

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
SHERIDAN STATION WEST METROPOLITAN DISTRICT**

**A RESOLUTION ADOPTING AMENDED AND RESTATED
PARKING RULES AND REGULATIONS**

At a special meeting of the Board of Directors of the Sheridan Station West Metropolitan District, Jefferson County, Colorado, held at 10:00 A.M., on Friday, December 10, 2021, via Zoom at <https://us02web.zoom.us/j/5469119353?pwd=SmtlcHJETFhCQUZEcVBBOGZVU3Fqdz09> and via telephone at Dial-In: 1-253-215-8782, Meeting ID: 546 911 9353, Passcode: 912873, at which a quorum was present, the following resolution (the "Resolution") was adopted:

WHEREAS, Sheridan Station West Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado and operates pursuant to its Service Plan approved by the City Council of the City of Lakewood (the "City"), on August 22, 2016 (the "Service Plan"); and

WHEREAS, the District's Service Plan authorizes the District to provide for the design, acquisition, construction, financing, completion and installation of streets and traffic and safety control devices; and

WHEREAS, the District owns and maintains certain roadways within the District's service area; and

WHEREAS, on September 12, 2019, the District's Board of Directors (the "Board") adopted Parking Rules governing those roadways owns and maintained by the District; and

WHEREAS, the Board has determined it is necessary to amend and restate its Parking Rules for the efficient operation, governance, and management of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SHERIDAN STATION WEST METROPOLITAN DISTRICT (THE "BOARD") OF THE CITY OF LAKEWOOD, COLORADO:

1. Adoption by the Board. The Board hereby adopts the Amended and Restated Parking Rules attached hereto as **Exhibit A**, which are incorporated herein by this reference.
2. Superseding Effect. The Amended and Restated Parking Rules supersede in full the original Parking Rules, and any other policies and rules on the same subject matter.

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ADOPTED AND APPROVED THIS 10th DAY OF DECEMBER 2021.

**SHERIDAN STATION WEST
METROPOLITAN DISTRICT**



Douglas Elenowitz, President

ATTEST:



David Solin, Secretary

Exhibit A

Amended and Restated Parking Rules

**SHERIDAN STATION WEST METROPOLITAN DISTRICT
AMENDED AND RESTATED PARKING RULES AND REGULATIONS**

1. Applicability.

(a) These Sheridan Station West Metropolitan District Amended and Restated Parking Rules and Regulations (the "Parking Rules and Regulations") shall apply to all roadways and portions of roadways owned and maintained by the Sheridan Station Metropolitan District (the "District"), including, without limitation, all curbs, roll-over curbs, and gutters, as designated on **Exhibit 1** attached hereto and incorporated herein by this reference (the "**District Roadways**").

(b) Notwithstanding anything to the contrary contained in (i) the Declaration of Covenants, Conditions and Restrictions of West Line Village, recorded with the Jefferson County Clerk and Recorder on September 29, 2017 at Reception No. 2017100573, as may be amended from time to time, and (ii) the Policies and Procedures Governing the Enforcement of the Protective Covenants of West Line Village, adopted by the Board of Directors of the District on November 14, 2019, as may be amended from time to time, these Parking Rules and Regulations shall be the sole and exclusive rules and regulations governing the parking and storage of vehicles on District Roadways.

2. Vehicles. For purposes of these Parking 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, but does not include a wheelchair, off-highway vehicle, snowmobile, 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.

3. Parking Violation.

(a) Generally. For any District Roadway where authorized signs are posted giving notice of parking limitations, regulations, restrictions, or prohibitions, no person shall 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, except for a period of fifteen minutes or less with hazard lights activated for the purpose of loading or unloading passengers and/or cargo 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, as No Parking Zones. The District reserves the right to further restrict or prohibit parking upon the District Roadways by adopting an amendment to these Parking Rules and Regulations and posting said roadway(s) as a No Parking Zone or otherwise designating parking restrictions.

(c) Handicap Space. No person shall park any vehicle in a designated

handicap space upon the District Roadways without a valid disability placard or license plate.

(d) Emergency access Lane. No person shall park any vehicle upon the District Roadways in a designated emergency access lane.

(e) Obstruction of District Roadways or Traffic. No person shall park any vehicle in such manner or under such conditions as to:

(i) block, encroach upon, or otherwise encumber any part of the District Roadways that are designated as No Parking Zones or otherwise impede the free movement of vehicular traffic, street maintenance, or access of emergency vehicles or equipment;

(ii) leave available less than twenty (20) feet of width of the District Roadway for free movement of vehicular traffic; or

(iii) hinder another vehicle from accessing a valid parking zone or the District Roadways.

(f) Parking in Excess of Seventy-Two Hours.

(i) No owner or operator of a vehicle shall leave that vehicle parked in the same place upon the District Roadways continuously for a period in excess of seventy-two (72) 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 seventy-two-hour period of time.

(ii) No owner of an automobile junker shall leave it parked upon the District Roadways for a period in excess of seventy-two (72) hours, regardless of location. The seventy-two-hour time limit includes the cumulative time spent on any District Roadways within any seven (7) calendar day period. For purposes of this subsection, an automobile junker is defined as a vehicle which is:

(1) Apparently inoperable; and

(2) Extensively damaged, such damage including but not limited to any of the following: broken windows, windshields, or both; missing wheels, tires, motor, or transmission.

(g) Parking in Opposite Direction of Traffic. No person shall park any vehicle upon the District Roadways in a direction that is opposite to the regular flow of traffic.

(h) Landscaping. No person shall park any vehicle upon any landscaped area owned and maintained by the District.

(i) Flat Tire. No person shall park any vehicle upon the District Roadways

with a flat tire in excess of seventy-two (72) hours.

