

DECLARATION OF PROTECTIVE COVENANTS

THIS DECLARATION, made this 22nd day of April, 1968, by COLORADO CITY DEVELOPMENT COMPANY, a Colorado corporation, having its principal place of business in Colorado City, Pueblo County, Colorado, hereinafter referred to as the "Declarant".

WHEREAS, the Declarant is the owner of all of that real property shown as Unit 14 of the plat entitled Colorado City, filed of record on January 25, 1968 under Reception No. 357845, in Book 1628, pages 610 to 618 inclusive, with the County Clerk and Recorder of Pueblo County, Colorado, and

WHEREAS, the Declarant is about to sell, dispose of or convey the lots in said property above described, and desires to subject the same to certain protective covenants, conditions, restrictions and reservations, hereinafter referred to as "Conditions" between it and the acquirers of the lots in said property.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Declarant hereby certifies and declares that it has established and does hereby establish a general plan for the protection, maintenance, development and improvement of said property and that

THIS DECLARATION is designed for the mutual benefit of the lots in said tract, and Declarant has fixed and does hereby fix the protective Conditions upon which all lots, parcels and portions of said tract shall be held, leased or sold, and/or conveyed by them as such owners, each and all of which is and are for the mutual benefit of the lots in said tract and of each owner thereof, and shall run with the land and inure to and pass with said tract and each and every parcel of land therein, and shall apply to and bind the respective successors in interest thereof, and are and each thereof is imposed upon said tract as a mutual, equitable servitude in favor of each and every parcel of land therein as the dominant tenement or tenements.

SAID CONDITIONS are as follows:

1. That all of the lots of said tract, unless otherwise designated, shall be single family residential lots and may be improved, used and occupied for single family residence purposes together with such accessory buildings as approved by the Architectural Committee.
2. That no raising or breeding, nor keeping or maintaining of pets, rabbits, poultry, dogs or livestock of any kind be permitted with the exception that for each dwelling unit the occupant may keep for his personal use not more than three pets, such as dogs, cats or other generally accepted household pets; Exceptions: (1) This condition shall not apply to birds and fish that are maintained within the home; (2) This condition shall not apply to single family equestrian oriented lots with Special Use permit (R-1) or Single family Ranchos (A-4).
3. That no activity noxious or offensive to the neighborhood shall be conducted within any building or on any portion of any lot or building site in said tract herein designated as a residential lot.
4. That no lots in this tract shall be re-subdivided or split.
5. That all television, radio antennas or masts of unusual height or configuration must be approved by the Architectural Committee.
6. That no refuse cans and/or clotheslines shall be permitted or maintained upon any of the said lots unless they are shielded from view at all times and are within fenced service yards in the rear or side yard of said lots.
7. That none of the following uses are permitted:
 Airplane Beacon, Marker or Tower
 Associations, Clubs & Lodges
 Athletic Fields, Golf Range, Golf Course, Race Tracks, Drive-in Theatres
 Broadcasting Station, Transmitter, and Tower
 Carnival (temporary)
 Cemetery, Crematory, Mausoleum (Except for Lot Number 1436)
 Charitable Institution
 Child Care Center and Play School
 Christmas Tree Sales (temporary)
 Church and Religious Buildings
 Commercial Auto Parking
 Farm Products, Processing, Manufacturing, Storage and Wholesale
 Fireworks, Retail (temporary)
 Greenhouse and Nursery
 Home: Children, Blind, Elderly, Maternity, Memorial, Religious
 Housing, Tenant
 Natural Deposits, Extraction & Processing
 Ranch, Guest
 Riding Academy, Stables
 Veterinarian, Animal Hospital and Kennels
 Water distillation and Bottling
8. That any building erected upon any of said lots shall be approved prior to construction by an Architectural Committee appointed by Declarant, or successors appointed by them, in Colorado City, Colorado, or at such other place as may be designated by the Declarant. The Architectural Committee, in passing on any requests for approval, shall consider, without being limited to, the location, form, texture, color, overall dimensions and exterior appurtenances of the proposed structure consistent with the general development plan of said tract. Tentative plans should be brought to the Committee for approval before commencing working drawings. Working drawings submitted for approval shall include complete elevations and plot and site development plans. Upon commencement of construction of any building, the work on the structure shall be diligently pursued in a workmanlike manner. No construction shall commence until a building permit for said construction has been obtained from the County of Pueblo Building Department.

