

## B. PROTECTIVE COVENANTS

TO WHOM IT MAY CONCERN:

### PART A. PREAMBLE

On the dates set forth opposite the signatures contained herein for the purpose of protecting the present and future property values of all the real property located within Tracts 39 and 40 and Flume Placer Claim being a portion of Section 10 and 15 in Township 11 South, Range 72 West of the 6th P. M. in the County of Park and State of Colorado, as is more particularly described on Exhibit 'A' which is attached hereto and Included herein by reference, the undersigned who are the owners of said real property hereby make the following declaration as to restrictions, covenants and limitations on the use of said property.

### PART B. PROTECTIVE COVENANTS

B-1 There shall be no more than thirty-two (32) total individual residential tracts within the said area.

B-2 There shall be no subdivision of the common land, which is owned by the Flume Placer Civic Association.

B-3 The improvements located on each of the thirty-two residential tracts within the said area shall be limited to one permanent<sup>1</sup> non-vehicular<sup>1</sup>, single family dwelling unit, and such ancillary buildings as are commonly associated with a single family dwelling unit.

B-4 All habitations shall conform to the Park County Sanitary Code and any new construction shall conform to the Park County Building Code

B-5 No property shall be used for commercial or industrial purposes except for the growing and removal of hay.

B-6 It is mutually agreed upon that the road providing ingress and egress within the area described in Part A which is commonly known as the Landis Ranch Estates from the presently existing County Road to the various tract entrances, shall remain as presently located. And, although Parts of the said road may be presently located on and across several of the thirty-

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<sup>1</sup> Non-vehicular shall mean; No mobile homes, no modular homes. Any pre-constructed or pre-fabricated homes of any kind must have the approval of the Board of Directors of the Flume Placer Civic Association, Inc. before construction can begin.

two residential tracts, it is agreed that the present road location shall remain as it is presently located without objection or closure on the part of any tract Owners. Minor road relocation, provided that said relocation does not result in any greater encroachment on any individual residential tract than presently may exist, for the sole purpose of improved maintenance or for safety reasons can be made without violating this covenant.

B-7 The flowing water course, now designated as the Tarryall River, throughout its course within the above-described real property, together with a strip of land on each side of the water course, which strips of land shall each be 40 feet wide as measured from the water's edge perpendicular to the direction of the water course, are designated as common fishing and recreational areas and all property owners, their heirs, and assigns affected thereby do by these covenants grant a fishing and recreational easement for personal ingress and egress over the property subject to the easement.

**PART C. GENERAL PROVISIONS**

These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive period of ten years unless an instrument is signed by the then owners of the majority of the tracts located within said Tracts 39 and 40 and Flume Placer Claims Nos. 1 and 2 being a portion Section 10 and 15 In Township 11 South Range 72 West of the 6th P.M., In the County of Park, State of Colorado, has been recorded agreeing to change said Covenants in whole or in part; provided, however, that at any time hereafter the then owners of two-thirds of the Tracts may change, alter or amend these Protective Covenants in whole or In part by recording an instrument signed by said owners and setting forth said changes and amendments.

To change covenants

Enforcements shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violations or to recover damages.

Teeth

Invalidation of any one of these covenants by judgment or Court order shall In no wise affect any of the provisions which shall remain in full force and effect.

This declaration of protective covenants may be executed In counterparts, and said counterparts shall have the legal effect of duplicate originals, and at such time as all owners have

Could have diff docs signed. Still one doc.



## LEGAL DESCRIPTION:

The West half of the West half of Section 10, Township 11, South, Range 72 West of the 6th Principal Meridian (Now known and designated as TRACT 39),  
The Southeast quarter of the Southwest quarter of Section 10,  
The Southwest quarter of the Northeast quarter and the East half of the Northwest quarter of Section 15, Township 11: South, Range 72 West of the 6th Principal Meridian (Now known and designated as TRACT 40).

Also the Flume Placer, Survey No.11972, being a Portion of the West half of the Northwest quarter of Section 15, Township 11 South, Range 72 West of the 6th Principal Meridian, Park County, Colorado.

