Filed for record August 9, 1979 at 2:15 o'clock P. M.
Duly recorded in Book 191, Pages 952, 953, 954 and 955. Addie A. Sim, County Clerk
Ouray County, Colorado
By: Peggy A. Cox, dep

# DECLARATION AND ESTABLISHMENT OF CONDITIONS, RESERVATIONS AND RESTRICTIONS FOR THE DALLAS MEADOWS SUBDIVISION Ouray County, Colorado

DALLAS MEADOWS, INC., a Colorado corporation, Declarant, being the owner of the DALLAS MEADOWS SUBDIVISON, as the same appears on a plat on file in the records of the Ouray County Clerk & Recorder, Reception No. 125957, has established a plan for the improvement and development of the Subdivision and does hereby establish the covenants, conditions, reservations and restrictions upon which and subject to which all lots and portions of such lots shall be improved or sold and conveyed. As of the date of this Declaration, Increments 1 and 2 of the Subdivision have been finally approved by the Board of County Commissioners of Ouray County. This Declaration shall apply to said increments as well as to the lots as yet unapproved. This Declaration shall not, however, be deemed to prohibit Declarant from making minor variations from the plat filed at Reception No. 125957, so long as such variations are finally approved by the Board of County Commissioners of Ouray County. Each and every one of these covenants, conditions, reservations and restrictions is and all are for the benefit of each owner of land in the Subdivision, or any interest therein, and shall enure to and pass with each and every parcel of such Subdivision, and shall bind the respective successors in interest of the present owners thereof. These covenants, conditions, reservations and restrictions are, and each thereof is, imposed upon such lots, all of which are to be construed as restrictive covenants running with the title to the lots and with each and every parcel thereof.

1. COMMUNITY ASSOCIATION: The Declarant has caused to be formed, a Colorado non-profit corporation known as THE DALLAS MEADOWS COMMUNITY ASSOCIATION, hereafter referred to as "The Association". Upon approval of subdivision improvements by the Board of County Commissioners of Ouray County, all common areas, roads, public easements, water systems, and other utilities shall be conveyed by the Declarant, without payment therefor, to the Association. The Association shall then have the responsibility for maintenance of roads, traffic control, general planning within roadway areas, all common community services of every kind and nature required or desired within the Subdivision for the general use and benefit of all lot owners. Each and every lot owner, in accepting a deed or contract for any lot in the Subdivision agrees to and shall be a member of and be subject to the obligations, duly enacted Articles, Bylaws and rules of the Association. In the event of subsequent transfer of any or all improvements to a special district or any governmental entity, such transfer shall be for nominal consideration. The Association shall have the authority to levy annual and/or special assessments, tap fees and use fees against the lots, which assessments and fees shall be the obligation of the owner of the lot and

which fees shall be used for maintenance and operation of the Association and its property. Unpaid assessments and fees shall become a lien against the property and may be enforced in the same manner as a mechanics' lien or in any other manner allowed by the laws of the State of Colorado. The Association shall also have the responsibility for enforcement of the Declaration in the manner set forth below or in any other manner provided by the laws of the State of Colorado.

2. REMEDIES FOR VIOLATION: For violation or breach of any of the sections of this Declaration by any person claiming by, through or under the Declarant, or by virtue of any judicial proceedings, the Declarant, the Association and the lot owners, or any one of them severally, shall have the right to proceed at law or in equity to compel the compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing rights, the Declarant or the Association shall have the right, whenever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the property where such violation exists and summarily abate or remove the same at the expense of the owner, and any such entry and abatement or removal shall not be deemed trespass. The failure to promptly enforce any portion of this Declaration shall not bar their enforcement.

3. SEVERABILITY: The invalidation of any one or more of the sections of this Declaration by any court of competent jurisdiction, shall, in no way, affect any of the other sections, but they shall remain in full force and effect.

4. COSTS OF ENFORCEMENT: Should any party entitled to enforce this Declaration employ counsel to enforce any section hereof, all costs incurred in such enforcement, including a reasonable fee for counsel, shall be paid by the owner of the lot or lots if such enforcement action is ultimately successful. The instigator of such action shall then have a lien upon said lot or lots to secure payment of all such amounts.

5. CONSTITUTION OF ARCHITECTURAL CONTROL COMMITTEE: The Architectural Control Committee shall, initially, consist of the Board of Directors of the Association. The Board of Directors shall, at any time, have discretion to appoint other members of the Association to serve on or as the Architectural Control Committee provided thatthe appointment and service shall be in accordance with the Articles or Bylaws of the Association.

