

Declaration of Covenants and Restrictions
for
Buildings and Structures

Adopted August 10, 2022

ASTRONAUT KENT ROMINGER AIRPORT
RIO GRANDE COUNTY, DEL NORTE, COLORADO

AIRPORT IDENTIFIER: KRCV

For additional information, contact Rio Grande County:

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I.

INTRODUCTION

The County of Rio Grande desires to impose a common plan of covenants and restrictions for the mutual benefit of Rio Grande County (County), and the present and future Lessees of building sites at the Astronaut Kent Rominger Airport (Airport), to insure the best use and the most appropriate development and improvement of building sites thereof; to protect the Lessee's of building sites against such improper use of surrounding building sites that will depreciate the value of their property; to preserve so far as practicable, the natural beauty of such property; to guard against the erection thereon of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to insure the highest and best development of said property; to encourage and secure the erection of attractive buildings thereon, and appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvement of building sites; to secure and maintain proper setbacks; and for quality of improvement in said property, and thereby enhance the values of investments made by Lessees of building sites elsewhere on the property.

Rio Grande County hereby declares and provides that all building sites and buildings are subject to the following covenants, conditions, and restrictions. It shall be understood that all specifications established herein shall be considered minimum standards to be met by all contractors, individuals, and developers interested in the construction of an Aircraft Storage Unit or any building at the Airport.

For the purpose of this document, the owner of the Airport is the County of Rio Grande, which is governed by three Commissioners. The Lessee shall be any individual, group, business, or corporation which desires to lease and maintain an airplane hangar at the Airport. The County has also established an Airport Advisory Board (Advisory Board) to make recommendations to the Board of County Commissioners and the Airport Manager regarding the use and operation of the airport.

The Lessee agrees to accept the leased premises in its present condition and without expense to Rio Grande County. The Lessee also agrees to maintain any hangars or other installations located thereon in good condition. Where submittals are to be approved by the County, it is understood that those submittals are to be approved by the Board of County Commissioners, or its designee.

No hangar construction shall be undertaken without first receiving all approval of all applicable building permits and no occupancy of any building shall be permitted before the building is completed and an occupancy permit has been issued by the County. Although apartments were previously approved for some hangar sites at the airport no additional hangar apartments will be permitted.

Those hangars now located on the premise that may be out of compliance with current building codes or these adopted covenants and restrictions shall be "grandfathered" into this document. However, should the owner of a nonconforming hangar demolish and re-build a new structure, the grandfather status will cease to exist, and the hangar owner will be required to comply with current building standards and the covenants and restrictions in effect at the time of remodel or new construction.

II.

PROPERTY SUBJECT TO THIS DECLARATION

The real property hereinafter referred to as the Airport, which is, and shall be subject to the conditions, restrictions, covenants, reservations, easements of this Declaration is located in the County of Rio Grande, State of Colorado, and is more particularly described on the various plats of the Astronaut Kent Rominger Airport, including multiple phases named “Indian Head Hangar Lease Parcels” in the office of the Rio Grande County Clerk and Recorder. No property other than that described on the above referred maps shall be deemed subject to this Declaration, unless and until specifically made subject thereto.

III.

RESERVATIONS BY COUNTY

1. There is reserved unto the County, and its successors and assigns, the roadways, taxiway, tie-down ramp as shown on the plats of the Airport. Such roadways, taxiway, tie-down ramp shall be reserved by Rio Grande County for the use and benefit of the County, its successors and assigns and for each hangar owner, and shall be used for the purposes of the free and uninterrupted use, liberty, and easement of such persons in common with one another.
2. There shall be reserved by Rio Grande County all utility easements and drainage easements for the purpose of installing, using, repairing and maintaining (1) any public utilities, water and sewer lines, electric lighting and telephone poles, lines and drainage ditches (2) any structure and, or, any equipment necessary for the performance of any public or quasi-public service and function and (3) for all other purposes incident to the development and use of said property, with the right of access thereto for the purpose of further construction, maintenance and repairs. Such right of access to include the right, without liability on part of any one of all the owners or operator of such utilities, to remove any or all obstructions located on said easement and right-of-way caused by the location of trees, brush, fences, shrubs or other obstructions which in their opinion may cause interference with the installation and/or operation of their facilities. Such easement shall be for the general benefit of all Lessees and the County.

IV.

HANGAR REQUIREMENTS

1. **Building Permit Required:** No building or any improvement shall be erected, placed, or altered on any building site at the Airport until the plans for such building or improvement, including site plan, landscape plan, building plans and specifications have been approved by Rio Grande County and a building permit for the project has been issued. This will include working with the

County's Land Use and Building Departments, and the Airport Advisory Board. Approval or disapproval of such plans shall be with respect to conformity with these restrictions and other applicable ordinances and requirements of the County, and with respect to harmony of external design and land use as it effects property within and adjacent to this area. Building plans shall be in conformance with all County, State laws and ordinances, and shall conform to the current Airport Layout Plan.

2. Setback Requirements:

The permit process starts with a review of the site plan with the Land Use Administrator. Setback distances for hangar construction shall be as required by the County airport plat, the Airport Layout Plan and such other airport regulations as may be adopted by the County from time to time. All references to tract depth shall refer to the front-to-back measurement of each tract. No part or portion of any building or hangar door shall be erected, or constructed, that extends into any setback area; nor other structures such as propane tanks, septic vaults, or water cisterns or tanks. No building construction equipment or building material shall be staged, placed, stored, or operated in a manner that it impedes the movement of aircraft along taxi lanes or taxiways. Please note that these setback requirements will be strictly enforced.

