

**SUPPLEMENTAL DECLARATION
OAK MEADOWS RANCH**

Filing No. 4B, Phase II

**Portions of Areas I, III, VI and VII
Section 15, T. 7 S., R. 89 W. of the 6th P.M.**

THIS SUPPLEMENTAL DECLARATION, made this 7th day of July, 2005 by OAK MEADOWS DEVELOPMENT CORPORATION, a Colorado Corporation ("Declarant"), is and shall be applicable to Oak Meadows Ranch Filing No. 4B, Phase II, being portions of Areas I, III, VI and VII, Section 15, T. 7 S., R. 89 W. of the 6th P.M., in Garfield County, Colorado as depicted by the Final Plat recorded as Reception No. 677734 in the records of the Clerk and Recorder of Garfield County, State of Colorado.

1. RECITALS

- 1.1 By Resolution No. 76-47 and 76-48 dated the 19th day of July, 1976, the Board of County Commissioners of Garfield County, Colorado (BOCC) approved and zoned Oak Meadows Ranch as a Planned Unit Development ("PUD") according to Plat recorded as Document No. 276561, Garfield County records. Pursuant to such zoning and in accordance with the subdivision documents as hereinafter described, 52 townhouses and detached single-family dwellings were constructed in Areas IV and V utilizing water, sewer, roads and other facilities constructed by Redstone Corporation.
- 1.2 By "General Declaration for Oak Meadows Ranch, Garfield County, Colorado" ("General Declaration") dated January 6, 1977 and recorded in the office of the Clerk and Recorder of Garfield County, Colorado as Reception No. 276560 in Book 492 at Page 894 Redstone Corporation imposed upon the Oak Meadows Ranch Planned Unit Development covenants, conditions and restrictions for the occupation and use thereof.
- 1.3 Oak Meadows Development Corporation ("OMDC"), successor to Redstone Corporation, is the owner of Oak Meadows Ranch, Filing No. 4B, Phase II, being portions of Areas I, III, VI and VII.
- 1.4 OMDC and the Oak Meadows Homeowners Association ("OMHOA") negotiated and signed "Reorganization Documents" as hereinafter described and, pursuant thereto, organized and activated Oak Meadows Service Company ("OMSCO") to own, manage and operate Oak Meadows Water System serving Filing 3 and Oak Meadows Water and Sewer system serving Filing 4.



- 1.5 By the Reorganization Documents, OMDC and OMHOA mutually approved certain changes in the Oak Meadows Ranch Planned Unit Development relating to the undeveloped portion thereof consisting of Areas I, III, VI and VII and including Filing No. 4B, Phase II.
- 1.6 The Second Amended Plat of Area II, Filing 4, a portion of Section 15, T. 7 S., R. 89 W. of the 6th P.M., in Garfield County, Colorado, containing 11 lots in the area called Beaver Court was recorded as Reception No. 317487 in the records of the Clerk and Recorder of Garfield County and is subject to the General Declaration and other provisions applicable to Areas IV and V.
- 1.7 Final Plat of Filing 4B, Phase I, being portions of Areas III, VI and VII, Section 15, T. 7 S., R. 89 W. of the 6th P.M., in Garfield County, Colorado, containing 34 lots, is recorded as Reception No. 602927 in the records of the Clerk and Recorder of Garfield County and a Supplemental Declaration to the General Declaration applicable to Filing No. 4B, Phase I was recorded as Reception No. 601840, Book 1348, Page 263 in the Records of the Clerk and Recorder of Garfield County.
- 1.8 An Amended Final Plat of Native and Active Open Space and Old Midland Right-of-Way was recorded in the records of the Clerk and Recorder of Garfield County as Reception No. 661382, having been reproduced from the boundary and interior areas I, II, VI and VII of Oak Meadows Ranch, Oak Meadows Filing No. 4, filed as Reception No. 276561, Amended Final Plat, Oak Meadows Ranch Filing No. 4B, Phase I, Oak Meadows Filing No. 2 filed as Reception No. 250268 and the "Area of Dedication" as depicted on Amended Plat of Lot 28, Oak Meadows Filing No. 2 as recorded in the office of the Clerk and Recorder of Garfield County, Colorado as Reception No. 660284.
- 1.9 This Supplemental Declaration is applicable to Filing No. 4B, Phase II, including portions of Areas I, III, VI and VII, Section 15, T. 7 S., R. 89 W. of the 6th P.M., in Garfield County, Colorado and is intended to supplement the General Declaration, to implement applicable provisions of the Reorganization Documents and to conform to planning and zoning requirements of Garfield County.

