

**RESOLUTION OF
SAN JUAN RIVER RESORT PROPERTY OWNERS ASSOCIATION
BOARD OF DIRECTORS**

May 14th 2019

WHEREAS, per paragraph 4 of the Protective Covenants of San Juan River Resort, recorded in the office of the Archuleta County Clerk and Recorder at Reception No. 91789 (“CCRs”), the San Juan River Resort Property Owners Association, Incorporated (“Association”) was created for the promotion and enhancement of community welfare of its members; and

WHEREAS, the Association is Nonprofit Corporation organized and existing under the laws of the state of Colorado; and

WHEREAS, per C.R.S. § 7-128-101(2), all corporate powers of a Nonprofit Corporation shall be exercised by and the business affairs shall be managed by its Board of Directors; and

WHEREAS, per C.R.S. § 38-33.3-302(1)(a), the Association may adopt and amend bylaws and rules and regulations; and

WHEREAS, per C.R.S. § 38-33.3-302(1)(f), the Association may regulate the use, maintenance, repair, replacement, and modification of common elements; and

WHEREAS, the Plat of San Juan River Resort Subdivision Unit No. 2, recorded in the office of the Archuleta County Clerk and Recorder at Reception No. 82578, depicts an area labelled as “San Juan River” (hereinafter “River Corridor”), that is separate and distinct from any of the numbered lots or other common areas; and

WHEREAS, subject to fluctuations in river flow, there is an area of dry land within the River Corridor between the platted lots shown on the Plat and the San Juan River; and

WHEREAS, the Association has granted certain owners of lots adjacent to the River Corridor permission to install and maintain landscaping and ground level improvements such as stairs and pavers; and

WHEREAS, the Association recognizes the need for a uniform policy concerning the River Corridor, which shall constitute Rules and Regulations of the Association.

NOW THEREFORE, to the extent of the Association’s right, title, and interest in and to the River Corridor, it is resolved:

1. Owners of lots adjacent to the River Corridor (“Riverfront Owners”) are granted certain privileges to the area of the River Corridor adjacent to their property bounded by: (1) the platted boundary between the lot and the River Corridor, (2) the side lot lines of the lot if such lines were extended in a straight line into the River Corridor towards the San Juan River, and (3)

a line running parallel to the San Juan River located 10 feet towards the lot from the high-water line of the San Juan River. The rights granted to said Riverfront Owners include the right to exclusive use and enjoyment of the area described in this paragraph, the right to use, repair, and maintain any existing landscaping and ground level improvements such as stairs and pavers, subject to the CCRs, as amended, other Rules and Regulations of the Association, and all regulations promulgated by Archuleta County. This regulation shall not affect the position of any lot line for the purposes of required building setbacks, and Riverfront Owners may not fence in the area described in this paragraph.

2. The portion of the River Corridor within the respective high-water lines of the San Juan River and within 10 feet of such high-water lines is designated for the non-exclusive use and enjoyment of all property owners in the Association and their families and guests for recreational use including without limitation walking and fishing, subject to the CCRs, as amended, other Rules and Regulations of the Association, and all regulations promulgated by Archuleta County. This paragraph shall not grant any person except for property owners in the Association and their families and guests any rights to use the River Corridor. No pedestrian path or other structures (with the exception of improvements to riparian and aquatic habitat) will be constructed within this area.

Adopted as of the date first set forth above.

San Juan River Resort Property Owners Association, Incorporated Board of Directors