

**ADDENDUM**

WHEREAS, the undersigned Declarant is the owner of all real property located within \_\_\_\_\_, a Special Area Plan (the “Special Area Plan”), and

WHEREAS, Declarant has or intends to record a declaration or other instrument creating a common interest community pursuant to the Colorado Common Interest Ownership Act for the real property within the Special Area Plan (the “Declaration”), and

WHEREAS, the Declaration is entitled “\_\_\_\_\_”, and

WHEREAS, the Declaration provides that an associates or unit owners’ association is or shall be organized under Section 38-33.3-301, C.R.S. (the “Association”), and

WHEREAS, the City of Pueblo requires as a condition of the approval of the Special Area Plan that the Declarant clarify the duties and obligations of the unit owners and the Association with respect to public improvement and/or common area improvements within the Special Area Plan, the maintenance, repair and replacement of which the City will not undertake or be responsible for.

NOW, THEREFORE, in consideration of the foregoing and City of Pueblo’s approval of the Special Area Plan, Declarant hereby amends the Declaration by the addition of the following covenant which shall be incorporated in the Declaration and made a part thereof:

Association shall be responsible for the maintenance, repair, and replacement of all drainage structures or facilities, and all other public improvements required by the City of Pueblo as a condition of the approval and development of the Special Area Plan or any part thereof (“Public Improvements”) as well as all common area and common area improvements shown on the plat of the Special Area Plan or any part thereof or described in the Declaration (“Common Area Improvements”), except those Public Improvements which have been dedicated to and accepted in writing by the City of Pueblo for the purpose of maintenance, repair, or replacement. If the Public Improvements and/or Common Area Improvements are not properly maintained, repaired, or replaced by the Association, the City of Pueblo may, but shall have no obligation to (a) institute legal proceedings in its name against the Association and/or owners of real property within the Special Area Plan in the Pueblo County District Court to specifically require the Association and/or owners of real property within the Special Area Plan to maintain, repair, or replace the Public Improvements and/or Common Area Improvements and to impose and collect assessments and fees therefor in accordance with the provisions of the Declaration and the Colorado Common Interest Ownership Act; and for such purpose, the Association and all

