

Book 549, 364  
Dec. 7, 1979

CITY OF WRAY  
By, Wayne M. Nichols,  
Mayor  
ATTEST: Charles Murphy,  
Clerk SEAL  
to  
The Public

DECLARATION ESTABLISHING BUILDING  
RESTRICTIONS IN THE WRAY GOLF COURSE  
SUBDIVISION Yuma County, Colorado

Dated: Dec. 4, 1979

...the undersigned City of Wray has caused certain real estate to be surveyed and platted under the name WRAY GOLF COURSE SUBDIVISION and has caused the same to be subdivided into lots, streets, drives and public ways, pursuant to Colorado Statutes, and a plat thereof has been recorded according to law in the records of the Clerk and Recorder in the County of Yuma, in Plat Book A in Page 145, and

WHEREAS, the said City of Wray is the sole owner of said subdivision and said owner now desires to place certain restrictions on all lots described on said Plat recorded in Plat Book A in Page 145, for the use and benefit of the present owner and for his grantees in order to establish and maintain the WRAY GOLF COURSE SUBDIVISION as a high-grade residential subdivision.

NOW, THEREFORE, in consideration of the premises, the undersigned authority, for himself, his successors and assigns and his grantees does hereby publish, acknowledge, declare and agree with, to and for the benefit of persons who may hereafter purchase and from time to time hold and own any of the described lots in said subdivision subject to the following restrictions, covenants and conditions, all of which shall be deemed to run with the land and inure to the benefit of, and be binding upon the purchaser, his heirs and assigns of any of said lots, to-wit:

(1) No building whatever except a private residential dwelling house to include an attached garage that is built as an integral part of the residential structure and built of the same materials, shall be erected, placed, or permitted on the conveyed premises or any part thereof, and such dwelling house permitted on the conveyed premises shall be used as a private residence only. The due to the aesthetic sensitivity of the proposed development, all residential residences shall meet the following minimum requirements:

- (a) That the property conveyed and dwelling house shall be used ONLY for SINGLE family houses,
- (b) That no detached buildings of any nature shall be erected on the tract at any time, except those which are made of the same materials and architectural style on the principal dwelling.
- (c) That no additions to the original dwelling shall be made except additions which use architectural style and materials as the original dwelling.
- (d) That the minimum ground floor area of the dwelling, exclusive of porches and garages shall be 1600 square feet.
- (e) That no structure shall exceed 35 feet in height.
- (f) All exterior colors and roof colors shall be in natural earth tones; by definition, this shall include brick exteriors and natural wood shingles, but not limited thereto. The roof shall not be of reflective materials, however, solar panels may be approved by the Planning Commission.
- (g) That prior to the commencement of construction, all exterior plans shall be submitted to the City of Wray Planning Commission for approval. Said Commission shall approve the submitted plan if it is in harmony with the development as a whole to include dwelling previously erected and plans previously approved; by definition one story ranch style homes shall be deemed to be in harmony if the exterior color requirements are met.
- (h) No mobile homes, double wide trailer, modular home or structural steel home with metal exterior shall be erected as a dwelling on these premises. Modular home shall be defined as any home that is constructed, assembled, trucked into the location and is assembled by joining two major preconstructed components on the premises. This definition shall not be construed to include pre-cut or panelized homes.

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1.1 Notwithstanding the foregoing, Townhouse construction shall be allowed on Lots 4, 7 and 12. No Townhouse shall exceed two stories and all construction plans must be approved by the Planning Commission prior to commencement of construction.

(2) AIRSPACE: That whereas the tracts are located adjacent to an existing municipal airport, the purchaser covenants that he shall waive trespass to his airspace which may be made in the normal course of utilizing said airport and waives any right he may have in law or equity to object to aircraft noise ~~is~~ caused by normal operation of the Wray Municipal Airport, to include jet aircraft noise.

(3) SUBDIVIDING OF LOTS: No grantee shall offer for sale less than the whole lot as shown on the original subdivision plat as recorded. However, the owner of any interest in any Townhouse may at any time convey such interest as he may own in said Townhouse.

(4) ANTENNAS AND AERIALS: If economically feasible the City shall furnish a central television antenna to serve the subdivision. In the event that said antenna is furnished no owner shall be allowed to maintain his own aerial. The City shall maintain said aerial and shall assess the cost of maintenance to each residential unit. In the event that said aerial is not erected by the City, all private aeriels shall first be approved by the Planning Commission.

(5) FENCES: All fences and fence locations must be approved by the Planning Commission prior to construction.

(6) LIMITED TRESPASS: That whereas the lots are located adjacent to the fairways and an existing golf course, the Grantee does grant to the public a limited license to come onto his lot for the limited reason of finding and retrieving an errant golf ball. Each lot shall be deemed out of bounds under the rules of golf and no member of the public shall be entitled to play golf shot from the lot of the Grantee. This license shall be limited to foot traffic and shall not constitute a license to bring any mechanical golf cart into the premises for any purpose.

(7) SET BACKS: Prior to construction all set backs shall be approved by the Commission.

(8) DOMESTIC ANIMALS: Domestic animals shall be allowed provided, however, no animals shall be allowed to run free off the lot of their owner. No horses, cows or other hooved animal shall be housed, kept, or allowed in said subdivision and all livestock and poultry shall also be so excluded.

(9) PARKING AND STORAGE: No motor vehicles, trailers, boats, or campers or other equipment not in daily use, shall be parked, stored or kept on any lot except in garages, on lot driveways or on paved or graveled parking areas. In such event, four motor vehicles, one camper or travel trailer and one boat may be kept in said locations. Except as provided herein, no lot may be used for storage of property in the open except during the original construction period, which shall not exceed nine months. No commercial or farm vehicles or equipment shall be maintained, parked, stored or kept on any lot except in garages.

(10) CITY SERVICES: The City of Wray shall afford City services to the subdivision. The cost of said services shall be assessed against each lot in an amount equal to the General Fund Mill Levy of the City. Said City services to specifically include, but without limitation, maintenance of gravel street, police protection and fire protection. It is covenanted and agreed that failure to pay said assessment shall cause the amount due to become a lien upon the property and said lien may be foreclosed in the manner provided for foreclosure of a general tax lien. Said amount shall be finally determined and billed by the City of Wray on or before the 1st day of February of each year and shall be deemed delinquent if not paid on or before the 1st day of April each year.

(11) VACANT LOTS: Until such time as the owner commences construction he shall keep the lot in its native state and shall not store any foreign materials of any sort on the property.

(12) WATER: The City shall furnish water to be charged to the owner at a rate equal to that charged to other water consumers outside the City of Wray, Colorado

(13) ELECTRICITY: The City shall furnish electricity to the owner at the rate furnished for domestic consumption within the City of Wray, Colorado.

(14) TRASH COLLECTION: The City furnish trash collection at the rate charged in the City of Wray, Colorado.