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SAN MIGUEL COUNTY, CO

STEPHANIE VAN DAMME, CLERK-RECORDER

04-13-2020 10:50 AM Recording Fee \$58.00

**THIRD AMENDMENT TO THE AMENDED DECLARATION  
OF THE BLUE MESA LODGE CONDOMINIUMS**

THIS THIRD AMENDMENT TO THE AMENDED DECLARATION OF THE BLUE MESA LODGE CONDOMINIUMS is made this \_\_\_\_ day of February, 2020 (the "Third Amendment"), by the Blue Mesa Lodge Condominiums Association, Inc. (the "Association"), pursuant to the provisions of (i) the Amended Declaration of the Blue Mesa Lodge Condominiums, filed in the office of the San Miguel County Clerk and Recorder (the "Public Records") on August 29, 1997 under Reception No. 314222 (the "Original Amended Declaration"); (ii) the First Amendment to the Amended Declaration of the Blue Mesa Lodge Condominiums filed in the Public Records on October 5, 1998 under Reception No. 321574 (the "First Amendment"); and (iii) the Second Amendment to the Amended Declaration of the Blue Mesa Lodge Condominiums filed in the Public Records on March 17, 2010 under Reception No. 411615 (collectively, the "Amended Declaration").

**RECITALS**

- A. The Blue Mesa Lodge Condominium Association, duly convened, and according to the Amended Bylaws of the Blue Mesa Lodge Condominium Association, Inc., the Amended Declaration, and the Colorado Common Interest Ownership Act, C.R.S. Section 38-33.3-101, et. seq, by and through the undersigned Unit Owners, seeks to (i) combine and re-designate certain Residential Studio Apartment Units (as such term is referenced but not defined in Section 1.2(r) of the First Amendment) as Residential Units (not Residential Studio Apartment Units), and (ii) re-designate two additional Residential Studio Apartment Units as Residential Units (not Residential Studio Apartment Units) (collectively, the "New Residential Units").
- B. The uses and designations for the New Residential Units shall be consistent with the zoning designation of a Lodge Unit as defined by Town of Mountain Village's Community Development Code dated as of September 19, 2019 (the "Code").
- C. The creation of the New Residential Units converts nine Residential Studio Apartment Units into the five New Residential Units.
- D. The Town of Mountain Village Town Council has approved the rezoning of the Residential Studio Apartments Units (zoned as Efficiently Lodge Units) into Lodge Units, pursuant to Ordinance Nos. \_\_\_\_\_, which designation is consistent with the floor plans and improvements within the New Residential Units.
- E. Pursuant to Section 2.5 of the Original Amendment Declaration, Residential Units may be altered or combined within the Blue Mesa Lodge community upon approval of only such Owners of the impacted Unit (collectively, the "New Residential Unit Owners") and the Association need not seek approval of any uninvolved Owners.
- F. New Residential Unit Owners have taken all steps required by the Amended Declaration and the Town of Mountain Village to approve this Third Amendment.

/s/



NOW THEREFORE, the undersigned New Residential Unit Owners, being duly authorized to affect this Third Amendment, and having taken those steps necessary and advisable in order to effectuate an amendment to the Amended Declaration, hereby amends the Amended Declaration of the Blue Mesa Lodge Condominiums as follows:

**THIRD AMENDMENT TO AMENDED DECLARATION**

1. The New Residential Units are hereby no longer designated as Residential Studio Apartment Units and thus now shall be designated generally as Residential Units consistent with the uses allowed in a Lodge Unit according to the Code, as reflected on the First Amended Map and as follows:
  - a. Unit 21A and Unit 21B are combined to create Residential Unit 21A-R;
  - b. Unit 22A, Unit 22B, Unit 22C are combined to create Residential Unit 22A-R;
  - c. Unit 33A and Unit 33B are combined to create Residential Unit 33A-R;
  - d. Unit 41A is re-designated as Residential Unit 41A-R; and
  - e. Unit 41B is re-designated as Residential Unit 41B-R.
2. Section 2.3 of the Amended Declaration hereby is amended. All previous versions of Section 2.3 within the Amended Declaration are hereby deleted, amended, replaced, and superseded by the following language:

Section 2.3. Number of Units. The number of Units presently included in the Blue Mesa Lodge Condominium Community is forty-four (44), including twenty-five (25) Residential Units used for residential purposes, four (4) Commercial Units used for commercial purposes and fifteen (15) Parking Units used for parking purposes
3. Exhibit A of the Amended Declaration is hereby amended as set forth in the attached revised Exhibit A.
4. A First Amendment to Blue Mesa Lodge Condominium Map (the "First Amended Map") shall be duly recorded in the Public Records to reflect the Combined Units as set forth in this Third Amendment.
5. Pursuant to Section 2.5 of the Original Amendment Declaration, the New Residential Unit Owners hereby unanimously approve of this Third Amendment effectuating the consolidation of the New Residential Units, which also has been acknowledged and accepted by the Association.
6. All other provisions of the Amended Declaration not specifically amended hereby shall remain in full force and effect.
7. This Third Amendment shall have no impact on any Units or Unit Owners not specifically referenced herein.

ACKNOWLEDGED AND ACCEPTED BY:

Blue Mesa Lodge Condominiums Association, Inc.,  
A Colorado nonprofit corporation

By:

*[Handwritten Signature]*  
\_\_\_\_\_  
President

*Nancy Brangas*

*3/14/2020*

UNOFFICIAL DOCUMENT