

DECLARATION OF PROTECTIVE COVENANTS

UNIT 32

THIS DECLARATION, made this 22nd day of June, 1970, 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 described as Lots 1 to 501 inclusive, as shown on Unit 32 of the plat entitled Colorado City, filed of record on May 26, 1970 under Reception No. 391703, Book 1671, Pages 314 to 320 inclusive, with the County Clerk and Recorder of Pueblo County, Colorado, and

WHEREAS, the Declarant is about to sell, dispose of or convey the said 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 said lots in said property.

NOW, THEREFORE, NOW 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 said lots in said tract, and Declarant has fixed and does hereby fix the protective conditions upon which all of said lots and parcels 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 said lots in said tract and of each owner thereof, and shall run with the land and bind the respective successors in interest thereof, and are and each thereof is imposed upon said lots of said tract as a mutual, equitable servitude in favor of each of said lots and parcels therein as the dominant tenement or tenements.

SAID CONDITIONS are as follows:

1. All of the said 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 in accordance with the "Special Large Area Plans" of the Pueblo County Zoning Resolution. Said lots shall be zoned "Multiple office and Residential District" (R- 5)
2. 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.
3. No lots in this tract shall be re-subdivided or split.
4. All television, radio antennas or masts of unusual height or configuration must be approved by the Architectural Committee.
5. No refuse cans and/or clotheslines shall be maintained at any time except in fenced service yards approved as to type, height, extent, material and location by the Architectural Committee. Burning of refuse shall not be permitted.
6. 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 the location, form, texture, color and exterior appurtenances of the proposed structure. Tentative plans must 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 has been obtained from the County of Pueblo Building Department.
7. No trailers, mobile homes, barns or other structures of a similar nature shall be maintained on any lot. No off-street parking areas other than garages shall be permitted to fulfill the off-street parking requirements of the Pueblo County Zoning Resolution.
8. No signs, advertisement, billboards or advertising structures may be erected or maintained on any of the residential lots without the consent in writing of the Architectural Committee in accordance with the Pueblo County Zoning Resolution. Exception: one for sale or for rent sign limited to three (3) square feet in area may be placed on any residential lot.

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9. All exterior wood shall be maintained with oil, stain or paint. All exterior stucco, concrete or concrete block shall have integral color added or be painted.
10. No main structure shall be permitted whose habitable area under roof is less than 750 square feet.
11. Setback lines as prescribed on the final map shall be deemed both as minimum as well as maximum setback, with the proviso that the front setback distance shown maybe increased by up to three (3) feet, if so desire*
12. Building heights at the building line (setback line) shall be as follows:

Lots 4, 6, 23, 26 to 36 inclusive, 39, 47, 48, 56, 57, 63, 64, 65, 66, 71, 72, 73, 75, 76, 92, 95, 103, 107, 109, 111, 116, 118 to 127 inclusive, 132, 133, 138, 140, 146, 148, 151, 156, 158, 163, 165, 170, 171, 179 to 183, inclusive; 200, 186, 187, 192, 197, 201, 207 to 210 inclusive, 212, 213, 218, 220, 227, 229, 230, 233, 236, 237, 238, 240, 242, 244, 245, 247, 249, 250, 252, 254, 263, 264, 265, 270 272, 273, 276, 283, 285, 294 to 298 inclusive. 300, 301, 302, 304, 309, 314 to 317 inclusive, 319, 322, 323, 324, 328, 329, 334, 336 to 344 inclusive, 351, 352, 361, 363, 368, 369, 373, 375, 380, 381, 382, 384 to 387 inclusive, 394, 395, 398, 400, 404, 409, 410, 416, 424 425, 426, 428, 429, 431, 433, 434 435, 437, 439, 440, 444. 447, 450, 451, 452, 454, 459, 460, 466 to 469 inclusive, 472, 473, 478, 484, 486, 487, and 493 shall have a minimum of two stories at the street elevation. Lots 228, 231, 234, 241 and 253 shall have a minimum of three stories at the building line (setback line). Improvements on all other lots of this subdivision, with the exception of lots 280, 305, 306 and 318 shall be no higher than one story at the building line (setback line). Lots 280, 305, 306 and 318 shall be of a minimum height of four stories.

13. All single family lots shall be improved with "townhouse" type of residential construction. As Such, all buildings shall be constructed without side yards and be built on the side property line designated as the with the exception that where an easement in indicated on the final map, the easement line shall be designated as the side building line. All construction on such side building lines shall be of a minimum Of two hour walls without openings. Such two hour walls shall be continuous from foundation to a point at least twelve (12) inches above the roof.
14. All garages, which are placed either detached, or attached, to the dwelling which they serve and are located on a lot, the front property line of which measures forty (40)feet or more, shall have their openings face the side property line. This provision does not apply to garages Placed to the rear of the Property, or where the garages are an integral part of the residence.

Multiple Residential and office District (R-5) Lots

1. 1 . Lots 280, 305, 306 and 318 of said tract shall be designated multiple family lots, and may be developed to such density (number of Family units) as permitted by the Pueblo County Zoning Resolution in a land use corresponding to requirements of District R-5.

Permanent Open Space Area

1. Parcels A to X 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 said tract it is agreed to change said Conditions in whole or part.

Enforcement of these Conditions shall be by proceedings at law and/or in equity against any person ct pox sons violating or attempting to violate any covenant to restrain violation and/or to recover damages But the breach of any of said Conditions shall not defeat or affect the lien of any mortgage or deed of rust 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 thereto is acquired by foreclosure, Trustee's sale or otherwise.

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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.