3. Building Plans:

Building plans are first reviewed by the airport manager. These drawings shall indicate the intent of the Lessee as to type of building construction and elevations of its four sides. Once reviewed, with his/her comments and recommendations, they will be submitted to the Airport Advisory Board Chairman. The Chairman will provide building plans to his Advisory Board and solicit their recommendations and comments. Two complete sets of building plans are next submitted to the County Building Department. The submittal must bear the seal of a Professional Engineer or Architect registered in the State of Colorado. The Building Inspector will review and verify that the structural design of the building meets all the requirements of the Current Rio Grande County Building Code before issuing Lessee a building permit.

4. Building Materials: The front, rear, and sides of the buildings shall be faced with materials approved by the County. The materials may include metal, decorative masonry, glass and concrete, block units, or a combination thereof. The front, rear, and sides of all buildings shall be of similar design and aesthetic. Roofs shall be metal. Building colors shall be white or neutral earth tones and shall not cause glare or reflectors that will interfere with airport operations. Color sample(s) shall be provided by Lessee at the time hangar plans are submitted.

5. Height of Buildings: All buildings and other structures shall comply with the Rio Grande County Land Development Code, or other regulations such as 14 CFR Part 77, regarding height limitations of structures in the vicinity of runways, using whichever is more stringent. The tallest point of a hangar, including antennas or other attachments, may not exceed the maximum structure elevation specified for a given tract.

6. Hangar Doors: All structures shall be totally enclosed. No open sided structures shall be permitted. No hangar doors shall extend beyond the width of the hangar. Those existing hangars that

have conventional sliding doors shall be grandfathered into this document. However, should the hangar owner choose to remodel or demolish and rebuild, the grandfather clause will expire, and the modifications will need to conform to the then current covenants and restrictions.

7. Parking: Designated parking areas have been established. See current plat or map of Airport Layout Plan.

8. Drainage: A drainage or soil erosion control plan may be required to be submitted with the proposed building plans indicating flow and land contours and elevations. Drainage shall not negatively impact adjacent properties and shall flow into the Airport's natural or developed drainage. The elevation of the lot shall not be changed so as to materially affect the surface elevation or grade of the surrounding lots. Drainage from roofs shall not create erosion or affect adjacent properties.

9. Outside Storage: No storage of waste, refuse, building material, or equipment shall be permitted outside any building except on a temporary basis without prior approval and no outside storage of any kind shall be allowed that would impair the access of emergency vehicles or firefighting equipment.

10. Hazardous Materials: Hangar owners and Lessees shall be responsible for the clean-up of any spilled liquids or other hazardous materials.

11. Building Alterations: No material alteration to the exterior appearance or structure of any existing building shall be made without prior approval by the Airport Manager and the Airport Advisory Board.

12. Building and Landscape Maintenance: Each hangar owner shall be responsible for maintaining all hangar buildings and other structures in good repair. All grass, trees and shrubbery must be cut and trimmed whenever necessary to maintain a good appearance at all times. Each hangar owner shall be responsible for removing snow from all apron areas and walkways not maintained by the Fixed Base Operator or County. If the hangar owner fails to maintain these areas, the County reserves the right to maintain or repair them at the owner's expense and such cost shall be added to the annual cost of the Lessee.

13. Utilities: Extension of utilities to a proposed building site shall be the fiscal responsibility of the hangar owner. All building plans shall include sufficiently detailed information on all utility designs and design loads, and work shall not be permitted until a building permit has been issued by the County. The hangar owner shall be responsible for the restoration of any disturbed areas, including pavement and grass areas.

14. Signage: Each hangar must display the building address assigned by the County. Hangar owners shall also be entitled to install a single sign, limited in content to the name, address and occupation of the hangar owner or occupant of the premises. The sign shall not exceed 1.5 sq. ft. in area and may be displayed on the front of the building in the vicinity of the hangar door. All signs must adhere to the requirements specified in the County's Land Use Sign Code. The County may require additional information to be displayed if required by emergency service providers. Additional signage requests will be considered by the Airport Manager and the Airport Advisory Board, but free-standing signs will not be allowed.

15. Exterior Lighting: Exterior lighting, if present, shall be located on building and shall illuminate the building exterior sufficient for safety and security. All lighting shall be designed so as not to create a vision hazard to the movement of aircraft or persons on foot. Building plans should include exterior lighting information, including location.

V.

AMENDMENTS TO COVENANTS

1. Changes to Covenants and Restrictions: These Covenants and restrictions shall apply to all leases of airport property and shall be binding on all hangar owners, Lessees, sub-Lessees, and other persons associated with the lease of County owned property for hangar space at the Astronaut Kent Rominger Airport. The County reserves the right to amend these covenants at any time. Hangar owners and other interested parties should consult the Airport Manager and the Advisory Board regarding any proposed additions or modifications to these covenants. All changes to these covenants shall be by Resolution of the Board of County Commissioners.

2. Amendments to these covenants shall become effective upon filing of the appropriate documents with the Rio Grande County Clerk and Recorder.

The forgoing Declaration of Covenants and Restrictions were adopted this 10th day of August 2022.

Rio Grande County Airport Advisory Board

Chairman

Rio Grande County Board of County Commissioners

Chairman

Attest:

Clerk of the Board