9. That no accessory buildings, trailers, mobile homes, barns or other structures not conforming to these covenants shall be maintained on any lot.
10. That no signs, advertisements, billboards or advertising structures not conforming to these covenants shall be maintained on any of the residential lots without the consent in writing of the Architectural Committee. Exception: One For Sale or For Rent sign limited to three (3) square feet in area may be placed on any residential lot.
11. That all exterior stucco, concrete or concrete block shall have integral color added or be painted. All exterior wood shall be maintained with oil, stain or paint.

Single Family Ranchos Lots (A-4)

lots numbered 9-21, 29-38, 1145-1148, 1410-1412, 1417, 1425, 1427-1434, inclusive of said Unit 14 shall be designated as single family residential lots and may be improved, used and occupied for single family residence purposes together with such accessory buildings as approved by the Architectural Committee and in conformity with County Zoning Resolutions and/or the County Building Code.

1. No main structure shall be permitted whose area under roof is less than 1200 square feet.
2. No commercial farming or ranching, agricultural custom contracting, operation of roadside sales stands nor any similar and like activities shall be permitted.

3. No pets or farm animals shall be maintained on any of these lots as a commercial enterprise. For the purpose of these restrictive covenants activities such as 4-H projects shall not be considered commercial projects. Not more than three (3) horses may be maintained on any of these lots.

4. Fences, corrals and accessory buildings may be constructed on single family ranchos, subject to approval of the Architectural Committee.

Single Family Equestrian Oriented Lots (R-1)

1. Lots numbered 22-28, 1149-1151, 1405-1409, 1413-1416, 1418-1424 and 1426 inclusive of said tract shall be single-family residential lots and may be improved, used and occupied for single-family residence purposes, together with such accessory buildings as approved by the Architectural Committee.

2. No main structure shall be permitted whose area under roof, is less than 720 square feet.

3. Fences and accessory buildings may be constructed on these properties subject to the Architectural Committee's approval. Accessory buildings shall not be constructed nearer than 15 feet to any side property line or 50 feet from any existing residence, or from any proposed residence for which plans have been filed with the Colorado City Architectural Committee.

4. No pets or farm animals shall be maintained on any of these lots as a commercial enterprise. For the purpose of these restrictive covenants activities such as 4-H projects shall not be considered commercial projects. Not more than two (2) horses may be maintained on any of these lots.

Single Family (R-1) 720 Square Foot Building Restriction

As to lots numbered 1-8, 666-702, 742-756, 774-811 and 1272-1290 inclusive of Unit 14:

1. No main structure shall be permitted whose area under roof is less than 720 square feet.

2. The Architectural Committee shall determine the required set back, based on site conditions and neighboring developments, when plans are submitted as provided hereinabove.

3. No fences, walls or hedges on the side yard property lines or rear property line shall be erected or planted without the prior approval of the Architectural Committee.

4. Fences shall not be permitted between the house and the rear property line except as granted by variance by the Architectural Committee. Side yard fences shall not be permitted over three (3) feet 0 inches high in the front yard set back or within twenty (20) feet of the rear property line.

Single Family (R-2) 720 Square Foot Building Restriction

As to lots numbered 39-71, 131-250, 268-665, 703-741, 812-1073, 1152-1191 and 1313-1341 inclusive of Unit 14:

1. The Architectural Committee shall determine the required set back, based on site conditions and neighboring development, when plans are submitted as provided hereinabove.

2. No main structure shall be permitted whose area under roof is less than 720 square feet.

3. No fences, walls or hedges on the side yard property lines or rear property line shall be erected or planted without the prior approval of the Architectural Committee.

4. Fences shall not be permitted between the house and the rear property line except as granted by variance by the Architectural Committee. Side yard fences shall not be permitted over three (3) feet 0 inches high in the front yard set back or within twenty (20) feet of the rear property line.

Multiple Family Residential Lots (R-4)

Lots numbered 72-130, 251-267, 757-773, 1074-1143, 1192-1228, 1238-1271, 1291-1312, 1342-1404 inclusive of said tract shall be designated multiple-family residential lots, and may be developed to such density (number of family units) as permitted by the regulatory agencies having jurisdiction thereof.

1. The rear yard set back for living units shall be twenty-five (25) feet minimum.

2. No fences, walls or hedges on the side yard property lines or rear yard property line shall be erected or planted without the prior approval of the Architectural Committee.