2. DEFINITIONS

- 2.1 Declarant means the Oak Meadows Development Corporation (OMDC), successor in interest to the Redstone Corporation, and any successors or assigns of OMDC.
- 2.2 Common Area or common areas means all real property conveyed to the Oak Meadows Homeowners Association by Declarant, or dedicated by plats

heretofore filed, including areas designated as "Green Belt" or "Green Belt Area" or "Common Open Space" and, as related to Filing No. 4B, shall mean areas within Filing No. 4B conveyed to Oak Meadows Homeowners Association by Declarant in the following categories:

- 2.3 Native Open Space or Green Belt means hillside areas largely undisturbed except for roadways, trails and utility requirements.
- 2.4 Passive Common Space means areas where there are open fields held in common ownership within which there are no active recreational amenities. These areas require periodic maintenance in the form of mowing or weed control and may be traversed by trails, roadways located within Filing No. 4B and maintained for the use, enjoyment and benefit of owners of sites within Filing No. 4B.
- 2.5 Active Recreation Space means areas in Filing No. 4B within which recreation facilities have been constructed, or may hereafter be constructed requiring a disturbance of the earth, including tennis courts, playground structures, playground areas, parking lots to serve the recreation facilities and other facilities subject to approval and regulations by OMHOA with the concurrence of Declarant during the period prescribed by Section 6.4 of the General Declaration. Such recreation facilities are developed for the use and benefit of areas within Filing 3 and Filing 4, Oak Meadows Subdivision, subject to payment by each area of operation, maintenance and replacement costs, or costs of future facilities to be developed on the premises.
- 2.6 Utility Space means areas designated for installation, construction, maintenance and use in providing utility service for the subdivision, including water and sewer. Storage of maintenance equipment for the benefit of the subdivision, and for parking and storage of trailers, boats, recreation vehicles, and other similar uses to be approved by OMHOA for the use and benefit of Filing 3 and Filing 4, Oak Meadows Subdivision.
- 2.7 Neighborhood Budget shall refer to a written estimate of revenues and expenses of each neighborhood cost center within Filing No. 4B together with allocated commons expenses budgeted by OMHOA as the proportionate costs of expenses common to Filing 3 and Filing 4, Oak Meadows Subdivision.
- 2.8 Neighborhood Common Expenses shall mean those expenses which are designated to benefit solely or primarily the owners of lots within each neighborhood cost center. Neighborhood common expenses may be incurred in connection with operating or maintaining neighborhood common areas, or in connection with providing maintenance, insurance, and other services for lots in each neighborhood cost center

- 2.9 Neighborhood Cost Center shall refer to lots with similar characteristics of ownership and maintenance that have been grouped together for purposes of (a) operating and maintaining neighborhood commons areas therein, or (b) providing maintenance, insurance and other services for lots therein, or the owners thereof.

3. SUBDIVISION AND REORGANIZATION DOCUMENTS

3.1 Subdivision Documents

The Subdivision Documents have heretofore been amended as follows:

- 3.1.1 General Declaration, Section 6.4 "Voting of Owners" (recorded in Book 492, Page 903 Garfield County Records) has been amended to provide that:

Each owner shall have one vote. Provided, however, that so long as Declarant is a member of the Association and owns 1/5th or more of the building sites within the Oak Meadows Ranch, said Declarant shall be entitled to elect 3/5ths of the directors of the Association.

