AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: First Amendment to the Declaration of Protective C

Action Requested:

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

The Vista Business Park is requesting an approval to amend their POA covenants

Fiscal Impact:

Submitted by: Beth Baker **Submitter's Email Address:** bbaker@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 4/13/17

Reveiwed by: Discharge Date: 4/13/2017 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 4/13/2017

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 4/18/2017

Revised April 2015

April 11, 2017

Vista Business Center Owners Association has applied to amend their Protective Covenants, which were recorded April 22, 2016, at Reception No. 639022, in the Gunnison County Clerk and Recorders office.

They have requested an amendment to Section 5.6.1 which addressed changes to the materials allowed on the exterior of the structures.

They have requested an amendment to Section 5.6.3 which addressed changes to materials allowed on the roofs of the structures.

The minor changes have been reviewed and approved by County Attorney, David Baumgarten.

You may review the application and changes on our website using the link;

http://204.132.78.100/citizenaccess/

- Click on public access
- Click on projects
- Click on application number
- Use application number LUC-17-00011
- Click on attachments
- View

If you have any questions or comments please call.

Thanks,

Beth Baker
Gunnison County Community Development

First Amendment to the Declaration of Protective Covenants
for Vista Business Center

Recitals

Whereas, the Declaration for Protective Covenants for Vista Business Center ("Declaration") was recorded April 22, 2016, in the real property records of Gunnison County as Reception No. 639022; and

Whereas, Section 13.4 of the Declaration provides that the Declaration may be amended by vote or agreement of Owners to which at least sixty-seven percent (67%) of the votes in the Association are allocated, provided that the amendment is also approved by the Board of County Commissioners and placed of record in the office of the Clerk and Recorder of the County of Gunnison, Colorado; and

Whereas, the Colorado Common Interest Ownership Act (the "Act") provides that this amendment must be indexed in the grantee's index in the name of the common interest community and the association and in the grantor's index in the name of each person executing the amendment; and

Whereas, the Act provides that amendments required to be recorded by the association shall be prepared, executed, recorded, and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association; and

Whereas, the undersigned owners desire and agree to amend the Declaration in accordance with this First Amendment; and

Whereas, the undersigned owners hold 100% of the votes in the Association.

Amendment

Now, therefore, the Declaration is amended as follows:

> Section 5.6.1 shall read in its entirety: All buildings shall have unobtrusive, primarily muted earth tone colors and materials that blend, rather than compete with the surrounding natural terrain and environment. Native stone, board and batten, lap siding, plank and chink, log and rusted metal, and non-reflective metal are preferred exterior materials. Transparent polycarbonates or similar material for use with green houses are acceptable. No exterior walls shall consist of T-111 or any similar material, composition shingles, reflective metal, vinyl, or unfinished block. Exterior treatments shall avoid monotonous or overbearing visual impacts.
>
> Section 5.6.3 shall read in its entirety: Roof material and design shall be approved by the ARB in accordance with the design guidelines. No brightly colored reflective roofs are

allowed. Subdued earth tones are preferred. For fire protection purposes, roof materials shall be made of noncombustible "class A" materials, and pitched roofs are encouraged.

This amendment shall be indexed as follows:

Grantee's index:
Vista Business Center
VBC Owners Association

Grantor's index:
VBC Owners Association
Link, LLC
Curtiss - Krill LLC
Board of County Commissioners of Gunnison County, Colorado.

Certification by the Association:

VBC Owners Association, a Colorado non-profit corporation

By: _____
Hal Hearne, President

STATE OF COLORADO)
)
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this 17 day of February, 2017, by Hal Hearne, President of VBC Owners Association, a Colorado non-profit corporation. Witness my hand and official seal. My commission expires: 7/21/2017

Mary Jo Marvel

MARY JO MARVEL
Notary Public
State of Colorado
Notary ID 20054028754
My Commission Expires Jul 21, 2017

Approval of the Owners:

Link, LLC, a Colorado limited liability company

By: _____
Hal Hearne, President

STATE OF COLORADO)
)
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this 17 day of February, 2017, by Hal Hearne, President of Link, LLC, a Colorado limited liability company. Witness my hand and official seal. My commission expires: 7/21/2017.

Mary Jo Marvel
Notary Public

MARY JO MARVEL
Notary Public
State of Colorado
Notary ID 20054028754
My Commission Expires Jul 21, 2017

Curtiss - Krill LLC, a Colorado limited liability company

By: _____
Steven Curtiss, Manager/Member

By: _____
Gaynelle Curtiss, Manager/Member

STATE OF COLORADO)
)
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this 16 day of February, 2017, by Steven Curtiss and Gaynelle Curtiss, as Managers / Members of Curtiss - Krill ~~LLC~~, a Colorado limited liability company. Witness my hand and official seal. My commission expires: 7/29/2018.

Brenda L Archer
Notary Public

BRENDA L ARCHER
Notary Public
State of Colorado
Notary ID 20024020716
My Commission Expires Jul 29, 2018

Approval of the Board of County Commissioners:

The foregoing First Amendment to the Declaration of Protective Covenants for Vista Business Center was approved by the Board of County Commissioners of Gunnison County, Colorado, on the _____ day of _____, 2017.

Phil Chamberland, Chairperson	John Messner, Commissioner	Jonathan Houck, Commissioner

Attest: _____

Gunnison County Clerk & Recorder