6. EASEMENTS AND ROADS: There are hereby reserved for the purpose of installing and maintaining the utilities and for such other purposes inci-

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cental to the development of the property, the easements shown on the plat on file and referenced in the first paragraph of this Declaration. All claims for damages, if any, arising out of the construction, maintenance and repair of utilities or on account of temporary or other inconvenience caused thereby against the Declarant, or any utility company or any governmental agency, or any of its agents or servants, are hereby waived by the owners. The roads and road rights-of-way in each increment of the subdivision finally approved for sale by the Board of County Commissioners of Ouray County, shall be dedicated to the County of Ouray for the public use. Such dedicated areas shall be available for access, utility installation and maintenance, and such other public purposes as may be necessary for the development of the Subdivision. Such roads and road rights-of-way shall, until accepted by the County for maintenance, be the responsibility of the Association. After County acceptance, the same shall be used and maintained as Ouray County roads.

7. RESIDENTIAL USE: The lots, and each and every one thereof, are intended for single-family residential purposes only. No building or structure intended for or adapted to business purposes, and no apartment, double house, lodging house, rooming house, or other multiple-family dwelling shall be erected, placed, permitted or maintained on the premises or on any part thereof. No more than three (3) separate structures shall be permitted on any lot and only one (1) of these shall be designed or used for residential purposes.

8. CONSTRUCTION REQUIREMENTS: All plans for the construction of private roads and driveways and all building plans for any building, fence, outbuilding, wall or structure to be erected upon any lot, and any changes after approval thereof, and any exterior alterations or additions to any such building, road, driveway or other structure upon any lot, shall require the approval, in writing, of the Architectural Control Committee. The Committee shall not be responsible for any structural defects in any structure on the premises. No residential structure shall be approved by the Committee unless such structure complies with the following minimum requirements:

a. All residential structures must have an enclosed living space, excluding garages, decks, porches and other appurtenances, of at least one thousand (1,000) square feet.

b. No structure shall exceed thirty (30) feet in height from the mean ground level of the structure to the highest point on its roof.

c. All structures shall be placed in such a manner as to con-

stitute the least reasonable interference with views from other lots.

d. No highly reflective roofing materials (for example, silver colored aluminum) shall be used.

e. No structure shall be built in violation of any state or local building code, ordinance or regulation.

The above requirements shall be deemed to be minimum requirements only. The Architectural Control Committee shall have the right to refuse to approve any plans or specifications submitted to it which are not suitable or desirable, in its sole opinion, for aesthetic or other reasons. The Committee shall have the right to consider the suitability of proposed buildings or other structures to be built on the site, the harmony thereof with the surroundings, and the effect of the building or structure on neighboring property. In the event the Committee fails to approve or disapprove plans submitted to it within thirty (30) days, then approval of the Committee shall not be required. The Architectural Control Committee shall operate under procedures established in the Bylaws and Articles of the Association. It is understood that the purpose of this section is to cause the Subdivision to develop into a pleasant, harmonious, private, residential development. The Architectural Control Committee shall not be arbitrary in its decisions but it shall have broad discretion.

9. TEMPORARY AND MOVEABLE STRUCTURES: Mobile homes, trailers, tents, shacks, barns or other temporary buildings of any design whatsoever, are expressly prohibited within the Subdivision, and no temporary residence shall be permitted in unfinished buildings. Modular or prefabricated structures may be placed or erected within the Subdivision only with the specific approval of the Architectural Control Committee. This shall not prevent the erection of a temporary storage building for materials or supplies to be used in the construction of a building and which shall be removed from the premises on completion of the building. This shall also not prevent the owner or occupant of a given lot from storing one (1) camper trailer or motor home on the premises, provided that such camper trailer or motor home shall not, under any circumstances, be occupied while so stored.

10. COMPLETION OF CONSTRUCTION: All construction shall be completed within one (1) year from the issuance of a building permit by the Ouray County Building Inspector. The Association may, due to unforeseen circumstances, grant

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one (1) additional year for such completion.

11. IRRIGATION AND LANDSCAPING: The domestic water system constructed by the developer is not intended to be used for extensive irrigation. Therefore, no lot shall contain more than two thousand (2,000) square feet of lawn or other irrigated area unless irrigated with alternative sources of water. The Board of Directors of the Association may impose more stringent irrigation restrictions.

12. DRAINAGE: All improvements of lots shall be done in a manner which will interfere, as little as possible, with the natural drainage of the property, and all drainage ways shall conform to the requirements of all lawful public agencies, including, but not limited to, the Board of County Commissioners of Ouray County, and the State of Colorado.

13. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS: All individual sewage disposal systems shall be maintained in accordance with Ouray County and State of Colorado statutes, rules and regulations.

14. UTILITY LINES: All electrical, telephone and other utility lines shall be placed underground and no outside lines shall be placed overhead. Exposed exterior radio or television transmission or receiving antennas may be erected to a height of forty (40) feet above ground level. All such antennas must be approved by the Architectural Control Committee.

15. GARAGES AND OUTBUILDINGS: No garage or other outbuilding shall be placed, erected or maintained upon any part of the premises except for use in connection with the residence already constructed or under construction at the time such garage or other outbuilding is so placed or erected.

