

MAROON CREEK CLUB MASTER ASSOCIATION

DATE: *January, 2001*

TO: *Owners of Maroon Creek Club single family lots*

FROM: *Gary Albert, President*
Maroon Creek Club Master Association

RE: *Maroon Creek Club Design Guidelines*

Dear Maroon Creek Club Property Owner:

Over the last couple of years, many owners of single family properties at Maroon Creek Club have been busy building homes; we now have 14 homes either under construction or already completed, and another 10 homes which are in the design and review process. By next summer we will be about at the halfway point in terms of build-out, and the character of the residential environment is starting to become more apparent as construction continues. Your Association Board, which also acts as the Site and Architecture Review Committee [SARC], continues to put in many hours every month at site inspections and meetings, often grappling with decisions for which guidelines or procedures either need to be developed or, if already in place, amended to reflect the realities of a particular site or situation.


During the last several Board and SARC meetings, the Board has agreed that certain evolutionary changes should be made to ensure that high standards of design and construction are maintained, and that the impacts of construction in a community which now has occupied homes are properly addressed and managed. The members of SARC believe that adherence to the Design Guidelines and implementation of the Protective Covenants are not only SARC's responsibilities, but are in the long term interests of the Association members. Therefore, as provided in Paragraph 5.8 of the Protective Covenants, the Board acting as the SARC has adopted certain additional rules and regulations which become effective as of the date of this letter, as follows:

1. SARC Meetings:

Starting with the February meeting, the regular date for SARC meetings has changed, as follows.

SARC Meetings	Third Thursday of each month
Deadline for submitting plans	First Thursday of each month

Plans and applications should continue to be submitted to the Architectural Advisor, William Lukes + Associates, at 406L Airport Business Center, Aspen 81611. Meetings typically start at 3:00 PM with site inspections, followed by design reviews in the Club's private dining room; occasionally meetings will start earlier than 3:00 during the winter months. All homeowners are welcome to attend SARC meetings.

 The next meeting is Thursday, March 15 and the deadline is Thursday, March 1.

2. Changes to the Completion Guaranty:

The document previously referred to as the "Maroon Creek Club Master Association Landscape And Grading Completion Guaranty" is hereby replaced by the "Maroon Creek Club Master Association Compliance and Construction Completion Guaranty". This document requires either a cash deposit, letter of credit, or other negotiable security to ensure the satisfactory completion of all approved construction and landscaping.

- **The agreement had previously required security in the amount of \$75,000 and was limited to completion of the landscaping and grading; the amount of the security is now \$100,000 and the guarantee covers satisfactory compliance with all conditions of SARC approvals as well as the satisfactory completion of all building construction, site work, and other improvements on the property.**
- **Where previously the agreement was required to be signed and delivered to the Association with the security prior to the start of construction, the agreement must now be completed and the security provided at the time of submission of plans for final approval.**
- **Important note: Plans which are submitted without the required documents and payment of the Design Review Fee and Road Impact Fee will not be put on a meeting agenda nor reviewed until such time as the application is complete.**

A copy of the new Compliance and Construction Completion Guaranty is enclosed for your information; all projects which had not received Final Approval as of January 3, 2001 will be subject to the new requirements.

3. Changes to Approved Plans:

Although it is implicit in the Covenants and Design Guidelines, SARC is hereby affirming that all construction [including building and other construction, grading, removal of existing vegetation, and landscaping] must be done according to plans which have been approved by SARC. Should owners wish to obtain approval for proposed changes, they should contact the Association's Architectural Advisor, William Lukes AIA at (970) 920-6929 and make arrangements for a review of the proposed changes.

- **Failure to construct in accordance with approved plans or failure to comply with the approval process may result in forfeiture of some or all of the security under the Compliance and Construction Completion Guaranty.**

SARC understands that there are often changes that need to occur during construction for one reason or another and that this reality was not reflected by any specific procedure in the current approval process. SARC has, therefore, revised and clarified the process so that the integrity of the design review process can be maintained while, at the same time, providing owners, architects and contractors with a timely and accessible mechanism for having proposed changes reviewed.

- **All proposed changes to plans which have been approved by SARC, whether occurring before or during construction, or after a house is completed and occupied, must be approved by SARC prior to starting the construction of the affected areas or components.**

SARC has authorized the Architectural Advisor to review all requests to approve changes and, where the proposed change is consistent with the conditions of the Final Approval and would not negatively impact

any adjacent property owner, to approve such requests administratively. If, in the opinion of the Architectural Advisor, the proposed change does not meet those criteria, the Architectural Advisor will schedule a review of the request at the next SARC meeting, for action by SARC.

- ➡ **Three copies of an explanatory letter and drawings describing the work should be submitted to the Architectural Advisor and, in the case of a proposed material or color change, two 12" x 12" samples of the actual material or color should be submitted.**

It is intended that this new procedure will expedite the review of many changes and will therefore encourage owners to have such changes reviewed and approved in advance, but owners are also encouraged to call the Architectural Advisor at the earliest possible time so that approvals can be obtained without affecting construction schedules. At this time, there is no additional design review fee for the review of proposed changes, but SARC reserves its right under the Protective Covenants to revise the fee schedule at any time.

4. Monitoring of Construction Progress:

In order to facilitate timely communication between SARC and owners with construction projects underway, SARC has authorized the Architectural Advisor to monitor construction projects periodically; these site visits will be in addition to the final inspections which are required by the Protective Covenants and which SARC evaluates as a precedent to any refunding of the Completion Guaranty after construction and landscaping has been completed.

The Architectural Advisor has been authorized to visit construction sites periodically, at intervals appropriate to the stage of construction, and report to SARC on any construction [usually that would mean exterior construction] which does not appear to conform to the approved plans. This is not an inspection service, but it is an opportunity for the architect or builder to raise any issues which may require an approval, discuss them informally, and find out how to expedite a review and approval.

- ➡ **In order to avoid misunderstandings, all approvals must be in writing and signed by either the Architectural Advisor or another representative of SARC. No approvals will be given verbally by the Architectural Advisor at site visits or other times.**

In summary, the Board and the Association have experienced some "growing pains" and have had to respond to a number of unanticipated issues involving construction as the community has started to take shape. These additional rules and regulations are intended to have the overall approval and construction process move forward more smoothly for all involved while fulfilling SARC's responsibilities to the property owners under the Protective Covenants. Please feel free to contact me if you have any questions or suggestions, and to contact our Architectural Advisor directly as outlined above.

Gary Albert
President, Maroon Creek Club Master Association