

ALPINE LAKES RANCH PROPERTY OWNER'S ASSOCIATION, INC.

Rule #4 - Subdividing a Parcel

The Alpine Lakes Ranch Declaration, ARTICLE XII. LAND USE, states "Further subdivision of less than thirty-five acres is prohibited. Any subdivided parcel will be covered by these Covenants and become an automatic member of the Alpine Lakes Ranch Property Owner's Association". Therefore, the only parcels that can be subdivided to create additional 35 acres or larger parcels are those that are 70 acres or more in size. These are the requirements that must be met to receive approval from the ALRPOA to subdivide your parcel:

- 1) Must have Archaleta County approval to subdivide.
- 2) Original parcel must be 70 acres or more.
- 3) The resulting subdivision shall not create any parcel less than 35 acres.
- 4) The resulting parcels shall abide by and conform to any existing easements, as well as any other legal agreements entered into by the parcel owner and ALRPOA.
- 5) Each of the resulting parcels must have a driveway access directly from either an ALR road or a county road. No flag parcels shall be allowed. A flag parcel is one that requires a driveway easement through another parcel.
- 6) Each of the resulting parcels must have direct access to ALR utilities. In other words, no easements through another parcel to gain access to utilities shall be allowed.
- 7) Unless there are special circumstances which the parcel owner requests the ALRPOA to consider, the minimum frontage to an ALR or county road of any and all resulting parcels shall be 60 feet to allow for:
 - a) Placement of the driveway at least 25 feet from either side boundary.
 - b) A minimum 10 foot wide driveway.
- 8) Each of the resulting parcels must have acceptable building sites

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. XII (p. 6): Flag or flagpole restriction fails to include statutory exemption for the United States flag under the Freedom to Display the American Flag Act.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & Colo. Rev. Stat. §§ 38-33.3-101 to 38-33.3-402 (CCIOA)

Statutory Comparison: The federal Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243) prohibits community associations from adopting or enforcing any policy that prevents a member from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive possession or use.

CURRENT WORDING IN DOCUMENT:

directly from either an ALR road or a county road. No flag parcels shall be allowed. A flag parcel is one that requires a driveway easement through another parcel. o 6) Each of the resulting parcels must have direct access to ALR utilities.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243), any homeowner may respectfully display the official United States flag on residential property under their ownership or exclusive use.

ISSUE #1