16. TANKS, ETC.: No elevated tanks of any kind shall be erected, placed or permitted on any part of the premises, provided that nothing herein shall prevent the Declarant or the Declarant's successors from erecting, placing or permitting the placing of tanks and other water system apparatus on the premises for use in conjunction with the water system serving the premises. This restriction shall not limit the use of tanks for propane or fuel oil used in connection with any residence constructed on the premises.

17. FENCES: No fence shall be erected to a height of greater than six (6) feet.

18. SET-BACK LINES: No building, structure or appurtenance of any nature, except fences and hedges, shall be located closer than forty (40) feet to any road right-of-way or closer than twenty-five (25) feet to any other lot line.

19. SIGNS: No billboards, signboards, or unsightly objects of any kind shall be maintained on any parcel except the following signs which shall be permitted:

a. For each dwelling house, one name plate, not exceeding one (1) square foot in area, indicating the name and/or house number of the occupant.

b. One (1) sign of not more than six (6) square feet advertising the property for sale or for rent.

c. Traffic control signs authorized by County or State officials or by the Declarant.

d. Builders who are erecting model homes for resale and not for their own use may construct a sign or signs totalling not more than twenty-four (24) square feet of front surface on any one (1) parcel on which a model home is being erected and such sign may be maintained until said model home has been sold.

20. NUISANCES: No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or will be obnoxious to the eye; nor shall any substance, thing or material be kept upon any lot that will emit foul or obnoxious odors or that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of the surrounding property.

21. LIVESTOCK AND PETS: No swine shall be maintained on the premises. Up to one (1) head of livestock for each full acre of a lot owned by the owner of such livestock, may be maintained on the premises, provided that such livestock shall be maintained in a manner which does not constitute a nuisance. No more than two (2) pets of the customary household variety may be kept on any lot. A reasonable number of domestic fowl may be kept for use of the lot owners only. In no case shall any livestock or animals be kept on the premises for any commercial purpose except that the owner or owners of Lot 21 may, within the other restrictions imposed by this section, maintain cattle for commercial sale. No animals shall be permitted except in fully fenced areas and such animals shall, at all times, be contained on the premises of the owner of such animals. All animal debris shall be collected and disposed of regularly. One (1) barn or other structure to

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house animals may be constructed on each lot but such structure shall be included in the numerical restrictions set forth in Section 7 and shall be subject to all other provisions of this Declaration relating to architectural control and construction of buildings.

22. COMMERCIAL VEHICLES: No commercial vehicles, construction or like equipment, or mobile or stationary trailers of any kind shall be permitted on any lot of the subdivision unless first approved by the Association and kept in a garage or other completed enclosure.

23. ACTIVITIES TENDING TO DRAW A CROWD: No activities shall be permitted on the premises which tend to attract large or unmanageable crowds.

24. MINING AND MINERAL RIGHTS: The Declarant hereby reserves all mineral rights. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, placed or permitted on any part of the premises. No mining activities shall take place on the premises which are inconsistent with the use of the Subdivision for single-family residential purposes and no surface disturbance shall occur related to reserved mineral rights.

25. SUBDIVISION OF LOTS: No lot except Lot 21 shall be resubdivided for any purpose whatsoever. Lot 21 may be resubdivided in the event such resubdivision is approved by Ouray County. This restriction shall not prohibit adjustment of property lines between individual lots for topographic or other unforeseen reasons when such adjustment has been approved by the Board of Directors of the Association and by the appropriate governing body of Ouray County.

26. DURATION: This Declaration shall run with the land and shall be binding on all parties and all persons affected hereby for a period of forty (40) years from the date this Declaration is filed or recorded, after which time the Declaration shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the lots has been recorded, agreeing to change said Declaration in whole or in part.

27. ALTERATION OR AMENDMENT: This Declaration may be altered or amended only by consent of the owners of three-quarters of the subdivision lots, which have been finally approved for sale by the Board of County Commissioners of Ouray County, which alteration or amendment shall become effective only upon recordation, in the Ouray County public records, of a Declaration of Modification or Amendment signed and acknowledged by all such owners.

IN WITNESS WHEREOF, the Declarant has set the hand and seal of the corporation, this 8th day of August, 1979.

SEAL

DALLAS MEADOWS, INC., a Colorado Corporation

By Colleen W. Bertrand
Colleen W. Bertrand, Vice President

STATE OF COLORADO )
) ss.
COUNTY OF OURAY )

The above and foregoing Declaration and Establishment of Conditions, Reservations and Restrictions for The Dallas Meadows Subdivision, was acknowledged before me this 7th day of August, 1979, by Colleen W. Bertrand as Vice President of Dallas Meadows, Inc., a Colorado corporation.

My commission expires 12/10/82.

Susan C. Rahm
Notary Public