

Consolidated Bell Mountain Ranch Metropolitan District (Metro District)

Definitions, Rules and Regulations

Effective: November 7, 2017

TABLE OF CONTENTS

1. MEMBERSHIP AND PROPERTY DESCRIPTION..... 2

2. NAMES OF GOVERNING BODIES..... 2

3. DEFINITIONS AND DESCRIPTIONS OF REAL ESTATE..... 3

4. GENERAL RULES AND REGULATIONS OF USE OF COMMON AREAS 5

5. COMMUNITY OPEN SPACE RULES AND REGULATIONS..... 6

6. LOCAL STREET RULES AND REGULATIONS..... 7

7. PARK RULES AND REGULATIONS..... 8

8. WALKING / BICYCLE PATH RULES AND REGULATIONS..... 10

9. PRIVATE OPEN SPACE PRESERVATION EASEMENT (POSPE) DEFINITION, RULES
AND REGULATIONS, RIGHTS AND RESPONSIBILITIES..... 11

10. HIKING / EQUESTRIAN TRAIL RULES AND REGULATIONS..... 12

Consolidated Bell Mountain Ranch Metropolitan District (Metro District)

Definitions, Rules and Regulations

Effective: November 7, 2017

1. MEMBERSHIP AND PROPERTY DESCRIPTION

The Members of the Bell Mountain Association, the Bell Mountain Ranch Metropolitan District and the Consolidated Bell Mountain Ranch Metropolitan District are Unit Owners as herein defined, of real property in the County of Douglas, State of Colorado known as Bell Mountain Ranch, as shown and described on the following plats:

1) Bell Mountain Ranch Subdivision Filing No. 1-A, as shown on the Plat recorded on January 11, 1996, in the office of the Clerk and Recorder of Douglas County, Colorado at Reception No. 9601921, and any and all amendments thereto; 2) Bell Mountain Ranch Subdivision Filing No. 1-B, as shown on the Plat recorded on April 23, 1998, in the office of the Clerk and Recorder of Douglas County, Colorado at Reception No. 9829016, and any and all amendments thereto; 3) together with all easements, rights, and appurtenances to said real property, collectively hereinafter referred to as the "Properties".

2. NAMES OF GOVERNING BODIES

"Bell Mountain Ranch Metropolitan District" or "BMR District", or hereafter "**Water District**" is the quasi-municipal corporation and a political subdivision of the State of Colorado formed pursuant to Title 32, Colorado Revised Statutes, as evidenced by the order of the District Court of Douglas County, Colorado, dated July 31, 1985, creating such BMR District, formed in part for the purpose of constructing, maintaining, and operating certain common facilities for designated real property within a portion of the Properties.

"Consolidated Bell Mountain Ranch Metropolitan District" or "Consolidated District" or hereafter "**Metro District**" is the quasi-municipal corporation and political subdivision of the State of Colorado formed pursuant to Title 32, Colorado Revised Statutes, as evidenced by the order of the District Court of Douglas County, Colorado dated effective January 1, 1999, creating such Consolidated District, which consolidated and merged all property interests, rights and responsibilities of the Bell Mountain Ranch Park and Recreation District, the Bell Mountain Ranch Phase II Metropolitan District, and the Bell Mountain Ranch Phase III Metropolitan District and formed in part for the purpose of constructing, maintaining, and operating certain common facilities on real property within a portion of the Properties.

"Water District Board" and "Water District Board of Directors" shall mean the governing body of BMR Metropolitan District (the "Water District").

"Metro Board" and "Metro Board of Directors" shall mean the governing body of the Consolidated Bell Mountain Ranch Metropolitan District (the "Metro District").

3. DEFINITIONS AND DESCRIPTIONS OF REAL ESTATE

“Association” shall mean the Bell Mountain Homeowners Association.

“Common Areas” shall refer to all the Properties in which either the Water District or the Metro District owns a fee interest, an easement, or a leasehold interest, except for those Specific Properties that are not generally accessible to a Unit Owner or others such as Water District’s water well and storage tank sites. Common Areas are maintained by the Metro District, but may be maintained by the Association.

“Common Elements” shall refer to all the Properties in which the Association holds or owns a fee interest, an easement or a leasehold interest.

“Community Activity Areas” refers to certain Common Areas located within the Properties, as designated on the Plats, that are designated for recreational use in accordance with rules and regulations formulated by the Metro District. These are the Parks, Paths and Trails, and are maintained by the Metro District but may be maintained by the Association.

“Common Interest Community” shall mean the Properties (the planned community of Bell Mountain Ranch).

“Community Open Space”, occasionally referred to as “Metro Open Space”, refers to certain Common Areas located within the Properties as designated on the Plats. These areas are intended for less intense uses than the Community Activity Areas and shall remain largely in a native state. The Community Open Space is maintained by the Metro District, but may be maintained by the Association.

