

DECLARATION OF PROTECTIVE COVENANTS

UNIT 5

THIS DECLARATION, made this 26th day of April, 1965, 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 that real property shown as Unit No. 5 of "Colorado City" filed of record on March 11, 1965, in Book 1564, pages 703 to 716, inclusive, with the County Clerk and Recorder of Pueblo County, Colorado.

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 and/or users 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 there. in, 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:

AS TO ALL LOTS, SINGLE FAMILY RESIDENTIAL LOTS

1. Unless designated otherwise, all lots are single family residential lots.
2. No main structure shall be permitted whose habitable area, exclusive of open porches, is less than 1000 square feet on ground level.
3. The front building set back line shall vary from 15 to 30 feet. The Architectural Committee shall determine the required set back, based on site conditions and neighboring developments, when plans are submitted as provided herein.
4. The side yard set back line shall be a minimum of six (6) feet from the property line to the building wall. Exception: eaves and other architectural projections may extend to within two (2) feet of the property line.
5. The rear yard set back line shall be 20' from the rear property line to the building wall. No portion of a structure, including eaves or other architectural projections may extend into this set back.
6. Fences may be constructed within the rear 40' of the lot. Out buildings may be constructed within the rear 20' of the lot but not nearer than 30' from any existing residence or from any proposed residence for which plans have been filed with the Colorado City Architectural Committee. The purpose of the fences and out-buildings shall be for the enclosure and maintenance of pets and farm animals which shall be maintained for the use and pleasure of the property owner but shall not be allowed as a commercial enterprise. For the purpose of these restrictive covenants 4-H projects are not considered commercial projects. The total number of all such pets and farm animals shall not exceed four (4) per lot.

Plans for the construction of all fences and accessory buildings shall be submitted to the Colorado City Architectural Committee for approval prior to construction.

SINGLE FAMILY RANCH ESTATES LOTS

1. That lots numbered 604 to 701, 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.

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2. No main structure shall be permitted whose area under roof, exclusive of open porches, is less than 1,500 square feet.
3. The front building set back shall be 20 feet minimum from the access road, or street serving the subject lot.
4. Side yard set back lines for the main structures shall be a minimum of 15 feet from the property line of adjoining ranch estate, single family or multiple family property. Exception: eaves and other architectural projections may extend four (4) feet into this set back.
5. The set back line from open space parcels shall be 20 feet minimum from the property line to building wall. No portion of any structure, including eaves or other architectural projections may extend into this set back.
6. Fences and accessory buildings may be constructed on ranch estate properties. Accessory buildings shall not be constructed nearer than 20 feet to any 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.
7. The purpose of fences and out-buildings shall be for the enclosure and maintenance of pets and farm animals which shall be maintained for the use and pleasure of the property owner, but shall not be allowed as a commercial enterprise. For the purpose of these restrictive covenants 4-H projects shall not be considered commercial projects. Not more than 10 pets and/or farm animals may be maintained on any of these lots.

MULTIPLE FAMILY RESIDENTIAL LOTS

1. That lots numbered: 48 to 51, inclusive 60 to 67, inclusive 79 to 83, inclusive 250 to 257, inclusive 370 to 394, inclusive 493 to 507, inclusive 526 to 556, inclusive and 584 to 603, 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 Pueblo City-County Health Department.
2. The front building set back line shall be 15 foot minimum from the front property line.
3. The side yard set back shall be 5 foot minimum from the property line for each story above grade including the first floor. The Colorado City Architectural Committee may waive side yard set back requirements in special cases where two or more lots are developed as a single project, or where condominium projects are erected. Eaves and other architectural projections may extend three (3) feet into the side yard set back requirements.
4. The rear yard set back for living units shall be twenty-five (25) feet minimum.
5. Fences may be constructed within the rear 40 feet of the lot. Out-buildings may be constructed within the rear 20 feet of the lot, but not nearer than 30 feet from any existing living unit or from any living unit for which plans have been filed with the Colorado city Architectural Committee. The purpose of the fences and out-buildings shall be for the enclosure and maintenance of horses which shall be maintained for the use and pleasure of the persons residing on the property. A maximum of four (4) horses per individual lot shall be allowed.
6. At such time that the Colorado City Water and Sanitation District, or other entity installs sewer mains, these lots may be developed as multi-family lots to a density of one living unit per 1,500 feet of property with a maximum of eight (8) units per lot and may be improved, used and occupied for multiple family residential purposes, together with such accessory buildings as approved by the Architectural Committee.

COMMERCIAL LOTS

1. Lots 702 and 704 shall be reserved for commercial use as approved by the Colorado City Architectural Committee.

SCHOOL, PARK AND PUBLIC USE

1. Lot 703 is reserved for school and/or park site, or other public use.

PERMANENT OPEN SPACE AREA

1. Lots 705 to 750 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.

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SPECIAL PROVISIONS PERTAINING TO ALL MTS

1. All fences shall be unpainted wood, lumber, and the posts and rails shall be made of dimension
2. All buildings, residences and accessory buildings shall have shake shingles on all roofs.
3. That no activity noxious or offensive to the neighborhood shall be conducted or maintained within any building or on any portion of any lot.
4. That no accessory buildings, trailers, barns or other structures not conforming to these covenants shall be maintained on any lot.
5. That no signs, advertising structures may be erected or maintained on any of the residential lots without the consent in writing of the Colorado City 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.
6. That all exterior wood shall be maintained with oil, stain or paint. All exterior stucco, concrete or cement block shall have integral color added or be painted.
7. That no lots in this unit shall be re-subdivided or split without the approval of the Architectural Committee referred to herein.
8. That all television and radio antennas or masts of unusual height or configuration must be approved by the Architectural Committee.
9. That refuse cans and/or clotheslines shall be shielded from view at all times within fenced service yards.

ARCHITECTURAL COMMITTEE

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 Pueblo, 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 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. As to all conditions with the exception of land use, the Architectural Committee shall have the authority to permit architectural and set back variances.

Notwithstanding any provisions herein to the contrary these Conditions may be changed prior to the end of twenty (20) years from the date hereof (except as to land uses) by a vote of the majority of the property owners through the Property Owners' Association as set forth hereinabove.

A breach of any of the Conditions herein contained shall cause said premises together with appurtenances thereto belonging, to be forfeited to and revert to the Declarant, its successors and assigns, each of whom shall have the right of immediate entry upon such premises in the event of such breach, and any such breach may be enjoined, abated or remedied by appropriate proceedings, maintained by any such owners or their successors in interest. But the breach of any of the said Conditions or reentry by reason thereof 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 hereinto by its duly authorized officers on the day and date first stated hereinabove. CITY DEVELOPMENT COMPANY