

**RESOLUTION NO. 2021-07-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
COLORADO CROSSING METROPOLITAN DISTRICT NOS. 1-3**

**ADOPTING AND IMPOSING DISTRICT ROADWAYS RULES AND REGULATIONS  
AND FIRST AMENDED PARKING STRUCTURE RULES AND REGULATIONS**

A. Colorado Crossing Metropolitan District Nos. 1-3 (the “**Districts**”) are quasi-municipal corporations and political subdivisions located in the City of Colorado Springs (the “**City**”), State of Colorado.

B. The Districts operate pursuant to their Consolidated Service Plan approved by the City Council for the City on August 22, 2006, as amended on October 25, 2016, December 11, 2018, and November 10, 2020, and as may be amended and/or modified from time to time (the “**Service Plan**”).

C. Pursuant to the Service Plan and Section 32-1-101, *et seq.*, C.R.S., the Districts have the power and authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment and financing of streets within the Districts’ Service Areas (as defined in the Service Plan), among related street improvements powers.

D. Pursuant to Section 32-1-1001(1)(m), C.R.S., the Districts have the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”

E. Colorado Crossing Metropolitan District No. 1 (“**District No. 1**”) owns, operates, and maintains a property more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference (the “**Parking Structure**”).

F. On July 22, 2019, District No. 1 adopted Resolution No. 2019-07-01 Adopting and Imposing Parking Structure Rules and Regulations (the “**Resolution**”).

G. It is anticipated that the Districts will also own and maintain public roadways within the Districts’ Service Areas (the “**District Roadways**”).

H. The Districts desire to amend the Resolution to incorporate rules and regulations regarding the District Roadways and to amend the Parking Structure Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS OF DIRECTORS OF THE COLORADO CROSSING METROPOLITAN DISTRICT NOS. 1-3 (THE “**BOARDS**”) OF THE CITY OF COLORADO SPRINGS, STATE OF COLORADO THAT:

1. The Boards hereby determine that it is in the best interests of the Districts and members of the public using the District Roadways and Parking Structure to exercise the authority granted under the Service Plan to adopt the District Roadways Rules and Regulations attached hereto as Exhibit B-1 and incorporated herein by this reference, and the First Amended

Parking Structure Rules and Regulations attached hereto as **Exhibit B-2** and incorporated herein by this reference.

2. The Districts reserve the right, from time to time, to modify, amend or replace these District Roadways Rules and Regulations and First Amended Parking Structure Rules and Regulations in conformance with the City or other relevant regulations then in effect.

3. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

RESOLUTION APPROVED AND ADOPTED on August 19, 2021.

**COLORADO CROSSING  
METROPOLITAN DISTRICT NOS. 1-3**

DocuSigned by:  
*Chris Moore*  
By: \_\_\_\_\_  
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President

Attest:

DocuSigned by:  
*Kevin Smith*  
\_\_\_\_\_  
84A534656EB141B...  
Secretary

**EXHIBIT A**

**LEGAL DESCRIPTION**

Lot 5, Colorado Crossing Filing No. 1A, in the City of Colorado Springs, County of El Paso,  
State of Colorado

## EXHIBIT B-1

### DISTRICT ROADWAYS RULES AND REGULATIONS

1. Applicability. These District Roadways Rules and Regulations shall apply to all roadways and portions of roadways, including alleyways, owned and maintained by the Districts (the “**District Roadways**”).

4. Vehicles. For purposes of these District Roadways Rules and Regulations, “vehicle” shall mean every device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. Vehicle includes, without limitation, a motor vehicle, a motorcycle, a bicycle, electrical assisted bicycle, or EPAMD (Electric Personal Assisted Mobility Device), but does not include a wheelchair, off-highway vehicle, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

5. Parking Violations.

(a) Generally. For any District Roadways where authorized signs are posted giving notice of parking limitations, regulations, restrictions or prohibitions, it shall be unlawful for any person to park a vehicle in any manner in violation of, or contrary to, the provisions contained on such signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, or traffic-control signal, sign or device, or except momentarily for the purpose of actively and continuously loading or unloading passengers when such parking does not obstruct, impede or endanger any traffic.

(b) No Parking Zones. Portions of the District Roadways are designated, and shall be posted with signs or painted marking, as No Parking. The Districts reserve the right to further restrict or prohibit parking upon the District Roadways by adopting an amendment to these District Roadways Rules and Regulations and posting said roadway(s) as No Parking or otherwise designating parking restrictions with signs or painted markings.

