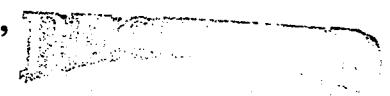


**FIRST AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS
UNIT NUMBER ONE, TWO, THREE AND FOUR
STEAMBOAT LAKES SUBDIVISION**


NOV 30 2001
KLAUZER & TREMAINE

THIS DECLARATION is made this 18th day of November, 1971, by Steamboat Lakes Development Co., a Colorado Corporation, hereinafter referred to as the "Developer," and as amended and restated by majority vote of the members of the Steamboat Lake Association, Inc., effective the 18th day of November 2001.

WITNESSETH;

WHEREAS, the Developer is the owner of all of the lands contained in the area known as the "Steamboat Lakes Subdivision, Unit Numbers One, Two, Three and Four," being a Subdivision of Routt County, Colorado, as shown and described on the plats thereof recorded under _____ in the Office of the Recorder of Deeds for the County of Routt, State of Colorado; and

WHEREAS, Developer is about to sell and convey lots situated within said Steamboat Lakes Subdivision, Unit Numbers One, Two, Three and Four hereinafter referred to as the "Development" and before doing so, desires to subject and impose upon the Development mutual and beneficial restrictions, covenants, conditions, easements, liens and charges, hereinafter referred to as the "Restrictions" for the benefit and complement of all of the lots in the Development and the future owners thereof.

NOW, THEREFORE, the Developer declares that the real property located within the Development shall be held, conveyed, hypothecated or encumbered, leased, rented, used occupied and improved, subject to the following Restrictions, all of which are declared and agreed to be in

furtherance of a common plan for improvement of the Development, established by the Developer for the purpose of enhancing and protecting the value, desirability and attractiveness of the Development as a whole and of each lot and parcel situated therein. All of these Restrictions shall run with the land and shall be binding upon the Developer and upon all parties having or acquiring any right, title or interest in and to the real property or any part or parts thereof. (Such persons being sometimes hereinafter referred to as "Owners.") The Developer specifically reserves unto itself the right and privilege, prior to the sale by it of the particular lot or tract of land concerned therewith, to designate any such lot or tract of land within the development as being commercial in character; and, where necessary, to apply to the necessary governmental body for such commercial classification or zoning.

1. Green Belt Preservation.

The use of the following described land shall be restricted to green belt area for the enjoyment and protection of all the owners of record of this subdivision; which use may not be changed without the review and approval of the then members of the Routt County Board of Commissioners. Said consent shall be given in accordance with the rules and procedures adopted by said county. Said green belt areas are described as:

- A. Lot Number 132, Unit No. 1, Recorded as Reception Number 229086, October 7, 1971.
- B. Parcel A, B, and C, Unit No. 2
- C. Parcel A, B, C and D, Unit No. 3.
- D. Parcel A, B and F and Lot C, D and E, Unit 4

2. Residential Character of the Development.

- A. In General. Every numbered lot in the Steamboat Lakes Development, Unit Number One, Two, Three and Four, unless it is otherwise designated by the developer, is a residential lot

and shall be used exclusively for single family residential purposes. No structure shall be erected, placed or permitted to remain upon any of said lots, except a single family dwelling house and such out buildings as are usually accessory to a single family dwelling house. No structure shall be occupied until central water and sewer by the Steamboat Lake Water & Sanitation District has been provided or until a useable well and septic system has been installed on five-acre or larger parcel, in accordance with Routt County regulations.

B. Residential Use of Accessory Out Buildings, etc. Prohibited. No necessary out buildings shall be erected on any of said lots prior to the erection thereon of a single family dwelling house, and in no event any such accessory out building, or any temporary structure which may be constructed upon such lot under these restrictions ever be used as a residence or dwelling house or place for human occupancy or habitation.

C. Occupancy or Residential Use of Partially Completed Dwelling Houses Prohibited. No dwelling house constructed on any of said lots shall be occupied or used for residential purpose or human habitation until it shall have been substantially completed. The determination of whether or not a house shall have been "substantially completed" shall be determined by final inspection of Routt County.

3. Restrictions Concerning Size and Placement of Dwelling Houses and Other Structures and the Maintenance Thereof.

A. Minimum Living Space Areas. No dwelling shall be constructed on any lot in the Development having less than the following minimum square footages of living space, exclusive of porches, terraces, garages, carports and other buildings:

No house or dwelling shall be constructed having less than 750 square feet of living space on a lot with less than five acres. In the case of one-story houses, all 750 square feet of living space shall be situated on the first floor of said house. In the case of multi-story

houses, there shall be a minimum of 750 square feet of living space on the first floor. In determining the amount of square footage contained within a house, there shall not be taken into consideration any area which is wholly or substantially below ground level.

