

**RESOLUTION OF
SOLAR RANCH HOMEOWNERS ASSOCIATION
TO MODIFY THE
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS
AND RESTRICTIONS OF SOLAR RANCHES.**

WHEREAS, on July 21, 1993 at Book 227, Page 222-233 in the official records of the Ouray County Clerk and Recorder, there was recorded a Declaration of Protective Covenants, Conditions and Restrictions of Solar Ranches, Ouray County, Colorado, and Pursuant to the terms of thereof, there were two annexations of additional land and amendment to the that document recorded on January 27, 1994 at reception number 155576 and August 15, 1994 at Reception number 157262 (hereinafter collectively referred to as "Solar Ranch C,C &R's");

WHEREAS, Paragraph 14 on pages 8 and 9 of the Solar Ranch C,C &R's allow for "[p]ersons with seventy-five percent (75%) of the Allocated Interests may at any time amend, modify or revoke these Covenants in whole or in part.";

WHEREAS, Certain Lots In filings 2B, 2C and 2D were initially approved to have more than one Single Family Equivalent (SFE). These lots are: 58D, 64D,81,82,83,84,85,86D,87D,93D,94D, 95D,96D,109D and 110;

WHEREAS, Under the Solar Ranch C,C & R's, for each SFE awarded to a particular lot there is a corresponding Allocated Interest awarded to the same lot. Because Solar Ranch Home Owners Association dues are assessed equally to each Allocated Interest, owners of lots with more than one SFE have been and will continue to pay higher assessments; and

WHEREAS, The undersigned desire to provide incentive to owners of lots with multiple SFE's to voluntarily and permanently reduce density on their respective lots.

THEREFORE, the undersigned representing seventy five percent or more of the Allocated Interests, either in person or by proxy duly executed pursuant to the rules of the Solar Ranch Home Owners' Association as set forth in the applicable by-laws, at a special meeting properly noticed for this purpose, grant their affirmative approval of the following Amendment to the Solar Ranch CC&R's:

24. Upon the recording of a properly executed document, the form of which is approved by the Board of the Solar Ranch Home Owners Association, which, on behalf of a current owner and his/her assigns, successors and heirs, irrevocably and perpetually restricts the right of an owner from building one or more of the Single Family Equivalents vested to the lot in question, as shown on the applicable recorded plat,

that lot's Allocated Interests shall be decreased by the number corresponding to the number of Single Family Equivalents perpetually released (By way of example only, if an owner of a lot with 4 SFE's executes a document perpetually releasing 3 of the SFE's, that owner's Allocated Interest shall be reduced by three.). Any reduction in the number of Allocated Interests shall not be effective with respect to assessments until the levying of the next annual assessment. Upon the recording of any document reducing the number of Allocated Interests on a lot, the total number Allocated Interests of all units in the subdivision shall be reduced accordingly (By way of example only, in the preceding example where a lot owner released 3 SFE's and corresponding Allocated Interests, the total number of Allocated Interests would be decreased by 3.).

Any document purporting to effect any such reduction in SFE's and corresponding Allocated interests shall only be valid if it contains the signature of the President of the Association and is recorded with an exhibit delineating the redistributed Allocated Interests in all of the units affected by the Solar Ranch C,C&R's. Said President's signature is not a discretionary act by the President, but is required so that the Association is aware of the redistributed Allocated Interests.

Any provision of the Solar Ranch C,C &R's not modified herein shall remain in full force and effect.

The above stated resolution was discussed at a duly noticed meeting of the Solar Ranch Homeowners Association, Inc. on February 16, 2001 at 6:00 p.m. 103 of 114 allocated interests were present in person or by proxy. Following a through discussion of the same the above stated Resolution was passed by a vote of 103 to 0 with no abstentions.

Solar Ranch Homeowners Association, Inc.

