

**FIRST AMENDMENT TO THE
DECLARATION
FOR
LINES PLAZA II CONDOMINIUMS**

This First Amendment to the Declaration for Lines Plaza II Condominiums (“Amendment”) is made as of the 2nd day of March, 2017 by the Lines Plaza II Condominium Owners Association (the “Association”).

WITNESSETH

WHEREAS, the Declarant recorded the Declaration for Lines Plaza II Condominiums in the public records of Garfield County, Colorado on May 31, 2002 at Reception No. 604525 (the “Declaration”);

WHEREAS, Lines Plaza II is a mixed use condominium development (the “Project”) is located in the Town of Carbondale, Garfield County, Colorado;

WHEREAS, the Project is in the Commercial/Office (C/O) Zone District within the Crystal Village P.U.D. (Lot 3);

WHEREAS, the Town of Carbondale adopted Ordinance No. 20, Series of 2016 (“Ordinance No. 20”) which amended the zone district text for the C/O Zone District to allow residential units on the ground floor in the mixed use building and to update the zone district text to, among other things, prohibit marijuana businesses, prohibit short-term residential rentals, update parking requirements, impose outdoor storage restrictions, and other updates;

WHEREAS, Ordinance No. 20 provides that:

Prior to residential development or use upon the first floor of the mixed use buildings located upon Lots 3 and 14, the declaration of restrictive covenants for such buildings shall be amended to: (1) allow ground level unit owners to install, and to require the respective unit owners associations to maintain, sprinkler systems and fire-rating separation between units; (2) to prohibit storage of campers, trailers, recreation vehicles, and inoperable vehicles in order to keep parking available for expanded residential uses within these buildings. The form of content of these covenant amendments shall be subject to review and approval of Town staff and the Town Attorney prior to recordation.

See Ordinance No. 20, Section B(3).

WHEREAS, the purpose of this Amendment is to comply with Ordinance No. 20 and make other desired changes to the Declaration, which the Association believes are in the best interest of the Project;

WHEREAS, the Declaration states that:

Any provision contained in this Declaration may be amended, or additional provisions may be added to this Declaration, ...by the recording of a written instrument or instruments specifying the amendment...executed by seventy-five percent (75%) of all Owners and of all First Mortgagees of Units owned by those same Owners, as shown by the records in the office of the County Clerk and Recorder of Garfield County, Colorado.

See Declaration, Section 11.2;

WHEREAS, the Declaration is consistent with the Colorado Common Interest Ownership Act ("CCIOA"), which provides that:

Except to the extent expressly permitted or required by other provisions of this article, no amendment may change the uses to which any unit is restricted in the absence of a vote or agreement of unit owners of units to which at least sixty-seven percent of the votes in the association are allocated or any larger percentage the declaration specifies.

See C.R.S § 38-33.3-217(4);

WHEREAS, the Declaration requires approval of First Mortgagees, but does not set forth a procedure for registration or notification of First Mortgagees and, thus, the Association may follow the procedure for approval set forth in C.R.S. § 38-33.3-217(1)(b); and

WHEREAS, this Amendment was approved by the requisite Owners and First Mortgagees as well as the Town staff and Town Attorney of the Town of Carbondale.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Recitals. The foregoing recitals are incorporated herein.
2. Declaration. The definitions of the Declaration are incorporated herein, except as they conflict with the defined terms in this Amendment.
3. Section 7.1 – Individual Space Restriction. Section 7.1 of the Declaration is hereby repealed and replaced to read as follows:

7.1 Individual Space Restriction.

A. Units.

Each of the Individual Spaces and Units may be used and occupied for single family residential purposes or for commercial purposes; however, the use of such Units shall be limited and restricted to the uses under the Crystal Village PUD Zone District Revision Commercial Office District (the "PUD Regulation"), as set forth in the instrument recorded in the public records of Garfield County Colorado at Reception No. 424760 and as amended by the instrument recorded in the public records of Garfield County Colorado at Reception No. 886166. No Unit shall be used for the following purposes:

- i.) any use prohibited by the PUD Regulation
- ii.) a pet store;
- iii.) a day care – fewer than seven children; or
- iv.) a day care – seven children or more.