3.2 Reorganization Documents

The Reorganization Agreement, (Section 3) as applied to Filing No. 4B, Phase II amends the General Declaration, Section 9.3 "Architectural Control Committee" as follows:

3. *Reorganization Agreement*

- 3.1 *OMDC contemplates development of F4B in separate tracts or parcels in a phased or sequential development. To facilitate construction and to avoid unnecessary architectural review processes, it is agreed that the condition and limitations set forth in Exhibit B attached hereto entitled "Deed Restrictions" shall be applicable, in addition to other conditions stated in the subdivision documents. The deed restrictions as set forth in Exhibit B shall be included in future conveyances from F4B pursuant to 8.17 of the General Declaration.*
- 3.2 General Declaration, Section 9.1 "Approval of All Changes to Property Required" *Declarant contemplates transfer to third parties for pre-approved structures and uses, which will be material inducements for such transfers, for which reason no change in the existing state of property shall be made or permitted, except by Declarant or by the Board of Directors of the Association, acting by and through the Architectural Committee.*



3.3 *Declarant may proceed with development of each specific tract or subdivided parcel in No. F4B provided that such development is in compliance with the General Declaration and the Deed Restrictions and subject to the approval of the Architectural Committee only to the extent required in Section 3.4.2 as hereinafter provided.*

3.4 *Architectural Control Committee.*

3.4.1 *General Declaration, Section 9.3 "Architectural Control Committee" provides that 'The Declarant shall appoint an Architectural Control Committee of not less than three nor more than five persons (which may include members of the Association Board of Directors) to serve at the pleasure of Declarant as an Architectural Control Committee.'*

The above section shall be applied and construed as follows:

3.4.2 *OMDC ratifies and confirms appointments to the Architectural Control Committee heretofore made, including appointment of incumbents, by the Board of Directors of OMHOA, and hereby appoints and confirms to the Board of Directors of OMHOA the right to make future appointments to the Architectural Control Committee subject to the condition that until 4/5ths of No. F4B shall be built out and occupancy permits issued, OMDC reserves the right to approve or to appoint two (2) members of the Architectural Control Committee who shall be empowered to cast a majority vote as to matters coming before such Committee pertaining to structures or conditions in developing tracts in No. F4B, prior to issuance of Certificates of Occupancy; provided that any and all construction in No. F4B shall at all times comply with the Deed Restrictions. Upon issuance of a Certificate of Occupancy as to any structure in No. F4B, the provisions of 9.1 of the General Declaration shall thereafter be applicable and Architectural Control Committee review shall be required.*

3.4.3 *Subject to the right reserved in Section 3.4.2 above, OMDC waives the right to appoint members to the*

Architectural Control Committee, delegating such right to the Board of Directors of OMHOA, and waives the right to apply voting control to any building, structure or application.

3.5 Subject to the above provisions regarding the limitation of Architectural Control Committee review with respect to construction of No. F4B, the owners of subdivided lots or units with No. F4B shall be members of OMHOA. The subdivision documents shall be amended as may be required to carry out the purposes and intent of this Agreement.

4. DEED RESTRICTIONS

4.1 Reorganization Agreement, Deed Restrictions,

The Reorganization Agreement, Exhibit B, Pages 31 and 32 thereof, are confirmed as covenants and conditions applicable to the undeveloped areas of Filing No. 4B, Phase II, as follows:

- 4.1.1 Minimum Size. Single-family unit, 2,000 sq. ft.
- 4.1.2 All measurements shall be on outside foundation walls, not including open porches, garages, or carports or common elements.
- 4.1.3 All structures shall be constructed of either brick, stone, lumber or a combination thereof. The use of cinder blocks shall not be allowed unless it is faced with another material herein approved. Log houses shall not be approved.
- 4.1.4 No structure shall be placed or erected which is, or ever has been, or could be made the subject of a specific ownership tax as now defined in Title 42 of Colorado Revised Statutes, nor shall structures constructed in the fashion and manner as trailers be allowed. Log houses and A-frame structures shall not be allowed.
- 4.1.5 All units (including single-family and multi-family units) shall have 2-car enclosed garages, or equivalent enclosed garage space, which shall be used for vehicle storage and other customary garage purposes, but shall not be used as dwelling or habitation space under any circumstance. In addition, all units shall include within the garage structure a storage area of not less than 80 sq. ft per unit in addition to the standard dimensions of a 2-car garage.

4.1.6 Exterior finishes shall be of natural earth tones or native exterior materials, or such color or combination of colors as shall be approved by the Architectural Control Committee.

5. NEIGHBORHOOD COMMONS EXPENSES

5.1 Neighborhood common expenses shall be segregated for each neighborhood cost center. Neighborhood common expenses shall be allocated equally among the owners of lots in each neighborhood cost center.