B. Set-Back Requirements.

(a) In General. Except as may be otherwise provided in these restrictions or on the Plat, no dwelling house or above grade structure shall be constructed or placed on any numbered lot in the Development (except fences, the placement of which is provided for hereinafter) except as follows:

- (i) Front Yards – The front building set-back line shall be equal to one-half (1/2) of the width of the adjoining road right-of-way. In the event that on a particular lot the width of said lot shall be less than sixty (60) feet at that point, then the building set-back line on that lot shall be established at the point where said lot has a minimum width of sixty (60) feet.
- (ii) Side-yards – The side yard set-back line shall be not less than fifteen (15) feet or as mandated by Routt County, whichever is greater, from the side line of the lot, except where said lot is a corner lot, and in such case the minimum side yard set-back line shall be equal to one-half (1/2) of the width of the adjoining road right-of-way.
- (iii) Rear yards – If the rear lot line of a particular lot adjoins a road, whether public or private, the minimum rear set-back line shall be equal to one-half (1/2) of the right-of-way of said road but not less than 25 feet or as mandated by Routt County, whichever is greater. When the rear lot line does not adjoin a road, the minimum setback will be 25 feet or as mandated by Routt County, whichever is greater.



(iv) Definitions:

“Side Line” is a lot boundary line that extends from the road on which the lot abuts to the rear line of side lot.

“Rear Line” is the lot boundary line that is farthest from, and substantially parallel to the road on which the lot abuts, except that on corner lots it may be determined from either abutting road.

- (v) Cul de Sacs – If the particular lot abuts on a cul de sac, the front building set-back line shall be on an arc the radius of which is equal to the radius of the cul de sac plus thirty-three (33) feet.
- (b) Clustered Lot Provisions. Set back requirements for clustered lots will be set by Routt County upon their review and approval of precise building plans.
- (c) Lots five acres or more. Lots of five acres or more which are rezoned as Mountain Residential Estates (MRE) will have a setback of 100 feet from the center of an adjacent roadway and 50 feet from side and rear lot lines not along roads, or as mandated by Routt County, whichever is greater.
- C. Fences. In order to preserve the natural quality and aesthetic appearance of the existing geographic areas within the Development, all property lines shall be kept free and open one to another and no fences shall be permitted on any lot or lot lines except where, in the opinion of the Environmental Control Committee (as it is hereinafter described), a fence or other enclosure, as a structure or aesthetic feature of a design concept, will contribute to and be in keeping with the character of the area. In such cases, the Committee shall determine the size, location, height and composition of the fence or other enclosure.
- D. Exterior Construction Materials. The finished exterior of every building constructed or placed on any numbered lot in the Development shall be of material other than tar paper, rollbrick siding or any other similar material, and as approved by Environmental Control

Committee. Exceptions to the Environmental Control Committee Guidelines need approval by the Board of Directors of the Steamboat Lake Association.

- E. Diligence in Construction. Every building whose construction or placement on any numbered lot in the Development is begun shall be substantially enclosed within twelve (12) months after the beginning of such construction or placement. No improvement which has partially or totally been destroyed by fire or otherwise, shall be allowed to remain in such state for more than three (3) months from the time of such destruction or damage.
- F. Prohibition of Used Structures. All structures constructed or placed on any numbered lot in the Development shall be constructed with a substantial quantity of new materials and no used structures shall be relocated or placed on any such lot.
- G. Maintenance of Lots and Improvements. The owner of each lot in the Development shall at all times maintain said lot and any improvements situated thereon in such a manner so as to prevent said lot or improvements from becoming unsightly; and, specifically, such owner shall:
- (a) Remove all debris or rubbish from said lot.
 - (b) Prevent the existence of any other condition that reasonably tends to detract from or diminish the aesthetic appearance of said lot.
 - (c) Cut down and remove dead trees from said lot.
 - (d) Keep the exterior of all improvements constructed on said lot in such a state of repair or maintenance so as to avoid their becoming unsightly.
 - (e) The Environmental Control Committee shall make the determination concerning the provisions of (a) through (d) above and attempt to resolve the issue with the lot owner, either verbally or in writing. If the issue is not resolved within 30 days of the Environmental Control Committee providing written notification to the owner, the

matter will be referred to the Board of Directors for action, including levying fines and seeking legal remedies.

4. Provisions Respecting Disposal of Sanitary Waste, Etc.

- A. No outside toilets shall be permitted, except on a temporary basis as required by Routt County during construction.
- B. All septic systems constructed on any lot with appropriate county and state approval for such systems shall be constructed in accordance with the rules, regulations or recommendations of the State of Colorado Department of Public Health, as they may from time to time be in effect, and with all applicable ordinances, rules or regulations of Routt County or other governmental authorities concerning disposition of sanitary wastes and similar material. All such septic systems and percolation tests prepared in connection therewith shall be designated and prepared by a qualified and registered engineer.
- C. Copies of all permits plans and designs and tests relating to the construction of a septic system shall be submitted to the Environmental Control Committee (as is hereinafter described) at the time of the submission of all other plans or documents required for the obtaining from said Committee of a permit to build.
- D. Owners of lots in Unit Number One through Unit Number Four will be required to join the Steamboat Lake Water & Sanitation District (hereinafter referred to as the "District") where the District has provided central water and sewer services to land owners, except where a useable well and septic system has been installed in accordance with Routt County regulations.