BY: Pat Willits
Pat Willits, President

Attested to:

BY: Pam Kraft
Pam Kraft, Secretary

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WHEREAS, Paragraph 14 on pages 8 and 9 of the Solar Ranch C,C &R's allow for "[p]ersons with seventy-five percent (75%) of the Allocated Interests may at any time amend, modify or revoke these Covenants in whole or in part.";

WHEREAS, Pursuant to the original plat of Filing 2C Solar Ranches, recorded at Plat Book 185, Page 75 on August 18, 1993, and an amendment of Subdivision Plat and Planned Unit Development Plan for Solar Ranches 2C, Town of Ridgway, Colorado Recorded on December 27, 1994 at reception number 158406, Lot 110, being approximately 1.577 acres has an allowed use and density of ten single family equivalents in the form of a multi-unit residential building or a retirement home;

WHEREAS, The undersigned wish to provide incentive to permanently reduce density on Lot 110 and other multi-family lots within the subdivision; and

WHEREAS, The undersigned, recognize the unique needs for an appropriate location for the Rocky Mountain Holistic Health Center, Inc., a Colorado non-profit corporation.

THEREFORE, the undersigned representing seventy-five percent (75%) of the Allocated Interests, either in person or by proxy duly executed pursuant to the rules of the Solar Ranch Home Owners' Association as set forth in the applicable by-laws, at a special meeting duly noticed for this purpose, grant their affirmative approval of the following Amendment to the Solar Ranch CC&R's:

1. The undersigned agree that Lot 110 may be subdivided into as many as, but no more than, three lots. The undersigned agree that an Amended Plat may be executed and recorded allowing said subdivision.
2. The undersigned agree that one of the lots created from the existing Lot 110 may be rezoned and used for the limited commercial purpose of The Rocky Mountain Holistic Health Center, Inc., providing non-urgent and non-emergent care

to the citizens of Ridgway and the surrounding areas. This consent is given based upon the express limitations set forth herein:

- a. The Rocky Mountain Holistic Health Center shall receive patients at such times during the day so that the disturbance, if any, to the surrounding residential uses is minimized.
- b. There shall be a maximum average of three car trips per hour generated by said limited commercial use.
- c. If the lot shall ever cease to be used by the Rocky Mountain Holistic Health Center for a period of greater than sixty continuous days, it shall be a violation of these covenants to use the lot and structure thereon for any purpose other than single family residential purposes.
- d. The Amended Plat, finally approved by the Town of Ridgway, unless prohibited by the Town, shall contain designated building envelopes for all three of the newly platted lots.
- e. The Rocky Mountain Holistic Health center building foot print shall be no larger than 4000 square feet plus a garage structure. It shall be designed to resemble a residential structure similar to those present in the immediate vicinity of Lot 110. A garage structure shall be built as part of the initial construction. All structures, landscaping and parking shall comply with all height restrictions, other requirements set forth by the Architectural Review Guidelines and shall be subject to Architectural committee review as set forth in the Solar Ranch C,C & R's.
- f. The remaining lots created out of existing Lot 110 shall be used for residential purposes only. Any structure built upon those lots shall meet all town building requirements and be subject to approval by the Architectural review committee, pursuant to their guidelines.
- g. The Rocky Mountain Holistic Health Center shall be entitled to place one sign, no larger than six square feet on the property to identify the center for its clients. The sign shall be constructed of wood materials, the design of which shall generally blend in with the architectural style of the subdivision and shall be approved by the Architectural review committee.

3. In exchange for the consent granted herein, the owner of Lot 110 agrees to release and forever forego the 10 single family equivalent and/or retirement home use previously designated to this lot. Furthermore, the owner of Lot 110's Allocated Interests (as that term is defined in the Solar Ranch C,C&R's) shall be reduced from 10/114ths to 3/107ths. Each of the three newly platted lots shall be subject to the initial water rights purchase assessment and shall be subject to all

other Solar Ranch Home Owner Association Dues and other obligations. Notwithstanding anything in this provision, the current owner of lot 110 shall be responsible for paying the full year 2001 assessment for 10/114ths allocated interests.

