AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: First Amendment; Declaration of Protective Covenan

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

First Amendment to Declaration of Protective Covenants - Aperture

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 11/16/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 11/16/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/16/2018

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

Agenda Date: 11/20/2018

Revised April 2015

FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS APERTURE

This First Amendment to Declaration of Protective Covenants Aperture (this "First Amendment") amends that certain Declaration of Protective Covenants Aperture recorded on August 1, 2017 at reception number 648055 of the real property records of Gunnison County, Colorado (that "Original Declaration"). Pursuant to Article 10, Section 2 of the Original Declaration, the owners of two-thirds of the Lots[1] voted in favor of such amendment at a duly called and properly noticed meeting of the membership as certified by the Secretary of the Association below. This First Amendment shall be indexed in the grantee's index in the name of Aperture and in the name of Aperture Homeowners Association, Inc., a Colorado nonprofit corporation. This First Amendment shall be indexed in the grantor's index in the name of Aperture Homeowners Association, Inc.

This First Amendment hereby amends and restates Article 8, Section 2, paragraph E. of the Original Declaration to state:

> E. No roof shall contain untreated cedar wood shake shingles or other combustible roofing material. All roofs shall be pitched. No A-frames, geodesic domes, or yurts shall be allowed, even temporarily.

Except as set forth above with respect to Article 8, Section 2, paragraph E. of the Original Declaration, the provisions of the Original Declaration are not amended by this First Amendment and remain in full force and effect.

Executed this 24 day of September, 2018.

Aperture Homeowners Association, Inc.,
a Colorado nonprofit corporation

By: _____
Brian Parro, its President

SECRETARY CERTIFICATION: The undersigned, being the Secretary of Aperture Homeowners Association, Inc., a Colorado nonprofit corporation, does hereby certify that owners of two-thirds of the Lots voted in favor of such First Amendment at a duly called and properly noticed meeting of the membership.

Certified this 24 day of September, 2018.

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

Aperture Homeowners Association, Inc.,
a Colorado nonprofit corporation

By: _____
Cameron Aderhold, its Secretary

STATE OF ~~COLORADO~~ Texas)
) ss.
COUNTY OF ~~GUNNISON~~ Dallas)

The foregoing instrument was acknowledged before me this 24 day of September, 2018 by Cameron Aderhold as Secretary of Aperture Homeowners Association, Inc., a Colorado nonprofit corporation.
Witness my hand and official seal.
My commission expires: 11-20-18

_____
Notary Public

LAURIE L. HUGHES
My Notary ID # 6275797
Expires November 20, 2020

APPROVAL OF APERTURE SUBDIVISION
FIRST AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS APERTURE

APERTURE HOMEOWNERS ASSOCIATION, INC.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted on this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Phil Chamberland,
Chairperson

ATTEST:

_____
Gunnison County Clerk and Recorder