

## **RESOLUTION OF RIVERLAND LOT OWNER ASSOCIATION REGARDING RULES AND REGULATIONS FOR LARGE SQUARE FOOTAGE STRUCTURE SURCHARGE**

**SUBJECT:** Imposition of a Large Square Footage Structure Surcharge to support Association's operational costs

**PURPOSE:** The purpose of this Resolution is to adopt a policy implementing fees associated with large square footage structures within the Association, to be applied towards the Association's common expenses.

**LEGAL AUTHORITY:** C.R.S. §§ 38-33.3-302(1) and 38-33.3-303

**EFFECTIVE DATE:** January 1<sup>st</sup>, 2021

**RESOLUTION:** RIVERLAND LOT OWNER ASSOCIATION, a Colorado nonprofit corporation (the "Association"), hereby adopts the following policy:

### **BACKGROUND:**

WHEREAS, the Association owns, operates, and maintains all common elements of the Association, including all roads, all water system infrastructure, and all other common elements benefitting owners of lots within the Association; and

WHEREAS, lots within the Association have developed in an uneven pattern, with a variety of square footages and sizes of structures constructed on lots; and

WHEREAS, the Association has become aware that lots which have been developed to near-maximum floor area create a larger impact on the common elements of the Association, including but not limited to greater impacts on the roadways and the water system infrastructure of the Association; and

WHEREAS, there is currently no differentiation in the fees charged to, and paid by, lots which contain the greatest square footage of developed space; and

WHEREAS, it is appropriate and timely for the Association to adopt a policy for assessing and collecting fees specifically for certain lots within the Association which contain a minimum square footage of developed space; and

WHEREAS, the Colorado Common Interest Ownership Act, Colorado Revised Statutes Section 38-33.3-302(1) provides that the Association, without specific authorization in the Declarations, may:

- (a) Adopt and amend bylaws and rules and regulations;
- (b) Adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from unit owners;

[...]

- (f) Regulate the use, maintenance, repair, replacement, and modification of common elements; [and]
- (j) Impose and receive any payments, fees, or charges for the use, rental, or operation of [the Association's] common elements....;

WHEREAS, pursuant to Article 9 of the Declarations and Article IV of the Bylaws of Riverland Lot Owners Association, the Association's Board of Directors has authority to adopt a fee structure sufficient to enable the Association to properly maintain the common elements, and to collect any such fees from the Lot Owners in order to pay for the Association's common expenses, including expenses related to the Association's common elements;

**NOW THEREFORE**, the Riverland Lot Owners Association Board of Directors hereby adopts the following rules and regulations regarding the assessment and collection of fees for the Water System.

## **POLICY REGARDING RULES AND REGULATIONS FOR LARGE SQUARE FOOTAGE STRUCTURE SURCHARGE**

### **Article I. Definitions.**

As used herein:

- 1.1 "Developed Floor Area" means the total area of the horizontal areas of all floors and areas in all buildings on a Lot, as measured and determined by the Gunnison County Assessor.
- 1.2 "Lot" means each of the separately-numbered parcels of ground shown on the Association's plat.

### **Article II. Large Square Footage Structure Fee.**

- 2.1 Each Lot within the Association shall be assessed a large square footage structure surcharge (the "Surcharge") as set forth herein.
- 2.2 The Surcharge shall be applied to the Association's operational costs, including maintenance and creation of any reserve.
- 2.3 The Surcharge shall be assessed annually on January 1 of each year.
- 2.4 The Surcharge shall be calculated based on the Developed Floor Area on each Lot, as follows.
  - 2.4.1 Per Lot, all Developed Floor Area on a Lot up to and including 5,000 square feet shall not be assessed a fee.
  - 2.4.2 Per Lot, all Developed Floor Area in excess of 5,000 square feet shall be assessed a Water Availability Fee of \$0.10 per square foot, per year.

