



Covenants

RUSSELLVILLE FILING 7 PROTECTIVE COVENANTS

This instrument contains the effective protective covenants for Russellville Subdivision, Filing 7, Douglas County, Colorado.

ARTICLE I PURPOSE OF COVENANTS

1. GENERAL REQUIREMENTS. It is the intention of Russellville Land Company, expressed by its execution of this instrument, that the lands shall be developed and maintained as a highly desirable rural residential area. It is the purpose of these covenants that the present natural beauty, growth, native setting and surroundings shall always be protected insofar as possible in connection with the uses and structures permitted by this instrument.

ARTICLE II DEFINITIONS

1. RESIDENTIAL LOTS. All of the subdivision lots designated on the recorded plat of the subdivision by lot number shall be residential tracts.
2. GREENBELT. All of that area shown and designated on the recorded plat bearing the title "Greenbelt" shall be used for the joint and mutual benefit of all residential tract owners.
3. RUSSELLVILLE. The word "Russellville" as used in these covenants shall mean all the lands included within the subdivision according to the recorded plat or plats thereof.

ARTICLE III
ENVIRONMENTAL CONTROL COMMITTEE

1. ENVIRONMENTAL CONTROL COMMITTEE. An Environmental Control Committee is hereby constituted, its members shall be appointed by the Russellville Homeowners Association.
2. CHANGE OF MEMBERSHIP. Any member of the Environmental Control Committee may assign their authority to a new member, provided they have the ratification of the remaining board members.
3. VARIANCES. The environmental Control Committee may, when circumstances such as topography, property lines, vegetation or other suitable reasons dictate, allow reasonable variances of any covenant or requirement, provided at least 80% of the members of the Environmental Control Committee are in affirmative agreement regarding said variance.
 - A. The approval of any variance shall not be constituted as a change of covenants or requirements, and will not be interpreted as establishing a precedent for any future consideration.
 - B. The Environmental Control Committee has full authority to approve or deny any variance strictly on purely aesthetic grounds based solely on their judgment. C. It is anticipated that a property owners association will be formed by the residents and property owners of Russellville. Therefore, when said association has been constituted for a period of 12 months, the Environmental Control Committee will assign their authority to the governing board of such association, provided said board shall have at least 5 (five) members.
 - D. The denial of a variance may be appealed to the property owners association. Fifteen days prior to a meeting agreed upon by the board, the applicant shall notify by mail all association members, who shall have the right to vote on the application of said variance. Said appeal will be granted if no less than 66% of the entire membership of the association vote for approval.
4. GENERAL REQUIREMENTS. The committee shall require that all construction, landscape improvements and alterations within Russellville be complimentary to the natural surroundings. The committee shall protect the seclusion of each home from others insofar as possible.
5. PRELIMINARY APPROVALS. Persons or associations who anticipate constructing improvements within Russellville, owning land in Russellville, or who contemplate the purchase of land, may submit a preliminary design of improvements to the committee for informal review until complete design plans are submitted and approved or disapproved
6. ENVIRONMENTAL CONTROL COMMITTEE NOT LIABLE. The committee shall not be liable in damages to any person or association submitting any plans for approval, or to any owner or owners of lands within Russellville by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove, with regard to such plans. Any person or association acquiring the title to property in Russellville, or any person or association submitting plans to the committee for approval, by so doing does agree and covenant that he or it will not bring any action or suit to recover damages against the committee, its members as individuals, advisors, employees, agents or developer.

