

RESOLUTION 96-12

SETTING POLICY FOR INCLUSION OF NEW SUBDIVISIONS INTO PLPOA

WHEREAS, the Pagosa Lakes Property Owners Association has received two inquiries regarding the possibility of adding to its membership the property owners in new subdivisions taking place on lands not already in a Pagosa Lakes subdivision, which membership would entitle those new owners to access those common elements and avail themselves of those services paid for and now being enjoyed by the existing membership; and

WHEREAS, the Board of Directors has determined that it is proper for it to consider such requests provided it protects the rights, interests and welfare of the existing membership; and

WHEREAS, the Board of Directors has adopted over time certain terms and conditions which it feels must be met by the proponent of an inclusion in order to protect the rights, interests and welfare of the existing membership, which terms and conditions are reflected in several motions recorded in the minutes of several meetings (November 9, 1995; April 25, 1996; May 9, 1996); and

WHEREAS, it is a nonnegotiable principle that any owners in a subdivision which is not already deed restricted to mandatory membership in the PLPOA who wish to access PLPOA recreational amenities and avail themselves of PLPOA services must "buy into" the equity which the existing membership has built up in the common elements, plant and equipment now carried on the balance sheet of the Association and reflected as "membership equity" in the annual audit; and

WHEREAS, the Board of Directors now wishes to consolidate its policy on inclusions into a single policy resolution; now


THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS that the policy of the PLPOA on the matter of inclusion of new subdivisions not otherwise already entitled to membership in the PLPOA is and shall be as follows:


1. An Impact Fee of \$1,000.00 per living unit for all the living units planned in the new subdivision shall be payable to PLPOA in advance of the inclusion unless other arrangements have been made with the Board of Directors, such as tying the Impact Fee to planned phased development.
 - a. Said fee must be paid in cash and not in kind consideration.
 - b. Said fee shall be based upon the estimated market appraisal of assets which constitute membership equity as reflected in the most recent Association audit.
 - c. Said fee shall be adjusted as the membership equity changes as reflected in the most recent Association audit.
2. The proceeds of Impact Fees collected will be dedicated to the capital improvement of those recreational amenities to which the new members will have access on equal footing with old members upon payment of the Impact Fee.

3. No provision will be made for optional, elective or associate membership by the individual lot owners in the subdivision in the event the developer declines to accept the terms and conditions of inclusion.

4. Notwithstanding the foregoing, the PLPOA Board of Directors is under no obligation to grant requests for inclusion of new subdivisions and will consider each such application on a case by case basis.

ADOPTED THIS 13th DAY OF JUNE, 1996 BY THE BOARD OF DIRECTORS:


Tom Evans, President

ATTEST:

William L. Nobles
Secretary
SEAL