4. The Undersigned herein agree to an amendment of the Plat of Filing 2C to allow the above described modifications to Lot 110.

5. The effectiveness of all consents and agreements by the parties hereto are expressly contingent upon the granting of all necessary approvals by the Town of Ridgway expressly permitting the reduction in density, the creation of additional lots and the limited commercial use as described above. If the necessary governmental approvals are not obtained, all agreements set forth herein are terminated and are of no further force and effect.

6. The parties agree that this document shall not be recorded in the real property records of Ouray County clerk and recorder until such time as the Town of Ridgway has granted the above mentioned approvals.

7. Upon this agreement becoming effective, pursuant to Paragraph 4 above, the Allocated Interests in the Solar Ranch are distributed as set forth on Exhibit A hereto and incorporated by this reference.

8. If any additional approvals and/or documentation is required by the Town of Ridgway to accomplish the objectives set forth in this Resolution, the undersigned empower the President and Secretary of the Solar Ranch Home Owners to execute said documents on behalf of the undersigned.

9. Any provision of the Solar Ranch C,C &R's not modified herein shall remain in full force and effect.

10. The above stated resolution was discussed at a duly noticed meeting of the Solar Ranch Homeowners Association, Inc. on February 16, 2001 at 6:00 p.m. 103 of 114 allocated interests were present in person or by proxy. Following a through discussion of the same the above stated Resolution was passed by a vote of 103 to 0 with no abstentions.

Solar Ranch Homeowners Association, Inc.

BY: 
Pat Willits, President

Attested to:

BY: 
Pam Kraft, Secretary

**EXHIBIT A
TO
Resolution of Solar Ranch Homeowners Association**

<u>Unit</u>	<u>Allocated Interests Attributed to that Unit</u>
Lot 41:	1/107
Lot 42:	1/107
Lot 43:	1/107
Lot 44:	1/107
Lot 45:	1/107
Lot 46:	1/107
Lot 47:	1/107
Lot 48:	1/107
Lot 49:	1/107
Lot 50:	1/107
Lot 51:	1/107
Lot 52:	1/107
Lot 53:	1/107
Lot 54:	1/107
Lot 55:	1/107
Lot 56:	1/107
Lot 57:	1/107
Lot 58D:	2/107
Lot 59:	1/107
Lot 60:	1/107
Lot 61:	1/107
Lot 62:	1/107
Lot 63:	1/107
Lot 64D:	2/107
Lot 65:	1/107
Lot 66:	1/107
Lot 67:	1/107
Lot 68:	1/107
Lot 69:	1/107
Lot 70:	1/107
Lot 71:	1/107
Lot 72:	1/107
Lot 73:	1/107
Lot 74:	1/107
Lot 75:	1/107
Lot 76:	1/107
Lot 77:	1/107
Lot 78:	1/107
Lot 79:	1/107
Lot 80:	1/107

**EXHIBIT A
TO
Resolution of Solar Ranch Homeowners Association
(Continued)**

<u>Unit</u>	<u>Allocated Interests Attributed to that Unit</u>
Lot 81:	7/107
Lot 82:	7/107
Lot 83:	6/107
Lot 84:	5/107
Lot 85:	5/107
Lot 85A:	1/107
Lot 86D:	2/107
Lot 87D:	2/107
Lot 88:	1/107
Lot 89:	1/107
Lot 90:	1/107
Lot 91:	1/107
Lot 92:	1/107
Lot 93D:	2/107
Lot 94D:	2/107
Lot 95D:	2/107
Lot 96D:	2/107
Lot 97:	1/107
Lot 98:	1/107
Lot 99:	1/107
Lot 100:	1/107
Lot 101:	1/107
Lot 102:	1/107
Lot 103:	1/107
Lot 104:	1/107
Lot 105:	1/107
Lot 106:	1/107
Lot 107:	1/107
Lot 108:	1/107
Lot 109D:	2/107
Lot 110A:	1/107
Lot 110B:	1/107
Lot 110C:	1/107