

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
BEACON POINT METROPOLITAN DISTRICT  
ADOPTING THE FIRST AMENDMENT  
TO  
AMENDED AND RESTATED  
RESIDENTIAL IMPROVEMENT GUIDELINES, STANDARDS AND PROCESSES  
(Water-Wise Landscaping – 2023)**

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**WHEREAS**, the Beacon Point Metropolitan District (the “District”), a quasi-municipal corporation and political subdivision of the State of Colorado, was organized to provide various services, including design review and covenant enforcement services, in and around the Beacon Point development in Arapahoe County, Colorado; and

**WHEREAS**, pursuant to § 32-1-1001(h), C.R.S., the Board of Directors of the District (the “Board”) is empowered with the management, control and supervision of all the business and affairs of the District; and

**WHEREAS**, pursuant to § 32-1-1004(8)(a)(II), C.R.S., the District has the power to furnish covenant enforcement and design review services within the boundaries of the District; and

**WHEREAS**, pursuant to the terms and conditions of the Protective Covenants of Beacon Point recorded in the real property records of the Clerk and Recorder of Arapahoe County, Colorado at Reception No. B5060926, on January 29, 2005 (the “Covenants”) as amended, the District has the authority to promulgate architectural standards, rules, regulations and/or guidelines (collectively, the “Guidelines”) which may be modified, amended, repealed and re-enacted from time-to-time; and

**WHEREAS**, pursuant to the Covenants, the Guidelines may contain provisions to clarify the designs and materials that may be considered in the design approval process, may state requirements for submissions, may state procedural requirements or may specify acceptable Improvements (as that term is defined in the Covenants) that may be installed; and

**WHEREAS**, pursuant to § 32-1-1001(1)(m), C.R.S., the Board is authorized to promulgate, adopt, enact, modify, amend, repeal and re-enact rules and regulations concerning and governing the Property (as that term is defined in the Covenants”); and

**WHEREAS**, on November 9, 2022, the Board adopted the Amended and Restated Residential Improvement Guidelines, Standards and Processes, as may be amended from time to time, (the “Design Standards”); and

**WHEREAS**, on May 17, 2023, the Governor of the State of Colorado, signed legislation (the “New Legislation”) amending § 37-60-126, C.R.S. which provides, among other things, that any rule or policy of a special district that prohibits or limits xeriscape, prohibits or limits the installation or use of drought-tolerant vegetive or nonvegetative landscapes, requires cultivated vegetation to consist wholly or partially or turf grass, or prohibits the use of non-vegetative turf grass in the backyard of a residential property is declared void as against public policy; and

**WHEREAS**, in order to bring the Design Standards into compliance with the New Legislation, the District desires to adopt this First Amendment to the Amended and Restated Residential Improvement Guidelines, Standards and Processes (the “First Amendment”), attached hereto as **Exhibit A** and incorporated herein by this reference.


**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Adoption of First Amendment to Amended and Restated Residential Improvement Guidelines, Standards and Processes. The First Amendment to the Amended and Restated Residential Improvement Guidelines, Standards and Processes attached as Exhibit A, is hereby adopted.
2. Prior Provisions Effective. Except as amended herein, the Design Standards shall remain in full force and effect without limitation.
3. Contradicting Provisions. Any provision of any governing document of the District, including, without limit, rules and regulations, policies and the like, which contradict the First Amendment and/or New Legislation shall automatically become null and void and unenforceable.
4. Effective Date. The First Amendment shall be effective as of August 7, 2023 in order to coincide with the effective date of the New Legislation.

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**RESOLVED AND ADOPTED** this 11<sup>th</sup> day of October, 2023.

**BEACON POINT METROPOLITAN  
DISTRICT**

By:   
Officer of the District

Attest:

By: 

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON

*Heather L. Hartung*

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General Counsel to the District

**EXHIBIT A**

**First Amendment to Amended and Restated Residential Improvement Guidelines,  
Standards and Processes  
Water-Wise Landscaping - 2023**

**FIRST AMENDMENT  
TO  
AMENDED AND RESTATED RESIDENTIAL IMPROVEMENT GUIDELINES,  
STANDARDS AND PROCESSES  
OF  
BEACON POINT METROPOLITAN DISTRICT  
(Water-Wise Landscaping – 2023)**

This First Amendment to the Amended and Restated Residential Improvement Guidelines, Standards and Processes of Beacon Point Metropolitan District (the “First Amendment”) was duly adopted the day and year set forth in the above Resolution.

1. Provision Repealed and Restated. Section 4.28(b) of the Design Standards is hereby repealed in its entirety and replaced with the following language:

Section 4.28(b) Vegetable:

(b) Vegetable. Approval is not required if no more than 100 square feet of the yard is utilized and the plants in the garden do not exceed the height of the rear yard fence at its lowest point, which shall not be more than five (5) feet.

2. Provision Repealed and Restated. Section 4.35(d) of the Design Standards is hereby repealed in its entirety and replaced with the following language:

Section 4.35(d) Treescapes:

The area between the sidewalk and street must be planted with plant material/living material and have a tree planted every thirty (30) feet. If a tree in the treescape dies, it must be replaced in a timely manner. These trees are the property and maintenance responsibility of the Owner. Deciduous overstory trees are required and shall not be less than 2.5” in caliper. No coniferous trees are permitted.

3. Provision Repealed and Restated. Section 4.35(g) of the Design Standards is hereby repealed in its entirety and replaced with the following language:

Section 4.35(g) Xeriscape:

Approval is required. Owners are permitted to incorporate xeriscape design when submitting landscaping plans.

4. Provisions Repealed and Restated. Table A of Section 4.35 of the Design Standards is hereby repealed as it relates to Rear Yards and replaced with the following language:

Rear Yards:

Artificial turf may be installed in the rear yard only, with the prior approval of the ARC. The color must be similar to the turf grass in the geographical area, preferably a blended, multi-color monofilament fiber, with a blade height of at least 1½” (or ½” for a putting green). Installation must include a weed barrier and a properly prepared and leveled aggregate base for drainage. Proper infill, which is not toxic to humans or pets, for residential application must be used. A weed suppressor must be used under seams, and the seams properly secured.

5. Provision Provisions Effective. Except as amended herein, the Design Standards shall remain in full force and effective without limitation.

Adopted this 11<sup>th</sup> day of October, 2023.

**BEACON POINT METROPOLITAN  
DISTRICT**



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Officer of the District

ATTEST:



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