EXCEPT a part of the Flume Placer Tract "A" Survey 11972 and a part of Tract 40 a patented survey being a part of Sections 10 and 15, Township 11 South, Range 72 West of the Sixth Principal Meridian, County of Park, State of Colorado being more particularly described as follows:

Commencing at the Northeast corner of the. Flume Placer Tract "A"; thence South  $02^{\circ} 32' 56''$  West a distance of 1169.10 feet to the true point of beginning being also a corner on the West boundary of Parcel E--67; thence South and Easterly along the boundary of said parcel for the following five courses:

- |     |       |                       |                           |      |
|-----|-------|-----------------------|---------------------------|------|
| 1.) | South | $03^{\circ} 23' 50''$ | East a distance of 162.47 | feet |
| 2.) | South | $29^{\circ} 58' 25''$ | East a distance of 487.80 | feet |
| 3.) | South | $45^{\circ} 33' 45''$ | East a distance of 91.44  | feet |
| 4.) | North | $84^{\circ} 27' 45''$ | East a distance of 367.34 | feet |
| 5.) | North | $10^{\circ} 49' 25''$ | East a distance of 127.78 | feet |

Thence along the South line of an access road for the following. five courses:

- |     |       |                         |                           |                        |
|-----|-------|-------------------------|---------------------------|------------------------|
| 1.) | South | $66^{\circ} 09' 53''$   | East a distance of 421.13 | feet                   |
| 2.) | South | $62^{\circ} 37' 06''$ , | East a distance of 72.34  | feet                   |
| 3.) | South | $75^{\circ} 08' 04''$   | East a distance of 218.64 | feet                   |
| 4.) | South | $66^{\circ} 57' 15''$   | East a distance of 137.72 | feet                   |
| 5.) | South | $48^{\circ} 52' 00''$   | East a distance of 176.41 | feet to a point on the |

North line of an access easement to the Tarryall River.

Thence along said access easement the following 11 courses:

- |      |       |                           |                            |       |
|------|-------|---------------------------|----------------------------|-------|
| 1.)  | North | $79^{\circ} 55' 50''$     | West a distance of 394.53  | feet  |
| 2.)  | South | $48^{\circ} 28' 06''$     | West a distance of 241.23  | feet  |
| 3.)  | South | $04^{\circ} 27' 58''$     | West a distance of 85.66   | feet  |
| 4.)  | South | $84^{\circ} 01' 50''$     | West a distance of 159.43  | feet. |
| 5.)  | North | $75^{\circ} 55' 15''$ ..: | West a distance of 275.80  | feet  |
| 6.)  | North | $44^{\circ} 51' 42''$     | West a distance of 219.55  | feet  |
| 7.)  | North | $74^{\circ} 37' 167'$     | West a distance of 168.26  | feet  |
| 8.)  | North | $55^{\circ} 58' 5s''$     | West a distance of 483.36  | feet  |
| 9.)  | North | $19^{\circ} 02' 00''$     | West a distance of 196.39. | feet  |
| 10.) | North | $15^{\circ} 24' 39''$     | West a distance of 152.04  | feet  |
| 11.) | North | $12^{\circ} 02' 42''$     | East a distance of 326.67  | feet  |

Thence North  $53^{\circ} 25' 53''$  East a distance of 96.17 feet; thence South  $39^{\circ} 24' 05''$  East a distance of 58.08 feet; thence South  $08^{\circ} 09' 02''$  East a distance of 92.07 feet to the true point of beginning,

AND EXCEPT a Part of Tract 40 a Patented survey and part of Tract B of Survey 11972 of Flume Placer being a part of Section and 15, Township 11 South, Range 72 West of the Sixth Principal Meridian, County of Park, State of Colorado being more Particularly described as follows:

Commencing at Corner No. 3 of said Tract 40; thence South  $82^{\circ} 19' 43''$  East a distance of 543.52 feet; thence South  $82^{\circ} 20' 12''$  East a distance of 106.27 feet to the true Point of beginning; thence North  $07^{\circ} 40' 17''$  East a distance of 101.28 feet; thence North  $22^{\circ} 31' 02''$  West a distance of 308.86 feet to a Point on the South line of an access easement to the Tarryall River; thence along the South line of said access easement the following eight courses:

- |     |       |                       |                           |                          |
|-----|-------|-----------------------|---------------------------|--------------------------|
| 1.) | South | $75^{\circ} 55' 15''$ | East a distance of 300.54 | feet                     |
| 2.) | North | $84^{\circ} 01' 50''$ | East a distance of 184.23 | feet to a point of curve |

