

**BEAVER CREEK RESORT COMPANY  
DESIGN REVIEW BOARD  
RESOLUTION NO. 07-01**

**A RESOLUTION AMENDING BEAVER CREEK DESIGN REVIEW BOARD  
RESOLUTION NO. 05-01 CONCERNING NOTIFICATION OF PROPERTY  
OWNERS WITHIN ONE-HUNDRED FIFTY FEET OF ANY SITE FOR  
WHICH A DECISION OF THE BEAVER CREEK DESIGN REVIEW BOARD  
IS REQUIRED AND HAS BEEN REQUESTED**

**Whereas**, pursuant to the Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, Section 8.1: "In order to preserve the natural beauty of Beaver Creek and its setting, to maintain Beaver Creek as a pleasant and desirable environment, to establish and preserve a harmonious design for the community, and to protect and promote the value of the property, exterior design, landscaping and use of all new development and additions, changes or alterations to existing use, landscaping and exterior design and development shall be subject to design review;" and

**Whereas**, the Beaver Creek Resort Company appoints members of the Beaver Creek Design Review Board to review projects within the Beaver Creek Resort for compliance with applicable regulations; and

**Whereas**, pursuant to the Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, Section 8.5, the Beaver Creek Design Review Board, "[S]hall promulgate and publish rules and regulations that shall set forth the procedures to be followed and material which must be provided by any member of the Resort Company or his authorized agents in order to obtain review of proposed construction by the Design Review Board.

**NOW THEREFORE, BE IT RESOLVED**, by the Beaver Creek Design Review Board and the Beaver Creek Resort Company Board of Directors that:

1. At least fourteen (14) days prior to presenting any application for any determination, decision or approval of the Design Review Board, the owner(s) of the property presenting the application must either mail or personally deliver a notice of the application and the completed application form (hereafter collectively referred to as the "Notice") to all of the owner(s) of any property, within one-hundred fifty (150) feet of any boundary of the property. The 150 feet must be measured from the boundaries of the applicant's property to the boundaries of any other property (lot line to lot line) within the 150 feet, excluding any roads and/or road rights-of-way. In other words, 150 feet plus any intervening roads or road rights-of-way.

2. The Applicant must provide the Notice on forms provided by the Design Review Board. If the notice is sent by mail, it must be sent via certified mail, return receipt requested, or registered mail. The application must include either the correct legal description or the correct street address of the property for which the application is made. It is suggested that the applicant try to provide both. It is the duty of the applicant to obtain this information, which can be obtained from the Eagle County Tax Assessor's office and/or other Eagle County offices.

3. In cases of a project being located within a condominium or townhouse complex or within one-hundred fifty (150) feet of a condominium or townhouse complex, the Notice required by paragraph no. 1 above may be mailed or personally delivered to the President or Vice-President of the owners' association for the complex or to the management company for the complex, if any, in lieu of mailing or personally delivering the Notice to each individual owner within the condominium or townhouse project.

4. Prior to the Design Review Board's scheduling of any review of an application, the applicant must provide proof of the mailing or personal delivery of the required Notice to the Design Review Board. If the Notice is mailed, proof must be by way of a copy of the signed return receipt used for certified mail or a copy of the registered receipt stamped by the Post Office. If the Notice is personally delivered, proof must be by way of a written statement signed by the person entitled to notice, or their authorized representative, acknowledging receipt of the Notice. If the written statement is signed by an authorized representative, the statement must also include a statement that certifies that the individual is the authorized representative of the person entitled to notice. Upon receipt of the proofs required, the Design Review Board will schedule the application for review in accordance with its rules and regulations. In addition, the Design Review Board will cause notice of its scheduled meetings to be published in a local newspaper.

5. The Design Review Board reserves the right to table, adjourn or remove any application from the agenda of any meeting if, in its sole discretion, it determines that the applicant has not provided adequate proof of the mailing or personal delivery of the applicant's Notice to the Design Review Board by the applicant.

6. Because the Design Review Board relies in good faith upon the proofs and representations submitted by the applicant with regard to mailed or personally delivered Notice and because the Design Review Board publishes notice of its meetings and agenda, any failure by the applicant to provide timely and proper notification as required by this Resolution will not prevent, impede or nullify any action by the Design Review Board. Anything herein to the contrary notwithstanding, the actual receipt of a notice of an application by the party entitled to notice is not required to allow the Design Review Board to act on the application.

7. Upon the adoption of this Resolution by the Design Review Board and ratification of the same by the Board of Directors of the Beaver Creek Resort Company, Design Review Board Resolution No. 05-01, and any other prior regulation of the Design Review Board or Resort Company that is inconsistent with the terms hereof, is hereby repealed. The repeal of regulations and/or parts of regulations by this Resolution shall not affect any offense committed or act done, nor any penalty incurred prior to the time when said regulations and parts of regulations are repealed.

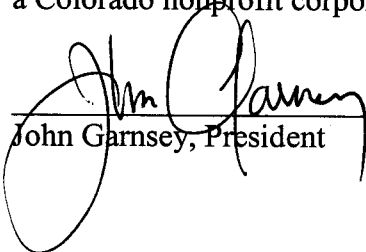
RESOLVED AND ADOPTED this 20 day of June, 2007.

Beaver Creek Design Review Board

  
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Ludwig Kurz, Chairman

RATIFIED this 26 day of JULY, 2007.

Beaver Creek Resort Company of Colorado,  
a Colorado nonprofit corporation

  
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John Garnsey, President