

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF  
TALON POINTE METROPOLITAN DISTRICT  
ADOPTING AN AMENDMENT  
TO THE RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS  
FOR TALON POINTE  
(Water-Wise Landscaping – 2023)**

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**WHEREAS**, Talon Pointe Metropolitan District (the “District”), a quasi-municipal corporation and political subdivision of the State of Colorado, was organized to provide various services, including design review and covenant enforcement services, in and around the Talon Pointe and Talon View developments in Adams County, Colorado; and

**WHEREAS**, pursuant to § 32-1-1001(h), C.R.S., the Board of Directors of the District (the “Board”) is empowered with the management, control and supervision of all the business and affairs of the District; and

**WHEREAS**, pursuant to § 32-1-1004(8)(a)(II), C.R.S., the District has the power to furnish covenant enforcement and design review services within the boundaries of the District; and

**WHEREAS**, pursuant to the terms and conditions of the Covenants and Restrictions of Talon View, recorded in the real property records of Adams County, Colorado on August 26, 2013, at Reception Number 2013000074580 and the Covenants and Conditions of Talon Pointe, recorded in the real property records of Adams County, Colorado on August 25, 2013, at Reception Number 2013000074582 (collectively, the “Covenants”), the Board is authorized to adopt design and/or architectural standards, rules, regulations, and/or guidelines; and

**WHEREAS**, those certain Residential Improvement Guidelines and Site Restrictions for Talon Pointe, last amended by the Board on May 11, 2023 (the “Guidelines”) are in place; and

**WHEREAS**, on May 17, 2023, the Governor of the State of Colorado, signed legislation (the “New Legislation”) amending § 37-60-126, C.R.S. which provides, among other things, that any rule or policy of a special district that prohibits or limits xeriscape, prohibits or limits the installation or use of drought-tolerant vegetative or nonvegetative landscapes, requires cultivated vegetation to consist wholly or partially or turf grass, or prohibits the use of non-vegetative turf grass in the backyard of a residential property is declared void as against public policy; and

**WHEREAS**, in order to bring the Guidelines into compliance with the New Legislation, the Board desires to adopt this Amendment to the Residential Improvement Guidelines and Site Restrictions for Talon Pointe (the “Amendment”), attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Adoption of Amendment to the Residential Improvement Guidelines and Site Restrictions. The Amendment to the Residential Improvement Guidelines and Site Restrictions for Talon Pointe attached as Exhibit A, is hereby adopted.
2. Prior Provisions Effective. Except as amended herein, the Guidelines shall remain in full force and effect without limitation.
3. Contradicting Provisions. Any provision of any governing document of the District, including, without limit, rules and regulations, policies and the like, which contradict the Amendment and/or New Legislation shall automatically become null and void and unenforceable.
4. Effective Date. The First Amendment shall be effective as of November 9, 2023.

*Remainder of Page Intentionally Left Blank*

**RESOLVED AND ADOPTED** this 9th day of November, 2023.

**TALON POINTE METROPOLITAN DISTRICT**

DocuSigned by:  
By: Justin Baumgartner  
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Officer of the District

Attest:

DocuSigned by:  
By: Angela Elliott  
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APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON

DocuSigned by:  
Heather Hartung  
0D9D9E86370A489  
General Counsel to the District

**EXHIBIT A**  
**AMENDMENT**  
**TO THE**  
**RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS FOR**  
**TALON POINTE**  
**(Water-Wise Landscaping – 2023)**

1. Provision Repealed and Restated. Section 1.1 of the Guidelines is hereby repealed in its entirety and the following is substituted as Section 1.1 of the Guidelines:

1.1 Basis for Guidelines

These Residential Improvement Guidelines and Site Restrictions (the “Guidelines”) are intended to assist Owners living in the Talon Pointe Community (the “Community”) in implementing landscaping and other Improvements to their property. The Covenants and Restrictions of Talon View, recorded in the real property records of Adams County, Colorado on August 26, 2013, at Reception Number 2013000074580 and the Covenants and Conditions of Talon Pointe, recorded in the real property records of Adams County, Colorado on August 25, 2013, at Reception Number 2013000074582 (collectively, the “Covenants”) require that prior approval from the Board of Directors of Talon Pointe Metropolitan District (“the District”), or the representative or committee appointed by the Board of Directors (the “Board”) of the District (herein referred to as the Design Review Committee or the “DRC”, regardless of who is acting as such) be granted before the construction, erection, placement, alteration, planting, installation or modification of any Improvement upon any Lot shall be made. In order to assist Owners, the Board desires to establish certain pre-approved designs for several types of Improvements and to exempt certain Improvements from the requirement for approval. This booklet contains the guidelines established by the Board with respect to property subject to the Covenants.