- 3.) Along the arc of said curve to the left having a Delta of  $79^{\circ} 33' 52''$ , a radius of 140.00 feet, a distance of 194.41 feet to a point of tangent
- 4.) North  $04^{\circ} 27' 58''$  East a distance of 29.09 feet
- 5.) North  $48^{\circ} 28' 06''$  East a distance of 116.99 feet
- 6.) South  $79^{\circ} 55' 50''$  East a distance of 308.26 feet
- 7.) South  $01^{\circ} 23' 40''$  East a distance of 174.25 feet
- 8.) South  $49^{\circ} 43' 41''$  East a distance of 91.04 feet to a point on the

West line of a 60.00 foot access easement

Thence South  $40^{\circ} 16' 19''$  West along said West line a distance of 50.00 feet to a point on curve being on the North right of way line of County Road No. 77 said Point bears South  $40^{\circ} 16' 19''$  West a distance of 193.75 feet to the center of said curve; thence along the arc of said curve to the left having a Delta of  $92^{\circ} 27' 13''$ , a radius of 193.75 feet, a distance of 312.65 feet to a point of tangent; thence along the

Northwesterly right-of-way line of said County Road No. 77 South  $37^{\circ} 49' 06''$ . West a distance of 343.99 feet; thence North  $82^{\circ} 20' 12''$  West along the South line of said Tract 'B', a distance of 444.47 feet to the true point of beginning.

AND EXCEPT a part of Tract 40 a patented survey being a part of Sections 10 and 15, Township 11 South, Range 72 West of the Sixth Principal Meridian, County of Park, State of Colorado being more particularly described as follows:

Commencing at Corner No. 2 of Tract 42 said point also being the true point of beginning; thence South  $89^{\circ} 47' 31''$ . West a distance of 17.20 feet to a Point on the southeasterly right-of-way line of County Road No. 77; thence along the South right-of-way line of said County Road No. 77 the following three courses:

- 1.) North  $37^{\circ} 49' 06''$  East a distance of 106.74 feet to a point of curve
- 2.) Along the arc of said curve to the right having a Delta of  $108^{\circ} 56' 05''$ , a radius of 83.62 feet, a distance of 187.51 feet to a point of tangent
- 3.) South  $33^{\circ} 14' 49''$  East a distance of 91.14 feet on the South line of Tract 40 to a point.

Thence South  $89^{\circ} 38' 20''$  West a distance of 258.61 feet to the true point of beginning,

AND EXCEPT a part of Tract 39 a Patented survey of the Amended Supplemental Plat of Sections 4, 5, 6, 8, 10, 15, 16, 30, and 31 Independent Resurvey, Township 11 South, Range 72 West, of the 6<sup>th</sup> Principal Meridian being within the County of Park, State of Colorado, more particularly described as follows:

Commencing at Corner Number 3 of said Tract 39; thence North  $1^{\circ} 49' 00''$  West along the line between Corner Number 2 and Corner Number 3 a distance of 1072.94 feet to the true point of beginning; thence continuing North  $1^{\circ} 49' 00''$  West along the aforementioned line a distance of 736.92 feet; thence North  $70^{\circ} 48' 40''$  East a distance of 201.02 feet; thence South  $29^{\circ} 06' 55''$  East. 41.58 feet West of and parallel to the West line of a 6.18 acre Manhoff Tract a distance of 229.81 feet to a point of curve; thence along the arc of curve right having a Delta of  $25^{\circ} 34' 17''$  a radius of 200.00 feet a distance of 89.64 feet to a point of tangent; thence South  $3^{\circ} 32' 38''$  East distance of 317.54 feet to a point of curve said point of curve being 60 feet West of and parallel to Parcel A of Landis Ranch Estates; thence continuing 60 feet West of and parallel to said Parcel A the following 3 courses:

- 1.) Along the arc of curve right having a Delta of  $21^{\circ} 17' 43''$  a radius of 209.35 feet a distance of 77.81 feet to a point of tangent
- 2.) South  $17^{\circ} 45' 05''$  West a distance of 45.96 feet to a point of curve
- 3.) Along the arc of curve left having a Delta of  $38^{\circ} 03' 43''$  a radius of 215.05 feet a distance of 142.86 feet to a point being 40 feet North and at right angles to the North line of Tract 14 of Landis Ranch Estates;

Thence North  $78^{\circ} 38' 00''$  West parallel to the North line of said Tract 14 a distance of 308.42 feet to the true point of beginning,

AND EXCEPT portions conveyed in the following books and pages:

<u>BOOK</u>	<u>PAGE</u>
147	285
150	547
236	261
217	356