

AMENDMENT TO
PROTECTIVE COVENANTS
OF
VAIL VILLAGE, FIFTH FILING
EAGLE COUNTY, COLORADO

WHEREAS, Vail Associates, Inc., a Colorado corporation is the owner of the following described land (hereinafter referred to as Subject Land):

TRACT E, VAIL VILLAGE, FIFTH FILING
AND
ADJACENT LOT D-1

WHEREAS, Vail Associates, Inc., hereinafter sometimes referred to as Owner, has placed certain restrictions on the use of the Tracts, Blocks and Lots of the Vail Village, Fifth Filing for the benefit of the Owner and its respective grantees, successors and assigns, said restrictions being filed of record in the Eagle County, Colorado, records at book number 187 and at page number 353.

WHEREAS, Owner desires to place certain additional restrictions on the use of the Subject Land for the benefit of the Owner and its respective grantees, successors and assigns, in order to further establish and maintain the character and value of real estate in the vicinity of the Town of Vail.

NOW THEREFORE, in consideration of the premises, Vail Associates, Inc., for itself and its grantees, successors and assigns, does hereby impose, establish, publish, acknowledge, declare and agree with, to and for the benefit of all persons who may hereafter purchase or lease and from time to time so own or hold the Subject Land in Vail Village, Fifth Filing, that it owns and holds all of the Subject Land in Vail Village, Fifth Filing, subject to the following restrictions, covenants, and conditions, all of which shall be deemed to run with the land and to inure to the benefit of and be binding upon the Owner, its respective grantees, successors and assigns:

1) LAND USE

1.1. No use of the Subject Land shall conflict with or violate any provision of the "Protective Covenants of Vail Village, Fifth Filing, Eagle County, Colorado" as recorded in Book 187 at page 353 of the records of the Clerk and Recorder of Eagle County, Colorado;

1.2. The Subject Land shall be used, held and maintained in good order and condition by the Town of Vail (subject to existing or recorded easements and rights of way) for use at all times as a vacant and undisturbed open area in its natural condition or landscaped with trees, shrubs and grass and no structure,

building, or improvement of any kind or character, whether temporary or permanent, may be erected or maintained thereon; except as herein provided;

1.3. Improvements necessary, desirable or convenient for the provision and maintenance of utility services may be constructed and maintained through or under the Subject Land; provided that said improvements shall not cause permanent disruption or alteration to the surface of the Subject Land.

1.4. That portion of the Subject Land described as follows:

A parcel of land lying in Tract E, Vail Village, Fifth Filing, Town of Vail, Eagle Colorado, Colorado, described as:

Beginning at the Northwest Corner of said Tract E, which Corner is the Northwest Corner of the Southeast Quarter of the Northwest Quarter of Section 8 Township 5 South, Range 80 West of the 6th Principal Meridian, thence S 0 12'03" E 154.35 feet along the Westerly line of said Tract E; thence N 79 45' E 84.62 feet more or less to the Northwest Corner of Lot 1, Block 1, Vail Village, Fifth Filing, which Corner is also on the Southerly line of said Tract E; thence continuing N 79 45' E 175.00 feet along said Southerly line which is also the Northerly line of said Lot 1 and Lot 2; thence N 35 15' W 96.00 feet; thence N 0 34'01" E 89.41 feet; thence S 59 45' W 15.00 feet more or less to the Southeast Corner of Lot C, Block 2, Vail Village, Fifth Filing which Corner is also on the Northerly line of said Tract E; thence continuing along said Northerly line of said Tract E which is also the Southerly line of Lots C, B, and A, Block 2, Vail Village, Fifth Filing on the following two courses: (1) S 59 45' W 102.50 feet, and (2) S 89 44' W 100.00 feet to the point of beginning, containing 32,814.23 square feet or 0.7533 acres more or less, reserving from the above parcel the West 50 feet thereof for an access Right-of-Way to adjoining parcels of land;

may be used as a children's playground upon which may be erected and maintained limited amounts of playground equipment; provided such equipment is not motor or engine powered or accompanied by music;

1.5. One east-west, paved pedestrian walkway and a foot bridge across Mill Creek may be constructed through Tract E, north of Block 1, Vail Village, Fifth Filing, and south of Block 2, Vail Village, Fifth Filing, and one north-south, paved pedestrian walkway may be constructed through Lot D-1, to a point of intersection with the paved walkway through Tract E.

1.6. That portion of the Subject Land described as follows:

A parcel of land lying in Tract E, Vail Village, Fifth Filing, Town of Vail, Eagle County, Colorado, described as:

