

**RESOLUTION
OF THE
MACARTHUR PARK HOMEOWNERS ASSOCIATION, INC.
REGARDING POLICY AND PROCEDURE FOR XERISCAPING**

SUBJECT: Adoption of a procedure for xeriscaping within MacArthur Park Homeowners Association, Inc..

PURPOSE: To adopt a policy regarding an Owner's right to install xeriscaping and to conserve water. To adopt a standard procedure to be followed for xeriscaping and water conservation.

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

**EFFECTIVE
DATE:**

7/9/2014

RESOLUTION: The Association hereby adopts the following Policy and Procedures:

1. Definitions.

(a). "Xeriscaping" means the application of the principles of landscape planning and design, soil analysis and improvement, appropriate plan selection, limitation of turf area, use of mulches, irrigation efficiency, and appropriate maintenance that result in water use efficiency and water-saving practices. For examples of Xeriscaping designs that may be approved by the Association, see attached Exhibit A.

[Board – the reference to Exhibit A is only applicable if you want to include some samples. Here is a link to some downloadable xeriscaping designs for your review:

<https://www.auroragov.org/cs/groups/public/documents/document/009301.pdf>

(b) Concrete, asphalt, and other non-organic materials are not considered or treated as xeriscaping materials.

2. Approval. Installation of Xeriscaping or a change in the current landscaping of a Lot to Xeriscaping must be made in accordance with the Declaration, any policies and procedures for architectural review, and the Association's current Design Guidelines for landscape modifications or installations. However, there shall be no *additional* requirements imposed, over and above what is imposed for other types of landscaping, because of installation of Xeriscaping. Nothing in this Policy shall prohibit the Association from adopting and enforcing design or aesthetic guidelines or rules that require drought-tolerant vegetative landscapes or regulate the type, number and placement of drought-tolerant plantings and hardscapes that may be installed on a Lot.

3. Watering Requirements. In order to reduce the water required for the installation of new landscaping and in order to maintain the good appearance of all Lots, Owners shall adequately water all landscaping, in accordance with watering restrictions, if any, imposed by the water provider.

4. Water Restrictions Procedure. In the event the water provider institutes watering restrictions, so long as Owners water in accordance with said restrictions, the Association shall not enforce a rule or covenant in relation to dead or dormant turf grass, which is defined as continuous plant coverage consisting of non-native grasses, or grasses that have not been hybridized for arid conditions, that when regularly mowed, form a dense growth of leaf blades and roots. Upon the lifting or expiration of watering restrictions, if any, an Owner who has existing turf grass in his or her landscaping plan that appears to be dead shall be afforded a reasonable period of time, subject to the time of year, to reseed and revive the turf grass. The Association shall send written notice to the Owner specifying the amount of time the Owner has to revive the turf grass. Failure or inability to revive the turf grass within the allotted timeframe may result in the Association requiring the Owner to replace turf grass.

5. Foliage. Each Lot shall contain at least twenty-five percent to thirty-three percent (25% to 33%) foliage.

6. Failure to Maintain. Excepting periods of watering restrictions, nothing in this policy shall be construed as permitting an Owner to fail to maintain his or her Lot, including landscaping.

6. Enforcement. This Policy shall be enforced in a consistent manner throughout the community in accordance with the Association's Covenant and Rule Enforcement Policy and Procedure.

7. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
8. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.
9. Deviations. The Executive Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
10. Amendment. This policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the MacArthur Park Homeowners Association, Inc. Association, a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on 07-09-14 and in witness thereof, the undersigned has subscribed his/her name.

**MACARTHUR PARK HOMEOWNERS ASSOCIATION,
INC.,**
a Colorado non-profit corporation,

By: 
Its: President