“Development Plan” is the Development Plan approved by the Douglas County Board of Commissioners pursuant to Section 15, Planned Development District of the Douglas County Zoning Resolution and recorded at the office of the Clerk and Recorder of Douglas County, Colorado on June 9, 1995, and governs the use and development of the Properties, as the Development Plan is amended from time to time.

“Facilities” or “Common Facilities” shall mean all those facilities and improvements constructed or authorized to be constructed by the Metro District, pursuant to the Service Plan and these Rules and Regulations, (they do not include Regional Water Facilities and the Local Streets).

“Fences” or “Fencing” – All barriers designed to contain, control, screen or decorate property, including invisible (underground or GPS locational) fencing.

“Guest(s)” – Person(s) invited by a Bell Mountain Ranch Unit Owner or Resident to use Metro District Community Open Space or Community Activity Areas (Parks, Paths, and/or Trails). These Rules limit the number of Guests per day. Guests on Metro District properties are to be accompanied by a Unit Owner or Resident at all times. **Further restrictions on Guest numbers are applied to Guest Horseback Riders on Equestrian Trails.**

“Hiking/Equestrian Trails” (also referred to as “Trails” or “Trail System”), are easements of 25’ width, located within certain POSPE, designated by marker points and/or signage and are for the exclusive use of Hikers and Equestrians (“Horseback Riders”).

“Improvements” shall mean all buildings and structures, parking areas, loading areas, fences (including without limitation electronic, invisible or other similar pet barriers or containment systems), walls, hedges, plantings, poles, driveways, ponds, lakes, recreational facilities, signs, changes in any exterior color or shape, excavation and all other site work including without limitation, grading, road construction, utility improvements, removal of trees or plantings, and any new exterior construction or exterior improvement which may not be included in the foregoing. “Improvement” does not include turf, shrub, or tree replacement of a magnitude which does not change exterior colors or exterior appearances. “Improvement” includes both the original improvement and all later changes and improvements.

“Local Streets” shall mean those streets which serve individual neighborhoods and provide access into and out of Bell Mountain Ranch.

“Lot” – A residential building lot designated on the Plats and shall have the same meaning as the term “Unit”.

“Metro District”- The “Consolidated Bell Mountain Ranch Metropolitan District”, a quasi-municipal corporation and political subdivision of the State of Colorado, formed in part for the purpose of constructing, maintaining, and operating certain common facilities within Bell Mountain Ranch.

“Paths”- Officially designated as “Walking/Bicycle Paths” are improved, granite sand paths, and are for the exclusive use of walkers and runners (“Pedestrians”) and bicyclists. They are upon 25ft easements, adjacent to the Local Streets, and may be within a POPSE.

“Pedestrians” - Walkers or runners using the Paths.

“Plat(s)” - shall refer to the plats entitled Bell Mountain Ranch Subdivision Filing No. 1-A recorded on January 11, 1996, in the office of the Clerk and Recorder of Douglas County, Colorado at Reception No. 9601921 and Bell Mountain Ranch Subdivision Filing No. 1B recorded on April 23, 1998 in the office of the Clerk and Recorder of Douglas County, Colorado at Reception No. 9829016, as amended. The term “Plat” shall also include any approved and recorded modifications to or amendments of a Plat or any portion thereof, or replat of a Plat or any portion thereof that has been approved and recorded.

“Private Open Space Preservation Easement” or “POSPE” (in earlier times referred to as the “Open Space Easement” or “C-Zone”), is the portion of each residential Unit as designated on the Plat in which a non-exclusive easement is granted to the Metro District. These easements are for the purpose of preserving the individual character of the Properties, providing open space, maintaining wildlife habitat, migration corridors, natural drainageways and corridors for Hiking/Equestrian Trails and Walking/Bicycle Paths.

“Resident” -- Any person residing at Bell Mountain Ranch.

“Rules” shall mean the current Metro District Rules and Regulations.

“Shall” is mandatory; "may" is permissive.

“Street Facilities“ shall mean those portions of the facilities constructed or to be constructed for street and/or safety purposes as set forth in the Service Plan and Section 4 of these Rules and Regulations. The Street Facilities do not include Local Streets.

“Trails”, officially designated as “Hiking/Equestrian Trails” are 25ft wide areas located within certain POSPE, designated by marker points and/or signage and are for the exclusive use of Hikers and Equestrians (“Horseback Riders”).

“Trail System” is the entire network of Trails in Bell Mountain Ranch.

“Unit” shall refer to any plot of land or “Lot” shown upon the Plats.

“Unit Owner” - The record Owner, whether one or more persons or entities, of fee simple title to any residential Unit, but excluding those having such interest merely as security for the performance of an obligation.