6. WILDLAND FIRE PROTECTION

6.1 In order to minimize hazards associated with wildland fires, all construction in Filing No. 4B shall be consistent with the guidelines contained in Colorado State Forest Service publication CSFS #143-691 or subsequent, equivalent publication.

6.2 All roofing materials shall be identified as "Class A" non-combustible materials.

7. WILDLIFE IMPACT MITIGATION

7.1 Residents of the Oak Meadows Subdivision are committed to a policy of mitigating adverse impacts to the elk, deer, and numerous other mammals and birds that use or traverse the subdivision, particularly the commons areas, and to that end have agreed to comply with guidelines established by the Colorado Division of Wildlife including the following requirements:

7.1.1 General Declaration, Section 8.0 "Restriction of Animals" shall be enforced with particular reference to dog control measures, recognizing that dogs chasing or molesting wild animals are subject to being destroyed. The provisions of Resolution No. 99-087 passed by the Garfield County Commissioners concerning dog control is applicable to Oak Meadows and shall comply with the conditions of the Resolution. There is a limit of a single dog per household. The Oak Meadows Homeowners Association is authorized to enforce dog leash and control regulations, including imposition of fines or special assessments for violations, with larger penalties for successive violations and in a worst case, removal of a dog from the area.

7.1.2 Fencing constructed on lots that border the Filing No. 4B boundary shall be "game friendly."

7.1.3 All disturbed areas around the structures shall be re-vegetated. Each property owner shall be responsible for control of noxious weeds on his property.

7.1.4 Trash shall be secured in "bear proof containers.

7.1.5 Pet food shall not be left out where it will attract wildlife.

8. LOT RESTRICTIONS

8.1 Setbacks

8.1.1 Setbacks for Lots 35 – 60 shall be as depicted on the Final Plat, Filing No. 4B, Phase II, recorded in the Records of the Clerk and Recorder of Garfield County.

8.1.2 ACC may allow variance from setback requirements where necessary or desirable, based on consideration of lot size, terrain, drainage, view plane and design features.

8.2 Building Height

Maximum building height shall not exceed 25'.

8.3 Lot Restrictions

8.3.1 Lot 36. The drainage control structure on the west side of Lot 36 may be altered, upon approval by ACC, so long as such alteration affords equivalent protection to Lots 36 and 47. The drainage easement shall not exceed the dimensions of the drainage control structure.

8.3.2 Lots 42 and 43. The 20' roadway between Lots 42 and 43 may be used as a private driveway accessing lots 42 and 43 from Old Midland Spur; and otherwise only or emergency access, and shall at all times remain open as an emergency way.

8.3.3 Lots 47 and 48. No through street or way shall be constructed on Lots 47 and 48 between Old Midland Spur and Silver King Court.

8.4 Fireplaces

No open hearth solid fuel fireplaces shall be allowed. One (1) new solid-fuel burning stove as defined by C.R.S. §25-7-401, et seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed in unrestricted number of natural gas burning stoves and appliances.

8.5 Lighting

Exterior lighting shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the subdivision to prevent glare on adjacent properties, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

8.6 Foundations

All foundations shall be designed by a qualified registered engineer in accordance with the recommendations in the engineering report done by Hepworth-Pawlak Geotechnical, Inc., April 15, 1998, Job #196 420, and any subsequent analysis of the area. Engineered designs will be submitted with each building permit application.

9. ARCHITECTURAL CONTROL COMMITTEE

9.1 Amendment to General Declaration

The General Declaration, (Section 10.6, concerning Limited Liability) shall be amended by the addition of the following provisions:

9.1.1 Neither Declarant OMDC, OMHOA, the ACC, nor any officer, member or representative thereof shall be liable in damages to any person submitting requests for approval by reason of any action or failure to act in regard to any manner within its jurisdiction.

9.1.2 Notwithstanding any other provision hereof, neither Declarant, its officers or agents, nor the ACC, shall be responsible for:

- 9.1.2.1 determining that any construction or construction documents conform to applicable building codes, zoning or other land use regulations;
- 9.1.2.2 the accuracy or content of any construction documents or specifications prepared by any architect, engineer, or other person;
- 9.1.2.3 construction means, methods, techniques, sequences or procedures, safety precautions or subsequent loss, damage or failures due to soil or any other natural or man-made conditions that may exist; or
- 9.1.2.4 any failure to carry out any construction in accordance with plans and specifications.