(c) Handicap Space. It shall be unlawful for any person to park any vehicle in a designated handicap space upon the District Roadways without a valid disability placard or license plate.

(d) Alleyways. It shall be unlawful for any person to park any vehicle upon the District Roadways comprised of alleyways, as designated in **Exhibit 1** and identified as no parking zones by posted signs or painted markings.

(e) Fire Lane. It shall be unlawful for any person to park any vehicle upon the District Roadways in fire lanes designated by posted signs or painted markings.

(f) Obstruction of Traffic. It shall be unlawful for any person to park for any amount of time any vehicle upon the District Roadways in such manner or under such conditions as to:

(i) leave available less twenty (20) feet of width of the roadway for free movement of vehicular traffic;

(ii) prevent another vehicle from accessing a valid parking zone or the District Roadways; or

(iii) otherwise interfere with the flow of vehicular traffic.

(g) Parking in Excess of Forty-Eight (48) Hours.

(i) It shall be unlawful for any owner or operator of a vehicle to leave that vehicle parked in the same place upon any part of the District Roadways for a period in excess of forty-eight (48) continuous hours. A vehicle shall be considered in violation of this subsection if it has not been moved at least one hundred (100) feet during the continuous forty-eight (48) hour period of time.

(ii) It shall be unlawful for the owner of an Automobile Junker to leave it parked upon the District Roadways for a period in excess of forty-eight (48) hours, regardless of location. The forty-eight (48) hour time limit includes the cumulative time spent on any District Roadways. For purposes of this subsection, an automobile junker is defined as a vehicle which is:

(1) Apparently inoperable; and

(2) Extensively damaged which would include but not be limited to: broken windows, broken windshields, or both; missing wheels, tires, motor, or transmission.

(a) Parking in Opposite Direction of Traffic. It shall be unlawful for any person to park any vehicle upon the District Roadways in a direction that is opposite to the regular flow of traffic on the side of the road where the vehicle is parked.

(h) Landscaping. It shall be unlawful for any person to park any vehicle either partially or entirely upon any landscaped area owned and maintained by the Districts, including but not limited to rock beds and xeriscape areas.

(i) Flat Tire. It shall be unlawful for any person to leave any vehicle with a flat tire upon the District Roadways in excess of forty-eight (48) hours.

(j) Vehicle Repair. It shall be unlawful for any person to park or operate a vehicle upon the District Roadways for the principal purpose of greasing, oiling, lubricating, painting or repairing such vehicle, except for repair that is necessary for the limited purpose of removing the vehicle from the roadway or due to an emergency.

(k) Recreational Vehicles. It shall be unlawful for any person to park any house trailer, camping trailer, boat trailer, hauling trailer, boat, self-contained motorized recreational vehicles, or any accessories related to any of the foregoing, or any other types of

recreational vehicles or equipment, anywhere upon any District Roadways for longer than a cumulative total of forty-eight (48) hours, regardless of location.

6. Towing, Fines and Immobilization.

(a) Generally. The Districts reserve the right to have any vehicles that are in violation of these District Roadways Rules and Regulations removed, towed or immobilized (including booting) at the owner's cost and expense. Further, the Districts reserve the right to assess fines for parking violations against the vehicle owner.

(b) Warning Citations. The Districts may cause a warning citation to be issued for vehicles parked in violation of subsections 3.g (Parking in Excess of Forty-Eight (48) Hours), 3.j (Flat Tire), 3.k (Vehicle Repair) or 3.l (Recreational Vehicles) and reserves the right to remove, tow or immobilize the vehicle at the owner's cost and expense if any of these violations continues for more than forty-eight (48) hours following issuance of the citation.

7. Administrative Fee for Towing. The Districts may assess an administrative fee for towing, which fee may either be collected as part of the general towing fee paid to the tow lot operator and remitted to the Districts or, alternatively, assessed directly to the vehicle owner by the Districts.

## EXHIBIT B-2

### FIRST AMENDED PARKING STRUCTURE RULES AND REGULATIONS

1. Use.

(a) The Parking Structure shall be used only as a public parking facility for automobiles, motorcycles and bicycles and for uses ancillary thereto and for no other purpose whatsoever (including, without limitation, the installation of automobile accessories, automobile repairs, servicing or bodywork). No person shall use any roadway or walkway except as a means of egress from or ingress to the Parking Structure. Such use shall be in an orderly manner and in accordance with directional or other signs or guides. Roadways shall not be used at a speed in excess of twenty (20) miles per hour and shall not be used for parking or stopping, except for the immediate loading or unloading of passengers. Walkways shall only be used for pedestrian travel.

