

**RULES, REGULATIONS AND POLICIES CONCERNING
REPAIR, MAINTENANCE AND SNOW PLOW POLICY FOR ROADS AND STREETS**

LAWSON HILL SUBDIVISION/PUD

Effective Date: March 22, 2017

Background/Authority

These Rules, Regulations and Policies (“**Rules**”) of The Lawson Hill Subdivision/PUD (“**Community**”) have been adopted and implemented to protect the investment of the members and to enhance the values of the properties subject to regulation by The Lawson Hill Propertyowners’ Company, a Colorado nonprofit corporation (“**HOC**”).

These Rules are promulgated in accordance with the authority of the HOC as provided for in the Declaration for Lawson Hill Subdivision/PUD, recorded April 16, 1992, at No. 276371 in Book 490 at page 925 (“**Declaration**”), the Plats for the Community, the Articles of Incorporation and Bylaws for the HOC, as the same have been or may be amended and supplemented from time to time (“**Governing Documents**”). Terms which are defined in the Governing Documents shall have the same meaning herein, unless defined otherwise in these Rules. In the event of a conflict between these Rules and the terms and conditions of the Declaration, the terms and conditions of the Declaration shall control.

Streets/Roads Maintenance, Repair and Snowplowing Rules

In accordance with the Governing Documents:

1. The HOC through its Board of Directors (“**Board**”) owns, maintains, manages and otherwise administers certain “Facilities” within the Community, which consist of “all the real or personal property, including but not limited to all common open space and landscaping installed by the Declarant, owned or leased by the HOC or otherwise held or used by the HOC, under the HOC’s management or control by, through or under contractual arrangements, licenses or other arrangements, including Property Furnished by Declarant, real property or interest therein, improvements on real property, and personal property and equipment.” The Facilities include the beneficial rights and interest under easements and other agreements which benefit the HOC. Facilities include, without limitation, certain “streets/roads” in the Community.

2. The HOC, through its Executive Board, is authorized, empowered and directed to, among other things: (a) adopt, amend and enforce rules and regulations applicable within Lawson Hill with respect to any Facility or Function, (b) to enforce rules and regulations applicable within Lawson Hill with respect to any Facility or Function, and to implement the provisions of this Declaration, the Articles of Incorporation or Bylaws of the HOC (c) to regulate use of any and all Facilities to assure fullest enjoyment of use by the persons entitled to enjoy and use the same, (d) to regulate the use, maintenance, repair, replacement and modification of the Common Elements, (e) to grant easements for any period of time, including permanent easements leases, licenses and concessions through or over the Common Elements; (f) to promote the general health, safety and welfare of persons within Lawson Hill; and (g) to protect and preserve property, property values and property rights.

3. The practice of the HOC with respect to road repair and maintenance that the HOC undertakes generally consists of typical and customary road repair and maintenance as well as snow removal of those streets/roads.

4. Historically, the HOC has determined that streets/roads in the Community fall into one of the following categories:

(a) Those streets/roads that have been constructed on parcels and/or right of ways, which are fully owned by the HOC as separate tracts. The HOC shall perform road repair and maintenance on these segments of streets/roads.

(b) Those streets/roads located on parcels - not owned by the HOC - that were approved through a County review process and grant access to multiple units and met or were given variances from the road standards from the San Miguel County road code and the approvals did not require the developer/owners of the development occurring on the parcel to undertake maintenance of the streets/roads. These streets/roads grant the only access available to this development and are called out as "streets" on the plat subject to the San Miguel County Land Use Code. The HOC shall perform road repair and maintenance on these segments of streets/roads.

(c) Streets/roads contemplated hereby shall be for the use and benefit of the owners and lessees property within the Community and their invitees and licenses.

(d) The use of all such streets/roads shall be subject to such rules and regulations concerning such usage as may be adopted by the HOC from time to time.

5. Unless the HOC agrees to do so on a case-by-case basis in its sole discretion and on terms and conditions acceptable to the HOC, the HOC is not required to undertake any road repair and maintenance, including snow removal, on the following areas:

(a) Streets/roads that are not located on parcels owned by the HOC or do not meet the criteria in 3(b) above;

(b) Improvements that do not constitute streets/roads, which include, but are not limited to, driveways, parking lots or parking areas (not owned by the HOC), private parking spaces or other components as reasonably determined by the HOC.

The foregoing notwithstanding, the HOC may, on a case-by-case basis in its sole discretion, agree to undertake road repair and maintenance and/or snow removal, on terms and conditions acceptable to the HOC including the reimbursement of costs and expenses to the Association, including an allocation of such costs and expenses if multiple parties are involved in an equitable, uniform manner. Such arrangements would be reflected in appropriate agreements with party requesting the HOC to provide such services. Currently, the HOC has entered into shared maintenance agreements for certain areas including the shared parking lot on Lot S-1, M, N and O. and the shared maintenance agreement for the ball field road.

6. Subject to annual budgeting appropriations, the HOC, in the exercise of its reasonable judgment, shall determine the nature, extent and timing of the maintenance and repair of streets/roads, giving due consideration to prioritizing Facilities based upon condition and need.

7. The HOC, in the exercise of its reasonable judgment, shall determine the manner, method, timing, sequencing and need for snow removal of streets/roads in the Community.

8. **MISCELLANEOUS.**

(a) **Conflict of Documents.** In the event of a specific conflict between the Governing Documents and these Rules, the Governing Documents shall prevail.

(b) **Notices.** Notices called for by these Rules shall be sent by the HOC to homeowners via certified mail at the address on file with the HOC.

(c) **No Waiver.** Failure by the HOC, the Board or any person to enforce any provision of these Rules shall in no event be deemed to be a waiver of the right to do so thereafter.

(d) **Definitions.** Unless otherwise defined in these Rules, initially capitalized or terms defined in the Declaration and Bylaws shall have the same meaning herein.

(e) **Supplement to Law.** The provisions of these Rules shall be in addition to and in supplement of the terms and provisions of the Declaration, Bylaws, and the applicable law.

(f) **Deviations.** The Board may deviate from the procedures set forth in these Rules if in its sole discretion such deviation is reasonable under the circumstances.

(g) **Severability.** The provisions of these Rules shall be deemed to be independent and several, and the invalidity of any one or more of the provisions hereof, or any portion thereof, by judgment or decree of any court of competent jurisdiction, shall in no way affect the validity or enforceability of the remaining provisions, which provisions shall remain in full force and effect.

APPROVAL AND EXECUTION

The foregoing Rules are hereby adopted by the HOC as of the Effective Date.

The Lawson Hill Propertyowners' Company, a Colorado nonprofit corporation