

ELK STREAM RANCH
A Colorado Common Interest Community
Located in T36N R13W, T35N R13W, T36N R12W and T35N R12W, N.M.P.M.
Montezuma County and La Plata County, Colorado

Elk Stream Ranch Property Owners Association, Inc.
A Colorado Non-Profit Corporation

POLICIES

© 2018 Erin J. Johnson Attorney at Law LLC. All rights reserved.

POLICY #15-2018: NOXIOUS WEED MANAGEMENT POLICY

Adopted 8-30- , 2018

The following Policy has been adopted by the Elk Stream Ranch Property Owners Association, Inc., a Colorado Non-Profit Corporation ("Association") pursuant to C.R.S. §38-33.3-209.5, and in accordance with C.R.S. §38-33.3-310.5, 7-128-501, the Governing Documents of the Association, and the Act at a regular meeting of the Board.

Purpose: The Association desires to: 1) prevent the establishment of any and all new Noxious Weed species, 2) manage existing populations of undesirable weeds and plants, and 3) to prevent the spread of Noxious Weeds and undesirable plants to uninfected areas, in accordance with the Colorado Noxious Weed Act, the Montezuma and La Plata County Noxious Weed Plans, state and federal law, and the Association's adopted Weed Management Plan. The Association desires to establish and implement a Weed Management Plan and continue its efforts to control and manage Noxious Weeds and other plants determined to be detrimental to the environmental conditions within the Elk Stream Ranch subdivision.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy to govern the management of Noxious Weeds and undesirable plants within Elk Stream Ranch.

1. Noxious Weed and Undesirable Plant Management Plan. The Association shall establish a Noxious Weed and Undesirable Plant Management Plan ("Plan"), utilizing existing resources such as the East Canyon Community Wildfire Protection Plan, the Montezuma and La Plata County Noxious Weed Plans and related resources, the Colorado Noxious Weed Act, and other applicable state and federal law. The Association shall contract with a weed management professional to develop the Association Plan. The Association Plan shall be developed and implemented with general funds. A Reserve Fund for weed management may be established by the Association to address special needs for any particular year. The Association Plan shall be updated every five (5) years.

a. Undesirable Plants. For purposes of this Policy, any "Undesirable Plants" identified by the Association in the Plan shall be included in any use of the term "Noxious Weed" or "Weed."

2. Plan Elements. The Association Plan shall address the following:

- a. Noxious Weed Identification for Elk Stream Ranch.
- b. Inventory and Mapping.
- c. Implementation and Management Plan.
- d. Potential Future Problems.

3. Association Responsibilities. The Association shall implement the Plan and be responsible for Noxious Weed management on the Association roads and Common Elements of the Elk Stream Ranch subdivision. Noxious Weed management includes: 1) budgeting for normal Noxious Weed control, 2) developing, amending and updating the Plan as needed, 3) inspection of the Common Elements and Lots as a part of the annual inspection process or at any other time a Noxious Weed concern is brought to the attention of the Association, 4) notifying Montezuma and La Plata County officials and others as required of Noxious Weed infestations on Lots or other concerns related to Noxious Weeds, and 5) contracting for needed services for the Noxious Weed management of the Common Areas.

4. Services to Owners. The Association may make arrangements with qualified service provider(s) for them to offer Noxious Weed management services to Owners under separate and independent contracts, to be performed around the same time that the annual or other work for the Association is conducted. This will result in an economical avenue for Owners to meet their obligations for their Parcels and assist the entire community in achieving and maintaining a healthy environment. The expense of the separate contracts with Owners will be subject to the requirements of the service provider. Owners may also comply with the Noxious Weed management responsibilities for their Parcels through their own efforts or contract with any service provider.

5. Owner Responsibilities. Lot owners are obligated under Section 9.14 of the Declaration to be responsible for the control of Noxious Weeds and plant abatement on their Parcel, including spraying or eradication to minimize the spread of such weeds and plants.

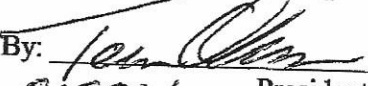
6. Governing Documents. This Policy is supplemental to other Governing Documents of the Association.

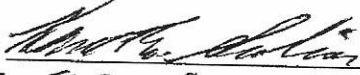
7. Enforcement by Montezuma County and La Plata County. Under the Colorado Noxious Weed Act, enforcement of the Act is the responsibility of the county with jurisdiction of the property. The Elk Stream Ranch Subdivision is located in Montezuma County and La Plata County. Each county maintains a weed management office and has its own plans, policies and guidelines. The Association is committed to following the county plans with regard to the Common Elements of Elk Stream Ranch. Additionally, the Association shall coordinate and cooperate with the county governments with regard to management of Noxious Weeds on the Lots.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Elk Stream Ranch Property Owners Association, Inc., a Colorado Non-Profit Corporation, certifies that the foregoing Resolution was approved and adopted by the Board, at a duly called and held meeting of the Board on (date) 8-30-18 and in witness thereof, the undersigned has subscribed his name.

Elk Stream Ranch Property Owners Association, Inc.,
a Colorado Non-Profit Corporation

ATTEST

By: 
TOM OLSON, President

By: 
KEN SURABIA Secretary