(b) No person shall use any automobile parking area except for the short-term parking of motor vehicles during the period of time such person or the occupants of such vehicle are employees, customers or business invitees of the establishments served by the Parking Structure. All motor vehicles shall be parked in an orderly manner within the painted lines defining the individual parking places.

(c) No person shall use any utility area or other area reserved for use in connection with the conduct of business, such as shopping cart corrals, except for their normal and intended purpose.

(d) "Hazardous Material(s)" shall mean any hazardous, toxic, explosive, noxious or radioactive substance, material, matter, or waste which is or becomes regulated by any federal, state, or local law, rule, regulation, code, ordinance, or any other governmental restriction or requirement. No person shall place any Hazardous Materials in, on, or about the Parking Structure (provided that gas and oil in gas tanks and engines of passenger vehicles parked in the Parking Structure shall not be deemed Hazardous Materials for purposes of this paragraph).

2. Signs. No person shall place or permit to be placed any sign, advertising material, or lettering on the exterior or the interior of the Parking Structure.

3. No Obstruction. The Parking Structure shall be maintained free from any obstructions not required; without limiting the foregoing, no sale, solicitation, storage or display of merchandise or services shall be conducted within the Parking Structure. No area of the Parking Structure shall be fenced or otherwise obstructed, and the Parking Structure shall, except for necessary repairs and maintenance, be kept open at all times for the free use thereof as intended herein.

4. Prohibitions. Unless the following prohibitions are forbidden by law, no person without the consent of the Districts, shall in or on any part of the Parking Structure:

- (a) Vend, peddle or solicit orders for sale or distribution of any merchandise, device, service, periodical, book, pamphlet or other matter whatsoever;
- (b) Exhibit any sign, placard, banner, notice or other written material;
- (c) Distribute any circular, booklet, handbill, placard or other material;
- (d) Solicit membership in any organization, group or association or contribution for any purpose;
- (e) Parade, rally, patrol, picket or demonstrate, or engage in any conduct that might tend to interfere with or impede the use of any of the Parking Structure by any permittee, create a disturbance, attract attention or harass, annoy, disparage or be detrimental to the interest of any of the establishments served by the Parking Structure;
- (f) Use the Parking Structure for any purpose when none of the establishments served by the Parking Structure are open for business or employment;
- (g) Throw, discard or deposit any paper, glass or extraneous matter of any kind, except in designated receptacles, or create litter or hazards of any kind;
- (h) Use any sound-making device of any kind or create or produce in any manner noise or sound that is annoying, unpleasant, or distasteful to occupants or permittees;
- (i) Deface, damage or demolish any sign, light standard or fixture, landscaping material or other improvement within the Parking Structure, or the property of customers, business invitees or employees situated within the Parking Structure;
- (j) Do anything which (i) violates any law, ordinance or regulation, (ii) constitutes a hazardous use or public or private nuisance, or (iii) violates, suspends or voids any policy or policies of insurance on the Parking Structure;
- (k) Skateboard, rollerblade or otherwise use the Parking Structure for recreational purposes; or
- (l) Loiter.

The listing of specific prohibited items is not intended to be exclusive, but to indicate in general the manner in which the right to use the Parking Structure is limited and controlled by the Districts.

5. Enforcement. The Districts shall have the right to enforce these First Amended Parking Structure Rules and Regulations through all means and remedies available at law or in equity.

6. Towing, Fines, and Immobilization.



(a) The Districts reserve the right to have any motor vehicle and/or automobile accessory parked in the Parking Structure in Violation of Section 1 through Section 4 of these First Amended Parking Structure Rules and Regulations removed, towed, or immobilized (including booting) at the owner's costs and expense. Further, the Districts reserve the right to assess fines for parking violations against the motor vehicle and/or automobile accessory owner. Any violation of the First Amended Parking Structure Rules and Regulations may result in immediate removal, towing, or immobilization of the motor vehicle or automobile accessory without prior notice to the owner or operator.

(b) The Districts may assess an administrative fee for towing, which fee shall be collected as part of the general towing fee paid to the tow lot operator and remitted to the Districts or, alternatively, assessed to the motor vehicle or automobile accessory owner directly by the Districts.