“User” - Any person authorized to use a Bell Mountain Ranch amenity (Community Open Space, Park, Paths, Trails and Local Streets), to include Bell Mountain Ranch Unit Owners, residents and, with limitation, guests.

“Walking/Bicycle Paths” - “Paths” are improved, granite sand paths, and are for the exclusive use of walkers and runners (“Pedestrians”) and bicyclists. They are upon 25-foot easements, adjacent to the Local Streets and may be within a POSPE.

4. GENERAL RULES AND REGULATIONS OF USE OF COMMON AREAS

- 4.1. No use shall be made of the Common Areas which will in any manner violate the statutes, rules, or regulations of any governmental authority having jurisdiction over the Common Areas.
- 4.2. No Unit Owner shall place any structure whatsoever upon the Common Areas, nor shall any Unit Owner engage in any activity which will temporarily or permanently deny free access to any part of the Common Areas to all Members.
- 4.3. The use of the Common Areas shall be subject to such rules and regulations as may be adopted from time to time by the Metro District or Water District.
- 4.4. No use shall ever be made of the Common Areas which will deny ingress and egress to those Unit Owners having access to a public street or to their Units only over the Common Areas, and said rights of ingress and egress to all Units are hereby expressly granted.
- 4.5. No camping, either temporary or permanent, is permitted on any of the Common Areas (including Community Open Space, Park or POSPE).
- 4.6. No fires or fireworks, of any type, are permitted in the Common Areas, with one exception: propane gas barbeque grills are permitted within the Park.
- 4.7. No motorized vehicles are permitted on any Common Area unless by authorization from the Metro District.
- 4.8. No launching or landing of remotely controlled, self-powered or launched water, surface or air craft is permitted within the any Common Area without written approval from the Metro District.

- 4.9. No signage may be constructed, placed or posted within any Common Area without written approval from the Metro District.
- 4.10. GUESTS: The number of daily Guests of Unit Owners or Residents are limited by these Rules and Regulations. Additional limits apply to Guest Horseback Riders on Trails. (SIX Guests of a Unit Owner or Resident are permitted per day. TWO Guest Horseback Riders are permitted per day.) **Guests within Common Areas are to be accompanied by a Unit Owner or Resident at all times.** A larger number of Guests using Common Areas are permitted **only with advance written permission of the Metro District.**

5. COMMUNITY OPEN SPACE RULES AND REGULATIONS

- 5.1. All Community Open Space is primarily for the use and benefit of Unit Owners or Residents of Bell Mountain Ranch and their guests.
- 5.2. Each User shall use the Community Open Space in the manner intended and so as not to interfere with the enjoyment of other Users or the privacy of Unit Owners or Residents.
- 5.3. Use or entry of any Community Open Space posted as "Closed" by the Metro District is prohibited.
- 5.4. HOURS OF USE: Entry and Use of the Community Open Space is permitted only in the time period of (1) hour before sunrise to one (1) hour after sunset, except with written permission from the Metro District.
- 5.5. CAMPING: No camping, either temporary or permanent, is permitted on any Community Open Space.
- 5.6. COMMERCIAL ACTIVITY. Conducting any commercial activity, or providing any service, product or activity for which a fee is charged is prohibited within the Community Open Space without written approval from the Metro District.
- 5.7. DAMAGE TO PROPERTY OR RESOURCES: Users shall not remove, destroy, mutilate, deface or damage any structure, poster, sign, marker, vegetation, rock, or any object of archeological, biological, geological or historical value or interest on the Community Open Space. A person causing property damage will be prosecuted for vandalism.
- 5.8. DOGS AND HORSES: All dogs on the Community Open Space must be on a leash and dogs and horses under the physical control of their human companion. Horses are to stay on designated Trails.
- 5.9. FIRES: No fires, fireworks, or barbecue grills, of any type, are permitted in the Community Open Space at any time.
- 5.10. DISCHARGE OF FIREARMS: The discharge or use of firearms, fireworks, explosives, BB guns, pellet guns, air guns, cross bows, long bows, slingshots or any projectile is prohibited within the Community Open Space.
- 5.11. GUESTS: A Unit Owner or Resident of Bell Mountain Ranch is entitled to sponsor **SIX Guests per day** to use Community Open Space (or **TWO Guest Horseback Riders**). **Guests must be accompanied by a Unit Owner or Resident at all times.** It is the Unit Owners' or Residents' responsibility to assure that guests are aware of these Rules and Regulations.
- 5.12. HUNTING: Hunting is prohibited within the Community Open Space.
- 5.13. LAUNCHING MISSILES AND CRAFTS: No launching or landing of remotely controlled, self-

powered or launched water, surface or air craft is permitted within the Community Open Space without written approval from the Metro District.