Beginning at the Northwest Corner of said Tract E, which Corner is the Northwest Corner of the Southeast Quarter of the Northwest Quarter of Section 8, Township 5 South, Range 80 West of the 6th Principal Meridian, thence S 0 12'03" E 154.35 feet along the Westerly line of said Tract E; thence N 79 45' E 84.62 feet more or less to the Northwest Corner of Lot 1, Block 1, Vail Village Fifth Filing, which Corner is also on the Southerly line of said Tract E; thence continuing N 79 45' E 175.00 feet along said Southerly line which is also the Northerly line of said Lot 1 and Lot 2; thence N 35 15' W 96.00 feet; thence N 0 34'01" E 98.41 feet; thence S 59 45' W 15.00 feet more or less to the Southeast Corner of Lot C, Block 2, Vail Village, Fifth Filing which Corner is also on the Northerly line of said Tract E; thence continuing along said Northerly line of said Tract E which is also the Southerly line of Lots C, B, and A, Block 2, Vail Village, Fifth Filing on the following two courses: (1) S 59 45' W 102.50 feet, and (2) S 89 44' W 100.00 feet to the point of beginning, containing 32,814.23 square feet or 0.7533 acres more or less, reserving from the above parcel the West 50 feet thereof for an access Right-of-Way to adjoining parcels of land;

and

A parcel of land lying in Tract E, Vail Village, Fifth Filing, Town of Vail, Eagle County, Colorado, described as:

Commencing at the Northwest Corner of said Tract E, which Corner is the Northwest Corner of the Southeast Quarter of the Northwest Quarter of Section 8, Township 5 South, Range 80 West of the 6th Principal Meridian, thence S 0 12'03" E 154.35 feet along the Westerly line of said Tract E; thence N 79 45' E 50.78 feet to the true point of beginning; thence S 0 12' 03" E 267.72 feet parallel with and 50 feet from said Westerly line of Tract E; thence S 62 28' E 224.20 feet more or less parallel with and 50 feet from the Southerly line of said Tract E to a point on the Westerly line of Lot 13, Block 1, Vail Village, Fifth Filing; thence along the Westerly line of said Lot 13, of Mill Creek Circle and of Lot 1, Block 1, Vail Village, Fifth Filing, which is also the Easterly line of said Tract E on the following five courses: (1) N 26 00' W 12.90 feet; (2) N 18 01'30" E 54.82 feet to the Northwest Corner of said Lot 13 and a point on the arc of a 1466.50 foot radius curve; (3) Northwesterly 118.72 feet along the arc of said curve to the right whose central angle is 4 38'18" and whose long chord bears N 65 13'09" W 118.69 feet to a point of compound curve; (4) Northerly 145.02 feet along the arc of an 85 foot radius curve to the right whose central angle is 97 45' and whose long chord bears N 14 01'30" W 128.06 feet to the Southwest Corner of said Lot 1; and (5) N 15 35' W 145.00 feet to the Northwest Corner of said Lot 1; thence S 79 45' W 33.84 feet more or less to the true point of beginning, containing 25,823.77 square feet, or 0.5928 acres, more or less;

may be used as a picnic area, but no permanent structures, tables, benches, or toilet facilities shall be erected or maintained thereon.

1.7. Provide that the written consent of each Owner of property contiguous to Tract E is obtained and existing landscaping is not disturbed, the following described portion of the Subject Land, and that portion only, may be used as a road and for vehicular parking:

A parcel of land lying in Tract E, Vail Village, Fifth Filing, Town of Vail, Eagle County, Colorado, described as:

Commencing at the Northwest Corner of said Tract E, which Corner is the Northwest Corner of the Southeast Quarter of the Northwest Quarter of Section 8, Township 5 South, Range 80 West of the 6th Principal Meridian, thence S 0 12'03" E 154.35 feet along the Westerly line of said Tract E to the true point of beginning; thence S 0 12'03" E 289.06 feet along said Westerly line to the Southwest Corner of said Tract E; thence S 62 28' E 322.05 feet more or less along the Southerly line of said Tract E to the Southwest Corner of Lot 13, Block 1, Vail Village, Fifth Filing; thence N 26 00' W 84.12 feet along the Westerly line of said Lot 13, which is also the Easterly line of said Tract E; thence N 62 28' W 224.20 feet parallel with and 50 feet from said Southerly line of Tract E; thence N 0 12'03" W 267.72 feet parallel with and 50 feet from said Westerly line of Tract E; thence S 79 45' W 50.78 feet to the true point of beginning, containing 27,574.41 square feet or 0.6330 acres more or less.

1.8. No part of the Subject Land shall be used for picnicking (except as hereinabove specifically allowed), camping or overnight stays by any person or persons. Nor shall there be permitted within or upon the Subject Land any informal or organized public or private gathering or any other act by any person or persons, except as hereinabove specifically allowed, which in the judgment of the Owner and the appropriate officials of the Town of Vail, may deface, alter, destroy or damage the natural condition, vegetation or aesthetic value of the Subject Land or litter its surface;

1.9. No vehicular traffic or parking of any kind or nature other than mentioned in 1.7 above shall be permitted upon, across or through the Subject Land.

2) AMENDMENT

The conditions, restrictions, stipulations, agreements and covenants contained herein shall not be waived, abandoned, terminated or amended except by written consent of both Vail Associates, Inc. and the Town of Vail to be filed of record in the office of the Clerk and Recorder of Eagle County, Colorado.

117177

STATE OF COLORADO, }
EAGLE COUNTY. } ss.

I hereby certify that this instrument
was filed for record in my office the

30 day of August, 1971 at
2:46 o'clock P.M., and is duly recorded

in Book 221 Page 496

Maxwell R. Berg
County Clerk and Recorder

By _____

Deputy

Fee \$ 75.00 p/