2. Provision Repealed and Restated. Section 3.32 of the Guidelines is hereby repealed in its entirety and the following is substituted as Section 3.32 of the Guidelines:

3.32 Gardens – Flower or Vegetable

Approval is not required for flower or vegetable gardens that do not exceed two hundred (200) total square feet. Gardens must be set back from the property line at least five (5) feet. All gardens must be weeded, cared for and maintained.

3. Provision Repealed and Restated. The following portion of Section 3.40 of the Guidelines is hereby repealed in its entirety and the following is substituted as that portion of Section 3.40

of the Guidelines. For the avoidance of doubt, Subsections 3.40.1 and 3.40.2 of the Guidelines are not revised hereby.

### 3.40 Landscaping

Approval is required. Landscaping plans must be in accordance with the specifications shown in Schedule 4, and the approval of such plans shall be obtained prior to the installation of landscaping. The plot plan of the residence and yard must be provided at a measurable scale. All organic materials (plants, shrubs, trees, etc.), building materials (stone, wood, edging, etc.), must be clearly labeled in detail.

The Lot landscaping should be designed to create a coherent environment which complements the overall Community. Plant material should relate to the scale and character used in the Community landscape areas and to the Lot Improvements. Particular attention should be paid to the functional aspects of planting design. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, dust control, and aesthetics. The use of drought tolerant plants is encouraged. This means that in the landscaping of each Lot, plant materials, irrigation systems and maintenance practices should be utilized to conserve water, wherever possible. It should be noted that if Xeriscape landscaping is selected a more traditional "green" appearance can still be achieved. See Section 3.94, Xeriscape.

Landscaping must consist of trees, shrubs, ornamental grasses, ground covers, annual and perennial flowers, mulches and automatic irrigation.

In the case of shade or ornamental trees (deciduous), plantings may not be installed closer than six feet (6') from the property line.

In the case of evergreen trees (conifer), plantings may not be installed closer than ten feet (10') from the property line.

- A. Thorny plants shall not be located within twenty (20) feet of sidewalks or walkways.
- B. Planting beds must be separated from turf by edging.
- C. Artificial turf is allowed only in the rear yard. See Section 3.8, Artificial Turf.
- D. Landscaping in the Street/Tree lawn area (the area between the curb and the sidewalk) shall require one tree in the front of the house and two trees on Lots that abut a street on the side of the house. Turf grass or low-profile xeriscape plantings shall be

installed to facilitate the egress by the passenger from vehicles parked in the street and to facilitate snow removal from the street.

4. Provision Repealed and Restated. Section 3.94 of the Guidelines is hereby repealed in its entirety and the following is substituted as Section 3.94 of the Guidelines:

Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch will be allowed in place of green, growing plant material. Up to 80% of the landscape area of a Lot may consist of drought-tolerant plantings.

5. Provision Repealed and Restated. The first paragraph of the Plant Material section of Schedule 4 of the Guidelines is hereby repealed in its entirety the following is substituted as the first paragraph of the Plant Material section of Schedule 4 of the Guidelines:

Landscaping shall consist of trees, shrubs, ground covers, annual and perennial flowers, mulches and automatic irrigation. In the case of shade or ornamental trees (deciduous), plantings may not be installed closer than 6 feet (6') from the property line. In the case of evergreen trees (conifer), plantings may not be installed closer than 10 feet (10') from the property line. Select a variety of plant species including deciduous and evergreen trees and shrubs. Owners will be required to choose plant material from the approved plant palette. Additional appurtenances, landscape elements, and decorative entry features may be allowed and will be reviewed on a case by case basis.