

**AMENDED AND RESTATED
RESOLUTION
OF THE BOARD OF DIRECTORS OF
HERITAGE TODD CREEK METROPOLITAN DISTRICT**

Amending the District Gate Policy

WHEREAS, Heritage Todd Creek Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized pursuant to §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control and supervision of all the business and affairs of the District including all construction, installation, operation and maintenance of District improvements; 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 not in conflict with the constitution and the laws of this state for carrying on the business, objects and affairs of the board and of the special district; and

WHEREAS, pursuant to its authority under the District’s approved service plan approved on September 23, 2002 the District is responsible for the construction, operation, and maintenance of certain public improvements, facilities and services for the use and benefit of the District, its residents, users, property owners and the public; and

WHEREAS, the District owns and maintains three entrance gates to the community which serve the purpose of providing security for the community and its residents; and

WHEREAS, on April 20, 2016 the Board approved a Resolution Adopting a Gate Policy which, among other provisions, determined hours during which the gates would be open, hours when closed, and a procedure by which the public was guaranteed access; and

WHEREAS, in order to better address the needs of the community, address security concerns, and provide for orderly and efficient management of the entrance gates the Board has determined to amend the April 20, 2016 gate policy as provided herein; and

WHEREAS, the Board has determined that adopting a seasonally adjusted schedule for gate opening and closing will provide better security for the community while still ensuring ease of access for all public purposes; and

WHEREAS, the Board has consulted with its bond and tax attorney and has determined the amendments to the gate policy defined below strikes the best balance between the security of the community and the requirements of the tax-exempt bonds previously issued by the District; and

WHEREAS, this Resolution amends and restates the Resolution of the Board of Directors of the Heritage Todd Creek Metropolitan District Amending the District Gate Policy, dated as of August 2, 2021, to modify the gate policy Winter Hours to accommodate the golf club restaurant operational hours.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HERITAGE TODD CREEK METROPOLITAN DISTRICT AS FOLLOWS:

1. **Amended Gate Policy:** In order to provide safety and security to the community and the District residents, and to ensure the efficient operation of the entrance gates the Board amends the April 20, 2016 Gate Policy for seasonal operation as follows:

- a. Summer Hours: Commencing with the start of Daylight Saving Time each year, the District gates shall be closed between the hours of 9:00 p.m. and 5:00 a.m. each day.
- b. Winter Hours: Commencing with the start of Standard Time each year, the District entrance gates shall be closed between the hours of 8:00 p.m. and 6:00 a.m.
- c. Holiday Season Hours: To accommodate holiday events and package delivery, from December 1 through January 1 of each year, the District entrance gates shall be closed between the hours of 9:00 p.m. and 5:00 a.m.
- d. Considerations for Snow Fall: In order to ensure the District remains accessible, to prevent gates being damaged or blocked by snow, and to facilitate snow removal activities, the entrance gates shall remain open whenever it is forecast to snow 3 inches or more.
- e. Main Gate: There is not a main gate to the community and any reference to a main gate shall be a reference to any of the community entrance gates.

2. **Public Information and Education:** The Board directs the District Manager take appropriate steps to inform the community of the new Gate Policy, to educate the community on gate operations, to update the community in advance of any changes to the gate operation schedule, and to take all other steps reasonably necessary to enact the Gate Policy.

3. **Reservation of Prior Policy:** All parts of the prior policy not explicitly amended as provided in this resolution shall remain in full force and effect.

4. **Reservation of Right to Amend:** The Board reserves the right to further amend, revise, or revoke the Gate Policy as amended herein.

ADOPTED THIS 24th DAY OF January, 2022

**HERITAGE TODD CREEK
METROPOLITAN DISTRICT**



President of the District

Attest:



Secretary or Asst. Secretary