activities described in the Policy are prohibited within District Open Space.

1. Place or post signs.
2. Camp overnight.
3. Enter or remain in or refuse to leave during those times when the District Open Space is not open for public use as posted.
4. No garbage, refuse, abandoned junk, solid waste, litter or other offensive material shall be dumped, thrown onto, deposited onto, or otherwise allowed to remain on any District Open Space, except in designated trash receptacles. It shall be a violation of this Policy for any person or business entity to throw, dump or cause to be dumped, whether from a vehicle or otherwise any garbage, refuse, rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush or any other form of solid waste anywhere within District Open Space. If any of the material dumped in violation of the provisions of this subsection can be identified as having last belonged to, been in the possession of, sent to, received by or to have been the property of any person or business entity prior to it being dumped as prohibited herein, such identification shall be presumptive prima facie evidence that such violator dumped or caused to be dumped such matter or material in violation of this Policy.
5. Install any structure, including but not limited to, tents, booths, stands, awnings, tree houses, rope swings, inflatable amusements or canopies, except that temporary awnings and umbrellas for shade are permitted as long as such structures are not left unattended and are removed when user leaves.
6. Operate remote control or control-line devices in the air, on or in the water, or on the ground.
7. Use any amplified sound system that produces audible sound beyond 25 feet.
8. Stick or place any handbill, poster, placard, sticker, or painted or printed matter on any public building, fence, power or light or telephone pole, or any other public structure.
9. Smoke, except in designated smoking areas of provided.
10. Play or practice golf or archery.

11. Bring into, possess, or have any glass bottle or container.
12. Discharge explosives or fireworks or operate launch model rockets or other devices which may have an explosive charge.
13. Conduct any private enterprise.
14. Park motor vehicles overnight.
15. Sell, serve, dispense, possess or consume any alcoholic beverages or 3.2% beer.
16. Block, close off, or impair access to any trails or facilities.
17. Hunt, shoot, kill, injure, trap or maim any animal.
18. Permit any livestock to graze.
19. Destroy, vandalize, deface or damage any buildings, structures, signs, equipment, fences, gates or locks regulating access.
20. Enter, without authorization, those areas and facilities posted or otherwise designated as closed to the general public.
21. Dispose of trash.
22. Remove, cut down, disfigure rocks, trees, shrubs or other features of the natural environment.
23. Build a fire.
24. Operate unauthorized motor vehicles, including all off-road vehicles such as ATVs, dirt bikes, and other recreational vehicles.
25. Possess a weapon, unless authorized pursuant to C.R.S. 18-12-214, or any air rifle, spring-gun, bow and arrow, sling, paintball gun, air soft gun or any other weapon.

C. Compliance: All persons must obey any order, rule or regulation of the District and the instructions of any sign posted by the District.

D. Violation of Policy: Should any person fail to observe and obey any such order, rule, regulation or posted sign of the District, the District's Manager, or designee, may immediately remove or cause to be removed any such person and may ban such person from the use of the District Open Space for such period of time as may be necessary to secure compliance with order, rules, regulations or posted signs, or the District's Manager, or designee, may impose a fine, at their discretion.

1. **Fines/Penalties/Charges:** A violation of any Policy rule or regulation is subject to any and all civil remedies available to the District under Title 32, C.R.S. or other applicable laws, including a civil penalty hereby imposed in the amount of \$25 for the first violation, \$50 for the second violation, and \$100 for the third violation, and actual costs and attorney fees incurred by the

District with respect to any damages or other losses sustained by the District because of the violation of this Policy, including the costs of third parties engaged by the District to remedy any violation. Such penalties, charges, costs and attorneys fees shall be assessed against a violator of the Policy (“**Violator**”) and may be assessed against real property or the owners of any real property located within the District on which a Violator of the Policy resides on a permanent or temporary basis. The District may collect such penalties, charges, costs and attorneys fees it incurs by any means necessary authorized by law.

2. **Opportunity for Hearing:** Any Violator charged with a violation of the Policy is entitled to an opportunity for a hearing. If any Violator desires a hearing, they must proceed as follows:
 - a. Within seven (7) days after the Notice of Alleged Violation has been delivered to the alleged violator, the Violator must complete the Request for a Hearing form, which is attached to the Notice of Alleged Violation, and return it to the District Manager.
 - b. If a Request for a Hearing is timely filed, an administrative hearing on the complaint shall be held before a representative or committee appointed by the Board (“**Tribunal**”). The hearing shall be conducted no later than twenty-one (21) days after receipt of the Request for a Hearing, as determined by the Tribunal.
 - c. At any such hearing, the Tribunal shall hear and consider arguments, evidence or statements regarding the alleged violation. Following the hearing, the Tribunal shall issue its determination regarding the alleged violation. The decision of the Tribunal shall be binding on the Violator and the District. If the decision of the Tribunal is deemed unsatisfactory to the alleged violator, they may present a written request to the District for an appeal before the Board.
 - d. If no Request for a Hearing is received within seven (7) days, a hearing will be considered waived, the allegations in the Notice of Alleged Violation shall be deemed admitted by default, and appropriate sanctions shall be imposed. The Violator shall be notified by the District Manager of any such determination using the same form and in the same manner as if a hearing had been conducted.