

**DECLARATION OF PROTECTIVE COVENANTS
FOR
RIVERLAND INDUSTRIAL PARK, FILING 2**

This Declaration is made this 7th day of May, 1996 by BINGO INVESTMENT COMPANY, a Colorado Limited Liability Company, hereinafter referred to as "DECLARANT".

WHEREAS, DECLARANT is the owner of the real property located in the County of Gunnison, State of Colorado, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, DECLARANT proposes to develop the real property as a commercial and industrial park with residential housing serving the communities of Crested Butte, Mt. Crested Butte and Gunnison County; and

WHEREAS, there was recorded on September 14, 1982 in Book 584, Page 304 of the Records of the Gunnison County Clerk and Recorder the Declaration of Protective Covenants for Riverland Industrial Park and there was recorded on December 28, 1982 in Book 588, Page 581 the Addendum to Declaration of Protective Covenants for Riverland Industrial Park; and these above mentioned covenants and addendum are still in full force and effect for Riverland Industrial Park, Filings 1 & 2, and

WHEREAS, it is the desire of the DECLARANT to subject Riverland Industrial Park, Filing 2 (only) to certain covenants, conditions, and restrictions above and beyond those currently in effect for Riverland Industrial Park, Filings 1 & 2, as mentioned above.

WHEREFORE, in furtherance thereof, DECLARANT subjects the property described in Exhibit A to the following covenants and conditions:

A. **VISIBLE HEIGHT.** The visible height for any structure or building located on Lots 16 through 38, both inclusive, shall not exceed 24 feet. The visible height for Lot 34 shall not exceed 16 feet. Notwithstanding the foregoing, a variance in visible height can be granted by the Gunnison County Board of Commissioners in accordance with paragraph 6, of the Declaration of Protective Covenants For Riverland Industrial Park.

B. **RESIDENTIAL USE, SIZE, AND RATIO OF RESIDENTIAL TO INDUSTRIAL.** The ratio of the square footage of residential to other permitted uses of buildings, cannot be in excess of one to one, residential square footage being the numerator and square footage of other permitted uses being the denominator. The maximum size for residential use, not including garages or workshops is 1,500 square feet. The primary intent of residential use is caretaker, owner or employee facilities. Vacant commercial structures cannot be converted to residential use without Gunnison County Approval.

C. **RESTRICTIONS TO LOTS 22 THROUGH 33, BOTH INCLUSIVE.** Lots 22 through 33, both inclusive, will have the following restrictions: The maximum footprint of any building shall be 3,250 square feet. The maximum square feet of floor space in any building shall be 4,500 square feet. No use will be approved that requires frequent use by vehicles in excess of 26,000 pounds. This is not to preclude vehicles in excess of 26,000 pounds that may occasionally access these lots such as, but not limited to, emergency vehicles, construction related vehicles that are required during the construction of buildings on these Lots, garbage trucks, delivery vehicles, and moving trucks for the purpose of moving furniture or equipment to or from a Lot.

D. **RESTRICTIONS ON LOT 34.** On Lot 34, only one building can be built with a maximum visible height of 16 feet and a maximum of 2,400 square feet of floor space. The exterior of the structure must be wood siding, or a siding that has the appearance of wood. On Lot 34, no parking will be allowed on the side of the building closest to Highway 135.

E. **RESTRICTED DRIVEWAY ACCESS TO LOTS 30, 33, 34, and 35.** Lots 30 and 33 will have driveway access from Andreas Circle only, and not from Riverland Drive. Lots 34 and 35 will have driveway access from Riverland Drive only, and not from North Riverland Drive.

F. **APPROVED SOLID FUEL BURNING DEVICES.** No more than one Approved Solid Fuel Burning Device can be used with each lot. An "Approved Solid Fuel Burning Device" shall be defined as follows: a solid fuel burning device which shall be approved by the Riverland Park Association as a low pollution emitting solid fuel burning device and shall appear on a list of approved solid fuel burning devices maintained by the Association, and initially provided by the United States Environmental Protection Agency, as the same may change from time to time. Said list may also include as "Approved Solid Fuel Burning Devices" low pollution emitting fireplace types and fireplace inserts, as such are developed and approved by the Association.