- 2.4.3 For all Lots, the Large Square Footage Structure Fee shall be calculated based on the total square footage of Developed Floor Area per Lot, regardless of whether the Lot is condominiumized.

2.5 Assessment of Surcharge.


- 2.5.1 For non-condominiumized lots, the Lot Owner shall be responsible for timely payment of the Surcharge.
- 2.5.2 For condominiumized or otherwise subdivided lots, the sub-association of that Lot which governs the condominium or sub-units shall be responsible for timely payment of the Surcharge. Each sub-association shall be solely responsible for enacting such rules and regulations as it deems appropriate for allocating the cost of the Surcharge among the sub-association's individual members.
- 2.5.3 For condominiumized or otherwise subdivided lots, if no formal sub-association exists, the individual units which comprise the sub-association membership shall be jointly and severally liable for the Large Square Footage Structure Fee.

**Article III. Assessments and Noncompliance.**

- 4.1. The Surcharge shall be invoiced to Lot Owners on an annual basis and shall be subject to the Association's Collection Policy.
- 4.2. In the event a Lot Owner or the sub-association of a condominiumized or otherwise subdivided lot fails to comply with these rules and regulations, late fees and interest shall be charged pursuant to the Association's Collection Policy.

IN WITNESS WHEREOF, the undersigned ascribe their names with an effective date as first written, evidencing approval and adoption of these Rule and Regulations by the Riverland Lot Owners Association by the affirmative vote of a majority of the Board of Directors, and approval by 5 of 5 Members present, on December 28<sup>th</sup>, 2021.

RIVERLAND LOT OWNER ASSOCIATION,  
a Colorado nonprofit corporation


By:  Kevin Freeman Feb 2, 2022 15:51 CST

Kevin Freeman, President

### CERTIFICATION

The undersigned, as Secretary of RIVERLAND LOT OWNER ASSOCIATION, a Colorado nonprofit corporation, certifies that the foregoing Resolution was properly adopted by the Board of Directors of the Association, and in witness thereof, the undersigned has subscribed his or her name.

RIVERLAND LOT OWNER ASSOCIATION,  
a Colorado nonprofit corporation

By:   
Steve Curtiss (Feb 2, 2022 15:13 MST)

Steve Curtiss

,Secretary










# Resolution, SizeSurcharge, V7

Final Audit Report

2022-02-02

Created:	2022-01-27
By:	Chet Boyce (chet@toadpropertymanagement.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAALKZsILnfLICZbZpPrxiEksNRhazAH68D

## "Resolution, SizeSurcharge, V7" History

-  Document created by Chet Boyce (chet@toadpropertymanagement.com)  
2022-01-27 - 11:18:59 PM GMT- IP address: 64.74.186.168
-  Document emailed to Kevin Freeman (kevinfreeman77@gmail.com) for signature  
2022-01-27 - 11:21:54 PM GMT
-  Email viewed by Kevin Freeman (kevinfreeman77@gmail.com)  
2022-01-31 - 1:47:33 AM GMT- IP address: 74.125.209.57
-  Email viewed by Kevin Freeman (kevinfreeman77@gmail.com)  
2022-02-02 - 9:32:44 PM GMT- IP address: 74.125.213.53
-  Document e-signed by Kevin Freeman (kevinfreeman77@gmail.com)  
Signature Date: 2022-02-02 - 9:51:01 PM GMT - Time Source: server- IP address: 174.203.35.112
-  Document emailed to Steve Curtiss (steve@rockymountaintrees.com) for signature  
2022-02-02 - 9:51:02 PM GMT
-  Email viewed by Steve Curtiss (steve@rockymountaintrees.com)  
2022-02-02 - 10:12:22 PM GMT- IP address: 104.28.50.116
-  Document e-signed by Steve Curtiss (steve@rockymountaintrees.com)  
Signature Date: 2022-02-02 - 10:13:26 PM GMT - Time Source: server- IP address: 208.139.201.242
-  Agreement completed.  
2022-02-02 - 10:13:26 PM GMT