

**RESOLUTION OF THE  
WESTBROOK VILLAGE COMMUNITY ASSOCIATION, INC.  
REGARDING MAINTENANCE OF FENCED PRIVATE  
REAR YARDS IN BLOCKS ONE AND TWO**

**SUBJECT:** Adoption of a policy regarding fenced yards in Blocks one and two of Westbrook Village Community Association, Inc. to include all lots within the Association Maintenance Areas (hereinafter called AMA) to provide that Westbrook Village Community Association shall not be responsible for mowing, upkeep, or landscaping after the present owners sell or otherwise are no longer in legal ownership of their property.

**PURPOSE:** To adopt a uniform policy regarding lawn and landscaping maintenance and responsibilities within a fenced yard in all AMA lots.

**AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law.

**EFFECTIVE DATE:** June 15, 2021. This is the date the Board of Directors of Westbrook Village Community Association, Inc. voted on and approved the Resolution.

**RESOLUTION:** The Association hereby adopts the following procedures to be followed when enforcing the covenants and rules of the Association.

1. **Maintenance of Fenced Backyard Fences in Block 1 and 2 of Westbrook Village AMA's:** Section 6.25 paragraph (b) titled "Private Yards" on page 20 of the Declaration of Covenants, Conditions and Restrictions of Westbrook Village Community Association (hereinafter called "the Association") concerns Blocks 1 and 2 located within the Association Maintenance Areas (AMA's) and provides that all fenced back yards shall have landscaping and fencing thereon totally maintained by the lot owner, excluding the Association irrigation system. Despite the clear meaning of this paragraph the Association has been providing mowing, weed eating, edging, and trimming and/or removal of dead plants as the seasons change. The maintenance crew hired by the Association showed the Association that it costs additional time to provide yard maintenance within fenced yards in Blocks 1 and 2 and this translates in additional landscaping expense for everyone who pays dues in the Association. To address this problem the Board of Directors has adopted this Resolution.

From date of Adoption of this Resolution, June 15, 2021, all fenced yards within Blocks 1 and 2 AMA's shall continue to receive yard mowing and maintenance by the Association's landscaping crew as they previously have and equivalent to all other lots located in the AMA as long as ownership of said lots continues with the same owner(s). Upon ownership changing the mowing and landscaping will cease by the Association, and the new owner shall be totally responsible for the upkeep and maintenance of such areas inside the fencing, excluding the Association irrigation system. If, while the

present owners remain in possession and ownership of the property the owner obtains approval from the Association and Board of Directors to remove their fence, then the mowing and yard care previously within a fenced area shall revert to the Association.

Approval in advance must first be sought by a homeowner from the Association's Board of Directors for any material changes to a yard such as removal of a fence or a portion of an existing fence, alteration of a fence, or the addition of a new fence. Cost for removal of existing fencing, upkeep of fencing, or the addition of new fencing rests solely on the homeowner. If new fence is added to a property located in Blocks 1 and 2 after June 15, 2021 by a property owner in legal ownership prior to the adoption of this Resolution it shall be the responsibility of the homeowner to provide and pay for all yard maintenance within the fenced area and will not be the duty of the Association to provide yard upkeep within the newly fenced area despite the homeowner obtaining advance approval from the Association's Board of Directors to erect the fence.

2. **Properties Affected by This Resolution:**

3504 Boxelder Drive  
3531 Boxelder Drive

The two properties listed above shall continue to have the fenced yard areas mowed and maintained by the Association's landscape crew as long as the current owners remain in possession and ownership.

3523 Boxelder Drive  
3527 Boxelder Drive

Neither of the current property owners for the two properties listed above are utilizing any mowing or landscaping services for their fenced areas and none will be provided other than the Association's irrigation system.

3. **Responsibility to Notify Future Owners:** It shall be the responsibility of a homeowner in Blocks 1 and 2 with a fenced yard to notify a future buyer that it will be the duty of the buyer upon taking possession to maintain the fenced yard without any duty on the part of the Association to do anything except maintain the irrigation system, if any.

4. **Duties and Responsibilities for a Homeowner to Add Fencing:** Any homeowner within the Association wanting to add a fence must first acquire the consent and approval of the Westbrook Village Board of Directors, and if approved all maintenance, upkeep and care thereafter falls solely on the homeowner regardless of whether the owner acquired legal title prior to June 15, 2021. These fenced areas are not part of the AMA's.


5. **Declaration of Covenants, Conditions and Restrictions of Westbrook Village Community Association, Inc. Not specifically Changed by This Resolution Shall Remain in Full Force and Effect:** Unless specifically changed in this Resolution, all previous Declarations of Covenants, Conditions, and Restrictions of this Association shall remain in full force and effect.

**PRESIDENT'S CERTIFICATION:**

The undersigned being the President of the Westbrook Village Community Association, Inc. a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association at a duly called and held meeting of the Board of Directors on June 15, 2021, and in witness thereof the undersigned has subscribed her name.

**WESTBROOK VILLAGE COMMUNITY ASSOCIATION, INC.**

A Colorado nonprofit corporation,

BY:  \_\_\_\_\_  
**Debra Lyford, President**