



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

RESOLUTION NO. 16- 41

A RESOLUTION APPROVING THE FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS LARKSPUR

WHEREAS, the Declaration of Protective Covenants Larkspur ("Protective Covenants"), recorded at Reception No. 568253 of the records of the Clerk and Recorder of Gunnison County provides, at Article XVIII, Amendment, that the Protective Covenants shall not be amended except with the written consent of the then owners of seventy-five percent of the lots and tracts within the subdivision and the written consent of the Board of County Commissioners of Gunnison County, Colorado; and

WHEREAS, the First Amendment To Declaration Of Protective Covenants Larkspur ("First Amendment"), a copy of which is attached hereto as Exhibit A, has been duly approved by the written consent and affirmative vote of the record owners of at least seventy-five percent of the lots within the subdivision; and

WHEREAS, the Board of County Commissioners has no objection to the First Amendment;

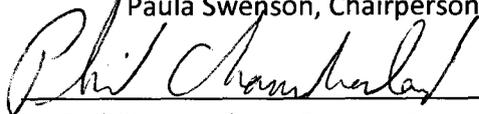
NOW, THEREFORE, the Board of County Commissioners of Gunnison County, Colorado resolves, approves, and provides this written Resolution Approving The First Amendment To Declaration of Protective Covenants Larkspur.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 4th day of October, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**



Paula Swenson, Chairperson



Phil Chamberland, Commissioner

Attest:



Deputy County Clerk





Jonathan Houck, Commissioner



Ex. A



FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS
LARKSPUR

THIS FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR LARKSPUR (this "First Amendment") shall be effective upon recordation and is made and adopted by the Larkspur Community Association, a Colorado nonprofit corporation (the "Association") upon the written consent and affirmative vote of the record owners of at least 75% percent of the lots within the subdivision and the written consent of Gunnison County, Colorado. This First Amendment amends the Declaration of Protective Covenants Larkspur as recorded in the real property records of Gunnison County, Colorado at Reception No. 568253 (the "Declaration").¹

The Declaration is amended as follows:

1. Article II, Section 1.3 of the Declaration is hereby revoked and replaced with the following:

Section 1.3 Common Interest Community. LARKSPUR is a common interest community and planned community within the meaning of the Colorado Common Interest Ownership Act ("CCIOA") and is entirely located within Gunnison County, Colorado. Larkspur is fully subject to CCIOA, shall comply with its provisions, and the Association shall have all powers enumerated thereunder for associations. Any provision or portion of a provision in this Declaration that is contrary to CCIOA shall be interpreted and applied in such a manner as to be fully compliant with CCIOA and as close as possible to the original intent of the provision or portion thereof. Common expenses of Larkspur Community Association shall be allocated as follows: (i) to the Owners of an essential unit and essential lot a share equal to 50% of the share of common expenses allocated to the Owner of a lot or unit that is not an essential lot or unit, and (ii) to the Owner of a lot or unit that is not an essential lot or unit, one full share, with a share equaling such percentage as is necessary, when taking into account the 50% reduced shares owed by Owners of essential lots and units, for the total of all shares to equal 100%. To the extent no other method of notice for an owner is identified, notice may be given to Owners by: (i) posting of notice in three conspicuous locations in LARKSPUR, (ii) mailing notice by first class mail to the most recent address of the Owner as identified on the Gunnison County Assessor's website, or (iii) email for those Owners that have provided an email address to the Larkspur Community Association or have otherwise used an email address to converse with the Larkspur Community Association.

2. Article VI, Section 8 of the Declaration regarding signs, shall be amended to add the following:

¹ Capitalized terms used herein but not otherwise defined herein shall have the meaning set forth in the Declaration.