- 5.14. **LITTERING:** Users, Unit Owners, Resident or their Guests shall not deposit or leave litter, refuse or trash within the Community Open Space.
- 5.15. **MOTORIZED VEHICLES OR BICYCLES:** No motorized vehicle, or any type of bicycle, are permitted on Community Open Space except within designated parking areas. (The exception are vehicles used by or under the order of the Metro District for the conduct of maintenance or construction of Improvements.)
- 5.16. **NOISE:** Users of the Community Open Space shall not create noise or sounds that are at such a level as to disturb or annoy other Users or Unit Owners or Residents.
- 5.17. **PARKING:** (a) No vehicles, bicycles, motorcycles, construction equipment, or trailers may be parked within the Community Open Space, except in designated areas or by approval from the Metro District. (b) No overnight parking is permitted at any time without written approval from the Metro District.
- 5.18. **PICNICS:** Users are to picnic only at designated picnic tables within Community Open Space.
- 5.19. **WATERS:** (a.) No use of a water vessel of any type (including by not limited to boat, canoe, kayak, paddle board, tube, etc.) is permitted upon waters within the Community Open Space. (b) Swimming, wading, or floating are prohibited on waters within the Community Open Space.
- 5.20. **WILDLIFE:** Disturbance, harassment or feeding of wildlife is prohibited within the Community Open Space.
- 5.21. Any person using Community Open Space does so at their own risk and assumes the risk that such user may encounter dangerous wildlife and/or dangerous natural conditions, and that any activity involving the use of Community Open Space can be inherently dangerous and hazardous.

6. LOCAL STREET RULES AND REGULATIONS

The Local Streets within Bell Mountain Ranch serve individual neighborhoods, are publicly owned, but privately maintained. Use of the roads shall be in accordance with all applicable laws, codes, statutes and regulations of the State of Colorado, the Metro District and Douglas County, as amended from time to time, for the regulation of vehicular traffic.

6.1. TRAFFIC:

- 6.1.1. Drivers are to drive at speeds at or below posted Speed Limits. Road, weather or other conditions may dictate a lesser speed be maintained in order for the driver to retain control of the vehicle.
- 6.1.2. The reckless operation of any vehicle is strictly forbidden. Drivers are responsible for damage to any Common Areas or personal or real property resulting from the reckless operation of any vehicle.
- 6.1.3. **YIELD RIGHT OF WAY:** Drivers shall exercise caution at all times especially in the presence of Pedestrians, Bicyclists and Horseback Riders crossing the Local Streets. Drivers shall demonstrate extra caution when nearing marked Pedestrian and Horseback Rider cross walks. Paths and Trails intersect with Local Streets at many locations within Bell Mountain Ranch, and it is the vehicle driver's responsibility to abide by Colorado laws.
- 6.1.4. Residents who observe reckless driving or excessive speeding are encouraged to report

these to the Douglas County Sheriff's Department at (303) 660-7500. Please provide vehicle make, model, color, and license plate number. The Sheriff's dispatch office will take the information and a deputy will contact the vehicle's owner.

6.2. SIGNAGE ON LOCAL STREETS:

- 6.2.1. Only signage belonging to the Metro District is allowed within any easement, right of way or other property owned by the Metro District. Other than the two noted exceptions, no billboard, sign, notice or advertisement, whether of a permanent or temporary nature, shall be constructed or posted.
- 6.2.2. The two exceptions are real estate Directional Open House signs allowed only at intersections and only placed on the day of the open house and Cul-de-sac "Home for Sale" signs are limited to a single sign stating only "Home for Sale".

6.3. PARKING ON LOCAL STREETS:

- 6.3.1. No trucks, motorhomes, trailers, commercial carriers, construction or earthmoving equipment, or similar Vehicles shall be parked on streets, street sides or street shoulders, except for the temporary purpose of loading or unloading.
- 6.3.2. No vehicles, trailers, or construction equipment are to be parked, at any time, in a manner that impedes ingress or egress from a private Lot driveway or any Local Street intersection.
- 6.3.3. No trucks, motorhomes, trailers, commercial carriers, construction or earthmoving equipment, or similar Vehicles, shall be parked on streets, street sides or street shoulders overnight.
- 6.3.4. No Portable Restrooms are to be placed on streets or street shoulders without written Metro District approval.
- 6.3.5. Temporary parking is permitted by residents and guests for the purposes of attending social gatherings. However, no overnight parking on streets is permitted.

6.4 RESIDENTIAL DEBRIS AND SNOW:

- 6.4.1. Unit Owners and Residents shall not deposit any mowing clippings, debris, snow, or other materials from residential activities (mowing, snow removal, landscaping, construction, etc.) on to Local Streets. If such an event were to occur, Residents are required to immediately remove debris, snow or material from the street.

