

000 3R ✓
3p2

5-20-01

**RESOLUTION OF RAMPART RANGE METROPOLITAN DISTRICT NO. 1
ADOPTING AND IMPOSING PARKING STRUCTURE RULES AND REGULATIONS**

WHEREAS, Rampart Range Metropolitan District No. 1 (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to its Service Plan, the District has the power and authority to provide for public transportation facilities and services including but not limited to parking facilities and structures within its service area; and

WHEREAS, the District is authorized, pursuant to Section 32-1-1001(1)(h), C.R.S., to manage, control and supervise the operation of improvements furnished by the District; and

WHEREAS, the District is authorized, pursuant to Section 32-1-1001(1)(m), C.R.S., to adopt and enforce Rules and Regulations for carrying on the business, objects, and affairs of the District; and

WHEREAS, the District intends to construct and install a parking structure on certain real property legally described as Lot 3, Ridgeway-Section 15, Filing 8, County of Douglas, State of Colorado; and

WHEREAS, the District has determined that it is in the best interests of the District and members of the public using said parking structure to adopt Rules and Regulations regarding the use and occupancy of the parking structure.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Rampart Range Metropolitan District No. 1 as follows:

1. The Board has determined, and does hereby determine, that it is in the best interests of the District and members of the public using the parking structure to exercise the District's power by imposing and enforcing Rules and Regulations regarding the use and occupancy of the parking structure.

65

2. The Rules and Regulations hereby imposed are set forth in **Exhibit A** attached hereto and incorporated herein by this reference.

3. The District reserves the right, from time to time, to modify, amend or replace the Rules and Regulations.

4. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase, or word hereof, or the application thereof in any given circumstance shall not affect the validity of the remainder of this Resolution.

APPROVED AND ADOPTED as of this 20th day of May, 2004.

RAMPART RANGE METROPOLITAN DISTRICT
NO. 1

By:



Keith Simon, President

Attest:



Secretary

EXHIBIT A

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) 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). "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.

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. No person shall erect or maintain any obstructions not required for the Parking Structure; without limiting the foregoing, no sale, solicitation, storage or display of merchandise or services shall be conducted within the Parking Structure. No person shall erect or maintain any fence or barrier not required for the Parking Structure. The Parking Structure shall be kept open at all times for the free use thereof as intended herein.

4. Employee Parking. The District, upon consultation with the owners of establishments served by the Parking Structure, may reasonably designate certain sections or levels within the Parking Structure for use as parking space by the employees, tenants, agents, contractors, licensees and concessionaires of establishments served by the Parking Structure (the "Employee Parking Area"). If such a designation is made:

(a) Each affected establishment shall require its employees, agents, contractors, licensees and concessionaires to park only in the Employee Parking Area.

(b) No establishment served by the Parking Structure shall designate any area for employee parking, except the Employee Parking Area.

(c) The District shall cause the Parking Structure to be lighted and open for use by the public (i) during any period when any establishment served by the Parking Structure is open for business and for not less than one half (½) hour before such establishment(s) shall open and for not less than one half (½) hour after such establishment(s) have closed; provided however, that the Employee Parking Area and all pathways, if any, to said Employee Parking Area shall remain open and lighted for one and one half (1½) hours after such establishment(s) have closed, and (ii) in such manner as will afford reasonable lighting for customary purposes during all hours of darkness.

(d) Reasonable lighting for the Employee Parking Area and the pathway thereto, if any, shall also be provided for any overnight parking required to perform overnight stocking of any of the establishments served by the Parking Structure.

5. Prohibitions. Unless the following prohibitions are forbidden by law, no person 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 (except materials relating to the operation of the Parking Structure);

(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 District.