ARTICLE IV
GENERAL RESTRICTIONS ON ALL LOTS AND TRACTS

1. ZONING REGULATIONS. No land within Russellville shall be occupied, used by, or for, any structure or purpose which is contrary to the zoning regulations of Douglas County, Colorado.
2. SIGNS. One "For Rent" or "For Sale" sign shall be permitted no larger than 20 x 26 inches. One lot entrance gate sign of a style and design as approved by the committee shall be permitted. Otherwise, no advertising signs, billboards, unsightly objects, or nuisances shall be erected, altered, or permitted on any tract or lot.
3. ANIMALS. No animals will be raised or bred on any lot for commercial reasons.
 - A. Household pets will be allowed. However, no more than two (2) of any kind of animal will be allowed without approval of the Environmental Control Committee or its assigns.
 - B. Horses will be allowed only if they are kept corralled in an area not to exceed 1,500 square feet.
 1. No more than two (2) horses will be allowed per site without the approval of the Environmental Control Committee or its assigns.
 2. Horses may be allowed to graze and pasture on a site for grass and weed control etc., but be advised, to feed a horse on this kind of property requires 15 acres or more per year, per animal, and is not represented as capable of extended grazing without damage to the natural grass and vegetation. Therefore, horses must be fed supplementarily and kept corralled.
 3. Pigs, goats and stallions are expressly prohibited in Russellville.
 4. Other animals will be allowed only with the approval of the Environmental Control Committee or its assigns.
4. NO RESUBDIVISION. No tract described on the recorded plats shall be resubdivided into smaller tracts or lots not conveyed or encumbered as permitted on said recorded plats; however, conveyances or dedications of easement for utilities or private lanes or roads may be made for less than all of one tract.
5. REFUSE AND RUBBISH. Rubbish garbage or other waste shall be kept and disposed of in a sanitary manner. No tract or easement shall be used for or maintained as a dumping ground for rubbish. All containers or other equipment for the storage or disposal of garbage, trash, rubbish or other refuse shall be kept in a clean sanitary condition. No trash, litter or junk shall be permitted to remain exposed upon the premises and visible from public roads or adjoining or nearby premises. All refuse and trash shall be removed from all lots and tracts and shall not be allowed to accumulate. Burning of trash will not be permitted.
6. UNDERGROUND UTILITY LINES. All utility lines, water, gas, telephone lines, electricity lines, etc. within the limits of Russellville must be underground and may not be above ground, except transformers, meters or light standards.
7. GARDEN. A family garden not to exceed 1,000 square feet is permissible; no additional ground to be used for farming purposes.
8. FENCING. All fences on road frontages must be of wood or stone construction approved by the committee. Fencing on all other boundaries must be of new construction; wire may be woven or barbless. If barbless, a minimum of four (4) strands must be used. Posts must be spaced on a maximum of one (1) rod. No electrical fences will be permitted. Fences may not obstruct bridle paths or easements.

ARTICLE V
RESTRICTIONS ON LOTS OR TRACTS

1. Whether or not provision therefore is specifically stated in any conveyance of acceptance or title thereto, or by taking possession, the owner covenants and agrees that no structure of any kind shall be placed upon said tract unless and until the plans and specifications and the plot plans have been approved in writing by the Environmental Control Committee or its assigns. Each such structure shall be placed on the premises only in accordance with the plans and specifications and plot so approved. Refusal or approval of plans and specifications by the Environmental Control Committee may be based upon any ground, including purely aesthetic grounds which is the sole and uncontrolled discretion of the Environmental Control Committee or their assigns shall seem sufficient. No alteration in the exterior appearance of the building or structures shall be made without like approval. Should the Environmental Control Committee or its successors or assigns fail to approve or disapprove the plans and specifications submitted to it by the owner of a tract or tracts within the subdivision within thirty (30) days after written request, then such approval shall not be required, provided, however, that no building or other structure shall be erected or be allowed to remain in any tract which violates any of the covenants or restrictions herein contained. The issuance of a building permit or license which may be in contravention of these protective covenants, shall not prevent the Environmental Control Committee from enforcing these provisions.

2. NUMBER AND LOCATION OF BUILDINGS. No buildings or structures shall be placed, erected, altered, or permitted to remain on any residential lot other than:

- a. One detached single-family dwelling house; and a
- b. Guest or servant house, and a
- c. Attached or detached garage; and
- d. Service type barn or stable.

3. DWELLING HOUSE TO BE CONSTRUCTED FIRST. A guesthouse or servant house shall not be constructed until after commencement of construction of dwelling house and garage on the same residential tract. At the time said plans and specifications receive approval, the prospective builder shall proceed diligently with said dwelling house and garage, and the same shall be completed within a maximum period of nine (9) months, excepting however, that this period may be enlarged by an additional three (3) month period if said extension is made necessary by reason of inclement weather, inability to obtain materials, strikes, acts of God, etc. The exterior construction of all buildings must be completed, including treating or painting of wood before occupancy.

4. DWELLING SIZE. Ground floor area of each dwelling, exclusive of porches and garages, shall not be less than 1400 square feet for a one-story dwelling, nor less than 1,000 square feet for a multi-level dwelling. When there is one and one-half (1 1/2) or more stories to the home, the total floor space, exclusive of basement, must be no less than 1,800 square feet.

5. TRACT LANDSCAPE DEVELOPMENT. Approval shall be obtained from the Environmental Control Committee or its assigns to cut down, clear or kill any trees on any lot. Further, each and every grantee agrees that all of the trees cleared by him will be disposed of in such a manner that all tracts shall be kept free of accumulations of brush, trash or other materials which may constitute a fire hazard or render a site unsightly.

6. CLOTHESLINES AND EXTERIOR TANKS. No property owner shall place upon his premise clotheslines, swimming pool filter tanks, fuel oil tanks or similar tanks which may be visible from the street. All tanks must be enclosed or otherwise appropriately screened so that they will not be visible from the street or from adjoining tracts. Protective enclosures to screen the above must be approved by the Environmental Control Committee as part of the plans for the improvements to be located on the property.

