



Vail's Pulis Ranch Open Space and Golf Course

Vail Homeowners Association Newsletter

News, Analysis, and Commentary for Vail Homeowners

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Protective Covenants at Issue to Golf Course Clubhouse Redevelopment

TOV Sued by Neighbors Over Covenants: The Town of Vail is currently proposing a redevelopment of the Golf Clubhouse and the 18th green that would involve commercial uses that conflict with protective covenants dating back to the original acquisition of the property. The Town's plans have been detailed in prior issues of the [VHA Newsletter](#). Surrounding property owners have sued the Town, seeking to prevent uses that would conflict with the covenants. Recently, the [Court denied](#) the [Town's motion to dismiss](#) that [lawsuit](#). It is anticipated that if the Town moves forward to a final approval of its current plans, an injunction hearing would be the next phase of the lawsuit.

VHA Wants Covenants Respected: The Vail Homeowners Association has long been a

persistent advocate of all the protective covenants in the community. In that connection it has urged the Town to modify its plans to comply with the covenant at issue, which requires that the property be used only for a public golf course, park or open space. That does not preclude a golf clubhouse; but it does mean that the clubhouse could not be used for commercial purposes unrelated to golf.

Covenants Protect Against Undesirable Uses, Building and Activities: To understand the critical role that protective covenants play in underpinning Vail's property values, it is necessary to know how the community evolved from its conception in the early 1960's, until it was incorporated as a municipality in 1966. In the early years, the county government was slow to embrace planning and land use regulation for what was to become Vail. The developers therefore needed to improvise a regulatory system and chose to use protective covenants as the primary method to administer and enforce compliance with prescribed uses and building design compatibility. Since covenants were contractual agreements that could not be changed or redefined without approval of the property owners, they gave legally binding assurances to investors in real estate that their investment would be protected against undesirable uses, buildings and activities.

Vail Began as Covenant Protected Community: Originally, Vail Associates' land holdings were not configured in a way that would accommodate a complete 18-hole golf course viewed as an essential element to community success. The Vail Recreation District (VRD) was formed, to finance and build the Vail Golf Course. In 1966, the VRD made an arrangement with the Pulis family, owners of an adjacent ranch, to acquire sufficient land to build the first nine holes of the Golf Course. This arrangement was later modified to permit construction of the second nine holes. Thus began a series of subdivisions of the Pulis Ranch that was concluded by the mid-1970's. The Town of Vail acquired the Pulis leased golf course lands in 1984. The Pulis Ranch subdivisions were formulated under the same shared philosophy and expectations of covenant-enforced town planning practices and protective covenants were attached to the land, including the golf course.

Covenants Protect Property Values: The obligation to abide by covenant-protected uses and design review function was central to the deliberations leading to the formation of the Vail municipal government. Once the Town of Vail was incorporated and zoning was adopted, the zoning was a reflection of the protective covenants. This was done as a fulfillment of the binding agreement obligated in the protective covenants to property owners. Likewise, design review was taken on as a government function in the formative stages of the new town.

TOV Should Comply With Covenants, Proposed Commercial Golf Course Events Center Does Not: The protective covenants, therefore, play a central role in the formulation of the Town of Vail's land use regulatory system and their being set aside, defied or ignored could diminish the quality of life of both property owners and the public, including having a widespread, unsettling, adverse effect upon property values. It is therefore the position of the Vail Homeowners Association that it would not be in the public interest to permit the Town to interpret, alter or undertake construction of a project that does not comply with all applicable covenants. The Association has, and will continue to, vigorously advocate that position.



Vail Golf Course - 18th Hole

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