

**RESOLUTION
OF THE
COPPERLEAF HOMEOWNERS ASSOCIATION, INC.
ADOPTING PROCEDURES FOR THE ACCEPTANCE OF UNDERDRAIN
FACILITIES TO BENEFIT THE MEMBERSHIP OF THE COPPERLEAF
HOMEOWNERS ASSOCIATION**

SUBJECT: Adoption of a policy and procedures regarding acceptance of underdrain facilities from Builders

PURPOSE: To facilitate the timely and efficient acceptance of underdrain facilities that serve the membership of the Copperleaf Community.

AUTHORITY: The Declaration (including but not limited to Section 8.29), Bylaws, Articles of Incorporation of the Association, and Colorado law.

**EFFECTIVE
DATE:** January 1, 2016

RESOLUTION: The Association hereby adopts the following procedures regarding the acceptance of underdrain facilities:

1. **Authority to review and accept certain underdrain facilities**

Section 8.29. Power to Maintain Drainage and Underdrain Systems. Declarant and/or Approved Builder has installed a storm water drainage system within or outside of the Community and within the boundaries of some Units (which system may include storm drainage facilities, underdrain system, outlet structures, pipes, drainage facilities, detention ponds, and other drainage, sewer, and storm facilities) for the benefit of the Community, the Association, and Unit Owners (collectively "Drainage System"). Declarant and/or Approved Builder shall have the right either on its behalf or on behalf of the Association, to enter into agreements with any city, county, special district, state or any other public or quasi-public entity or agency or other homeowners associations regarding the installation, use, maintenance and replacement of the Drainage System. The Association shall have the power and authority to: (a) assume from Declarant or Approved Builders all of Declarant's or Approved Builders' right, title and interest in and to the Drainage System upon receipt of documentation indicating, in the Association's discretion, that the Drainage System has been constructed in compliance with applicable governmental requirements, industry standards and manufacturer requirements and is in good repair and working order; (b) to the extent that any agreement imposes on Declarant any continuing maintenance, repair or replacement obligations or liabilities (the "Ongoing Liabilities"), assume from, and indemnify Declarant and Approved Builder(s), or any of its successors, assigns, agents, directors, officers, shareholders or partners (as applicable) against, any claims, liabilities, obligations, losses, damages, costs or expenses, including attorneys' fees, that may be asserted against Declarant and that arise from or are related to the Ongoing

Liabilities and that arise after the date of such assumption by the Association; and (c) maintain, repair or replace portions of any underdrain system installed by the Declarant or Approved Builder within the boundaries of the Community as may be required to continue its intended function.

2. **Description of Underdrain Facilities:** The underdrain to be conveyed to Association shall be the "mainline" underdrain facility normally constructed under and/or in alignment with the mainline sanitary sewer facility located in public streets and private/public tracts. The underdrain mainline to be conveyed specifically does not include any underdrain laterals including any "wyes" or "tees" from the underdrain mainline to the individual home or any other structures. Additionally, the acceptance shall not include any facilities that "drain" to the underdrain from "non-membership" areas unless a separate written Agreement between the Association and the "non-membership" area has been prepared and approved and said Agreement recorded on the "non-membership" area.

Requests for Initial Acceptance shall normally be made on a phase by phase basis in accordance with the phases defined in the approved plans for East Cherry Creek Valley Water and Sanitation District improvements (per the approved water and sanitary sewer plans).

3. **Acceptance Process:** Upon completion of the underdrain mainline the Builder shall request in writing Initial Acceptance by the Association of the underdrain mainline in accordance with this resolution and provide all required documentation outlined herein. The Association (or its consultants) will review the provided documentation and perform a field review (weather conditions permitting) in a timely manner.

4. **Review Fee:** The Association requires a review fee deposit of \$ 1000.00 to be submitted with the request for Initial Acceptance. The Association will review the documents and/or retain a consultant to review the provided documentation. Invoices will be provided to provide backup for any costs incurred by the Association. The costs of said review will be deducted from this deposit. Any remaining funds shall be returned to the Builder within 30 days of the granting of the Initial Acceptance for the underdrain mainline. If the deposit made at the time of initial request is insufficient to cover the Associations review costs, the Association will request additional funds be deposited with the Association prior to the Association completing the Initial Acceptance documentation review.

5. **Documentation:** The following required documentation shall be provided to the Association by the Builder prior to initial acceptance of said facilities by the Association:

a. Underdrain asbuilts: Builder to provide the Association with a set of approved construction plans (hard copy and in pdf format) showing all constructed underdrain facilities, underdrain details and outlet facilities highlighted in yellow.

b. Letter from the Builder stating that all underdrain facilities have been constructed in general conformance with the approved construction plans

c. Statement from the Builder's surveyor that all underdrain facilities were staked in general conformance with the approved construction plans

- d. Letter from the Builder that all homes have (have not, or specific homes that have or have not) been connected to the underdrain facility
- e. Quit Claim or Bill of Sale from the Builder to the Association for the underdrain mainline
- f. Video survey recording in a DVD or equivalent format with accompanying written report by the videographer/civil engineering consultant that all underdrain facilities have been cleaned (to the outlet point or where the mainline daylights) prior to the video recording being made and that a review of the video indicates that:
 - i. The underdrain mainline is generally clean and unblocked the entire length to the outlet point or where the mainline daylights
 - ii. The underdrain mainline appears to be structurally sound and that no cracks, depressions, debris, roots, concrete, etc. were observed within the underdrain mainline.
- g. Photographs (digital format required) of the outlet(s) of the underdrain mainline with the date of the photograph.
- h. Drawing showing location of underdrain mainline outlet (this can be located on the construction plans) with dimensions to a known physical marker or structure.
- i. Copy of the initial acceptance letter from East Cherry Creek Valley Water and Sanitation District for the completed water and sanitary sewer facilities located within the respective underdrain construction phase.

6. **Warranty** The Builder shall warrant the underdrain mainline to be free from all construction defects for a time period of at least one year after receipt of the Initial Acceptance letter from the Association.

7. **Final Acceptance:** No sooner than 9 months after the granting of the Initial Acceptance of the underdrain mainline by the Association the Builder may request Final Acceptance of the underdrain mainline. Final Acceptance will not be granted until the streets and landscaping "above" the underdrain mainline are complete AND the streets "above" the underdrain mainline have been given initial/probationary acceptance by Arapahoe County in accordance with the approved Subdivision Improvement Agreement. Final Acceptance will not be effective sooner than one year after the date of Initial Acceptance. The Association shall review the following prior to granting Final Acceptance of the underdrain mainline:

- a. Outlet facilities operational
- b. Verification that water exiting the underdrain is generally clean and not carrying any appreciable silt or dirt.

The Association may require additional video inspection if during the time period between the Initial Acceptance and the request for Final Acceptance there is evidence of damage or siltation of the underdrain facilities. If remediation is required by the Association, then the Builder shall

make all underdrain corrective actions, at their cost, as required by the Association to bring the underdrain facilities into working order and compliance with the approved construction plans.

8. **Maintenance:** The Association shall be responsible for maintenance of the underdrain mainline after Initial Acceptance has been granted to the Builder.
9. **Definitions.** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
10. **Supplement to Law.** The provisions of the Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.
11. **Deviations.** The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
12. **Amendment.** This Policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of Copperleaf Homeowners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors at a duly called and held special meeting of the Board of Directors on January ____, 2016 and in witness thereof, the undersigned has subscribed his/her name.

Copperleaf Homeowners Association, Inc.
a Colorado nonprofit corporation

By:



President