G. **FIRE PROTECTION STANDARDS.** Fire protection will be provided for Riverland Filing 2. There will be a 30,000 gallon minimum size storage tank and a fire hydrant located as shown on Attachment G.

H. **EXTERIOR LIGHTING.** Any exterior incandescent flood lights that are used must be shielded flood lights to shield the light as viewed from most directions.

I. **MONITORING WELLS.** A monitoring well will be installed up stream of Riverland Filing 2, and one downstream near Lot 16 in locations chosen by the Gunnison County Environmental Health Officer for the purpose of monitoring the water quality of the Slate River. The Riverland Association will assume responsibility for ensuring that the wells are maintained and that samples are taken in the presence of the Gunnison County Environmental Health Officer, if available, and that test results are provided to the Gunnison County Environmental Health Officer within 30 days of each test. Samples will be taken twice yearly, once in the spring (April 1-June 1) and once in the autumn (Sept. 1-Nov. 30). Initially, the tests will be for Fecal Coliform Bacteria and Nitrates. Depending upon future users in Riverland Industrial Park, the Gunnison County Environmental Health Officer may require additional items to be tested for. If samples provide evidence of a decline in water quality that appears to be resulting from ISDS use on Filing 2, the Gunnison County Environmental Health Officer may initiate sight-specific testing in accordance with the *Gunnison County ISDS Regulations* enforce at the time, at the lot owner's expense.

J. **ISDS.** Property owners of Filing 2 Lots are subject to requirements of the *Gunnison County Individual Sewage Disposal System Regulations* in force at the time the property owner applies for an ISDS permit, and to requirements of the Colorado Department of Health. Property owners should be aware that at some time in the future those requirements, and/or non-compliant water quality test results traced to individual sewage disposal systems in Riverland, may require tie-on to a central or regional waste water treatment system if sewage treatment is required by the property owner.

K. **OPEN SPACE.** Open space is defined as those areas designated "open space" on the Plat. These areas include wetlands, vegetation, and drainage areas abutting the Slate River. All open space and any common amenities constructed and/or installed by the Developer in open space areas will be maintained by the Riverland Association. Tenants and owners of lots in Riverland Industrial Park will be allowed to access the Slate River for fishing or other allowed recreational uses, as governed by the Association. Such access will be via the "open space" as designated on the plat, or via the pedestrian easement designated on the plat between Lots 26 & 27.

L. AMENITIES. The Developers will provide the Riverland Association with \$3,000 to purchase and install playground equipment, picnic tables, and benches in the open space as shown on the plat. A 12-foot diameter octagonal gazebo will be constructed in the location shown on the Site Plan. An 8 foot by 12 foot school bus stop building will be constructed on Lot 34 as indicated on the Plat.

M. PERMITTED USES IN THE LIGHT INDUSTRIAL ZONE, that being Lots 22 through 34, both inclusive, include the following:

Contractors and Contractor Suppliers:

Building, Remodeling, Electrical, Plumbing, Painting, Roofing, Solar
Energy, Mechanical, Masonry, Etc.

Landscapers:

Nurseries, Garden Centers

Appliance Service and Repair

Janitorial Services:

Building Repair and Maintenance

Bakeries, Catering, Brewers

Chimney Cleaners

Animal Grooming and Training

Furniture Repair and Refinish

Upholstering

Printers

Locksmiths

Cabinet Makers, Woodcrafters

Lumber Yard Storage

Machine Shop

Welders

T.V. Repair and Service

Sign Makers

Interior Decorators and Designers

Storage Buildings

Professional Services, Art Studios, and Arts & Craft-type businesses which wouldn't have more than 25% of their business generated by on-site traffic, including, but not limited to:

Architects, Accountants, Bookkeepers, Engineers, Surveyors, Appraisers,
Environmental and Ecological Services, Designers, Land Planners, Etc.