B. PUD Regulation.

All uses of the Units and General Common Elements shall be subject to, governed, restricted, and regulated by the provisions of the PUD Regulation.

C. Single Family Residential Use – Fire Protection.

Prior to Unit Nos. 105, 111, 117 and 123 being used for residential purposes, the respective Owners of such units shall install appropriate sprinkler systems and fire-rating separation between Units. The Association hereby grants a temporary license on, over, and through the Common Elements for installation of appropriate sprinkler systems and fire-rating separation pursuant to this Section; however, prior to such installation, the Owner shall obtain approval from the Board for the installation, which approval may include any reasonable terms and conditions desired by the Board. Upon installation of the sprinkler systems and fire-rating separation and acceptance by the Board, which shall not be unreasonably withheld, the sprinkler systems and fire-rating separation between Units shall constitute Limited Common Elements appurtenant to the Unit served by the sprinkler system and shall be maintained by the Owner of such Unit. In the event the Owner of the Unit fails to adequately maintain the sprinkler system or fire-rating separation resulting in damage to the General Common Elements, or a strong likelihood exists that damage will be inflicted to the General Common Elements, the Association shall have the right to maintain, repair, and replace the sprinkler system and Owner shall be liable for such costs.

D. Town Approval. Prior to any amendment of this Section, the form and content of such amendment shall be reviewed and approved by the Town of Carbondale Planning Department.

4. Section 7.12 – Animals. Section 7.12 of the Declaration is hereby repealed and replaced to read as follows:

7.12 Animals. The Board is authorized to adopt reasonable rules and regulations regarding the keeping of animals on the Project.

5. Section 7.13 – Parking. The Declaration is hereby amended with the addition of a new Section 7.13 to read as follows:

7.13 Parking. The Association, through the Board, shall be assign two (2) parking spaces for use by each Unit. Such parking assignments shall be determined by the Board in its reasonable discretion and may be amended.

6. Section 7.14 – Outside Storage. The Declaration is hereby amended with the addition of a new Section 7.14 to read as follows:

7.14 Outside Storage. Storage of campers, trailers, recreational vehicles, and inoperable vehicles outside of any building is prohibited. Prior to any amendment of this Section, the form and content of such amendment shall be reviewed and approved by the Town of Carbondale Planning Department.

7. Section 7.15 – Dumpsters. The Declaration is hereby amended with the addition of a new Section 7.14 to read as follows:

7.15 Dumpsters. Any new or existing dumpsters shall be enclosed. Prior to any amendment of this Section, the form and content of such amendment shall be reviewed and approved by the Town of Carbondale Planning Department.

8. Recordation. This Amendment shall be effective upon recordation.

9. Severability. Invalidation of any one of these provisions by judgment or court order shall not affect any other provision which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned executed this First Amendment to the Declaration for Lines Plaza II Condominiums as of the date next to each signature.

~ Signature Pages Follow ~

FIRST MORTGAGEE FOR UNIT 135

Name: Tong huu
As: _____
Date: 03-02-2017

STATE OF COLORADO)
) ss.
COUNTY OF Pitkin)


This Amendment was acknowledged before me this 2nd day of March, 2017 by Tong huu.

WITNESS my hand and official seal.

Lisa Markalunas
Notary Public



FIRST MORTGAGEE FOR UNIT 129



Name: Tong hu
As: _____
Date: 03-02-2017

STATE OF COLORADO)
) ss.
COUNTY OF Pitkin)

This Amendment was acknowledged before me this 2nd day of March, 2017 by Tong hu.

WITNESS my hand and official seal.



Notary Public

