

97-22

PLPOA RESOLUTION 97-1

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Establishing a Policy to Facilitate the Formation of Assessment Units within the Pagosa Lakes Local Improvement District

**WHEREAS**, the Third Article of Incorporation of the Pagosa Lakes Property Owners Association specifies as a purpose for which the corporation is organized at paragraph (c)

To borrow money and issue evidence of indebtedness in furtherance of any or all of the objects of its business; to secure the same by mortgage, deed of trust, pledge or other lien.

**WHEREAS**, the Bylaws of the Association provide at paragraph (6) of Article I that the Association may

Exercise the powers set forth in its Articles of Incorporation and granted it by law to do whatever is necessary, appropriate or incidental to the accomplishment of its purposes, goals, and objects.

**WHEREAS**, the Declarations of Restrictions provide that "The general purpose of the Association is to further and promote the community welfare of property owners in the Subdivision." and further provide that "The Association shall have all the powers that are set out in its Articles of Incorporation and all other powers that belong to it by operation of law...."; and

**WHEREAS**, governing Colorado law (C.R.S. 38-33.3-302) grants as a power of a unit owners' association at paragraph (e) the power to "Make contracts and incur liabilities" and, further, at paragraph (o) to "Exercise any other powers conferred by the declaration or bylaws."; and

**WHEREAS**, acting in response to PLPOA Resolution 93-13, the Archuleta County Commissioners did enact County Resolution 94-1 in January of 1994 creating the Pagosa Lakes Local Improvement District as "...the most effective vehicle for improving the condition of roads in the Pagosa Lakes area..." which provides

It is the intent of the Board of County Commissioners of Archuleta County to accept and evaluate on a demand scenario basis, individual assessment units representing improvements to platted roads in [Pagosa Lakes Local Improvement District].

**WHEREAS**, financing of assessment unit improvements presently is the sole responsibility of the sponsor of the assessment unit and the practical effect of this is that property owners in need of utilizing the Local Improvement District for whom financing the road improvement presents an economic burden or who are unable to secure financing are prevented from utilizing this self-help means of improving the condition of their roads; and

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**WHEREAS**, the improvement of roads serves the community welfare and protects property values; and

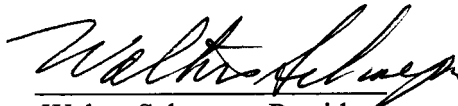
**WHEREAS**, the local commercial banks have indicated that they would be interested in financing individual assessment unit improvements provided that the PLPOA guaranteed the loan; and

**WHEREAS**, since the repayment of the improvement costs are recoverable through the county taxing collection system which presents a problem to the lending institutions but represents only a marginal risk for the PLPOA; now

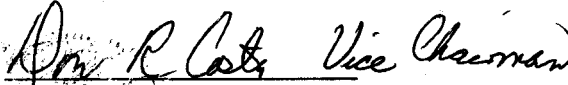
**THEREFORE, BE IT RESOLVED** by the Board of Directors that

1. The ability of all property owners to utilize the provisions of the Pagosa Lakes Local Improvement District is of material interest and benefit to the welfare of the members of the Pagosa Lakes Property Owners Association.
2. It shall henceforth be the policy of PLPOA that the Sponsor of an assessment unit improvement who is a Member in Good Standing but who has a hardship financing an assessment unit improvement approved by Archuleta County may petition the Board of Directors for assistance.
3. The Board of Directors, after considering the merits of the proposed improvement and all other attendant facts and circumstances, shall in regular or special session approve or deny such request. Approval, if granted, shall be evidenced by a resolution authorizing the Treasurer of the Association to co-sign the necessary loan documents for the Sponsor to secure financing of the proposed road improvement, together with any other contractual documents among the involved parties as recommended by counsel to protect the interests of the Association.
4. The authority of the Board to help secure the financing of assessment unit improvements is deemed limited by the provisions of Section 1 of Article VIII of the Bylaws.

**ADOPTED** this 9 day of January, 1997.

  
Walter Schaeper, President

**ATTEST:**

  
William L. Ncbles, Secretary

SEAL