

Resolution of the Board of Directors

Regarding Commercial Marijuana

A RESOLUTION of the Board of Directors of Dallas Meadows Community Association (“DMCA”) made and entered into this ____ day of November, 2016 and effective immediately.

RECITALS

WHEREAS, the State of Colorado has created a regulatory framework by which Marijuana may be cultivated and grown for commercial purposes;

WHEREAS, the County of Ouray has also adopted a method of approval for commercial marijuana cultivation and sale operations;

WHEREAS, all lots owned in the Dallas Meadows Community Association are subject to that Amended and Restated Common Interest Community Declaration of the Dallas Meadows Community Association recorded at Reception Number 215247 of the Ouray County, Colorado Public records (the “Declaration”);

WHEREAS, the Board of Directors wishes to clarify the provisions of the Declaration as they relate to commercial marijuana operations within DMCA;

NOW THEREFORE, the Board of Directors hereby adopts the following resolution:

RESOLUTION

1. Notwithstanding provisions of state or local law, the Declaration does not permit any commercial marijuana operations of any kind on any lot subject to the Declaration.
2. Section 8.2 of the Declaration outlines “prohibited uses.” Those prohibited uses include any “commercial and/or manufacturing business” (8.2.1), any “commercial activities” (8.2.5) and any “unlawful use” (8.2.8).
3. The Declaration further clarifies that the prohibition of any unlawful use requires that lot owners (and their invitees or licensees) shall comply with “all applicable laws and regulations of the United States...” (8.2.8).
4. The Board finds that such provisions clearly prohibit any commercial marijuana operations within any lot of the DMCA, notwithstanding state or local laws or rules to the contrary.

5. The Board further finds that violations of the above cited prohibitions would constitute major violations of the Declaration, as such uses would change the character and nature of the DMCA. The Board intends to impose fines and penalties upon any violators of such provisions in accordance with such determination, in addition to pursuing any or legal remedies available to the DMCA, including injunctive relief and other damages, costs, fees, including attorney fees.

IN WITNESS HEREOF, the Board of Directors has adopted this RESOLUTION this ____ day of November, 2016.

Gordon Mull, President

Judi Snelling, Secretary