

USE AND BUILDING RESTRICTIONS
OF
COLUMBINE VALLEY

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Records of the Clerk and Recorder
Arapahoe County, Colorado

BY-LAWS OF THE
COLUMBINE VALLEY HOMEOWNERS ASSOCIATION

Recorded October 5, 1965, Book 1624, Page 579

Amendment Recorded January 22, 1996,
Page 0001-019

USE AND BUILDING RESTRICTIONS

OF

COLUMBINE VALLEY

Middlefield Development Co., the fee owner of the following described property:

A tract of land in the E ½ of Section 19 and in Section 20, Township 5 South, Range 68 West, 6th P.M., described as follows: Beginning at the Northeast corner of S ½ of SE ¼ of NE ¼ of said Section 19, thence South 89° 52' West along the North line of S ½ of S ½ of NE ¼ of said Section 19, 1387, 95 feet to a point on the Easterly right-of-way of State Highway 75; thence in a Southwesterly direction along said Easterly right-of-way, 1903.1 feet to an angle point in the right-of-way; thence in a Southwesterly direction 215.94 feet along said Easterly right-of-way line to a point on the South line of N ½ of SE ¼ of said Section 19; thence North 89° 50' East, 805.13 feet to the Northeast corner of SW ¼ of SE ¼ of said Section 19; thence South 0° 03' 30" East along the Easterly line of SW ¼ of SE ¼ of said Section 19, 1322.95 feet to a point on the South line of said Section 19; thence North 89° 50' 30" East along said South line of Section 19, 1318.0 feet to the Southeast corner of Section 19; thence North 89° 32' 30" East, 2646.2 feet along the South line of Section 20 to the South quarter corner of said Section 20; thence North 0° 05' 30" West along the North-South center line of Section 20, 1844.5 feet to a point which lies South 0° 05' 30" East 795.5 feet from the center of Section 20; thence in a Northeasterly direction along the center line of the South Platte River, 828.6 feet to a point on the East-West center line of Section 20 which lies North 89° 41' East, 230.0 feet from the center of Section 20; thence North 0° 05' 30" West along the center line of the South Platte River, 660 feet to a point in the center of river and on the North line of S ½ of S ½ of NE ¼ of said section; thence South 89° 41' West, 230.0 feet to a point on the North-South center line of Section 20; thence South 89° 41' West along the North line S ½ of S ½ of NW ¼ of Section 20, 2640.0 feet to the point of beginning; except that part contained in deeds recorded in Book 420, page 497 and in Book 164, page 417, records of Arapahoe County, Colorado; together with all water, ditch, and irrigation rights and privileges belonging or appertaining to, or used in connection with the irrigation of any or all of said land, and particularly all rights evidenced by 1.54 shares of the capital stock of

Last Chance Ditch Co. No. 2 and 20 shares of the capital stock of
The Nevada Ditch Holding Co., included in this conveyance.

The same being the real property now duly platted as "COLUMBINE VALLEY", a subdivision in Arapahoe County, as said plat is now recorded in the office of the Clerk and Recorder in and for the said Arapahoe County, Reception No. 557709, hereby makes the following declaration as to limitations, restrictions and uses to which the lots constituting said subdivisions may be put, hereby specifying that said declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on all parties and all persons claiming under them, and for the benefit of and limitations upon all future owners in said addition, these declaration are designed for the purpose of keeping said addition desirable, uniform and suitable in architectural design on use as herein specified:

1. Lots 2 thru 9 in Block 1 and all of lots in Blocks 2, 3, 4, 5 and 6, excepting those lots numbered as Golf Courses, Lots 1A, Columbine Valley, and Lot 1, Block 1, shall be known and described as residential lots, and all of the following restrictions shall apply to said residential lots.
2. No structure whatever other than one private, single family dwelling together with a private garage for not more than three (3) cars, a guest house, and servant quarters all of masonry and/or frame construction, shall be erected, placed or permitted to remain on any of the lots.
3. No store, office or other place of business of any kind and no hospital, sanitorium, or other place for the care or treatment of the sick or disabled, physically or mentally, nor any theatre, saloon or other place of entertainment, or any church, shall ever be erected or permitted upon any of the lots, or any part thereof, and no business of any kind or character whatever shall be conducted in or from any residence on the lots.
4. The principal dwelling shall have a minimum fully enclosed floor area devoted to living purposes, exclusive of porches, terraces, garage, guesthouse and servant quarters of 1600 square feet.
5. The following building location restrictions shall apply: (a) no structure shall be located nearer than 30 feet to any street property line; (b) no structure shall be located nearer than 15 feet to any side property line; (c) no structure shall be located nearer than 40 feet from the rear property line abutting golf course. For the purpose of this restriction, eaves, steps and open porches shall be considered as a part of the structure. Where the topography or location of the property lines of any lot prevents reasonable construction of the permitted structures within the specified area, the Architectural Control Committee hereinafter described may, by affirmative action, permit a variation from the requirements of this restriction. In no event shall the Committee permit a structure to be located nearer than 15 feet to any property line.

If any dispute arises as to what constitutes a street, rear or sideline, the decision of the Committee shall be final.