Notwithstanding the foregoing, no food preparation businesses or brewers will be allowed until which time as central sewer is available for the processing of waste.

Other industrial, commercial or professional uses may be permitted upon a site after a finding by the Association, acting through its Board of Directors, and the Board of County Commissioners of Gunnison County, State of Colorado, that such use of the same general character as those permitted and which will not be detrimental to the other uses within the projects or to surrounding land.

Notwithstanding anything to the contrary in the original covenants, for Lots 22 through 34, both inclusive, Automobile Wrecker & Towing Services and Scrap Yards are prohibited uses. Notwithstanding anything to the contrary in the original covenants, for Lots 16 through 38, both inclusive, Automobile Junk Yards and Permanent Mixing Plants for Asphalt are prohibited uses.

N. SPEED LIMITS The speed limit in this development will be 15 miles per hour, with speed limit signs posted as shown on the Site Plan as filed in the Gunnison County Planning Office.

O. LANDSCAPING. A budget of \$5,000 will be established by the developers and controlled by the Association to review and administer landscaping plans for the 23 Lots. Each Lot owner will be required to plant a minimum of 15 trees with a minimum average height of 5 feet within 18 months of being issued a building permit. A landscape architect or other qualified person will review the landscape plans and make suggestions, if needed, to improve landscape proposals. A budget of \$15,000 will be set up by the developers to mitigate the visual impact of site development on Lots 34 - 38 which are adjacent to Highway 135.

P. SETBACKS. No building may be constructed within 25 feet of the wetlands or the river. The 25 foot building setback line is indicated on the Site Plan. There will be no buildings constructed in the 100 year flood plane.

Q. MINOR OR MODERATE IMPACT APPROVAL REQUIRED. The *Gunnison County Land Use Resolution* requires each lot receive before issuance of a building permit, or a change in use, at minimum, a Minor Impact or possibly a Moderate Impact Land Use Change Permit from Gunnison County for the specific proposed use. See *Gunnison County Land Use Resolution* for further details on this approval process.

R. SOILS STUDY. The Gunnison County Building Inspector or Gunnison County Environmental Health Officer may, depending upon available soils information, and the type of individual use proposed, require that a site-specific soils and foundation study be done on an individual lot when a land use change application is filed for that lot.

S. PROTECTION OF WETLANDS. In accordance with Federal and State laws, dumping of refuse or other materials and/or construction is prohibited in designated wetland areas.

T. VEHICULAR TRAFFIC WARNING. Be advised Riverland Industrial Park Filing 2 is primarily an industrial park, and is frequented by a potentially high volume of truck and other vehicular traffic. Furthermore, lots 16 through 21, both inclusive, and Lots 35 through 38, both inclusive by virtue of these covenants are of a heavy industrial nature. This type of traffic presents a potentially greater danger to pedestrians and children than a typical residential subdivision.

U. PENALTY PROVISION. Riverland Industrial Park Association shall have the power to levy a penalty for any covenant violation which continues for 90 days following written notice to the owner of the lot on which such violation occurs. Such penalty shall not exceed \$20.00 per day commencing on the 91st day following the mailing of such written notice. All penalties levied under this section together with interest shall constitute a lien on such lot in favor of the Association.

The Provisions of these covenants are intended to complement the original covenants of Riverland Industrial Park, Filings 1 & 2. These covenants apply only to Riverland Industrial Park, Filing 2, and in no way effect Riverland Industrial Park, Filing 1. When standards from these two sets of covenants differ, with respect to Riverland Industrial Park, Filing 2, whichever standard is more restrictive will be enforced.

EXECUTED this 22 day of May, 1996.

BINGO INVESTMENT COMPANY,
a Colorado Limited Liability Company

By Robert V. Hunt

Robert V. Hunt, Manager