# *DECLARATION OF PROTECTIVE COVENANTS*

## *UNIT 23*

THIS DECLARATION, made this 9th day of June 1 1969, 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 807 inclusive as shown on Unit 23 of the plat entitled Colorado City, filed of record on May 27, 1969, under Reception Number 377918, Book 1653, Pages 874 to 882 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, 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 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 inure to and pass with said lots and parcels in said tract, and shall apply to and bind the respective successors in interest thereof, and are and each thereof as imposed upon side 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. That 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 and the Pueblo County Zoning Resolution.
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. Exception: This condition shall not apply to birds and fish that are maintained within the home.
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 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.
7. 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 he 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 commence until a building permit has beer obtained from the County of Pueblo Building Department.
8. That no accessory buildings, trailers, mobile homes, barns or other structures not conforming to these covenants shall be maintained on any lot.

9. That no sign, 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 and the Pueblo County Zoning Resolution. Exception: one for sale or for rent sign limited to three (3) square feet in area way be placed on any residential lot.
10. That 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.

***Single Family (R-1)***

1. As to lots numbered I to 109 inclusive, 133 to 327 inclusive, 422 to 468 inclusive, 491 to 628 inclusive and 637 to 807 inclusive, of Unit 23, each shall not be for any use other than "Single Family Residential."
2. No main structure shall be less than 750 square feet of housing area.
3. The Architectural Committee shall determine the required set back, based on site conditions and neighboring development, when plans are submitted as provided hereinabove and as permitted by the Pueblo County Zoning Resolution.

***Single Family (R-1) One-Half Acre Equestrian Oriented Lots***

1. Lots numbered 110 to 132 inclusive; 469 to 490 inclusive; and 629 to 636 inclusive, of Unit 23, shall be designated Single Family (R-I) one-half acre equestrian oriented lots.
2. No main structure shall be permitted whose area under roof is less than 850 square feet.
3. The Architectural Committee shall determine the required set back, based on site conditions and neighboring development, when plans are submitted as provided hereinabove and as permitted by the Pueblo County Zoning Resolution.
4. Fences, walls or hedges on the side yard property lines or rear property line shall be erected or planted only with the prior approval of the Architectural Committee and the Pueblo County Zoning Resolution. 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 which plans have been filed with the Colorado City Architectural Committee.
5. No pets or farm animals shall be maintained on any of said lots as 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 the said lots

***Multiple Family Residential Lots (R-4)***

1- Lots numbered 328 to 379 inclusive, 382 to 396 inclusive, and 399 to 421 inclusive of said tract shall be designated multiple family residential lots, and may be developed, subject to for provisions set forth in Paragraph 4 herein below to such density (No. of family units) as permitted b,), the Pueblo County Zoning Resolution.
2. The front, side and rear yard set back for living units shall he determined by the Architectural Committee and as permitted by the Pueblo County Zoning Resolution.
3. Fences, walls or hedges on the side yard property lines or rear yard property lines shall be erected or planted only with the prior approval of the Architectural Committee and as permitted by the Pueblo County Zoning Resolution.
4. At such times 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 multiple family lots to such density as permitted by the Pueblo County Zoning Resolution, 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 Resolution.

***Commercial Lots (B-1)***

1. Lots 380, 381, 397 and 398 shall be reserved for commercial use as approved by the Colorado City Architectural Committee and the Pueblo County Zoning Resolution.

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***Permanent Open Space Area***

1. Parcels A-H 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 in part.

Enforcement of these Conditions shall be by proceedings at law and/or in equity against any person or persons violating or attempting to violate any covenant to restrain violation and/or recover damages. 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 owner of said premises whose title thereto 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.