



## Covenants, Conditions, and Restrictions Checklist for Applicants

Per the requirements of the Colorado Common Interest Ownership Act (CCIOA), Colo. Rev. Stat. § 38-33.3-101 to 38-33.3-401, there is certain information that must be included in any declaration of covenants, conditions, and restrictions for a common interest community. Additionally, there are provisions of CCIOA which, while arguably self-executing, should be included to put the public on notice of provisions governing a common interest community in the City of Grand Junction.

The following checklist of items to be included in a declaration is provided by the Community Development department solely as a courtesy to development applicants to assist in their completion of declarations as part of the subdivision review process. All projects will be reviewed on a case-by-case basis and compliance with this checklist does not guarantee that a declaration submitted for any particular project will be deemed acceptable by the City. Furthermore, this checklist **does not** purport to be an exhaustive list of the requirements of CCIOA. It instead addresses the most common provisions that will generally be included and those that the City believes are most salient.

The plat or map is a part of the declaration. §38-33.3-209 is specific to the plats and maps. The requirements included within this section must be contained within a plat or map, or in the written declaration or both. This section has not been addressed here.

Applicants are strongly encouraged to consult with their own legal counsel to draft covenants, conditions, and restrictions that will meet the specific requirements of their project and be fully compliant with CCIOA. By providing this checklist, **the City is not in any way providing legal advice to development applicants.**

### PLEASE CHECK ALL THAT APPEAR IN THE DECLARATION SUBMITTED:

- State the name of the common interest community
- State the name of the owner's association
- Ensure that the names of the community and association match what is identified on the plat and any associated documents (The name must match the name of the association registered with the Colorado Secretary of State.)
- State whether the community is either a condominium, cooperative, or planned community

- Identify the county in which the community is situated
- Provide a legally sufficient description of the real estate included in the community
- Identify all lots by number (can be on Plat/Map incorporated into Declaration)
- State the maximum number of units the declarant reserves a right to create
- Identify any common elements and limited common elements (This may be done within the CCRs or on the plat/map and referenced in the CCRs)
- Describe any development rights or other special declarant rights reserved by the declarant, what real estate those rights apply to, and the time limit in which they must be exercised.
- Allocate to each unit in the community a share of the allocated interests, including a formula for calculating the interest if units are added or withdrawn
- State whether the declarant intends to maintain a sales or management office or model in the community
- State whether there are any limitations on the easement rights of the declarant and unit owners in the common elements
- State reasonable provisions about how notice may be given to unit owners in the community by the association or other unit owners
- Specify the maintenance responsibilities of the association as to the common elements, in particular as to any drainage detention facilities
- Specify who is responsible for maintenance of any limited common elements
- Do not include provisions that conflict with CCIOA's mandate that certain activities, improvements, and fixtures cannot be prohibited by an association

The undersigned has reviewed the Declaration of Covenants, Conditions and Restrictions submitted as for Community Development Plan Number \_\_\_\_\_ and asserts that the Declaration contains the information indicated on this Checklist.

Name: \_\_\_\_\_

Relation to Applicant: \_\_\_\_\_

Signature: \_\_\_\_\_