

RESOLUTION 2006-20
OF THE
PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.
Pertaining to Land Use Classifications – Type of Structure and Form of Ownership

RESOLUTION: The Association hereby gives notice of its adoption of the following Resolution:

Whereas, The Declaration of Restrictions Pagosa, recorded June 24, 1970 at Reception No. 73297, Book 122, Page 224, Archuleta County Clerk and Recorder (“Declaration”) establishes several land use classifications which are assigned to the lots within the Association and,

Whereas, The land use classifications establish permitted uses, minimum lot sizes, set back requirements, and aesthetic considerations for the building structures, among other things and,

Whereas, Certain land use classifications provide for various types of multi-family housing. Specifically, R-2 areas are designated for duplex or two-family housing, and R-3 and R-4 areas are designated for other multiple-family housing. R-1-T and R-1-P can also be used for multiple-family housing. Individual living units within such housing types may be owned in a variety of means under Colorado law. Land use classifications do not contemplate means of ownership and,

Whereas, Paragraph 5J of the Declaration, entitled Condominium Structures, states that condominium developments are permitted in land use classification areas R-3, R-4, R-1-T, R-1-P and C-1. A condominium is legally a form of ownership of real property rather than an established building style, although a building style is often associated with the term “condominium” and,

Whereas, The uses permitted for the land use classifications, including the R-2, R-3, R-4, R-1-T, R-1-P and C-1 designations demonstrate an intention to regulate the use of the areas as either residential or commercial and the type of structure that is built upon a lot. For instance, structures which allow for multiple living units are permitted in R-2, R-3 and R-4 and lots may be “clustered” in R-1-T and R-1-P to allow for multiple attached living units and,

Whereas, The Association’s authority with respect to approving or disapproving the improvements to a lot is based upon the criteria set forth in the Declaration, including harmony of the improvement with other surrounding improvements, the completeness of the plans and specifications, whether the plans and specifications are contrary to the best interests of the Association or other members, and whether the plans and specifications comply with the terms of the Declaration, including but not limited to setback requirements, elevation/story requirements, number of structures per lot, number of permitted living units per lot, provisions for parking vehicles, and general aesthetic

concerns such as materials, color, and style of improvements. All criteria relate to the appearance of the improvement and,

Whereas, The Association's approval authority does not extend to review and approval of the method in which a lot or living unit is owned and,

Now therefore; The Association will review and approve plans based upon the considerations set forth in the Declaration and other governing documents, including whether the structure to be built is physically and aesthetically in compliance with the land use classifications, and not upon the ownership structure chosen by the owner of a particular lot.

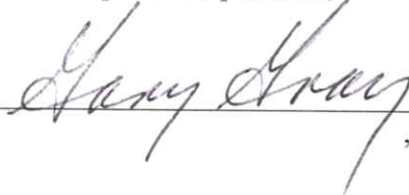
EFFECTIVE

DATE: October 12, 2006.


**PRESIDENT'S
AND
SECRETARY'S**

CERTIFICATION: The undersigned, respectfully being the President and Vice President, of the Pagosa Lakes Property Owners Association, a Colorado nonprofit corporation, certify that the foregoing Resolution was approved and adopted by the Board of Directors of the Association at a duly called and held meeting of the Board of Directors of the Association on October 12, 2006 and in witness thereof, the undersigned have subscribed their names.

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, a
Colorado nonprofit corporation,

By: , President

ATTEST:

By: , Vice President