7. PARK RULES AND REGULATIONS

- 7.1. The Park is primarily for the use and benefit of the Unit Owners or Residents of Bell Mountain Ranch, and their guests.
- 7.2. HOURS OF USE: Entry and Use of the Park is permitted only in the time period of (1) hour before sunrise to one (1) hour after sunset, except with written permission from the Metro District.
- 7.3. Each User shall use the Park in the manner intended so as not to interfere with the enjoyment of other Users or the privacy of Unit Owners or Residents.
- 7.4. Use or entry of any Park area posted as "Closed" by the Metro District is prohibited.

- 7.5. Use of the Park may be reserved with completion of Park Reservation Form and written approval of the Metro District.
- 7.6. CAMPING: No camping, either temporary or permanent, is permitted in the Park.
- 7.7. COMMERCIAL ACTIVITY: Conducting any commercial activity, or providing any service, product or activity for which a fee is charged is prohibited within the Park without written approval from the Metro District.
- 7.8. DAMAGE TO PROPERTY OR RESOURCES: Users shall not remove, destroy, mutilate, deface or damage any Metro District properties (e.g. irrigation components, toilet or water facilities, structures, posters, signs, markers, vegetation, or rocks, etc.) in the Park. A person causing property damage will be prosecuted for vandalism.
- 7.9. DOGS AND HORSES: (a.) Dogs in the Park must be on a leash and dogs and horses under the physical control of their human companion, (b.) horses are to remain on designated Trails, (c.) dog owners shall pick up all fecal waste from their animals, bag it, and dispose of it in a waste receptacle, (d) when a horse is unloaded, tied, or rode in an area other than a Trail within the Park, the horse owner shall take necessary actions to ensure any manure from their horse is removed and not left within the Park.
- 7.10. ANIMAL CONTROL: to report an animal control issue endangering public safety (aggressive dog running at large) or a public health issue (domestic animal bite involving a human) please contact the Douglas County Sheriff's Office Regional Dispatch Center immediately at (303) 660-7500.
- 7.11. FIRES: No fires or fireworks, of any type, with the exception of the use of propane gas barbeque grills, are permitted in the Park,
- 7.12. DISCHARGE OF FIREARMS: The discharge or use of firearms, fireworks, explosives, BB guns, pellet guns, air guns, cross bows, long bows, slingshots or any projectile is prohibited within the Park.
- 7.13. GUESTS: Unit Owner or Resident of Bell Mountain Ranch is entitled to sponsor **SIX** Guests per day to use the Park. **Guests must be accompanied by a Unit Owner or Resident at all times.** It is the Unit Owners' or Residents' responsibility to assure that guests are aware of these Rules and Regulations.
- 7.14. LAUNCHING MISSILES AND CRAFTS: No launching, landing or operation of remotely controlled or self-powered water, ground or air craft is permitted within the Park without written approval from the Metro District.
- 7.15. MOTORIZED VEHICLES OR BICYCLES: No motorized vehicle, or any type of bicycle, are permitted on Park areas except within paved parking areas. (The exception are vehicles used by or under the order of the Metro District for the conduct of maintenance or construction of improvements.)
- 7.16. NOISE: (a) Users of the Park shall not create noise or sounds that are at such a level as to disturb or annoy other Users, Unit Owners or Residents, (b) No amplified sound equipment is permitted unless approved in writing by the Metro District.
- 7.17. PARKING: (a) No construction equipment and/or commercial trailers may be parked within the Park without written approval from the Metro District, (b) No overnight parking is permitted at any time.
- 7.18. SIGNAGE: Only notices and announcements authorized by the BM Homeowners Association or the Metro and/or Water Districts shall be posted on the Park's bulletin board.
- 7.19. TRASH: (a) Do not deposit or leave refuse, litter or trash in the Park except in designated refuse containers, (b) No residentially or commercially generated refuse may be deposited on park property under any circumstances.
- 7.20. WILDLIFE: Disturbance, harassment or feeding of wildlife is prohibited within the Park.

7.21. Any person using the Park does so at their own risk and assumes the risk that any activity or use of any structure within the Park may be inherently dangerous and hazardous. In addition, Users may encounter dangerous wildlife and/or dangerous natural conditions.

7.22. RESERVATION OF PARK FACILITIES:

-Any party may reserve the Park for an event.

-Only one reservation will be made on any given day.

-Signage will be placed at the entrance to the Park notifying use of the Park is reserved.

-Reservation of the Park is made through the President of the Metro District and must be done at least 14 days prior to the day of intended use by completion and submission of the CBMRMD Park Reservation form (available from the Metro District webpage).

-Any Park reservation made by a party other than a BMR Unit Owner or Resident, will be assessed a Park Fee in the amount of \$500. Payment is required at the time of reservation.

-This fee is nonrefundable and will offset the District's cost of operating and maintaining the Park.

