

**POLICY #2010-2 OF THE  
QUARTZ CREEK PROPERTY OWNERS ASSOCIATION, INC.  
REGARDING PERMANENT AND SEMI-PERMANENT STRUCTURES WITHIN  
THE RIGHTS-OF-WAY OF ANY ROAD WITHIN QUARTZ CREEK  
PROPERTIES**

- SUBJECT:** Adoption of a policy regarding structures or other items within the rights-of-way of all Public Access Roads and Private Access Roads in Quartz Creek Properties (aka QCP).
- PURPOSES:** To adopt a policy regarding structures or other items within the rights-of-way of all Public Access Roads and Private Access Roads in Quartz Creek Properties so that future roadwork will not be negatively affected.
- AUTHORITY:** The Conditions, Articles of Incorporation and Bylaws of the Association and Quitclaim deed recorded April 12, 1991 in Book 689 at page 823 of the records of Gunnison County and Colorado law.
- EFFECTIVE DATE:** June 26, 2010
- RESOLUTION:** The Board, on behalf of the Association, hereby adopts the following policy:
1. Scope. In order to properly maintain the roads in Quartz Creek Properties, the Board of Directors determines that it is necessary to have a policy regarding structures or other items within the road rights-of-way.
  2. Policy. No owner shall place any structure or item of a permanent or semi-permanent nature within the rights-of-way of any road in QCP.
  3. Definition of Structure or Item. Nothing of a permanent or semi-permanent nature shall be placed within the rights-of-way of the roads. This would include, but not be limited to, any building of any size, a water tank or storage device (whether buried or not), a septic tank, or a septic field or part thereof, No owner shall cause any such structure or item to be placed within the rights-of-way.
  4. Rights-of-Way. The right-of-way of all Public Access Roads is 60 feet. The right-of-way of all Private Access

Roads is 40 feet. The distance is measured from the middle of the road, half the allotted distance to either side of the road.

5. Pre-Existing Structures or Items. Any structure or item that exists before the date of this policy shall be allowed to remain in place. However, should that structure or item need repair, replacement or removal, at that time it shall be completely eliminated from the rights-of-way.

6. Pre-Existing Structures or Items That Hinder Roadwork. Future roadwork may impact any of the pre-existing structures or items as defined above. The policy and procedure in that circumstance is as follows:

a. Responsibility. The responsibility for any structure or item within the rights-of-way shall be that of the property owner and not the Association. The owner shall remove or relocate any structure or item that is within the rights-of-way prior to any road repair, road maintenance, or road widening, if such item obstructs said work or in any manner could be damaged by such work. All costs and labor associated with removal or relocation shall be the responsibility of the owner.

b. Notification of Pending Roadwork. Pending roadwork will be announced in advance either in the Quartzite, at the Annual Meeting of the membership, and/or posted on the Association bulletin board at the QCP entrance. It is the responsibility of the owner to be aware of pending roadwork and to take the actions outlined above for removal or relocation.

c. Damage to Structures or Items Not Removed. If an owner fails to remove any structure or item in any right-of-way prior to roadwork commencing, the Association shall not be responsible in any way for the resulting damage to that structure or item.

7. 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.

8. Amendment. This policy may be amended from time to time by the Board of Directors.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of the Quartz Creek Property Owners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on \_\_\_\_\_,

And in witness thereof, the undersigned has subscribed his/her name.

**QUARTZ CREEK PROPERTY OWNERS  
ASSOCIATION, INC.**

A Colorado nonprofit corporation

By: \_\_\_\_\_  
President