5. General Prohibitions.

- A. In General. No noxious or offensive activities shall be carried on any lot or in any common area, such as greenbelts and roads, in the Development, nor shall anything be done on any

of said lots that shall become or be an unreasonable annoyance or nuisance to any owner of another lot in the Development.

- B. Signs. No signs or advertisements shall be displayed or placed on any lot or structure in the Development without the prior written approval of the Environmental Control Committee, except that property owner may for temporary use, display signs on any such lot the property owner may have for sale. The Developer may, for temporary use, display signs on lots having been sold during the period of development by the Developer.
- C. Animals. No animals shall be kept or maintained on any lot in the Development, except the usual domestic household pets; and in such case, such household pets shall be kept confined or attached to a leash so as not to become a nuisance. No animals may be raised for commercial purposes.
- D. Vehicle Parking. No vehicle shall be parked on any street in the Development so as to obstruct snow removal or road maintenance. No truck shall be stored on any lot in the Development, unless the same shall be screened in such a manner so that it is not visible to the occupants of adjoining lots in the Development, the users of any street in the Development, or to persons upon Steamboat Lakes Subdivision.
- E. Disposal of Garbage, Trash and Other Like Household Refuse. No owner of any lot in the Development shall burn or permit the burning out of doors of garbage, trash or other like household refuse, nor shall any such owner accumulate or permit the accumulation out of doors of such refuse on his lot, except as may be permitted in subparagraph F, below.
- F. Concealment of Fuel Storage Tanks and Trash Receptacles. Every tank for the storage of fuel that is installed outside any building in the Development shall be either buried below the surface of the ground, or screened to the satisfaction of the Environmental Control Committee, by fencing or shrubbery. Every out door receptacle for ashes, trash, rubbish or garbage shall be installed underground or shall be so placed and kept as not to be visible

from any street or lake within the Development at any time, except at the times when refuse collections are being made.

G. Restrictions on Temporary Structures. No temporary house, trailer, tent, garage or other outbuilding shall be placed or erected on any lot.

H. Removal of Trees. No tree over three (3) inches in diameter may be removed from any lot in the Development unless said removal is necessary for construction of approved improvements.

I. Limited Access. There shall be no access to any lot on the perimeter of the Development except from designated roads within the Development.

J. Ditches and Swales Shall not be Obstructed. It shall be the duty of every owner of every lot in the Development on which any part of an open storm drainage ditch or swale is situated to keep such portion thereof as may be situated upon his lot continuously unobstructed and in good repair, and to provide for the installation of such culverts upon said lot as may be reasonably required to accomplish the purposes of this sub-section. And, all lot owners, where required by County regulations, shall install dry culverts between the road rights-of-way and their lots. No driveway pavement or blacktop shall extend beyond lot line into an existing common road right-of-way.

6. The Environmental Control Committee.

A. Powers of Committee:

(a) Generally. No dwelling, building structure or improvement of any type or kind may be constructed or placed on any lot in the Development without the prior written approval of the Environmental Control Committee. Such approval shall be obtained only after written application has been made to said Committee by the owner of the lot requesting authorization from the Committee. Such written application shall be in the manner and

form prescribed from time to time by the Committee, and shall be accompanied by one

(1) complete set of plans and specifications for any such proposed construction or improvement. Such plans shall include plot plans showing the location of all improvements existing upon said lot and the location of the improvement proposed to be constructed or placed upon said lot each properly and clearly designated. Such plans and specifications shall set forth the color and composition of all exterior materials proposed to be used and any proposed landscaping, together with any other material or information which said Committee may require. All plans, drawing, etc., required to be submitted to said Committee shall be drawn to a scale of 1" = 10', or to such other scale as the Committee may require. There shall also be submitted, where applicable, the permits, plans or reports required under Section 5 of the Restrictions. Any plans submitted shall be identical to plans submitted to Routt County for a building permit.

- (b) Power of Disapproval. The Committee may refuse to grant permission to construct, place or make the requested improvement when:
- (i) The plans, specifications, drawings or other material submitted are themselves inadequate or incomplete, or show the proposed improvement to be in violation of these Restrictions;
 - (ii) The design or color scheme of a proposed improvement is not in harmony with the general surroundings of said lot or with adjacent buildings or structures;
 - (iii) The proposed improvement, or any part thereof would in the opinion of the Committee, be contrary to the interests, welfare or rights of all or any part of the owners of other lots in the Development.
- (c) Power to Grant Variances. The Committee may allow reasonable variances or adjustments of these Restrictions where literal application thereof would result in