-No later than 12:00 p.m. on the day after the event Users are required to cause that portion of the Park utilized for the event to be restored to the condition it was in prior to the event.

8. WALKING / BICYCLE PATH RULES AND REGULATIONS

8.1. The Walking/Bicycle paths ("Paths") are improved, granite sand paths, and are for the exclusive use of walkers and bicyclists. They are adjacent to the Local Streets.

8.2. The Paths are meant primarily for the use and benefit of Unit Owners, Residents of Bell Mountain Ranch and their guests

8.3. Users of the Paths are to remain on the Paths at all times, and not trespass onto private property.

8.4. Each User shall use the Paths in the manner intended and so as not to interfere with the enjoyment of other Users or the privacy of Unit Owners or Residents

8.5. CAUTION: Where the Paths and Local Streets share a common level and are adjacent to one another, Walkers/Bicyclists are responsible for staying out of the Local Street and being conscious of traffic on the road.

8.6. CROSSING STREETS: Where the Paths cross a Local Street, Pedestrians/Bicyclists are responsible to ensure they cross at designated crossings and cross with great care.

8.7. DOGS/HORSES: (a) Dogs on the Paths must be on a leash and under the physical control of their human companion. (b) Dog owners shall pick up all fecal waste from their animals, bag it, and dispose of it in a waste receptacle. (c) Horses are not permitted on Paths except at designated Trail-Path crossings.

8.8. ANIMAL CONTROL: to report an animal control issue endangering public safety (aggressive dog running at large) or a public health issue (domestic animal bite involving a human) please contact the Douglas County Sheriff's Office Regional Dispatch Center immediately at (303) 660- 7500.

8.9. FIREARMS/ HUNTING/ WILDLIFE: The discharge of any firearm, hunting, or any disturbance of wildlife is prohibited on the Paths.

8.10. FIRES: No fires or fireworks, of any kind, are permitted on Paths at any time.

8.11. GUESTS: A resident of Bell Mountain Ranch is entitled to sponsor **SIX** Guests per day to use the Paths. **Guests must be accompanied by a Unit Owner or Resident at all times.** It is the Unit Owners' or Residents' responsibility to assure that guests are aware of these Rules and Regulations.

8.12. MOTORIZED VEHICLES: No motorized vehicle of any kind is permitted on the Paths. (The exception are vehicles used by or under the order of the Metro District for the conduct of

- maintenance or construction of Improvements.)
- 8.13. NOISE: Users of the Paths shall not create noise or sounds that are at such a level as to disturb or annoy other Users or Unit Owners or Residents.
 - 8.14. TRASH: Pedestrians/Bicyclists using the Path are to leave no litter.
 - 8.15. YIELD: (a) Bicyclists are to yield to Walkers, (b) Pedestrians and Bicyclists yield to Horseback Riders where Paths - Hiker/Horseback Rider Trails intersect.
 - 8.16. Any person using the Paths does so at their own risk and assumes the risk they may encounter dangerous wildlife and/or dangerous natural conditions, and that any activity involving horses and/or the use of the Paths can be inherently dangerous and hazardous.

9. PRIVATE OPEN SPACE PRESERVATION EASEMENT (POSPE) DEFINITION, RULES AND REGULATIONS, RIGHTS AND RESPONSIBILITIES

Private Open Space Preservation Easements (“POSPE”; historically referred to as "Open Space Easements" “Easements” or "C zones”) is the portion of each residential Unit as designated on the Bell Mountain Ranch Subdivision Filing Nos. 1-A and 1-B, Douglas County, Colorado (the "Plats") in which a non-exclusive easement was originally granted to the Bell Mountain Ranch Park and Recreation District, and subsequently merged into and under the control of the Consolidated Bell Mountain Ranch Metropolitan District (Metro District). These POSPE are for the purpose of preserving the individual character of the Properties, providing open space, maintaining wildlife habitat, mitigation corridors, and natural drainageways and corridors for Hiker/Equestrian Trail (Trails) and Walking/Bicycle Paths (Paths).

The following describes rules and regulations, and Unit Owner and the Metro District rights and responsibilities, with respect to the POSPE.