(j) Vehicle Repair. No person shall park or operate a vehicle upon the District Roadways for the principal purpose of greasing, oiling, lubricating, painting or repairing such vehicle, except repairs necessary to remove the vehicle from the roadway, and which are required to be made because of an emergency.

(k) Recreational Vehicles. No person shall park any house trailers, camping trailers, boat trailers, hauling trailers, boats or accessories thereto, self-contained motorized recreational vehicles or other types of recreational vehicles or equipment anywhere upon the District Roadway in excess of seventy-two (72) hours, regardless of location. The seventy-two-hour time limit includes the cumulative time spent on any District Roadways within any seven (7) calendar day period.

4. Towing, Fines and Immobilization.

(a) Generally. The District reserves the right to have any vehicles parked on District Roadways or otherwise encumbering any District Roadway, designated emergency access lane, or other public way or place in violation of these Parking Rules and Regulations removed, towed or immobilized (including booting) at the owner's cost and expense. Further, the District reserves the right to assess fines for parking violations against the vehicle owner. Except as otherwise provided in subsection 4.b below, any violation of these Parking Rules and Regulations may result in immediate removal, towing or impoundment of the vehicle without prior notice to the owner or operator; the District shall maintain a list of vehicles that have been removed, towed, or impounded and shall install signage within the District with information related to recovery of removed, towed, or impounded vehicles.

(b) Warning Citations. Except where such violation causes an imminent safety hazard, as determined by the District in its sole discretion, in which case the District may act to immediately remove, tow, or impound a vehicle, the District shall cause a warning citation to be issued for vehicles parked in violation of any subsection of Section 3 of these Parking Rules and Regulations. In the event that the condition of violation either continues for more than seventy-two (72) hours following issuance of the citation or the owner or operator of a vehicle which has received a warning citation pursuant hereto causes the same or similar condition of violation to occur again, the District may remove, tow or immobilize the vehicle at the owner's cost and expense in accordance with subsection 4.a above.

(c) Other Remedies Provided at Law. In addition to the rights and remedies set forth in these Parking Rules and Regulations, the District may exercise any other rights or remedies it may be entitled to under law or in equity to enforce these Parking Rules and Regulations.

5. Administrative Fee for Towing. The Board may adopt and 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 District or, alternatively, assessed to the vehicle owner

directly by the District.

6. Hearing and Appeal Procedure. If the owner or operator of a vehicle wishes to dispute any fines or penalties imposed or determination made by the District regarding removal, towing, or immobilization of a vehicle, such owner or operator may appeal such fines, penalties, or determination by following the procedure set forth below (such owner or operator filing an appeal is referred to in the remainder of this Section 6 as the “Appellant”). Notwithstanding the filing of an appeal, the Appellant is required to pay any fines or penalties assessed by the District, and such fines or penalties shall be held by the District until such time as the appeal is final. The hearing and appeal procedures established below shall apply to all disputes concerning the interpretation, application, or enforcement of the Parking Rules and Regulations, as they now exist or may hereafter be amended. In the event a proper and timely request for an appeal is not made as provided herein, the right to an appeal shall be deemed forever waived.

- (a) Appeal to District’s Manager. The Appellant must first file a written request with the District’s Manager within twenty (20) calendar days of being notified of a determination of the District or of the due date specified for fine or penalty of the District. Within thirty (30) calendar days of receiving the request from the Appellant and after a full and complete review of the record, the District’s Manager shall issue a written determination regarding the application or enforcement of the fines, penalties, and/or application and enforcement of these Parking Rules and Regulation, as may be applicable.
- (b) Hearing Before Board of Directors. If the Appellant wishes to appeal the written determination of the District’s Manager, the Appellant must file a written request with the Board for a hearing within twenty (20) calendar days of the date the written determination of the District’s Manager was mailed. The request for a hearing shall be filed at the District’s principal business office as listed on its transparency notice and set forth with specificity the facts upon which the Appellant is relying and shall contain a brief statement of the Appellant’s reasons for the appeal. The Board shall hold a formal hearing on the appeal at the next regularly scheduled meeting that is held no earlier than ten (10) calendar days after the filing of the Appellant’s request for a hearing.
 - (i) *Notice.* A notice shall be served on the Appellant, specifying the time and place of the hearing to be held by the Board regarding the appeal and directing the Appellant to present evidence of why the determination regarding the application or enforcement of the fines, penalties, and/or application and enforcement of these Parking Rules and Regulations, as may be applicable, is not correct. The notice of the hearing shall be served personally or by certified mail return receipt requested or by any mail delivery service that is the

equivalent to or superior to certified mail return receipt requested, at least ten (10) calendar days before the hearing. Service may be made on any agent or officer of a corporation. When an Appellant is represented by an attorney and District is aware thereof, notice of any action, finding, determination, decision, or order affecting the Appellant shall also be served upon the attorney.

- (ii) *Conduct of Hearing.* At the hearing, the District's Manager and the Appellant shall be entitled to present all evidence that is relevant and material to the dispute, and to examine and cross-examine witnesses. The Board may establish rules and procedures governing the hearing. A record of the hearing shall be maintained.
- (iii) *Written Determination.* Based on the record established, the Board shall issue a written decision concerning the disposition of the dispute presented to it and shall cause notice of the decision to be hand delivered or sent by certified mail to the Appellant within fifteen (15) calendar days after the hearing.
- (iv) *Board of Directors Determination Final.* The decision issued by the Board shall be final and binding upon the District and the Appellant and shall constitute the final administrative action of the District. Any party to the hearing aggrieved or adversely affected by an order of the Board may appeal such order to the District Court in and for the County of Jefferson, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