6. Wherever possible, the entrance to garages shall be from the side lot lines.
7. No structure shall be erected, altered, placed or permitted on the lots which exceeds in height 20 feet from the highest finished grade line immediately adjoining the foundation of the structure. Structures shall be one story only, except that the Architectural Control Committee shall have the right to approve split-level plans.
8. No lot shall be re-subdivided into smaller lots nor conveyed or encumbered in any less than the full original dimensions as originally conveyed by the Middlefield Development Co. except for public utilities. This restriction shall not prevent the conveyance or encumbrance of adjoining or contiguous lots or parts thereof in such a manner as to create parcels of land in a common ownership having the same or a greater street frontage than the street frontage shown on the plat of Columbine Valley, for any one of the lots, portions of which are so conveyed or encumbered, as shown by the plat of Columbine Valley, or having less area than any one of the lots, portions of which are so conveyed or encumbered. Thereafter, such parts of adjoining or contiguous lots in such common ownership, shall, for the purposes of these restrictions, be considered as one lot. Nothing herein contained shall prevent the dedication or conveyance of portions of lots for public utilities, in which event the remaining portions of the lot shall, for the purpose of this provision, be treated as a whole lot.
9. No building, fence, wall or other structure shall be commenced, erected or maintained, until the plans and specifications, showing the nature, kind, shape, height, materials, floor plans, exterior color scheme, location and approximate cost of such structure and the grading of the lot to be built upon shall have been submitted to and approved by the Architectural Control Committee, hereinafter described, and a copy thereof, as finally approved, lodged permanently with said committee, The Committee shall have the right to refuse to approve any such plans or specifications or grading plan, which are not suitable or desirable, in its opinion, for aesthetic or other reasons, and in so passing upon such plans, specifications and grading plans, it shall have the right to take into consideration the suitability of the proposed building or other structure, and of the materials of which it is to be built, to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of the building or other structure as planned, on the outlook from the adjacent or neighboring property. All subsequent additions to or changes or alterations in any building, fence, wall or other structure, including exterior color scheme, shall be subject to the prior approval of the Architectural Control Committee.

10. No radio, short wave, or television antenna over 3 ft. above highest roofline of the individual residence shall be permitted unless approved by the Architectural Control Committee.

The Architectural Control Committee shall be composed originally of five members selected by the Board of Directors of Middlefield Development Co. In the event of death, incapacity or resignation of a member of the committee, the remaining members shall have full authority to designate a successor. The members of the committee shall not be entitled to any compensation for services performed under this covenant. The committee shall, however, have the authority to use the services of an architect as consultant, and to charge a sum not exceeding \$25.00 for each set of plans and specifications submitted to it for approval to defray the fees of the consultant. The consultant shall not have the right to vote in passing upon the plans and specifications. When 50% of the lots have been sold, the then record owners of a majority of the lots shall have the power through a duly recorded instrument to change the membership of the Committee.

11. No fence, wall or hedge over three feet high shall be constructed or maintained nearer than 40 feet to any property line except from street and right-of-ways where no fences, walls or hedges will be permitted nearer than 30 feet. Landscaping shall be planned in this area so as to avoid undue obstruction of the view of the golf course or adjacent lots.
12. No livestock or poultry shall be kept on any of the lots.
13. No temporary house, trailer, tent, garage, or other out-building shall be placed or erected on the lots, and no dwelling shall be occupied in any manner at any time prior to completion. The work of constructing the dwelling shall be prosecuted diligently from the commencement thereof until completion.
14. With the exception of one "For Rent" or "For Sale" sign (which shall not be over 20 x 26 inches), no advertising signs, billboards, unsightly objects or nuisances shall be erected, placed, or permitted to remain on any lot; nor shall the lots be used in any way or for any purpose which may endanger the health or unreasonably disturb the holder of any other lot.
15. For the purposes of any general plantings within road area, and any other beautification features within Columbine Valley, for the general use, protection, and benefit of all lot owners, each and every lot owner in accepting a deed or contract for any lot in Columbine Valley, agrees to become a member of a mutual improvement and maintenance association which will be organized among Columbine Valley owners, either formally or informally; it being understood that any such association shall be operated and conducted on a strictly cooperative and non-profit basis.

16. No elevated tanks of any kind shall be erected, placed or permitted upon the lots. Any tanks for use in connection with any residence on the lots, including tanks for storage of gas, fuel oil, gasoline or oil, must be buried or kept screened by adequate planting to conceal them from neighboring lots, streets, or from the view of the golf course property.
17. All clothes lines, equipment, service yards, woodpiles or storage piles shall be kept screened by adequate planting so as to conceal them from view of neighboring lots, street, or the golf course property. All rubbish, trash or garbage shall be removed from the lots and shall not be allowed to accumulate and shall not be burned thereon.
18. Middlefield Development Co. reserves easements over or under the surface, or both, required for the installation and maintenance of electric lines, telephone lines, water (domestic and irrigation), sewer (storm or sanitation), gas lines, and other public utilities, with the right to assign the easements. The easements herein reserved have been shown on the plat of Columbine Valley on record in the County Court house, Arapahoe County, Colorado.
19. Middlefield Development Co. shall have the right to further subdivide into lots all that portion of Lot 1 Block 1 as shown on the recorded plat of Columbine Valley, without the consent or approval of any owner, mortgagee or other person, firm or corporation, owning or having any interest in any lot or part of Columbine Valley, nor will the owners of any lots in Columbine Valley have the right to protest against any re-zoning of Lot 1 Block 1.
20. The aforesaid provisions, restrictions and covenants, and each and all thereof, shall run with the land and every part thereof, and shall be binding on all the parties and all persons claiming under them until January 1, 2000 A.D., after which time they shall be automatically extended for a period of twenty-five years, unless an instrument signed by a majority of the then owners of the lots, has been recorded, agreeing to change the same in whole or in part.

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate the aforesaid provision, restrictions, and covenants, either to restrain violation or to recover damages, or both.

Invalidation of any one of these restrictions by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

AMENDMENT

Paragraph 7 is hereby deleted and in lieu thereof, the following paragraph 7 is hereby substituted as follows:

No structure shall be erected, altered, placed or permitted on the lots which exceeds in height twenty-five feet from the highest finished grade line immediately adjoining the foundation of the structure. Structures shall be one story only, except that the Architectural Control Committee shall have the right to approve split-level plans.