9.1. GENERAL RULES AND REGULATIONS OF POSPE

- 9.1.1. ACCESS: Access to any portion of any POSPE other than that designated as Trails and Paths, is limited to the Unit Owner, Resident or their Guests, or Metro Board or Metro District contractors.
- 9.1.2. CAMPING: No camping, either temporary or permanent, is permitted on any POSPE.
- 9.1.3. FIRES: The Douglas County Open Fire and Open Burning Restriction Ordinance, Ordinance No. O-012-004, applies restrictions on open fires, open burning, and fireworks in the unincorporated areas of Douglas County. Unless the DC Sheriff lifts a Stage 1 Fire Ban, no open fires, fireworks, or open burning is permitted. **This applies to ALL PROPERTIES within Bell Mountain Ranch.**
- 9.1.4. IMPROVEMENTS. No Improvements, Fences, or pet barriers or pet containment systems, (including, without limitations, wired, wireless, GPS, etc.) shall be placed or constructed within the POSPE without the written approval of the Metro District.
- 9.1.5. MOTORIZED VEHICLES OR BICYCLES: No motorized vehicle, or any type of bicycle, are permitted on POPSE unless in the conduct of maintenance of Trails, Paths or POSPE within the Lot/Unit.
- 9.1.6. PARKING: No vehicles, bicycles, motorcycles, construction equipment, or trailers may be parked within the POSPE, except when parked temporarily for conduct of maintenance of Trails, Paths or POSPE.
- 9.1.7. VEGETATION. It is the responsibility of each Unit Owner to control noxious weeds within their entire Lot, including the POSPE. No vegetation, other than noxious weeds,

may be removed, trimmed, cut, planted, mowed or otherwise maintained within the POSPE without the prior written approval of the Metro District. If a fire mitigation plan developed by the Douglas County Wildfire Mitigation office, Larkspur Fire Protection, Castle Rock Fire and Rescue or a professional forestry expert, would recommend removal of vegetation within a POPSE, the Unit Owner must submit copies of the plan to the Metro Board for review and recording. Written approval from the Metro District to the Unit Owner is required before fire mitigation within any POSPE may be initiated.

9.1.8. WILDLIFE: Disturbance, harassment or feeding of wildlife is prohibited within the POSPE.

9.2. MAINTENANCE OF POSPE

9.2.1. It is the responsibility of each Unit Owner to control noxious weeds within their entire Lot, including the POSPE.

9.2.2. The Metro District shall have the right to enter the POSPE to perform maintenance on Trails, Paths, and Local Streets.

9.3. INDEMNITY

To the extent permitted by law, and subject to the immunities, defenses, limitations and other protections afforded Metro District under the Colorado Governmental Immunity Act Section 24-10-101 *et seq.* C.R.S., the Metro District shall indemnify and hold Unit Owner or Unit Owner's licensee, or guest harmless from and against any loss, damage, cost, expense (including reasonable attorneys' fees), suit, action, or injury incurred by Unit Owner or Unit Owner's licensee, invitee or guest, as a result of the use of the POSPE by the Metro District. The Metro District shall maintain a policy of liability insurance insuring its use of the POSPE, including coverage for bodily injury, property damage and personal injury (in the amount of \$1,000,000 per occurrence).

10. HIKING / EQUESTRIAN TRAIL RULES AND REGULATIONS

WARNING

Under Colorado Law, specifically Section 24-10-101, *et seq.* and Section 13-21-119, C.R.S., the Consolidated Bell Mountain Ranch Metropolitan District is afforded various protections, defenses, and immunities for personal injury or property damage that may arise out of the inherent risk of equine activities and/or the use of its trail facilities.

- 10.1. The Hiking/Equestrian Trails ("Trails") are designated by marker points and/or signage and are for the exclusive use of Hikers and Equestrians ("Horseback Riders").
- 10.2. The Trails are meant primarily for the use and benefit of Unit Owners and Residents of Bell Mountain Ranch and their guests, and by license, staff and customers of the Bell Mountain Equestrian Center.
- 10.3. Each User shall use the Trails in the manner intended, and not interfere with the enjoyment of other Users or the privacy of Unit Owners or Residents.
- 10.4. Users of the Trail are to use only marked Trails, remain on the Trails at all times, and not trespass onto private property.**
- 10.5. Horseback Riders shall use the Trails in a manner so as not to be a hazard to Hikers or other Horseback Riders.
- 10.6. Hiker/Horseback Rider use of any Trail posted as "Closed" by the Metro District is prohibited.
- 10.7. DOGS/HORSES: (a) Dogs on the Trails must be on a leash and under the physical control of

