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DENVER COUNTY CLERK AND RECORDER 765.00 .00 SMP  
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**FIRST AMENDED AND RESTATED  
COMMUNITY DECLARATION  
FOR  
THE PROJECT AREA  
WITHIN THE FORMER  
STAPLETON INTERNATIONAL AIRPORT**

**CERTIFICATION**

The Clerk and Recorder for the  
CITY AND COUNTY OF DENVER State  
of Colorado does hereby certify this  
document to be a full, true and  
correct copy of the original  
document recorded in my office.



Clerk and Recorder  
by [Signature]  
Deputy County Clerk  
Date 5/10/02

(v) to provide for the maintenance, repair, improvement and replacement of the Common Elements and to provide services as set forth in this Community Declaration and various budgets of the Community Association;

(vi) to provide for the implementation of the powers and duties of the Board as set forth in this Community Declaration and the other Governing Documents of the Community; and

(vii) to implement the purposes of the Community Association as provided for in this Community Declaration and as provided for in any of the other Governing Documents of the Community.

F. Declarant desires to provide for the development of the Project Area to achieve these stated general purposes, and to allow the Community to undertake and continue these stated purposes as integral and fundamental aspects of the Community.

G. The Project Area is also subject to compliance with the Affordable Housing Plan as agreed to between the City and Declarant or its affiliates. A copy of the Affordable Housing Plan is attached hereto as *Exhibit D*. The purpose of the Affordable Housing Plan is to insure that a portion of the Project Area is owned, developed and used to facilitate housing for low and moderate income households. No property within the Project Area shall be specifically subject to the Affordable Housing Plan until so designated by Declarant pursuant to Declarant's reserved Development Rights as set forth in this Community Declaration.

H. Declarant has caused the "Master Community Association, Inc.," a Colorado nonprofit corporation, to be incorporated under the laws of the State of Colorado, as a master owners' association, for the purpose of exercising the functions set forth in this Community Declaration.

I. Declarant, as the developer of the Community, has established this Community Declaration to provide a governance structure and a flexible system of standards and procedures for the overall development, expansion, administration, maintenance and preservation of the Community as a large, master planned community.

Now, therefore, Declarant declares as follows:

## **ARTICLE I**

### **SUBMISSION/DEFINED TERMS**

Section 1.1 Submission of Real Property to the Community Declaration. The Declarant hereby submits the property described in *Exhibit B*, and such additional property as may be subsequently added (the "Real Property") to the provisions of the Colorado Common Interest Ownership Act (the "Act"), as apply to Large Planned Communities, and to the terms and conditions of this Community Declaration. In the event the Act is repealed, the Act on the effective date immediately prior to repeal shall remain applicable.

**Section 1.2 Purpose and Intent.** Declarant declares that this Community Declaration is made for the purposes set forth in the recitals of this Community Declaration. Declarant intends that this Community Declaration establish a general plan for the development of the Community. This Community Declaration is intended to and provides a flexible and reasonable procedure for the future expansion of the Community and provides for its overall development, administration, maintenance and preservation. An integral part of the development plan is the creation and operation of the Community Association, to own, operate and maintain various Common Elements and community improvements, and to administer and enforce this Community Declaration and the other Governing Documents referenced in this Community Declaration.

**Section 1.3 Binding Effect.** Declarant hereby declares that all of the Real Property shall be held, sold, and conveyed subject to the easements, restrictions, covenants and conditions of this Community Declaration, except such portions of the Real Property as are a part of or are subsequently dedicated as right-of-way, public street, road or highway or dedicated as and used as a public park. Portions of Real Property once subject to this Community Declaration that become exempt upon dedication as a right-of-way, public street, road or highway, or dedicated as and used as a public park, shall, upon vacation of all or any part of the dedication, then again be subject to this Community Declaration, to the extent of such vacation. Declarant declares that this Community Declaration shall run with the Real Property and shall be binding on all parties having any right, title or interest in the Real Property or any part thereof, their heirs, legal representatives, successors, and assigns and shall inure to the benefit of each Owner thereof.

**Section 1.4 Name and Type.** The type of Common Interest Community is a Master, Large Planned Community. The Community is a 'large' community, as defined in the Act and is also a 'master' Community. The Community may be located both in the City and/or in the County of Adams, Colorado. The initial name of the Community is 'Stapleton.' The name of the Community can be changed, upon the recommendation of the Delegates to the Board, the Board's approval of the recommendation, and Declarant's approval of the Board's action. Upon the adoption of a new name for the Community, the Community Association shall adopt and record an amendment to this Community Declaration, and the right to such amendment, as provided for above, is expressly reserved for twenty (20) years from the date of recording of this Community Declaration. The name of the Community Association is the "Master Community Association, Inc." The Community Association may adopt and use other names, as and in the manner permitted under the Colorado Revised Nonprofit Corporation Act, as that act may be amended from time to time.

**Section 1.5 Governing Documents.** The Community's Governing Documents consist of the following, as they may be amended: (a) Articles; (b) Bylaws; (c) Community Declaration; (d) plats, maps (as those terms are used in the Act) and deeds, as appropriate; (e) Supplemental Declarations; (f) Renovation and Remodeling Criteria; (g) Rules and Regulations; and (h) Board Resolutions.