

VCMD

VILLAGE CENTER METROPOLITAN DISTRICT

8/10/2011

Board of Directors
Village Center HOA

Dear Mr. Beamer

VCMD would like to explain to your board the reasoning behind the permit and fines imposed on residents that want to place landscape materials in the streets of VCMD.

The need for a permit came about as a result of individuals placing landscaping materials in the streets and then not properly disposing of excess materials or not cleaning up after themselves and leaving the street or the common area owned by the District a mess. The District felt the cost of the cleanup should be borne by the violators and not by all residents within the District.

In order for the District to know in advance of individuals and contractors that intended to place these materials in the street the District put in place the permit structure. This allowed the District to know who was responsible for cleanup and proper disposal of excess landscape materials.

The practice of not properly cleaning up the streets created several of expensive issues for the district.

1. VCMD is responsible for cleaning out the silt in the bottom of the ponds when it collects to a level that interferes with the proper operation of the ponds.
2. VCMD sweeps the streets as needed to keep the streets clean of dirt and rocks within the streets.
3. VCMD has been required to expend funds to clean up excess landscape materials that were abandoned on District property.

In addition the District attempts to help monitor compliance with the Colorado Clean Water Act to prevent the State from placing the area on its watch list which brings additional scrutiny and inspections upon the district, the builders, and homeowners within the district.

The District has a policy in place that if it does not have rules concerning a particular issue that by default the City of Colorado Springs rules apply. This policy was adopted at the formation of the district and is the same one used by TriView Metropolitan District.

Therefore the District Policy was that if an individual did not properly fill out a permit they could be charged for the permit plus double the permit fee a fine. This fine however was not imposed by the District unless the individual did not fill out a permit after they were informed by the District that a permit was required.

Contrary to what the Town of Monument asserted, the attorney for the District states VCMD does have the authority to issue permits. The District has no desire to get into a legal battle with the Town and has agreed with the Town to not issue permits in the future to place materials in the streets, however the District will continue to issue permits for temporary use of its streets for other purposes such as block

parties or other uses that might come up. VCMD is leaving in place the fine schedule if a resident or contractor within the district places dirt or other materials in the street.

The fine schedule is;

- \$100 for a first violation and then
- \$50 per day for a continuing violation of the policy
- any cost associated with the cleanup of the street or District property

A representative of the District would be happy to attend a Board meeting of your association and answer any questions your Board may have on this issue or other issues involving the District.

If you have further questions on this issue please contact VCMD.

Dale R Turner