- their human companion. (b) Horses are not permitted on Paths, or on Local Streets, except at designated crossings. (c) Horses must be under control at all times.
- 10.8. ANIMAL CONTROL: to report an animal control issue endangering public safety (aggressive dog running at large) or a public health issue (domestic animal bite involving a human) please contact the Douglas County Sheriff's Office Regional Dispatch Center immediately at (303) 660-7500.
 - 10.9. CROSSING STREETS: Where the Trails cross a Local Street, Hikers/Horseback Riders are responsible to ensure they cross the street with great care.
 - 10.10. DAMAGE TO PROPERTY OR RESOURCES: Hikers/Horseback Riders shall not remove, destroy, mutilate, deface or damage any structure, poster, sign, marker, vegetation, rock, or any object of archeological, biological, geological or historical value or interest.
 - 10.11. FIREARMS/HUNTING/WILDLIFE: The discharge of any firearm, hunting, or any disturbance of wildlife is prohibited on the Trails.
 - 10.12. FIRES: No fires, fireworks, or barbeque grills, of any kind, are permitted on Trails at any time.
 - 10.13. GUESTS: **A Unit Owner or Resident of Bell Mountain Ranch is entitled to sponsor TWO Guest Horseback Riders or SIX Guest Hikers per day to use the Trails. Guests must be accompanied by a Unit Owner or Resident at all times.** It is the Unit Owners' or Residents' responsibility to assure that guests are aware of the location of the Trails and these Rules and Regulations. **Advance written approval from the Metro District must be obtained for greater numbers of Guest Horseback Riders or Hikers.**
 - 10.14. MOTORIZED VEHICLES: No motorized vehicle of any kind, or any type of bicycle, are permitted on the Trails. (The exception are vehicles used by or under the order of the Metro District for the conduct of maintenance or construction of improvements.)
 - 10.15. NOISE: Users of the Trails shall not create noise or sounds that are at such a level as to disturb or annoy other Users or Unit Owners or Residents.
 - 10.16. PICNICKING: Hikers/Horseback Riders are to picnic only at designated picnic table areas within Community Open Space (not within private property near Trails or within Private Open Space Preservation Easements).
 - 10.17. TRASH: Hikers/Horseback Riders are to leave no litter. Pack-it in, pack-it-out.
 - 10.18. YIELD: (a) Hikers on the Trails are to yield right of way to Horseback Riders, and shall not engage in any activity, such as shouting or running, that may cause horses to become frightened. (b) Pedestrians/Bicyclists are to yield right of way to Horseback Riders where Trails and Paths intersect/cross.
 - 10.19. Any person using the Trails does so at their own risk and assumes the risk they may encounter dangerous wildlife and/or dangerous natural conditions, and that any activity involving horses and/or the use of the Trails can be inherently dangerous and hazardous.

RESOLUTION NO. 2017-11-4

CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT
DOUGLAS COUNTY, COLORADO

A RESOLUTION ADOPTING RULES AND REGULATIONS FOR THE
CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT

WHEREAS, the Board of Directors ("Board") of the Consolidated Bell Mountain Ranch Metropolitan District ("District") has the power and authority pursuant to Section 32-1-1001(1)(m), C.R.S. to adopt Rules and Regulations not in conflict with the Constitution and the laws of the State of Colorado for carrying on the business, objects and affairs of the Board and of the District; and

WHEREAS, pursuant to said authority a prior Board on or about September 2004 adopted Rules and Regulations which have over time been amended and revised ("Existing Rules and Regulations"); and

WHEREAS, members of the Board with input from the residents and members of the Bell Mountain Ranch Homeowners Association reviewed the Existing Rules and Regulations and developed proposed new rules and regulations that pertain and are intended to regulate the activity on, use of, and maintenance of, such things as Community Open Space, Parks, Trails, Local Streets and the Private Open Space Preservation Easements ("POSPE") as defined or identified in the proposed rules and regulations; and

WHEREAS, the proposed rules and regulations are entitled "Consolidated Bell Mountain Ranch Metropolitan District (Metro District) Definitions, Rules and Regulations" ("2017 Rules and Regulations"); and

WHEREAS, the Board desires to adopt the 2017 Rules and Regulations and has determined that such action is in the best interest of the District and its inhabitants.

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Consolidated Bell Mountain Ranch Metropolitan District as follows:

Section 1. **Adoption of 2017 Rules and Regulations.** The 2017 Rules and Regulations are hereby adopted effective as of November 7, 2017.

Section 2. **Interpretation.** The Board hereby reserves the right to interpret and change or resend the 2017 Rules and Regulations and in addition, reserves the right to determine the meaning, purpose and effect of the 2017 Rules and Regulations based upon generally accepted practices and rules of interpretation.

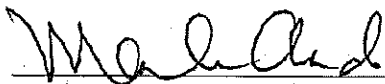
Section 3. **Severability.** If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgement shall not effect, impair, or invalidate the remaining

provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

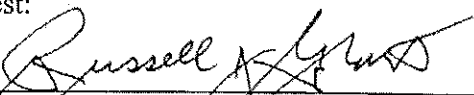
Section 4. Prior Rules and Regulations Superseded In Part. As of November 7, 2017, all previously adopted rules and regulations of the District, including but not limited to the Existing Rules and Regulations, insofar as, and only insofar as, such prior rules and regulations purport to regulate any area that is the subject of the 2017 Rules and Regulations are hereby superseded and of no further force and effect.

ADOPTED on the 7th day of November, 2017.

CONSOLIDATED BELL MOUNTAIN
RANCH METROPOLITAN DISTRICT

By: 
Marlene Accardo, President

Attest:


Russell Grant, Vice President