3. At such time as the Colorado City Water and Sanitation District, pursuant to its overall sewer plan, or any other entity, installs sewer mains serving the said lots, they may be developed as multi-family lots to such density as approved by the Pueblo County Zoning Administrator, and may be improved, used and occupied for multiple-family residential purposes together with such accessory buildings as are not inconsistent with the requirements of the said Administrator.

Commercial Lots (B-1)

Lots 1220-1237 inclusive shall be reserved for commercial use as approved by the Colorado City Architectural Committee:

In order to insure orderly and attractive development of this commercial area, the minimum set backs shall be as follows:

Lot Number	1229	westerly property line	80'	easterly property line	50'
1230	"	"	50'	"	50'
1231	"	"	50'	"	50'
1232	"	"	110'	"	50'
1233	"	"	for one-half of the length of the rear P/L	"	60'
1234	"	"	110' northerly	"	70'
1235	"	"	60' easterly	"	50'
1236	"	"	for the northerly 120' westerly property line 50' of one-half the length of the rear P/L	"	70'
1237	"	"	southerly property line 60'	"	100'

School and Park Site (S-1)

** Lots 1144 and 1435 are reserved for school and/or park site, or other public use.

Permanent Open Space Area

Parcels A to L inclusive are designated as permanent open space property and title shall be held by the Colorado City Metropolitan Recreation District, or any proper assignee thereof. The residents of Colorado City shall have access to all open space lots in accordance with such rules and regulations as may be established from time to time by the said District.

These Conditions shall run with the land and shall be binding upon all parties and all persons claiming under them until twenty (20) years from the date thereof, at which time said Conditions shall be automatically extended for successive periods of ten (10) years, unless by vote of the owners of a majority of the lots in the said tract it is agreed to change said Conditions in whole or in part.

Enforcement of these Conditions shall be by proceedings at law and/or in equity to restrain violation and/or to recover damages from any person or persons violating or attempting to violate any covenant herein contained. But the breach of any of the said Conditions shall not defeat or affect the lien of any mortgage or deed of trust made in good faith and for value upon said land, but such Conditions shall be binding upon and effective against any owners of said premises whose title hereto is acquired by foreclosure, Trustee's sale or otherwise.

Provided, further, that if any paragraph, sentence or other portion of said Conditions herein contained shall be or become illegal, null or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portions shall remain in full force and effect.

IN WITNESS WHEREOF, COLORADO CITY DEVELOPMENT COMPANY has caused its seal and signatures to be affixed hereunto by its duly authorized officers on the day and date first stated hereinabove.

COLORADO CITY DEVELOPMENT COMPANY

CORPORATE SEAL

By Max D. Gould, Vice President

By Renate C. Saremba, Asst. Secretary

A M E N D M E N T

This amendment to that certain Declaration of Protective Covenants recorded in the Official Records of Pueblo County, Colorado, on May 6, 1968, in Book 1633, Page 995, pertaining to Unit 14 of that certain amended plat filed under Reception number 357845 with the County Clerk and Recorder of Pueblo County, Colorado, on January 25, 1968, by COLORADO CITY DEVELOPMENT COMPANY, a Colorado corporation, having its principal place of business in Colorado City, Colorado, hereinafter referred to as the "Declarant":

WHEREAS, by the said Declaration Declarant subjected the real property to which the said Declaration pertains to certain protective covenants, conditions, restrictions and reservations, and

WHEREAS, Declarant desires to amend said Declaration in the manner and to the extent set forth hereinbelow:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, the said Declaration is hereby amended with respect to paragraph number 3 under Single Family Rancho Lots (A-4) and paragraph number 4 under Single Family Equestrian Oriented Lots (R-1) and that each of the said paragraphs is here amended to read as follows:

No pets or farm animals shall be maintained on any of these lots as a commercial enterprise. For the purpose of these restrictive covenants activities such as 4-H projects shall not be considered commercial projects providing that not more than three (3) farm animals may be maintained for such purposes at any one time without the approval of the Declarant. Not more than two (2) horse may be maintained on any of these lots.

All other provisions, covenants, conditions, and restrictions of said Declaration are to remain unaltered.

IN WITNESS WHEREOF, the Declarant has caused its corporate name and seal to be affixed hereto by its Vice President and Assistant Secretary hereunto authorized this 15th day of May, 1968.

(SEAL)

COLORADO CITY DEVELOPMENT COMPANY

(Signed) Max D. Gould
Max D. Gould, Vice President

(Signed) Renate C. Saremba
Renate C. Saremba, Assistant Secretary