7. USED OR TEMPORARY STRUCTURES. No temporary house, mobile home or

trailer shall be generally allowed on any site, however, camping overnight on property by the owner of that property is allowed, also the Environmental Control Committee will consider separately each application to allow a mobile home on any lot on strictly a temporary basis provided the construction of the improvements on said lot have commenced and financing and completion date are assured and a \$500.00 (five hundred dollar) cash bond is posted to guarantee completion date. No new dwelling shall be occupied in any manner prior to its completion.

8. EXTERIOR LIGHTING. All exterior lighting and standards shall be approved by the Environmental Control Committee in the subdivision.

9. OFF STREET PARKING. Each dwelling shall be constructed with adequate off street parking area for at least two automobiles per residence. No parking shall be allowed within the road right-of-way.

10. GARBAGE DISPOSAL, SANITARY SYSTEMS AND WATER SYSTEMS. Each dwelling or structure containing a kitchen shall be equipped with a garbage disposal unit. No sewage disposal system shall be constructed, altered or allowed to remain or be used unless fully approved as to design, capacity, location and construction by all proper public health agencies of the State of Colorado, Douglas County and the Environmental Control Committee.

11. NO FOUNDATION CINDERBLOCK OR CONCRETE. No foundation cinderblock or concrete shall be exposed. Facing must be of wood, brick, or stone; no artificial stone facing, or any other manufactured product of this nature shall be allowed without the written approval of the Environmental Control Committee.

12. NEW CONSTRUCTION. Only new construction will be allowed; no used buildings and no metal buildings that do not, through their appearance enhance the environmental surroundings will be allowed. The Environmental Control Committee must approve or disapprove structures of this type.

13. NO CORRUGATED TYPE METAL BUILDINGS. No corrugated type metal buildings that do not, through their appearance, enhance the environmental surroundings will be allowed. The Environmental Control Committee must approve or disapprove structures of this type.

14. FIREPLACES, CHIMNEYS, BARBECUES. All fireplaces, chimneys, and barbecues shall be equipped with spark arresting screens.

15. DRIVEWAYS. Culverts shall be a minimum of 15 inches diameter or that allowed for merging driveways into county roads and road barrow pits.

16. LAND USES. No improvements nor any noxious activity shall be permitted on any residential lot which is or might become a nuisance to adjoining residential tracts. Also no open fires will be permitted and no hunting will be permitted within Russellville Subdivision.

17. SINGLE FAMILY DWELLINGS. Single family shall be interpreted to mean one male and/or female head of the household and his or her blood related or legally adopted dependents. Multiple families under one roof are expressly forbidden.

ARTICLE VI ENFORCEMENT

1. ENFORCEMENT ACTIONS. The Environmental Control Committee shall have the

right to prosecute any action, enforce the provisions of all covenants by injunctive relief, on behalf of itself and all or part of the Russellville Land Owners. In addition, each landowner shall have the right to prosecute for injunctive relief and for damages by reason of any covenant violation.

2. LIMITATIONS ON ACTIONS. In the event any construction alteration or site landscape work is commenced upon any portion of Russellville in violation of these covenants and no action is commenced within sixty (60) days thereafter to restrain such violation, then injunctive or equitable relief shall be denied, but an action for damages shall still be available to any party aggrieved. Said sixty (60) day limitation shall not apply to injunctive or equitable relief against other violations of these covenants.

ARTICLE VII GENERAL PROVISIONS

1. SEVERABILITY. Should any part or parts of these covenants be declared invalid or unenforceable by any court of competent jurisdiction; such decision shall not affect the validity of the remaining covenants.

2. EFFECT AND DURATION OF COVENANTS. The conditions, restrictions, stipulations, agreements and covenants contained herein shall be for the benefit of and binding upon each tract in Russellville, and each owner of property therein, his successors, representatives and assigns and shall continue in full force and effect until December 31, 1999, at which time they shall be automatically extended for five (5) successive terms of ten (10) years each, unless amended as provided below.

3. AMENDMENT. The conditions, restrictions, stipulations, agreements and covenants contained herein shall not be waived, abandoned, terminated, or amended except by written consent of sixty-six and two-thirds percent (66 2/3%) of the property owners of the privately owned land included within the boundaries of the Russellville Subdivision, as the same may then be shown by the plat on file in the office of the Clerk and Recorder of Douglas County, Colorado.

4. ENFORCEMENT. If any person shall violate any of the provisions of this instrument, it shall be lawful for any person or persons to enforce the provisions of this instrument, to restrain the person violating or threatening to violate them, and to recover damages actual and punitive for such violations.